CONGRESSIONAL RECORD:

42094

CONTAINING

THE PROCEEDINGS AND DEBATES

OF THE

FIFTY-SECOND CONGRESS, SECOND SESSION.

VOLUME XXIV.

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VOLUME XXIV, PART I.

CONGRESSIONAL RECORD,

FIFTY-SECOND CONGRESS, SECOND SESSION.

CONGRESSIONAL RECORD.

PROCEEDINGS AND DEBATES OF THE FIFTY-SECOND CONGRESS.

SECOND SESSION.

SENATE.

MONDAY, *December 5, 1892.*

The first Monday of December being the day prescribed by the Constitution of the United States for the annual meeting of Congress, the second session of the Fifty-second Congress commenced this day.

The Senate assembled in its Chamber at the Capitol.

The Vice-President of the United States (Mr. LEVI P. MORTON, of the State of New York) took the chair and called the Senate to order at 12 o'clock noon.

PRAYER.

Rev. J. G. BUTLER, D. D., Chaplain to the Senate, offered the following prayer:

O God, we gather devoutly at Thy feet amid unnumbered mercies to us as individuals in our families and upon our land. Thy kind hand has led us during these months of separation. We thank Thee that we live. Remember very tenderly those who are sick. Grant them healing, if it please Thee, and prepare the dying for death.

We look to Thee as we come to these responsibilities, asking Thy guidance and Thy rich blessing. O God, the God of our fathers, in whom we have ever trusted, may we ever rely upon the Word of Thy promise and the abiding presence of Thy Spirit.

Bless our Government in all its departments, legislative, judicial, and executive. Remember very tenderly Thy servant, the President of the United States. We thank Thee for his faith and fortitude. We pray Thee sanctify to him and to his household Thy sore chastening. Touch our hearts in sympathy with suffering, and help us day by day to walk as the children of God ought to walk, conscious of our own mortality, with our faces ever set toward the heavenly city.

Bless abundantly, we pray Thee, these Thy servants, dwelling in each heart by Thy Spirit. Upon the other House of Congress pour very richly of heaven's benediction. Bless all the people of this land, O Lord, whose industries Thou hast so richly rewarded. Exalt us more and more in righteousness among the nations. Preserve to us our Sabbath and our sanctuaries. Continue to bless all the agencies employed to enlighten and educate and elevate this great nation, hastening the time when the reign of the Prince of Peace shall come and men shall learn war no more.

Guide us by Thy divine counsel. Have us in Thy holy keeping. Give unto us richly of Thy peace. A Father's benediction we crave from day to day, and we ask all in the name of Christ, who hath taught us when we pray to say: "Our Father who art in heaven, hallowed be Thy name. Thy kingdom come, Thy will be done upon earth as it is in heaven. Give us this day our daily bread. Forgive us our trespasses as we forgive those who trespass against us. And lead us not into temptation, but deliver us from evil. For Thine is the kingdom, the power, and the glory, forever. Amen."

SENATORS PRESENT.

The following Senators were present:

From the State of—

Alabama—John T. Morgan and James L. Pugh.
Arkansas—James H. Berry and James K. Jones.
California—Charles N. Felton.
Colorado—Henry M. Teller and Edward O. Wolcott.
Connecticut—Orville H. Platt.
Delaware—Anthony Higgins.
Florida—Wilkinson Call and Samuel Pasco.
Georgia—John B. Gordon.
Idaho—Fred. T. Dubois and George L. Shoup.
Illinois—Shelby M. Cullom and John M. Palmer.
Indiana—Daniel W. Voorhees.
Iowa—James F. Wilson.
Kansas—William A. Peffer.
Kentucky—Joseph C. S. Blackburn and John G. Carlisle.
Louisiana—Edward D. White.
Maine—William P. Frye and Eugene Hale.
Maryland—Arthur P. Gorman.
Massachusetts—Henry L. Dawes and George F. Hoar.
Michigan—James McMillan and Francis B. Stockbridge.
Minnesota—Cushman K. Davis and William D. Washburn.
Mississippi—James Z. George and Edward C. Walthall.
Missouri—Francis M. Cockrell and George G. Vest.
Montana—Thomas C. Power.
Nebraska—Charles F. Manderson and Algernon S. Paddock.
Nevada—William M. Stewart.
New Hampshire—William E. Chandler and Jacob H. Gallinger.
New Jersey—Rufus Blodgett and John R. McPherson.
North Carolina—Zebulon B. Vance.
North Dakota—Lyman R. Casey and Henry C. Hansbrough.
Ohio—Calvin S. Brice and John Sherman.
Oregon—Joseph N. Dolph and John H. Mitchell.
Pennsylvania—James Donald Cameron and Matthew S. Quay.
Rhode Island—Nelson W. Aldrich and Nathan F. Dixon.
South Carolina—M. C. Butler.
South Dakota—James H. Kyle and R. F. Pettigrew
Tennessee—William B. Bate and Isham G. Harris.
Texas—Richard Coke and Roger Q. Mills.
Vermont—Justin S. Morrill.
Virginia—John W. Daniel and Eppa Hutton.
Washington—John B. Allen.
West Virginia—Charles J. Faulkner.
Wisconsin—Philetus Sawyer and William F. Vilas.
Wyoming—Joseph M. Carey.

SENATOR FROM VERMONT.

Mr. MORRILL presented the credentials of REDFIELD PROCTOR, chosen by the Legislature of the State of Vermont a Senator from that State to fill the vacancy caused by the resignation of George F. Edmunds in the term ending March 3, 1893.

The credentials were read.

The VICE-PRESIDENT. The Senator-elect will please come forward and take the oath of office.

Mr. PROCTOR was escorted to the Vice-President's desk by Mr. MORRILL, and the oath prescribed by law having been administered to him he took his seat in the Senate.

Mr. MORRILL presented the credentials of REDFIELD PROCTOR, elected by the Legislature of the State of Vermont a Senator from that State for the term beginning March 4, 1893; which were read and ordered to be filed.

NOTIFICATION TO THE HOUSE.

Mr. SHERMAN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary inform the House of Representatives that a quorum of the Senate is assembled, and that the Senate is ready to proceed to business.

NOTIFICATION TO THE PRESIDENT.

Mr. HALE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That a committee consisting of two members be appointed, to join such committee as may be appointed by the House of Representatives, to wait upon the President of the United States and inform him that a quorum of each House is assembled, and that Congress is ready to receive any communication he may be pleased to make.

By unanimous consent, the Vice-President was authorized to appoint the committee on the part of the Senate; and Mr. HALE and Mr. GORMAN were appointed.

HOUR OF MEETING.

Mr. MORRILL submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the hour of the daily meeting of the Senate be 12 o'clock meridian until otherwise ordered.

RECESS.

The VICE-PRESIDENT. What is the pleasure of the Senate?

Mr. SHERMAN. I think, under the circumstances, in view of the probability that the President's message will not come in to-day, that the Senate had better adjourn until to-morrow. I make that motion.

Mr. HARRIS. Does the Senator from Ohio think it is proper to adjourn until the committee has waited upon the President and we have received his answer?

Mr. SHERMAN. As we are practically assured, by information in the public prints, that no message will come in to-day, I thought it hardly worth while to go through the form of remaining in session.

Mr. HARRIS. I do not know that we can rely upon the information derived from the public prints. I suggest that we take a recess and allow the committee to wait upon the President and make its report.

Mr. SHERMAN. Very well; I will substitute that motion for the other. I move that the Senate take a recess until 1 o'clock.

The VICE-PRESIDENT (at 12 o'clock and 10 minutes p. m.). The Senator from Ohio moves that the Senate take a recess until 1 o'clock.

The motion was agreed to; and at the expiration of the recess (at 1 o'clock p. m.) the Senate resumed its session.

MESSAGE FROM THE HOUSE.

At 1 o'clock and 2 minutes p. m., Mr. JAMES KERR, the Clerk of the House of Representatives, appeared below the bar of the Senate and delivered the following message:

Mr. President, I am directed by the House of Representatives to inform the Senate that a quorum of the House of Representatives has appeared and that the House is ready to proceed to business.

I am further directed to inform the Senate that the House has passed the following resolution:

Resolved, That a committee of three members be appointed on the part of the House, to join the committee appointed by the Senate, to wait on the President and inform him that a quorum of the two Houses has assembled, and that Congress is ready to receive any communication he may have to make.

Ordered, That Mr. SPRINGER, Mr. FORNEY, and Mr. O'NEILL of Pennsylvania be appointed such committee on the part of the House.

NOTIFICATION TO THE PRESIDENT.

At 1 o'clock and 30 minutes p. m., Mr. HALE and Mr. GORMAN, the committee appointed in conjunction with a similar committee of the House of Representatives to wait upon the President of the United States, appeared below the bar, and

Mr. HALE said: Mr. President, the committee appointed by the Senate, in company with a similar committee of the House of Representatives, to wait upon the President of the United States and inform him that a quorum of the two Houses of Congress has assembled, have attended to that duty, and the President was pleased to say that he would communicate to the two Houses by a message in writing at the opening of to-morrow's session.

Mr. SHERMAN. I move that the Senate adjourn.

The motion was agreed to; and (at 1 o'clock and 31 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, December 6, 1892, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

MONDAY, *December 5, 1892.*

This being the day designated by the Constitution for the annual meeting of Congress, the members of the House of Representatives assembled in their Hall for the second session of the Fifty-second Congress.

At 12 o'clock noon, the Speaker, Hon. CHARLES F. CRISP, a Representative from the State of Georgia, called the House to order.

PRAYER.

The Chaplain, Rev. W. H. MILBURN, D. D., offered the following prayer:

Almighty God, we devoutly bless Thee that through Thy good providence so many of the members of this House are brought back to their places in safety and in health. Let Thy peace be theirs, the peace of God which passeth understanding, controlling their tempers and their tongues, keeping their minds and hearts in Thy knowledge and Thy love. Lift their thoughts and wills to a level with the high dignity of the position to which they have been called, and grant that they may be enabled to act wisely as they are summoned to enact laws and to adopt measures for the safety, honor, and welfare of this great nation. Protect them and their families from all perils to person, property, and reputation, and prosper them in all their ways: We humbly beg through Jesus Christ, our Saviour. Amen.

CALL OF THE ROLL.

The SPEAKER directed that the roll be called, when the following-named Members and Delegates responded:

ALABAMA.

Hilary A. Herbert.
William C. Oates.
John H. Bankhead.
William H. Forney.
Joseph Wheeler.
J. E. Cobb.

ARKANSAS.

William H. Cate.
Clifton R. Breckinridge.
Thomas C. McRae.
William L. Terry.
Samuel W. Peel.

CALIFORNIA.

Eugene F. Loud.
William W. Bowers.

CONNECTICUT.

Lewis Sperry.
Charles A. Russell.
Robert E. De Forest.

FLORIDA.

Stephen R. Mallory.
Robert Bullock.

GEORGIA.

Rufus E. Lester.
Henry G. Turner.
Charles F. Crisp.
Leonidas F. Livingston.
James H. Blount.
R. William Everett.
Thomas G. Lawson.
Thomas E. Winn.
Thomas E. Watson.

IDAHO.

Willis Sweet.

ILLINOIS.

Abner Taylor.
Lawrence E. McGann.
Allan C. Durborow, jr.
A. J. Hopkins.
Robert R. Hitt.
Thomas J. Henderson.
Lewis Steward.
Herman W. Snow.
Philip S. Post.
Scott Wike.
William M. Springer.
Owen Scott.
Samuel T. Busey.
George W. Fithian.
Edward Lane.
William S. Forman.
James R. Williams.
George W. Smith.

INDIANA.

John L. Bretz.
Jason B. Brown.
William S. Holman.
George W. Cooper.
Henry U. Johnson.
William D. Bynum.
Elijah V. Brookshire.
David H. Patton.
Augustus N. Martin.
Charles A. O. McClellan.
Benjamin F. Shively.

IOWA.

John J. Scerley.
Walter I. Hayes.
David B. Henderson.
Walt H. Butler.
Frederick E. White.
Thomas Bowman.
Jonathan P. Dolliver.
George D. Perkins.

KANSAS.

Case Broderick.
Benjamin H. Clover.
John G. Otis.
John Davis.
William Baker.
Jerry Simpson.

KENTUCKY.

William J. Stone.
William T. Ellis.
Asher G. Caruth.
Worth W. Dickerson.
William C. P. Breckinridge.
Joseph M. Kendall.

LOUISIANA.

Matthew D. Lagan.
Newton C. Blanchard.

MAINE.

Thomas B. Reed.
Nelson Dingley, jr.
Charles A. Boutelle.

MARYLAND.

Herman Stump.
Harry Welles Rusk.
Isidor Rayner.
Barnes Compton.
William M. McKaig.

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MASSACHUSETTS.

Charles S. Randall.
John F. Andrew.
Joseph H. O'Neil.
Henry Cabot Lodge.
William Cogswell.
Moses T. Stevens.
George Fred. Williams.
Joseph H. Walker.
Frederick S. Coolidge.

MICHIGAN.

J. Logan Chipman.
James O'Donnell.
Julius C. Burrows.
Byron G. Stout.
Justin R. Whiting.
Henry M. Youmans.
Harrison H. Wheeler.

MINNESOTA.

William H. Harries.
John Lind.
Osee M. Hall.
James N. Castle.
Kittel Halvorson.

MISSISSIPPI.

John M. Allen.
John C. Kyle.
Thomas C. Catchings.
Clarke Lewis.
Charles E. Hooker.

MISSOURI.

Charles H. Mansur.
Alexander M. Dockery.
Robert P. C. Wilson.
John C. Tarsney.
John T. Heard.
John J. O'Neill.
Seth W. Cobb.
Richard P. Bland.
Robert W. Fyan.
Marshall Arnold.

MONTANA.

William W. Dixon.

NEBRASKA.

Omer M. Kem.

NEVADA.

Horace F. Bartine.

NEW HAMPSHIRE.

Luther F. McKinney.
Warren F. Daniell.

NEW JERSEY.

Christopher A. Bergen.
Jacob A. Geissenhainer.
Cornelius A. Cadmus.
Thomas Dunn English.

NEW YORK.

James W. Covert.
William J. Coombs.
John M. Clancy.
Thomas F. Magner.
Edward J. Dunphy.
Timothy J. Campbell.
Amos J. Cummings.
John DeWitt Warner.
Joseph J. Little.
Ashbel P. Fitch.
Henry Bacon.
John H. Ketcham.
Charles Tracey.
N. Martin Curtis.
Henry W. Bentley.
George Van Horn.
George W. Ray.
Sereno E. Payne.
Hosea H. Rockwell.
John Raines.
Halbert S. Greenleaf.
James W. Wadsworth.
Warren B. Hooker.

NORTH CAROLINA.

Henry P. Cheatham.
John S. Henderson.
William T. Crawford.

OHIO.

Bellamy Storer.
John A. Caldwell.
George W. Houk.
Martin K. Gantz.
Fernando C. Layton.
Darius D. Hare.
Joseph H. Outhwaite.
John M. Pattison.
William H. Enochs.
James W. Owens.
Michael D. Harter.
Joseph D. Taylor.
Ezra B. Taylor.
Tom L. Johnson.

OREGON.

Binger Hermann.

PENNSYLVANIA.

Henry H. Bingham.
Charles O'Neill.
William McAleer.
Alfred C. Harmer.
John B. Robinson.
Edwin Hallowell.
William Mutchler.
David B. Brunner.
Marriott Brosius.
Lemuel Amerman.
George W. Shonk.
James B. Reilly.
John W. Rife.
Myron B. Wright.
Albert C. Hopkins.
Simon P. Wolverton.
Louis E. Atkinson.
Frank E. Beltzhoover.
Edward Scull.
George F. Huff.
John Dalzell.
William A. Stone.
Charles W. Stone.
George F. Kribbs.

RHODE ISLAND.

Oscar Lapham.
Charles H. Page.

SOUTH CAROLINA.

William H. Brawley.
George D. Tillman.
William Elliott.

SOUTH DAKOTA.

John A. Pickler.
John L. Jolley.

TENNESSEE.

Henry C. Snodgrass.
Benton McMillin.
James D. Richardson.
Nicholas N. Cox.
Josiah Patterson.

TEXAS.

John B. Long.
C. Buckley Kilgore.
Joseph W. Bailey.
Jo Abbott.
William H. Crain.
Littleton W. Moore.
E. L. Antony.
Joseph D. Sayers.
Samuel W. T. Lanham.

VERMONT.

H. Henry Powers.

VIRGINIA.

William A. Jones.
John W. Lawson.
Paul C. Edmunds.
Charles T. O'Ferrall.
John A. Buchanan.

WASHINGTON.

John L. Wilson.

WEST VIRGINIA.

John O. Pendleton.
William L. Wilson.
John D. Alderson.
James Capehart.

WISCONSIN.

Clinton Babbitt.
Charles Barwig.
John L. Mitchell.
George H. Brickner.
Lucas M. Miller.
Frank P. Coburn.
Nils P. Haugen.
Thomas Lynch.

WYOMING.

Clarence D. Clark.

DELEGATES FROM TERRITORIES.

ARIZONA.

Marcus A. Smith.

NEW MEXICO.

Antonio Joseph.

UTAH.

John T. Caine.

The SPEAKER. Two hundred and forty-one members have answered to their names. A quorum is present.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that a quorum of the Senate was assembled, and that the Senate was ready to proceed to business.

The message also communicated the following resolution of the Senate, with the information that the Vice-President had appointed as the committee thereunder on the part of the Senate, Mr. HALE and Mr. GORMAN:

Resolved, That a committee consisting of two members be appointed, to join such committee as may be appointed by the House of Representatives, to wait upon the President of the United States and inform him that a quorum of each House is assembled and that Congress is ready to receive any communication he may be pleased to make.

NOTIFICATION TO THE SENATE.

Mr. HOLMAN submitted the following resolution; which was read, considered, and adopted:

Resolved, That the Clerk of the House inform the Senate that a quorum of the House of Representatives has appeared, and that the House is ready to proceed to business.

NOTIFICATION TO THE PRESIDENT.

Mr. SPRINGER submitted the following resolution; which was read, considered, and adopted:

Resolved, That a committee of three members be appointed on the part of the House, to join the committee appointed by the Senate, to wait upon the President and inform him that a quorum of the two Houses is assembled, and that Congress is ready to receive any communication he may have to make.

The SPEAKER announced the appointment of Mr. SPRINGER, Mr. FORNEY, and Mr. O'NEILL of Pennsylvania as the committee on the part of the House under the resolution just adopted.

SWEARING IN OF NEWLY ELECTED MEMBERS.

Mr. BRAWLEY. Mr. Speaker, Hon. John L. McLaurin, member-elect from the Sixth Congressional district of the State of South Carolina, is now present. I ask that the oath of office be administered to him.

The SPEAKER. The credentials of the member-elect from South Carolina will be read.

The Clerk read as follows:

THE STATE OF SOUTH CAROLINA—BY THE SECRETARY OF THE STATE.

To the honorable the House of Representatives of the United States of America in the Fifty-second Congress:

Whereas, in pursuance of the constitution and laws of the State of South Carolina and the Constitution and laws of the United States of America, an election was duly holden on the 8th day of November, in the year of our Lord 1892, in the said State of South Carolina, in the Sixth Congressional district thereof, for Representative of the said State of South Carolina, from the said Sixth Congressional district thereof, in the House of Representatives of the United States of America in the Fifty-second Congress, to fill the unexpired term of E. T. Stackhouse; and

Whereas, upon the examination of the returns of the said election, and by the determination and declaration of the board of State canvassers of the said State, filed and of record in my office, it appears that John L. McLaurin was duly elected at the said election, by the highest number of votes, Representative of the State of South Carolina from the said Sixth Congressional district thereof in the House of Representatives in the United States of America in the Fifty-second Congress:

Now, therefore, I, the secretary of state of the said State of South Carolina, by virtue of the power in me vested by the acts of the General Assembly of the said State in such case made and provided, do hereby certify that the said John L. McLaurin, at the election aforesaid, was duly elected Representative of the State of South Carolina from the Sixth Congressional district thereof in the House of Representatives of the United States of America in the Fifty-second Congress.

Given under my hand and the great seal of the State of South Carolina, in Columbia, this 17th day of November, in the year of our Lord 1892, and in the one hundred and seventeenth year of the Independence of the United States of America.

[SEAL.]

J. E. TINDAL,
Secretary of the State of South Carolina.

The SPEAKER. The credentials of such other members-elect as may be present will be read, after which the oath of office will be administered to all of them.

Mr. LOUD. Mr. Speaker, Hon. S. G. Hilborn, member-elect from the Third Congressional district of the State of California, is now present, and I ask that he be sworn in.

The credentials of Mr. Hilborn were read, as follows:

STATE OF CALIFORNIA, *Executive Department.*

To all to whom these presents shall come, greeting:

I, H. H. Markham, governor of the State of California, do hereby certify, pursuant to the laws of the United States and the State of California, that a general election was duly held in accordance with law in the State of California on Tuesday, the 8th day of November, A. D. 1892, for Representatives to the Congress of the United States, and that the secretary of state of the State of California has compared and estimated the votes given for such Representatives to Congress at said general election and has duly certified to me that S. G. Hilborn has received the highest number of votes for Representative to the Congress of the United States for the Third Congressional district of the State of California for the unexpired term; and that said S. G. Hilborn has been duly elected as a Representative to the Congress of the United States for the said Third Congressional district of the State of California for said unexpired term.

In witness whereof, I have hereunto set my hand and caused the great seal of state to be affixed at Sacramento, this 26th day of November, A. D. 1892.

[SEAL.] H. H. MARKHAM, *Governor.*

Attest.

E. G. WAITE, *Secretary of State.*

Mr. OUTHWAITE. Mr. Speaker, the member-elect from the Sixteenth Congressional district of the State of Ohio, Hon. Lewis P. Ohliger, is present, and I ask that the oath of office be administered to him.

The credentials of Mr. Ohliger were read, as follows:

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF OHIO.

William McKinley, jr., governor of said State, to all to whom these presents shall come, greeting:

Know ye, that whereas at a general election held in pursuance of law on the 8th day of November, A. D. 1892, in the Sixteenth Congressional district of said State of Ohio, under apportionment of March 11, 1890, for the election of a Representative for said district in the Fifty-second Congress of the United States for the unexpired part of the term of John G. Warwick, deceased, Lewis P. Ohliger was duly elected Representative in Congress, as aforesaid, as appears from the official returns of said election, duly made and canvassed as the law provides, and now on file in the office of the secretary of state of Ohio.

Now therefore I, William McKinley, jr., governor of said State, do hereby certify that said Lewis P. Ohliger was duly elected Representative in Congress, as aforesaid, for the unexpired part of the term of two years commencing on the 4th day of March, A. D. 1891.

In testimony whereof, I have hereunto subscribed my name and caused the great seal of the State of Ohio to be affixed, at Columbus, on the 30th day of November, in the year of our Lord 1892, and in the one hundred and seventeenth year of the Independence of the United States of America.

[SEAL.] WM. McKINLEY, JR.

By the governor.

C. L. POORMAN, *Secretary of State.*

Mr. STUMP. I present the credentials of Hon. John B. Brown, member-elect from the First Congressional district of Maryland, and ask that he be sworn in.

The credentials of Mr. Brown were read, as follows:

THE STATE OF MARYLAND, *Executive Department.*

I, Frank Brown, governor of Maryland, do hereby certify that it appears from the official returns, now on file in this department, of an election held in this State on Tuesday, the 8th day of November, instant, for a Representative from the First Congressional district of Maryland, in the Fifty-second Congress of the United States, for the unexpired term of Hon. Henry Page, resigned, that Hon. John B. Brown was duly and regularly elected, in accordance with the laws of this State, as the Representative from the First Congressional district of Maryland in the Fifty-second Congress of the United States for the unexpired term of Hon. Henry Page, resigned.

Given under my hand and the great seal of Maryland.

Done at the city of Annapolis on the 21st day of November, in the year of our Lord 1892, and of the Independence of the United States the one hundred and seventeenth.

[SEAL.] FRANK BROWN.

By the governor.

E. W. LE COMPTE, *Secretary of State.*

Mr. MUTCHLER. Mr. Speaker, at the recent election Hon. W. A. Sipe was duly chosen in the Twenty-fourth district of Pennsylvania to fill, for the unexpired term, the vacancy created by the death of Hon. Alexander K. Craig. The credentials of Mr. Sipe have not yet been forwarded to the Clerk, but I believe there is no doubt about his election, and I therefore ask unanimous consent that he be permitted to take the oath of office and enter upon his duties.

Mr. DALZELL. Mr. Speaker, having some knowledge in regard to the election in the district referred to, I wish to say that there is no doubt of the election of the gentleman who my colleague asks may be sworn in, and I hope there will be no objection.

The SPEAKER. The request is made that the member-elect from the Twenty-fourth district of Pennsylvania, whose credentials have not yet arrived, may be sworn in at this time. This can not be done except by unanimous consent. Is there objection?

There was no objection.

Mr. John L. McLaurin, Mr. S. G. Hilborn, Mr. Lewis P. Ohliger, Mr. John B. Brown, and Mr. W. A. Sipe came forward and were duly qualified by taking the oath prescribed by law.

DAILY HOUR OF MEETING.

Mr. McMILLIN submitted the following resolution; which was read, considered, and agreed to:

Resolved, That until otherwise ordered the daily hour of meeting of the House be 12 o'clock m.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. ALEXANDER, indefinitely, on account of sickness in his family.

To Mr. PAYNTER, indefinitely, on account of sickness.

To Mr. MORSE, for two weeks, on account of sickness.

To Mr. ELLIS, until the 24th instant, on account of important business.

To Mr. CAMINETTI, indefinitely, on account of sickness in his family.

ANNUAL REPORT OF THE CLERK OF THE HOUSE OF REPRESENTATIVES.

The SPEAKER laid before the House a letter from the Clerk of the House of Representatives, submitting a detailed report, showing the names of the employés of the House, the disbursements made by him from the 8th day of December, 1891, to June, 1892, the amounts drawn from the Treasury, balances on hand, expenditures for stationery, etc.; which was referred to the Committee on Accounts, and ordered to be printed.

PROPERTY IN HANDS OF THE CLERK.

The SPEAKER also laid before the House a communication from the Clerk of the House, transmitting an inventory of the property of the United States in his possession on the 1st day of December, 1892; which was referred to the Committee on Accounts, and ordered to be printed.

ANNUAL REPORT OF UTAH COMMISSION.

The SPEAKER also laid before the House a communication from the Utah Commissioners, transmitting their annual report to Congress; which was referred to the Committee on the Territories.

EXPENDITURES OF SMITHSONIAN INSTITUTION.

The SPEAKER also laid before the House a letter from the secretary of the Smithsonian Institution, transmitting a detailed statement of expenditures for the fiscal year ending June 30, 1892; which was referred to the Committee on Appropriations.

REPORT OF BOARD OF MANAGERS OF SOLDIERS' HOME.

The SPEAKER also laid before the House the report of the Board of Managers of the National Home for Disabled Volunteer Soldiers for the fiscal year ending June 30, 1892; which was referred to the Committee on Military Affairs.

Mr. OUTHWAITE. Mr. Speaker, I ask unanimous consent to offer at this time a resolution concerning the report which has just been handed down.

The SPEAKER. The resolution will be read subject to objection.

The Clerk read as follows:

Resolved, That there be printed of the report of the Board of Managers of the National Home for Disabled Volunteer Soldiers for the year ending June 30, 1892, as follows: 500 copies of the full report of the Board, 500 copies of the report proper; 500 copies of the report of the inspector of National and State homes, and 150 copies of the record of members.

Mr. OUTHWAITE. I will state, Mr. Speaker, that this provides for the same number that was printed by authority of this Congress at its last session after the subject had been carefully considered and reported upon by the Committee on Printing to the House. This proposes to print exactly the same number then provided for.

The reason for asking immediate action is in order that the Managers may have the report, which has been prepared for some time, for use and distribution. It does not involve an expense beyond the sum provided heretofore for this purpose.

Mr. RICHARDSON. Mr. Speaker, I ask that the resolution be again reported. I was unable to hear the reading of it.

The resolution was again read.

Mr. RICHARDSON. The difficulty, I will suggest to my friend from Ohio, is that this is only a House resolution. Under the rules and the law, if the printing of a document involves an expense exceeding $500, it requires the concurrent action of the two Houses. This is simply a House resolution, and I submit, in view of the fact that the cost may exceed $500, that the gentleman had better withdraw it and make it in the shape of a concurrent resolution.

Mr. OUTHWAITE. It does not exceed $500. It is exactly the same as was provided for in the first session of this Congress, and the matter was then considered and reported upon by your committee.

Mr. RICHARDSON. Does the gentleman know that it did not exceed $500?

Mr. OUTHWAITE. My recollection is that the report of the Committee on Printing shows that it did not exceed even $300. I may be in error in that regard, but that is my recollection.

Mr. RICHARDSON. I shall not object, but I think the gentleman would probably save time by amending the resolution, if it requires concurrent action.

Mr. OUTHWAITE. I do not think that will be required.

The SPEAKER. Is there objection to the present consideration of the resolution?

There being no objection, the resolution was agreed to.

ORDER OF BUSINESS.

Mr. McMILLIN. I move that the House take a recess for thirty minutes, to await the report of the committee appointed to wait upon the President.

The motion was agreed to.

Accordingly (at 12 o'clock and 45 minutes p. m.) the House took a recess until 1 o'clock and 15 minutes p. m.

The recess having expired, the House was called to order by the Speaker.

The members of the committee appointed to wait upon the President having appeared at the bar of the House—

Mr. SPRINGER said:

Mr. Speaker, the committee appointed on the part of the House of Representatives to coöperate with the committee on the part of the Senate, to wait upon the President and inform him that the two Houses had organized and were ready to receive any communication that he desired to make, have performed that duty, and beg leave to report that the President informs the committee that he will communicate with the two Houses to-morrow on their reassembling at 12 o'clock.

DEATH OF HON. EDWARD F. M'DONALD.

Mr. ENGLISH. Mr. Speaker, I rise to perform the painful duty of announcing the death of the Hon. Edward F. McDonald, lately a Representative in this House from the State of New Jersey.

I shall not at the present time say anything concerning the merits of the dead, but at an early date I shall ask this House to fix a day on which his friends may express in proper terms their sense of his merit and their grief at his loss.

I offer the resolution which I send to the Clerk's desk, for which I ask immediate consideration.

The Clerk read as follows:

Resolved, That this House has heard with deep sorrow of the death of the Hon. Edward F. McDonald, late a Representative from the State of New Jersey.

Resolved, That a copy of the foregoing resolution be transmitted to the family of the dead member.

Resolved, That as a further mark of respect for the memory of the dead this House do now adjourn.

The resolutions were agreed to.

Accordingly (at 1 o'clock and 37 minutes p. m.) the House adjourned until to-morrow at 12 o'clock noon.

BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills of the following titles were introduced, severally read twice, and referred as follows:

By Mr. WHEELER of Alabama: A bill (H. R. 9728) to make it unlawful for an officer of the Federal Government to interfere with the elections in States and repealing all laws which authorize officers of the United States Government to interfere with elections in States—to the Committee on the Judiciary.

By Mr. CUMMINGS: A bill (H. R. 9729) to provide communication from light-ships and outlying light-houses to the shore—to the Committee on Interstate and Foreign Commerce.

By Mr. RICHARDSON: A bill (H. R. 9730) to amend the charter of the Brightwood Railway Company of the District of Columbia—to the Committee on the District of Columbia.

By Mr. HOOKER of Mississippi: A bill (H. R. 9731) to change the time for meeting of the Congress of the United States to the first Monday after the 4th day of March in each and every year—to the Committee on the Judiciary.

By Mr. OATES: A bill (H. R. 9732) to repeal the laws of the United States providing for supervisors and deputy marshals at elections—to the Committee on the Judiciary.

By Mr. COMPTON: A bill (H. R. 9733) to incorporate the East End Electric Railway Company of the District of Columbia—to the Committee on the District of Columbia.

By Mr. AMERMAN: A bill (H. R. 9734) to authorize the issue and sale of United States bonds to be known as the United States Treasury deficiency bonds—to the Committee on Ways and Means.

By Mr. MUTCHLER: A bill (H. R. 9735) to transfer the Bureau of Pensions to the War Department—to the Committee on the Revision of the Laws.

By Mr. ANDREW: A bill (H. R. 9736) to make works of art free of duty—to the Committee on Ways and Means.

By Mr. DURBOROW: A joint resolution (H. Res. 163) to provide for opening the World's Columbian Exposition on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. RICHARDSON: A concurrent resolution to print 4,000 copies of the ninth annual report of the Civil Service Commission—to the Committee on Printing.

By Mr. DOCKERY: A resolution requiring the Committee on Appropriations to investigate and report to the House the actual condition of the Treasury—to the Committee on Rules.

Also, a resolution creating a commission to investigate the departmental service—to the Committee on Rules.

By Mr. OUTHWAITE: A resolution for the appointment of an assistant clerk—to the Committee on Accounts.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as indicated below:

By Mr. COGSWELL: A bill (H. R. 9737) granting an increase of pension to Mary A. L. Eastman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9738) granting a pension to Hannah Flanders—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9739) granting a pension to Sally G. Alley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9740) to remove the charge of desertion from the record of William H. Austin—to the Committee on Military Affairs.

By Mr. HENDERSON of Iowa: A bill (H. R. 9741) to increase the pension of Capt. E. R. Chase from $20 to $72 a month—to the Committee on Invalid Pensions.

By Mr. KEM (by request): A bill (H. R. 9742) for the relief of John Palmier, Pine Ridge, Shannon County, S. Dak.—to the Committee on Indian Affairs.

Also (by request), a bill (H. R. 9743) for the relief of George H. Jewett, Arlington, Washington County, Nebr.—to the Committee on Appropriations.

By Mr. PATTISON of Ohio: A bill (H. R. 9744) to remove the charge of desertion against Restine Tumbleson—to the Committee on Military Affairs.

Also, a bill (H. R. 9745) to remove the charge of desertion against Arthur B. Spader—to the Committee on Military Affairs.

By Mr. CHARLES W. STONE: A bill (H. R. 9746) to authorize the payment to Rear-Admiral John H. Russell of the highest pay of his grade—to the Committee on Naval Affairs.

By Mr. SPRINGER: A bill (H. R. 9747) for the relief of Augustus G. Kellogg—to the Committee on Naval Affairs.

By Mr. TRACEY: A bill (H. R. 9748) granting a pension to Patience H. Turnbull—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BELTZHOOVER: Petition of the members of the medical profession of York County, Pa., asking Congress for an appropriation to assist in defraying the expenses of the Pan-American Medical Congress to be held in Washington, D. C., September 5, 6, 7, and 8, 1893—to the Committee on Appropriations.

Also, a statement to accompany the bill for the relief of W. B. Horner—to the Committee on War Claims.

Also, petition of Frederick Bentry, of York, Pa., for a pension—to the Committee on Invalid Pensions.

By Mr. BERGEN: Petition of the Camden County Medical Society, for appropriation for the Medical Congress—to the Committee on Appropriations.

By Mr. BINGHAM: Petition of the bishops of the African Methodist Episcopal Church and of the African Methodist Episcopal Zion Church, representing four million colored people of the United States, that the moral, intellectual, and industrial progress and development of the colored people during the first quarter century of their freedom should be made to form a part of the Government's exhibit at the World's Columbian Exposition—to the Select Committee on the Columbian Exposition.

By Mr. CASTLE: Petition against closing the Columbian Exposition on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. CHIPMAN: Two petitions, one of Parker, Davis & Co. and others and the other of F. H. Frazer and others, for application of the metric system heretofore adopted by Congress to the transactions in all custom-houses—to the Committee on Coinage, Weights, and Measures.

By Mr. DALZELL: Petition of F. B. Corey, of Pittsburg, Pa., for repeal of the law increasing the President's salary from $25,000 to $50,000 per annum and for legislation reducing official salaries generally—to the Committee on the Judiciary.

By Mr. ENGLISH: Petition of a number of citizens of Newark, N. J., asking for the appropriation of $43,983 to assist in defraying the expenses of the Pan-American Medical Congress of the United States—to the Committee on the District of Columbia.

By Mr. GANTZ: Petition of the Young People's Society of Christian Endeavor of Eaton, Ohio, against opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. HENDERSON of Iowa: Petition of Hyde Clark Post, Grand Army of the Republic, of Dubuque, Iowa, and others, asking increase of pension for total disability to E. R. Chase—to the Committee on Invalid Pensions.

By Mr. HERMANN: Resolutions of Portland (Oregon) Federated Trade Assembly, for a committee of investigation as to troubles in Cœur d' Alene troubles—to the Committee on Labor.

By Mr. HOOKER of New York: Petition of the Ellington Political Equality Club, asking that a bill be passed enabling women citizens of the United States to vote for members of the House of Representatives—to the Select Committee on Election of President and Vice-President and Representatives in Congress.

By Mr. McRAE: Petition of Searborn J. Gearin, with evidence concerning his alleged desertion, and asking for relief—to the Committee on Military Affairs.

By Mr. MARTIN: Papers to accompany House bill granting an increase of pension to Mary A. L. Eastman—to the Committee on Invalid Pensions.

By Mr. RUSSELL: Petition of citizens of Norwich, Conn., in favor of the exclusive use of the metric system of weights and measures in the customs service of the United States—to the Committee on Coinage, Weights, and Measures.

By Mr. STEVENS: Petition of Nancy E. Hardy, for relief—to the Committee on Invalid Pensions.

By Mr. WILLIAM A. STONE: Petition of R. E. Simpson and others, of Pennsylvania, for the passage of House bill 9350, to promote the safety of railroad employés—to the Committee on Interstate and Foreign Commerce.

By Mr. STORER: Memorial of John Arther Lynch, relative to certain portraits of Louis XVI, King of France, and of his queen, Marie Antoinette, procured at the solicitation of the Continental Congress—to the Committee on the Library.

Also, petition of the General Assembly of the Presbyterian Church of the United States, for a sixteenth amendment to the Constitution—to the Committee on the Judiciary.

By Mr. TAYLOR of Illinois: Two petitions, one of W. B. Lewis and others, of Chicago, Ill., and the other of John A. Grantham, of the same place, against imposing conditions either as to keeping open or closing on Sundays the World's Columbian Exposition to be held in 1893—to the Select Committee on the Columbian Exposition.

Also, petition of R. E. Barrett and others, of the same place and for the same purpose—to the Select Committee on the Columbian Exposition.

By Mr. VINCENT A. TAYLOR: Two petitions of citizens of Ohio, one of Rev. B. F. Fritz and 90 citizens of Greenwich, and the other of 285 citizens of Richfield, against the repeal of legislation closing the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. TOWNSEND: Protest of the Seventh-Day Adventist Church of Del Norte, Colo., against closing the World's Fair on Sunday, or in any way committing the Government to religious legislation—to the Select Committee on the Columbian Exposition.

By Mr. TRACEY: Petition and evidence for a special act in favor of Patience H. Turnbull, widow of Charles Turnbull, of Company M, Seventh Regiment New York Heavy Artillery Volunteers—to the Committee on Invalid Pensions.

SENATE.

TUESDAY, *December 6, 1892.*

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

GEORGE GRAY, a Senator from the State of Delaware, JOSEPH R. HAWLEY, a Senator from the State of Connecticut, DAVID B. HILL, a Senator from the State of New York, BISHOP W. PERKINS, a Senator from the State of Kansas, MATT W. RANSOM, a Senator from the State of North Carolina, and WILBUR F. SANDERS, a Senator from the State of Montana, appeared in their seats to-day.

The Journal of yesterday's proceedings was read and approved.

PRESIDENT'S ANNUAL MESSAGE.

At 12 o'clock and 7 minutes p. m., Mr. O. L. PRUDEN, one of the secretaries of the President of the United States, appeared below the bar, and said:

Mr. President, I am directed by the President of the United States to deliver to the Senate a message in writing.

The message was received from the secretary, and handed to the Vice-President.

The VICE-PRESIDENT. The Chair lays before the Senate the annual message of the President of the United States, which the Secretary will read.

The Secretary of the Senate (Mr. ANSON G. MCCOOK) read the message, as follows:

To the Senate and House of Representatives:

In submitting my annual message to Congress, I have great satisfaction in being able to say that the general conditions affecting the commercial and industrial interests of the United States are in the highest degree favorable. A comparison of the existing conditions with those of the most favored period in the history of the country will, I believe, show that so high a degree of prosperity and so general a diffusion of the comforts of life were never before enjoyed by our people.

The total wealth of the country in 1860 was $16,159,616,068. In 1890 it amounted to $62,610,000,000, an increase of 287 per cent.

The total mileage of railways in the United Stutes in 1860 was 30,626; in 1890 it was 167,741, an increase of 448 per cent; and it is estimated that there will be about 4,000 miles of track added by the close of the year 1892.

The official returns of the Eleventh Census and those of the Tenth Census for seventy-five leading cities furnish the basis for the following comparisons:

In 1880 the capital invested in manufacturing was $1,232,839,670.
In 1890 the capital invested in manufacturing was $2,900,735,884.
In 1880 the number of employés was 1,301,388.
In 1890 the number of employés was 2,251,134.
In 1880 the wages earned were $501,965,778.
In 1890 the wages earned were $1,221,170,454.
In 1880 the value of the product was $2,711,579,899.
In 1890 the value of the product was $4,860,286,837.

I am informed by the Superintendent of the Census that the omission of certain industries in 1880, which were included in 1890, accounts in part for the remarkable increase thus shown. But, after making full allowance for differences of method and deducting the returns for all industries not included in the census of 1880, there remain in the reports from these seventy-five cities an increase in the capital employed of $1,522,745,604; in the value of the product of $2,024,236,166; in wages earned of $677,943,929, and in the number of wage-earners employed of 856,029. The wage earnings not only show an increased aggregate, but an increase per capita from $386 in 1880 to $547 in 1890, or 41.71 per cent.

The new industrial plants established since October 6, 1890, and up to October 22, 1892, as partially reported in the American Economist, number 345, and the extension of existing plants, 108; the new capital invested amounts to $40,449,050, and the number of additional employés to 37,285.

The Textile World for July, 1892, states that during the first six months of the present calendar year 135 new factories were built, of which 40 are cotton mills, 48 knitting mills, 26 woolen mills, 15 silk mills, 4 plush mills, and 2 linen mills. Of the 40 cotton mills 21 have been built in the Southern States. Mr. A. B. Shepperson, of the New York Cotton Exchange, estimates the number of working spindles in the United States on September 1, 1892, at 15,200,000, an increase of 660,000 over the year 1891. The consumption of cotton by American mills in 1891 was 2,396,000 bales, and in 1892 2,584,000 bales, an increase of 188,000 bales. From the year 1869 to 1892, inclusive, there has been an increase in the consumption of cotton in Europe of 92 per cent, while during the same period the increased consumption in the United States has been about 150 per cent.

The report of Ira Ayer, special agent of the Treasury Department, shows that at the date of September 30, 1892, there were 32 companies manufacturing tin and terne plate in the United States and 14 companies building new works for such manufacture. The estimated investment in buildings and plants at the close of the fiscal year, June 30, 1893, if existing conditions were to be continued, was $5,000,000, and the estimated rate of production 200,000,000 pounds per annum. The actual production for the quarter ending September 30, 1892, was 10,952,725 pounds.

The report of Labor Commissioner Peck, of New York, shows that during the year 1891, in about 6,000 manufacturing establishments in that State embraced within the special inquiry made by him, and representing 67 different industries, there was a net increase over the year 1890 of $31,315,130.68 in the value of the product, and of $6,377,925.09 in the amount of wages

paid. The report of the commissioner of labor for the State of Massachusetts shows that 3,745 industries in that State paid $129,416,248 in wages during the year 1891, against $126,030,303 in 1890, an increase of $3,335,945, and that there was an increase of $9,932,490 in the amount of capital and of 7,346 in the number of persons employed in the same period.

During the last six months of the year 1891 and the first six months of 1892 the total production of pig iron was 9,710,819 tons, as against 9,202,703 tons in the year 1890, which was the largest annual production ever attained. For the same twelve months of 1891–'92 the production of Bessemer ingots was 3,878,581 tons, an increase of 189,710 gross tons over the previously unprecedented yearly production of 3,688,871 gross tons in 1890. The production of Bessemer steel rails for the first six months of 1892 was 772,436 gross tons, as against 702,080 gross tons during the last six months of the year 1891.

The total value of our foreign trade (exports and imports of merchandise) during the last fiscal year was $1,857,680,610, an increase of $128,283,604 over the previous fiscal year. The average annual value of our imports and exports of merchandise for the ten fiscal years prior to 1891 was $1,457,322,019. It will be observed that our foreign trade for 1892 exceeded this annual average value by $400,358,591, an increase of 27.47 per cent. The significance and value of this increase are shown by the fact that the excess in the trade of 1892 over 1891 was wholly in the value of exports, for there was a decrease in the value of imports of $17,513,754.

The value of our exports during the fiscal year 1892 reached the highest figure in the history of the Government, amounting to $1,030,278,148, exceeding by $145,797,338 the exports of 1891 and exceeding the value of the imports by $202,875,686. A comparison of the value of our exports for 1892 with the annual average for the ten years prior to 1891 shows an excess of $265,142,651 or of 34.65 per cent. The value of our imports of merchandise for 1892, which was $829,402,462, also exceeded the annual average value of the ten years prior to 1891 by $135,215,940. During the fiscal year 1892 the value of imports free of duty amounted to $457,999,658, the largest aggregate in the history of our commerce. The value of the imports of merchandise entered free of duty in 1892 was 55.35 per cent of the total value of imports, as compared with 43.35 per cent in 1891 and 33.66 per cent in 1890.

In our coastwise trade a most encouraging development is in progress, there having been in the last four years an increase of 16 per cent. In internal commerce the statistics show that no such period of prosperity has ever before existed. The freight carried in the coastwise trade of the Great Lakes in 1890 aggregated 28,295,959 tons. On the Mississippi, Missouri, and Ohio Rivers and tributaries in the same year the traffic aggregated 29,405,046 tons, and the total vessel tonnage passing through the Detroit River during that year was 21,684,000 tons. The vessel tonnage entered and cleared in the foreign trade of London during 1890 amounted to 13,480,767 tons, and of Liverpool 10,941,800 tons, a total for these two great shipping ports of 24,422,568 tons, only slightly in excess of the vessel tonnage passing through the Detroit River. And it should be said that the season for the Detroit River was but 228 days, while, of course, in London and Liverpool the season was for the entire year. The vessel tonnage passing through the St. Marys Canal for the fiscal year 1892 amounted to 9,828,874 tons, and the freight tonnage of the Detroit River is estimated for that year at 25,000,000 tons, against 23,209,619 tons in 1891. The aggregate traffic on our railroads for the year 1891 amounted to 704,398,609 tons of freight, compared with 691,344,437 tons in 1890, an increase of 13,054,172 tons.

Another indication of the general prosperity of the country is found in the fact that the number of depositors in savings banks increased from 693,870 in 1860 to 4,258,893 in 1890, an increase of 513 per cent, and the amount of deposits from $149,277,504 in 1860 to $1,524,844,506 in 1890, an increase of 921 per cent. In 1891 the amount of deposits in savings banks was $1,623,079,749. It is estimated that 90 per cent of these deposits represent the savings of wage-earners. The bank clearances for nine months ending September 30, 1891, amounted to $41,049,390,808. For the same months in 1892 they amounted to $45,189,601,947, an excess for the nine months of $4,140,211,139.

There never has been a time in our history when work was so abundant or when wages were as high, whether measured by the currency in which they are paid or by their power to supply the necessaries and comforts of life. It is true that the market prices of cotton and wheat have been low. It is one of the unfavorable incidents of agriculture that the farmer can not produce upon orders. He must sow and reap in ignorance of the aggregate production of the year, and is peculiarly subject to the depreciation which follows overproduction. But, while the fact I have stated is true as to the crops mentioned, the general average of prices has been such as to give to agriculture a fair participation in the general prosperity. The value of our total farm products has increased from $1,363,646,866 in 1860 to $4,500,000,000 in 1891, as estimated by statisticians, an increase of 230 per cent. The number of hogs January 1, 1891, was 50,625,106 and their value $210,193,925; on January 1, 1892, the number was 52,398,019 and the value $241,031,415. On January 1, 1891, the number of cattle was 36,875,648 and the value $544,127,908; on January 1, 1892, the number was 37,651,239 and the value $570,749,155.

If any are discontented with their state here; if any believe that wages or prices, the returns for honest toil, are inadequate, they should not fail to remember that there is no other country in the world where the conditions that seem to them hard would not be accepted as highly prosperous. The English agriculturist would be glad to exchange the returns of his labor for those of the American farmer, and the Manchester workmen their wages for those of their fellows at Fall River.

I believe that the protective system, which has now for something more than thirty years continuously prevailed in our legislation, has been a mighty instrument for the development of our national wealth and a most powerful agency in protecting the homes of our workingmen from the invasion of want. I have felt a most solicitous interest to preserve to our working people rates of wages that would not only give daily bread, but supply a comfortable margin for those home attractions and family comforts and enjoyments without which life is neither hopeful nor sweet. They are American citizens—a part of the great people for whom our Constitution and Government were framed and instituted—and it can not be a perversion of that Constitution to so legislate as to preserve in their homes the comfort, independence, loyalty, and sense of interest in the Government which are essential to good citizenship in peace, and which will bring this stalwart throng, as in 1861, to the defense of the flag when it is assailed.

It is not my purpose to renew here the argument in favor of a protective tariff. The result of the recent election must be accepted as having introduced a new policy. We must assume that the present tariff, constructed upon the lines of protection, is to be repealed, and that there is to be substituted for it a tariff law constructed solely with reference to revenue; that no duty is to be higher because the increase will keep open an American mill or keep up the wages of an American workman, but that in every case such a rate of duty is to be imposed as will bring to the Treasury of the United States the largest returns of revenue. The contention has not been between schedules, but between principles, and it would be offensive to suggest that the prevailing party will not carry into legislation the principles advocated by it and the pledges given to the people. The tariff bills passed by the House of Representatives at the last session were, as I suppose—even in the opinion of their promoters—inadequate, and justified only by the fact that the Senate and House of Representatives were not in accord, and that a general revision could not, therefore, be undertaken.

I recommend that the whole subject of tariff revision be left to the incoming Congress. It is matter of regret that this work must be delayed for at least three months; for the threat of great tariff changes introduces so much uncertainty that an amount, not easily estimated, of business inaction and of diminished production will necessarily result. It is possible also that this uncertainty may result in decreased revenues from customs duties, for our merchants will make cautious orders for foreign goods in view of the prospect of tariff reductions and the uncertainty as to when they will take effect. Those who have advocated a protective tariff can well afford to have their disastrous forecasts of a change of policy disappointed.

If a system of customs duties can be framed that will set the idle wheels and looms of Europe in motion and crowd our warehouses with foreign-made goods, and at the same time keep our own mills busy; that will give us an increased participation in the "markets of the world" of greater value than the home market we surrender; that will give increased work to foreign workmen upon products to be consumed by our people without diminishing the amount of work to be done here; that will enable the American manufacturer to pay to his workmen from fifty to a hundred per cent more in wages than is paid in the foreign mill and yet to compete in our market and in foreign markets with the foreign producer; that will further reduce the cost of articles of wear and food without reducing the wages of those who produce them; that can be celebrated, after its effects have been realized, as its expectation has been, in European as well as in American cities, the authors and promoters of it will be entitled to the highest praise. We have had in our history several experiences of the contrasted effects of a revenue and of a protective tariff; but this generation has not felt them, and the experience of one generation is not highly instructive to the

next. The friends of the protective system, with undiminished confidence in the principles they have advocated, will await the results of the new experiment.

The strained and too often disturbed relations existing between the employés and the employers in our great manufacturing establishments have not been favorable to a calm consideration by the wage-earner of the effect upon wages of the protective system. The facts that his wages were the highest paid in like callings in the world and that a maintenance of this rate of wages, in the absence of protective duties upon the product of his labor, was impossible, were obscured by the passion evoked by these contests. He may now be able to review the question in the light of his personal experience under the operation of a tariff for revenue only. If that experience shall demonstrate that present rates of wages are thereby maintained or increased, either absolutely or in their purchasing power, and that the aggregate volume of work to be done in this country is increased, or even maintained, so that there are more or as many days' work in a year at as good or better wages for the American workman as has been the case under the protective system, everyone will rejoice.

A general process of wage reduction can not be contemplated by any patriotic citizen without the gravest apprehension. It may be, indeed I believe is, possible for the American manufacturer to compete successfully with his foreign rival in many branches of production without the defense of protective duties, if the pay rolls are equalized; but the conflict that stands between the producer and that result and the distress of our working people when it is attained are not pleasant to contemplate. The Society of the Unemployed, now holding its frequent and threatening parades in the streets of foreign cities, should not be allowed to acquire an American domicile.

The reports of the heads of the several Executive Departments, which are herewith submitted, have very naturally included a résumé of the whole work of the administration with the transactions of the last fiscal year. The attention not only of Congress but of the country is again invited to the methods of administration which have been pursued and to the results which have been attained. Public revenues amounting to $1,414,079,292.28 have been collected and disbursed without loss from misappropriation, without a single defalcation of such importance as to attract the public attention, and at a diminished per cent of cost for collection. The public business has been transacted not only with fidelity, but progressively, and with a view to giving to the people in the fullest possible degree the benefits of a service established and maintained for their protection and comfort.

Our relations with other nations are now undisturbed by any serious controversy. The complicated and threatening differences with Germany and England relating to Samoan affairs, with England in relation to the seal fisheries in the Bering Sea, and with Chile growing out of the Baltimore affair have been adjusted.

There have been negotiated and concluded, under section 3 of the tariff law, commercial agreements relating to reciprocal trade with the following countries: Brazil, Dominican Republic, Spain for Cuba and Puerto Rico, Guatemala, Salvador, the German Empire, Great Britain for certain West Indian colonies and British Guiana, Nicaragua, Honduras, and Austria-Hungary.

Of these, those with Guatemala, Salvador, the German Empire, Great Britain, Nicaragua, Honduras, and Austria-Hungary have been concluded since my last annual message. Under these trade arrangements a free or favored admission has been secured in every case for an important list of American products. Especial care has been taken to secure markets for farm products in order to relieve that great underlying industry of the depression which the lack of an adequate foreign market for our surplus often brings. An opening has also been made for manufactured products that will undoubtedly, if this policy is maintained, greatly augment our export trade. The full benefits of these arrangements can not be realized instantly. New lines of trade are to be opened. The commercial traveler must survey the field. The manufacturer must adapt his goods to the new markets and facilities for exchange must be established. This work has been well begun, our merchants and manufacturers having entered the new fields with courage and enterprise. In the case of food products, and especially with Cuba, the trade did not need to wait, and the immediate results have been most gratifying. If this policy and these trade arrangements can be continued in force and aided by the establishment of American steamship lines, I do not doubt that we shall, within a short period, secure fully one-third of the total trade of the countries of Central and South America, which now amounts to about $600,000,000 annually. In 1885 we had only 8 per cent of this trade.

The following statistics show the increase in our trade with the countries with which we have reciprocal trade agreements from the date when such agreements went into effect up to September 30, 1892, the increase being in some almost wholly and in others in an important degree the result of these agreements.

The domestic exports to Germany and Austria-Hungary have increased in value from $47,673,756 to $57,993,064, an increase of $10,319,308, or 21.63 per cent. With American countries the value of our exports has increased from $44,160,285 to $54,613,598, an increase of $10,453,313, or 23.67 per cent. The total increase in the value of exports to all the countries with which we have reciprocity agreements has been $20,772,621. This increase is chiefly in wheat, flour, meat, and dairy products, and in manufactures of iron and steel and lumber. There has been a large increase in the value of imports from all these countries since the commercial agreements went into effect, amounting to $74,294,525, but it has been entirely in imports from the American countries, consisting mostly of sugar, coffee, India rubber, and crude drugs. The alarmed attention of our European competitors for the South American market has been attracted to this new American policy, and to our acquisition and their loss of South American trade.

A treaty providing for the arbitration of the dispute between Great Britain and the United States as to the killing of seals in the Bering Sea was concluded on the 29th of February last. This treaty was accompanied by an agreement prohibiting pelagic sealing pending the arbitration, and a vigorous effort was made during this season to drive out all poaching sealers from the Bering Sea. Six naval vessels, three revenue cutters, and one vessel from the Fish Commission, all under the command of Commander Evans of the Navy, were sent into the sea, which was systematically patrolled. Some seizures were made, and it is believed that the catch in the Bering Sea by poachers amounted to less than five hundred seals. It is true, however, that in the North Pacific, while the seal herds were on their way to the passes between the Aleutian Islands, a very large number, probably 35,000, were taken. The existing statutes of the United States do not restrain our citizens from taking seals in the Pacific Ocean, and perhaps should not, unless the prohibition can be extended to the citizens of other nations. I recommend that power be given to the President, by proclamation, to prohibit the taking of seals in the North Pacific by American vessels, in case, either as the result of the findings of the tribunal of arbitration, or otherwise, the restraints can be applied to the vessels of all countries. The case of the United States for the tribunal of arbitration has been prepared with great care and industry by the Hon. John W. Foster, and the counsel who represent this Government express confidence that a result substantially establishing our claims and preserving this great industry for the benefit of all nations will be attained.

During the past year, a suggestion was received through the British minister that the Canadian Government would like to confer as to the possibility of enlarging, upon terms of mutual advantage, the commercial exchanges of Canada and of the United States, and a conference was held at Washington, with Mr. Blaine acting for this Government, and the British minister at this capital and three members of the Dominion cabinet acting as commissioners on the part of Great Britain. The conference developed the fact that the Canadian Government was only prepared to offer to the United States, in exchange for the concessions asked, the admission of natural products. The statement was frankly made that favored rates could not be given to the United States as against the mother country. This admission, which was foreseen, necessarily terminated the conference upon this question. The benefits of an exchange of natural products would be almost wholly with the people of Canada. Some other topics of interest were considered in the conference, and have resulted in the making of a convention for examining the Alaskan boundary and the waters of Passamaquoddy Bay adjacent to Eastport, Me., and in the initiation of an arrangement for the protection of fish life in the coterminous and neighboring waters of our northern border.

The controversy as to tolls upon the Welland Canal, which was presented to Congress at the last session by special message, having failed of adjustment, I felt constrained to exercise the authority conferred by the act of July 26, 1892, and to proclaim a suspension of the free use of St. Marys Falls Canal to cargoes in transit to ports in Canada. The Secretary of the Treasury established such tolls as were thought to be equivalent to the exactions unjustly levied upon our commerce in the Canadian canals.

If, as we must suppose, the political relations of Canada and the disposition of the Canadian government are to remain unchanged a somewhat radical revision of our trade relations should, I think, be made. Our relations must continue to be intimate, and they should be friendly. I regret to say, however, that in many of the controversies, notably those as to the fisheries on the Atlantic, the sealing interests on the Pacific, and the canal tolls, our negotiations with Great Britain have continu-

ously been thwarted or retarded by unreasonable and unfriendly objections and protests from Canada. In the matter of the canal tolls our treaty rights were flagrantly disregarded. It is hardly too much to say that the Canadian Pacific and other railway lines which parallel our northern boundary are sustained by commerce having either its origin or terminus, or both, in the United States. Canadian railroads compete with those of the United States for our traffic, and without the restraints of our interstate-commerce act. Their cars pass almost without detention into and out of our territory.

The Canadian Pacific Railway brought into the United States from China and Japan, via British Columbia, during the year ended June 30, 1892, 23,239,689 pounds of freight, and it carried from the United States to be shipped to China and Japan, via British Columbia, 24,068,346 pounds of freight. There were also shipped from the United States over this road from eastern ports of the United States to our Pacific ports, during the same year, 13,912,073 pounds of freight, and there were received over this road at the United States eastern ports from ports on the Pacific coast 13,293,315 pounds of freight. Mr. Joseph Nimmo, jr., former chief of the Bureau of Statistics, when before the Senate Select Committee on Relations with Canada, April 26, 1890, said that "the value of goods thus transported between different points in the United States across Canadian territory probably amounts to $100,000,000 a year."

There is no disposition on the part of the people or Government of the United States to interfere in the smallest degree with the political relations of Canada. That question is wholly with her own people. It is time for us, however, to consider whether, if the present state of things and trend of things is to continue, our interchanges upon lines of land transportation should not be put upon a different basis, and our entire independence of Canadian canals and of the St. Lawrence as an outlet to the sea secured by the construction of an American canal around the Falls of Niagara and the opening of ship communication between the Great Lakes and one of our own seaports. We should not hesitate to avail ourselves of our great natural trade advantages. We should withdraw the support which is given to the railroads and steamship lines of Canada by a traffic that properly belongs to us, and no longer furnish the earnings which lighten the otherwise crushing weight of the enormous public subsidies that have been given to them. The subject of the power of the Treasury to deal with this matter without further legislation has been under consideration, but circumstances have postponed a conclusion. It is probable that a consideration of the propriety of a modification or abrogation of the article of the Treaty of Washington relating to the transit of goods in bond is involved in any complete solution of the question.

Congress at the last session was kept advised of the progress of the serious and for a time threatening differences between the United States and Chile. It gives me now great gratification to report that the Chilean Government, in a most friendly and honorable spirit, has tendered and paid as an indemnity to the families of the sailors of the Baltimore who were killed and to those who were injured in the outbreak in the city of Valparaiso the sum of $75,000. This has been accepted, not only as an indemnity for a wrong done, but as a most gratifying evidence that the Government of Chile rightly appreciates the disposition of this Government to act in a spirit of the most absolute fairness and friendliness in our intercourse with that brave people. A further and conclusive evidence of the mutual respect and confidence now existing is furnished by the fact that a convention submitting to arbitration the mutual claims of the citizens of the respective governments has been agreed upon. Some of these claims have been pending for many years and have been the occasion of much unsatisfactory diplomatic correspondence.

I have endeavored in every way to assure our sister republics of Central and South America that the United States Government and its people have only the most friendly disposition toward them all. We do not covet their territory. We have no disposition to be oppressive or exacting in our dealings with any of them, even the weakest. Our interests and our hopes for them all lie in the direction of stable governments by their people and of the largest development of their great commercial resources. The mutual benefits of enlarged commercial exchanges and of a more familiar and friendly intercourse between our peoples we do desire, and in this have sought their friendly coöperation.

I have believed, however, while holding these sentiments in the greatest sincerity, that we must insist upon a just responsibility for any injuries inflicted upon our official representatives or upon our citizens. This insistence, kindly and justly, but firmly made, will, I believe, promote peace and mutual respect.

Our relations with Hawaii have been such as to attract an increased interest, and must continue to do so. I deem it of great importance that the projected submarine cable, a survey for which has been made, should be promoted. Both for naval and commercial uses we should have quick communication with Honolulu. We should before this have availed ourselves of the concession, made many years ago to this Government, for a harbor and naval station at Pearl River. Many evidences of the friendliness of the Hawaiian Government have been given in the past, and it is gratifying to believe that the advantage and necessity of a continuance of very close relations is appreciated.

The friendly act of this Government in expressing to the Government of Italy its reprobation and abhorrence of the lynching of Italian subjects in New Orleans, by the payment of 125,000 francs, or $24,330.90, was accepted by the King of Italy with every manifestation of gracious appreciation, and the incident has been highly promotive of mutual respect and good will.

In consequence of the action of the French Government in proclaiming a protectorate over certain tribal districts of the west coast of Africa, eastward of the San Pedro River, which has long been regarded as the southeastern boundary of Liberia, I have felt constrained to make protest against this encroachment upon the territory of a republic which was founded by citizens of the United States and toward which this country has for many years held the intimate relation of a friendly counselor.

The recent disturbances of the public peace by lawless foreign marauders on the Mexican frontier have afforded this Government an opportunity to testify its good will for Mexico and its earnest purpose to fulfill the obligations of international friendship by pursuing and dispersing the evildoers. The work of relocating the boundary of the treaty of Guadalupe Hidalgo, westward from El Paso, is progressing favorably.

Our intercourse with Spain continues on a friendly footing. I regret, however, not to be able to report as yet the adjustment of the claims of the American missionaries arising from the disorders at Ponape, in the Caroline Islands, but I anticipate a satisfactory adjustment in view of renewed and urgent representations to the Government at Madrid.

The treatment of the religious and educational establishments of American citizens in Turkey has of late called for a more than usual share of attention. A tendency to curtail the toleration which has so beneficially prevailed is discernible and has called forth the earnest remonstrances of this Government. Harassing regulations in regard to schools and churches have been attempted in certain localities, but not without due protest and the assertion of the inherent and conventional rights of our countrymen. Violations of domicile and search of the persons and effects of citizens of the United States by apparently irresponsible officials in the Asiatic *vilayets* have from time to time been reported. An aggravated instance of injury to the property of an American missionary at Bourdour, in the province of Konia, called forth an urgent claim for reparation, which I am pleased to say was promptly heeded by the government of the Porte. Interference with the trading ventures of our citizens in Asia Minor is also reported, and the lack of consular representation in that region is a serious drawback to instant and effective protection. I can not believe that these incidents represent a settled policy, and shall not cease to urge the adoption of proper remedies.

International copyright has been extended to Italy by proclamation in conformity with the act of March 3, 1891, upon assurance being given that Italian law permits to citizens of the United States the benefit of copyright on substantially the same basis as to subjects of Italy. By a special convention, proclaimed January 15, 1892, reciprocal provisions of copyright have been applied between the United States and Germany. Negotiations are in progress with other countries to the same end.

I repeat with great earnestness the recommendation which I have made in several previous messages that prompt and adequate support be given to the American company engaged in the construction of the Nicaragua Ship Canal. It is impossible to overstate the value from every standpoint of this great enterprise, and I hope that there may be time, even in this Congress, to give to it an impetus that will insure the early completion of the canal and secure to the United States its proper relation to it when completed.

The Congress has been already advised that the invitations of this Government for the assembling of an International Monetary Conference to consider the question of an enlarged use of silver were accepted by the nations to which they were addressed. The conference assembled at Brussels on the 22d of November and has entered upon the consideration of this great question. I have not doubted, and have taken occasion to express that belief, as well in the invitations issued for this conference as in my public messages, that the free coinage of silver upon an agreed international ratio would greatly promote the interests of our people and equally those of other nations. It is too early to predict what results may be accomplished by the conference. If any temporary check or delay intervenes, I believe that very soon commercial conditions will compel the now reluctant govern-

ments to unite with us in this movement to secure the enlargement of the volume of coined money needed for the transaction of the business of the world.

The report of the Secretary of the Treasury will attract especial interest in view of the many misleading statements that have been made as to the state of the public revenues. Three preliminary facts should not only be stated, but emphasized, before looking into details: First, that the public debt has been reduced since March 4, 1889, $259,074,200, and the annual interest charge $11,684,469; second, that there have been paid out for pensions during this administration up to November 1, 1892, $432,564,178.70, an excess of $114,466,386.09 over the sum expended during the period from March 1, 1885, to March 1, 1889; and, third, that under the existing tariff up to December 1, about $93,000,000 of revenue, which would have been collected upon imported sugars if the duty had been maintained, has gone into the pockets of the people and not into the public treasury, as before. If there are any who still think that the surplus should have been kept out of circulation by hoarding it in the Treasury, or deposited in favored banks without interest while the Government continued to pay to these very banks interest upon the bonds deposited as security for the deposits, or who think that the extended pension legislation was a public robbery, or that the duties upon sugar should have been maintained, I am content to leave the argument where it now rests, while we wait to see whether these criticisms will take the form of legislation.

The revenues for the fiscal year ending June 30, 1892, from all sources were $425,868,260.22, and the expenditures for all purposes were $415,953,806.56, leaving a balance of $9,914,453.66. There were paid during the year upon the public debt $40,570,467.98. The surplus in the Treasury and the bank redemption fund, passed by the act of July 14, 1890, to the general fund, furnished in large part the cash available and used for the payments made upon the public debt. Compared with the year 1891, our receipts from customs duties fell off $42,069,241.08, while our receipts from internal revenue increased $8,284,823.13, leaving the net loss of revenue from these principal sources $33,784,417.95. The net loss of revenue from all sources was $32,675,972.81.

The revenues, estimated and actual, for the fiscal year ending June 30, 1893, are placed by the Secretary at $463,336,350.44 and the expenditures at $461,336,350.44, showing a surplus of receipts over expenditures of $2,000,000. The cash balance in the Treasury at the end of the fiscal year it is estimated will be $20,992,377.03.

So far as these figures are based upon estimates of receipts and expenditures for the remaining months of the current fiscal year, there are not only the usual elements of uncertainty, but some added elements. New revenue legislation, or even the expectation of it, may seriously reduce the public revenues during the period of uncertainty and during the process of business adjustment to the new conditions when they become known. But the Secretary has very wisely refrained from guessing as to the effect of possible changes in our revenue laws, since the scope of those changes and the time of their taking effect can not in any degree be forecast or foretold by him. His estimates must be based upon existing laws and upon a continuance of existing business conditions, except so far as these conditions may be affected by causes other than new legislation.

The estimated receipts for the fiscal year ending June 30, 1894, are $490,121,365.38, and the estimated appropriations $457,261,335.33, leaving an estimated surplus of receipts over expenditures of $32,860,030.05. This does not include any payment to the sinking fund. In the recommendation of the Secretary that the sinking-fund law be repealed I concur. The redemption of bonds since the passage of the law to June 30, 1892, has already exceeded the requirements by the sum of $990,510,681.49. The retirement of bonds in the future before maturity should be a matter of convenience, not of compulsion. We should not collect revenue for that purpose, but only use any casual surplus. To the balance of $32,860,030.05 of receipts over expenditures for the year 1894 should be added the estimated surplus at the beginning of the year, $20,992,377.03; and from this aggregate there must be deducted, as stated by the Secretary, about $44,000,000 of estimated unexpended appropriations.

The public confidence in the purpose and ability of the Government to maintain the parity of all of our money issues, whether coin or paper, must remain unshaken. The demand for gold in Europe and the consequent calls upon us are in a considerable degree the result of the efforts of some of the European governments to increase their gold reserves, and these efforts should be met by appropriate legislation on our part. The conditions that have created this drain of the Treasury gold are in an important degree political and not commercial. In view of the fact that a general revision of our revenue laws in the near future seems to be probable, it would be better that any changes should be a part of that revision rather than of a temporary nature.

During the last fiscal year the Secretary purchased, under the act of July 14, 1890, 54,355,748 ounces of silver, and issued in payment therefor $51,106,608 in notes. The total purchases since the passage of the act have been 120,479,981 ounces, and the aggregate of notes issued $116,783,590. The average price paid for silver during the year was 94 cents per ounce, the highest price being $1.02¼, July 1, 1891, and the lowest 83 cents, March 21, 1892. In view of the fact that the monetary conference is now sitting and that no conclusion has yet been reached, I will hold any recommendation as to legislation upon this subject.

The report of the Secretary of War brings again to the attention of Congress some important suggestions as to the reorganization of the infantry and artillery arms of the service, which his predecessors have before urgently presented. Our Army is small, but its organization should all the more be put upon the most approved modern basis. The conditions upon what we have called the "frontier" have heretofore required the maintenance of many small posts, but now the policy of concentration is obviously the right one. The new posts should have the proper strategic relations to the only "frontiers" we now have, those of the seacoast and of our northern and part of our southern boundary. I do not think that any question of advantage to localities or to States should determine the location of the new posts. The reorganization and enlargement of the Bureau of Military Information which the Secretary has effected is a work the usefulness of which will become every year more apparent. The work of building heavy guns and the construction of coast defenses have been well begun and should be carried on without check.

The report of the Attorney-General is by law submitted directly to Congress, but I can not refrain from saying that he has conducted the increasing work of the Department of Justice with great professional skill. He has in several directions secured from the courts decisions giving increased protection to the officers of the United States and bringing some classes of crime that escaped local cognizance and punishment into the tribunals of the United States, where they could be tried with impartiality.

The numerous applications for Executive clemency presented in behalf of persons convicted in United States courts and given penitentiary sentences have called my attention to a fact referred to by the Attorney-General in his report, namely, that a time allowance for good behavior for such prisoners is prescribed by the Federal statutes only where the State in which the penitentiary is located has made no such provision. Prisoners are given the benefit of the provisions of the State law regulating the penitentiary to which they may be sent. These are various, some perhaps too liberal and some perhaps too illiberal. The result is that a sentence for five years means one thing if the prisoner is sent to one State for confinement and quite a different thing if he is sent to another. I recommend that a uniform credit for good behavior be prescribed by Congress.

I have before expressed my concurrence in the recommendation of the Attorney-General that degrees of murder should be recognized in the Federal statutes, as they are, I believe, in all the States. These grades are founded on correct distinctions in crime. The recognition of them would enable the courts to exercise some discretion in apportioning punishment, and would greatly relieve the Executive of what is coming to be a very heavy burden—the examination of these cases on application for commutation.

The aggregate of claims pending against the Government in the Court of Claims is enormous. Claims to the amount of nearly $400,000,000 for the taking of or injury to the property of persons claiming to be loyal during the war are now before that court for examination. When to these are added the Indian depredation claims and the French spoliation claims an aggregate is reached that is indeed startling. In the defense of all these cases the Government is at great disadvantage. The claimants have preserved their evidence, whereas the agents of the Government are sent into the field to rummage for what they can find. This difficulty is peculiarly great where the fact to be established is the disloyalty of the claimant during the war. If this great threat against our revenues is to have no other check certainly Congress should supply the Department of Justice with appropriations sufficiently liberal to secure the best legal talent in the defense of these claims and to pursue its vague search for evidence effectively.

The report of the Postmaster-General shows a most gratifying increase and a most efficient and progressive management of the great business of that Department. The remarkable increase in revenues, in the number of post-offices, and in the miles of mail carriage furnishes further evidence of the high state of prosperity which our people are enjoying. New offices mean new

hamlets and towns; new routes mean the extension of our border settlements, and increased revenues mean an active commerce. The Postmaster-General reviews the whole period of his administration of the office and brings some of his statistics down to the month of November last. The postal revenues have increased during the last year nearly $5,000,000. The deficit for the year ending June 30, 1892, is $848,341 less than the deficiency of the preceding year. The deficiency of the present fiscal year it is estimated will be reduced to $1,552,423, which will not only be extinguished during the next fiscal year, but a surplus of nearly $1,000,000 should then be shown. In these calculations the payments to be made under the contracts for ocean mail service have not been included.

There have been added 1,590 new mail routes during the year, with a mileage of 8,563 miles; and the total number of new miles of mail trips added during the year is nearly 17,000,000. The number of miles of mail journeys added during the last four years is about 76,000,000, this addition being 21,000,000 of miles more than were in operation in the whole country in 1861.

The number of post-offices has been increased by 2,790 during the year; and during the past four years and up to October 29 last the total increase in the number of offices has been nearly 9,000. The number of free-delivery offices has been nearly doubled in the last four years, and the number of money-order offices more than doubled within that time.

For the three years ending June 30, 1892, the postal revenue amounted to $197,744,359, which was an increase of $52,263,150 over the revenue for the three years ending June 30, 1888, the increase during the last three years being more than three and a half times as great as the increase during the three years ending June 30, 1888. No such increase as that shown for these three years has ever previously appeared in the revenues of the Department. The Postmaster-General has extended to the post-offices in the larger cities the merit system of promotion, introduced by my direction into the Departments here, and it has resulted there, as in the Departments, in a larger volume of work, and that better done.

Ever since our merchant marine was driven from the sea by the rebel cruisers during the war of the rebellion the United States has been paying an enormous annual tribute to foreign countries in the shape of freight and passage moneys. Our grain and meats have been taken at our own docks and our large imports there laid down by foreign shipmasters. An increasing torrent of American travel to Europe has contributed a vast sum annually to the dividends of foreign shipowners. The balance of trade shown by the books of our custom-houses has been very largely reduced and in many years altogether extinguished by this constant drain. In the year 1892 only 12.3 per cent of our imports were brought in American vessels. These great foreign steamships maintained by our traffic are many of them under contracts with their respective governments by which in time of war they will become a part of their armed naval establishments. Profiting by our commerce in peace, they will become the most formidable destroyers of our commerce in time of war. I have felt and have before expressed the feeling that this condition of things was both intolerable and disgraceful. A wholesome change of policy and one having in it much promise, as it seems to me, was begun by the law of March 3, 1891. Under this law contracts have been made by the Postmaster-General for eleven mail routes. The expenditure involved by these contracts for the next fiscal year approximates $954,123.33. As one of the results already reached sixteen American steamships of an aggregate tonnage of 57,400 tons, costing $7,400,000, have been built or contracted to be built in American shipyards.

The estimated tonnage of all steamships required under existing contracts is 165,802, and when the full service required by these contracts is established there will be forty-one mail steamers under the American flag, with the probability of further necessary additions in the Brazilian and Argentine service. The contracts recently let for transatlantic service will result in the construction of five ships of 10,000 tons each, costing nine or ten million dollars, and will add, with the City of New York and City of Paris, to which the Treasury Department was authorized by legislation at the last session to give American registry, seven of the swiftest vessels upon the sea to our naval reserve. The contracts made with the lines sailing to Central and South American ports have increased the frequency and shortened the time of the trips, added new ports of call, and sustained some lines that otherwise would almost certainly have been withdrawn. The service to Buenos Ayres is the first to the Argentine Republic under the American flag. The service to Southampton, Boulogne, and Antwerp is also new, and is to be begun with the steamships City of New York and City of Paris in February next.

I earnestly urge a continuance of the policy inaugurated by this legislation and that the appropriations required to meet the obligations of the Government under the contracts may be made promptly, so that the lines that have entered into these engagements may not be embarrassed. We have had, by reason of connections with the transcontinental railway lines constructed through our own territory, some advantages in the ocean trade of the Pacific that we did not possess on the Atlantic. The construction of the Canadian Pacific Railway and the establishment under large subventions from Canada and England of fast steamship service from Vancouver with Japan and China seriously threaten our shipping interests in the Pacific. This line of English steamers receives, as is stated by the Commissioner of Navigation, a direct subsidy of $400,000 annually, or $30,767 per trip for thirteen voyages, in addition to some further aid from the admiralty in connection with contracts under which the vessels may be used for naval purposes. The competing American Pacific mail line, under the act of March 3, 1891, receives only $6,389 per round trip.

Efforts have been making within the last year, as I am informed, to establish under similar conditions a line between Vancouver and some Australian port, with a view of seizing there a trade in which we have had a large interest. The Commissioner of Navigation states that a very large per cent of our imports from Asia are now brought to us by English steamships and their connecting railways in Canada. With a view of promoting this trade, especially in tea, Canada has imposed a discriminating duty of 10 per cent upon tea and coffee brought into the Dominion from the United States. If this unequal contest between American lines without subsidy, or with diminished subsidies, and the English Canadian line to which I have referred is to continue, I think we should at least see that the facilities for customs entry and transportation across our territory are not such as to make the Canadian route a favored one, and that the discrimination as to duties, to which I have referred, is met by a like discrimination as to the importation of these articles from Canada.

No subject, I think, more nearly touches the pride, the power, and the prosperity of our country than this of the development of our merchant marine upon the sea. If we could enter into conference with other competitors and all would agree to withhold Government aid we could perhaps take our chances with the rest, but our great competitors have established and maintained their lines by Government subsidies until they now have practically excluded us from participation. In my opinion no choice is left to us but to pursue, moderately at least, the same lines.

The report of the Secretary of the Navy exhibits great progress in the construction of our new Navy. When the present Secretary entered upon his duties only three modern steel vessels were in commission. The vessels since put in commission and to be put in commission during the winter will make a total of nineteen during his administration of the Department. During the current year ten war vessels and three navy tugs have been launched, and during the four years twenty-five vessels will have been launched. Two other large ships and a torpedo boat are under contract and work upon them well advanced, and the four monitors are awaiting only the arrival of their armor, which has been unexpectedly delayed, or they would have been before this in commission.

Contracts have been let during this Administration, under the appropriations for the increase of the Navy, including new vessels and their appurtenances, to the amount of $35,000,000, and there has been expended during the same period for labor at navy-yards upon similar work $8,000,000 without the smallest scandal or charge of fraud or partiality. The enthusiasm and interest of our naval officers, both of the staff and line, have been greatly kindled. They have responded magnificently to the confidence of Congress, and have demonstrated to the world an unexcelled capacity in construction, in ordnance, and in everything involved in the building, equipping, and sailing of great war ships.

At the beginning of Secretary Tracy's administration several difficult problems remained to be grappled with and solved before the efficiency in action of our ships could be secured. It is believed that as the result of new processes in the construction of armor-plate our later ships will be clothed with defensive plates of higher resisting power than are found on any war vessels afloat. We were without torpedoes. Tests have been made to ascertain the relative efficiency of different constructions, a torpedo has been adopted, and the work of construction is now being carried on successfully. We were without armor-piercing shells, and without a shop instructed and equipped for the construction of them. We are now making what is believed to be a projectile superior to any before in use. A smokeless powder has been developed, and a slow-burning powder for guns of large caliber. A high explosive, capable of use in shells fired from service guns, has been found, and the manufacture of gun cotton has been developed so that the question of supply is no longer in doubt.

The development of a naval militia, which has been organized in eight States and brought into cordial and coöperative relations with the Navy, is another important achievement. There are now enlisted in these organizations 1,800 men, and they are likely to be greatly extended. I recommend such legislation and appropriations as will encourage and develop this movement. The recommendations of the Secretary will, I do not doubt, receive the friendly consideration of Congress, for he has enjoyed, as he has deserved, the confidence of all those interested in the development of our Navy, without any division upon partisan lines. I earnestly express the hope that a work which has made such noble progress may not now be stayed. The wholesome influence for peace and the increased sense of security which our citizens domiciled in other lands feel when these magnificent ships under the American flag appear is already most gratefully apparent. The ships from our Navy which will appear in the great naval parade next April in the harbor of New York will be a convincing demonstration to the world that the United States is again a naval power.

The work of the Interior Department, always very burdensome, has been larger than ever before during the administration of Secretary Noble. The disability pension law, the taking of the Eleventh Census, the opening of vast areas of Indian lands to settlement, the organization of Oklahoma, and the negotiations for the cession of Indian lands furnish some of the particulars of the increased work; and the results achieved testify to the ability, fidelity, and industry of the head of the Department and his efficient assistants.

Several important agreements for the cession of Indian lands negotiated by the Commission appointed under the act of March 2, 1889, are awaiting the action of Congress. Perhaps the most important of these is that for the cession of the Cherokee Strip. This region has been the source of great vexation to the executive department and of great friction and unrest between the settlers who desire to occupy it and the Indians who assert title. The agreement which has been made by the Commission is perhaps the most satisfactory that could have been reached. It will be noticed that it is conditioned upon its ratification by Congress before March 4, 1893. The Secretary of the Interior, who has given the subject very careful thought, recommends the ratification of the agreement, and I am inclined to follow his recommendation. Certain it is that some action by which this controversy shall be brought to an end and these lands opened to settlement is urgent.

The form of government provided by Congress on May 17, 1884, for Alaska was, in its frame and purpose, temporary. The increase of population and the development of some important mining and commercial interests make it imperative that the law should be revised and better provision made for the arrest and punishment of criminals.

The report of the Secretary shows a very gratifying state of facts as to the condition of the General Land Office. The work of issuing agricultural patents, which seemed to be hopelessly in arrear when the present Secretary undertook the duties of his office, has been so expedited that the Bureau is now upon current business. The relief thus afforded to honest and worthy settlers upon the public lands, by giving to them an assured title to their entries, has been of incalculable benefit in developing the new States and the Territories.

The Court of Private Land Claims established by Congress for the promotion of this policy of speedily settling contested land titles is making satisfactory progress in its work, and when the work is completed a great impetus will be given to the development of those regions where unsettled claims under Mexican grants have so long exercised their repressive influence. When to these results are added the enormous cessions of Indian lands which have been opened to settlement, aggregating during this Administration nearly 26,000,000 acres, and the agreements negotiated and now pending in Congress for ratification by which about 10,000,000 additional acres will be opened to settlement, it will be seen how much has been accomplished.

The work in the Indian Bureau, in the execution of the policy of recent legislation, has been largely directed to two chief purposes: First, the allotment of lands in severalty to the Indians and the cession to the United States of the surplus lands, and, secondly, to the work of educating the Indian for his own protection in his closer contact with the white man and for the intelligent exercise of his new citizenship. Allotments have been made and patents issued to 5,900 Indians under the present Secretary and Commissioner, and 7,600 additional allotments have been made for which patents are now in process of preparation. The school attendance of Indian children has been increased during that time over 13 per cent, the enrollment for 1892 being nearly twenty thousand. A uniform system of school text-books and of study has been adopted and the work in these national schools brought as near as may be to the basis of the free common schools of the States. These schools can be transferred and merged into the common-school systems of the States when the Indian has fully assumed his new relation to the organized civil community in which he resides, and the new States are able to assume the burden.

I have several times been called upon to remove Indian agents appointed by me, and have done so promptly upon every sustained complaint of unfitness or misconduct. I believe, however, that the Indian service at the agencies has been improved and is now administered on the whole with a good degree of efficiency. If any legislation is possible by which the selection of Indian agents can be wholly removed from all partisan suggestions or considerations, I am sure it would be a great relief to the Executive and a great benefit to the service. The appropriation for the subsistence of the Cheyenne and Arapahoe Indians made at the last session of Congress was inadequate. This smaller appropriation was estimated for by the Commissioner upon the theory that the large fund belonging to the tribe in the public Treasury could be and ought to be used for their support. In view, however, of the pending depredation claims against this fund and other considerations, the Secretary of the Interior on the 12th of April last submitted a supplemental estimate for $50,000. This appropriation was not made, as it should have been, and the oversight ought to be remedied at the earliest possible date.

In a special message to this Congress at the last session I stated the reasons why I had not approved the deed for the release to the United States by the Choctaws and Chickasaws of the lands formerly embraced in the Cheyenne and Arapahoe Reservation and remaining after allotments to that tribe. A resolution of the Senate expressing the opinion of that body that, notwithstanding the facts stated in my special message, the deed should be approved and the money, $2,991,450, paid over, was presented to me May 10, 1892. My special message was intended to call the attention of Congress to the subject, and in view of the fact that it is conceded that the appropriation proceeded upon a false basis as to the amount of lands to be paid for, and is by $50,000 in excess of the amount they are entitled to (even if their claim to the land is given full recognition at the rate agreed upon), I have not felt willing to approve the deed, and shall not do so, at least until both Houses of Congress have acted upon the subject. It has been informally proposed by the claimants to release this sum of $50,000, but I have no power to demand or accept such a release, and such an agreement would be without consideration and void.

I desire further to call the attention of Congress to the fact that the recent agreement concluded with the Kiowas and Comanches relates to lands which were a part of the "leased district," and to which the claim of the Choctaws and Chickasaws is precisely that recognized by Congress in the legislation I have referred to. The surplus lands to which this claim would attach in the Kiowa and Comanche Reservation is 2,500,000 acres, and at the same rate the Government will be called upon to pay to the Choctaws and Chickasaws for these lands $3,125,000. This sum will be further augmented, especially if the title of the Indians to the tract now Grier County, Tex., is established. The duty devolved upon me in this connection was simply to pass upon the form of the deed, but as in my opinion the facts mentioned in my special message were not adequately brought to the attention of Congress in connection with the legislation, I have felt that I would not be justified in acting without some new expression of the legislative will.

The report of the Commissioner of Pensions, to which extended notice is given by the Secretary of the Interior in his report, will attract great attention. Judged by the aggregate amount of work done, the last year has been the greatest in the history of the office. I believe that the organization of the office is efficient, and that the work has been done with fidelity. The passage of what is known as the disability bill has, as was foreseen, very largely increased the annual disbursements to the disabled veterans of the civil war. The estimate for this fiscal year was $144,956,000, and that amount was appropriated. A deficiency amounting to $10,508,621 must be provided for at this session. The estimate for pensions for the fiscal year ending June 30, 1894, is $165,000,000. The Commissioner of Pensions believes that, if the present legislation and methods are maintained and further additions to the pension laws are not made, the maximum expenditure for pensions will be reached June 30, 1894, and will be at the highest point $188,000,000 per annum.

I adhere to the views expressed in previous messages that the care of the disabled soldiers of the war of the rebellion is a matter of national concern and duty. Perhaps no emotion cools sooner than that of gratitude, but I can not believe that this process has yet reached a point with our people that would sustain the policy of remitting the care of these disabled veterans to the inadequate agencies provided by local laws. The parade on the 20th of September last, upon the streets of this capital, of 60,000

of the surviving Union veterans of the war of the rebellion was a most touching and thrilling episode, and the rich and gracious welcome extended to them by the District of Columbia and the applause that greeted their progress from tens of thousands of people from all the States did much to revive the glorious recollections of the grand review, when these men and many thousand others now in their graves were welcomed with grateful joy as victors in a struggle in which the national unity, honor, and wealth were all at issue.

In my last annual message I called attention to the fact that some legislative action was necessary in order to protect the interests of the Government in its relations with the Union Pacific Railway. The Commissioner of Railroads has submitted a very full report, giving exact information as to the debt, the liens upon the company's property, and its resources. We must deal with the question as we find it, and take that course which will, under existing conditions, best secure the interests of the United States. I recommended in my last annual message that a commission be appointed to deal with this question, and I renew that recommendation, and suggest that the commission be given full power.

The report of the Secretary of Agriculture contains not only a most interesting statement of the progressive and valuable work done under the administration of Secretary Rusk, but many suggestions for the enlarged usefulness of this important Department. In the successful effort to break down the restrictions to the free introduction of our meat products in the countries of Europe, the Secretary has been untiring from the first, stimulating and aiding all other Government officers, at home and abroad, whose official duties enabled them to participate in the work. The total trade in hog products with Europe in May, 1892, amounted to 82,000,000 pounds, against 46,900,000 in the same month of 1891; in June, 1892, the exports aggregated 85,700,000 pounds, against 46,500,000 pounds in the same month of the previous year; in July there was an increase of 41 per cent and in August of 55 per cent over the corresponding months of 1891.

Over 40,000,000 pounds of inspected pork have been exported since the law was put into operation, and a comparison of the four months of May, June, July, and August, 1892, with the same months of 1891 shows an increase in the number of pounds of our export of pork products of 62 per cent, and an increase in value of 66½ per cent. The exports of dressed beef increased from 137,900,000 pounds in 1889 to 220,500,000 pounds in 1892, or about 60 per cent. During the past year there have been exported 394,607 head of live cattle as against 205,786 exported in 1889. This increased exportation has been largely promoted by the inspection authorized by law and the faithful efforts of the Secretary and his efficient subordinates to make that inspection thorough and to carefully exclude from all cargoes diseased or suspected cattle. The requirement of the English regulations that live cattle arriving from the United States must be slaughtered at the docks had its origin in the claim that pleuropneumonia existed among American cattle and that the existence of the disease could only certainly be determined by a post-mortem inspection.

The Department of Agriculture has labored with great energy and faithfulness to extirpate this disease, and on the 26th day of September last a public announcement was made by the Secretary that the disease no longer existed anywhere within the United States. He is entirely satisfied, after the most searching inquiry, that this statement was justified, and that by a continuance of the inspection and quarantine now required of cattle brought into this country the disease can be prevented from again getting any foothold. The value to the cattle industry of the United States of this achievement can hardly be estimated. We can not, perhaps, at once insist that this evidence shall be accepted as satisfactory by other countries; but if the present exemption from the disease is maintained and the inspection of our cattle arriving at foreign ports, in which our own veterinarians participate, confirms it, we may justly expect that the requirement that our cattle shall be slaughtered at the docks will be revoked, as the sanitary restrictions upon our pork products have been. If our cattle can be taken alive to the interior the trade will be enormously increased.

Agricultural products constituted 78.1 per cent of our unprecedented exports for the fiscal year which closed June 30, 1892, the total exports being $1,030,278,030 and the value of the agricultural products $793,717,676, which exceeds by more than $150,000,000 the shipment of agricultural products in any previous year.

An interesting and a promising work for the benefit of the American farmer has been begun through agents of the Agricultural Department in Europe, and consists in efforts to introduce the various products of Indian corn as articles of human food. The high price of rye offered a favorable opportunity for the experiment in Germany of combining corn meal with rye to produce a cheaper bread. A fair degree of success has been attained, and some mills for grinding corn for food have been introduced. The Secretary is of the opinion that this new use of the products of corn has already stimulated exportations, and that if diligently prosecuted, large and important markets can presently be opened for this great American product.

The suggestions of the Secretary for an enlargement of the work of the Department are commended to your favorable consideration. It may, I think, be said without challenge that in no corresponding period has so much been done as during the last four years for the benefit of American agriculture.

The subject of quarantine regulations, inspection, and control was brought suddenly to my attention by the arrival at our ports in August last of vessels infected with cholera. Quarantine regulations should be uniform at all our ports. Under the Constitution they are plainly within the exclusive Federal jurisdiction when and so far as Congress shall legislate. In my opinion the whole subject should be taken into national control, and adequate power given to the Executive to protect our people against plague invasions. On the 1st of September last I approved regulations establishing a twenty-day quarantine for all vessels bringing immigrants from foreign ports. This order will be continued in force. Some loss and suffering have resulted to passengers, but a due care for the homes of our people justifies in such cases the utmost precaution. There is danger that with the coming of spring cholera will again appear, and a liberal appropriation should be made at this session to enable our quarantine and port officers to exclude the deadly plague.

But the most careful and stringent quarantine regulations may not be sufficient absolutely to exclude the disease. The progress of medical and sanitary science has been such, however, that if approved precautions are taken at once to put all of our cities and towns in the best sanitary condition, and provision is made for isolating any sporadic cases, and for a thorough disinfection, an epidemic can, I am sure, be avoided. This work appertains to the local authorities, and the responsibility and the penalty will be appalling if it is neglected or unduly delayed.

We are peculiarly subject in our great ports to the spread of infectious diseases by reason of the fact that unrestricted immigration brings to us out of European cities, in the overcrowded steerages of great steamships, a large number of persons whose surroundings make them the easy victims of the plague. This consideration, as well as those affecting the political, moral, and industrial interests of our country, lead me to renew the suggestion that admission to our country and to the high privileges of its citizenship should be more restricted and more careful. We have, I think, a right, and owe a duty to our own people, and especially to our working people, not only to keep out the vicious, the ignorant, the civil disturber, the pauper, and the contract laborer, but to check the too great flow of immigration now coming by further limitations.

The report of the World's Columbian Exposition has not yet been submitted. That of the Board of Management of the Government exhibit has been received and is herewith transmitted. The work of construction and of preparation for the opening of the Exposition in May next has progressed most satisfactorily and upon a scale of liberality and magnificence that will worthily sustain the honor of the United States.

The District of Columbia is left, by a decision of the supreme court of the District, without any law regulating the liquor traffic. An old statute of the legislature of the District, relating to the licensing of various vocations, has hitherto been treated by the Commissioners as giving them power to grant or refuse licenses to sell intoxicating liquors, and as subjecting those who sold without license to penalties; but in May last the supreme court of the District held against this view of the powers of the Commissioners. It is of urgent importance, therefore, that Congress should supply, either by direct enactment or by conferring discretionary powers upon the Commissioners, proper limitations and restraints upon the liquor traffic in the District. The District has suffered in its reputation by many crimes of violence, a large per cent of them resulting from drunkenness and the liquor traffic. The capital of the nation should be freed from this reproach by the enactment of stringent restrictions and limitations upon the traffic.

In renewing the recommendation which I have made in three preceding annual messages that Congress should legislate for the protection of railroad employés against the dangers incident to the old and inadequate methods of braking and coupling which are still in use upon freight trains, I do so with the hope that this Congress may take action upon the subject. Statistics furnished by the Interstate Commerce Commission show that during the year ending June 30, 1891, there were forty-seven

different styles of car couplers reported to be in use, and that during the same period there were 2,660 employés killed and 26,140 injured. Nearly 16 per cent of the deaths occurred in the coupling and uncoupling of cars, and over 36 per cent of the injuries had the same origin.

The Civil Service Commission ask for an increased appropriation for needed clerical assistance, which I think should be given. I extended the classified service March 1, 1892, to include physicians, superintendents, assistant superintendents, school-teachers, and matrons in the Indian service, and have had under consideration the subject of some further extensions, but have not as yet fully determined the lines upon which extensions can most properly and usefully be made.

I have, in each of the three annual messages which it has been my duty to submit to Congress, called attention to the evils and dangers connected with our election methods and practices as they are related to the choice of officers of the National Government. In my last annual message I endeavored to invoke serious attention to the evils of unfair apportionments for Congress. I can not close this message without again calling attention to these grave and threatening evils. I had hoped that it was possible to secure a nonpartisan inquiry, by means of a commission, into evils the existence of which is known to all, and that out of this might grow legislation from which all thought of partisan advantage should be eliminated and only the higher thought appear of maintaining the freedom and purity of the ballot and the equality of the elector, without the guaranty of which the Government could never have been formed and without the continuance of which it can not continue to exist in peace and prosperity.

It is time that mutual charges of unfairness and fraud between the great parties should cease, and that the sincerity of those who profess a desire for pure and honest elections should be brought to the test of their willingness to free our legislation and our election methods from everything that tends to impair the public confidence in the announced result. The necessity for an inquiry, and for legislation by Congress, upon this subject is emphasized by the fact that the tendency of the legislation in some States in recent years has in some important particulars been away from and not toward free and fair elections and equal apportionments. Is it not time that we should come together upon the high plane of patriotism while we devise methods that shall secure the right of every man qualified by law to cast a free ballot and give to every such ballot an equal value in choosing our public officers and in directing the policy of the Government?

Lawlessness is not less such, but more, where it usurps the functions of the peace officer and of the courts. The frequent lynching of colored people accused of crime is without the excuse which has sometimes been urged by mobs for a failure to pursue the appointed methods for the punishment of crime, that the accused have an undue influence over courts and juries. Such acts are a reproach to the community where they occur, and so far as they can be made the subject of Federal jurisdiction the strongest repressive legislation is demanded. A public sentiment that will sustain the officers of the law in resisting mobs and in protecting accused persons in their custody should be promoted by every possible means. The officer who gives his life in the brave discharge of this duty is worthy of special honor. No lesson needs to be so urgently impressed upon our people as this, that no worthy end or cause can be promoted by lawlessness.

This exhibit of the work of the Executive Departments is submitted to Congress and to the public in the hope that there will be found in it a due sense of responsibility and an earnest purpose to maintain the national honor and to promote the happiness and prosperity of all our people. And this brief exhibit of the growth and prosperity of the country will give us a level from which to note the increase or decadence that new legislative policies may bring to us. There is no reason why the national influence, power, and prosperity should not observe the same rates of increase that have characterized the past thirty years. We carry the great impulse and increase of these years into the future. There is no reason why in many lines of production we should not surpass all other nations as we have already done in some. There are no near frontiers to our possible development. Retrogression would be a crime.

BENJ. HARRISON.

EXECUTIVE MANSION, *December 6, 1892.*

The VICE-PRESIDENT. The message of the President of the United States will lie on the table and be printed.

Mr. MANDERSON. In behalf of the Committee on Printing I offer a resolution, and ask for its present consideration.

The resolution was considered by unanimous consent, and agreed to, as follows:

Resolved, That 10,000 copies of the President's message be printed in pamphlet form for the use of the Senate.

PRESIDENTIAL ELECTORS.

The VICE-PRESIDENT. The Chair lays before the Senate a communication from the Secretary of State, transmitting, in pursuance of the provisions of the act of Congress approved February 3, 1887, a certified copy of the final ascertainment of the electors for President and Vice-President appointed in the State of Maryland at the election held therein on the 8th of November, 1892, as certified to him by the governor of that State. The letter of transmittal will be printed and, with the accompanying communication, lie on the table.

Mr. HOAR. I should like to inquire whether such communications do not relate entirely to the Vice-President in his official capacity, and have no relation to the Senate whatever.

The VICE-PRESIDENT. The Chair will have read a precedent bearing on the question.

The Chief Clerk read as follows:

Letter from the Secretary of State, transmitting copy of the vote of the State of Michigan for electors for President and Vice-President.

DEPARTMENT OF STATE, *Washington, January 14, 1889.*

SIR: I have the honor to transmit herewith, in pursuance of the provisions of the act of Congress approved February 3, 1887, a certified copy of the final ascertainment of the electors for President and Vice-President appointed in the State of Michigan at the election held therein on the 6th of November, 1888, as certified to me by the governor of the said State.

I have the honor to be, sir, your obedient servant,

T. F. BAYARD.

Hon. JOHN J. INGALLS,
President pro tempore of the Senate of the United States.

The VICE-PRESIDENT. The Chief Clerk will also read an extract from the act of February 3, 1887.

The Chief Clerk read as follows:

And the Secretary of State of the United States, as soon as practicable after the receipt at the State Department of each of the certificates hereinbefore directed to be transmitted to the Secretary of State, shall publish, in such public newspaper as he shall designate, such certificates in full, and at the first meeting of Congress thereafter he shall transmit to the two Houses of Congress copies in full of each and every such certificate so received theretofore at the State Department.

The VICE-PRESIDENT. The Chair lays before the Senate communications of a similar character from the States of Georgia, New Hampshire, and Arkansas. The letters of transmittal will be printed, and, with the accompanying communications, lie on the table.

Mr. HARRIS. And their receipt noted in the RECORD?

The VICE-PRESIDENT. Their receipt will be noted in the RECORD.

MARITIME CANAL COMPANY OF NICARAGUA.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, in compliance with law, the annual report of the Maritime Canal Company of Nicaragua; which, on motion of Mr. SHERMAN, was, with the accompanying report, referred to the Committee on Foreign Relations, and ordered to be printed.

EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury transmitting, in response to a resolution of July 30, 1892, certain information relative to what proportion of customs duties and internal-revenue taxes received within the last twelve months have been paid each month in gold coin, in standard silver dollars, in silver certificates, and in United States notes, the amount of gold coin and gold certificates in the Treasury of the United States, the amount of gold and of gold certificates held by the banks of the United States, and the total amount of gold coin in this country, etc.; which was ordered to be printed, and referred to the Committee on Finance.

He also laid before the Senate a communication from the Secretary of War transmitting, in compliance with section 1665 of the Revised Statutes of the United States, a statement of the expenditures at the Springfield (Mass.) armory, and of arms, components of arms, and appendages fabricated, altered, and repaired during the fiscal year ended June 30, 1892; which, with the accompanying papers, was referred to the Committee on Military Affairs, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Interior, transmitting a report of the Government directors of the Union Pacific Railway Company for the year 1892; which, with the accompanying report, was referred to the Select Committee on the President's Message Transmitting the Report of the Pacific Railway Commission, and ordered to be printed.

LIBRARY OF CONGRESS.

The VICE-PRESIDENT laid before the Senate a communication from the Chief of Engineers, transmitting a report on the construction of the building for the Library of Congress during the year ending December 1, 1892; which, with the accompanying report, was referred to the Select Committee on Additional

Accommodations for the Library of Congress, and ordered to be printed.

REPORT OF COMMISSIONER OF FISH AND FISHERIES.

The VICE-PRESIDENT laid before the Senate a communication from the Commissioner of Fish and Fisheries, transmitting, in compliance with law, a statement of the expenditures for propagation of food fish during the fiscal year ending June 30, 1892, and also under certain other appropriations, therein enumerated; which was referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF SERGEANT-AT-ARMS.

The VICE-PRESIDENT laid before the Senate a communication from the Sergeant-at-Arms of the Senate, transmitting a full and complete account of all property belonging to the United States in his possession on the 5th day of December, 1892; which was ordered to lie on the table and be printed.

He also laid before the Senate a communication from the Sergeant-at-Arms of the Senate, transmitting a full and complete account of all condemned property sold by him belonging to the United States, and showing the disposition of all money received therefor; which was ordered to lie on the table and be printed.

REPORTS OF SECRETARY OF SENATE.

The VICE-PRESIDENT laid before the Senate a report of the Secretary of the Senate, communicating, in obedience to law, a statement of the receipts and expenditures of the Senate from July 1, 1891, to June 30, 1892; which was ordered to lie on the table and be printed.

He also laid before the Senate a report of the Secretary of the Senate, communicating, in obedience to law, a full and complete statement of all the property in his possession belonging to the United States December 5, 1892; which was ordered to lie on the table and be printed.

COURT OF CLAIMS REPORT.

The VICE-PRESIDENT laid before the Senate the report of the clerk of the Court of Claims of the conclusions of fact and of law filed by that court in sundry spoliation claims under the act approved January 20, 1885; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the clerk of the Court of Claims, transmitting a list of judgments rendered by that court during the year ending December 3, 1892, etc.; which was read.

The VICE-PRESIDENT. The communication, with the accompanying papers, will be referred to the Committee on Claims, and ordered to be printed.

Mr. PLATT. If the communication has reference to the regular judgments which have been rendered during the year I think it should go to the Committee on Appropriations.

Mr. COCKRELL. Yes, if it is a list of final judgments actually rendered, it ought to go to the Committee on Appropriations.

The VICE-PRESIDENT. If there be no objection, the communication will be referred to the Committee on Appropriations.

Mr. MITCHELL. I desire to inquire if it is a report from the Court of Claims under the Bowman act or under the Indian depredation act or under the judicial act.

Mr. COCKRELL. It is made under the judicial act necessarily, if the Court of Claims rendered judgment.

Mr. HARRIS. I suggest that the communication be printed and lie on the table until we can look at it, and then there will be no doubt about the committee to which it ought to be referred.

The VICE-PRESIDENT. It will be so ordered, in the absence of objection. The communication, with the accompanying papers, will lie on the table and be printed.

INDUSTRIAL CHRISTIAN HOME ASSOCIATION OF UTAH.

The VICE-PRESIDENT laid before the Senate the annual report of the board of management and control of the Industrial Christian Home Association of Utah; which was referred to the Committee on Territories, and ordered to be printed.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented the memorial of C. O. Willis and 43 other citizens of Vicksburg, Miss.; the memorial of M. M. Suns and 47 other citizens of Washington, Ga.; the memorial of F. W. Petty and 23 other citizens of Henderson, Miss.; the memorial of G. Ligon of Okolona, Miss.; a memorial of the Cotton Exchange of Savannah, Ga.; the memorial of Edgar A. Stacey and 33 other citizens of Maxime, Miss.; the memorial of C. S. McCall and 42 other citizens of Bennettsville, S. C.; the memorial of J. M. Wilson and 20 other citizens of Fayetteville, Tenn.; the memorial of O. W. Hunter and 56 other citizens of Athens, Ga.; the memorial of J. E. Stenn and 55 other citizens of Athens, Ga.; the memorial of C. H. Strong and 35 other citizens of Atlanta, Ga.; the memorial of L. Olsby, of West Point, Miss.; the memorial of R. M. Foster and 52 other citizens of Marion, Ala.; the memorial of T. O. Ellis and 49 other citizens of Hodges, S. C.; the memorial of O. W. Branch & Co. and 40 other citizens of Richmond, Va.; a memorial of the Memphis (Tenn.) Cotton Exchange; the memorial of J. R. Williams and 40 other citizens of Ellaville, Ga.; the memorial of E. A. Collins and 42 other citizens of Milan, Tenn.; the memorial of Frank B. Sliger, president of the First National Bank, and 86 other citizens of Helena, Ark.; the memorial of C. W. T. Weldon and 43 other citizens of Ladonia, Tex.; the memorial of J. A. Anderson and 41 other citizens of Newnan, Ga.; the memorial of D. W. James and 34 other citizens of Blakely, Ga.; the memorial of Fulmer, Thornton & Co., of Memphis, Tenn.; the memorial of L. Samuels and 48 other citizens of Marlin, Ala., and the memorial of Whaley & Renis and 32 other citizens of Charleston, S. C., remonstrating against the passage of the antioption bill; which were ordered to lie on the table.

He also presented the petition of J. B. Sharp, of Boston, Mass., and 1,530 other citizens residing in various parts of the United States, praying Congress to repeal the act closing the World's Columbian Exposition on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

Mr. GEORGE presented a memorial of citizens of Yazoo County, Miss.; a memorial of citizens of Natchez, Miss.; a memorial of citizens of Yazoo City, Miss., and a memorial of citizens of Canton, Miss., remonstrating against the passage of the antioption bill; which were ordered to lie on the table.

Mr. SHERMAN presented petitions of 80 citizens of Canton, of 282 citizens of Richfield, of 44 citizens of Sylvania, of 88 citizens of Greenwich, of 40 citizens of Springfield, of the Young People's Society of Christian Endeavor of Eaton, of 17 citizens of Rutland, of the Young People's Society of Christian Endeavor of the First Presbyterian Church of Middleton, of 84 citizens of Dayton, of 40 citizens of Wyoming, of 85 citizens of Cleveland, and of 25 citizens of Columbus, all in the State of Ohio, praying Congress not to repeal the law closing the World's Columbian Exposition on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

He also presented the petition of Philip Hawk, of Canton, Ohio, praying that he be granted a pension of $125 per month; which was referred to the Committee on Pensions.

He also presented petitions of the Journeymen Tailors' Unions of Newark, Cincinnati, and Massillon, all in the State of Ohio, praying for the passage of House bill 8535, limiting the free entry of wearing apparel of foreign manufacture; which were referred to the Committee on Finance.

He also presented the petition of Aden Benedict, of Bennington, Ohio, praying to be reimbursed for commutation money paid by him in 1864, he having subsequently enlisted; which was referred to the Committee on Claims.

He also presented a petition of the Zanesville (Ohio) Trades and Labor Council, praying that Congress so amend the immigration laws as to give the President power to suspend all traffic between this country and countries where contagious diseases are epidemic; which was referred to the Committee on Immigration.

He also presented a petition of the United Presbyterian Church of Scotch Ridge, Ohio, praying for the passage of the antioption bill; which was ordered to lie on the table.

Mr. PADDOCK presented a petition of the Twenty-fourth General Assembly of the State of Iowa, praying for the prompt passage of the Washburn-Hatch antioption bill; which was ordered to lie on the table.

He also presented the petition of J. George Seltzer, of Boston, Mass., praying for the prompt passage of House bill 9350, to promote the safety of employés upon railroads by compelling common carriers in interstate commerce to equip their cars with automatic couplers and continuous brakes; which was referred to the Committee on Interstate Commerce.

He also presented petitions of the Journeymen Tailors' Unions of Lincoln and Omaha, Nebr., praying for the passage of House bill 8535, limiting the free entry of wearing apparel of foreign manufacture; which were referred to the Committee on Finance.

He also presented a memorial of the Cotton Exchange of Memphis, Tenn., remonstrating against the passage of the Washburn-Hatch antioption bill; which was ordered to lie on the table.

He also presented the petitions of A. S. Jones and 18 other citizens of Sedgwick County; of C. E. Gray and 64 other citizens of Platte County; of R. V. Hunter and 20 other citizens of York County; of George Lynn and 20 other citizens of Adams County; of J. B. Smithers and 43 other citizens of Butler County; of J. P. Anderson and 42 other citizens of Gage County; of J. M. Nickerson and 22 other citizens of Hall County, and of B. R. Mulkey and 19 other citizens of Sedgwick County, all in the State of Nebraska, praying for the appointment of a Senate

committee to investigate the combine formed to depreciate the price of grain and now existing between the elevators, millers, and railroads at Minneapolis and St. Louis, and also for the postponement of the Washburn-Hatch antioption bill until such committee reports; which were ordered to lie on the table.

Mr. McMILLAN presented petitions of the Journeymen Tailors' Unions of Ann Arbor, Saginaw, Kalamazoo, and Jackson, Mich., praying for the passage of a bill to limit the free entry of wearing apparel of foreign manufacture; which were referred to the Committee on Finance.

Mr. MITCHELL. I present a petition of citizens of Umatilla County, Oregon, praying that the unsold portion of the agricultural lands of the Umatilla Indian Reservation be sold to actual settlers thereon in tracts not to exceed 160 acres, and that the lands unfit for cultivation be sold in tracts to suit settlers, not to exceed 640 acres, at the appraised value thereof. There is a bill pending to carry out the recommendation of the petitioners, and I believe it is before the Committee on Public Lands. I am not certain of this, but in that case the petition should go there. Unless there is objection, I ask that the petition be referred to the Committee on Public Lands.

Mr. DAWES. A bill of this character (I do not know that it is the one to which the Senator alludes) was reported from the Committee on Public Lands, and on their recommendation referred to the Committee on Indian Affairs, where I think it is now. It may not be the same bill.

Mr. MITCHELL. In that view of the case I ask that the petition be referred to the Committee on Indian Affairs.

The VICE-PRESIDENT. The petition will be referred to the Committee on Indian Affairs, if there be no objection.

Mr. MITCHELL presented the petition of Jason Wheeler, of Albany, Oregon, late United States Indian agent at Warm Springs Agency, Oregon, praying to be reimbursed for property alleged to have been lost and stolen during his administration of that office; which was referred to the Committee on Claims.

He also presented a petition of the Legislature of Iowa, praying for the passage of the Hatch antioption bill; which was ordered to lie on the table.

Mr. PEFFER. I present the petition of J. S. Humphrey and 18 other citizens of Reno County, Kans., praying for the appointment of a Senate committee to investigate the combine formed to depreciate the price of grain, and now existing between the elevators, millers, and railroads at Minneapolis and St. Louis, and praying for the postponement of the Washburn-Hatch antioption bill until such committee reports.

I also present another petition on the same subject signed by John Trouth and 44 other citizens of Logan County, Kans.

I ask that the petitions be referred to the Committee on Agriculture and Forestry.

The VICE-PRESIDENT. The petitions will lie on the table, if there be no objection.

Mr. COCKRELL. I desire to call the attention of the Senator from Kansas to the fact that the Chair does not refer the petitions to the Committee on Agriculture, but suggests that they be laid on the table. The Senator from Kansas asked specifically that the petitions should be referred.

The VICE-PRESIDENT. The bill has been reported.

Mr. COCKRELL. Still the petitions may be referred to the committee.

Mr. BUTLER. One of the petitions prays for the appointment of a committee.

Mr. PEFFER. What disposition has been made of the petitions?

The VICE-PRESIDENT. Both petitions refer to the so-called Washburn-Hatch option bill.

Mr. PADDOCK. That bill is now pending before the Senate.

Mr. BUTLER. But one of the petitions presented by the Senator from Kansas, I understand, prays for the appointment of a commission to inquire into special matters in Minneapolis and St. Louis.

The VICE-PRESIDENT. The petitions will be referred to the Committee on Agriculture and Forestry, if there be no objection.

Mr. HOAR. Should not the petitions go where the bill is?

Mr. PEFFER. The petitions pray for the appointment of a committee of the Senate, and it occurred to me that it would be better to have the matter pass through the hands of the Committee on Agriculture before action is taken.

The VICE-PRESIDENT. The petitions will be so referred, in the absence of objection.

Mr. PADDOCK. I desire to say that the petitions relate to the general antioption proposition which is now pending before the Senate, and that bill was considered by the Committee on the Judiciary. While the Committee on Agriculture would be very glad to consider any such subject, as it seems to have been forestalled before in the consideration of this particular measure, perhaps the petitions should take the same direction the bill did. The committee is not unwilling to take any responsibility, and it was not before; but it was not permitted to take the responsibility then, and it is perfectly willing that the same committee which took the responsibility before should take it now in reference to this particular matter.

Mr. WASHBURN. The petitions presented have no more to do with the antioption bill than with a tariff bill. They are petitions praying Congress to raise a committee to investigate certain matters. Such a petition has no more to do with the antioption bill than with any other bill, although it is attempted to be dragged in in that connection. Therefore I think the petitions should go to a committee, and that the Committee on Agriculture, where the antioption bill ought to have gone in the start.

Mr. PADDOCK. The Committee on Agriculture interposes no further objection.

Mr. HOAR. These petitions seem to relate principally to a particular case, to wit, a combination between the elevators, millers, and railroads of Minneapolis and St. Louis. They do not relate principally to the general subject of the antioption bill, although incidentally they pray that the consideration of the antioption bill shall be delayed until that matter can be inquired into. It seems to me the proper reference is to the Committee on Agriculture.

The VICE-PRESIDENT. The petitions will be referred to the Committee on Agriculture and Forestry.

Mr. PEFFER presented a petition of citizens of Little River, Kans., praying for the enactment of such legislation as will prohibit the sale of liquor at the National Soldiers' Home in Leavenworth, Kans.; which was referred to the Committee on Military Affairs.

He also presented a petition of Windom Chapter of the Epworth League of McPherson County, Kans., and two petitions of McPherson Chapter of Epworth League of McPherson County, Kans., praying that the World's Columbian Exposition be closed on Sunday, and that the sale of intoxicating liquors be prohibited thereat; which were referred to the Committee on the Quadro-Centennial (Select).

He also presented a memorial of members of the Seventh-Day Adventist Church of Concordia, Kans., remonstrating against the commitment of the United States Government to a union of religion and the state by the passage of any legislation closing the World's Columbian Exposition on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

Mr. CALL. I present petitions of the county commissioners of Brevard County, Fla., and various other boards of county commissioners and boards of trade in that State, praying that a special appropriation be made for a national harbor of refuge at Cape Canaveral, Florida. I move that the petitions be referred to the Committee on Commerce.

The motion was agreed to.

Mr. KYLE. I present the petition of A. C. Hooper and 24 other citizens of Minnehaha County, S. Dak.; the petition of M. V. Mulcahy and 23 other citizens of Union County, S. Dak., and the petition of E. B. Elmore and 20 other citizens of Clay County, S. Dak., praying for the appointment of a Senate committee to investigate the combine formed to depreciate the price of grain now existing between elevators, millers, and railroads at Minneapolis and St. Louis, and praying for the postponement of the Washburn-Hatch antioption bill until such committee reports.

These petitions, in my judgment, come indirectly from the Board of Trade of Chicago and directly from citizens of my own State, having been mailed through an executive committee in Iowa. I move that the petitions be referred to the Committee on Agriculture and Forestry.

The motion was agreed to.

Mr. CULLOM presented petitions of all the Christian churches of Clayton, Ill., praying that no action be taken looking to a repeal of legislation closing the World's Columbian Exposition on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

He also presented petitions of the Journeymen Tailors' Unions of Jacksonville, Alton, Bloomington, Champaign, and Galesburg, all in the State of Illinois, praying for the passage of House bill 8535, limiting the free entry of wearing apparel of foreign manufacture; which were referred to the Committee on Finance.

COMMITTEE SERVICE.

Mr. GORMAN. Near the close of the last session, in the temporary absence of the Senator from North Carolina [Mr. VANCE], he was excused from further service on the Committee to Audit and Control the Contingent Expenses of the Senate, and I was appointed in his place. I ask that I may now be relieved from further service on that committee, and that he be reappointed.

The VICE-PRESIDENT. If there be no objection, the Senator from Maryland [Mr. GORMAN] will be excused from further

service upon the Committee to Audit and Control the Contingent Expenses of the Senate, and the Senator from North Carolina [Mr. VANCE] will be appointed in his place.

BILLS INTRODUCED.

Mr. BUTLER introduced a bill (S. 3500) to amend an act entitled "An act to credit and pay to the several States and Territories, and the District of Columbia, all moneys collected under the direct tax levied by the act of Congress approved August 5, 1861," approved March 2, 1891; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Finance.

Mr. SHERMAN introduced a bill (S. 3501) granting an increase of pension to Mary A. L. Eastman; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 3502) granting a pension to Frank Rabiska; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 3503) granting a pension to Christina Vogt; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. BATE introduced a bill (S. 3504) to repeal all statutes relating to supervisors of elections and special deputies; which was read twice by its title.

Mr. BATE. I ask that the bill lie on the table for the present.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The bill will lie on the table.

Mr. PADDOCK introduced a bill (S. 3505) to remove the charge of desertion from the military record of George Miller; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced a bill (S. 3506) for the relief of John Palmier, Pine Ridge, Shannon County, S. Dak.; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 3507) for the relief of George H. Jewett, of Arlington, Washington County, Nebr.; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. HUNTON introduced a bill (S. 3508) to incorporate the Washington and Marlboro Electric Railway Company of the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 3509) for the relief of the heirs of the late Mrs. Mary Ann Randolph Custis Lee, of Fairfax County, Va.; which was read twice by its title, and referred to the Committee on Claims.

Mr. FRYE introduced a bill (S. 3510) to amend section 4347 of the Revised Statutes of the United States; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 3511) granting a pension to Mrs. Annie A. Townsend; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3512) to provide communication from light-ships and outlaying light-houses to the shore; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Commerce.

Mr. CHANDLER introduced a bill (S. 3513) for the suspension of immigration for one year; which was read twice by its title, and referred to the Committee on Immigration.

Mr. CHANDLER. I move that 2,000 copies of the bill just introduced be printed for the use of the Senate.

The motion was agreed to.

Mr. PEFFER introduced a bill (S. 3514) to prohibit the collection of special liquor taxes from persons other than those who are duly authorized by State laws to traffic in intoxicating liquors; which was read twice by its title, and referred to the Committee on Finance.

He also introduced a bill (S. 3515) for the relief of Charles Williamson, late assistant surgeon, Twelfth Kansas State Militia; which was read twice by its title, and referred to the Committee on Pensions.

He also (by request) introduced a bill (S. 3516) to fix the rank of officers and enlisted men of the Army of the United States retiring after long and faithful service; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. CULLOM introduced a bill (S. 3517) for the relief of Augustus G. Kellogg; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also introduced a bill (S. 3518) granting to Ira Bacon, of Company A, Fifty-second Regiment Indiana Volunteers, an additional bounty of $100; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. CALL introduced a bill (S. 3519) for the construction of a breakwater and harbor of refuge at or near Cape Canaveral, State of Florida; which was read twice by its title, and referred to the Committee on Commerce.

Mr. MITCHELL introduced a bill (S. 3520) for the relief of Jason Wheeler, late United States Indian agent at Warm Springs Agency, Oregon; which was read twice by its title, and referred to the Committee on Claims.

Mr. SHERMAN (by request) introduced a bill (S. 3521) to amend the charter of the Eckington and Soldiers' Home Railway Company, of the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. VEST introduced a bill (S. 3522) to create a bureau in the Department of Agriculture for the giving public information of the production and shipping of live stock; which was read twice by its title, and referred to the Select Committee on the Transportation and Sale of Meat Products.

Mr. HALE introduced a bill (S. 3523) to further increase the Naval Establishment; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. KYLE introduced a joint resolution (S. R. 116) extending the powers of the United States Government Exhibit Board; which was read twice by its title, and referred to the Committee on Education and Labor.

Mr. VEST introduced a joint resolution (S. R. 117) authorizing the appointment of a commission to treat with the five civilized tribes of the Indian Territory with a view of making agreements to induce them to take homesteads in severalty; which was read twice by its title.

Mr. VEST. I ask that the joint resolution lie on the table. I shall call it up to-morrow or on a subsequent day.

The PRESIDING OFFICER. The joint resolution will lie on the table.

Mr. COCKRELL introduced a joint resolution (S. R. 118) to print the fifteenth number of the Statistical Abstract of the United States for the year 1892; which was read twice by its title.

Mr. COCKRELL. I ask that the joint resolution be printed and referred to the Committee on Printing, and I hope the committee will take prompt action in reporting it back.

The PRESIDING OFFICER. The joint resolution will be so referred.

WITHDRAWAL OF PAPERS.

On motion of Mr. SHERMAN it was

Ordered, That James Petty be allowed to withdraw his papers from the files of the Senate.

Mr. SHERMAN. If there are no further bills to be introduced——

Mr. COCKRELL. I should like to offer a resolution.

Mr. PEFFER. And I.

Mr. SHERMAN. I withhold the motion, but I wish to move an executive session as soon as the morning business is concluded.

CIVIL SERVICE COMMISSION REPORT.

Mr. COCKRELL submitted the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That 23,000 copies of the ninth annual report of the United States Civil Service Commission with appendices be printed, of which 1,000 copies shall be for the use of the Senate, 2,000 copies for the use of the House of Representatives, and 20,000 copies for the use of the United States Civil Service Commission.

COMPENSATION OF LETTER-CARRIERS.

Mr. HOAR submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Postmaster-General be directed to inform the Senate of the facts, so far as known to his Department, affecting the claim of letter-carriers in cities which contain a population of 75,000 inhabitants to a larger compensation than they have received under the act of January 3, 1887, section 2; and, if in his opinion such letter-carriers are legally or in justice entitled to a compensation larger than they have received, to communicate to the Senate an estimate of the amount which will be necessary for the purpose.

KILLING OF FRANK RILEY.

Mr. MITCHELL submitted the following resolution; which was referred to the Committee on Foreign Relations, and ordered to be printed:

Resolved, That the President be and he hereby is requested, if not incompatible with the public interests, to transmit to the Senate, at his earliest convenience, copies of all correspondence on file in the Department of State, if any, relating to the alleged killing of Frank Riley, an American sailor of the United States steamship Newark, in Genoa, Italy, in August or September last.

RAILROAD INTERESTS.

Mr. PEFFER submitted the following resolution; which was ordered to lie on the table and be printed:

Resolved by the Senate, That the Committee on Interstate Commerce be, and it is hereby, instructed to inquire and report as follows:

First. What is the separate and what the aggregate capitalization of the railroad corporations of the United States which are engaged in interstate commerce?

Second. What was the actual original cost of constructing and equipping said roads?

Third. What is the present value of the roads; that is, what would be the cost of building and stocking roads as good as they and on the same lines at the present value of materials and labor?

Fourth. What is the average number of salaried officers employed and paid by the several railroad companies; what is the total amount of money paid such officers annually as salaries; what is the average yearly wages paid locomotive engineers, firemen, and passenger conductors, and what is the average daily or monthly wages paid all other employés?

Fifth. What has been the general effect of the operation of the interstate-commerce law on the business, and the net earnings of the roads; has the cost of transportation been reduced; has the reduction, if any, been on through traffic or on local traffic; has the effect been uniform throughout the country?

Sixth. What has been the aggregate annual gross earnings and the aggregate net earnings of the roads during the last five years?

Seventh. What has been the average cost of moving passengers and freight on said roads during the last five years, computing by distance and weight?

Eighth. What is the actual and the relative cost of moving passengers and freight in different parts of the country, indicating the sections where such differences exist?

Ninth. Basing the estimate on the traffic of the last five years, and allowing an annual interest rate of 5 per cent on the actual present value of the roads, what would be equitable charges for carrying passengers and freight in the United States, said charges to be the same on all the roads?

Tenth. Would it be practicable to consolidate the interstate railroad business so as to establish and maintain uniform charges for carriage in all parts of the country and to fairly settle at one place all just differentials?

The committee will report as early as practicable. It may act by subcommittee of two or more of its members, may sit during sessions of the Senate, and if it be found that any part of the information asked for by this resolution can not be procured without the use of money specially appropriated the committee will report that fact to the Senate, setting out what can not be so procured.

ADDITIONAL SENATE EMPLOYÉ.

Mr. McMILLAN submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That, until further ordered, the Sergeant-at-Arms is directed to employ one attendant in ladies' retiring room, Senate wing of the Capitol, at the rate of $720 per annum, said employé to be paid from the miscellaneous items of the contingent fund of the Senate.

CENSUS ENUMERATORS.

Mr. VEST submitted the following resolution; which was read:

Whereas it has been charged by the public press that officials of the Government employed in the Census Bureau of the Interior Department have been guilty of gross misconduct for partisan purposes, and especially that the enumerators appointed to make the enrollment of population for the census of 1890 in the State of Missouri and elsewhere, did, under instructions from certain officers of the Bureau, make at the same time lists of voters for partisan use;

And also, that certain clerks and accountants employed in said Bureau were sent to the State of New York during the recent canvass to perform partisan service while drawing pay from the Government: Therefore,

Resolved, That the Committee on the Census is directed to investigate said charges, and to report by bill or otherwise; that said committee have power to send for persons and papers, and to employ a stenographer, the expenses to be paid out of the contingent fund of the Senate.

The PRESIDING OFFICER. Does the Senator from Missouri ask for the present consideration of the resolution?

Mr. HALE. Let it lie over for a day or two. I wish to examine it.

The PRESIDING OFFICER. The resolution will go over under the rule.

Mr. VEST. As a matter of course there is no objection to that course. However, I hope the Senator from Maine will permit me to say a few words before the resolution goes over.

Mr. HALE. Certainly; I withdraw the request for the present.

Mr. VEST. Mr. President, I am not in the habit of offering sensational resolutions or submitting resolutions to the Senate without what I consider absolutely sufficient proof for the allegations contained in them. I have no disposition to rake up the débris of the late canvass for any purpose whatever; but during that canvass in my own State it was publicly charged and very generally believed by a majority of the people of the State that the Census Bureau had been used in 1890 for political purposes and that the result of that use had been made evident in the canvass of 1892. It was stated in the public press, and I hold in my hand one of these statements, over the name of Mr. Isaac Isaacs, the secretary of the Republican League of Missouri, that the enumerators in the different townships of the State in 1890 had been instructed by the chief enumerator of the State of Missouri, with the knowledge and consent of the Census Bureau, to make a political poll of the State for partisan purposes.

Without reading this statement at length, I will ask that it be made a portion of my remarks, for it is the basis of them.

The statement referred to is as follows:

The charges are made by Mr. Isaac Isaacs, of Kansas City, ex-secretary of the Missouri State League of Republican Clubs, and he states that he has ample documentary evidence of their truth. Mr. Isaacs left for Kansas City last night, but before his departure he furnished a Republic reporter with information that indicates that the census of 1890 was made the occasion both of booming Major Warner for the position to which he now aspires and for ascertaining the exact strength of the Administration in this State. That the census enumeration was put to a similar use in other States also appears probable from Mr. Isaacs's statement.

The use of the census for political purposes constitutes a serious offense against the civil-service act. Although the statements of Mr. Isaacs, which refer to what occurred in 1890, may appear to be ancient, they deal with matters which have never before come to light, and which are of peculiar importance at the present time, when their effect is felt in both the State and national campaign.

A CONFERENCE.

Chief Census Enumerator Brock was appointed in 1890. According to Mr. Isaacs, he was summoned shortly afterward to a conference at Washington with Maj. William Warner and Gen. John W. Noble. "Exactly what occurred at that conference," said Mr. Isaacs last night, "is of course known to the three gentlemen alone, but a great deal can be imagined from subsequent developments. It is evident that Maj. Warner had already been decided upon by the Administration as standard-bearer in Missouri, and that his nomination for governor was recognized even then as a necessity. It is also apparent that the Administration was somewhat fearful of the situation in this State, and probably in others as well, for it is almost certain that the same tactics were pursued in other States as were subsequently made use of here as a result of the conference.

That those matters were discussed may be accepted as a fact. At any rate, it was decided at that conference that Brock should instruct his census enumerators here to make a thorough poll of the State while they were at work on the census returns. These enumerators were appointed by the postmasters in the State. These appointments were, of course, made under the civil-service act, and the polling of the State, being a political matter, was of course an offense against that act. To avoid the risk of refusal on the part of the enumerators to commit the crime, the postmasters were instructed to appoint only such as would have no scruples, and the scheme worked to perfection. Incidentally, I may state that the returns from the polling showed 45,000 doubtful Republicans in the State and 15,000 doubtful Democrats.

DOCUMENTARY EVIDENCE.

"These men were furnished by Mr. Brock with regulation poll books, in which each man's name was put down, with his political faith directly opposite it. These poll-books were returned with the census blanks, and I am now in possession of several of them. I also have letters from Washington, directed to the chairman of the county committees of the State, informing them of what had been done and directing them what course to pursue in the premises. The letters I secured from the chairman of the Randolph County committee at Moberly, Mo., and the books and additional information from prominent attachés of the Interior Department.

"To make the offense even more grave," continued Mr. Isaacs, "these same census enumerators were instructed by Mr. Brock, through the postmasters, to let all Federal officeholders know that under no circumstances were they to allow the election at the primaries of any delegates to the State Republican convention, when they should be held, who were not enthusiastic for Maj. Warner. This was duly conveyed to every deputy marshal and officeholder in the State by the enumerators, and the result was the nomination of Maj. Warner and the defeat of the Filley forces. The effect of course was not so much felt in the large cities, where every Republican took an interest in the primaries, and Mr. Filley, you recollect, carried St. Louis. But in the smaller towns, where the primaries were left to be run by the postmasters, United States marshals, and the rest of the Federal employés, the end desired was easily accomplished. The result was that there were 235 Federal officeholders in the convention, all following instructions to defeat Filley and elect Warner at any cost.

"The Warner faction is now administering sugar-coated pills to Mr. Filley, but with what result will be seen at the coming elections."

Mr. Isaacs stated that he was prepared to submit the proof of his assertions at any time that he might be called upon, having documentary evidence right at hand. "They do not dare to deny their truth, though," said he, "because they are aware that the facts have been known to numerous people for the past two years."

Mr. Isaacs, in this statement, which was the result of a disagreement between himself and the authorities of the Republican party represented in the Republican league, stated emphatically and distinctly that he could produce the record proof of his statement that the enumerators engaged in taking the census in Missouri had been used for the purpose of taking a poll of the voters in order to ascertain the strength of the respective parties in the State.

It is well known that the Democrats of Missouri were very much astonished at the activity and aggressiveness which characterized the Republican party in the recent canvass. They had been in a moribund condition for nearly a quarter of a century, but for some reason which we could not see they exhibited in this canvass, from the beginning to the end, an aggressiveness which has been unparalleled in the history of that party in our State since 1865. It has transpired now through these statements of Mr. Isaacs that the poll made by the enumerators in 1890 satisfied the Republican leaders, and especially the candidate of the Republican party for governor, that a great change had taken place in the political sentiment of the people of my State, and that his party could succeed in the last canvass.

I have here, furnished me by a Republican, a letter extremely significant in this connection, from the chairman of the Republican county committee of one of the largest counties in the State, Macon County. As it is short I will read it, as indicating the entire trend and object of this movement:

MACON, MO., *March 1, 1890.*

DEAR SIR: Yours to hand. In reply would say that I inclose blank application for Mr. Dinsmore to fill up and return to me here, so I can indorse his application. We are aware of the importance of the Ardmore vote in our next campaign, as on that we expect to overthrow the Democracy in Macon County in our next campaign; and I want men for enumerators that are true blue, and we want them to make a poll of the county, and to take the names of all young men who will vote three years hence. Of course this poll is independent of the Government work.

I am truly yours,

J. W. PATTON,
Chairman County Republican Committee.

Mr. W. E. MURLIN, *Ardmore, Mo.*

I applied at the Census Bureau to ascertain whether this gentleman, Mr. Dinsmore, had been appointed an enumerator. I

find that he was appointed; and I have also in my hand his official report, if it can be called one, to the Republican authorities for the township in Macon County of which Ardmore is the post-office, G. W. Dinsmore being the enumerator. This contains a political poll of voters as originally made out and furnished to the Republican authorities.

I have also here for the use of the committee, if the resolution should be adopted, a similar poll made for the adjoining county of Randolph, showing that beyond question this work was done, and how thoroughly done we only know by the result as evidenced in the activity and aggressiveness of the Republican party in the last canvass.

I bring this matter up now, Mr. President, for two reasons: First, because any party responsible for the conduct of its officials must desire that if they have abused their authority and prostituted their official position for partisan purposes they should be exposed and punished. If either party in this country or its members and officers have been guilty of such misconduct the public interest demands that it should be made known. In the second place, I bring this matter up now because if postponed until the next Administration comes into power and the officials implicated in it have gone out of office it might be said that I had taken advantage of that fact to make an attack upon them.

I make these statements here and produce the proof publicly, openly, and emphatically, in order that an investigation may be had, and that they shall have an opportunity to defend themselves.

Mr. HALE. Mr. President, as I came into the Chamber while the resolution submitted by the Senator from Missouri [Mr. VEST] was being read, I did not get its full scope and purpose, and therefore invoked the rule under which a single objection would carry it over, in order that it might be examined. I can assure the Senator from Missouri that the resolution will have between now and to-morrow morning a careful examination from me, and I do not presume that any objection will be raised to the investigation the Senator seeks under the resolution, as I understand it.

The Senator has not been in the habit, as he says, in his long service here of introducing sensational resolutions, and I know he does not intend that now, but I can not help thinking he has been led into this step by a matter which when investigated will be found to have no substance. The great Census Bureau has done an immense work for the entire nation. From my acquaintance with it as chairman of the Census Committee of this body, and keeping in close touch with its work, I am able to say in all sincerity that I have never known so great a body of valuable work done for the whole public with so little political bias as the work of the last census.

It may well have happened that among nearly a quarter of a million employés of one kind and another throughout the country there has been found somewhere some superserviceable man who in his own State or his own county or his own voting precinct has believed that his position as a census enumerator or supervisor authorized him to do something for his party; but that any feeling or disposition of that kind has ever received support from the Superintendent here or from any leading official in the Census Bureau I do not believe. The work shows for itself. It is two years and more since the enumeration work has been completed, and the fact that up to this day there has been no charge that this great work was prostituted to party operations and to party services shows how good it has been.

Speaking for the census work and for the employés of that great Bureau, I am entirely free to say to the Senator from Missouri, and to other Senators here, that when the committee takes this matter up, if it finds on exploration that it is of importance enough to be investigated with all the paraphernalia that the Senator has surrounded it with in his resolution, then the committee will give it just that investigation. I think, however, the Senator will find that what he calls the abnormal energy of the Republican party in Missouri, which I am very glad to hear was developed in the last campaign, has other causes, other motives, other inspirations than what came from the Census Bureau. I do not myself believe that in the canvass in the Senator's State the voters of that party were in any degree, appreciably or inappreciably, influenced by anything the Census Bureau had or had not done. There are other things, Mr. President, which made the Republicans uncommonly active in Missouri, and I am very glad they were so. I wish they had been uncommonly active in other States for other reasons. It is an encouraging thing just now to have the Senator from this great Democratic State, who bears fair and frank testimony, come forward and state to us on this side that there was exhibited in Missouri an abnormal and heretofore unknown energy. I bid the Republicans in Missouri Godspeed in that respect.

Mr. VEST. Mr. President, I simply wish to supplement the last statement of the Senator from Maine with the information that the Republican party received fewer votes in Missouri than at the preceding election four years ago. Their activity in bringing their principles and arguments before the people of the State resulted in the loss of suffrage.

Mr. HALE. What is the trouble, then?

Mr. VEST. But, Mr. President, that they were active is unquestionable, and it is currently and generally believed in the State that the impression was made by these enumerators upon the leaders of the Republican organization that they had a great many more votes than they really were able to poll.

I simply want to make one additional statement, and then this matter may go over. There is one branch of the resolution to which I did not allude in my opening remarks. It is that which states that certain officials of the Census Bureau were sent to the State of New York during the last campaign to perform party work. It has been stated repeatedly in the public press, and I have no doubt myself in regard to the truth of it, that a large number of clerks of the Census Bureau were detailed or sent, with the permission of the head of that Bureau, to the State of New York in order to perform partisan service for the Republican party. It is a notorious fact, sir, that one of them, appointed from my own State, was arrested in the city of Albany for a violation of the election laws of that State, that he was put in prison, and released some days afterwards, the charge against him being that he had chartered a boat, put upon it provisions and viands, and invited 350 Democrats to go down the river upon an excursion, with the deliberate purpose of keeping them there until the polls had closed.

Mr. MITCHELL. I should like to ask the Senator a question, if he will allow me.

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Oregon?

Mr. VEST. Of course.

Mr. MITCHELL. Does not the Senator from Missouri think that the result in the State of New York shows pretty conclusively that such work was not performed there?

Mr. VEST. The result in New York has nothing to do with what I am stating now, because the attempt was unsuccessful even to the extent of 350 votes. This man was arrested and put in jail. He gave an assumed name, according to the statement in the press, and I am credibly informed that he has been rewarded by being promoted and put in a higher and more lucrative position on account of his pernicious activity during the last canvass.

The PRESIDING OFFICER. The Chair understands the Senator from Maine to desire that the resolution shall go over.

Mr. HALE. Let the resolution lie over until to-morrow.

The PRESIDING OFFICER. The resolution will be printed under the rule, and it goes over until to-morrow, being objected to.

EXECUTIVE SESSION.

Mr. SHERMAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were reopened, and (at 2 o'clock and 45 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, December 7, 1892, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate December 6, 1892.

ENVOYS EXTRAORDINARY AND MINISTERS PLENIPOTENTIARY.

David P. Thompson, of Oregon, to be envoy extraordinary and minister plenipotentiary of the United States to Turkey, to which office he was appointed during the last recess of the Senate, vice Solomon Hirsch, resigned.

William Potter, of Philadelphia, Pa., to be envoy extraordinary and minister plenipotentiary of the United States to Italy, to which office he was appointed during the last recess of the Senate, vice Albert G. Porter, resigned.

AGENT AND CONSUL-GENERAL.

Edward C. Little, of Abilene, Kans., to be agent and consul-general of the United States at Cairo, to which office he was appointed during the last recess of the Senate, vice John A. Anderson, deceased.

CONSULS.

Corvis M. Barre, of Hillsdale, Mich., to be consul of the United States at Valparaiso, to which office he was appointed during the last recess of the Senate, vice William B. McCreery, resigned.

John P. Eirich, of Columbus, Ohio, to be consul of the United States at Antigua, West Indies, to which office he was appointed during the last recess of the Senate, vice Richard Herbst, declined.

John C. Sundberg, of San Francisco, Cal., to be consul of the United States at Bagdad, to which office he was appointed during the last recess of the Senate, vice John H. Haynes, resigned.

William R. Estes, of Madelia, Minn., to be consul of the United States at Hamburg, to which office he was appointed during the last recess of the Senate, vice Charles F. Johnson, resigned.

Bradstreet S. Rairden, of Bath, Me., to be consul of the United States at Batavia, to which office he was appointed during the last recess of the Senate, vice Oscar Hatfield, resigned.

William Heimke, of Kansas, formerly vice-consul at Chihuahua, to be consul of the United States at that place, to which office he was appointed during the last recess of the Senate, to fill a vacancy.

Orlando H. Baker, of Indianola, Iowa, to be consul of the United States at Copenhagen, to which office he was appointed during the last recess of the Senate, vice Henry B. Ryder, recalled.

Ransom F. McCrillis, of Danvers, Mass., to be consul of the United States at Denia, to which office he was appointed during the last recess of the Senate, vice Oscar Malmros, resigned.

J. Alexander Forbes, of San Francisco, Cal., to be consul of the United States at Guaymas, to which office he was appointed during the last recess of the Senate, vice Alexander Willard, deceased.

Louis A. Dent, of the District of Columbia, to be consul of the United States at Kingston, Jamaica, to which office he was appointed during the last recess of the Senate, vice William R. Estes, transferred to Hamburg.

John H. Drake, of Aberdeen, S. Dak., to be consul of the United States at Kehl, to which office he was appointed during the last recess of the Senate, vice Edmund Johnson, recalled.

Charles H. Cowan, of Chicago, Ill., to be consul of the United States at Manila, to which office he was appointed during the last recess of the Senate, vice Alexander R. Webb, resigned.

W. Stanley Hollis, of Boston, Mass., to be consul of the United States at Mozambique, to which office he was appointed during the last recess of the Senate, vice Ernest W. Smith, resigned.

COLLECTOR OF CUSTOMS.

Kenneth R. Pendleton, of North Carolina, to be collector of customs for the district of Albemarle, in the State of North Carolina, to succeed William E. Bond, whose term of office has expired by limitation. Mr. Pendleton is serving under a temporary commission issued during the recess of the Senate.

ASSISTANT APPRAISER OF MERCHANDISE.

Michael Goode, of New York, to be assistant appraiser of merchandise in the district of New York, in the State of New York, to succeed George N. Birdsall, resigned. Mr. Goode is serving under a temporary commission issued during the recess of the Senate.

PROMOTIONS IN THE REVENUE SERVICE.

First Lieut. Robert M. Clark, of Connecticut, to be a captain in the Revenue Service of the United States, to succeed John W. White, deceased. Capt. Clark is serving under a temporary commission issued during the recess of the Senate.

Second Lieut. Walter S. Howland, of Massachusetts, to be a first lieutenant in the Revenue Service of the United States, to succeed Robert M. Clark, promoted. Lieut. Howland is serving under a temporary commission issued during the recess of the Senate.

Third Lieut. Ellsworth P. Bertholf, of New York, to be a second lieutenant in the Revenue Service of the United States, to succeed Walter S. Howland, promoted. Lieutenant Bertholf is serving under a temporary commission issued during the recess of the Senate.

PASSED ASSISTANT SURGEON, MARINE HOSPITAL SERVICE.

Henry D. Geddings, of Alabama, to be a passed assistant surgeon in the Marine Hospital Service of the United States. Mr. Geddings is serving under a temporary commission issued during the recess of the Senate.

Charles P. Wertenbaker, of Virginia, to be a passed assistant surgeon in the Marine Hospital Service of the United States. Mr. Wertenbaker is serving under a temporary commission issued during the recess of the Senate.

ASSISTANT SURGEON, MARINE HOSPITAL SERVICE.

Edgar Strayer, of Pennsylvania, to be an assistant surgeon in the Marine Hospital Service of the United States. Mr. Strayer is serving under a temporary commission issued during the recess of the Senate.

ASSOCIATE JUSTICE, SUPREME COURT DISTRICT OF COLUMBIA.

Louis E. McComas, of Maryland, to be associate justice of the supreme court of the District of Columbia, vice Martin V. Montgomery, resigned. The nominee was appointed on November 17, 1892, during the recess of the Senate.

UNITED STATES MARSHALS.

Charles C. Clarke, of Virginia, to be marshal of the United States for the eastern district of Virginia, vice Richard R. Farr, deceased. The nominee was appointed during the recess of the Senate, on October 14, 1892.

Irving A. Benton, of Utah Territory, to be marshal of the United States for the Territory of Utah, vice Elias H. Parsons, resigned. The nominee was appointed on September 23, 1892, during the recess of the Senate.

ASSISTANT SECRETARY OF THE TREASURY.

John H. Gear, of Iowa, to be Assistant Secretary of the Treasury, to succeed Lorenzo Crounse, resigned. Mr. Gear is serving under a temporary commission issued during the recess of the Senate.

COLLECTOR OF INTERNAL REVENUE.

George W. Miller, of Pennsylvania, to be collector of internal revenue for the twenty-third district of Pennsylvania, to succeed Samuel D. Warmcastle, removed. Mr. Miller is serving under a temporary commission issued during the recess of the Senate.

JUSTICE OF THE PEACE,

Lewis I. O'Neal, of the District of Columbia, to be justice of the peace in the District of Columbia (to be assigned to the city of Washington), his term having expired September 6, 1892. The nominee was appointed on September 1, 1892, during the recess of the Senate.

HOUSE OF REPRESENTATIVES.

TUESDAY, *December 6, 1892.*

The House met at 12 o'clock, noon, and was called to order by the Speaker.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D., as follows:

O, Eternal God, we come to ask Thy blessing upon Thy servant, the President of the United States, and upon his children, stricken by the blows of the Shadow feared of man, that twice within the passing month has crossed the threshold of the White House, and borne away the revered and loving wife and her venerable father. Illumine the encircling gloom by kindling brightly the hallowed words, shining as in characters of celestial gold, "Blessed are the dead who die in the Lord. Yea, saith the Spirit, for they rest from their labors." "O, death, where is thy sting! O, grave, where is thy victory. Thanks be to God which hath given us the victory, through our Lord Jesus Christ."

As the nation comes with its unfeigned and tender sympathy to our Chief Magistrate and his children, grant that the softening and chastening influence of sorrow may open all hearts to receive the kingdom of Him who hath abolished death, and brought life and immortality to light, through His gospel. We humbly pray in His sacred name, our Saviour, Jesus Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

FOREIGN DELEGATES TO PAN-AMERICAN MEDICAL CONGRESS.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting an estimate of appropriation, submitted by the Secretary of State, to meet the expenses of entertaining the foreign delegates to the Pan-American Medical Congress; referred to the Committee on Appropriations, and ordered to be printed.

BOARD OF ORDNANCE AND FORTIFICATION.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting the annual estimate of appropriation for the Board of Ordnance and Fortification for the fiscal year ending June 30, 1894, submitted by the Secretary of War; referred to the Committee on Appropriations, and ordered to be printed.

CONTINGENT EXPENSES, TREASURY DEPARTMENT.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting a report of the contingent expenses of his Department for the fiscal year ending June 30, 1892; referred to the Committee on Expenditures in the Treasury Department, and ordered to be printed.

BOARD OF ORDNANCE AND FORTIFICATION.

The SPEAKER laid before the House a letter from the Acting Secretary of War, transmitting the report of the Board of Ordnance and Fortification, covering the period from October 24, 1891, to October 31, 1892; referred to the Committee on Appropriations, and ordered to be printed.

ANNUAL REPORT OF THE COMPTROLLER OF THE CURRENCY.

The SPEAKER laid before the House the annual report of the Comptroller of the Currency to the second session of the Fifty-second Congress of the United States; referred to the Committee on Banking and Currency, and ordered to be printed.

COMMISSIONER OF LABOR.

The SPEAKER laid before the House a letter from the Commissioner of Labor, transmitting a statement of all moneys expended under his direction during the fiscal year ending June 30, 1892; referred to the Committee on Appropriations, and ordered to be printed.

FISH AND FISHERIES.

The SPEAKER laid before the House a communication from the Commission of Fish and Fisheries, transmitting a statement showing the expenditures under all appropriations for propagation of food fishes during the fiscal year ending June 30, 1892; referred to the Committee on Merchant Marine and Fisheries, and ordered to be printed.

CHARITIES, DISTRICT OF COLUMBIA.

The SPEAKER laid before the House the report of the superintendent of charities for the District of Columbia for the year ending June 30, 1892, with estimates for the year ending June 30, 1894; referred to the Committee on Appropriations, and ordered to be printed.

LIBRARY OF CONGRESS.

The SPEAKER laid before the House a letter from the Chief of Engineers of the United States Army, transmitting a report of the construction of the building for the Library of Congress for the year ending December 1, 1892; referred to the Committee on Appropriations, and ordered to be printed.

REPORTS TO CONGRESS BY PUBLIC OFFICERS.

The SPEAKER laid before the House a letter from the Clerk of the House of Representatives, transmitting a list of reports to be made to Congress by public officers; which was ordered to lie on the table.

FINDINGS OF THE COURT OF CLAIMS.

The SPEAKER laid before the House communications from the Court of Claims transmitting copies of the findings of the Court in claims relating to the following cases; which were referred to the committees named below, and ordered to be printed:

The sloop New York—to the Committee on Claims.

The brig Endeavor—to the Committee on Claims.

The ship Suffolk—to the Committee on Claims.

Anna M. Fitzhugh, deceased, *vs.* the United States—to the Committee on War Claims.

B. J. D. Irwin *vs.* the United States—to the Committee on War Claims.

John R. Bigelow, deceased, *vs.* the United States—to the Committee on War Claims.

Charles Lanman *vs.* the United States—to the Committee on Claims.

Also, a letter from the clerk of the Court of Claims, transmitting to Congress a statement of all judgments rendered by said court for the year ending December 3, 1892, the amounts thereof, the parties in whose favor rendered, and a brief synopsis of the nature of the claims upon which said judgments were rendered; referred to the Committee on Appropriations, and ordered to be printed.

MESSAGE FROM THE PRESIDENT.

A message, in writing, from the President of the United States, was communicated to the House by Mr. PRUDEN, one of his secretaries.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. SHONK, indefinitely, on account of sickness in his family.

To Mr. WEVER, for two weeks, on account of serious illness in his family.

To Mr. FELLOWS, indefinitely, on account of sickness in his family.

ANNUAL MESSAGE OF THE PRESIDENT.

The SPEAKER laid before the House the annual message of the President of the United States; which was read by the Clerk of the House, Hon. JAMES KERR, and which will be found printed in Senate proceedings.

Mr. MCMILLIN. Mr. Speaker, I offer the resolution which I send to the Clerk's desk for present consideration.

The Clerk read as follows:

Resolved, That the message of the President and the accompanying documents be printed, and committed to the Committee of the Whole House on the state of the Union.

The resolution was agreed to.

Mr. MCMILLIN. Mr. Speaker, I ask leave to introduce a resolution to be referred to the Committee on Printing.

The Clerk read as follows:

Resolved, That there be printed for the use of the House copies of the annual message of the President, second session, Fifty-second Congress.

Mr. MCMILLIN. I have left the number blank, so that the committee may insert such number as they think necessary.

The resolution was referred to the Committee on Printing.

DEATH OF HON. JOHN G. WARWICK.

Mr. OUTHWAITE. Mr. Speaker, it has become my painful duty to announce the death of Hon. John G. Warwick, late one of our colleagues and a Representative in this House from the Sixteenth district of the State of Ohio. It is not my purpose at this time to make any remarks upon his life and public services, but I shall at an early day ask this House to devote a few hours to paying a proper tribute to his memory in hearing addresses from his friends upon this floor. I offer the resolutions which I send to the desk and ask their immediate consideration.

The Clerk read as follows:

Resolved, That the House has heard with profound sorrow of the death of Hon. John G. Warwick, late a Representative from the State of Ohio.

Resolved, That the Clerk of the House be directed to transmit a copy of these resolutions to the Senate.

Resolved, That as a mark of respect to his memory the House do now adjourn.

The resolutions were unanimously agreed to.

And accordingly (at 1 o'clock and 40 minutes p. m.) the House adjourned until to-morrow noon.

BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BRECKINRIDGE of Kentucky: A bill (H. R. 9749) repealing certain sections of the Revised Statutes—to the Select Committee on Election of President and Vice-President and Representatives in Congress.

By Mr. CHIPMAN: A bill (H. R. 9750) to protect American workingmen—to the Committee on Labor.

By Mr. SNODGRASS: A bill (H. R. 9751) to authorize the construction of bridges across the Hiwassee, the Tennessee, and the Clinch rivers, in the State of Tennessee—to the Committee on Interstate and Foreign Commerce.

By Mr. HERMANN: A bill (H. R. 9752) to enlarge the powers, rights, privileges, and authority of the United States district judge of Alaska, and to confer additional jurisdiction and power upon the court—to the Committee on the Judiciary.

Also, a bill (H. R. 9753) to amend an act entitled "An act to forfeit certain lands heretofore granted for the purpose of aiding in the construction of railroads, and for other purposes," approved September 29, 1890—to the Committee on the Public Lands.

By Mr. OTIS: A bill (H. R. 9754) to change our monetary system, reduce interest, fix the unit of value, to supply the States with a circulating medium, and for other purposes—to the Committee on Banking and Currency.

By Mr. CAMPBELL: A bill (H. R. 9755) to amend sections 4488 and 4489, Revised Statutes, for the greater safety to navigation—to the Committee on Interstate and Foreign Commerce.

By Mr. LESTER of Georgia: A bill (H. R. 9756) to provide for the amendment of an act of Congress approved January 21, 1891, in regard to the sale of the old site of the public building at Savannah, Ga.—to the Committee on Public Buildings and Grounds.

By Mr. RAYNER: A bill (H. R. 9757) to provide for the better protection of commerce and for the general welfare by the establishment of a national quarantine, etc.—to the Committee on Interstate and Foreign Commerce.

By Mr. RICHARDSON: A bill (H. R. 9758) to amend the charter of the Eckington and Soldiers' Home Railway Company of the District of Columbia—to the Committee on the District of Columbia.

By Mr. HARTER: A bill (H. R. 9759) to provide for the cessation of silver bullion purchases and to replenish the gold stock of the United States—to the Committee on Coinage, Weights, and Measures.

By Mr. BRECKINRIDGE of Kentucky: A joint resolution (H. Res. 164) authorizing the publication of a history and digest of the international arbitrations to which the United States was a party—to the Committee on Foreign Affairs.

By Mr. MCMILLIN: A resolution to print 1,000 copies of the President's annual message—to the Committee on Printing.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as indicated below:

By Mr. BRICKNER: A bill (H. R. 9760) to reimburse The C. Reiss Coal Company for dredging done in Sheboygan Harbor, Wisconsin—to the Committee on Rivers and Harbors.

By Mr. CURTIS: A bill (H. R. 9761) to grant a pension to Margaret Bews—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9762) to grant a pension to Sarah Fraughton—to the Committee on Invalid Pensions.

By Mr. DAVIS: A bill (H. R. 9763) for the relief of Charles Williamson—to the Committee on Invalid Pensions.

By Mr. HERMANN: A bill (H. R. 9764) granting a pension to Jesse Davenport, of Company A, Second Regiment Oregon Mounted Volunteers, in Oregon Indian wars of 1855 and 1856—to the Committee on Pensions.

By Mr. WILSON of Missouri: A bill (H. R. 9765) granting an increase of pension to William Thomas Hancock—to the Committee on Pensions.

Also, a bill (H. R. 9766) granting an increase of pension to Arnold Chance—to the Committee on Pensions.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills; which were re-referred as follows:

The bill (H. R. 2591) removing the charge of desertion from the record of Erastus Confer—the Committee on Pensions discharged, and referred to the Committee on Military Affairs.

The bill (H. R. 2593) granting a pension to Mrs. Caroline M. French—the Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

The bill (H. R. 2594) removing charge of desertion from the record of H. H. Sanborn—the Committee on Pensions discharged, and referred to the Committee on Military Affairs.

The bill (H. R. 2595) for the relief of Almond Munson—the Committee on Pensions discharged, and referred to the Committee on Military Affairs.

The bill (H. R. 4939) for the relief of Samuel Marvin, Company G, One hundred and ninety-third New York Volunteers—the Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BELTZHOOVER: Petition of Rebecca Nickle, of Holly Springs, Cumberland County, Pa., asking for a pension—to the Committee on Invalid Pensions.

By Mr. BRECKINRIDGE of Arkansas: Papers to accompany a petition of 31 citizens of Arkansas for the removal of the charge of desertion against Thomas Hardin—to the Committee on Military Affairs.

By Mr. HERMANN: Petition of physicians of Oregon, asking that Congress extend aid to the Pan-American Congress to be held in Washington City, September 5, 1893—to the Committee on Appropriations.

Also, petition of Samuel Ames and others, of Oregon, protesting against legislation to close the Columbian Exposition on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. KENDALL: Petition of William S. Pierce, of Frenchburg, Ky.—to the Committee on Invalid Pensions.

By Mr. OUTHWAITE: Petition of E. J. Evans and other citizens of Columbus, Ohio, protesting against the repeal of the law closing the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. PEEL: Petition of Mark Jackson, late private of Company C, First Regiment Arkansas Cavalry, Mexican war—to the Committee on Invalid Pensions.

By Mr. TOWNSEND: Petition of Public Musicians' Protective Union, No. 46, of Pueblo, Colo., in favor of Senate bills 1467 and 1468 and House bills 551 and 552—to the Committee on Military Affairs.

Also, two petitions of citizens of Colorado, one of O. M. Powers and Edward Ashler, and the other of H. Joan Wetening, for the adoption of the metric system in the customs service after July 1, 1893—to the Committee on Coinage, Weights, and Measures.

By Mr. TRACEY: Petition of W. J. Houghtaling, for compensation for extra work—to the Committee on Accounts.

SENATE.

WEDNESDAY, *December 7, 1892.*

Prayer by Rev. JOSEPH SILVERMAN, D. D., of New York City.

FRANK HISCOCK, a Senator from the State of New York, appeared in his seat to-day.

The Journal of yesterday's proceedings was read and approved.

WAR SHIPS ON THE GREAT LAKES.

The VICE-PRESIDENT laid before the Senate a message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations and ordered to be printed, as follows:

To the Senate:

In response to the resolution of the Senate of April 11, 1892, requesting information in regard to the agreement between the United States and Great Britain of 1817, concerning the naval forces to be maintained by the two governments on the Great Lakes, I transmit herewith a report of the Secretary of State and accompanying papers, giving all the information existing in that Department in regard to the agreement in question.

BENJ. HARRISON.

EXECUTIVE MANSION, *December 7, 1892.*

FINANCE REPORT.

The VICE-PRESIDENT laid before the Senate the annual report of the Secretary of the Treasury on the state of the finances for the year 1892; which, with the accompanying papers, was ordered to lie on the table, and be printed.

REPORT OF THE ATTORNEY-GENERAL.

The VICE-PRESIDENT laid before the Senate the annual report of the Attorney-General; which, with the accompanying papers, was ordered to lie on the table, and be printed.

TREASURY ACCOUNTS.

The VICE-PRESIDENT laid before the Senate a communication from the Treasurer of the United States, transmitting fair and accurate copies of the accounts rendered to and settled with the First Comptroller of the Treasury for the fiscal year ended June 30, 1892; which, with the accompanying papers, was referred to the Committee on Printing, and ordered to be printed.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented memorials of J. W. Ragland and other citizens of Pine Bluff, Ark.; of D. R. Burgess & Co. and other citizens of Mobile, Ala.; of W. W. H. Duke and other citizens of Orangeville, S. C.; of W. H. Pitchfield and other citizens of Oil City, Pa.; of E. P. Marks and other citizens of New Edinburg, Ark.; of Colder Bros. and other citizens of Wilmington, N. C.; of John C. Webb and other citizens of Demopolis, Ala.; of F. Pound and other citizens of Jefferson County, Ky.; of Bryan Heard and other citizens of Rockdale, Tex.; of S. M. Imnan & Co. and other citizens of Atlanta, Ga.; of William M. McIntosh and other citizens of Calvert, Tex.; of W. A. McAndrew and other citizens of Union Springs, Ala.; of S. L. Gohlman and other citizens of Houston, Tex.; of McKim, Jordan & Co. and other citizens of Waco, Tex.; of M. N. Day & Co. and other citizens of New York; of J. B. English & Co. of Macon, Ga.; of Price, Reid & Adams and other citizens of Charleston, S. C.; of Bennet P. Alston, of North Carolina; of Myer & Co. and other citizens of Pine Bluff, Ark.; of R. N. Harris and other citizens of Clarksdale, Miss.; of W. N. Mercier and other citizens of Augusta, Ga.; of W. L. Kidder and other citizens of Terre Haute, Ind.; of Samuel Frank and other citizens of Holly Springs, Miss., and of Cuthbert Bullitt and other citizens of Louisville, Ky., remonstrating against any further consideration of the antioption bill; which were ordered to lie on the table.

Mr. MANDERSON. I present a large number of petitions from citizens of the States of Kansas and Nebraska in the form of numerous others which have been received, in reference to an alleged combination to depreciate the price of grain. I understand that petitions of this character were by the action of the Senate yesterday referred to the Committee on Agriculture and Forestry, and I ask that these petitions be so referred.

The petitions were referred to the Committee on Agriculture and Forestry, as follows:

A petition of D. S. Hollister and 27 other citizens of Labette County, Kans.;

A petition of J. H. Kline and 17 other citizens of Labette County, Kans.;

A petition of J. W. Rainey and 18 other citizens of Labette County, Kans.;

A petition of Loren Hewitt and 37 other citizens of Labette County, Kans.;

A petition of M. A. Robinson and 14 other citizens of Labette County, Kans.;

A petition of J. H. Wheeler and 21 other citizens of Norfolk, Nebr.;

A petition of F. Goeble and 23 other citizens of Hastings, Nebr.;

A petition of John E. Wallace and 21 other citizens of Hall County, Nebr.;

A petition of G. C. Crater and 44 other citizens of Saline County, Nebr.; and

A petition of Jacob Klein and 66 other citizens of Gage County, Nebr.

Mr. WILSON presented petitions of the Journeymen Tailors' Union of Fort Dodge, Ottumwa, and Des Moines, all in the State of Iowa, praying for the passage of House bill 8535, limiting the free entry of wearing apparel of foreign manufacture; which were referred to the Committee on Finance.

He also presented a petition of Buena Vista Grange, No. 544, Patrons of Husbandry, in the State of Iowa, praying for the passage of legislation closing the World's Columbian Exposition on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

He also presented petitions of R. Wiley and 23 other citizens of Audubon County; of Frank Beeker and 24 other citizens of Boon County; of J. C. Huffman and 22 other citizens of Wapello County; of W. T. Hobbs and 23 other citizens of Wapello County; of Web Miller and 21 other citizens of Wapello County; of Ira Simms and 23 other citizens of Lee County; of Thomas S. Padgett and 22 other citizens of Lee County; of C. J. Stanton and 47 other citizens of Polk County; of James T. Carr and 43 other citizens of Lee County; of W. W. Jennings and 24 other citizens of Mahaska County; of T. J. Stanley and 47 other citizens of Mahaska County; of E. L. Rogers and 46 other citizens of Polk County; of P. H. Austin and 69 other citizens of Wapello County; of J. J. R. Livingston and 45 other citizens of Wapello County; of J. S. Rinehart and 69 other citizens of Polk County; of C. Bane and 23 other citizens of Polk County; of J. R. Munson and 46 other citizens of Dallas County; of Owen Corcoran and 47 other citizens of Polk County; of Charles Allen and 23 other citizens of Polk County; of Caleb Townsend and 47 other citizens of Polk County; of C. H. McBride and 22 other citizens of Polk County; of O. H. Whitcomb and 23 other citizens of Cass County; of P. Fay and 24 other citizens of Cass County; of James E. Blessing and 66 other citizens of Mahaska County; of William Sanderson and 23 other citizens of Polk County; of Henry Harrison and 23 other citizens of Monroe County; of J. T. Hamilton and 24 other citizens of Warren County; of D. M. Cook and 23 other citizens of Polk County; of John Wilson and 22 other citizens of Polk County; of Mayor H. Huron and 24 other citizens of Marshall County; of J. B. Johnson and 30 other citizens of Marshall County; of A. L. Brown and 22 other citizens of Marshall County; of James Beardsley and 20 other citizens of Mahaska County; of C. J. Noggle and 22 other citizens of Boone County; of William Johnson and 22 other citizens of Carroll County; of Frank D. Allen and 23 other citizens of Audubon County; of C. F. Ordway and 23 other citizens of Audubon County; of J. A. Walters and 22 other citizens of Audubon County; of J. C. Wright and 24 other citizens of Cass County; of E. Soper and 22 other citizens of Cass County; of J. L. Todd and 47 other citizens of Cass County; of H. Abicker and 22 other citizens of Cass County; of William J. Hull and 22 other citizens of Cass County; of James Grayham and 24 other citizens of Cass County; of William M. Smith and 23 other citizens of Carroll County; of C. Z. Sanderson and 24 other citizens of Carroll County; of E. C. Palmer and and 47 other citizens of Woodbury County; of E. M. Parsons and 23 other citizens of Woodbury County; of Ben Betts and 46 other citizens of Lee County; of G. Fred Leiser and 23 other citizens of Lee County; of Thomas F. Hall and 21 other citizens of Mapel County; of A. L. Failger and 22 other citizens of Wapello County; of Henry Rodgers and 23 other citizens of Woodbury County; of M. M. Salisbury and 23 other citizens of Woodbury County; of Ernest Jenkinson and 21 other citizens of Woodbury County; of D. A. Young and 24 other citizens of Lee County; of J. M. Thornberger and 23 other citizens of Lee County; of Perry Fry of Warren County, and 45 other citizens of Polk County; of H. P. Brown and 22 other citizens of Polk County; of Stephen Brown and 45 other citizens of Wapello County; of C. A. Johnson and 22 other citizens of Wapello County; of ex-Governor John H. Gear and 44 other citizens of Lee and Wapello counties; of Howard Burt and 22 other citizens of Lee County; of Isaac Thomas and 40 other citizens of Mahaska County; of Harry McLain and 18 other citizens of Mahaska County; of William Shipley and 40 other citizens of Mahaska County; of E. F. Hall and 19 other citizens of Mahaska County; of B. F. Wright and 37 other citizens of Mahaska County; of Edward Carr and 21 other citizens of Wapello County; of J. A. Wright and 22 other citizens of Mahaska County; of Charles Dodd and 24 other citizens of Greene County; of C. B. Balton of Boone County; of 23 other citizens of Greene County; of W. C. Levick and 21 other citizens of Pottawattamie County; of Thomas Houck and 9 other citizens of Marshall County; of J. E. Langworthey and 22 other citizens of Polk County; of E. F. Thompson and 22 other citizens of Wapello County; of Ed. Stockett and 22 other citizens of Pottawattamie County; of B. P. Hewitt and 24 other citizens of Lee County; of A. M. Johnson and 22 other citizens of Lee County; of Mrs. James L. Daniels and 23 other citizens of Polk County; of M. G. Baker of Dallas County, and 22 other citizens of Polk County; of Isaac Bertch of Warren County, and 24 other citizens of Polk County; of Eli Phipps and 23 other citizens of Boone County; of James Mitchell and 23 other citizens of Polk County; of Ed. Schafer and 4 other citizens of Woodbury County; of G. W. England and 23 other citizens of Mahaska County; of John Feltner and 24 other citizens of Audubon County; of Ed. S. Howard and 23 other citizens of Mahaska County; of John Houck and 21 other citizens of Wapello County; of Gibson Browne and 23 other citizens of Lee County; of E. M. Nettleton and 20 other citizens of Woodbury County; of Oscar Adams and 21 other citizens of Wapello County; of J. A. Wylander and 45 other citizens of Ogden, Boone County; of E. G. Wagoner and 22 other citizens of Lee County; of W. F. Duncan and 23 other citizens of Polk County; of B. Banghardt and 23 other citizens of Polk County; of C. L. Benson and 46 other citizens of Lee County; of Gustave Boostidt and 22 other citizens of Polk County; of J. F. Costello and 21 other citizens of Polk County; of J. W. Burnett and 22 other citizens of Polk County; of John Willcox and 46 other citizens of Woodbury County; of Milford Neal and 47 other citizens of Wapello County; of Ira P Smith and 24 other citizens of Lee County; of H. M. Washburn and 22 other citizens of Lee County; of I. Radcliff and 23 other citizens of Boone County; of John Allen Smith and 47 other citizens of Boone County; of B. F. Carr and 23 other citizens of Polk County; of Charles Bennett and 56 other citizens of Polk County; of N. W. White and 23 other citizens of Woodbury County; of J. J. Wilbur and 23 other citizens of Woodbury County; of J. J. Mullikin and 22 other citizens of Lee County; of John Brown and 23 other citizens of Lee County; and of J. B. Wright and 47 other citizens of Lee County, all in the State of Iowa, praying for the appointment of a committee to investigate the combine formed to depreciate the price of grain; which were referred to the Committee on Agriculture and Forestry.

Mr. HARRIS. I present three petitions, one in the form of a telegram, numerously signed, and the others in the form of letters, praying for the passage of the antioption bill. I ask that they be separately noted and lie upon the table, the bill having been reported.

The petitions were ordered to lie on the table, as follows:

Petition of R. T. Williamson, of Keeling, Tenn.;

Petition of J. K. P. Wallace, president of the East Tennessee Farmers' Convention, of Andersonville, Tenn.; and

Petition of V. F. Sherrod, New Kimbrough, and other citizens of Mason, Tenn.

Mr. HARRIS presented the memorial of H. M. Neely, president, and Henry Hotter, secretary of the Cotton Exchange of Memphis, Tenn.; the memorial of Frank McBee, of Knoxville, Tenn., and the memorial of J. O. Hitch, J. C. Mabry, and other citizens of Tennessee, remonstrating against the passage of the Washburn-Hatch antioption bill; which were ordered to lie on the table.

Mr. VANCE presented memorials of sundry citizens of Nash and Anson counties, in the State of North Carolina, remonstrating against the passage of the Washburn-Hatch antioption bill; which were ordered to lie on the table.

Mr. MILLS presented a memorial of citizens of Dublin and Waco, in the State of Texas, remonstrating against the further consideration of the Washburn-Hatch antioption bill; which was ordered to lie on the table.

Mr. DANIEL presented a memorial of sundry citizens of Norfolk, Berkeley, and Portsmouth, in the State of Virginia, remonstrating against the passage of the Washburn-Hatch antioption bill; which was ordered to lie on the table.

Mr. FAULKNER presented petitions of the Journeymen Tailors' Unions, Nos. 133 and 137, of Huntington and Charleston, W. Va., praying for the passage of House bill 8535, limiting the free entry of wearing apparel of foreign manufacture; which were referred to the Committee on Finance.

Mr. DOLPH presented a petition of sundry citizens of Oregon, praying for the passage of legislation extending the time of payment by settlers for lands within the forfeited limits of the Northern Pacific land grant; which was referred to the Committee on Public Lands.

He also presented the petition of Lorenzo Wyett Mulvany, of Benton County, Oregon, who served as a private in the Second Regiment Oregon Mounted Volunteers in the Rogue River Indian wars of 1855-'56, praying to be allowed a pension; which was referred to the Committee on Pensions.

He also presented the petition of Mrs. Cynthia J. Brumfield, of Benton County, Oregon, praying that she be granted a widow's pension; which was referred to the Committee on Pensions.

He also presented a petition of sundry citizens of Oregon, praying that the World's Columbian Exposition be opened on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

Mr. ALLEN presented a petition of K. H. Stewart and other citizens of Adams County, Wash., praying for the passage of the

Washburn-Hatch antioption bill; which was ordered to lie on the table.

Mr. GORDON presented a memorial of the Savannah (Ga.) Cotton Exchange, remonstrating against the passage of the Washburn-Hatch antioption bill; which was ordered to lie on the table.

Mr. DAWES presented the following petition; which was referred to the Committee on the Quadro-Centennial (Select), and ordered to be printed in the RECORD:

SPRINGFIELD, MASS.

To the honorable the Senate and House of Representatives of the United States in Congress assembled:

The undersigned, citizens of the State of Massachusetts, very respectfully represent to your honorable body that we are native-born citizens of the United States of America, and under the Constitution and laws thereof are declared entitled to equal rights, privileges, and opportunities as are granted to other American citizens; notwithstanding this national declaration of our rights we are (by the force of an unjust American prejudice directed against us, because of our descent and complexion) kept apart as a separate and distinct class of American citizens, and therefore are deprived of equal opportunities in making that progress in the pursuit of moral, educational, and industrial advancement as are enjoyed by our white fellow-citizens.

We further respectfully represent that under the system and rules established by the Board of Directors of the World's Columbian Exposition for the display of exhibits, your petitioners, because of this enforced separation as a distinct class of American citizens, are entirely deprived from showing in any discernible manner their relation to or participation in our country's wonderful progress in the development of its resources and the advancement of its civilization; and therefore there will not be found in this grand international Exposition the slightest evidence of the value of, or any credit to, the American negro's labor during the last two hundred years in the development of his country's resources, of his patriotic services in defending and maintaining the glory and perpetuity of his country, or of his worth as a peaceful, law-abiding, and industrious citizen.

We further respectfully represent that because of this conspicuous absence at this Exposition of the American negro as an important factor in the production of our country's material prosperity and intellectual grandeur, the millions of American and European visitors to this Exposition will naturally reach the conclusion and render a verdict that the 7,000,000 of American negroes are unfit for freedom and incapable of improvement by the influences of American civilization. From this unjust verdict against us and all other American citizens, your petitioners most earnestly protest, and appeal to your honorable body for partial redress from this great injustice.

We therefore very respectfully petition your honorable body to pass a bill authorizing the Board of Management and Control of the United States Government exhibit to collect, compile for publication, and publish certain facts and statistics pertaining to the labor products, the moral, industrial, and intellectual development of the colored people of African descent residing in the United States, from January, 1863, to January, 1893, the same to illustrate the growth of liberty, morality, and humanity of the United States, and to form a part of the published report of the United States Government exhibit at the World's Columbian Exposition. And your petitioners will ever pray.

Mr. CAMERON presented memorials of the Ministers' Associations of Myersdale, Berlin, and Salisbury, Pa., remonstrating against the passage of any legislation opening the World's Columbian Exposition on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

He also presented petitions of the Journeymen Tailors' unions of Beaver Falls, Williamsport, Erie, Franklin, Meadville, Scranton, Warren, Pittsburg, New Castle, and Pittston, all in the State of Pennsylvania, praying for the passage of House bill 8535, limiting the free entry of wearing apparel of foreign manufacture; which were referred to the Committee on Finance.

Mr. BRICE presented a petition of 29 members of Pike County, Ohio, praying for the passage of the Washburn-Hatch antioption bill; which was ordered to lie on the table.

He also presented petitions of the Journeymen Tailors' unions of Cincinnati, Newark, Massillon, and Springfield, all in the State of Ohio, praying for the passage of House bill 8535, limiting the free entry of wearing apparel of foreign manufacture; which were referred to the Committee on Finance.

He also presented memorials of the Young People's Society of Christian Endeavor, of the First Presbyterian Church of Middletown, and of 25 citizens of Columbus, all in the State of Ohio, remonstrating against the repeal of the law closing the World's Columbian Exposition on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

He also presented the memorial of Dennison B. Smith, secretary of the Produce Exchange of Toledo, Ohio, remonstrating against the passage of the Washburn-Hatch antioption bill; which was ordered to lie on the table.

He also presented a petition of the Knights of Labor of Zanesville, Ohio, and a petition of the Central Labor Union of Zanesville, Ohio, praying for the passage of legislation to amend the immigration laws so as to authorize the President of the United States to suspend all travel between this country and countries where contagious diseases are epidemic; which were referred to the Committee on Immigration.

He also presented a petition of the Journeymen Tailors' Union, of Steubenvillee, Ohio, praying for the passage of House bill 8535, limiting the free entry of wearing apparel of foreign manufacture; which was referred to the Committee on Finance.

He also presented a memorial of 84 citizens of Marion County, Ohio, remonstrating against the commitment of the United States Government to a union of religion and the state by the passage of any legislation closing the World's Columbian Exposition on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

He also presented memorials of members of the Pilgrim Congregational Church, of Cleveland, Ohio; of members of the executive committees of the Young People's Society of Christian Endeavor of Eaton, Ohio; of the Presbytery of Cincinnati, Ohio; of the Baptist Association of Dayton, Ohio; of citizens of Richfield, Ohio, and of 40 citizens of Springfield, Ohio, remonstrating against the repeal of the law providing for the closing of the gates of the World's Columbian Exposition on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

He also presented a memorial of citizens of Oberlin, Ohio, remonstrating against the passage of any legislation authorizing the gates of the World's Columbian Exposition to be opened on Sunday, and praying that the sale of intoxicating liquors be prohibited thereat; which was referred to the Committee on the Quadro-Centennial (Select).

He also presented a memorial of 37 citizens of Creston, Ohio, remonstrating against the passage of any legislation providing for the opening of the World's Columbian Exposition on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

Mr. WASHBURN presented a petition of citizens of Ashtabula County, Ohio, praying for the passage of the Washburn-Hatch antioption bill; which was ordered to lie on the table.

He also presented a resolution of the Board of Trade of Minneapolis, Minn., praying for the passage during the present session of Congress of the Washburn-Hatch antioption bill or some bill having for its purpose and object the preventing of gambling in food and agricultural products; which was ordered to lie on the table.

Mr. HANSBROUGH presented petitions of Frank Lovin and 24 other citizens of Barnes County; of Richard Kealing and 72 other citizens of Richland County; of C. A. Miller and 24 other citizens of Barnes County, and of Walter Thompson and 96 other citizens of Cass County, all in the State of North Dakota, praying for the appointment of a Senate committee to investigate the combine formed to depreciate the price of grain, and now existing between elevators, millers, and railroads at Minneapolis and St. Louis, and also for the postponement of the Washburn-Hatch antioption bill until such committee shall report; which were referred to the Committee on Agriculture and Forestry.

Mr. TELLER presented petitions of the Journeymen Tailors' unions of Denver and Aspen, in the State of Colorado, praying for the passage of House bill 8535, limiting the free entry of wearing apparel of foreign manufacture; which were referred to the Committee on Finance.

Mr. QUAY presented the petition of Julius M. Bates, late lieutenant Company A, Two hundred and eleventh Pennsylvania Volunteer Infantry, praying for the passage of Senate bill 949, granting him a pension; which was referred to the Committee on Pensions.

Mr. PERKINS presented a petition of the Journeymen Tailors' Union, No. 9, of Leavenworth, and a petition of the Journeymen Tailors' Union, No 127, of Atchison, in the State of Kansas, praying for the passage of House bill 8535, limiting the free entry of wearing apparel of foreign manufacture; which were referred to the Committee on Finance.

He also presented the petition of E. A. Harding and 33 other Afro-American citizens of Columbus, Kans., praying for recognition by the Board of Managament and Control of the World's Columbian Exposition; which was referred to the Committee on the Quadro-Centennial (Select).

He also presented the petition of J. V. Kirkpatrick and 20 other citizens of Butler County; the petition of T. J. Callahan and 17 other citizens of Montgomery County; the petition of Henry S. Miller and 22 other citizens of Woodson County, and the petition of L. R. White and 19 other citizens of Geary County, all in the State of Kansas, praying for the appointment of a committee to investigate the combine formed to depreciate the price of grain; which were referred to the Committee on Agriculture and Forestry.

He also presented the petition of J. T. Ely and 60 other citizens of Marshall County, Kans., praying for the passage of the Washburn-Hatch antioption bill; which was ordered to lie on the table.

He also presented resolutions of the citizens of Washington and New Salem, Kans., extending thanks to the President and Congress for the passage of legislation closing the World's Columbian Exposition on Sunday; for the passage of the antilottery bill; for the passage of the Washburn-Hatch antioption bill by the House of Representatives, and praying Congress to renew its rescinding action excluding liquors from the World's Colum-

bian Exposition grounds; to restrict immigration by consular examinations, and to submit the proposed sixteenth amendment forbidding State Legislatures to unite state and church; which were referred to the Committee on Immigration.

He also presented the petition of W. Spratt Scott, of Claremore, Ind. T., praying that all future payments be made direct to the Cherokee people by and under the supervision of the Interior Department; which was referred to the Committee on Indian Affairs.

Mr. CULLOM presented a petition of the Journeymen Tailors' Union of Decatur, Ill., praying for the passage of House bill 8535, limiting the free entry of wearing apparel of foreign manufacture; which was referred to the Committee on Finance.

REPORTS OF COMMITTEES.

Mr. CAMERON, from the Committee on Military Affairs, to whom was referred the bill (S. 2739) for the relief of James Petty, submitted a report thereon, which was ordered to be printed, and asked to be discharged from its further consideration, and that it be referred to the Committee on Pensions; which was agreed to.

Mr. PEFFER, from the Committee on Claims, to whom was referred the bill (S. 1447) for the relief of Secor & Co., Perine, Secor & Co., and the executors of Zeno Secor, submitted an adverse report thereon; which was ordered to be printed.

The VICE-PRESIDENT. The bill will be indefinitely postponed if there be no objection.

Mr. GALLINGER. I ask that the bill be placed upon the Calendar with the adverse report of the committee.

The VICE-PRESIDENT. It will be so ordered, in the absence of objection.

Mr. MITCHELL, from the Committee on Claims, to whom was referred the bill (S. 1421) for the relief of Lewis D. Allen, submitted an adverse report thereon; which was ordered to be printed.

The VICE-PRESIDENT. The bill will be indefinitely postponed, if there be no objection.

Mr. COCKRELL. I ask that the bill may go on the Calendar until I can see the report. I am not familiar with the case, and I wish to look at it before it is disposed of.

The VICE-PRESIDENT. The bill will be placed on the Calendar with the adverse report of the committee.

ADDITIONAL SENATE EMPLOYÉ.

Mr. PADDOCK. I am directed by the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted yesterday by the Senator from Michigan [Mr. MCMILLAN], to report it favorably, and I ask for its immediate consideration.

The Senate, by unanimous consent, proceeded to consider the resolution, which was read, as follows:

Resolved, That, until further ordered, the Sergeant-at-Arms is directed to employ one attendant in ladies' retiring room, Senate wing of the Capitol, at the rate of $720 per annum, said employé to be paid from the miscellaneous items of the contingent fund of the Senate.

Mr. VEST. Does the resolution come from a committee?

The VICE-PRESIDENT. It comes from the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. PADDOCK. The resolution is reported by me from the Committee to Audit and Control the Contingent Expenses of the Senate. It is not a new employment; it does not involve a new appointment; it is simply the continuance of the service which was performed during the last session by a colored attendant in the ladies' retiring room below.

The resolution was agreed to.

BILLS INTRODUCED.

Mr. BLACKBURN introduced a bill (S. 3524) to incorporate the East End Electric Railway Company of the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. HARRIS introduced a bill (S. 3525) to authorize the construction of bridges across the Hiwassee, the Tennessee, and the Clinch rivers, in the State of Tennessee; which was read twice by its title, and referred to the Committee on Commerce.

Mr. PADDOCK introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3526) granting an increase of pension to Benjamin F. Chambers;

A bill (S. 3527) granting an increase of pension to Winfield S. Smith; and

A bill (S. 3528) granting a pension to John D. Keller.

Mr. STOCKBRIDGE introduced a bill (S. 3529) for the relief of William H. Hugo; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. MCMILLAN introduced a bill (S. 3530) to create a board of charities for the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 3531) to amend the charter of the Brightwood Railway Company; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. MANDERSON introduced a bill (S. 3532) to restore to the pension roll the name of Eliza Ferguson, formerly widow of Hans Ferguson, Company I, Thirty-third Iowa Infantry Volunteers; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 3533) to amend sections 4488 and 4489, Revised Statutes, for the greater safety to navigation; which was read twice by its title, and referred to the Committee on Commerce.

Mr. HILL introduced a bill (S. 3534) to repeal the act of July 14, 1890, entitled "An act directing the purchase of silver bullion and the issue of Treasury notes thereon, and for other purposes;" which was read twice by its title, and referred to the Committee on Finance.

Mr. VILAS introduced a bill (S. 3535) for the relief of Caroline Borchers, widow of John Frederick Borchers; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. DOLPH introduced a bill (S. 3536) for the relief of Lorenzo Wyett Mulvany; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3537) for the relief of M. P. Deady; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. PERKINS introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3538) granting a pension to Mrs. Hannah Kessenger;
A bill (S. 3539) granting a pension to Nancy C. Taylor;
A bill (S. 3540) granting a pension to Mattie M. Kersey;
A bill (S. 3541) granting a pension to Henry Synnamon;
A bill (S. 3542) granting a pension to Charlotte Ross;
A bill (S. 3543) granting a pension to James Bemis;
A bill (S. 3544) granting a pension to Jesse L. Knight;
A bill (S. 3545) granting an increase of pension to John Maloney;
A bill (S. 3546) granting an increase of pension to Levi W. Dikeman; and
A bill (S. 3547) granting an increase of pension to James Gauley.

Mr. PERKINS introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (S. 3548) granting an honorable discharge to C. Frederickson;
A bill (S. 3549) granting an honorable discharge to Henry B. Rizzer; and
A bill (S. 3550) granting an honorable discharge to St. Clair Watts.

Mr. CAMERON introduced a bill (S. 3551) granting a pension to L. H. Frink; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. GALLINGER introduced a bill (S. 3552) to remove the charge of desertion from the military record of George J. Barnes; which was read twice by its title, and referred to the Committee on Military Affairs.

AMENDMENT TO A BILL.

Mr. FELTON submitted an amendment intended to be proposed by him to the bill (S. 3378) to finally adjust and settle the claims of Arkansas and other States under the swamp-land grants, and for other purposes; which was ordered to be printed and lie on the table.

JAMES F. SIMMONS.

Mr. CALL. I submit a resolution and ask for its immediate consideration.

The resolution was read, as follows:

Resolved, That the Committee on the Judiciary be, and they are hereby, instructed to inquire and report to the Senate the facts in relation to the trial, conviction, and sentence of James F. Simmons in the circuit court of the southern district of New York, under an indictment for a conspiracy to wreck the Sixth National Bank of New York City, and further to report by bill or otherwise whether any legislation, and, if so, what, is necessary to prevent the punishment of innocent persons wrongfully accused of crime in the courts of the United States, and that the committee have the authority to send for persons and papers and to have the record of the case printed for the use of the committee and the Senate.

Mr. PLATT. I ask that the resolution lie over.

The VICE-PRESIDENT. The resolution will go over and be printed.

Mr. HOAR subsequently said: The Senator from Florida [Mr. CALL] introduced a resolution providing for an investigation by the Judiciary Committee, and the resolution was laid over at the request of the Senator from Connecticut [Mr. PLATT]. I ask the

unanimous consent of the Senate that the resolution be referred to the Committee on the Judiciary. The Senator from Florida can state to the committee the grounds upon which he desires to have the investigation ordered.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Massachusetts? The Chair hears none, and the resolution is so referred.

CENSUS ENUMERATORS.

The VICE-PRESIDENT. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Chief Clerk proceeded to read the resolution submitted yesterday by Mr. VEST, providing for the investigation of alleged partisan work by census enumerators.

Mr. HALE. There is no necessity to read the resolution again. I suggest to the Senator from Missouri that if an investigation takes place and any money is spent, under the rules the resolution must be reported by the Committee on Contingent Expenses. Let it go there, and let that committee report it back.

Mr. VEST. The resolution must go, under the rules, to the Committee to Audit and Control the Contingent Expenses of the Senate.

The VICE-PRESIDENT. The resolution will be so referred, in the absence of objection.

RAILROAD INTERESTS.

Mr. PEFFER. A resolution submitted yesterday by myself, proposing a certain investigation by the Committee on Interstate Commerce, I suppose will properly come up this morning.

The VICE-PRESIDENT. The resolution lies on the table, and can be called up.

Mr. PEFFER. I ask that it be taken from the table and considered.

The VICE-PRESIDENT. The resolution will be read.

The Secretary read the resolution submitted yesterday by Mr. PEFFER, as follows:

Resolved by the Senate, That the Committee on Interstate Commerce be, and it is hereby, instructed to inquire and report as follows:

First. What is the separate and what the aggregate capitalization of the railroad corporations of the United States which are engaged in interstate commerce?

Second. What was the actual original cost of constructing and equipping said roads?

Third. What is the present value of the roads; that is, what would be the cost of building and stocking roads as good as they and on the same lines at the present value of materials and labor?

Fourth. What is the average number of salaried officers employed and paid by the several railroad companies; what is the total amount of money paid such officers annually as salaries; what is the average yearly wages paid locomotive engineers, firemen, and passenger conductors, and what is the average daily or monthly wages paid all other employés?

Fifth. What has been the general effect of the operation of the interstate-commerce law on the business, and the net earnings of the roads; has the cost of transportation been reduced; has the reduction, if any, been on through traffic or on local traffic; has the effect been uniform throughout the country?

Sixth. What has been the aggregate annual gross earnings and the aggregate net earnings of the roads during the last five years?

Seventh. What has been the average cost of moving passengers and freight on said roads during the last five years, computing by distance and weight?

Eighth. What is the actual and the relative cost of moving passengers and freight in different parts of the country, indicating the sections where such differences exist?

Ninth. Basing the estimate on the traffic of the last five years, and allowing an annual interest rate of 5 per cent on the actual present value of the roads, what would be equitable charges for carrying passengers and freight in the United States, said charges to be the same on all the roads?

Tenth. Would it be practicable to consolidate the interstate-railroad business so as to establish and maintain uniform charges for carriage in all parts of the country and to fairly settle at one place all just differentials?

The committee will report as early as practicable. It may act by subcommittee of two or more of its members, may sit during sessions of the Senate, and if it be found that any part of the information asked for by this resolution can not be procured without the use of money specially appropriated the committee will report that fact to the Senate, setting out what can not be so procured.

Mr. CULLOM. That is a pretty formidable resolution so far as imposing labor is concerned, and I think probably much of the information desired could be procured without the necessity of requiring the Committee on Interstate Commerce to take up the subject. I suggest to the distinguished Senator from Kansas that he allow the resolution, without adoption, to be referred to the Committee on Interstate Commerce, and that committee will take up the subject and see what ought to be done with it. If the resolution should be adopted, directing the Committee on Interstate Commerce to make the investigation now, it could not do anything else during the present session. I think much of the information can be procured through the medium of the Interstate Commerce Commission. If, however, the resolution is allowed to be referred to the Committee on Interstate Commerce, the committee will give it attention, and see what ought to be done in the premises, and report some time during the session, if that course is agreeable to the Senator from Kansas.

Mr. PEFFER. I have no objection to such a disposition of the resolution at this time, expecting, of course, that the Senator's statement that early and considerate action will be taken is sincerely made.

Mr. CULLOM. I make the statement in perfect good faith, and with confidence that the committee will take up the subject and consider it carefully.

Mr. PEFFER. Very well.

The VICE-PRESIDENT. The resolution will be referred to the Committee on Interstate Commerce, if there be no objection.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. 1096) granting a pension to Julia Hood;

A bill (H. R. 1283) to pension Harriet Woodbury, Windsor, Vt.;

A bill (H. R. 1422) for the relief of George M. Henry;

A bill (H. R. 2128) granting a pension to John Fields;

A bill (H. R. 2407) granting a pension to Samuel Luttrell;

A bill (H. R. 2493) granting a pension to Jesse Cleaveland;

A bill (H. R. 3118) to pension John S. Dunham;

A bill (H. R. 3676) for the relief of R. L. Jennings, late postmaster at Marshall, Tex.;

A bill (H. R. 3845) to increase the pension of Edward R. Chapman;

A bill (H. R. 4366) granting a pension to Jacob Hall;

A bill (H. R. 4804) to place the name of Sarah L. Van Nest on the pension list;

A bill (H. R. 4955) granting a pension to Susannah Chadwick;

A bill (H. R. 5022) for the relief of Lucy Sprotberry;

A bill (H. R. 5509) to place the name of Mrs. E. M. Banister, an army nurse, on the pension rolls;

A bill (H. R. 5705) to increase the pension of Amelia Graham;

A bill (H. R. 6030) granting a pension to French W. Thornhill;

A bill (H. R. 6345) granting an honorable discharge to Frederick E. Kolter;

A bill (H. R. 6508) granting a pension to Joseph Fortier;

A bill (H. R. 6511) to pension Rebecca M. Youngblood;

A bill (H. R. 6914) granting a pension to Druke Nettie Barnett;

A bill (H. R. 6969) for the relief of Elisha Brown;

A bill (H. R. 6970) to remove the charge of desertion from the record of Montgomery M. Tuttle;

A bill (H. R. 7226) granting a pension to Julia P. Wright;

A bill (H. R. 7257) granting a pension to Alonzo D. Barber;

A bill (H. R. 7510) for the relief of Mrs. Mary A. Moorhead;

A bill (H. R. 7662) granting a pension to Marion Kern Sharman;

A bill (H. R. 8017) granting a pension to Elizabeth Voss;

A bill (H. R. 8106) for the correction of the army record of David R. Wallace, deceased;

A bill (H. R. 8221) granting a pension to Geo. W. Boyd;

A bill (H. R. 8275) granting a pension to Abraham B. Simmons, of Capt. Thomas Tripp's company, in Col. Brisbane's regiment South Carolina Volunteers, in the Florida Indian war;

A bill (H. R. 8409) granting a pension to Mary Danahay, mother of Daniel Danahay, late a private, Company H, Eighteenth New York Cavalry;

A bill (H. R. 9011) to grant a pension to Ida A. Taylor;

A bill (H. R. 9139) to pension Mrs. Eliza T. Palmatier;

A bill (H. R. 9585) for the relief of Harriett E. Niles; and

A joint resolution (H. Res. 157) providing for the calling of an international arbitration congress.

DEATH OF REPRESENTATIVES WARWICK AND M'DONALD.

The message also conveyed to the Senate the intelligence of the death of Hon. John G. Warwick, late a Representative from the State of Ohio, and Hon. Edward F. McDonald, late a Representative from the State of New Jersey.

THE FIVE CIVILIZED TRIBES.

The VICE-PRESIDENT. If there is no further morning business that order is closed and the Calendar is in order.

Mr. VEST. I ask the Senate to take up the joint resolution I introduced yesterday in regard to the appointment of a commission to treat with the five civilized tribes.

There being no objection the Senate, as in Committee of the Whole, proceeded to consider the joint resolution (S. R. 117) authorizing the appointment of a commission to treat with the five civilized tribes of the Indian Territory with a view of making agreements to induce them to take homesteads in severalty.

Mr. VEST. Mr. President, with the permission of the Senate I shall make a few remarks in regard to this joint resolution, and as I understand that other Senators desire to be heard upon it, I will not ask its reference until they have an opportunity of discussing its merits.

I am very well aware, Mr. President, that it is an almost herculean task to change the existing order of things in what is

known as the Indian Territory. Indian prejudice and white greed oppose themselves to any different adjustment than that which now exists. I have no disposition to attack any right of any Indian. I think my colleagues will bear me out in the assertion that I have persistently and consistently, since I have been a member of this body, opposed every scheme which I believed to be oppressive or unjust to the five civilized tribes or any other Indians; but the time has come—and it might just as well be distinctly stated now—when the people of the United States can no longer tolerate the existing conditions in the Indian Territory. The four great States of Kansas, Missouri, Arkansas, and Texas are directly and immediately concerned in changing the existing status amongst these tribes.

The Indian Territory to-day is a menace to civilization. The farce of administering justice there is a blot and a stain upon the judicial system of the United States; crime is rampant; corruption is rife. The courts exercising criminal jurisdiction over the Indian Territory are the most expensive by far within the domain of our Government, and yet the Territory is filled with criminals who have fled from justice in the States, and who laugh at the courts which cost us so much.

The area known as the Indian Territory, and occupied by the five civilized tribes, is 300 miles in extent east and west and 222 miles north and south. The Panhandle, which is sometimes included within this Territory geographically, is 178 miles east and west by 34½ miles north and south. The Indian Territory proper has 71,000 square miles or 45,440,000 acres.

Mr. President, the last census taken by Indian enumerators shows a most remarkable state of things as to population in this Territory. If the attention of Senators has not been called to this census it is very well worth their serious consideration.

The five civilized tribes, Indians and colored, have the following population: The Cherokees, 25,357 Indians and 4,242 negroes; the Chickasaws, 3,464 Indians and 3,718 negroes; the Choctaws, 9,996 Indians and 4,401 negroes; the Creeks, 9,291 Indians and 5,341 negroes; the Seminoles, 2,539 Indians and 22 negroes; making in the aggregate 68,371 negroes and Indians. Deducting the estimated number of negroes, 3,500, not members of the tribes, would leave the Indians proper in the five civilized tribes 64,871.

Now, permit me to call the attention of the Senate to this remarkable development made by this census; and keeping these numbers in mind let us look at the number of white men who have thrust themselves into the Indian Territory and who can not be excluded. The number of white persons in the Indian Territory is as follows: In the Cherokee country, 27,176, or 2,000 in excess of the number of Indians; in the Chickasaw Nation, 49,444, as against 3,464 Indians. In other words, in the Chickasaw country alone there is an excess of 46,000 whites over Indians.

In the Choctaw Nation there are 27,991 white persons as against 9,996 Indians; and in the Creek country there are 3,280 white persons as against 9,291 Indians; in the Seminole country there are 96 white persons as against 2,539 Indians.

The number of colored persons in the five civilized tribes, not members of the tribe, is estimated at 3,500; which, added to the number of white persons, 107,987, together with 6 Chinese amongst the Chickasaws, makes a total of 111,493 white persons, Chinese, and negroes, as against 68,371 Indians in the whole of the five civilized tribes, making an excess of 43,122 white persons, Chinese, and negroes over the number of Indians in those tribes.

Mr. President, is it not evident from this enumeration that the time is speedily coming when history will repeat itself and when our race, the aggressive and dominant race of all the ages, will force itself into this Territory in some sort of fashion, and leave us another terrible problem to be settled between justice upon one side and greed upon the other?

What is the result now staring us in the face? Every intelligent man living in the adjoining States knows that the Indian Territory to-day is the depot for crime; every man fit to cast his suffrage at the polls, living in Kansas, Missouri, Arkansas, or Texas, knows that the criminals of all those States are taking refuge from our courts amongst the Indians and are there harboring for raids upon the adjoining territory.

It has been but a very few months since, in broad open day, a peaceable community in Kansas, the town of Coffeyville, was raided by the Dalton brothers from their depot in the Indian Territory, and men were shot down in the banks and upon the streets by these lawless banditti. Monstrous as the proposition is, these Dalton brothers engaged in this robbery had been deputy marshals of the United States in the Indian Territory. They had gone through that country with the badges of marshals and under the insignia of Federal authority had been making arrests, and I assert here now from reliable authority that the lawless classes in the Indian Territory have furnished a large number of the officers of the United States employed as deputy marshals within that jurisdiction.

Why, Mr. President, look for one moment at the enormous criminal business done now in the courts which have jurisdiction over the Indian Territory. It is unparalleled in judicial history; it is the most monstrous exhibit ever made; and yet the cold figures taken from the reports of the Attorney-General bear out every word.

My friend from Indiana [Mr. VOORHEES] asks me upon what conditions a white man can settle there. Under the laws of the five civilized tribes any white man who marries an Indian woman becomes a citizen of the tribe and entitled to all the rights and privileges of a native Indian; but these conditions are brushed away, and there are thousands of white men now in the Indian Territory who have not married Indian women, who are refugees from justice, who are there simply because they can not stay in the States, and, as I have said, who are rendezvousing until a convenient opportunity presents itself for making a raid upon the States which adjoin that Territory.

Mr. PLATT. Large numbers are there under permission from the Indians.

Mr. VEST. There are I should not undertake to say a large number, but it is a constant source of complaint by the Indian authorities that these men are there without their permission, and that the United States Government will not exclude them. So flagrant is this abuse that in the Indian Territory to-day there is a distinctive class known as intruders, exactly as in Oklahoma there was a class known as "sooners." These intruders are found elsewhere. Why, Mr. President, go into the Indian Territory to-night, ride to any house, make the usual hail in the West to the inmates, and you will have no response. Those houses are hermetically sealed after nightfall; every man is on guard, some because they are refugees from justice, others because they fear attacks from the lawless banditti roaming over that domain.

And the courts of justice—what are they? A more miserable farce was never perpetrated under any civilized code than that which now obtains as to the five civilized tribes in the Indian country.

Mr. President, under our system as at present adopted, with jurisdiction in the courts at Paris, Tex., Fort Smith, Ark., and Wichita, Kans., over portions of the Indian Territory, the expenses are so appalling that the Attorney-General of the United States again and again has called our attention to the fact that these courts form the largest items of expense in his annual report from year to year. Each of these outside courts in Arkansas and Texas costs the people of the United States more to-day than the Federal court for the southern district of New York, with the metropolis of the whole country in it.

Mr. CULLOM. Has the Senator a statement of the expenses of these courts?

Mr. VEST. Yes; here is the statement. The expenses of the court for the western district of Arkansas, in which Fort Smith is situated, were in 1889 $10,368.61; in 1890 they were $48,277.04; in 1891 they were $192,189.32. In three years the court expenses of the western district of Arkansas were $250,834.97. In Kansas for 1889 the court expenses were $7,326.76. The act giving jurisdiction to the court in Kansas took effect in 1890. Now, mark the change. In 1890, under this new law, the expenses grew from $7,326.76 to $32,131.56, and in 1891 they swelled again to $84,481.06, making in three years $123,939.38.

Now, take the northern district of Texas, with the outside court at Paris and its jurisdiction in the Indian Territory. In 1889 the expenses of that court were $2,348.24; in 1890, $205,220.49; in 1891, $78,558.76; making in three years for that court an aggregate of $286,127.49. Take the whole of these three courts for three years and the Federal court expenses were $660,901.04.

For the court in the Indian Territory, which we established in 1889 at Muscogee, the expenses were in 1889, $1,570.40; in 1890, $20,079.13; in 1891, $135,276.13; making for the court alone in the Indian Territory, aside from these outside courts, $156,925.66. Take the aggregate of expenses for the courts in the Indian Territory and add them to the expenses of the three outside courts and it makes an aggregate for the outside courts and the courts in the Indian Territory of $817,826.70 for three years.

Now, Mr. President, let us look at the southern district of New York, with the great city of New York in it. The court expenses of the southern district of New York for 1890 were $39,365.88; for 1891, $129,452.57; for 1889, $2,107.38; making for the three years $170,725.83, whereas in Arkansas for three years the court expenses were $250,834.97; in Kansas, $123,939.38; and in Texas, $286,127.49.

No such monstrosity has ever been known in judicial annals. It is a system of organized plunder. Under this fee system the whole business of the officers of this court, especially the marshals, is to create fees. Indians are arrested for violations of the police laws in regard to selling liquor without license; they are dragged hundreds of miles from the northwestern corner of the Indian Territory down to Forth Smith or over to Paris, and

the costs are piled mountain high and paid out of the tax money of the people of the United States.

I can not refrain, Mr. President, from reading a graphic description by an eye witness of a session of the court at Paris, Tex.:

A correspondent of Phœnix, who lately returned from Paris, Tex., notes some interesting data relative to the United States court at that place. We have not space for his letter this week, hence extract some of the notations made.

On the opening of the court there were seventeen hundred witnesses ready to answer. The court was opened April 21 by Judge Boarman, but he only held a few days, and adjourned to May 5, leaving all the witnesses to answer before the grand jury. Let us figure for a moment. Seventeen hundred witnesses present—a daily expense of $2,550. Sixty heard per day would be good work, or say four hundred per week. Thus the first week there were thirteen hundred witnesses who could not be heard, and whose per diem amounted to $13,650. The second week there are nine hundred who must wait, at a cost of $9,450. Third week five hundred, at a cost of $5,250, etc., figuring up a good round sum of many thousands of dollars unnecessary expense. But greater than this is the great loss and detriment devolving upon witnesses who are thus kept away from their business.

This is a rich harvest for Paris saloons and boarding houses.

I know it has been said that in what is known as the Kansas murder case, tried at Paris, there were exceptional conditions, and that on account of that litigation this large number of witnesses were in attendance at Paris; but what has happened once may happen again, and any system which permits that sort of outrage ought to be abolished.

We pretend that we want to teach these Indians the habitudes of civilized life; we assert proudly that we are the great exemplars of a Christian civilization and of an Anglo-Saxon jurisprudence. How do we expect to teach these Indians when we treat them as savages; when we chase them down with foreign brigands; when we employ banditti as United States marshals to hunt them like hares in the brush and drag them pinioned and manacled before a foreign tribunal in a distant State, to be tried by an alien jury, and sentenced to certain death?

Why, Mr. President, not long since I saw the statement, and I have it somewhere, that the hangman at Fort Smith said he had hung ninety-seven, and he only wanted to live to make it an even hundred. If he had lived in the Dark Ages, under the rules of barbarism that then obtained, he would have been entitled to knighthood, for I believe it was the usage in those ancient days when the executioner had struck off the heads of so many belted knights or earls to make him a member of that illustrious order. What a pity that we have not such a law for the Indian country! It would be the fit accompaniment of the system that obtains there now; and when this man has made it an even hundred human lives that have been sacrificed to this Moloch of our jurisprudence, why not make him one of the capitalists and favored classes of this great country?

Mr. President, my feeble strength will not permit me to denounce, as I feel it should be, this infamous system. Not an argument can be made for it—not one.

We have established a court with a criminal jurisdiction in the Indian Territory. If we propose to retain it, why not give that court full jurisdiction? Why drag the Indians off to Paris or to Fort Smith in order to put money into the pockets of saloon keepers, boarding-house men, and hotel keepers? If we want to show the Indians what our jurisprudence is, why not give him the same chance before the law that is given to a white man? Why not try him in his own country?

But, sir, I do not care at this time to pursue this branch of the subject further. My principal object is to show the vast and expensive criminal system in the Territory. Other Senators desire to be heard, and I shall not, therefore, move to refer the joint resolution until they have spoken.

Mr. BERRY. Mr. President——

Mr. PLATT. If the Senator from Arkansas will excuse me for a moment—I am not going to make any extended remarks—I thought I should like an opportunity to give to the Senate the result of an investigation which I had the honor of making on behalf of the Indian Committee into some matters regarding the five civilized tribes, with reference to an opinion I had formed as to what ought to be done in relation to the governments there, and what the Indians themselves ought to consent to having done; but there is no opportunity to do it this morning, and I ask that the joint resolution may lie over until another day, when, perhaps, I may be able to make my statement.

Mr. BERRY. Mr. President, I also ask that the joint resolution may lie on the table for the present. I have no disposition to make any reply to the remarks made by the Senator from Missouri [Mr. VEST] in regard to establishing a commission, or in regard to assigning land in severalty to the Indians in the Indian Territory. There is much of what the Senator said to which I agree. There are certain statements, however, in the Senator's argument in reference to the courts at Fort Smith, Paris, and Wichita to which at the proper time I hope to reply.

The latter part of the Senator's remarks seemed to be simply a denunciation of those outside courts, leaving the impression that the expenses referred to had been largely increased by reason of their establishment. If I understood the figures correctly as cited by him, I think the expenses of the court inside the Territory for the last year will not justify the attack which he made upon the courts at Fort Smith and other places outside. However, I shall reply at some other time to that point.

Mr. BUTLER. Mr. President, I understand it is the purpose of the Senator from Missouri to refer the joint resolution to the select committee of which I am chairman, and I shall therefore withhold any observations that I may have to make in regard to it until the measure has taken that direction. I think, perhaps, I may be able to submit some observations which will throw light upon the difficulties to which the Senator refers as existing in the Indian Territory.

The VICE-PRESIDENT. The joint resolution will go over, and the first bill on the Calendar will be stated.

ALLOTMENTS TO INDIANS ON WHITE EARTH RESERVATION.

The bill (S. 3184) to provide for allotments to Indians on White Earth Reservation, in Minnesota, was announced as first in order on the Calendar, and was read by the Chief Clerk.

Mr. PLATT. I do not think the Senate is quite prepared to go on with the Calendar to-day. I move that the Senate proceed to the consideration of executive business.

Mr. MCPHERSON. If the Senator from Connecticut will please withdraw the motion, I should like to call up the resolutions of the House of Representatives in respect to the death of a member of that body, as I presume we would adjourn after an executive session.

Mr. PLATT. I know there is such a resolution pending, and I withdraw my motion.

DEATH OF REPRESENTATIVE M'DONALD.

Mr. MCPHERSON. I ask that the resolutions of the House of Representatives be laid before the Senate.

The VICE-PRESIDENT. The Chair lays before the Senate resolutions from the House of Representatives; which will be read.

The Chief Clerk read the resolutions, as follows:

IN THE HOUSE OF REPRESENTATIVES, *December 5, 1892.*

Resolved, That this House has heard with deep sorrow of the death of the Hon. Edward F. McDonald, lately a Representative from the State of New Jersey.

Resolved, That a copy of the foregoing resolution be transmitted to the family of the dead member.

Resolved, That the Clerk be directed to communicate a copy of these resolutions to the Senate.

Resolved, That as a further mark of respect for the dead this House do now adjourn.

Mr. MCPHERSON. Mr. President, I offer the resolutions which I send to the desk.

The VICE-PRESIDENT. The resolutions will be read.

The Chief Clerk read the resolutions, as follows:

Resolved, That the Senate has heard with deep sensibility the announcement of the death of Hon. Edward F. McDonald, late a Representative from the State of New Jersey.

Resolved, That the Secretary communicate this resolution to the House of Representatives.

Resolved, That as a mark of respect to the memory of the deceased the Senate do now adjourn.

Mr. MCPHERSON. Mr. President, a single word. It has been a practice which has recently grown up in the Senate that such resolutions should take this course. At some future time another series of resolutions will probably reach us, when I shall endeavor to pay fitting tribute to the memory of my deceased colleague in the other House.

The VICE-PRESIDENT. The question is on agreeing to the resolutions submitted by the Senator from New Jersey.

The resolutions were agreed to unanimously; and (at 1 o'clock and 16 minutes p. m.) the Senate adjourned until to-morrow, Thursday, December 8, 1892, at 12 o'clock, meridian.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *December 7, 1892.*

The House met at 12 o'clock m. Prayer by Rabbi ISAAC M. WISE, of Cincinnati, Ohio.

The Journal of the proceedings of yesterday was read and approved.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. STEWART of Texas, until Monday next (at the request of Mr. SAYERS).

To Mr. COMPTON, indefinitely, on account of sickness (at the request of Mr. DOCKERY).

To Mr. MOSES, indefinitely, on account of sickness in his family (at the request of Mr. EVERETT).

PAY OF ASSISTANT CUSTODIANS AND JANITORS.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, urging that an additional appropriation be made as early as practical for the pay of assistant custodians and janitors for the fiscal year; which was referred to the Committee on Appropriations, and ordered to be printed.

REPORT OF THE GOVERNMENT DIRECTORS OF THE UNION PACIFIC RAILWAY COMPANY.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting a copy of the report of the Government directors of the Union Pacific Railway Company for the year 1892; which was referred to the Committee on the Pacific Railroads, and ordered to be printed.

REPORT OF THE MARITIME CANAL COMPANY OF NICARAGUA.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting the report of the Maritime Canal Company of Nicaragua; which was referred to the Committee on Interstate and Foreign Commerce, and ordered to be printed.

RECEIPT, DISTRIBUTION, AND SALE OF PUBLIC DOCUMENTS BY THE INTERIOR DEPARTMENT.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting report regarding the receipt, distribution, and sale of public documents on behalf of the Government by the Department of the Interior; which was referred to the Committee on Expenditures in the Interior Department, and ordered to be printed.

FINDINGS OF THE COURT OF CLAIMS.

The SPEAKER also laid before the House a communication from the assistant clerk of the Court of Claims, transmitting a copy of the findings of the court in the cases of the following-named persons against the United States: Amos Woodruff, Willis Cotton, deceased, P. L. Feezer, Alexander Seals, Jesse Picket, deceased, Fannie Young, W. J. Hendricks, deceased, J. N. Stephens, deceased, J. G. Ferguson, F. I. Johnson, deceased, and Peter Dunbar; which was referred to the Committee on War Claims, and ordered to be printed.

REPORT OF THE COMMISSIONER OF THE FREEDMAN'S SAVINGS AND TRUST COMPANY.

The SPEAKER also laid before the House a letter from the commissioner of the Freedman's Savings and Trust Company, transmitting report for the year ending December 5, 1892; which was referred to the Committee on Banking and Currency, and ordered to be printed.

TESTS OF IRON AND STEEL, ETC., AT WATERTOWN ARSENAL.

The SPEAKER also laid before the House a letter from the Acting Secretary of War, transmitting the report of the commanding officer of the Watertown Arsenal of tests of iron, steel, and other material for industrial purposes, made during the fiscal year ending June 30, 1892; which was referred to the Committee on Manufactures, and ordered to be printed.

CONTINGENT EXPENDITURES OF THE MILITARY ESTABLISHMENT.

The SPEAKER also laid before the House a letter from the Acting Secretary of War, transmitting a report of the expenditures of the appropriations for the contingent expenses of the military establishment; which was referred to the Committee on Expenditures in the War Department, and ordered to be printed.

SPRINGFIELD ARMORY.

The SPEAKER also laid before the House a letter from the Acting Secretary of War, transmitting a statement of expenditures at the Springfield Armory during the fiscal year ending June 30, 1892; which was referred to the Committee on Appropriations, and ordered to be printed.

RIVERS AND HARBORS.

The SPEAKER also laid before the House a number of letters from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers in each case, a report of the examination and survey of the various rivers and harbors mentioned below; which were severally referred to the Committee on Rivers and Harbors, and ordered to be printed:

Barnegat Inlet, New Jersey; South Fork of Bagaduce River, Maine; Old River, California; Stanislaus River, California; San Joaquin River, California; Emory River, Tennessee, from its mouth to Harriman; Green Bay, Wisconsin; Coos River, Oregon; the mouth of Navarro River, California; Tuolumne River, California; Frenchs Beach Harbor, Maine; Hamburg Bay, Illinois; Hiawassee River, Tennessee; Fox River, Wisconsin; Harbor of Crescent City, California; Harbor of Moline, Illinois; Vinal Haven, Maine; Nooksack River, Washington; Duck River, Tennessee; St. Jones River, Delaware; Neponset River, Massachusetts; Willamette River, Oregon; for lock and dam on Allegheny River near Tarentum, Pa.; Seaford Creek, New York; Upper Columbia River, Washington; and Chelsea River, Massachusetts.

DEEP WATER HARBOR AT SAN PEDRO, CAL.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting, with maps, etc., the report of a board of engineer officers of the United States Army as to the proposed deep-water harbor at San Pedro or Santa Monico bays, Cal.; which was referred to the Committee on Rivers and Harbors, and, with accompanying papers, ordered to be printed.

OFFICIAL RETURNS OF PRESIDENTIAL ELECTORS.

The SPEAKER. The Chair has received from the Secretary of State certified copies of the official ascertainment of the electors for President and Vice-President chosen in New Hampshire, Georgia, Arkansas, and Maryland. These returns will remain on the Speaker's table.

ORDER OF BUSINESS.

The SPEAKER. The Clerk will now call the standing and select committees for reports.

The call was completed, but no reports were presented.

The SPEAKER. In the second morning hour the call rests with the Committee on Public Lands. The House was considering a bill reported by that committee on the last day in which such business was transacted, but the hour expired before the consideration was completed. The Clerk will report the title of the bill.

The bill was read, as follows:

An act (S. 80) to authorize the Secretary of the Interior to convey to the State of Kansas certain lands therein.

Be it enacted, etc., That there is hereby granted to the State of Kansas the right to occupy, improve, and control, for the purposes of a soldiers' home, to be established and maintained thereon by said State, two sections and one-half of the lands embraced within the Fort Hays military reservation, to include the buildings located thereon, and to be selected by the governor of the State of Kansas according to legal subdivisions and contiguous, on condition that said State shall, within two years, establish such home at which provision shall be made for the care and maintenance of officers, soldiers, sailors, and marines who have served in the Army, Navy, or Marine Corps of the United States, their dependent parents, widows, or orphans, and under such rules and regulations as said State may provide; and there is likewise granted to said State from said reservation, to be selected by the governor, 2½ sections of land, to embrace the timber on the reservation, such selections to be made to correspond to the legal subdivisions and to adjoin the first-named tract. Said last-named tract is granted for the purpose and upon condition that the State of Kansas shall make of the same and maintain thereon a public park, and shall fully protect from destruction and damage said timber: *Provided*, That the United States reserves to itself the fee and the right forever to resume possession and dispose of the said lands whenever it shall appear that the State of Kansas has ceased to use the same for public purposes.

SEC. 2. That all the remainder of said reservation, after said selections have been made, shall be opened to settlement under the homestead laws only: *Provided*, That no entry shall embrace more than 80 acres.

The SPEAKER. The gentleman from Arkansas [Mr. McRAE] is recognized.

Mr. McRAE. I will yield to the gentleman from Kansas [Mr. BAKER] such time as he may desire.

Mr. OATES. Mr. Speaker, I rise for the purpose of requesting the gentleman from Arkansas [Mr. McRAE] to explain what this bill is.

Mr. McRAE. Mr. Speaker, I explained this bill at the preceding session of this Congress [laughter], and I do not care to repeat myself; but if the gentleman who introduced the bill which the committee have reported as an amendment desires to be heard, I will yield him such time as he desires. The bill, in short, is intended to convey a certain military reservation to the State of Kansas in trust for a soldiers' home, to be conducted upon what is known as the cottage plan.

Mr. LIVINGSTON. How many acres are there in the reservation?

Mr. McRAE. Over 7,000, I think. Now, Mr. Speaker, if no gentleman desires to discuss the bill, I will move the previous question on the adoption of the amendment reported by the Committee on Public Lands.

Mr. HOLMAN. Mr. Speaker, I hope the report at least will be read.

Mr. DINGLEY. Mr. Speaker, is this bill required to be considered in Committee of the Whole?

The SPEAKER. It would be under the rules, but it was considered in the House at the first session of this Congress, the point suggested by the gentleman from Maine not having been made.

Mr. HOLMAN. Mr. Speaker——

The SPEAKER. Does the gentleman from Arkansas yield the floor?

Mr. McRAE (to Mr. HOLMAN). How much time do you want?

Mr. HOLMAN. I want no time at all except to say that I have sent to the document room for a copy of the report upon this bill, and am told that there is no report. That, I suppose, must be a mistake.

Mr. McRAE. I think that is a mistake.

Mr. HOLMAN. Well, if there is a report, I hope it will be read.

Mr. McRAE. The report was read and printed in the RECORD when the bill was considered before, and the measure has already been discussed in the House for an hour. Mr. Speaker, I now see the gentleman from Kansas [Mr. BAKER] who introduced the bill which the committee have reported instead of the Senate bill, and I yield him such time as he desires.

Mr. OUTHWAITE. Mr. Speaker, I would ask the gentleman from Kansas [Mr. BAKER] to have the bill read.

Mr. McRAE. The bill has just been read *in extenso*.

Mr. BAKER. Mr. Speaker, this bill proposes that the Congress of the United States shall grant to the State of Kansas a body of land which was formerly used for military purposes, but the military use of which was abandoned in 1887. The land is at Fort Hays, Kans. The object in asking for this grant is to provide a cottage home for old soldiers and their families. At the close of the war, as is well known, many of the old soldiers sought homes on the new and unoccupied lands of the West. Unfortunately hundreds of those old soldiers have been dispossessed of their homes, and are to-day without homes or shelter for themselves or their families. This tract of land contains 7,600 acres. We have asked Congress to set aside a certain portion of it for a cottage home for the old soldiers and their families; the balance of it to be leased in 40 and 80 acre tracts for the benefit of the cottage home. The object of the bill is twofold, first to provide for old soldiers who are to-day without homes, and secondly to reduce, as far as may be possible, the expenses incident to the support of such of them as have become a public charge.

Mr. COX of Tennessee. What is the value of this land at this time?

Mr. BAKER. There has been no estimate placed upon it, so far as I know. I presume that it would be valued at from $5 to $15 an acre. That which is close to the city probably would be worth $15 per acre.

Mr. COX of Tennessee. What are the buildings worth?

Mr. BAKER. The buildings were appraised at $10,000.

Mr. COX of Tennessee. And there are 7,600 acres in the tract.

Mr. BAKER. Seven thousand six hundred acres. The Senate passed a bill conveying 2,400 acres for this purpose, but my bill includes the whole military reservation, to be used for the purposes I have stated.

Mr. OUTHWAITE. There is a national home in the State of Kansas for disabled volunteers, is there not?

Mr. BAKER. There is; but it does not provide for the families of the soldiers.

Mr. LIVINGSTON. These soldiers are on the pension roll, are they not?

Mr. BAKER. Some are and some are not. Unfortunately a great many of them have not come under the pension laws; most of them, indeed, are of that class to-day.

Mr. BOATNER. Is this land wanted for purposes of cultivation?

Mr. BAKER. I can hardly answer that question, for there are many millions of acres in our State that are not under cultivation at this time.

Mr. ANDREW. Does this bill contemplate that the wives and children of veterans shall occupy this home?

Mr. BAKER. That is the purpose—that the wives and children, so far as necessary, may receive relief in this way. We think that the burden of taxation, not only of the people of Kansas but of the National Government, will in this way be relieved.

Mr. OUTHWAITE. I would like to ask the gentleman whether he knows of any other State of the Union that has received as large a donation as this, or indeed any donation from the public domain, for the purpose of establishing such homes?

Mr. BAKER. I am not informed of any other State having received a donation of this kind. But right wrongs no man. We contend that this bill is right in principle; that the laws of humanity impose upon us the imperative duty of providing for this class of persons. These soldiers came in there and settled at the close of the war. To-day, probably one-third of the population of Kansas are old soldiers, or very nearly that proportion.

Mr. OUTHWAITE. Is there any reason why the State of Kansas should be preferred in this matter over the other States? The State of Ohio has a soldiers' home similar to this, sustained by the State; it is also the fact that several other States have homes of this kind; and none of these States have received any donation from the General Government in aid of such homes. Now I would like the gentleman to state any reason within his knowledge why the State of Kansas should be preferred in this matter over other States, beyond the simple fact that this military reservation happens to be situated in Kansas.

Mr. TURNER. As I understand, these old soldiers who are to be the inmates of this home have already received their share of the public lands.

Mr. PICKLER. The lands will revert to the Government as soon as they are no longer needed for these soldiers.

A MEMBER. How soon?

Mr. PICKLER. This generation will finish up the matter.

Several MEMBERS. Oh, no.

Mr. ANDREW. This donation is for the benefit, not only of the soldiers themselves, but of "their dependent parents, widows, or orphans."

Mr. COOMBS. Not only the soldiers, but their descendants get the benefit of this donation.

Mr. BAKER. I wish to remark that our condition is a little different from that of most of the older States. At the close of the war many of the men who had served in the Union army went out and built up new homes in the West. Hundreds of that class of men, as I have before stated, are to-day, with their families, dispossessed of their homes. I have been informed that at this time, in the city of Fort Hays, there are four soldiers' families that are being supported at public expense, the soldiers themselves being in the Government home at Leavenworth.

Under the system here proposed we desire to provide that the family of the soldier may not be separated from the father or husband; and we want to accomplish this object at the least possible expense. We do not ask a dollar at the hands of the General Government; but we do claim that the laws of humanity demand that the men who have spent the best years of their lives in the defense of their country shall be thus provided in their old age, so far as may be possible with justice to the taxpayers of the country and with as little expense as possible to the Government and the people.

Mr. COOMBS. Each one of these families will receive 1,900 acres?

Mr. BAKER. It would not give 10 acres to each soldier's family who are without homes to-day.

Mr. COOMBS. What can these people get from this land?

Mr. BAKER. The land can be leased in tracts of 40 to 80 acres for five years at a time. It is estimated that this measure will save to the taxpayers of the State not less than $20,000 per annum. We do not ask to impose any expense upon the Government of the United States; we do not ask a dollar from the public Treasury. We simply ask for the use of this tract of land, and that the revenue received from it may be used for the support of this cottage home, thereby relieving the taxpayers of the State to the extent of the income received from that source. Have we not been taxed, and heavily taxed, for the support of other sections of the country? We ask this at your hands as an act of simple justice to the State of Kansas and to the old soldiers within her borders.

Mr. OUTHWAITE. Will the gentleman allow me to interrupt him for another question?

Mr. BAKER. Certainly.

Mr. OUTHWAITE. The question I wish to ask is whether the General Government has not already made a donation of a tract of public lands to the State of Kansas for a like purpose?

Mr. BAKER. What purpose?

Mr. OUTHWAITE. Why, to establish a site for a soldiers' home at Fort Dodge.

Mr. BAKER. The Government of the United States gave to the State of Kansas 160 acres for a cottage home. First, this amount of land is not adequate to the needs of the home at this time, and in the second place it is very unfavorably located, being near the sand hills, in a locality not at all adapted to the establishment of such a home. In other words, it is entirely inadequate for the purpose.

Mr. BRODERICK. Will the gentleman yield for another question?

Mr. BAKER. Certainly.

Mr. BRODERICK. Is this not merely a loan of land to be used by the State for temporary purposes?

Mr. BAKER. That is all. We do not ask a dollar of funds to be donated to the State. We do not ask you to give us an acre of the public lands. We only ask to be permitted to use this property during such time as the State may deem it necessary for the purpose contemplated.

Mr. OUTHWAITE. I dislike to interrupt the gentleman, but I think that he is entirely mistaken in his last reply.

Mr. BAKER. In what regard?

Mr. OUTHWAITE. That this is merely for use and occupancy. The very terms embodied in the title of the bill show that it makes an actual donation or grant to the State of Kansas of this land.

Mr. PICKLER. But only while it is used for the purpose contemplated.

Mr. BAKER. That is all.

Mr. PICKLER. And reverts to the Government when the necessity for its use, for the purpose contemplated, is done away with.

Mr. BABBITT. But it covers a period of some sixty years, does it not?

Mr. BAKER. No, it does not refer to any particular time. The reservation of a limit to the time is not embodied in the proposition.

We do not want a dollar from the Treasury, but simply to be allowed to use the land, and the buildings, so that we may be able to properly care for these old soldiers for whom the State of Kansas can not make provision at this time. The Legislature of the State will meet inside of a month. A former Legislature in Kansas appropriated $10,000 for this purpose——

Mr. PICKLER. What purpose?

Mr. BAKER. To provide for these cottage homes. I say the State has made provision to that extent already, in anticipation of this legislation. It was done several years ago, because it was expected such a bill would become a law.

Mr. HARVEY. The question is simply whether the Government will give to the soldiers the use of this land, or sell it to some landed syndicate.

Mr. BAKER. That is all. I repeat, we do not ask the Government to give anything. The question is whether the State will be allowed to use it for the benefit of the soldiers, and to relieve the State from the burden of taxation, which is necessarily imposed upon the State, in making proper provision for these gallant old soldiers, or whether this land shall be held to be disposed of to some syndicate, to build up some corporation or monopoly in this country.

Mr. PICKLER. Let us have a vote.

Mr. McRAE. If the gentleman from Kansas has concluded——

Mr. BAKER. I have said all I think necessary to say at this time.

Mr. McRAE. Then I will yield to the gentleman from Indiana, Judge HOLMAN, as much time as he thinks necessary.

Mr. HOLMAN. I only want a word or two myself, but would suggest to my friend from Arkansas that he yield to his colleagues on the committee first.

Mr. McRAE. Then I yield to the gentleman from Missouri [Mr. DE ARMOND] for five minutes.

Mr. DE ARMOND. Mr. Speaker, this measure was before the House at its last session, and was discussed to some extent at that time. The report of the Committee on Public Lands, as it appears before the House, is a favorable one. I feel that, as one of the members of the committee that did not and do not concur in this report, believing on the contrary that the report should have been adverse, it is due to myself, as well as to the House, that I state briefly some of the grounds of opposition, which a careful reading of the bill itself ought to bring into view.

The proposition is, in plain English, to give to the State of Kansas, for the purpose of a soldiers' home, 7,600 acres of valuable land worth from $150,000 to $200,000. The occupants of the proposed home are to be exempt from taxation while residing there. As the law now is, all the land embraced in this abandoned military reservation could be placed upon the market and sold, and the proceeds paid into the Treasury, where there is need of money. The bill really excludes from the use and occupation of this land all soldiers except those residing in the State of Kansas. There is already provided in Kansas a national soldiers' home. There is no reason why this donation should be made to that State rather than to any other State. There is no reason, in fact, why a donation of this character should be made to any State. The land, improved and with more than $10,000 worth of buildings upon it, can be sold readily if placed upon the market. It is only necessary for those charged with its disposition to place it upon the market, sell it, and pay the proceeds into the Treasury, where they ought to go; and so much of the public property will be devoted to public use. This is a bill which in justice to the people of the United States, in justice to the soldiers of the different States, in justice to the taxpayers of the Union, ought not to pass. It is special, partial, unfair legislation, and deserves, as I hope it will receive, the reprobation of this House.

Mr. McRAE. Mr. Speaker, I believe this bill is very well understood by the House. If the old, abandoned policy of selling lands for the purpose of raising revenue for the General Government is to be restored, there is no excuse for this grant, which is only in trust for the purposes indicated. Practically the question involved in this bill is as to whether we shall reserve this abandoned military reservation for actual settlers, to be disposed of in 160-acre lots to squatters, sell it to speculators, or give it in trust to the State of Kansas for the purpose of maintaining thereon at her own expense a soldiers' home upon the cottage plan. I believe in this plan for such homes. There is very little probability that we will ever raise any revenue from the lands in question. The Government price for agricultural public lands like this is $1.25 an acre. These lands are doubtless worth more. There are millions of acres of land disposed of yearly that are worth more; but that is the price the Government has fixed, and in estimating the value of this grant it is but fair to say that the land is worth the price at which the Government holds the agricultural lands. Besides, the bill only grants the use of the land for a home and reserves the fee in the Government. Whenever the State of Kansas ceases to use the land for that purpose the land will revert to the United States to be disposed of under the laws then in force.

Mr. OATES. Mr. Speaker, I would like to ask the gentleman from Arkansas [Mr. McRAE] if it is not customary to sell military reservations for whatever they will bring, and not to dispose of them at a dollar and a quarter an acre?

Mr. McRAE. There is a law authorizing a sale, but it is not the custom to sell as large tracts as this. I do not believe a solitary military reservation has been sold since I have been in public life. There is nothing more common than for Congress to pass bills opening military reservations to settlers under the homestead law. It is the well-understood policy of the Government to reserve all lands fit for cultivation for settlers under the homestead law. Now, if that policy is to be reversed and such lands are to be sold, then this land should be sold also; but if our public lands are to be given away to settlers for homes, I see no reason why the use of this reservation should not be granted to the State for homes for such soldiers as she will maintain. It will relieve the National Home, and thereby aid the National Government in doing that for which she is now spending millions of dollars.

Mr. HOLMAN. I wish to make an inquiry of my friend. I understood him to say that there is no law now providing for the sale of such reservations.

Mr. McRAE. The gentleman misunderstood me. I said there was a law, but that it was not the custom of the Interior Department to use it in disposing of large military reservations.

Mr. HOLMAN. But the Secretary of the Interior has the power under the act of 1883. Under that act this land could be sold to the highest bidder. That law has never been repealed.

Mr. McRAE. That is true. It never has been repealed. But it is not the custom to sell reservations of this size and character under the law.

Mr. HOLMAN. The law is still in force and this land could be disposed of under it by the Secretary of the Interior.

Mr. McRAE. If the Secretary of the Interior saw fit to do so, but he has not seen fit to offer it for sale. When he does some land syndicate will buy it and we will hear a howl about land monopoly. I am for those who want to cultivate it.

Mr. HOLMAN. One other suggestion to my friend from Arkansas. The reason why that law was passed was apparently that the principle of the homestead law should not apply to such lands, for two reasons: First, they are not in the nature of wild lands. They are lands which have been reserved from sale and are settled around generally by a dense population. They are the best lands that can be secured, and well watered; and for these reasons it is not deemed proper that the homestead principle should apply to lands of this class. I think that under the circumstances this body of land ought to be sold and the money paid into the Treasury.

Mr. McRAE. That principle, reduced to its final analysis, means that settlers should only have the lands which we can not sell, lands that are worthless. It means that we should sell all that can be sold. So far as I am concerned I am opposed to such a policy for the settlement of our public domain. I want the settlers to have free of cost our public lands when they can be utilized for homes. The State of Kansas proposes to use this for a class of homeless people, and so far as I am concerned I see no objection to allowing her to do so. We incur no expense and still retain the title to the land, which will constantly improve in value.

I demand the previous question on the passage of the Senate bill as amended.

The SPEAKER. Before putting the motion of the gentleman from Arkansas, the Chair will direct the Clerk to read the Senate bill as amended. The House amended the bill by striking out all after the enacting clause and inserting the following, which the Clerk will read.

The bill as amended was read as follows:

Be it enacted, etc., That there is hereby granted to the State of Kansas the right to occupy, improve, and control for the purpose of a soldiers' cottage home, to be established and maintained thereon by said State, the Fort Hays military reservation, to include the buildings and improvements located thereon, on condition that said State shall within two years establish such home, at which provision shall be made for the care and maintenance of officers, soldiers, sailors, and marines who have served in the Army, Navy, or Marine Corps of the United States, their dependent parents, widows, or orphans, and under such regulations as said State may provide. During its

occupancy by the State the reservation and all persons thereon shall be subject to the laws of the State, except that no old soldier occupying it as his home shall be subject to taxation.

SEC. 2. That said State shall cause the belt of timber on said reservation to be properly fenced, to make and maintain a public park, with suitable drive on each side of said belt of timber, to place the same in charge of the manager of the home, and make such laws and regulations as will carefully protect said timber from destruction and damage. It shall cause two and one-half sections adjoining the quarter section on which the buildings are now located to be properly laid out in avenues and 2-acre lots, on each of which lots may be constructed a cottage for an old soldier and his family, and as much more of said land as may hereafter be needed for such purposes. It shall maintain the soldiers' cemetery now on said reservation, which is hereby made a national cemetery. That portion of the reservation not required for other purposes shall be leased out in five-year leases, in tracts not larger than 80 acres, to the highest bidder in cash, the proceeds to be used for maintenance of said soldiers' home.

SEC. 3. That the State of Kansas, during its occupancy, shall have the right to grant the 100-foot right of way to any railroad that may desire to build across said reservation, for the benefit of said home: *Provided*, That the said railroad shall thoroughly fence its track on said reservation and maintain a freight and passenger depot at its closest point to the main buildings on said reservation, where the commandant shall designate.

SEC. 4. That the United States reserves to itself the fee and the right forever to resume possession and dispose of said lands whenever it shall appear that the State of Kansas has ceased to use the same for the purposes specified in this act.

Mr. HOLMAN. Mr. Speaker, before the motion is put, I hope my friend will allow the present law to be read.

Mr. McRAE. There is no question, Mr. Speaker, as to the authority of the Secretary of the Interior to dispose of this land; and I do not desire to take up the time of the House by having the law on the subject read.

Mr. HOLMAN. It is desired to have it appraised and sold——

Mr. McRAE. We all understand that this land has been subject to sale ever since the military ceased to use it and turned it over to the Interior Department.

Mr. BYNUM. If the gentleman will allow me, I desire to know if the Grand Army posts of the State of Kansas have not remonstrated against the passage of this bill, on the ground that they already have a home which is not filled?

Mr. McRAE. Not to my knowledge.

Mr. BYNUM. I recollect distinctly receiving a protest of that kind, and I kept a copy of it in my desk, but do not now find it. I would be glad to have some information about this from some gentleman from Kansas. I know that I received from a Grand Army post of that State a protest against the passage of this bill.

Mr. McRAE. I have no information on that subject, and no protests were referred to the Committee on Public Lands that I remember. The gentleman who represents the district in which this land is situated says that he has no knowledge of any such protests. It is a matter of but little consequence whether they did or not.

Mr. BAKER. I know that the Grand Army post at Fort Dodge did send a protest against the passage of the bill—not the Grand Army posts generally of the State.

The previous question was ordered; and under the operation thereof the question was taken on the third reading of the bill, when the Speaker announced that the noes seemed to have it.

Mr. BAKER. Division, Mr. Speaker.

The House divided; and there were—ayes 28, noes 85.

Mr. BAKER. Tellers.

The question was taken on ordering tellers.

The SPEAKER. Twenty-one gentlemen have arisen in support of the demand for tellers—not a sufficient number. Tellers are refused, the noes have it, and the House refuses to order the Senate bill, as amended, read a third time.

ENGINEER CORPS OF THE NAVY.

The SPEAKER. The call rests with the Committee on Naval Affairs.

Mr. HERBERT. Mr. Speaker, I call up the bill (S. 139) terminating the reduction in the numbers of the Engineer Corps of the Navy.

The title of the bill was read.

The SPEAKER. The Chair will state to the House that this bill was before it for consideration under a special rule at the last session. The bill had been ordered to be read a third time, whereupon the hour expired; so the bill will now be read the third time.

The bill was read the third time.

Mr. HOLMAN. Mr. Speaker, I believe this bill——

The SPEAKER. Does the gentleman from Alabama [Mr. HERBERT] yield the floor?

Mr. HERBERT. No, sir. The previous question was ordered on the bill.

Mr. HOLMAN. No; I think not.

The SPEAKER. Under the rules the previous question can not be ordered upon the third reading and final passage at the same time.

Mr. HERBERT. I do not yield the floor.

The SPEAKER. The previous question was ordered on the engrossment and third reading. The bill has now been read the third time, and the question is: Shall the bill pass?

Mr. HOLMAN. Well, Mr. Speaker, I trust the gentleman from Alabama will explain the effect of this bill; and I know the House, when it understands the bill, will hesitate before passing it.

Mr. HERBERT. Mr. Speaker, I will explain the bill. I stated the effect of the bill at the last session, but I will restate it in order to bring it to the mind of the House. The question was debated to some extent and the facts laid before the House, and thereupon the House, upon a vote, by a very considerable majority, ordered the bill to a third reading.

The bill provides that the reduction in the numbers of the Engineer Corps of the Navy, provided for under the act of August, 1882, shall be considered as having ceased on the 30th day of June, 1891. I stated when the bill was last before the House for consideration that the act of 1882 reduced the number of engineers, and provided that the reduction should go on until the number got down to 170. That law has been in operation for ten years, and under the provisions of that act, whereby only one promotion was made for every two vacancies, this reduction has gone on until on the 30th of June, 1891, the date fixed in this bill for the reduction to cease, there were only 191 engineers in the Navy. One hundred and ninety-one engineers are barely sufficient for the needs of the service, at the present. One hundred and seventy would be totally insufficient. The Secretary of the Navy, in his annual report for 1890, says:

> At present there are not enough engineer officers in the Navy for ordinary working purposes, and if any additional ships were built an enlargement of the corps would be necessary.

Which statement is again emphasized in the Secretary's report for 1891.

The Secretary of the Navy is even of the opinion that the small increase proposed by this bill is not sufficient, and there is another bill pending in committee making a still further and larger increase of this corps than is provided for here. But the Committee on Naval Affairs, having given that other bill careful consideration, could not see their way to recommend it. They have, however, recommended this bill as being absolutely necessary. No person who has examined this question at all has any doubt about the necessity or propriety of passing this bill. The Secretary of the Navy recommends it, and every officer in the Navy, whether in the line or staff, will say that the number of engineers provided for in it is barely sufficient for the ships that are now in commission and those now in process of construction and nearly completed.

Mr. GREENLEAF. And I understand the gentleman to say that the committee were unanimous in reporting this bill?

Mr. HERBERT. They were unanimous in reporting this bill.

Mr. HOLMAN rose.

Mr. HERBERT. Mr. Speaker, I do not desire to yield the floor unless the gentleman from Indiana wishes to be heard upon the bill.

Mr. HOLMAN. Just for a moment.

Mr. HERBERT. Then I yield the gentleman five minutes.

Mr. HOLMAN. Mr. Speaker, I send to the Clerk's desk, to be read, a provision of the act of 1882 regulating this matter.

The Clerk read, as follows:

> That the active list of the engineer corps of the Navy shall hereafter consist of ten chief engineers with the relative rank of captain, fifteen chief engineers with the relative rank of commander, forty-five chief engineers with the relative rank of lieutenant-commander or lieutenant, sixty passed assistant engineers, and forty assistant engineers with the relative rank for each as now fixed by law; and after the number of officers in the said grades shall be reduced as above provided, the number in each grade shall not exceed the reduced number which is fixed by the provisions of this act for the several grades.

Mr. HOLMAN. Now, Mr. Speaker, that is the present law. It was enacted in view of the existing *personnel* of the Navy, fixed, I believe, at 7,500. That measure was considered with extreme care, after full consultation with the Secretary of the Navy at that time, and it is the law; but now it is proposed to stop short of carrying that law into effect, to stop when the number is still 191 instead of 170, as contemplated by the law. I think that nothing has occurred since 1882 to justify the extraordinary change here proposed in the *personnel* of this particular branch of the Navy.

Mr. DOCKERY. What is the increase of expenditure proposed by this bill?

Mr. HOLMAN. Well, the existing law has been read fixing the number of this corps. Gentlemen are aware that there came down to us from the war period a vast number of officers who had to be dispensed with, and this law which I have had read was one of the final acts of Congress looking to a reasonable reduction of the number. Under the law as read here the number would be reduced to 170. The number now, as I understand, is 191, and this change of the law would largely increase the number. I hope the House will not vote to make any such increase.

Mr. HERBERT. Mr. Speaker, the gentleman from Indiana [Mr. HOLMAN] says, and says correctly, that this matter was very carefully considered ten years ago when the act of 1882 was passed, and that the number of engineers was then intended to be fixed at 170. He also says, quite correctly, that the purpose of that act was to reduce the extravagantly overgrown *personnel* of this corps as well as of other corps of the Navy which had come over as a result of the war. The process of reduction provided for in that act of 1882 which the gentleman has had read has been going on steadily from that time down to the present. The gentleman from Indiana also says—and in this I think he is incorrect—that nothing has occurred during the past ten years to justify a change of the policy then decided upon of limiting the number of officers in this corps to 170. Nothing has occurred, sir, except the authorizing and the building of something like forty new ships.

Mr. HOLMAN. Yes; new ships; but nothing has occurred in the way of increasing the force of the Navy. The force has not been increased.

Mr. HERBERT. Well, Mr. Speaker, if the authorizing and the building of something like forty new ships does not make a different situation from that which existed ten years ago, then I, at least, am very much at fault.

Mr. HOLMAN. But how many of the old ships have been disposed of?

Mr. HERBERT. Oh, nearly all the old ships have gone. There are very few of the old vessels now in commission. Not half a dozen of them will survive next year. New ships have been put into commission, and other new ships have been substituted for them, that are larger and more complicated and better ships than those they are replacing, and they require more engineer officers to take care of them and run them. Your Committee on Naval Affairs took all these facts into consideration. They examined the whole question and unanimously agreed that this bill ought to pass. To refuse to pass this bill will be, under the circumstances, deliberately to cripple the Navy of the United States; which I am satisfied this House does not intend to, and will not willingly, do.

Mr. HOLMAN. I wish to ask the gentleman a question. He states—correctly, of course—that within ten years we have provided for the construction of about forty war ships. Now, how many ships have gone out of commission within that time, and how many will go out of commission within two years?

Mr. HERBERT. I am not prepared to state exactly how many ships have gone out of commission within the last ten years; but I would say roughly, without having given particular attention to the matter recently, that at least thirty-five ships have gone out of the Navy since 1882, when the law was passed fixing the number of engineers at 170. Let me say further that the ships which have been authorized and built since that time are of different classes from those which existed at the time the act of 1882 was passed. These new ships are larger; they contain many more engines; they require many more engineers.

Mr. Speaker, no gentleman in this House can look into this bill and come to any other conclusion than that at least this small increase of about twenty-one engineers is necessary. The opinion obtains generally in the Navy that many more engineers ought to be authorized; but as I have already stated the Committee on Naval Affairs, having due regard to economy in the administration of the Government, have decided that for the present the Navy Department ought to be able to get along with this increase. This is a plain statement of the facts.

Mr. BLOUNT. I wish to inquire whether there is, along with this measure, any proposition to increase the number of seamen?

Mr. HERBERT. There is a proposition of that kind, but it is in a different bill.

Mr. BLOUNT. So that this bill is a project to increase largely the number of engineers——

Mr. HERBERT. Let me say to the gentleman that the force of engineers provided for in this bill is necessary, whether or not there be any increase at all in the number of enlisted men of the Navy. When the other bill comes up we shall consider it on its merits.

Mr. BLOUNT. Then the committee, as I understand, have gone farther than this bill proposes, and they contemplate a general increase of the *personnel* of the Navy.

Mr. HERBERT. Another bill has been reported providing for an increase in the number of apprentices, and for some increase also in the number of common sailors. That is true. But we will meet that question when we come to it.

Mr. BLOUNT. I am not concerned as to how we may meet the question. I simply wanted this information from the gentleman.

Mr. HERBERT. I meant to state to the gentleman courteously that we shall discuss that question when we come to it. I think we shall be able to defend that other bill also. But whether that bill passes or not, this bill most assuredly ought to pass. Nobody who will take the trouble to look into the question can have any doubt about it.

Mr. TAYLOR of Illinois. Is it not true that a number of engineers are now in this city unassigned to duty and with nothing to do except to assist in leading "the german"?

Mr. HERBERT. No, sir; I think not.

Mr. TAYLOR of Illinois. I have heard it so stated.

Mr. HERBERT. Loose statements of that kind are easy to make, but they are not true; the gentleman is in error. I will say to him that there is now a real difficulty in procuring enough engineer officers to perform the duties required by law.

Mr. TAYLOR of Illinois. I think I can, from my own knowledge, give the gentleman information of two or three of these officers now unemployed, except in the manner I have stated.

Mr. HERBERT. I am sure the gentleman is mistaken. Certain I am that although there may be now some engineer officer in the city of Washington on short leave of absence, yet it is the fact that the Engineer Corps is insufficient in numbers to man the ships afloat, inspect and supervise the new engines building, and perform the other duties imposed upon it by law at the present time.

Mr. TAYLOR of Illinois. Is it not a fact that——

Mr. HERBERT. Let me state further that the reduction has gone on now not to 170, but only about 184.

Mr. TAYLOR of Illinois. Is it not a fact that a number of these engineers, in order to give them employment, are now being used on these fishing boats down here?

Mr. HERBERT. No, sir.

Mr. TAYLOR of Illinois. It is a fact, and I know it.

Mr. HERBERT. I deny it; it is not a fact.

Mr. TAYLOR of Illinois. It is a fact, and I can give the gentleman the names of some of them.

Mr. BOUTELLE. What does the gentleman from Illinois state as the fact?

Mr. HERBERT. I am sure the gentleman from Illinois is talking about something of which he has no information.

Mr. TAYLOR of Illinois. I have the information.

Mr. HERBERT. No engineers are detailed anywhere under the orders of the Department except where they are necessary. I make that statement, and I have no doubt in the world of its correctness.

Mr. Speaker, I call the previous question.

The previous question was ordered.

The question being taken on the passage of the bill,

The SPEAKER said: The noes seem to have it.

Mr. HERBERT. I call for a division.

The question being again taken, there were—ayes 71, noes 65.

Mr. HOLMAN. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 126, nays 92, not voting 111; as follows:

YEAS—126.

Alderson,	Cox, N. Y.	Hull,	Powers,
Amerman,	Cummings,	Johnson, Ind.	Price,
Andrew,	Daniell,	Johnson, N. Dak.	Ray,
Atkinson,	De Forest,	Kribbs,	Reed,
Bacon,	Dingley,	Lagan,	Reyburn,
Bankhead,	Dolliver,	Lanham,	Rife,
Barwig,	Dunphy,	Lapham,	Robinson, Pa.
Belknap,	Durborow,	Lawson, Va.	Russell,
Bentley,	Ellis,	Layton,	Scull,
Bergen,	Flick,	Lind,	Seerley,
Bingham,	Forney,	Little,	Smith,
Boatner,	Geissenhainer,	Lodge,	Stevens,
Boutelle,	Gillespie,	Loud,	Stone, C. W.
Bowers,	Greenleaf,	Lynch,	Stone, W. A.
Bowman,	Grout,	Magner,	Storer,
Brawley,	Hallowell,	Mallory,	Tarsney,
Brickner,	Harmer,	McAleer,	Taylor, Tenn.
Broderick,	Harries,	McKinney,	Taylor, E. B.
Brosius,	Harter,	Meyer,	Taylor, J. D.
Bullock,	Haugen,	Miller,	Townsend,
Bunn,	Hayes, Iowa	Mutchler,	Tracey,
Caldwell,	Haynes, Ohio	Newberry,	Walker,
Campbell,	Henderson, Iowa	Oates,	Warner,
Castle,	Henderson, Ill.	O'Donnell,	Waugh,
Causey,	Herbert,	Ohliger,	Weadock,
Cheatham,	Hilborn,	O'Neil, Mass.	Willcox,
Clancy,	Holman,	O'Neill, Pa.	Williams, Mass.
Cobb, Ala.	Hooker, Miss.	Owens,	Wilson, Wash.
Cockran,	Hooker, N. Y.	Payne,	Wise,
Coolidge,	Hopkins, Pa.	Pendleton,	Wright.
Coombs,	Hopkins, Ill.	Perkins,	
Covert,	Huff,	Post,	

NAYS—92.

Abbott,	Breckinridge, Ark.	Caruth,	Davis,
Allen,	Breckinridge, Ky.	Cate,	De Armond,
Antony,	Bretz,	Clover,	Dockery,
Arnold,	Brookshire,	Cobb, Mo.	Donovan,
Baker,	Bryan,	Coburn,	Edmunds,
Beltzhoover,	Busey,	Cooper,	Epes,
Blanchard,	Butler,	Cowles,	Everett,
Blount,	Bynum,	Cox, Tenn.	Fithian,
Branch,	Capehart,	Culberson,	Fyan,

Gantz,	Livingston,	Parrett,	Stone, Ky.
Gorman,	Long,	Patterson, Tenn.	Stout,
Grady,	Mansur,	Patton,	Taylor, Ill.
Halvorson,	Martin,	Pearson,	Terry,
Hare,	McClellan,	Peel,	Tillman,
Henderson, N. C.	McKaig,	Pierce,	Turner,
Johnson, Ohio	McLaurin,	Richardson,	Watson,
Kem,	McMillin,	Sayers,	Wheeler, Ala.
Kilgore,	McRae,	Scott,	White,
Kyle,	Moore,	Shively,	Wike,
Lane,	Norton,	Simpson,	Williams, Ill.
Lawson, Ga.	O'Ferrall,	Snodgrass,	Wilson, W. Va.
Lester, Va.	Otis,	Snow,	Wolverton,
Lester, Ga.	Outhwaite,	Stockdale,	Youmans.

NOT VOTING—111.

Alexander,	Curtis,	Houk, Tenn.	Rockwell,
Babbitt,	Cutting,	Johnstone, S. C.	Rusk,
Bailey,	Daizell,	Jolley,	Sanford,
Bartine,	Dickerson,	Jones,	Shell,
Beeman,	Dixon,	Kendall,	Shonk,
Belden,	Doan,	Ketcham,	Sipe,
Bland,	Dungan,	Lewis,	Sperry,
Brown, Ind.	Elliott,	Lockwood,	Springer,
Brown, Md.	English,	McCreary,	Stahlnecker,
Brunner,	Enloe,	McGann,	Stephenson,
Buchanan, N. J.	Enochs,	McKeighan,	Steward, Ill.
Buchanan, Va.	Fellows,	Meredith,	Stewart, Tex.
Bunting,	Fitch,	Milliken,	Stump,
Burrows,	Forman,	Mitchell,	Sweet,
Bushnell,	Fowler,	Montgomery,	Taylor, V. A.
Byrns,	Funston,	Morse,	Tucker,
Cable,	Geary,	Moses,	Turpin.
Cadmus,	Goodnight,	O'Neill, Mo.	Van Horn,
Caminetti,	Griswold,	Page,	Wadsworth,
Catchings,	Hall,	Pattison, Ohio	Washington,
Chipman,	Hamilton,	Paynter,	Wever,
Clark, Wyo.	Hatch,	Pickler,	Wheeler, Mich.
Clarke, Ala.	Heard,	Quackenbush,	Whiting,
Cogswell,	Hemphill,	Raines,	Williams, N. C.
Compton,	Hermann,	Randall,	Wilson, Ky.
Crain, Tex.	Hitt,	Rayner,	Wilson, Mo.
Crawford,	Hoar,	Reilly,	Winn.
Crosby,	Houk, Ohio	Robertson, La.	

So the bill was passed.

The following pairs were announced:

Until further notice:

Mr. GOODNIGHT with Mr. SHONK.

Mr. WASHINGTON with Mr. SANFORD.

Mr. CLARKE of Alabama with Mr. VINCENT A. TAYLOR.

Mr. PAYNTER with Mr. BELDEN.

Mr. MCCREARY with Mr. WEVER.

Mr. MONTGOMERY with Mr. MOORE.

Mr. ROBERTSON of Louisiana with Mr. DOAN.

Mr. MOSES with Mr. COGSWELL, for this day.

Mr. ELLIS with Mr. CLARK of Wyoming, for this day.

Mr. HATCH with Mr. HOUK of Tennessee, on this vote.

Mr. CAMINETTI with Mr. ENOCHS, on this vote.

Before the announcement of the result of the vote

Mr. HOLMAN said: Mr. Speaker, I have voted in the negative, but desire to change my vote to the affirmative on this question.

The SPEAKER. The vote of the gentleman from Indiana will be changed as requested.

The result of the vote was then announced as above recorded.

Mr. HOLMAN. I move to reconsider the vote by which the bill was passed.

Mr. HERBERT. I move to lay that motion on the table.

Mr. HOLMAN. The hour, I believe, has expired.

The SPEAKER. The hour for the consideration of this measure having expired under the rule, the Chair will hold that it goes over until the next morning hour, subject however, to revision if upon examination the Chair finds that there are precedents to the contrary. But it will come up to-morrow in the second morning hour at all events.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had passed the following resolutions:

Resolved, That the Senate has heard with deep sensibility the announcement of the death of Hon. Edward F. McDonald, late a Representative from the State of New Jersey.

Resolved, That the Secretary communicate this resolution to the House of Representatives.

Resolved, That as a mark of respect to the memory of the deceased the Senate do now adjourn.

PUBLIC PRINTING AND BINDING.

Mr. RICHARDSON. Mr. Speaker, I desire to call up for present consideration Senate bill 1549, "providing for the public printing and binding and the distribution of public documents." A copy of the bill is on the desk, and I ask to have the special order relating to it read, if necessary. I will state that by an order of the House this bill is given precedence for consideration except as against appropriation and revenue bills.

The SPEAKER. The Clerk will read the order to which the gentleman refers.

The Clerk read as follows:

PUBLIC PRINTING.

Mr. RICHARDSON. Mr. Speaker, I desire to present a report, not for immediate consideration, but in order that it may be printed and the bill reported by title and recommitted to the Committee on Printing. I ask, Mr. Speaker, that the committee have leave to report this bill for consideration at any time, not to interfere with appropriation or revenue bills. It is the bill to regulate printing for the Government.

The SPEAKER. The Clerk will report the title of the bill, after which the Chair will submit the request of the gentleman from Tennessee.

The Clerk read as follows:

"A bill (S. 1549) providing for the public printing and binding and distribution of public documents."

The SPEAKER. The gentleman from Tennessee submits this report and asks that the bill be printed and recommitted to the Committee on Printing, and that that committee have leave to report it at any time for consideration, not to interfere with revenue or appropriation bills. Is there objection?

Mr. MCCREARY. I desire to ask the gentleman from Tennessee if this is the bill which passed the Senate, and which is, to a certain extent, like the House bill that was under consideration at the beginning of the session?

Mr. RICHARDSON. It is, but with certain amendments made by our committee to make it conform, I think, to the wishes of the House.

Mr. MCCREARY. But you desire no action now?

Mr. RICHARDSON. I do not.

Mr. DINGLEY. Is it the same bill which was before the House early in the session, with modifications?

Mr. RICHARDSON. Yes, with certain modifications.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (S. 1549) providing for the public printing and binding, and the distribution of public documents.

Mr. RICHARDSON. This bill, Mr. Speaker, has been read in full beretofore, and was discussed also for some time. I ask that it be now taken up by sections or items. It is quite a long bill and will take some time to dispose of it. The only practical way to consider it is to take it up section by section, and I ask consent that it be so read, with the understanding that each section, as read, shall be considered as adopted, unless some amendments are proposed. It covers many sections which are literally transcripts from the Revised Statutes, the object being to make the bill uniform and consistent with itself in all of its parts.

The SPEAKER. The gentleman from Tennessee [Mr. RICHARDSON] asks that in the consideration of the bill now before the House it be read by sections, and that as each section is read, if no amendment be offered thereto, it be considered as agreed to, and that the House proceed thus throughout the consideration of the bill. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The SPEAKER. The Clerk will read the bill by sections.

The Clerk proceeded to read the bill by sections. Having read as follows:

SEC. 13. The Joint Committee shall have control of the arrangement and style of the CONGRESSIONAL RECORD, and while providing that it shall be substantially a verbatim report of proceedings, shall take all needed action for the reduction of unnecessary bulk, and shall provide for the publication of an index of the CONGRESSIONAL RECORD semimonthly during the sessions of Congress and at the close thereof—

Mr. DINGLEY. Mr. Speaker, before passing this section I desire to ask of the gentleman from Tennessee [Mr. RICHARDSON], who is in charge of the bill, what is the meaning of the provision that the joint committee shall take all needed action for the reduction of unnecessary bulk of the CONGRESSIONAL RECORD. Having provided first that the RECORD shall be substantially a verbatim report of the proceedings, what is contemplated to be covered by that phrase to which I have referred? If the RECORD is to be substantially a verbatim report, how is the Joint Committee on Printing to reduce the bulk of it?

Mr. RICHARDSON. That could only be by preventing a duplication of publication. If a document is submitted in both Houses on the same day, the joint committee could make regulations by which that document would only appear in the proceedings of one House. I will state that this section is not a change in the law. It is a republication of the present law, as found in the Supplement to the Revised Statutes at page 617, or in the Statutes at Large, volume 21, page 516. It does not change existing law.

Mr. DINGLEY. And is not intended at all to give the joint committee power to change the verbatim report?

Mr. RICHARDSON. It is not intended to interfere with the debates at all.

Mr. DINGLEY. But simply refers to documents and things of that kind?

Mr. RICHARDSON. Certainly. It does not contemplate any abridgment of the debates or anything of that kind, but simply relates to matters like the one I have just cited as an illustration.

The Clerk proceeded with the reading of the bill by sections.

Having read as follows:

SEC. 17. At all times when there is no Committee on Printing of the House of Representatives the powers and duties under the law devolving upon the Joint Committee on Printing shall be exercised and performed by the Senate Committee on Printing.

Mr. RICHARDSON said: Mr. Speaker, the House committee recommends the adoption of an amendment to that section.

Mr. DINGLEY. Will the gentleman state what change that amendment makes?

Mr. RICHARDSON. The bill as it passed the Senate provided that the Senate committee, when there was no House committee, might exercise the duties of the joint committee. This amendment which the House committee proposes strikes out that provision and provides that when there be only one committee, whether of the Senate or of the House, that in either case the committee in existence may exercise the duties of the joint committee for the time being.

Mr. DINGLEY. But practically, must it not always be the Senate committee when that condition of things exist at all?

Mr. RICHARDSON. Well, it would almost always be the Senate committee, but still it gives us the same privilege, if we shall ever find them in that situation.

The SPEAKER. The question is upon the motion of the gentleman from Tennessee to strike out and insert. The Clerk will read what is proposed to be stricken out and what is proposed to be inserted.

The Clerk read as follows:

Strike out lines 1, 2, 3, 4, and 5 of section 17 and insert:
"At any time when there is no joint committee of the two Houses of Congress the powers and duties devolving upon the joint committee shall be exercised by the committee then in existence of either House."

Mr. RICHARDSON. I will state, Mr. Speaker, that this is agreed to by the Senate committee also. There is no controversy over it.

The amendment was agreed to.

The Clerk proceeded with the reading of the bill by sections. Having read as follows:

SEC. 40. The Public Printer shall pay no greater price for composition than 50 cents per thousand ems and 40 cents per hour for time work to printers and bookbinders: *Provided*, That the pay of all employés of the Government Printing Office engaged on night work (between the hours of 5 o'clock p. m. and 8 o'clock a. m.) shall be 20 per cent. in addition to the amount paid for day labor—

Mr. DINGLEY said: Mr. Speaker, I would like to ask the gentleman from Tennessee if the maximum price per thousand ems stated in this section is that which is now paid?

Mr. RICHARDSON. Yes, this is an exact copy of the law. It does not change it a particle.

Mr. DINGLEY. And that is the actual price which is being paid to-day?

Mr. RICHARDSON. Yes; there is no change. It is the present law.

The Clerk proceeded with the reading of the bill. Having read as follows:

Of the Senate documents and reports, bound: To the Senate Library, 15 copies; to the Library of Congress, 2 copies, and 50 copies additional for foreign exchanges; to House Library, 15 copies; to the superintendent of documents, 500 copies, for distribution to State and Territorial libraries and designated depositories. These documents shall be bound in half Russia—

Mr. RICHARDSON said: There is an amendment to that section which I will ask the Clerk to report.

The Clerk read as follows:

In line 38 of section 55, strike out the words "half Russia," and insert the words "full sheep."

Mr. RICHARDSON. That amendment is recommended by the committee in the interest of economy. It is cheaper to bind in full sheep than in half Russia. It is estimated that it will save 25 cents on each volume, on perhaps 100,000 volumes in a year. I move the adoption of the amendment.

The amendment was agreed to.

The Clerk read as follows:

SEC. 59. Whenever printing not bearing a Congressional number shall be done for any department or officer of the Government, except confidential matter, blank forms, and circular letters not of a public character, or shall be done for use of Congressional committees, not of a confidential character, two copies shall be sent, unless withheld by order of the committee, by the Public Printer to the Senate and House libraries, respectively, and one copy each to the document rooms of the Senate and House, for reference; and these copies shall not be removed; and of all publications of the Executive Departments made for distribution 500 copies shall be at once delivered to the superintendent of documents for distribution to designated depositories and State and Territorial libraries;

with an amendment as follows:

In line 10, after the words "Executive Departments," insert the words, "not intended for their special use, but."

Mr. RICHARDSON. That is a committee amendment.

The amendment was agreed to.

The Clerk read as follows:

SEC. 61. There shall be one document room of the Senate and one of the House of Representatives, to be designated, respectively, the "Senate and House document room." Each shall be in charge of a superintendent, who shall be appointed by the Sergeant-at-Arms of the Senate and the Doorkeeper of the House, respectively, who shall appoint the necessary number of assistants:

with an amendment as follows:

Add to the end of the section the following words: "*Provided*, That this section shall not take effect until the closing of the Fifty-second Congress."

The SPEAKER *pro tempore* (Mr. TRACEY in the chair). The question is on the adoption of the amendment.

Mr. DINGLEY. Mr. Speaker, before that amendment is adopted I would like to make this suggestion to my friend from Tennessee. I notice that it is provided that this particular section shall not take effect until the 4th of March

The suggestion which I desire to make is whether it would not be advisable that this whole bill, introducing, as it does, an entirely new system, not only in the printing, but in the distribution of public documents, should not take effect until the 4th of March, 1893; and I would ask him whether it would not be better to strike out this provision, and insert one at the end of the bill, that this bill, if it shall pass, shall not take effect until after the 4th of March, 1893.

Mr. RICHARDSON. I hope that the gentleman will not insist on that motion at this time, but when we shall reach the end of the bill, if he desires to make such a motion, it could be entertained.

Mr. DINGLEY. I will not now insist, but if the bill were not designed to take effect until that time, then, of course, we ought to strike out this provision at this point. It seems to me that great confusion will be introduced in the printing and distribution of documents if this bill should take effect before the 4th day of March next.

Mr. RICHARDSON. I would like the gentleman to consider his own suggestion until we have concluded the consideration of the bill, and if he then so desires we can consider his suggestion, but it occurs to me that there will be no confusion in the printing and distribution of documents under this bill. This Congress is now providing for a year's printing, and we want it to apply to this year's printing, and for that reason I did not press the consideration of this bill late in the long session. I thought it would be time enough to take it up in this session, and pass it as early as possible, in order that it might apply to next year's printing.

Mr. DINGLEY. My friend will notice that the next section provides for a superintendent of documents. Now, if that officer is to be appointed immediately you would vacate the position now occupied by the gentleman in charge there and introduce another official right in the midst of a session of Congress, and in doing so it seems to me you will necessarily cause a great deal of confusion if any part of this bill goes into operation before the 4th day of next March.

Mr. RICHARDSON. The Joint Committee on Printing could regulate that without any difficulty. They have entire control of the matter; but I will consider the gentleman's suggestion.

Mr. DINGLEY. I simply suggest that the law would control the matter, and not the Committee on Printing.

The amendment was agreed to.

The Clerk read as follows:

SEC. 62. The President of the United States shall nominate and, by and with the advice and consent of the Senate, appoint a superintendent of documents, who shall receive a salary of $3,000 per annum. He shall have general supervision of the distribution of all public documents, and to his custody shall be committed all documents subject to distribution, excepting those printed for the special official use of the Executive Departments, which shall be delivered to said Departments, and those printed for the use of the two Houses of Congress, which shall be delivered to the folding rooms of said Houses and distributed or delivered ready for distribution to Members and Delegates upon their order by the superintendents of the folding rooms of the Senate and House of Representatives—

with the following amendment:

Strike out the following from the beginning of the section: "The President of the United States shall nominate and, by and with the advice and consent of the Senate, appoint a superintendent of documents, who shall receive a salary of $3,000 per annum," and insert the following in its place: "The Joint Committee on Printing is hereby authorized and directed to appoint a clerk to said joint committee, who shall be superintendent of documents and be entitled to receive a salary of $3,000 per annum."

Mr. JOSEPH D. TAYLOR. Mr. Speaker, I wish to inquire of the gentleman how this appointment will be made in case the committee is equally divided. I understand the joint committee to be composed of six persons, and this officer is to receive a salary of $3,000. Now, three of the six might be for one man and three for another.

Mr. RICHARDSON. You would get rid of that in the usual way of a deadlock. One would go to the other man, and that one would be elected.

Mr. JOSEPH D. TAYLOR. I do not think you ought to cast lots for a position where so much of the people's money is involved.

Mr. RICHARDSON. That would not be casting lots. It is thought best by the committee that this man should be made the distributing agent of these two bodies, and not make him

the appointee of the President of the United States, and I will say that this amendment is agreed to by the committee of the Senate as well as by the committee of the House. They prefer it in this shape and form, and there is no difficulty or contention between the two Houses or the committees of the two Houses on that question.

And I submit further that the law now provides that the Joint Committee on Printing shall select the index clerk, and no such catastrophe as has been suggested by the gentleman from Ohio has ever occurred in regard to that officer; and that has been the law for twenty years. There has never been a deadlock in the committee in the selection of an index clerk, who gets more pay and who occupies a much more important office.

Mr. JOSEPH D. TAYLOR. I think you had better leave it to the President.

Mr. RICHARDSON. I think not. I think that the difficulty that arose when this bill was under discussion in the long session was mainly upon this section. The feeling in the House is that we want this officer to be appointed by the two Houses of Congress, that he may be made the Congressional agent to distribute these documents, and that he shall not be the appointee of the President of the United States. We want him brought under the control of Congress; and that is the reason why this change is made.

Mr. JOSEPH D. TAYLOR. Why do you not make the committee larger—say four members of the House and three of the Senate? This is a larger body than the Senate, and if you were to do that you never would have a tie vote.

Mr. RICHARDSON. This committee for years has consisted of three members of each body.

Mr. JOSEPH D. TAYLOR. You would then get down nearer to the people and solve this difficulty.

Mr. REED. You would solve the difficulty so far as the House is concerned.

Mr. RICHARDSON. The committee has been constituted as it is now for a great many years, and I believe no difficulty has ever arisen from the method of its composition. The committees of the Senate and of the House are usually about the same size.

Mr. STOCKDALE. In the sixty-second section, after the provisions for the appointment of a clerk, I see it is provided that he shall have general supervision of all public documents. What is the effect of that? Does it take away from members of Congress the right to control the distribution of their share of documents?

Mr. RICHARDSON. The next section of the bill answers the gentleman's question and prescribes how that matter is to be regulated.

Mr. STOCKDALE. What I desire to know is what this provision here means?

Mr. RICHARDSON. It means that where members desire, this officer may distribute their documents; but that otherwise it shall be done as provided in section 63.

Mr. STOCKDALE. Would it not be well to say that, then, in this part of the bill?

Mr. RICHARDSON. You can not put a whole bill into one section.

Mr. STOCKDALE. But is it good legislation to make one section of your bill change the provisions of another section?

Mr. RICHARDSON. You can not put all of the provisions of a bill like this into one section. If the gentleman will wait until the next section is read I think he will find that this point is there met. The object is to bring this officer under the control of Congress, to make him a Congressional officer instead of a Presidential one. The provision is agreeable to the Senate committee, and there is no want of harmony between the two bodies on that point.

Mr. STOCKDALE. Mr. Speaker, I would like to suggest an amendment to this part of the bill. It occurs to me that the section now under consideration must be faulty if we are compelled to refer to another section of the bill in order to know what this one means or to alter its provisions. I suggest that after the word "distribution," in line 10, page 24, an amendment be inserted in the words following: "when the members so desire."

Mr. RICHARDSON. I do not object to that amendment if the gentleman will reduce it to writing, although it is in substance the provision that is contained in the next section of the bill.

Mr. STOCKDALE. I ask the clerk to insert in the bill after the word "distribution," line 10, page 24, the words "when the members so desire."

The SPEAKER *pro tempore* (Mr. TRACEY). The question is on the amendment recommended by the committee.

Mr. HOLMAN. Mr. Chairman, I see it is provided here that a clerk shall be appointed, who is to be superintendent of documents and his salary is to be $3,000 a year. Now, there is a similar officer already employed in the Interior Department, who is, I believe, a fourth-class clerk. Am I correct?

Mr. RICHARDSON. His salary is $2,500.

Mr. HOLMAN. I thought his salary was that of a fourth-class clerk.

Mr. RICHARDSON. No, he has a special salary of $2,500. This bill increases the salary $500, but it abolishes several clerks and makes the expenditure less in the aggregate.

Mr. HOLMAN. But there are four or five clerks now employed by him in the Interior Department.

Mr. RICHARDSON. That is true.

Mr. HOLMAN. Has the gentleman any idea as to how many clerks will be required to carry out the provisions of this law for the distribution of documents?

Mr. RICHARDSON. This will not make any increase in the Interior Department; but, on the contrary, in the opinion of the committee, there will be a diminution. The same amount of work will be done, and, being done more systematically, we think it will be done more cheaply, and that less "patronage" will be required here under this arrangement.

Mr. HOLMAN. These clerks are employed, and their principal duties are to distribute the census report and a few other publications. Now, will it not require quite a large additional clerical force beyond what is now employed in the Interior Department to carry out the provisions of this bill?

Mr. RICHARDSON. I think not. I think that the clerks who now do this work in the document rooms of the House and Senate respectively will be utilized for this purpose, and that probably no increase of force whatever will be needed.

Mr. HOLMAN. I apprehend that there will be a large increase; I am afraid so. However, my friend knows more about this matter than I do.

Mr. RICHARDSON. I do not think there will be any increase. The committee examined the subject very carefully and took a large amount of expert testimony upon that very point, as its record shows. I believe the passage of this bill will result in the reduction of the clerical force.

Mr. HOLMAN. One other suggestion. The office in the Interior Department whose duties correspond with the office now under consideration has always been filled by a very competent official, performing his duties very satisfactorily on a salary of $2,500 a year. Instead of indulging in the ordinary tendency to run up salaries, why not adopt as a standard this case to which I have referred and provide for the same amount of salary? I hope the gentleman from Tennessee will himself offer an amendment for this purpose.

Mr. RICHARDSON. Mr. Speaker, the committee were unanimous in the opinion that this officer ought to receive $3,000 a year. I do not think it is too much. If the gentleman desires to amend the bill by striking out $3,000 and inserting $2,500, he can make a motion to that effect. I do not think $3,000 is more than ought to be paid.

Mr. HOLMAN. I think my friend from Tennessee ought to make the motion himself. This officer will perform exactly the same duties (though on a little larger scale) as those performed in the Interior Department. We can not get any more efficient service than is now rendered in that Department. The salary of the officer there was fixed during the war period and by a Republican House and Senate. I hope this Democratic House will not go beyond the figure thus fixed. In view of the example which has been set us in that respect, I suggest that the amount in the bill be reduced to $2,500. I hope the gentleman from Tennessee will agree to that.

Mr. RICHARDSON. The committee having concurred in fixing the salary named in the bill, I do not feel that, as a member of the committee, I should be acting in good faith if I should now propose any change. We discussed the matter in committee; and $3,000 was regarded as a reasonable salary.

Mr. HOLMAN. With the permission of my friend from Tennessee I will offer the amendment I have indicated.

Mr. RICHARDSON. I do not object to the offering of the amendment.

Mr. HOLMAN. I think no objection can be raised to this amendment for the reason that, as I have stated, the officer in the Interior Department performing similar duties receives a salary of $2,500, which was fixed during the war period when prices were away up. I hope my friend will himself make the motion.

Mr. RICHARDSON. I do not object to the offering of the amendment.

Mr. JOSEPH D. TAYLOR. I wish to call the attention of the gentleman from Tennessee to a question involved in this section which seems to me of much higher import than the question of dollars and cents which my friend from Indiana [Mr. HOLMAN] has raised. I would like to know where in the Constitution of the United States authority is found for conferring upon mem-

bers of Congress authority to make appointments to office. It is proposed here that members of the House shall have authority to appoint a salaried officer who is to receive $3,000 a year for his services. Now, is the legislative department of the Government going to undertake to rob the executive department of its just constitutional power with respect to official appointments? I think we ought to consider whether the provision now under consideration is constitutional. If the gentleman from Tennessee can refer me to some provision of the Constitution authorizing a measure of this kind, I shall be very glad to receive the information. I wish to know where in the Constitution of the United States the gentleman finds any power conferred upon the legislative branch of the Government to first create an office and then fill it.

Mr. RICHARDSON. Mr. Speaker, this officer is simply a clerk; and the committees of this House appoint their own clerks. Under authority of that kind this provision can be justified. As I mentioned a moment ago, there is an enactment to be found in the Revised Statutes authorizing this very joint committee to appoint an index clerk, who receives a larger salary than $3,000 a year. There is a precedent, if the gentleman wants one, under the Constitution. That provision has been in the law for a great many years, and we have been enacting under it without objection.

Mr. JOSEPH D. TAYLOR. What I wish to know is, where the gentleman finds any authority for this proceeding in the Constitution?

Mr. RICHARDSON. This section simply provides that the Joint Committee on Printing may select some competent person to do this clerical work; that is all. I think there is full authority for it.

Mr. HOLMAN. Mr. Speaker, I would not press the motion I have made to fix this salary at $2,500, but for the fact that in view of the suggestions already made, I believe my friend from Tennessee assents to the proposition. On this account I ask a vote on my motion.

The SPEAKER *pro tempore* (Mr. TRACEY). The question is on the motion of the gentleman from Indiana [Mr. HOLMAN] to strike out "$3,000" and insert "$2,500."

The amendment was agreed to, there being—ayes 32, noes 10.

The SPEAKER *pro tempore*. The question is now on the amendment submitted by the committee.

Mr. DINGLEY. Mr. Speaker, I was about to move an amendment providing that the authority to appoint this officer should operate on and after March 4, 1893; but I will not make that motion if the gentleman in charge of this bill thinks it probable that at the close of the bill a motion of that kind would be accepted by the committee with reference to the whole measure.

Mr. RICHARDSON. I will not object to such a motion at the close of the bill on any technical ground; and in the mean time I will confer with the gentleman on the subject.

Mr. DINGLEY. Then I do not make the motion now.

The SPEAKER *pro tempore*. The question is on the pending amendment of the committee.

The amendment was agreed to.

The SPEAKER *pro tempore*. The question is now on the amendment of the gentleman from Mississippi [Mr. STOCKDALE] to insert after the word "distribution," in line 10, the words "when a member so desires."

The amendment was agreed to.

Section 63 was read.

Section 64 was read, as follows:

SEC. 64. The superintendent of documents is also charged with the sale of public documents, except as herein otherwise provided; and all documents hitherto published for sale by other officers of the Government shall be turned over to him. He is hereby authorized to sell any publication of the Government at cost, with 10 per cent added, as estimated by the Public Printer, and based upon printing from stereotyped plates, excepting old and rare volumes, which shall be sold at an appraised value, to be determined by the superintendent of documents, the Public Printer, and the Librarian of Congress, acting as a commission for this purpose; but only one copy of any document shall be sold to the same individual, excepting in the case of libraries or schools, by which additional copies are desired for separate departments thereof. All moneys received from the sale of documents shall be covered into the Treasury monthly and placed to the credit of the general fund for public printing.

The committee recommend the adoption of the following amendments: Strike out in line 6, after the word "cost," the words "with 10 per cent added."

Mr. HOLMAN. I wish simply to inquire of the gentleman in charge of this bill, the object of that change. That has been the law, I think, for fifty years, this addition of 10 per cent; and is intended to meet incidental expenses in connection with such matters.

Mr. RICHARDSON. I think the gentleman is mistaken. I think it has not been the law when the superintendent of documents sells, but is the law when these sales are made through the Public Printer. When such documents are exchanged or sold by the superintendent of documents in the Interior Department this rate of 10 per cent is not included, but they are simply sold at cost. I will state to the gentleman that this does not change the law.

Mr. HOLMAN. But why should not the same principle apply in either case? When the Public Printer publishes a work for a person desiring its publication, you require that 10 per cent additional shall be paid to meet incidental expenses; and it has always been charged by the Public Printer under such cases. Why not apply the same principle here? Evidently the gentleman contemplated its application when this bill was drawn, because the amendment seeks to strike out words that were incorporated in the bill when originally drawn.

Mr. RICHARDSON. They were in the law as applicable to the Public Printer. But when we came to consider this matter as applicable to this officer at the Department, we did not consider it necessary to retain them; because, I will state to the gentleman, it is not intended that he shall sell documents as a business, but when he does sell them that he shall do so at cost.

Mr. HOLMAN. But the tendency of this legislation would be to increase the business.

Mr. RICHARDSON. The committee thought that if we got cost for these publications, and some citizen is willing to pay for what he regards as the value of a publication on that basis, that we ought to be satisfied and he ought to be permitted to have it.

Mr. HOLMAN. And the Government becomes a sort of general printing office.

Mr. PICKLER. Let me ask the gentleman from Tennessee whether the provisions in the third, fourth, and fifth lines of this section cover documents now in the basement of this Capitol?

Mr. RICHARDSON. No, sir; they are provided for further on in the bill.

I do not think, Mr. Speaker, that the change suggested by the gentleman from Indiana ought to be made, but that the amendment recommended by the committee should be adopted.

The SPEAKER *pro tempore* (Mr. TRACEY). The question is on agreeing to the amendment of the committee.

The amendment was adopted.

Sections 65, 66, 67 and 68 were read.

Section 69 was read, as follows:

SEC. 69. The Public Printer is hereby authorized and directed, upon the requisition of the superintendent of documents, to furnish such blanks and to do such printing and binding as required by his office, the cost of the same to be charged against the appropriation for printing and binding for Congress.

The Sergeant-at-Arms of the Senate, Doorkeeper of the House, and the Public Printer shall provide convenient office, storage, and distributing rooms for the use of the superintendent of documents.

Mr. MUTCHLER. Mr. Speaker, I wish to offer an amendment to this section.

The Clerk read as follows:

Insert after line 6, in section 69: "*Provided*, That whenever there shall be found in the current dictionaries various spellings of a word it shall be the duty of the Public Printer to use the simplest form."

Mr. MUTCHLER. I offer that because I think we ought to have uniformity of spelling in all public documents. It has been suggested by the philosophical societies of the United States and Great Britain——

Mr. DINGLEY. I suggest to my friend from Pennsylvania that instead of using the words "current dictionaries" he substitute the words "standard dictionaries."

Mr. MUTCHLER. I mean the standard dictionaries, the current standard works of the country, used as books of reference, and wherever there is a variance in the spelling of a word the amendment provides that the Public Printer shall use the simplest form.

Mr. DINGLEY. But the expression "current dictionaries" is rather equivocal. For instance, there are certain phonetic dictionaries, some of which have been published and some of which are in use. I suppose the idea of the gentleman is to accept the spelling of the standard dictionaries, such as is laid down by Webster or Worcester?

Mr. MUTCHLER. Yes, sir; or any other current dictionary.

Mr. DINGLEY. But does the word "current" exactly express what the gentleman means?

Mr. MUTCHLER. I think we should take the standard works on the subject; the later dictionaries.

Mr. DINGLEY. Then had not the gentleman better substitute the word "standard" for "current" in his amendment?

Mr. MUTCHLER. Very well; I have no objection to the modification.

Mr. RICHARDSON. It ought to be so amended if it is to prevail. I hope the amendment will be reported as it is proposed to be modified by the gentleman from Pennsylvania.

The Clerk read as follows:

Provided, That whenever there shall be found in the standard dictionaries various spellings of a word, it shall be the duty of the Public Printer to use the simplest form.

The amendment was adopted.

The Clerk proceeded with the reading of the bill. Having read as follows:

Of the report of the Bureau of Animal Industry, 50,000 copies, of which 13,000 shall be for the Senate, 27,000 for the House, and 10,000 for distribution by the Agricultural Department—

Mr. DINGLEY said: Will the gentleman state the number of documents that will be authorized under this bill? What will be the number regularly printed?

Mr. RICHARDSON. The number of the agricultural reports?

Mr. DINGLEY. I mean, for instance, the report of the Secretary of the Treasury. There is no special provision here. How many copies of that report would be printed under this bill?

Mr. RICHARDSON. There is so much noise that I can not hear the gentleman's question. Will the gentleman repeat his question?

Mr. DINGLEY. My inquiry is as to what the usual number of reports of bureaus and other departments of the Government would be under this bill?

Mr. RICHARDSON. Do you mean the technical "usual number?"

Mr. DINGLEY. Yes, the technical "usual number," in the case of documents that are not mentioned specifically here.

Mr. RICHARDSON. Ordinarily——

Mr. DINGLEY. Take the report of the Secretary of the Treasury, for example.

Mr. RICHARDSON. The expression "usual number," has a technical meaning which is, under the law, 1,734 copies.

Mr. DINGLEY. Is that all the number of copies of the report of the Secretary of the Treasury that would be printed under this bill?

Mr. RICHARDSON. No. Each one of the reports is taken up in detail, and the number specifically provided for under this bill.

Mr. DINGLEY. Is the report of the Secretary of the Treasury mentioned specifically in this bill?

Mr. RICHARDSON. Yes.

Mr. DINGLEY. And the report of the Comptroller of the Currency, for example?

Mr. RICHARDSON. Yes.

Mr. DINGLEY. I did not know that.

Mr. RICHARDSON. You will find that each report is mentioned. We heard the testimony of the Secretaries themselves, and of the chiefs of division, and after doing so we fixed the number of each document, which seem to be the number absolutely necessary for distribution, intending to make the law permanent, so as to do away with the necessity of enacting a special law or concurrent resolution at each session of Congress.

Mr. DINGLEY. How many copies of such a document as the List of Vessels in the American Merchant Marine would be printed under this bill?

Mr. RICHARDSON. That, I have no doubt, would be part of the report of the Secretary of the Treasury.

Mr. DINGLEY. No, it is a separate document.

Mr. RICHARDSON. If it is a separate document, then that kind of a document might not be provided for in the bill, and would require a concurrent resolution. Otherwise, if it is a report presented regularly, the usual number would be printed, which is 1,734 copies, and the distribution of those copies is provided for in the rule. That has been the law for a great many years. Now, if you want extra or additional copies, over and above the usual number, it would require a concurrent resolution.

Mr. DINGLEY. Or else an amendment to this bill.

Mr. RICHARDSON. A concurrent resolution would be sufficient, as it is now.

Mr. DINGLEY. Take for instance the document I refer to, the Annual List of Vessels in the American Merchant Marine, copies of which are furnished to every collector in the United States. It requires about 5,000 copies, and I find no provision for such a document as that, for example, in the bill. I understand the gentleman to say that only 1,734 copies would be printed under this bill.

Mr. RICHARDSON. One thousand seven hundred and thirty-four copies would be printed, and that would apply to a great many documents; but that is the law now. The law is not changed as to the printing of these documents.

Mr. DINGLEY. An amendment that would provide for the number of such a document as that to be printed would be entirely consistent with the object of this bill?

Mr. RICHARDSON. Yes, it would be; but I suggest to the gentleman that to adopt a provision of that kind hurriedly here now would scarcely be proper, because the matter ought to be considered as we have considered each one of the items of this bill, after calling before us the chiefs of divisions and the heads of departments. At our hearings we had these gentlemen testify before us as to the number absolutely necessary to meet the public demand.

Mr. DINGLEY. But the committee have only examined as to what are technically known as reports of the several departments and bureaus.

Mr. RICHARDSON. Not altogether; they are mainly reports.

Mr. DINGLEY. That is all.

Mr. RICHARDSON. Now, Mr. Speaker, the next item is an amendment by the committee. I ask that it be voted upon when read.

Mr. JOSEPH D. TAYLOR. Mr. Speaker, I would like to make an inquiry of the gentleman from Tennessee.

The Clerk read as follows:

After line 14, on page 32, insert the following:
"Of the annual report of the Chief of the Weather Bureau, 5,500 copies; 1,000 copies for the Senate, 2,000 copies for the House, and 2,500 copies for the Bureau."

Mr. JOSEPH D. TAYLOR. Mr. Speaker, I would like to inquire of the gentleman why it is that 5,000 copies of the annual report of the Chief of the Weather Bureau are printed (which is usually printed a year or two after its time has expired) and only 1,500 copies of the Nautical Almanac? This House only receives 400 copies of the Nautical Almanac, a little over one copy apiece. I am called upon for copies by colleges. Astronomers want it, and men of learning want it; and I am always told that I can have a copy for myself, but if there is anybody in my district who wants it he must buy and pay for it. Now, I can not see why there should be such a large number printed of the report of the Chief of the Weather Bureau, which is of so small value, while there is such a small number printed of the Nautical Almanac, which is of so great value and which is needed by the colleges of the country. While there is such a demand for it, I have never been able to get but one copy except by paying for it.

Mr. O'NEILL of Pennsylvania. Mr. Speaker, just one word. The subject of printing being now before the House, the gentleman from Ohio [Mr. JOSEPH D. TAYLOR] having said that many persons want different documents and printing, I want to state to this House that I hold in my hand a copy of this morning's edition of the Public Ledger, of Philadelphia, published by Mr. George W. Childs, whose great printing house was almost consumed by fire last night, but the enterprise of that concern brings to my desk the Public Ledger to-day already. That is saying much for quick printing.

Mr. RICHARDSON. Mr. Speaker, in reply to the question propounded by my friend from Ohio [Mr. JOSEPH D. TAYLOR] as to why there are no more copies of the Nautical Almanac printed, I can only say that there does not seem to be any demand for more. The committee had before it Prof. Simon Newcomb, who compiles this almanac, and have provided for printing the number asked for by that department. I do not think there is much demand for the book. I know, speaking for myself, that I have but one constituent who has ever asked for a copy of the Nautical Almanac.

Mr. PICKLER. I would like to inquire of the gentleman from Tennessee how many copies were ordered to be printed of the Agricultural Report for 1891?

Mr. RICHARDSON. Four hundred thousand.

Mr. PICKLER. And this bill provides for 500,000?

Mr. RICHARDSON. It does.

I think, Mr. Speaker, there is no demand for a greater number of the Nautical Almanac than is provided for here. There seems to be a demand for the report of the Chief of the Weather Bureau. At any rate we had both of these chiefs before us—the Chief of the Weather Bureau and the Superintendent of the Nautical Almanac, and we provided for the number they asked.

Mr. JOHNSON of Indiana. If the gentleman will permit me. I have just come in and I understand he is now talking about the Nautical Almanac. I want to say that I have had frequent and repeated applications from educational institutions for that work.

Mr. RICHARDSON. We have not reached that clause yet.

Mr. JOHNSON of Indiana. As I was saying, I have had frequent applications from educational institutions for that work, and I have only been able to get one volume for myself.

Mr. RICHARDSON. They give you two copies.

Mr. JOHNSON of Indiana. No. I have never received but one, and I have always felt the need of a greater issue of that work, to the end that Congressmen might have them for distribution among those of their constituents who desire them.

Mr. RICHARDSON. We do not change the law in regard to this publication. It is the number that has previously been printed.

Mr. JOHNSON of Indiana. I know; and I am making the point that there are not sufficient printed. This is a very important book, and there is no book the demand for which in my district is greater than this among men of learning. Of course I do not know how it is elsewhere. I think, Mr. Speaker, if I may be permitted to say so, that if there is to be any increase of appropriation for the printing of any book, that the Nautical

Almanac is a very proper work for which to make an increase. I have frequently made application for additional copies of that book and made it unsuccessfully. I always met with difficulties in obtaining additional copies, and have been told that each Congressman is allowed one, and that as I have got mine I should be satisfied.

Mr. PICKLER. What book does the gentleman refer to?

Mr. JOHNSON of Indiana. The Nautical Almanac.

Mr. PICKLER. Oh! I am for the book on Diseases of the Horse. [Laughter.]

Mr. JOHNSON of Indiana. I wish to say to the chairman of the committee having this bill in charge that in my correspondence now on file I have probably half a dozen requests for the Nautical Almanac.

Mr. JOSEPH D. TAYLOR. I ask the gentleman [Mr. RICHARDSON] to consent to make the number 3,000.

Mr. JOHNSON of Indiana. I certainly hope the gentleman will consent to an increase in the number.

Mr. RICHARDSON. Well, we have not reached that item yet. I think it better to first take a vote on the amendment providing for printing the report of the Chief of the Weather Bureau. I ask for a vote on that amendment.

The amendment was agreed to.

The Clerk read as follows:

Of the report of the Commissioner of Labor, 20,000 copies; 5,000 for the Senate, 10,000 for the House, and 5,000 for distribution by the Commissioner of Labor.

An amendment recommended by the committee was to strike out all after the word "labor" in the first line of the paragraph, down to and including the word "five," and to insert in lieu thereof the following:

Thirty-five thousand copies; 8,000 for the Senate, 16,000 for the House, and 11;

So as to make the provision read:

Of the report of the Commissioner of Labor, 35,000 copies; 8,000 for the Senate, 16,000 for the House, and 11,000 for distribution by the Commissioner of Labor.

The amendment was adopted.

The Clerk read as follows:

Of the Finance Report of the Secretary of the Treasury, the Report on Commerce and Navigation, on Internal Commerce, of the Director of the Mint on the Production of Precious Metals, and of Mineral Resources of the United States, there shall be printed 1,000 of each for the Senate and 2,000 for the House, in addition to those published as a part of the departmental reports.

An amendment recommended by the committee was to strike out after the word "House" the words "in addition to those published as a part of the departmental reports," and to insert, as an additional paragraph the following:

Of the Annual Report of the Comptroller of the Currency, 10,000 copies; 1,000 for the Senate, 2,000 for the House, and 7,000 for distribution by the Comptroller of the Currency.

The amendment was adopted.

Mr. DINGLEY. Mr. Speaker, I find by consultation with the chairman of the committee having the bill in charge that by an oversight the report of the Bureau of Navigation has been omitted, and I move to amend by inserting in line 233, page 41, after the word "Treasury" the report of the Bureau of Navigation.

The amendment was adopted.

An amendment recommended by the committee inserting the word "copies" after the word "hundred" in line 230 of the bill, and also an amendment inserting the same word in line 236 after the word "thousand," were adopted.

The Clerk read as follows:

There shall be printed of eulogies of deceased Senators, Representatives, and Delegates 8,000 copies, of which number 2,000 copies shall be delivered to the Senators, Representatives, or Delegates of the State or Territory represented by the deceased. The remaining number shall be distributed in the proportion of 2,000 to the Senate and 4,000 to the House. The engraving for such eulogies shall be done at the Bureau of Engraving and Printing, and paid for out of the appropriation for that Bureau. Of the "usual number" the bound volume shall contain in one volume for each House all eulogies during the session of Congress upon Senators and Representatives respectively.

Mr. PICKLER. Mr. Speaker, I would like to inquire of the gentleman in charge of this bill whether this provision is intended to make any alteration as to the number of copies of eulogies on deceased Senators and Representatives that are printed under the present law.

Mr. RICHARDSON. Yes, this makes a very material change in the present law, or rather in the custom that has obtained, because there is no permanent law providing for the printing of eulogies. The custom, however, has been to print 12,500 copies. In some instances that custom has been violated by printing 25,000 and in one instance by printing 31,000. This matter will now be provided for by law if this bill passes, and the law will be that hereafter there shall be printed only 8,000 copies of eulogies, a marked reduction, as the House will see. The bill also makes a material change in the distribution of those 8,000 copies. It provides that instead of dividing the whole number printed among Senators and Members generally, as has been the practice heretofore, there shall be first set apart 2,000 of the 8,000 copies printed, which shall be divided among the Senators and Representatives or Delegates of the State or Territory to which the subject of the eulogy belonged.

In this way it is provided that the Representatives of the particular State or Territory most directly interested shall receive a larger number of eulogies than they now receive, even though a smaller aggregate number be printed. And then it is provided that the 6,000 remaining shall be distributed in the proportion of 2,000 to the Senate and 4,000 to the House. It is thought that this will give a sufficient number to members from States outside of that from which the deceased member came. At the same time the number given to members of the State of which the deceased member was a Representative will be enlarged. It is believed that this arrangement will be much more satisfactory than the present.

The Clerk read as follows:

To the Vice-President and each Senator, 44 copies; to the Secretary and Sergeant-at-Arms of the Senate, each 25 copies; to each Representative and Delegate, 22 copies; and to Clerk and Sergeant-at-Arms of the House, each 25 copies; to be supplied daily as originally published or in the revised and permanent form, bound only in half Russia, or part in each form, as each may elect.

Mr. STOCKDALE. I move to amend by striking out "twenty-two" in line 295 and inserting "forty-four," so as to give to each Representative and Delegate forty-four copies of the CONGRESSIONAL RECORD.

Mr. PICKLER and others. That is right.

Mr. STOCKDALE. The effect of this amendment will be to give to each member of the House 44 copies of the CONGRESSIONAL RECORD, the same number allowed to each Senator. This publication, as every one knows, is being more and more sought after every day. More people are wanting it than ever before. No other document published by Congress gives as much information, as late information, or information so much desired by the people, as the CONGRESSIONAL RECORD. I presume there are members who have more applications for this publication than I have; and the applications to me from my district would consume 100 copies. I think that each Representative ought to have at least 44 copies; and I would be willing to increase the number but for the fact that 44 is the highest number of copies allowed to a member of the Senate.

Mr. RICHARDSON. Mr. Speaker, I very much hope this amendment will not prevail. It would be very well for the House to understand that the amendment means an increased expense of about $94,000 in each Congress.

Mr. REED. Ninety-four thousand dollars to distribute our speeches in the RECORD. That is a very small sum for the people to pay for such a blessing.

Mr. RICHARDSON. If all our speeches were as good as those of the gentleman from Maine the sum might not be extravagant.

Mr. REED. I admit there may be something in that suggestion.

Mr. RICHARDSON. I think we can get along with the number of RECORDS that we now receive. An increase of 22 for 360 Members and Delegates at $12 each per Congress will make an increase of nearly $95,000. I trust such an increase will not be voted.

Mr. STOCKDALE. Mr. Speaker, while $94,000 looks like a considerable sum when taken in bulk, I wish to say that there are numbers of documents provided for in this very same bill which I really think nobody wants or ever calls for.

Mr. RICHARDSON. The gentleman is mistaken in that. These documents are all wanted; that is what was sworn to before the committee.

Mr. STOCKDALE. Well, gentlemen swear, no doubt, to their own opinions. Here, for instance, is the report of the National Academy of Sciences; who ever wants that? And then here are the Memoirs of the National Academy of Sciences. It appears that both the report and the memoirs, repeating probably the same thing, are to be printed.

Mr. HOLMAN. And emanate from a private corporation!

Mr. STOCKDALE. Yes; printing for a private corporation. The statement which I now make, speaking from information which extends over the territory of more than one State, and which will be corroborated by the testimony of a large number of members, is that the CONGRESSIONAL RECORD is more sought after than any other document which the Government prints.

Mr. PICKLER. The newspapers want it more than any other document.

Mr. STOCKDALE. Yes; and the people want it. Why, sir, you will find this RECORD in the hands of men scattered all over your Congressional districts—not publishers of newspapers only, but private citizens, who wish to keep up with the proceedings of this House and the Senate. It is a document calculated to inform the people accurately of the proceedings of the National

Legislature. It is not the rehash that they often get in the newspapers. It is an official publication showing what Congress is doing. In addition to the speeches which it circulates, it shows the people what we are doing and when we are not doing. It shows the condition of legislation. As the discussion upon any measure goes on the people read this document, which, in almost the remotest parts of the Union, they receive within two days after it is printed. Thus, while a bill is pending and before it comes to be voted upon, they are enabled to express their opinions upon it to members by telegram or letter. I do think that the $94,000 additional which the gentleman states it would cost to supply this additional number of copies is a very small sum when we take into view the demand there is all through the country for this document.

The question being taken on the amendment of Mr. STOCKDALE,

The SPEAKER *pro tempore* said: The noes seem to have it.

Mr. STOCKDALE. I call for a division.

Mr. REED. Oh, this is an outrage! This publication ought to be in every family! [Laughter.]

The question being taken, there were—ayes 21, noes 36.

So the amendment was rejected.

The Clerk read as follows:

The Public Printer is authorized to furnish to subscribers the daily RECORD at $8 for the long and $4 for the short session, or $1.50 per month, payable in advance. The "usual number" of the CONGRESSIONAL RECORD shall not be printed.

Mr. STOCKDALE. I move to amend by striking out "$8 for the long and $4 for the short session" and inserting "$5 for the long and $3 for the short session." I will ask the gentleman from Tennessee whether these documents can not be printed and furnished for this amount?

Mr. RICHARDSON. No, sir; it is not possible to do it. The committee is informed that this publication now costs very nearly the amount fixed in the bill—$8 for a long and $4 for a short session.

Mr. STOCKDALE. The chairman says about that sum. Unless the gentleman can assure us that the calculation has been accurately made, I can not think the cost can be so much. But if the Government can not afford to contribute $94,000 in order to supply each member with 44 copies of the RECORD for free circulation among the people, it occurs to me that we might properly make this reduction in the price charged for the publication, even if there should be a slight increase of expense to the Government. But if this document costs $8 for a long session and $4 for a short session, it would seem there must be something wrong in the office of the Public Printer. The prices at which we obtain books and periodicals from the publishers of the country show that this work ought to be furnished at a lower price.

I say that if the Public Printing Office is conducted on a scale as economical as it should be conducted, or as the offices of the large daily newspapers and periodicals of this country are conducted in New York and elsewhere, these RECORDS can be printed for $5 for the long session and $3 for the short session.

Mr. DINGLEY. But the gentleman must remember that by law we make the cost of composition 25 per cent more than is established as the rate in the commercial cities, and also that we give the employés thirty days leave of absence.

Mr. STOCKDALE. And there is just where we make an egregious mistake in making such a law. I do not mean with regard to the leaves of absence to the employés of the office. That may be all right, that they should have it. But the Public Printer should be allowed to pay the same price that other people pay, particularly when the day's work in the office is reduced to eight hours. But even if this should cost a little more and the Government should not come out exactly even on the transaction, let us at least try the experiment and let the people have the benefit of the additional expenditure. I do not know of any single expenditure in the way of publications by order of Congress that will be of more service to them. If we can not give this publication to the members of Congress in sufficient numbers, who would distribute them free over the whole country, do not let us insist that the Government shall receive the very last cent that it may cost, at an extravagant rate of printing, from those persons who want to purchase copies for themselves, but allow our own people, our own citizens, to purchase the information as to what Congress is doing every day at the lowest price possible. There are many people in the country who desire to keep an eye on the Congress. They are driven off from securing copies by the high prices charged and by the fact that members have not a sufficient number to distribute. I repeat, then, the people ought to have this privilege, if it does cost the Government some money.

Mr. RICHARDSON. If the gentleman from Mississippi will turn to the report of the committee he will find that considerable proof was taken by the joint committee as to the cost of the RECORD. On page 405 will appear statements showing the cost of the printing of the RECORD at each session of Congress, extending back to the Forty-seventh down to and inclusive of the Fifty-first. The proof shows that it costs about $12 a year per each copy of the CONGRESSIONAL RECORD that is printed—$8 for the long session and $4 for the short. But to reduce the amount as provided by the amendment of the gentleman from Mississippi would be to entail a heavy loss on the Government for the publication of that work. I hope therefore the amendment will not be adopted.

I would ask the gentleman from Mississippi if he has considered the fact that anybody who wants a copy of the RECORD can subscribe for it and get it in that way, and certainly he should not object to paying at least what it cost the Government to print it. My friend says he thinks the cost is too high. I wish to ask him if he knows how many copies of the RECORD are printed daily?

Mr. STOCKDALE. I do not understand the gentleman.

Mr. RICHARDSON. Will the gentleman state how many copies are printed daily of the RECORD?

Mr. STOCKDALE. I do not know exactly.

Mr. RICHARDSON. Then how does the gentleman know or undertake to state that the cost price fixed here is too high?

Mr. STOCKDALE. Why, the more copies you print the less ought to be the cost per copy.

Mr. RICHARDSON. Yes; but if the gentleman does not know the number of copies that are printed, how can he say that the price asked is excessive?

Mr. STOCKDALE. I reach that conclusion in this way: I take and read the RECORD and know how much is printed, and compare the work with the periodicals printed daily containing less or more printing; and on that basis of comparison I am compelled to come to the conclusion that the RECORD costs more than any other printing or production of this character that has to be set up daily from manuscript.

Mr. RICHARDSON. The testimony of the gentlemen in charge of the RECORD all goes to show that it costs about what the Government now gets for it, at the rate fixed. Indeed, it loses money on the publication; and to reduce the price as proposed by the amendment of the gentleman would entail very serious loss on the Government.

Mr. PICKLER. Does the gentleman from Tennessee desire to suppress the RECORD in the future?

Mr. RICHARDSON. No, sir; I have not made any such proposition. It is not contemplated at all.

Mr. STOCKDALE. How many copies are printed?

Mr. RICHARDSON. Between 12,000 and 13,000 copies.

Mr. STOCKDALE. Then the cost would not be very materially increased by adding to that number. The type has to be set up, the work electrotyped, and the only additional cost of a few extra copies would be the additional presswork and paper.

Mr. RICHARDSON. The gentleman did not propose "a little additional increase," but a very considerable one.

Mr. STOCKDALE. I apprehend that the additional cost would not be more than 10 cents a copy.

Mr. RICHARDSON. But the gentleman's proposition a few moments ago was to increase that number by some seven or eight thousand copies.

Mr. STOCKDALE. And I have not the slightest idea that it would cost anywhere near $90,000.

Mr. RICHARDSON. Yes, it would. The increase to the number you proposed in your former amendment would involve an expenditure of $96,000.

Mr. STOCKDALE. I think the chairman of the committee ought to state what the cost of printing the additional number would be.

Mr. RICHARDSON. I have made no estimate of the cost of the additional number, but I have made an estimate of what the whole cost would be.

Mr. PICKLER. How many copies are taken by subscription now?

Mr. RICHARDSON. The number varies. Some years it is greater than others. If the gentleman will turn to the pages that I have indicated, commencing at page 405 and running through eight or ten pages, he will see in detail the statement of the distribution of the RECORD and its cost, and how many copies are taken privately. The number varies, some years being greater than others.

Mr. PICKLER. I will ask the gentleman from Mississippi [Mr. STOCKDALE] the purport of his amendment?

Mr. STOCKDALE. It is to change the price of the RECORD from $8 to $5 for a long session, and from $4 to $3 for a short session.

Mr. RICHARDSON. Not very many copies of the RECORD are taken by private subscription.

Mr. PICKLER. How many were so taken last year? Let us see what the cost of the amendment of the gentleman from Mississippi [Mr. STOCKDALE] would be.

Mr. RICHARDSON. As I figure it, about 2,500 copies were taken by private subscription last year.

Mr. PICKLER. Then the cost of the amendment of the gentleman from Mississippi [Mr. STOCKDALE] would only be $10,000.

Mr. STOCKDALE. If the printing of the RECORD does cost $8 for a long session and $4 for a short session, the difference made by my amendment would only be $10,000.

Mr. RICHARDSON. I very much hope the amendment of the gentleman from Mississippi [Mr. STOCKDALE] will not be agreed to.

The SPEAKER *pro tempore* (Mr. TRACEY in the chair). The question is on the amendment of the gentleman from Mississippi [Mr. STOCKDALE], which the Clerk will read.

The Clerk read as follows:

On page 45, line 36, strike out the word "eight" and insert the word "five,' and strike out the word "four" and insert the word "three."

The question being taken, the Speaker *pro tempore* announced that the ayes seemed to have it.

Mr. RICHARDSON. I ask for a division.

On a division there were—ayes 22, nays 32.

So the amendment was rejected.

The Clerk proceeded with the reading of the bill.

Having read as follows:

The Secretary of War is hereby directed to ascertain what number of copies of the first five volumes of the Rebellion Record is required to complete sets of this series in the possession of libraries or persons supplied with subsequent volumes under existing provision of law, whether such distribution has been through the War Department or otherwise; and the Public Printer is authorized and directed to furnish, upon the requisition of the Secretary of War, the number of copies of each volume required for this purpose, which shall be used exclusively by the Secretary of War for completing such sets—

Mr. RICHARDSON said: Mr. Speaker, I desire to say that this provision for publishing the first five volumes of the Rebellion Record was adopted at the long session of Congress as a part of the legislative, executive, and judicial appropriation bill, and therefore it is not necessary to readopt it here. I offered it as an amendment at that time, cutting it out of this bill. It became a law during the long session, and the Secretary of War is having the first five volumes published now. I therefore move to strike out that item from this bill.

The SPEAKER *pro tempore*. If there is no objection to the request, it will be complied with.

There was no objection.

The Clerk proceeded with the reading of the bill.

Having read as follows:

Fourth. The report of the Commissioner of Patents for the fiscal year, not exceeding 500 in number, for distribution by him; the annual report of the Commissioner of Patents to Congress, without the list of patents, not exceeding 1,500 in number, and of the annual report of the Commissioner of Patents to Congress, with the list of patents, the usual number only shall be printed—

The SPEAKER *pro tempore* said: The Clerk will report the amendment offered to this section by the committee.

The Clerk read as follows:

In line 454 of section 76, after the word "number," insert the words "for distribution by him;" and in line 456 of the same section, after the word "patent," insert the words "five hundred copies for sale by him, and in addition thereto."

Mr. RICHARDSON. These are committee amendments.

The amendments were agreed to.

The Clerk read as follows:

All printing for the Patent Office making use of lithography or photolithography, together with the plates for the same, shall be contracted for and performed under the direction of the Commissioner of Patents, under such limitations as the Joint Committee of Printing may from time to time prescribe, and all other printing for the Patent Office shall be done by the Public Printer under such limitations and conditions as the Joint Committee on Printing may from time to time prescribe.

The SPEAKER *pro tempore*. The Clerk will report the committee amendment to this section.

The Clerk read as follows:

At the end of the section add the words: "No report, document, or publication of any kind distributed by or from an Executive Department or bureau of the Government shall contain any notice that same is sent with 'the compliments' of an officer of the Government."

The amendment was agreed to.

Mr. PICKLER. Mr. Speaker, I believe that finishes the reading of this section. I desire to offer an amendment.

The SPEAKER *pro tempore*. The gentleman from South Dakota [Mr. PICKLER] offers an amendment, which will be read by the Clerk.

The Clerk read as follows:

Add at the end of line 14, page 32, as follows:
"Of the report of the Agricultural Department known as Special Report on the Diseases of the Horse, 50,000 copies, of which 13,000 shall be for the Senate, 27,000 for the House, and 10,000 for distribution by the Agricultural Department."

Mr. PICKLER. Members will find by recurring to page 32 that the amendment I offer follows the provision providing for the publication of the report of the Bureau of Animal Industry, of which 50,000 copies are provided for. My amendment is to provide for the publication of 50,000 copies, the same number, of the report from the Agricultural Department known as the Special Report on the Diseases of the Horse. I provide for the same distribution of this book, known as the "horse book," as is provided for the distribution of the other reports.

I think that this amendment ought to be adopted. I believe it is the experience of every member of Congress who has been in this House since the publication of the report on the Diseases of the Horse, that he has had a great many more calls for that book than he has been able to furnish, and certainly there is no publication that comes as near being of general interest as does this publication on the diseases of the horse. Everybody is interested in one way or another in horses. The drayman, the plowman, the farmer, the man with fancy horses; in fact, who is not interested in the horse in some direction or other?

Now, further, this will be very little additional cost to the Government. We already have those plates on hand, and it is acknowledged and confessed by all, I think, who are posted in this line, that this is an extraordinarily fine work, well worthy of our distribution among the people, and certainly with this further number will not furnish even one-hundredth part of what would be demanded by our constituents. As we have the plates on hand the principal cost has already been incurred by the Government, and it seems to me it would be well to provide for this publication.

Mr. FUNSTON. The gentleman knows that there was an extra issue printed during the last session.

Mr. PICKLER. Yes; thirty or forty thousand copies were printed, and they have all been distributed by this time.

Mr. FUNSTON. They have not yet come from the folding room.

Mr. PICKLER. I have distributed a large portion of mine anyway, and have orders for a very great many on hand. This book is of greater value than any one report of the Bureau of Animal Industry, and I think this amendment ought to be adopted. I believe there is no expenditure of money that will give more satisfaction than it does.

Mr. RICHARDSON. Mr. Speaker, I hope very much that this amendment will not prevail. The publication or document which the gentleman's amendment covers is not of the kind of documents that are being controlled by this law. This bill is intended to provide for the regular annual publications of this Government. The report which he covers in his amendment is a special report, which will never be submitted again by any Department of the Government. It is not intended that this bill shall provide for the publication of special reports submitted by the heads of Departments and chiefs of bureaus; that is not the object of the bill. It is to specify the number and make provision for the permanent publication of the annual reports.

Now, the Special Report on Diseases of the Horse, as the gentleman sees, by its own title, is a "special report," made once, and never to be submitted again. At the last session Congress ordered printed nearly 50,000 copies. There have been printed heretofore at one time by order of Congress 100,000 copies of this report, and the Secretary of Agriculture has printed two editions, amounting to 45,000 copies. So that Congress has ordered, in one way or another, about 185,000 copies of this special report.

Mr. PICKLER. Have there not been three editions of this work published?

Mr. RICHARDSON. Now, Mr. Speaker, if it be desired to print any more copies of that special report, then there ought to be some resolution introduced ordering that additional printing. You ought not to put in this law, in other words, an amendment that provides for the publication of a temporary or special publication. It does not belong to this bill, and therefore to put this amendment in would disturb the harmony of the bill.

The gentleman can introduce a resolution, if he desires, and have it considered by the House after it shall have been considered by the proper committee and reported upon, and if the House wants more copies that resolution can be adopted; but it seems to me that to adopt this amendment would be out of place. If the gentleman means that every year there shall be printed that number of that report, why then it might be in order to have it made a part of this bill.

Mr. PICKLER. That is just what I mean.

Mr. RICHARDSON. But this bill only provides for the printing of the annual reports, and not of the special reports which are made from time to time. I hope very much that the House will not adopt the amendment.

Mr. PICKLER. I move to strike out the last word.

Mr. Speaker, that is my intention; until Congress shall otherwise order, that there shall be printed 50,000 copies of this publication year by year.

Now, the gentleman says—and there is always some other way

not to do a thing—I might introduce a resolution. I did introduce a resolution in the last session of this Congress and the chairman of the Committee on Printing, for some reason or other, did not take kindly to the horse. It was with the utmost difficulty, after three or four months, that I succeeded in having the gentleman make any report on my resolution, and it only then came from the committee when it was understood the Committee on Agriculture were about to report the same resolution.

This is a valuable publication. The gentleman's own statement shows the necessity for this book. There have already been three editions of it published. He says that the term employed implies that it is a "special report." That term "special report" is simply the name of the book and nothing more. It is known by that name, and the report has proven to be so valuable, contains so much information, and is of so much general importance that there has been such a demand for it that there have already been three editions published.

Now, it should be printed yearly. It is of higher value than this report which precedes it—the report of the Bureau of Animal Industry. This book is more sought after than any other, and if the demand ceases and members have no further call for it, certainly then this or any other portion of the bill can be repealed. Certainly the gentleman will not say that simply because we mention the number of these reports to be published that they are to stand for all time. Certainly succeeding Congresses will review and alter the number of these reports from time to time. Now, why should not this report on Diseases of the Horse be given to these people as well as the other reports? I desire it shall be permanent until there is less demand for it than at present.

As I said before, the gentleman does not combat my argument that this book can now be published cheaply because the Government has already been at the expense of preparing the plates, and now, when we have the plates and have incurred all the principal cost required for the production of this publication, I certainly think we ought to provide for the publication of a sufficient number—not really a sufficient number, but a goodly number—of this valuable work which the people of the country are demanding.

The gentleman says it ought not to go into this bill. Why not? This is the very place for it. The gentleman says that we can offer a separate resolution providing for the printing of an adequate number of copies of this book; but if such a resolution were offered we should probably never hear anything more of it, especially if it was referred to the committee of which the gentleman [Mr. RICHARDSON] is chairman. [Laughter]. I have had experience in getting a resolution out of that committee. On the ground of economy the gentleman said that it would cost too much to publish an edition of this book, but nevertheless a report was made and the edition was published. I believe that this amendment ought to be adopted.

Mr. RICHARDSON. Mr. Speaker, I have no desire to reply to the argument of the gentleman from South Dakota, but I do want to add to my former statement a point which I omitted, and that is as to the cost. The estimated cost of publishing this book is about 61 cents a copy, so that the passage of the gentleman's amendment providing for 50,000 copies would add something like $30,000 annually to the expense of the public printing. I wish the House to be in possession of that fact before voting on the amendment.

Mr. PICKLER. I would ask the gentleman whether the cost of printing other similar books and documents is not fully as great; and if so, what argument is there in his point? No book published by the Government that is anything like this book in size and elaborateness and value costs less than it costs.

Mr. RICHARDSON. It is not a question of the value of one publication compared with another. The point I make is that this is a bill to provide for the printing of the annual reports that have never been printed, and now the gentleman comes along with a proposition to print a special report, of which four editions have already been printed.

Mr. PICKLER. Does not the fact that four editions of this book have been printed show that there has been a popular demand for it, and that it has ceased to be "special"?

Mr. DOCKERY. No; that simply shows that four editions have been printed of a "special" report.

Mr. PICKLER. It should cease to be "special" after awhile.

Mr. STOCKDALE. Mr. Speaker, the gentleman from South Dakota [Mr. PICKLER] seems to have met with opposition to his amendment upon the ground that the report which he desires to have printed was a "special" report. Now, sir, I want to say in reference to that book that if it is a special report, it ought to be made a regular one. I do not think, Mr. Speaker, that it is necessary for a committee having a bill in charge to feel bound to stand up against every amendment which any gentleman may choose to offer merely to sustain their own judgment. I take it that the committee desire to have such a bill as the country wants, and it is no reflection upon either the wisdom or the research of the committee to propose an amendment to their bill.

The Agricultural Report itself is in fact special as much as the one under consideration. Certainly there are things repeated in the agricultural reports from year to year, and yet we constantly increase the number printed. New remedies are being discovered constantly calculated to make the industry of horse-raising more profitable. The report of the Bureau of Animal Industry, as I have said, is a regular report. Now, if it is necessary to make the report of the Bureau of Animal Industry a regular report, why is it not equally proper to make this one on the Diseases of the Horse a regular report? To be sure, the report of the Bureau of Animal Industry includes more animals than the horse, but this report which we are now considering is of special importance to the great agricultural interests of this country. All reports on agricultural production include the horse as well as other animals in estimating the values of agricultural products. Those reports are printed for the purpose of giving the people of this country information to enable them to increase the value of the products of their farms.

This report on the Diseases of the Horse is a book which has been prepared with great research and which has proved very acceptable and valuable to the people because it gives them valuable information as to how to preserve and how to increase the value of one of the most important industries to agriculture, and certainly the most valuable one covered by the Bureau of Animal Industry. Sir, I believe that the amendment of the gentleman from South Dakota ought to prevail, and also that this report on the horse should be made a regular report. It may be that the gentleman's amendment provides for printing too large a number; if so, let the number be reduced, but let that book be published as one of the regular reports relating to the agricultural interests of the country.

The question was taken on the amendment of Mr. PICKLER and it was rejected—ayes 34, noes 60.

Mr. PICKLER. I desire to offer the amendment which I send to the desk.

The Clerk read as follows:

At the end of line 14, page 32, add "which shall include the publication of the Agricultural Department known as the Special Report on Diseases of the Horse:" so as to read:

"Of the Report of the Bureau of Animal Industry, 50,000 copies, of which 13,000 shall be for the Senate, 27,000 for the House, and 10,000 for distribution by the Agricultural Department, which shall include the publication of the Agricultural Department known as the Special Report on Diseases of the Horse."

Mr. PICKLER. Mr. Speaker, the effect of this amendment is simply to provide that the report of the Bureau of Animal Industry of which this bill provides for 50,000 copies shall include this report on diseases of the horse. This can make only a very trifling increase in the cost of printing the report of that Bureau. The subject is one which legitimately belongs to the Bureau and may properly be included in its report. It seems to me there can be no objection to this proposition. By means of this amendment we shall obtain the report on the diseases of the horse at a very small expense. I hope the gentleman from Tennessee will not object to the proposition.

Mr. RICHARDSON. I do object to it. I think the House ought not to dictate to the head of the great Department of Agriculture what his report shall be.

Mr. PICKLER. That is what you are doing in this bill all the way through.

Mr. RICHARDSON. We do not undertake to say what shall be put in his report. If he sees fit to include this publication in his report he can do so; but we ought not to direct what he shall put in the report he may see fit to make to Congress.

Mr. PICKLER. Why not?

Mr. RICHARDSON. It seems to me it is interfering with his discretion. If he wishes to insert this matter he can do so. But the report which the gentleman has in view has already had widespread circulation through the country, nearly 200,000 copies having been printed.

Mr. PICKLER. Does the gentleman mean to say that the Secretary of Agriculture can include this document in his report without a law to authorize it?

Mr. RICHARDSON. I do. I undertake to say he can put in his annual report anything he thinks proper. That is what I mean to say. There is no limit to his discretion in this matter. We authorize this officer to make his report annually to Congress, and the gentleman from South Dakota [Mr. PICKLER] wants to direct him to insert as a part of his report a special report submitted two or three years ago. It seems to me such a proceeding on our part would be altogether unusual and out of place. If Congress wants additional copies of this publication we can have them printed and circulated by a special resolution. This bill does not contain in a single case any provision for the publication of a special report. It provides only for the publication of annual reports.

Mr. PICKLER. The amendment will make this an annual report.

Mr. RICHARDSON. It seems to me, Mr. Speaker, however desirable this publication may be, it would be altogether unusual and out of place to insert in the bill a provision for the publication of a special report. I hope the amendment will not prevail.

The question being taken on the amendment of Mr. PICKLER, there were—ayes 3, noes 79.

Mr. PICKLER. No quorum.

Tellers were ordered, and Mr. RICHARDSON and Mr. PICKLER were appointed.

Mr. PICKLER (before the count was concluded). Mr. Speaker, if there is no desire in this House to take care of the horse, I withdraw the point of no quorum.

So the amendment of Mr. PICKLER was rejected.

Mr. JOSEPH D. TAYLOR. I offer the amendment which I send to the desk.

The Clerk read as follows:

On page 32 strike out, in line 20, "1,500" and insert "2,000;" in line 21 strike out "100" and insert "200;" and in the same line strike out "400" and insert "800;" so as to read:

"Of the Ephemeris and Nautical Almanac and of the papers supplementary thereto, 2,000 copies; 200 copies for the Senate, 800 for the House, and 1,000 for distribution by the Navy Department."

The SPEAKER. Without objection, these amendments will be considered as one proposition.

Mr. RICHARDSON. I have no objection to that.

Mr. JOSEPH D. TAYLOR. Mr. Speaker, this amendment simply proposes to increase by 500 the number of copies of the Nautical Almanac, giving of the additional number 100 to the Senate and 400 to the House, but making no other change in the distribution. This Nautical Almanac is a book the preparation of which is very expensive. In every Congressional district where there is a college this publication is desired. Every professor of mathematics or astronomy wants a copy; he uses it in his mathematical or astronomical classes. Gentlemen are aware how much this book is sought after in districts where there are colleges, and my district has a number of such institutions. The chairman of the committee [Mr. RICHARDSON] has, I understand, no objection to this amendment.

Mr. RICHARDSON. Mr. Speaker, I do not think it necessary to increase the number provided for in the bill. We had before the committee the officers of the Bureau, who testified that the number named in the bill will be sufficient. I do not think they can be mistaken about a matter of this sort. While the gentleman from Ohio [Mr. JOSEPH D. TAYLOR] may have some extraordinary demand in his district for this document, I am sure that such is not the case in many other districts. Gentlemen around me, many of whom have been in Congress for years, tell me they have never had a demand for this publication.

Mr. JOHNSON of Indiana. Now, if the gentleman from Tennessee will permit an interruption, I wish to say that if there has been no demand on the members from his part of the country for that work it is because the educational institutions in that region are not aware of its existence. As soon as there is any information that the book is accessible the demand will be more than five times what he could supply.

Mr. STOCKDALE. What is the book to which you are referring?

Mr. JOHNSON of Indiana. The Nautical Almanac.

Mr. McMILLIN. I believe the Government has gotten along very well up to this time, though.

Mr. JOHNSON of Indiana. Well, it is highly possible that it has got along. But it is altogether likely that the demand for this book will be greater than the supply. [Cries of "Vote!" "Vote!"]

The question being taken on the amendment of Mr. JOSEPH D. TAYLOR, it was rejected.

The Clerk proceeded to read section 77.

Mr. RICHARDSON. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 4 o'clock and 25 minutes p. m.) the House adjourned.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Claims was discharged from the consideration of the bill (S. 1292) to remit the penalties on the light-house steamer Pansy; and the same was referred to the Committee on Interstate and Foreign Commerce.

BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills of the following titles were introduced and severally referred as follows:

By Mr. COX of Tennessee: A bill (H. R. 9767) to repeal all statutes relating to supervisors of elections and special deputies—to the Select Committee on Election of President and Vice-President and Representatives in Congress.

By Mr. SHIVELY: A bill (H. R. 9768) to extend the limit of expenditure for the public building at South Bend, Ind.—to the Committee on Public Buildings and Grounds.

By Mr. HARTER: A bill (H. R. 9769) to make the sugar duties uniform and abolish the payment of bounties—to the Committee on Ways and Means.

Also, a bill (H. R. 9770) to provide for the issue of circulating notes of national and State banking associations upon securities other than United States bonds, for the taxation of the circulating notes of national banks, and for other purposes—to the Committee on Banking and Currency.

By Mr. CARUTH: A bill (H. R. 9771) supplementary to the several acts relating to pensions—to the Committee on Appropriations.

By Mr. JOHNSON of Ohio: A bill (H. R. 9772) to fix the rank of officers and enlisted men of the United States Army retiring after long and faithful service—to the Committee on Military Affairs.

By Mr. ELLIOTT (by request): A bill (H. R. 9773) to amend an act entitled "An act to credit and pay to the several States and Territories and the District of Columbia all moneys collected under the direct tax levied by the act of Congress approved August 5, 1861," approved March 2, 1891—to the Committee on the Judiciary.

By Mr. DINGLEY: A bill (H. R. 9774) to amend section 4347 of the Revised Statutes—to the Committee on Interstate and Foreign Commerce.

By Mr. BELTZHOOVER: A joint resolution (H. Res. 165) proposing an amendment to the Constitution of the United States in relation to the election of President and Vice-President—to the Select Committee on Election of President and Vice-President and Representatives in Congress.

By Mr. PEEL: A joint resolution (H. Res. 166) to authorize the Secretary of the Treasury to cover back into the Treasury $48,800 of the appropriation to Choctaw and Chickasaw Indians—to the Committee on Indian Affairs.

By Mr. BUNN: A resolution authorizing the Committee on Claims to employ an assistant clerk during the session at $6 per day—to the Committee on Accounts.

By Mr. MILLER: A concurrent resolution to appoint a joint committee of the House and Senate to inquire and investigate as to the propriety of making changes in the revenue laws—to the Committee on Ways and Means.

By Mr. RICHARDSON: To print Statistical Abstract of the United States for the year 1892—to the Committee on Printing.

By Mr. WILSON of West Virginia: A resolution authorizing the Committee on Ways and Means to inquire into the condition of the Treasury—to the Committee on Rules.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as indicated below:

By Mr. BLANCHARD: A bill (H. R. 9775) for the relief of Caroline Prudhomme, widow of Narcisse Prudhomme, deceased—to the Committee on War Claims.

By Mr. BUTLER: A bill (H. R. 9776) granting a pension to Marilla Tenney—to the Committee on Invalid Pensions.

By Mr. CLANCY: A bill (H. R. 9777) to remove the charge of desertion from the military record of Michael Foley and grant him an honorable discharge—to the Committee on Military Affairs.

By Mr. DUNPHY: A bill (H. R. 9778) to increase the pension of August Schlicht—to the Committee on Pensions.

Also, a bill (H. R. 9779) for the relief of James M. Touhey—to the Committee on Military Affairs.

By Mr. FITHIAN: A bill (H. R. 9780) for the relief of Stephen McKinney—to the Committee on Invalid Pensions.

By Mr. HARMER: A bill (H. R. 9781) to provide an American register for the steamer Oceano, of Philadelphia, Pa.—to the Committee on Merchant Marine and Fisheries.

By Mr. LAYTON: A bill (H. R. 9782) granting a pension to Jennie Boyles—to the Committee on Invalid Pensions.

By Mr. O'DONNELL: A bill (H. R. 9783) granting a pension to Diantha Crocker—to the Committee on Invalid Pensions.

By Mr. PEEL: A bill (H R. 9784) for the relief of Joseph W. Parish—to the Committee on War Claims.

By Mr. TAYLOR of Tennessee: A bill (H. R. 9785) for the relief of Elzira Hamilton, of Claiborne County, Tenn., as found due by the Court of Claims, under the act of March 3, 1883—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALLEN: Petition of citizens of Mississippi, asking for an appropriation of $43,983 to assist in defraying the expenses of the Pan-American Medical Congress—to the Committee on Appropriations.

By Mr. BELTZHOOVER: Petition of the members of the medical profession of Cumberland County, Pa., asking for an appropriation to assist in defraying the expenses of the Pan-American Medical Congress to be held in Washington, D. C., on September 5, 6, 7, 8, and 9, 1893—to the Committee on Appropriations.

Also, petition of Oliver I. Everhart, Hanover, Pa., asking for increase of pension—to the Committee on Invalid Pensions.

By Mr. BRICKNER: Petition of citizens of Wisconsin, remonstrating against the passage of Senate bills 1737 and 1268 and House bill 2699—to the Committee on Agriculture.

By Mr. DALZELL: Protest of the Grange and Flour Exchange of Pittsburg, Pa., against the passage of the option bill—to the Committee on Agriculture.

By Mr. DURBOROW: Papers in reference to estimate and expenses of the World's Columbian Commission and Board of Lady Managers of the World's Columbian Exposition—to the Committee on Appropriation.

Also, petition of James M. Tonkey, to accompany bill for relief—to the Committee on Military Affairs.

By Mr. FYAN: Petition of J. E. Tefft and 11 other physicians, of Springfield, Mo., for an appropriation to the Pan-American Medical Congress—to the Committee on Foreign Relations.

By Mr. HARTER: Petition of John W. Cooke and others, of Morrow County, Ohio, approving Sunday opening at Chicago—to the Select Committee on the Columbian Exposition.

By Mr. HAYNES of Ohio: Petition of A. D. West and 39 others, of Sylvania, Ohio, in favor of closing the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. HOOKER of Mississippi: Petition of Lewis A. Moss and forty-odd others, of Edwards, Hinds County, Miss., against the passage of the antioption bill—to the Committee on Agriculture.

By Mr. JOHNSON of Ohio: Three petitions of citizens of Cleveland, Ohio, as follows: One of 58 citizens, the second of 44 citizens, and the third of 53 members of the Young People's Society of Christian Endeavor of the Cass Avenue Presbyterian Church, praying that Congress do not repeal the law closing the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. KYLE: Petition of P. B. Barrenger and other citizens of Mississippi, approving the Hatch antioption bill—to the Committee on Agriculture.

By Mr. MCCLELLAN: Petition of George Alcott, to remove the charge of desertion now standing against him on the rolls of the War Department, to accompany House bill 4305—to the Committee on Military Affairs.

By Mr. MITCHELL: Petition of 151 citizens of the city of Milwaukee, asking that the Columbian Exposition be open on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. MORSE: Two petitions of citizens of Wrentham, Mass., asking for national legislation against sectarian appropriation of public money and opposing union of state and church—to the Committee on the Judiciary.

Also, petition of Rev. Edw. Hood and other citizens of the same place, asking that the sale of strong drink be forbidden at the World's Columbian Exposition—to the Select Committee on the Columbian Exposition.

Also, resolution of citizens of Wrentham, Mass., thanking Congress for voting to close the World's Fair on the Lord's Day—to the Select Committee on the Columbian Exposition.

By Mr. PERKINS: Petition of 22 members of the medical profession of Sioux City, Iowa, in behalf of an appropriation of $43,983, to assist in defraying the expenses of the Pan-American Medical Congress to be held in Washington, D. C., September 5–8, 1893—to the Committee on Appropriations.

Also, petition of Peter Kunkle and 28 others, of Plymouth County, Iowa, in favor of the antioption bill—to the Committee on Agriculture.

By Mr. TERRY: Petition of the medical profession of Little Rock, Ark., in favor of an appropriation to defray the expenses of the Pan-American Medical Congress to be held at Washington, D. C., September, 1893—to the Committee on Foreign Affairs.

By Mr. WIKE: Memorial of members of churches of Clayton, Ill., relative to Sunday closing of the World's Fair—to the Select Committee on the Columbian Exposition.

CHANGE OF REFERENCE.

The petition of Patrick Campbell McCourt, of New York, for relief—from the Committee on Accounts to the Committee on Claims.

SENATE.

THURSDAY, *December 8, 1892.*

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

CHARLES H. GIBSON, a Senator from the State of Maryland, and DAVID TURPIE, a Senator from the State of Indiana, appeared in their seats to-day.

The Journal of yesterday's proceedings was read and approved.

ADJOURNMENT TO MONDAY.

Mr. HALE. I move that when the Senate adjourn to-day it be to meet on Monday next.

The motion was agreed to.

HOUSE BILLS REFERRED.

The following bills received yesterday from the House of Representatives were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. 1096) granting a pension to Julia Hood;
A bill (H. R. 1283) to pension Harriet Woodbury, Windsor, Vt.;
A bill (H. R. 2128) granting a pension to John Fields;
A bill (H. R. 2407) granting a pension to Samuel Luttrell;
A bill (H. R. 2493) granting a pension to Jesse Cleaveland;
A bill (H. R. 3118) to pension John S. Dunham;
A bill (H. R. 3845) to increase the pension of Edward R. Chapman;
A bill (H. R. 4366) granting a pension to Jacob Hall;
A bill (H. R. 4804) to place the name of Sarah L. Van Nest on the pension list;
A bill (H. R. 4955) granting a pension to Susannah Chadwick;
A bill (H. R. 5022) for the relief of Lucy Sprotberry;
A bill (H. R. 5509) to place the name of Mrs. E. M. Banister, an army nurse, on the pension rolls;
A bill (H. R. 5705) to increase the pension of Amelia Graham;
A bill (H. R. 6030) granting a pension to French W. Thornhill;
A bill (H. R. 6508) granting a pension to Joseph Fortier;
A bill (H. R. 6511) to pension Rebecca M. Youngblood;
A bill (H. R. 6914) granting a pension to Druke Nettie Barnett;
A bill (H. R. 6969) for the relief of Elisha Brown;
A bill (H. R. 7226) granting a pension to Julia P. Wright;
A bill (H. R. 7257) granting a pension to Alonzo D. Barber;
A bill (H. R. 7510) for the relief of Mrs. Mary A. Moorhead;
A bill (H. R. 7662) granting a pension to Marion Kern Sharman;
A bill (H. R. 8017) granting a pension to Elizabeth Voss;
A bill (H. R. 8221) granting a pension to George W. Boyd;
A bill (H. R. 8275) granting a pension to Abraham B. Simmons, of Capt. Thomas Tripp's company, in Col. Brisbane's regiment South Carolina Volunteers, in the Florida Indian war;
A bill (H. R. 8409) granting a pension to Mary Danahay, mother of Daniel Danahay, late a private Company H, Eighteenth New York Cavalry;
A bill (H. R. 9011) to grant a pension to Ida A. Taylor;
A bill (H. R. 9139) to pension Mrs. Eliza T. Palmatier; and
A bill (H. R. 9585) for the relief of Harriett E. Niles.

The following bills were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (H. R. 1422) for the relief of George M. Henry;
A bill (H. R. 6345) granting an honorable discharge to Frederick E. Kolter;
A bill (H. R. 6970) to remove the charge of desertion from the record of Montgomery M. Tuttle; and
A bill (H. R 8106) for the correction of the army record of David R. Wallace, deceased.

The bill (H. R. 3676) for the relief of R. L. Jennings, late postmaster at Marshall, Tex., was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

The joint resolution (H. Res. 157) providing for the calling of an international arbitration congress was read twice by its title, and referred to the Committee on Foreign Relations.

STATE CLAIM OF PENNSYLVANIA.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting, in compliance with a resolution of July 6, 1892, a statement of the amount found due as the balance of the claim of the State of Pennsylvania for money expended in 1864 for which reimbursement was provided by the act of April 12, 1866, and stating that the appropriation by that act is not available for the payment of such balance; which, on motion of Mr. COCKRELL, was, with the accompanying papers, referred to the Committee on Military Affairs, and ordered to be printed.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented the following memorials remonstrating against the passage of the antioption bill, which were ordered to lie on the table:

A memorial of J. C. Rogers and other citizens of Columbus, Ohio;

A memorial of M. R. Bruce and other citizens of Georgia;
A memorial of J. W. Gaston and other citizens of Gastonburg, Ala.;
A memorial of J. W. Moore and other citizens of Selma, Ala.;
A memorial of W. J. Hardman and other citizens of Atlanta, Ga.;
A memorial of H. Strickland, jr., and other citizens of Duluth, Ga.;
A memorial of John B. Leech, jr., and other citizens of Memphis, Tenn.; and
A memorial of the Norfolk and Portsmouth (Va.) Cotton Exchange.

The VICE-PRESIDENT resented a petition of the Chicago (Ill.) Women's Club praying for the repeal of the provision of the souvenir appropriation bill which requires that the Exposition be closed on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

He also presented a petition of the Kearsarge Association of Naval Veterans of Boston, Mass., praying for the transfer of the Revenue Marine Service to the Navy; which was ordered to lie on the table.

Mr. HOAR presented the petition of George W. Lowther and other citizens of Boston, Mass., praying for the passage of legislation authorizing the management of the United States exhibit at the World's Columbian Exposition to collect and compile for publication facts and statistics relative to the development of the people of African descent from 1863 to 1893, such information to form a part of the published report of the United States Government at the Exposition; which was referred to the Committee on the Quadro-Centennial (Select).

He also presented the petition of Seth C. Cary and other citizens of Gardner, Mass., praying for the submission of an amendment of the Constitution forbidding the enactment of any legislation by the States respecting an establishment of religion or making an appropriation of money for any sectarian purpose; which was referred to the Committee on the Judiciary.

Mr. SHERMAN presented petitions of the Journeymen Tailors' unions of Toledo, Delaware, Youngstown, Springfield, and Steubenville, all in the State of Ohio, praying for the passage of House bill 8535, limiting the free entry of wearing apparel of foreign manufacture; which were referred to the Committee on Finance.

He also presented memorials of the Ministers' Union of Toledo, the Congregational and Methodist Episcopal churches of Ruggles, of Bertha Wolf and 39 other citizens of Creston, and the Ministers' Association of Findlay, all in the State of Ohio, remonstrating against a repeal of the law closing the World's Columbian Exposition on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

Mr. VEST presented a petition of the Farmers and Laborers' Union of Cole County, Mo., praying for the passage of the Washburn-Hatch antioption bill; which was ordered to lie on the table.

He also presented a petition of the Journeymen Tailors' Union of Kansas City, Mo., praying for the passage of House bill 8535, limiting the free entry of wearing apparel of foreign manufacture; which was referred to the Committee on Finance.

Mr. CULLOM presented a petition of the Journeymen Tailors' Union of Monmouth, Ill., and a petition of the Journeymen Tailors' Union of Quincy, Ill., praying for the passage of House bill 8535, limiting the free entry of wearing apparel of foreign manufacture; which were referred to the Committee on Finance.

He also presented a memorial of the Protestant churches of Toulon, Ill., remonstrating against a repeal of the law closing the World's Columbian Exposition on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

Mr. PADDOCK presented petitions of John Williams and 23 other citizens of Madison County and of J. H. Blodgett and 24 other citizens of Wayne County, in the State of Nebraska, praying for the appointment of a Senate committee to investigate the combine formed to depreciate the price of grain, and now existing between the elevators, millers, and railroads at Minneapolis, Minn., and St. Louis, Mo., and praying for the postponement of the Washburn-Hatch antioption bill until such committee shall report; which were referred to the Committee on Agriculture and Forestry.

Mr. WILSON presented a petition of the Methodist, Baptist, and United Presbyterian Churches of Monroe, Iowa, praying for the passage of the antioption bill, for the passage of an act prohibiting the sale of intoxicating liquors at the World's Columbian Exposition, for the passage of an act restricting immigration, and for the submission to the people of an amendment to the Constitution forbidding State legislation to unite church and state; which was referred to the Committee on the Quadro-Centennial (Select).

He also presented a memorial of the United and Reform Presbyterian Churches of Morning Sun, Iowa, remonstrating against the opening of the World's Columbian Exposition on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

He also presented a petition of the Journeymen Tailors' Union of Cedar Rapids, Iowa, praying for the passage of House bill 8535, limiting the free entry of wearing apparel of foreign manufacture; which was referred to the Committee on Finance.

Mr. BUTLER presented memorials of 26 citizens of Allendale, S. C., and of the Norfolk and Portsmouth (Va.) Cotton Exchange, remonstrating against the passage of the Washburn-Hatch antioption bill; which were ordered to lie on the table.

Mr. PEFFER presented the petition of J. Y. Barns and 75 other citizens of McPherson County, and the petition of W. M. Tyler and 18 other citizens of Reno County, all in the State of Kansas, praying for the appointment of a Senate committee to investigate the combine formed to depreciate the price of grain now existing between the elevators, millers, and railroads at Minneapolis, Minn., and St. Louis, Mo., and praying for the postponement of the Washburn-Hatch antioption bill until such committee shall report; which were referred to the Committee on Agriculture and Forestry.

Mr. WALTHALL presented a petition of the Journeymen Tailors' Union of Vicksburg, Miss., praying for the passage of House bill 8535, limiting the free entry of wearing apparel of foreign manufacture; which was referred to the Committee on Finance.

Mr. GALLINGER. I present the petition of George Hill, jr., and 35 other citizens and business firms of Georgetown, D. C., praying for relief from what they claim to be encroachments upon their rights on the part of the Washington and Georgetown Railroad Company. These citizens claim that they have appealed to the officers of the road, who store their cars on the narrow business street of Georgetown, and have been told if they do not like it they can move away; that they have applied to the police and have been refused relief; that they have applied to the District Commissioners and have been referred to the District attorney; that they have applied to the District attorney and he refers them to the courts and says the courts are open to them. Their appeal is a very earnest one. I know some of these gentlemen. I believe they are suffering an indignity which ought to be removed. I move that the petition be printed as a document and referred to the Committee on the District of Columbia.

The motion was agreed to.

Mr. QUAY presented a memorial of the Ministers' Association of Myersdale, Berlin, and Salisbury, in the State of Pennsylvania, remonstrating against the opening of the World's Columbian Exposition on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

He also presented a petition of 20 citizens of Blossburg, Pa., and a petition of 182 citizens of Union City, Pa., praying for the passage of a law prohibiting the manufacture, importation, and sale of cigarettes; which were referred to the Committee on Epidemic Diseases.

Mr. McMILLAN presented a petition of citizens of Detroit, Mich., praying for the enactment of legislation to restrict or prohibit immigration; which was referred to the Committee on Immigration.

MISSISSIPPI RIVER BRIDGE ABOVE NEW ORLEANS.

Mr. VEST. I am instructed by the Committee on Commerce, to whom was referred the bill (S. 2345) to authorize the construction of a bridge across the Mississippi River at New Orleans, to report it back with amendments. I am also instructed by the committee to ask for the immediate consideration of the bill, for the reason that it is exceedingly important that it should be considered by the Senate and sent to the other House.

Mr. HARRIS. Let the bill be read at length, subject to objection.

The Chief Clerk read the bill, and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The VICE-PRESIDENT. The amendments of the Committee on Commerce will be stated in their order.

The first amendment was in section 3, line 3, after the word "water" to insert "and with but two piers in the river," so as to read:

That the said bridge shall be made with three unbroken and contiguous spans between the river banks, as defined by a medium stage of water, and with but two piers in the river.

The amendment was agreed to.

The next amendment was, in section 3, line 4, after the word "channel," to strike out the words "or central;" so as to read:

The length of the main channel span shall be at least 1,000 feet long.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to authorize the construction of a bridge across the Mississippi River above New Orleans."

BILLS INTRODUCED.

Mr. BLACKBURN introduced a bill (S. 3553) for the relief of Lucy Ann Lee and Allen G. Lee; which was read twice by its title, and referred to the Committee on Claims.

Mr. WILSON (by request) introduced a bill (S. 3554) to refund to the State of Iowa the amounts paid by said State to the non-commissioned officers and enlisted men of the Second and Third Regiments of Iowa Volunteer Infantry, for gray uniforms charged to them by the United States mustering and disbursing officers, when they were mustered into the United States service in May and June, 1861, and afterwards ordered to be discarded and blue uniforms substituted therefor; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 3555) for the relief of George W. Jones; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Foreign Relations.

Mr. PADDOCK introduced a bill (S. 3556) granting an increase of pension to Mary E. Hazlip; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HAWLEY introduced a bill (S. 3557) granting a pension to William O. Lyman; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. RANSOM introduced a bill (S. 3558) to provide for the erection of a public building in the cities of Winston-Salem, N. C.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. QUAY introduced a bill (S. 3559) for the relief of Merrick & Son; which was read twice by its title, and referred to the Committee on Claims.

Mr. McMILLAN introduced a bill (S. 3560) granting a pension to John E. Burnes; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PEFFER. On Tuesday I had the honor to introduce a bill (S. 3515) for the relief of Charles Williamson, late assistant surgeon Twelfth Kansas State Militia. I think that it was referred by mistake to the Committee on Military Affairs, although I see the RECORD notes it to have been referred to the Committee on Pensions. If it was not referred to the Committee on Pensions, I ask that it be so referred.

The VICE-PRESIDENT. The bill was referred to the Committee on Pensions, the Chair is informed.

Mr. PEFFER. I ask that the papers which I send to the desk be referred with the bill to the same committee.

The VICE-PRESIDENT. The papers will be so referred.

Mr. JONES of Arkansas introduced a joint resolution (S. R. 119) authorizing the Secretary of the Treasury to retain and cover into the Treasury certain moneys, etc.; which was read twice by its title, and referred to the Committee on Indian Affairs.

WAR CLAIM OF BALTIMORE.

Mr. GORMAN. I offer the following resolution, and ask for its present consideration:

Resolved, That the Secretary of the Treasury be, and he is hereby, requested to transmit to the Senate all correspondence between the Third Auditor of the Treasury and the mayor of Baltimore relating to the claim of the city of Baltimore for advances in the War of 1812 between the United States and Great Britain.

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. SHERMAN. I suggest to the Senator from Maryland whether he had not better insert the word "copies." It is not usual to send the original papers.

Mr. GORMAN. I have no objection to that. I will modify the resolution by inserting the words "copies of" before the words "all correspondence."

The VICE-PRESIDENT. The question is on agreeing to the resolution as modified.

The resolution as modified was agreed to.

EXECUTIVE SESSION.

Mr. SHERMAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty-five minutes spent in executive session the doors were reopened.

DEATH OF REPRESENTATIVE WARWICK.

Mr. BRICE. Mr. President, I ask that the resolutions of the House of Representatives in regard to the death of my late colleague in that body be laid before the Senate.

The VICE-PRESIDENT. The Chair lays before the Senate resolutions from the House of Representatives, which will be read.

The Secretary read the resolutions, as follows:

IN THE HOUSE OF REPRESENTATIVES, *December 6, 1892.*

Resolved, That the House has heard with profound sorrow of the death of Hon. John G. Warwick, late a Representative from the State of Ohio.

Resolved, That the Clerk be directed to communicate a copy of these resolutions to the Senate.

Resolved, That as a mark of respect to his memory the House do now adjourn.

Mr. BRICE. Mr. President, I offer the resolutions which I send to the desk.

The VICE-PRESIDENT. The resolutions will be read.

The Secretary read the resolutions, as follows:

Resolved, That the Senate has heard with deep regret the announcement of the death of the Hon. John G. Warwick, late a Representative from the State of Ohio.

Resolved, That the Secretary communicate this resolution to the House of Representatives.

Resolved, That as a mark of respect to the memory of the deceased the Senate do now adjourn.

Mr. BRICE. Mr. President, at some future time I shall ask that a day be fixed when appropriate tributes may be paid to the memory and services of my late colleague in the other House.

The VICE-PRESIDENT. The question is on agreeing to the resolutions submitted by the Senator from Ohio.

The resolutions were agreed to unanimously; and (at 1 o'clock and 2 minutes p. m.) the Senate adjourned until Monday, December 12, 1892, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate December 8, 1892.

JUDGES OF PROBATE.

Charles Foote, of Utah Territory, to be judge of probate in the county of Juab, in the Territory of Utah, his term having expired September 26, 1892.

William W. Wallace, of Utah Territory, to be judge of probate in the county of Sevier, in the Territory of Utah, vice Lathrop B. Kinney, whose term expires December 8, 1892.

Charles A. Herman, of Utah Territory, to be judge of probate in the county of Toole, in the Territory of Utah, his term having expired September 26, 1892.

COMMISSIONER GENERAL LAND OFFICE.

William M. Stone, of Knoxville, Iowa, who was appointed November 18, 1892, during the recess of the Senate, to be Commissioner of the General Land Office, vice Thomas H. Carter, resigned.

ASSISTANT COMMISSIONER GENERAL LAND OFFICE.

Manning M. Rose, of Marietta, Ohio, who was appointed November 19, 1892, during the recess of the Senate, to be Assistant Commissioner of the General Land Office, vice William M. Stone, resigned.

REGISTERS OF LAND OFFICES.

Thomas Fraser, of Placerville, Cal., who was appointed August 27, 1892, during the recess of the Senate, to be register of the land office at Sacramento, Cal., vice Edmund W. Roberts, resigned.

Willis B. Stanley, of Beaver, Okla., who was appointed November 21, 1892, during the recess of the Senate, to be register of the land office at Beaver, in the Territory of Oklahoma, vice George L. Dobson, resigned.

RECEIVER OF PUBLIC MONEYS.

Thomas J. Flanner, of Louisiana, who was appointed November 16, 1892, during the recess of the Senate, to be receiver of public moneys at Natchitoches, La., vice Alexis E. Lemee, removed.

SECRETARY OF NEW MEXICO.

Silas Alexander, of Hillsboro, N. Mex., who was appointed November 15, 1892, during the recess of the Senate, to be secretary of New Mexico, vice Benjamin M. Thomas, deceased.

INDIAN AGENT.

Edwin Eells, of Tacoma, Wash., who was appointed August 29, 1892, during the recess of the Senate, to be agent for the Indians of the Puyallup Agency (consolidated) in Washington, to take effect September 18, 1892, at the expiration of his last term of office.

POSTMASTERS.

Watson S. Menefee, to be postmaster at Union Springs, in the county of Bullock and State of Alabama, who was commissioned during the recess of the Senate, November 2, 1892, in the place of Frederic B. Fay, removed.

John G. Pritchard, to be postmaster at Bisbee, in the county of Cochise and Territory of Arizona, who was commissioned during

the recess of the Senate, November 2, 1892, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1892.

Bennett C. Atwood, to be postmaster at Watertown, in the county of Litchfield and State of Connecticut, who was commissioned during the recess of the Senate, November 3, 1892, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1892.

William E. Goodman, to be postmaster at South Evanston, in the county of Cook and State of Illinois, who was commissioned during the recess of the Senate, November 2, 1892, in the place of Nicholas Morper, resigned.

William T. Greemann, to be postmaster at Batesville, in the county of Ripley and State of Indiana, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1892.

Samuel S. Gray, to be postmaster at Hamilton, in the county of Hancock and State of Illinois, who was commissioned during the recess of the Senate, November 2, 1892, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1892.

Henry E. Kingsland, to be postmaster at Central Park, in the county of Cook and State of Illinois, who was commissioned during the recess of the Senate, November 2, 1892, the appointment of postmaster for the said office having, by law, become vested in the President on and after October 1, 1892.

Pete H. Norris, to be postmaster at Metropolis City, in the county of Massac and State of Illinois, in the place of Ionia B. Bomar, removed.

Charles Voris, to be postmaster at Windsor, in the county of Shelby and State of Illinois, who was commissioned during the recess of the Senate, November 3, 1892, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1892.

Mrs. Marietta Blythe, to be postmaster at Clinton, in the county of Vermillion and State of Indiana, who was commissioned during the recess of the Senate, November 2, 1892, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1892.

John A. Pate, to be postmaster at Bloomfield, in the county of Greene and State of Indiana, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1892.

Henry A. Snepp, to be postmaster at Bourbon, in the county of Marshall and State of Indiana, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1892.

Lyna Whited, to be postmaster at Belmond, in the county of Wright and State of Iowa, who was commissioned during the recess of the Senate, November 2, 1892, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1892.

Wallace H. Johnson, to be postmaster at Salina, in the county of Saline and State of Kansas, who was commissioned during the recess of the Senate, November 2, 1892, in the place of Charles S. Radcliff, deceased.

Pitt W. Kent, to be postmaster at Weir, in the county of Cherokee and State of Kansas, in the place of Wilson Liff, resigned.

William C. Hinman, to be postmaster at Great Barrington, in the county of Berkshire and State of Massachusetts, who was commissioned during the recess of the Senate, September 27, 1892, in the place of Charles E. Gorham, resigned.

Henry H. Johnson, to be postmaster at Haverhill, in the county of Essex and State of Massachusetts, who was commissioned during the recess of the Senate, September 21, 1892, in the place of Gilman L. Sleeper, whose commission expired August 14, 1892.

Charles H. Riley, to be postmaster at Dedham, in the county of Norfolk and State of Massachusetts, who was commissioned during the recess of the Senate, October 6, 1892, in the place of Charles H. Riley, whose commission expired August 14, 1892.

Velette P. Townsend, to be postmaster at Quinsigamond, county of Worcester and State of Massachusetts, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1892.

George Pfaff, to be postmaster at Boulder Valley, in the county of Jefferson and State of Montana, who was commissioned during the recess of the Senate, November 3, 1892, in the place of Vining A. Cook, deceased.

Mrs. Nettie J. Van Inwegen, to be postmaster at Ortonville, in the county of Big Stone and State of Minnesota, who was commissioned during the recess of the Senate, September 23, 1892, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1892.

Nathaniel S. Lane, to be postmaster at North St. Paul, in the county of Ramsey and State of Minnesota, who was commissioned during the recess of the Senate, November 2, 1892, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1892.

Gustave A. Schulze, to be postmaster at Two Harbors, in the county of Lake and State of Minnesota, who was commissioned during the recess of the Senate, September 21, 1892, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1892.

Leman D. Herrick, to be postmaster at Scranton, in the county of Jackson and State of Mississippi, who was commissioned during the recess of the Senate, November 28, 1892, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1892.

Frank M. Atkinson, to be postmaster at St. Joseph, in the county of Buchanan and State of Missouri, who was commissioned during the recess of the Senate, September 21, 1892, in the place of Charles F. Ernst, deceased.

Oscar Cramer, to be postmaster at Cape Girardeau, in the county of Cape Girardeau and State of Missouri, who was commissioned during the recess of the Senate, September 27, 1892, in the place of George H. Cramer, deceased.

Edward J. Day, to be postmaster at Monett, in the county of Barry and State of Missouri, in the place of George B. Draper, resigned.

David P. Dobyns, to be postmaster at Oregon, in the county of Holt and State of Missouri, who was commissioned during the recess of the Senate, October 26, 1892, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1892.

Thomas S. Lewis, to be postmaster at Glasgow, in the county of Howard and State of Missouri, in the place of Edwin W. Bentley, resigned.

Leonard H. Mohr, to be postmaster at Troy, in the county of Lincoln and State of Missouri, who was commissioned during the recess of the Senate, September 21, 1892, in the place of William A. Woodson, whose commission expired August 10, 1892.

Samuel Atkinson, to be postmaster at Cozad, in the county of Dawson and State of Nebraska, who was commissioned during the recess of the Senate, November 2, 1892, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1892.

James L. McDonald, to be postmaster at Atkinson, in the county of Holt and State of Nebraska, who was commissioned during the recess of the Senate, November 2, 1892, in the place of James H. Perry, resigned.

Mary J. Cun Iffe, to be postmaster at Las Cruces, in the county of Donna Ana and Territory of New Mexico, who was commissioned during the recess of the Senate November 3, 1892, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1892.

William B. Barker, to be postmaster at Fredonia, in the county of Chautauqua and State of New York, in the place of Philo H. Stevens, whose commission expired August 10, 1892.

Emmett C. Grant, to be postmaster at Farmer, in the county of Seneca and State of New York, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1892.

William E. Mills, to be postmaster at Rose Hill, in the county of Onondaga and State of New York, who was commissioned during the recess of the Senate, October 15, 1892, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1892.

Jacob Schmahl, to be postmaster at Woodhaven, in the county of Queens and State of New York, who was commissioned during the recess of the Senate, November 2, 1892, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1892.

Frederick C. Walther, to be postmaster at Minto, in the county of Walsh and State of North Dakota, who was commissioned during the recess of the Senate, November 2, 1892, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1892.

Lemuel P. Bissell, to be postmaster at Louisville, in the county of Stark and State of Ohio, who was commissioned during the recess of the Senate, October 22, 1892, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1892.

Henry J. Saxton, to be postmaster at Madison, in the county of Lake and State of Ohio, who was commissioned during the recess of the Senate November 3, 1892, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1892.

Ruben R. Hickox, to be postmaster at El Reno, in the county of Canadian and Territory of Oklahoma, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1892.

Frank Cunningham, jr., to be postmaster at Forest City, in the county of Susquehanna and State of Pennsylvania, in the place of Truman C. Mawzer, resigned.

Jacob B. Gable, to be postmaster at Lititz, in the county of Lancaster and State of Pennsylvania, who was commissioned during the recess of the Senate, September 21, 1892, in the place of Isaac F. Bomberger, whose commission expired August 10, 1892.

James S. Hart, to be postmaster at Saltsburg, in the county of Indiana and State of Pennsylvania, who was commissioned during the recess of the Senate, November 2, 1892, in the place of Robert A. Paul, deceased.

Charles N. Brown, to be postmaster at Woonsocket, in the county of Providence and State of Rhode Island, who was commissioned during the recess of the Senate, October 4, 1892, in the place of Frank A. Campbell, whose commission expired January 31, 1892.

Almon K. Goodwin, to be postmaster at Pawtucket, in the county of Providence and State of Rhode Island, who was commissioned during the recess of the Senate, October 7, 1892, in the place of Isaac R. Wilkinson, whose commission expired January 23, 1892.

Andrew S. Withers, to be postmaster at Yorkville, in the county of York and State of South Carolina, who was commissioned during the recess of the Senate, October 22, 1892, in the place of William A. Moore, whose commission expired May 15, 1892.

Mrs. Elizabeth A. S. Mixson, to be postmaster at Barnwell, in the county of Barnwell and State of South Carolina, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1892.

Robert H. Hayes, to be postmaster at Lewisburg, in the county of Marshall and State of Tennessee, who was commissioned during the recess of the Senate, November 3, 1892, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1892.

George W. Ashton, to be postmaster at Iowa Park, in the county of Wichita and State of Texas, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1892.

Franklin L. Cleaves, to be postmaster at Gainesville, in the county of Cooke and State of Texas, who was commissioned during the recess of the Senate, October 7, 1892, in the place of William L. Pierce, resigned.

Alonzo L. Steele, to be postmaster at Groesbeck, in the county of Limestone and State of Texas, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1892.

William M. Ward, to be postmaster at Oak Cliff, in the county of Dallas and State of Texas, who was commissioned during the recess of the Senate, November 2, 1892, the appointment of a postmaster for the said office having, by law, become vested in the President on an after October 1, 1892.

Hugh L. Witcher, to be postmaster at Rockdale, in the county of Milam and State of Texas, in the place of John C. Witcher, resigned.

Albert H. Nash, to be postmaster at Salt Lake City, in the county of Salt Lake and Territory of Utah, who was commissioned during the recess of the Senate, November 25, 1892, in the place of Irving A. Benton, resigned.

Byron Fairbanks, to be postmaster at West Bend, in the county of Washington and State of Wisconsin, who was commissioned during the recess of the Senate, November 2, 1892, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1892.

James W. Samphier, to be postmaster at Omro, in the county of Winnebago and State of Wisconsin, who was commissioned during the recess of the Senate, November 2, 1892, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1892.

Jacob Shaul, to be postmaster at Marianna, in the county of Lee and State of Arkansas, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1892.

Mrs. Nancy J. Wilson, to be postmaster at Forrest City, in the county of St. Francis and State of Arkansas, in the place of Mary E. Winfield, whose commission expired August 18, 1892.

Asa Crocker, to be postmaster at Suisun City, in the county of Solano and State of California, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1892.

George B. Lyman, to be postmaster at Yuba City, in the county of Sutter and State of California, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1892.

Hubert E. Carpenter, to be postmaster at East Hampton, in the county of Middlesex and State of Connecticut, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1892.

Mrs. Alice B. Bussey, to be postmaster at Cuthbert, in the county of Randolph and State of Georgia, in the place of Duncan Jordan, resigned.

Mrs. Mary P. Dixon, to be postmaster at West Point, in the county of Troup and State of Georgia, in the place of Jacob W. F. Little, whose commission expired January 31, 1892.

William F. Schuler, to be postmaster at Woodbine, in the county of Harrison and State of Iowa, in the place of William J. Callender, resigned.

William Thero, to be postmaster at Farmington, in the county of Van Buren and State of Iowa, in the place of Leon L. Therme, deceased.

Martha E. Cowgill, to be postmaster at Baldwin, in the county of Douglas and State of Kansas, in the place of Henry E. Cowgill, deceased.

William E. Cropper, to be postmaster at Midway, in the county of Woodford and State of Kentucky, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1892.

William H. Rich, to be postmaster at Berwick, in the county of York and State of Maine, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1892.

James C. Cooper, to be postmaster at Chester, in the county of Hampden and State of Massachusetts, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1892.

James B. Parsons, to be postmaster at Attleboro Falls, in the county of Bristol and State of Massachusetts, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1892.

Joseph Pettee, jr., to be postmaster at South Abington Station, in the county of Plymouth and State of Massachusetts, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1892.

Winfred A. Torrey, to be postmaster at South Braintree, in the county of Norfolk and State of Massachusetts, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1892.

George B. Faxon, to be postmaster at Ovid, in the county of Clinton and State of Michigan, in the place of Adam Beattie, resigned.

Solomon D. Hollister, jr., to be postmaster at Crystal Falls, in the county of Iron and State of Michigan, in the place of Alonzo Parks, resigned.

Anna Durham, to be postmaster at Clarksdale, in the county of Coahoma and State of Mississippi, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1892.

Green B. Atterbury, to be postmaster at Maysville, in the county of Dekalb and State of Missouri, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1892.

Harry H. Mitchell, to be postmaster at Clinton, in the county of Henry and State of Missouri, in the place of Jacob Keiser, resigned.

John R. Nease, to be postmaster at Humansville, in the county of Polk and State of Missouri, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1892.

George H. Bell, to be postmaster at Carson City, in the county of Ormsby and State of Nevada, in the place of Richard S. Rodman, deceased.

Albert L. Norris, to be postmaster at North Bend, in the county of Dodge and State of Nebraska, in the place of John P. Yost, resigned.

Charles E. Slate, to be postmaster at Winchester, in the county of Cheshire and State of New Hampshire, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1892.

Mrs. Julia A. Caney, to be postmaster at Amsterdam, in the county of Montgomery and State of New York, in the place of Richard F. Caney, deceased.

William H. Stickles, to be postmaster at Philmont, in the county of Columbia and State of New York, in the place of Henry P. Horton, deceased.

Jesse M. Littleton, to be postmaster at Winchester, in the county of Franklin and State of Tennessee, in the place of John T. Fitzpatrick, whose commission expired August 10, 1892.

PROFESSOR AT THE MILITARY ACADEMY.

Capt. Edward E. Wood, Eighth Cavalry, to be professor of modern languages, October 1, 1892, vice Andrews, retired from active service.

PROMOTIONS IN THE ARMY.

Corps of Engineers.

Capt. Clinton B. Sears, to be major, September 20, 1892, vice Overman, resigned.

First Lieut. John Millis, to be captain, September 20, 1892, vice Sears, promoted.

First Lieut. John Biddle, to be captain, October 11, 1892, vice Maguire, deceased.

Second Lieut. James J. Meyer, to be first lieutenant, September 20, 1892, vice Millis, promoted.

Second Lieut. Charles H. McKinstry, to be first lieutenant, October 11, 1892, vice Biddle, promoted.

Cavalry arm.

Lieut. Col. Anson Mills, Fourth Cavalry, to be colonel, August 16, 1892, vice Morrow, Third Cavalry, retired from active service.

Maj. Samuel B. M. Young, Third Cavalry, to be lieutenant-colonel, August 16, 1892, vice Mills, Fourth Cavalry, promoted.

Maj. George A. Purington, Third Cavalry, to be lieutenant-colonel, October 20, 1892, vice Wilcox, Third Cavalry, retired from active service.

Capt. Henry W. Wessells, jr., Third Cavalry, to be major, August 16, 1892, vice Young, Third Cavalry, promoted.

Capt. Alexander S. B. Keyes, Tenth Cavalry, to be major, October 20, 1892, vice Purington, Third Cavalry, promoted.

First Lieut. James N. Allison, Second Cavalry, to be captain, August 15, 1892, vice Hamilton, Second Cavalry, retired from active service.

First Lieut. William D. Beach, Third Cavalry, to be captain, August 16, 1892, vice Wessells, Third Cavalry, promoted.

First Lieut. William A. Shunk, Eighth Cavalry, to be captain, October 5, 1892, vice Wood, Eighth Cavalry, appointed professor at the Military Academy.

First Lieut. George H. Evans, Tenth Cavalry, to be captain, October 20, 1892, vice Keyes, Tenth Cavalry, promoted.

Second Lieut. Floyd W. Harris, Fourth Cavalry, to be first lieutenant, August 15, 1892, vice Allison, Second Cavalry, promoted.

Second Lieut. John T. Nance, Second Cavalry, to be first lieutenant, August 15, 1892, vice Glass, Sixth Cavalry, deceased.

Second Lieut. Charles C. Walcutt, jr., Eighth Cavalry, to be first lieutenant, August 16, 1892, vice Beach, Third Cavalry, promoted.

Second Lieut. William H. Bean, Second Cavalry, to be first lieutenant, October 5, 1892, vice Shunk, Eighth Cavalry, promoted.

Second Lieut. John J. Pershing, Sixth Cavalry, to be first lieutenant, October 20, 1892, vice Evans, Tenth Cavalry, promoted.

Artillery arm.

Maj. Alexander C. M. Pennington, Fourth Artillery, to be lieutenant-colonel, November 28, 1892, vice Jackson, Fourth Artillery, deceased.

Capt. George B. Rodney, Fourth Artillery, to be major, November 28, 1892, vice Pennington, Fourth Artillery, promoted.

First Lieut. Elbridge R. Hills, Fifth Artillery, to be captain, November 28, 1892, vice Brewerton, Fifth Artillery, retired from active service.

First Lieut. James E. Eastman, Second Artillery, to be captain, November 28, 1892, vice Litchfield, Second Artillery, retired from active service.

First Lieut. Sydney W. Taylor, Fourth Artillery, to be captain, November 28, 1892, vice Rodney, Fourth Artillery, promoted.

Second Lieut. John A. Towers, First Artillery, to be first lieutenant, September 23, 1892, vice Rodman, Second Artillery, resigned.

Second Lieut. Lucien G. Berry, Fourth Artillery, to be first lieutenant, November 28, 1892, vice Hills, Fifth Artillery, promoted.

Second Lieut. John E. McMahon, Fourth Artillery, to be first lieutenant, November 28, 1892, vice Eastman, Second Artillery, promoted.

Second Lieut. Avery D. Andrews, Fifth Artillery, to be first lieutenant, November 28, 1892, vice Taylor, Fourth Artillery, promoted.

Infantry arm.

Lieut. Col. Simon Snyder, Tenth Infantry, to be colonel, September 16, 1892, vice Brayton, Nineteenth Infantry, retired from active service.

Maj. Edgar R. Kellogg, Eighth Infantry, to be lieutenant-colonel, September 16, 1892, vice Snyder, Tenth Infantry, promoted.

Maj. Edward W. Whittemore, Tenth Infantry, to be lieutenant-colonel, October 14, 1892, vice Hampson, Twelfth Infantry, deceased.

Capt. Francis E. Lacey, Tenth Infantry, to be major, September 16, 1892, vice Kellogg, Eighth Infantry, promoted.

Capt. Augustus H. Bainbridge, Fourteenth Infantry, to be major, October 14, 1892, vice Whittemore, Tenth Infantry, promoted.

First Lieut. John J. O'Brien, regimental quartermaster Fourth Infantry, to be captain, September 14, 1892, vice Brown, Fourth Infantry, deceased.

First Lieut. Williams Paulding, Tenth Infantry, to be captain, September 16, 1892, vice Lacey, Tenth Infantry, promoted.

First Lieut. George Andrews, Twenty-fifth Infantry, to be captain, September 16, 1892, vice Lawson, Twenty-fifth Infantry, retired from active service.

First Lieut. George T. T. Patterson, Fourteenth Infantry, to be captain, October 14, 1892, vice Bainbridge, Fourteenth Infantry, promoted.

First Lieut. Lorenzo W. Cooke, Third Infantry, to be captain, November 29, 1892, vice Bartlett, Third Infantry, retired from active service.

First Lieut. Oliver B. Warwick, Eighteenth Infantry, to be captain, November 30, 1892, vice Baldwin, Eighteenth Infantry, retired from active service.

First Lieut. Theodore H. Eckerson, Nineteenth Infantry, to be captain, November 30, 1892, vice Vance, Nineteenth Infantry, retired from active service.

Second Lieut. Benjamin A. Poore, Twelfth Infantry, to be first lieutenant, September 16, 1892, vice Paulding, Tenth Infantry, promoted.

Second Lieut. Edward W. McCaskey, Twenty-first Infantry, to be first lieutenant, September 17, 1892, vice Browne, Fourth Infantry, appointed regimental quartermaster.

Second Lieut. Chauncey B. Baker, Seventh Infantry, to be first lieutenant, September 29, 1892, vice Cochran, Seventh Infantry, deceased.

Second Lieut. James H. McRae, Third Infantry, to be first lieutenant, October 14, 1892, vice Patterson, Fourteenth Infantry, promoted.

Second Lieut. Amos B. Shattuck, Sixth Infantry, to be first lieutenant, October 19, 1892, vice Leonhaeuser, Twenty-fifth Infantry, appointed regimental adjutant.

Second Lieut. William M. Swaine, Twenty-second Infantry, to be first lieutenant, November 29, 1892, vice Cooke, Third Infantry, promoted.

Second Lieut. Walter H. Gordon, Twelfth Infantry, to be first lieutenant, November 30, 1892, vice Warwick, Eighteenth Infantry, promoted.

Second Lieut. James L. Druien, Seventeenth Infantry, to be first lieutenant, November 30, 1892, vice Eckerson, Nineteenth Infantry, promoted.

Medical Department.

Lieut. Col. Charles H. Alden, deputy surgeon-general, to be assistant surgeon-general with the rank of colonel, December 4, 1892, vice Heger, retired from active service.

Maj. Albert Hartsuff, surgeon, to be deputy surgeon-general with the rank of lieutenant-colonel, December 4, 1892, vice Alden, promoted.

To be assistant surgeons with the rank of first lieutenant:

Henry R. Stiles, of Connecticut, November 4, 1892, vice Adair, promoted.

Harry M. Hallock, of New Jersey, November 4, 1892, vice Shively, whose appointment was canceled for nonacceptance.

George J. Newgarden, of Pennsylvania, November 4, 1892, vice Biart, retired from active service.

Paul F. Straub, of Iowa, November 4, 1892, vice Brown, promoted.

Cavalry arm.

First Sergt. Cornelius C. Smith, Troop K, Sixth Cavalry, to be second lieutenant, November 19, 1892, vice Nance, Second Cavalry, promoted.

Corp. Joseph E. Cusack, Troop C, Fifth Cavalry, to be second lieutenant, November 19, 1892, vice Haines, Fifth Cavalry, promoted.

Infantry arm.

Sergt. Maj. James Ronayne, Tenth Infantry, to be second lieutenant, November 19, 1892, vice McIntyre, Nineteenth Infantry, promoted.

Sergt. William J. Lutz, Battery E, First Artillery, to be second lieutenant, November 19, 1892, vice Ellis, Second Infantry, retired from active service.

Sergt. Henry L. Kinnison, Company B, Seventh Infantry, to be second lieutenant, November 19, 1892, vice Martin, Twenty-fifth Infantry, promoted.

Sergt. Warren B. Fox, Company A, Twentieth Infantry, to be second lieutenant, November 19, 1892, vice Johnson, Tenth Infantry, promoted.

Sergt. Guy G. Palmer, Company H, Eighth Infantry, to be second lieutenant, November 19, 1892, vice Anderson, Sixteenth Infantry, resigned.

Corporal Williamson Markland, Company B, Ninth Infantry, to be second lieutenant, November 19, 1892, vice Baker, Twelfth Infantry, promoted.

Cavalry arm.

Second Lieut. George W. Kirkpatrick, Tenth Infantry, to be second lieutenant, August 17, 1892, with rank from June 11, 1892, vice Reber, Fourth Cavalry, promoted.

Second Lieut. Gordon Voorhies, Twenty-fifth Infantry, to be second lieutenant, August 25, 1892, with rank from August 24, 1892, vice Harris, Fourth Cavalry, promoted.

PROMOTIONS IN THE NAVY.

Assistant Engineer Edward H. Scribner, to be a passed assistant engineer in the Navy from the 22d June, 1892, vice Passed Assistant Engineers R. W. Milligan and G. W. Baird, promoted.

Assistant Engineer Andrew M. Hunt, to be a passed assistant engineer in the Navy from the 27th July, 1892, vice Passed Assistant Engineers R. Crawford and C. F. Nagle, retired.

Assistant Engineer Frank M. Bennett, to be a passed assistant engineer in the Navy from the 7th October, 1892, vice Passed Assistant Engineer Harrie Webster, promoted.

Passed Assistant Surg. William R. Du Bose, to be a surgeon in the Navy from the 1st November, 1892, vice Surg. Ernest Norfleet, retired.

John Miller Moore, a resident of South Carolina, to be an assistant surgeon in the Navy from the 11th November, 1892, to fill a vacancy in that grade.

Lieut. (junior grade) Thomas M. Brumby, to be a lieutenant in the Navy from the 24th August, 1892, vice Lieut. T. Dix Bolles, deceased.

Lieut. Commander Andrew J. Iverson, to be a commander in the Navy from the 4th December, 1892, vice Commander Roswell D. Hitchcock, deceased.

Lieut. William H. Reeder, to be a lieutanant-commander in the Navy from the 4th December, 1892, vice Lieut. Commander A. J. Iverson, promoted.

Passed Assistant Engineer Robert W. Milligan, to be a chief engineer in the Navy from the 16th May, 1892, vice Chief Engineer H. B. Nones, retired. [Subject to the examinations required by law.]

Passed Assistant Engineer George W. Baird, to be a chief engineer in the Navy from 22d June, 1892, vice Chief Engineer D. P. Jones, retired.

Passed Assistant Engineer Richard Inch, to be a chief engineer in the Navy from the 3d of August, 1892, vice Chief Engineer Jefferson Brown, retired. [Subject to the examinations required by law.]

Passed Assistant Engineer Harrie Webster, to be a chief engineer in the Navy from the 7th October, 1892, vice Chief Engineer B. F. Wood retired.

PROMOTIONS IN THE MARINE CORPS.

First Lieut. Otway C. Berryman, United States Marine Corps, to be a captain in that corps from the 11th July, 1892, vice Capt. William R. Brown, promoted.

Second Lieut. Bertram S. Newmann, United States Marine Corps, to be a first lieutenant in that corps from the 11th July, 1892, vice First Lieut. O. C. Berryman, promoted.

Capt. Robert L. Meade, United States Marine Corps, to be a major in that corps from the 6th September, 1892, vice Maj. William R. Brown, retired.

First Lieut. William F. Spicer, United States Marine Corps, to be a captain in that corps from the 6th September, 1892, vice Capt. R. L. Meade, promoted.

Second Lieut. Charles G. Long, United States Marine Corps, to be a first lieutenant in that corps from the 6th September, 1892, vice First Lieut. William F. Spicer, promoted.

CONFIRMATIONS.

Executive nominations confirmed by the Senate December 8, 1892.

ASSISTANT SECRETARY OF THE TREASURY.

John H. Gear, of Iowa, to be Assistant Secretary of the Treasury.

ENVOYS EXTRAORDINARY AND MINISTERS PLENIPOTENTIARY.

William Potter, of Philadelphia, Pa., to be envoy extraordinary and minister plenipotentiary of the United States to Italy.

David P. Thompson, of Oregon, to be envoy extraordinary and minister plenipotentiary of the United States to Turkey.

CONSULS.

Charles H. Cowan, of Chicago, Ill., to be consul of the United States at Manila.

Louis A. Dent, of the District of Columbia, to be consul of the United States at Kingston, Jamaica.

William R. Estes, of Madelia, Minn., to be consul of the United States at Hamburg.

John P. Eirich, of Columbus, Ohio, to be consul of the United States at Antigua, West Indies.

Corvis M. Barre, of Hillsdale, Mich., to be consul of the United States at Valparaiso.

J. Alexander Forbes, of San Francisco, Cal., to be consul of the United States at Guaymas.

Orlando H. Baker, of Indianola, Iowa, to be consul of the United States at Copenhagen.

William Heimke, of Kansas, formerly vice-consul at Chihuahua, to be consul of the United States at that place.

COLLECTOR OF INTERNAL REVENUE.

George W. Miller, of Pennsylvania, to be collector of internal revenue for the Twenty-third district of Pennsylvania.

ASSISTANT APPRAISER OF MERCHANDISE.

Michael Goode, of New York, to be assistant appraiser of merchandise in the district of New York, in the State of New York.

APPOINTMENTS IN THE MARINE-HOSPITAL SERVICE.

Edgar Strayer, of Pennsylvania, to be an assistant surgeon in the Marine-Hospital Service of the United States.

Henry D. Geddings, of Alabama, to be passed assistant surgeon in the Marine-Hospital Service of the United States.

Charles P. Wertenbaker, of Virginia, to be a passed assistant surgeon in the Marine-Hospital Service of the United States.

PROMOTIONS IN THE REVENUE SERVICE.

Third Lieut. Ellsworth P. Bertholf, of New York, to be a second lieutenant in the Revenue Service of the United States.

Second Lieut. Walter S. Howland, of Massachusetts, to be a first lieutenant in the Revenue Service of the United States.

First Lieut. Robert M. Clark, of Connecticut, to be a captain in the Revenue Service of the United States.

CONSUL-GENERAL.

Edward C. Little, of Abilene, Kans., to be agent and consul-general of the United States at Cairo.

COMMISSIONER OF THE GENERAL LAND OFFICE.

William M. Stone, of Knoxville, Iowa, to be Commissioner of the General Land Office.

HOUSE OF REPRESENTATIVES.

THURSDAY, *December 8, 1892.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of yesterday was read and approved.

ANNUAL REPORT ON THE FINANCES.

The SPEAKER laid before the House the annual report of the Secretary of the Treasury on the state of the finances for the year 1892; which was referred to the Committee on Ways and Means.

ATTORNEY-GENERAL'S REPORT.

The SPEAKER also laid before the House a letter from the Attorney-General, transmitting his annual report to Congress; which was referred to the Committee on the Judiciary.

VIRGINIA MILITARY LAND RECORDS.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting an estimate of appropriation for the purchase of the Virginia military land records, submitted by the Secretary of the Interior; which was referred to the Committee on Military Affairs.

REPORT FIRST COMPTROLLER OF THE TREASURY.

The SPEAKER also laid before the House a letter from the Treasurer of the United States, transmitting copies of accounts rendered to and settled with the First Comptroller of the Treasury for the fiscal year ending June 30, 1892; which was referred to the Committee on Appropriations.

ANNUAL REPORTS SERGEANT-AT-ARMS.

The SPEAKER also laid before the House a letter from the Sergeant-at-Arms of the House of Representatives, transmitting a statement showing moneys drawn and disbursed by him up to

December 5, 1892; which was referred to the Committee on Accounts.

Also a letter from the Sergeant-at-Arms, transmitting a list of the property belonging to the United States in his possession December 5, 1892; which was referred to the Committee on Accounts.

IMPROVEMENTS RIVERS AND HARBORS.

The SPEAKER also laid before the House communications from the Secretary of War, transmitting letters from the Chief of Engineers respecting the examination and survey of the following rivers and harbors:

Big Sandy River, Kentucky; channel connecting Freeport with Great South Bay, N. Y.; Gloucester Harbor, Massachusetts, from Five Pound Island to the head of the river; Alviso Slough, California; Rogue River, Oregon, from Grants Pass to the mouth; Owl Head Harbor, Maine; Milford Haven, Virginia; Allegheny River, from Orleans, N. Y., to Warren, Pa.; obstruction at mouth of Morattico Creek, Virginia; inner navigation of Alsea River, Oregon; Savannah River, Georgia; locks and dams on the Ohio River in Pennsylvania; Wicomico River, Maryland; East Boston Channel, Massachusetts; Licking River, Kentucky, with a view to slack-water navigation; Southold Harbor, Long Island; Black Walnut Harbor, Maryland, at mouth of Great Choptank River; Georges River, Maine; Dennis Creek, New Jersey; Allouez Bay and Nemadji River at Superior, Wis.; Gloucester Harbor, Massachusetts; Lake Pepin, in the Mississippi River; Everett Harbor, Washington; Little Miami River, Ohio; Adams Landing Harbor, Vermont; Sequatchie River, Tennessee, and harbor at Cape Canaveral, Florida; which were severally referred to the Committee on Rivers and Harbors.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. TURPIN, indefinitely, on account of sickness.

To Mr. HALLOWELL, for this day, on account of important business.

CALL OF STANDING AND SELECT COMMITTEES.

The Clerk then, under direction of the Speaker, proceeded to call the roll of standing and select committees for reports. No reports were presented.

ENGINEER CORPS OF THE NAVY.

The SPEAKER. This completes the call of standing and select committees. The morning hour begins at 12 o'clock and 11 minutes. The call rested with the Committee on Naval Affairs. The gentleman from Indiana [Mr. HOLMAN] on yesterday moved to reconsider the vote by which the bill (S. 139) terminating the reduction in the numbers of the Engineer Corps of the Navy was passed; and the gentleman from Alabama [Mr. HERBERT] moved to lay the motion to reconsider on the table. The question before the House will be on the motion of the gentleman from Alabama [Mr. HERBERT] to lay upon the table the motion to reconsider entered by the gentleman from Indiana [Mr. HOLMAN].

The question being taken, the Speaker announced that the ayes seemed to have it.

Mr. HOLMAN. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 134, nays 85, not voting 110; as follows:

YEAS—134.

Alderson,	Compton,	Hooker, N. Y.	Perkins,
Amerman,	Coolidge,	Hopkins, Pa.	Pickler,
Andrew,	Coombs,	Hopkins, Ill.	Powers,
Atkinson,	Covert,	Hull,	Ray,
Babbitt,	Crosby,	Johnson, Ind.	Reed,
Bankhead,	Cummings,	Johnson, N. Dak.	Reilly,
Barwig,	Curtis,	Jolley,	Sculi,
Belknap,	Cutting,	Kribbs,	Seerley,
Bentley,	Dalzell,	Lagan,	Smith,
Bergen,	Daniell,	Lanham,	Sperry,
Bingham,	Dingley,	Lawson, Va.	Stevens,
Boatner,	Dixon,	Lawson, Ga.	Stone, C. W.
Boutelle,	Doan,	Layton,	Storer,
Bowers,	Durborow,	Lind,	Tarsney,
Bowman,	Elliott,	Little,	Taylor, Tenn.
Brickner,	English,	Loud,	Taylor, E. B.
Broderick,	Flick,	Lynch,	Taylor, J. D.
Brosius,	Forney,	Magner,	Townsend,
Bullock,	Funston,	Mallory,	Tracey,
Bunn,	Geary,	McAleer,	Tucker,
Burrows,	Geissenhainer,	Meyer,	Van Horn,
Busey,	Gillespie,	Miller,	Wadsworth,
Cadmus,	Greenleaf,	Moore,	Warner,
Caldwell,	Grout,	Mutchler,	Waugh,
Campbell,	Harries,	Newberry,	Weadock,
Caruth,	Haugen,	Oates,	Wheeler, Ala.
Castle,	Hayes, Iowa	O'Donnell,	Wilson, Wash.
Causey,	Haynes, Ohio	O'Ferrall,	Wilson, Mo.
Cheatham,	Henderson, Iowa	O'Neil, Mass.	Wise,
Chipman,	Herbert,	O'Neill, Pa.	Wolverton,
Clancy,	Hermann,	Owens,	Wright,
Clark, Wyo.	Hilborn,	Page, R. I.	Youmans.
Cobb, Ala.	Hitt,	Payne,	
Coburn,	Hooker, Miss.	Pendleton,	

NAYS—85.

Abbott,	Cox, N. Y.	Kyle,	Scott,
Allen,	Cox, Tenn.	Lane,	Shively,
Antony,	Davis,	Lester, Ga.	Simpson,
Arnold,	De Armond,	Livingston,	Snodgrass,
Bailey,	Dockery,	Long,	Snow,
Beltzhoover,	Edmunds,	Martin,	Springer,
Blanchard,	Enloe,	McClellan,	Steward, Ill.
Bland,	Epes,	McKaig,	Stockdale,
Blount,	Everett,	McLaurin,	Stone, Ky.
Branch,	Fithian,	McMillin,	Stout,
Breckinridge, Ark.	Forman,	McRae,	Taylor, Ill.
Bretz,	Fyan,	Obliger,	Terry,
Brookshire,	Gantz,	Otis,	Tillman,
Brown, Ind.	Gorman,	Parrett,	Turner,
Brunner,	Grady,	Patterson, Tenn.	Watson,
Butler,	Halvorson,	Pattison, Ohio	White,
Bynum,	Harter,	Patton,	Wike,
Capehart,	Henderson, N. C.	Paynter,	Williams, Ill.
Clover,	Holman,	Pearson,	Winn,
Cobb, Mo.	Jones,	Peel,	
Cooper,	Kendall,	Richardson,	
Cowles,	Kilgore,	Sayers,	

NOT VOTING—110.

Alexander,	Donovan,	Lester, Va.	Robinson, Pa.
Bacon,	Dungan,	Lewis,	Rockwell,
Baker,	Dunphy,	Lockwood,	Rusk,
Bartine,	Ellis,	Lodge,	Russell,
Beeman,	Enochs,	Mansur,	Sanford,
Belden,	Fellows,	McCreary,	Shell,
Brawley,	Fitch,	McGann,	Shonk,
Breckinridge, Ky.	Fowler,	McKeighan,	Sipe,
Brown, Md.	Goodnight,	McKinney,	Stahlnecker,
Bryan,	Griswold,	Meredith,	Stephenson,
Buchanan, N. J.	Hall,	Milliken,	Stewart, Tex.
Buchanan, Va.	Hallowell,	Mitchell,	Stone, W. A.
Bunting,	Hamilton,	Montgomery,	Stump,
Bushnell,	Hare,	Morse,	Swee,
Byrnes,	Harmer,	Moses,	Taylor, V. A.
Cable,	Hatch,	Norton,	Turner,
Caminetti,	Heard,	O'Neill, Mo.	Walker,
Catchings,	Hemphill,	Outhwaite,	Washington,
Cate,	Henderson, Ill.	Pierce,	Wever,
Clarke, Ala.	Hoar,	Post,	Wheeler, Mich.
Cockran,	Houk, Ohio	Price,	Whiting,
Cogswell,	Houk, Tenn.	Quackenbush,	Wilcox,
Crain, Tex.	Huff,	Raines,	Williams, Mass.
Crawford,	Johnson, Ohio	Randall,	Williams, N. C.
Culberson,	Johnstone, S. C.	Rayner,	Wilson, Ky.
De Forest,	Kem,	Reyburn,	Wilson, W. Va.
Dickerson,	Ketcham,	Rife,	
Dolliver,	Lapham,	Robertson, La.	

So the motion to reconsider was laid on the table.

The Clerk announced the following pairs:

Until further notice:

Mr. MCCREARY with Mr. MORSE.

Mr. MONTGOMERY with Mr. WEVER.

Mr. PAYNTER with Mr. BELDEN.

Mr. GOODNIGHT with Mr. SHONK.

Mr. ELLIS with Mr. GRISWOLD.

Mr. CLARKE of Alabama with Mr. VINCENT A. TAYLOR.

Mr. WASHINGTON with Mr. SANFORD.

Mr. HATCH with Mr. HARMER.

Mr. WILLCOX with Mr. RUSSELL.

Mr. ROBERTSON of Louisiana with Mr. HOUK of Tennessee.

For this day:

Mr. MOSES with Mr. COGSWELL.

Mr. CAMINETTI with Mr. MILLIKEN.

On this vote:

Mr. BUSHNELL with Mr. RANDALL.

The result of the vote was then announced as above recorded.

ORDER OF BUSINESS.

The SPEAKER. The call rests with the Committee on Banking and Currency, under what is known as the second morning hour.

The Clerk proceeded with the calling of the committees under the rule.

The Committee on Interstate and Foreign Commerce was called.

Mr. LIND. I ask unanimous consent that the Committee on Interstate and Foreign Commerce be passed over without prejudice this morning.

The SPEAKER. The gentleman from Minnesota [Mr. LIND] asks unanimous consent that the Committee on Interstate and Foreign Commerce be passed over, with the right to recur, or to be called again on this call. Is there objection?

Mr. REED. I did not hear what committee was referred to.

The SPEAKER. The Committee on Interstate and Foreign Commerce. It is called in the second morning hour, but the gentleman from Minnesota [Mr. LIND] asks that it be passed over without prejudice, and that it may be called again on this call. Is there objection?

There was no objection.

The Committee on Foreign Affairs was called.

Mr. BLOUNT. I ask that the Committee on Foreign Affairs be passed without prejudice.

The SPEAKER. The gentleman from Georgia [Mr. BLOUNT]

asks that the Committee on Foreign Affairs be passed over without prejudice, reserving the right to have it again called on this call. Is there objection?

There was no objection.

MUSTER AND PAY OF CERTAIN VOLUNTEER SOLDIERS.

The Committee on Military Affairs was called.

Mr. OUTHWAITE. Mr. Speaker, I call up the bill (H. R. 6649) to extend the provisions of an act to provide for the muster and pay of certain officers and enlisted men of the volunteer force.

The bill was read, as follows:

Be it enacted, etc., That the provisions of an act to provide for the muster and pay of certain officers and enlisted men of the volunteer forces, approved June 4, 1884, as amended by an act approved February 5, 1887, be, and the same are hereby, revived and extended for a period of three years from the 3d day of June, 1892.

Mr. KILGORE. Mr. Speaker, I want to submit a point of order upon that bill.

The SPEAKER. The gentleman will state it.

Mr. KILGORE. The point of order is that no bill, or resolution, or report which originated in the House at the first session, can, under the rules, be considered at the second session within the first six days of that session of Congress.

The SPEAKER. Has the gentleman got the number of the rule?

Mr. KILGORE. It is Rule XXVII, page 33.

Mr. OUTHWAITE. What is the number of the rule?

Mr. KILGORE. Rule XXVII. I have found it, and can read it.

The SPEAKER. The Chair has the rule. [After a pause.] The Clerk will report the rule.

The Clerk read as follows:

After six days from the commencement of a second or a subsequent session of any Congress, all bills, resolutions, and reports which originated in the House, and remained undetermined at the close of the last preceding session, shall be in order for action, and all business before committees of the House at the end of one session shall be resumed at the commencement of the next session of the same Congress in the same manner as if no adjournment had taken place.

The SPEAKER. Does the gentleman from Ohio [Mr. OUTHWAITE] desire to be heard?

Mr. OUTHWAITE. I do not desire to be heard upon the subject.

The SPEAKER. This is a rule that has found place in the Rules of the House for many years, and it is the first time the attention of the Chair has been specifically called to the rule; and the Chair is not aware that there have been any decisions of his predecessors on this question.

Mr. KILGORE. The question was ruled on by the Speaker of the Fifty-first Congress [Mr. REED] at the beginning of the second session of that Congress, according to my recollection.

The SPEAKER. Does the gentleman state that that question was passed upon?

Mr. KILGORE. Yes, sir. Mr. Speaker REED held that the House could not consider any measure named in that rule at any time within the first six days of the short session, if I remember aright.

The SPEAKER. The Chair will have the matter looked up.

Mr. OUTHWAITE. Mr. Speaker, I think I would like to say a word on this subject. When the gentleman from Texas [Mr. KILGORE] first raised his point of order, and I glanced at the rule, it seemed to me that probably it was well taken. Upon reconsidering the rule, I have reached a different conclusion—not that it is very material in this instance as to what the decision of the Chair may be; but it is material, reflecting upon the course of business in this House hereafter and during the remainder of these six days.

We have a system of rules which provides the manner in which our business shall be transacted. A portion of that system is this rule with regard to the morning hour, in which it is provided that the Speaker shall direct that the committees be called in order, and that each committee shall have its morning hour for the consideration of any business which may come before it. This rule, Mr. Speaker, does not prohibit anything. This rule does not certainly deny the right of this House to consider any of the business which may have come over from the preceding session. To sustain the point of order made by the gentleman from Texas is to rule that this House upon reassembling at the beginning of the second session shall virtually do nothing for six days, unless it be to consider Senate measures. Look at the language of the rule which the gentleman has cited:

After six days from the commencement of a second or a subsequent session of any Congress, all bills, resolutions, and reports which originated in the House, and remained undetermined at the close of the last preceding session, shall be in order for action.

That does not say, nor does it imply, that, acting upon and through the system of rules which provides for this morning hour, we can not call up business. That clause does not negative all the rest of the system of rules under which we act which would enable us to do business for six days. No such meaning should be given to the rule as would exclude this House from going on to consider that which would necessarily be the business pressed upon its attention. If this rule should be sustained scarcely anything that this House has done so far was in order. I know of very little that the House has done up to this time that would be in order if the construction the gentleman from Texas seeks to put upon this rule should be given by the Speaker and concurred in by the House.

Mr. BURROWS. Mr. Speaker, the whole difficulty, it seems to me, arises from this Congress failing to adopt the rules of the last Congress. [Laughter.]

Mr. MCMILLIN. We accept the difficulty.

Mr. BURROWS. The rules of the last Congress provided—

That all business before committees of the House at the end of one session shall be resumed at the commencement of the next session in the same course and in the same manner as if no adjournment had taken place.

That eliminated from this rule that portion which relates to the first six days, and which prohibits all business until six days shall have passed. That rule was modified by the last Congress so as to make it in order to bring up all unfinished business of the previous session the same as though no adjournment had taken place. But, as I said before, the present difficulty arises from returning to a rule that never had any sense, and for that reason, I suppose, commended itself to this Democratic House.

This fact, it seems to me, also answers the statement of the gentleman from Texas [Mr. KILGORE] that Speaker REED ruled that the House could do no business of the kind in question during the first six days of the session. As we had no such rule in the Congress over which Speaker REED presided, he could not have made such a ruling.

Mr. REED. I do not think the average of the Democratic statements as to the rulings that I made ought to be lowered by this correction. [Laughter.] I think the statement of the gentleman from Texas, as originally made, is quite up to the average. [Laughter.]

Mr. KILGORE. Then, Mr. Speaker, I must be in error in the statement that Mr. REED had ruled on this question. I remember that there has been such ruling, and it must have been in the second session of the Fiftieth Congress, and if made by Mr. Speaker CARLISLE it would, in my judgment, be conclusive of the question if the language of the rule does not settle it.

The SPEAKER. The Chair is ready to rule upon the point of order. The Chair does not find that any of his predecessors ever made a decision upon this question. Rule XXVII found a place in the Rules of the House for many years up to the Fifty-first Congress, when the portion of it which, by implication at least, forbids the consideration of business coming over from the preceding session during the first six days of the second session of Congress was eliminated and only that part of the rule retained which provided that the committees should continue their business as though there had been no adjournment. The rule as it stands in the Manual was adopted by this Congress.

Whatever may be the effect of the ruling, the Chair feels bound to observe the rule as prescribed by the House, and as this Rule XXVII, by implication at least, provides that business coming over from the first session shall not be considered during these six days, and as the point is made by the gentleman from Texas [Mr. KILGORE] in this case, the Chair must sustain the point of order and hold that the bill called up by the gentleman from Ohio [Mr. OUTHWAITE] can not now be considered by the House.

Mr. BOUTELLE. Then, Mr. Speaker, it appears that there is nothing for the House to do but to adjourn from day to day.

The SPEAKER. The Committee on Rules will probably try to remove the difficulty by to-morrow.

Mr. MCMILLIN. Mr. Speaker, in answer to the suggestion of the gentleman from Maine [Mr. BOUTELLE], it is sufficient to say that he need have no anxiety about the House being idle to-day, as we are already engaged in the consideration of the printing bill as a special order.

The SPEAKER. The gentleman from Texas having made the point of order, the Chair has felt bound to sustain it; but the Chair will call the attention of the Committee on Rules to the matter, and has no doubt that it will be arranged satisfactorily by to-morrow.

Mr. OUTHWAITE. Mr. Speaker, in view of the decision of the Chair, I ask, on behalf of the Committee on Military Affairs, that it be passed over without prejudice.

There was no objection, and it was so ordered.

The SPEAKER. As there are only ten minutes of the morning hour remaining, if there be no objection, the Chair will regard the hour as exhausted, so that the House may proceed to its other business.

ASSISTANT CLERK FOR THE COMMITTEE ON MILITARY AFFAIRS.

Mr. OUTHWAITE. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to

the desk pertaining to the duties of the Committee on Military Affairs. I find that the assistant clerk was appointed, by resolution, only for the first session of Congress, and as his services are required at this session also, I offered this resolution in the House on Monday and had it referred to the Committee on Accounts, but as that committee has had no meeting I have not been able to obtain a report upon the resolution. It is necessary on account of the great amount of work which comes to the Committee on Military Affairs. Sixteen hundred and fifty-eight House bills have been referred to this committee and ninety-two Senate bills. During the last session four hundred and eighty House bills and fifty-three Senate bills were taken up and reported upon by the committee. As there are seven subcommittees of this committee the assistance of a clerk is required in making reports. This committee also receives more correspondence from individuals that have measures pending before Congress than any other committee of the House. Most of these communications deserve and receive prompt answer.

So far in this Congress it has been necessary to write over nine hundred requests of various kinds to the Secretary of War and other officers of the Departments. In most of these cases reports were received in reply, which had to be properly filed with the bills to which they referred. Very frequently copies of papers and documents before this committee are requested by members or by parties directly interested in the passage of bills. One-seventh of all the bills introduced in this Congress have been referred to the Committee on Military Affairs. Although both of the clerks of this committee were continuously employed over eight hours every day during the session, there was never a day in which work was not piled up before them.

With this statement I think the House must be satisfied that the purpose in asking for this additional clerk is to facilitate the transaction of public business.

The resolution was read, as follows:

Resolved, That an assistant clerk be allowed to the Committee on Military Affairs during the present session of Congress at a compensation of $6 per day, to be paid out of the contingent fund of the House.

The SPEAKER. Is there objection to the present consideration of this resolution?

There was no objection.

The question was taken on the adoption of the resolution and the Speaker declared that the "noes" seemed to have it.

Mr. OUTHWAITE. I ask for a division.

The House divided; and there were—ayes 81, noes 18.

So the resolution was adopted.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its secretaries, announced that the Senate had passed the bill (S. 2345) to authorize the construction of a bridge across the Mississippi River above New Orleans; in which the concurrence of the House was requested.

It also announced that the Senate had passed the following resolutions:

Resolved, That the Senate has heard with deep regret the announcement of the death of the Hon. John G. Warwick, late a Representative from the State of Ohio.

Resolved, That the Secretary communicate this resolution to the House of Representatives.

Resolved, That as a mark of respect to the memory of the deceased, the Senate do now adjourn.

It also announced that the Senate had passed without amendment the bill (H. R. 8868) granting increase of pension to Mary North, a widow of a soldier of the War of 1812 and who is 100 years old.

PRINTING BILL.

Mr. RICHARDSON. Mr. Speaker, when the House adjourned yesterday the Clerk had begun to read section 77, but the committee desire to offer some amendments to section 76, and I now ask permission to offer the amendment which I send to the desk.

The amendment was read, as follows:

On page 45, after line 339, insert:

"The daily and the permanent RECORD shall bear the same date which shall be of the actual day's proceedings reported therein."

Mr. SAYERS. Mr. Speaker, I wish the gentleman from Tennessee would inform the House whether or not this bill, if it becomes a law, will reduce the expenditures in the printing office.

Mr. RICHARDSON. Mr. Speaker, I have no hesitation in answering the question of the gentleman from Texas, although it is out of order when the House is considering this amendment. I have undertaken, in a hurried way, to make a summary of the reduction that will be made in the cost of public printing if this bill becomes a law, and I intend to comment upon that subject at the conclusion of the reading of the bill. Without stopping to do so now, I undertake to say that in my judgment if this bill becomes law it will reduce the cost of the public printing by from $250,000 to $300,000 a year.

Mr SAYERS In other words, if this bill should become a law there will be a net reduction of expenditure in the printing office, as compared with the present annual expenditure, of at least $250,000?

Mr. RICHARDSON. I say so; and I will enlarge upon that subject at the conclusion of the reading of the bill, and show the reasons why I am of that opinion; but I will not detain the House now to do that.

I want to say in regard to the amendment I have just offered that it simply changes the date of the CONGRESSIONAL RECORD. At present the daily edition bears date of the day after the proceedings which are recorded; and that date is changed in the permanent RECORD so as to correspond with the actual date of the proceedings. This proposition provides simply that the date in the daily or current RECORD shall be uniform with that in the permanent RECORD; that the date in both cases shall be the actual date of the proceedings. I hope the amendment will be agreed to as it will prevent trouble and confusion.

The question being taken, the amendment was agreed to.

Mr. RICHARDSON. Mr. Speaker, there is one annual report for which the committee failed to insert a provision in its proper place. As it ought to be provided for, I send to the desk an amendment for that purpose.

The Clerk read as follows:

On page 41, after line 239, insert:

"Of the annual list of merchant vessels, for distribution by the Commissioner of Navigation, 3,000 copies."

The amendment was agreed to.

Mr. JOSEPH D. TAYLOR. Mr. Speaker, I desire to offer the amendment which I send to the Clerk's desk to be read.

The Clerk read as follows:

On page 32, at the end of line 25, insert the following:

"Additional copies of the Ephemeris and of the Nautical Almanac extracted therefrom may be ordered by the Secrtary of the Navy for sale: *Provided*, That all moneys received from such sale shall be deposited in the Treasury to the credit of the appropriation for public printing."

This amendment is intended, Mr. Speaker, to make the bill now under consideration conform to existing law. These books are now printed under the authority of a joint resolution approved February 11, 1880, and this amendment contains the second section of that joint resolution which is for some unaccountable reason omitted in this bill.

Last evening when I offered an amendment in relation to this matter I had made no examination of the subject, but I was thoroughly satisfied that there must be some error on the part of the committee. When I appealed to the chairman of the committee he stated that this bill embraced the present law on the subject.

Mr. RICHARDSON rose.

Mr. JOSEPH D. TAYLOR. I can not yield. The gentleman seemed to regard the amendment to increase the number of the Ephemeris and Nautical Almanac from 1,500 to 2,000 which I offered last evening as absurd, and he insisted that this bill conformed to the present law, and he stated that Prof. Newcomb had assured the committee that 1,500 copies was a sufficient number.

Mr. RICHARDSON. I only desired to say that I am willing to accept the amendment if the gentleman will allow me to do so.

Mr. JOSEPH D. TAYLOR. The gentleman can do that after I make my explanation—not before. [Laughter.]

In view of the gentleman's statement that this bill conforms to the present law on this subject, I desire to have read the joint resolution which was approved February 11, 1880, which provides for printing the American Ephemeris and Nautical Almanac. I have marked the place in the statute.

The Clerk read as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be printed annually at the Government Printing Office 1,500 copies of the American Ephemeris and Nautical Almanac and of the papers supplementary thereto, of which 100 shall be for the use of the Senate, 400 for the House of Representatives, and 1,000 for the public service, to be distributed by the Navy Department.

SEC. 2. That additional copies of the Ephemeris of the Nautical Almanac extracted therefrom may be ordered by the Secretary of the Navy for sale: *Provided*, That all moneys received from such sale shall be deposited in the Treasury to the credit of the appropriation for public printing.

Mr. JOSEPH D. TAYLOR. Mr. Speaker, the present bill embraces the first section of this joint resolution, but it entirely omits the second section, which provides for the publication of an unlimited number of the Ephemeris and of the Nautical Almanac, to be ordered by the Secretary of the Navy and sold at the cost of publication. I hold in my hand the report of the bureau having charge of this matter, and I find that instead of 1,500 copies meeting the demand of the country, the bureau distributed last year, under existing law, 6,458 copies of the Ephemeris and the Almanac. By the way, the bill now before the House seems to treat the two publications as one. If the bill does not, the report of the committee does. This is a mistake. There is one publication, the one I now hold in my hand, the volume entitled The Ephemeris and Nautical Almanac,

which is usually bound in cloth and sold at $1 a volume. The American Ephemeris and Nautical Almanac is the publication embraced in the bill, 1,500 copies of which are to be printed by the Government. Then they publish another book entitled The American Nautical Almanac, a copy of which I now have in my hand. It is usually bound in paper and sold at retail or by the single book at 50 cents, or to the trade at 30 cents a copy. The larger and more expensive book is the one used in colleges and observatories, while the Nautical Almanac, proper, is the one used in navigation, for which there is a great demand. There is no provision in this bill for printing the latter.

The American Nautical Almanac is extracted from and is a part of the Ephemeris and Nautical Almanac, and can be printed from the same plates at a comparative small expense. This small book which relates exclusively to navigation is used by ships at sea, in our coastwise trade and on all vessels which ply between the different countries of the world. This is the book for which there is the greatest demand, and yet, under this bill not a single copy can be published. The other book is larger and more expensive, and while it contains the tables of the Nautical Almanac and a great deal more, and could be used by sailors for purposes of navigation, it is too large and too inconvenient, as well as too expensive; besides 1,500 copies would not supply the demand, and under this bill it will be impossible for the Secretary of the Navy to make a requisition for the publication of these almanacs as they may be required from time to time, as he has done heretofore. A few months ago he made a requisition for 600 copies because the supply had run out. Some gentlemen said yesterday that they had never heard of this book and that there was no demand for it in their districts. That proves nothing. The report of the bureau which I hold in my hand shows that last year 2,004 copies of The Ephemeris and Nautical Almanac were distributed. This shows that more than 1,500 were called for and disposed of last year. The public demand was 2,004 copies instead of 1,500.

The 2,004 copies which were distributed last year embraced the 1,000 which were authorized to be distributed by the Navy, as is proposed in this bill, and 1,004 which were printed by order of the Secretary of the Navy under the second section of the joint resolution, which can be done again in case my amendment prevails. The 2,004 copies of The Ephemeris and Nautical Almanac were disposed of as follows: 662 copies were sold, 710 were used by the Government, and 632 were distributed free. The Navy Department, by order of the Secretary, caused, under this second section, 2,338 copies of the Nautical Almanac—this smaller book, covered with a paper back—to be printed, using some of the plates of the larger volume, and none of these were given away, but 240 of them were used by the Government and 2,098 were sold. They caused to be printed from the same plates, under this second section of the joint resolution, which I incorporate into my amendment, 897 Atlantic Coast Almanacs and 1,219 Pacific Ocean Almanacs, part of which were sold and part of which were used by our own vessels.

The total sales amounted to $1,553.06, as you will see from this report.

They sold last year 4,002 copies of the Nautical Almanac and 662 copies of the Ephemeris and Nautical Almanac. The Government used 452 copies of the Nautical Almanac and 710 copies of the Ephemeris and Nautical Almanac. So that there were distributed of the Ephemeris and Nautical Almanacs in all 6,458 copies by this Bureau alone, notwithstanding the fact that some gentlemen asserted on the floor yesterday that they never had had a call for a copy for their districts. The $1,533.06 which was derived from these sales reimbursed the Government the cost of the printing and allowed the almanacs to be sold at a very low price. The British Government publishes 10,000 copies of these books, and distributes them every year, and I was astonished when I came to the clause of this bill which proposes to publish only 1,500 copies in this country.

I regarded it then as a mistake, and I so regard it now. I never lived on the seacoast, and never have served on a naval committee, but I am in favor of every sort of provision that is generous towards navigation and the carrying trade. I would provide the largest possible benefit to our merchant marine. I should like to see our ships on every sea, sharing the $200,000,000 or $300,000,000 which is now going into the coffers of Great Britain every year from the carrying trade. I think it is a pickayunish and false economy to attempt to cut down this publication and prevent the Government from furnishing the sailors and the commanders of the vessels of our country with this important and necessary information. I know of no document which should be distributed free in preference to the Nautical Almanac.

Even now the demand for the Nautical Almanac is so great that it is published in the United States by various publishing houses. They take the Government tables and reprint them and undersell the Government.

By this amendment I am simply incorporating into the bill the present statute, which authorizes the Government through the Department to have printed the necessary additional copies to meet such demand as may arise, to be paid for at cost. It authorizes the Navy Department to print the additional copies of both of these works, and sell them at the cost price to cover the expenses of the Government, and thus enable educational institutions and navigators throughout the country to provide themselves with the books. It entails no expense upon the Government whatever and confers a benefit upon navigation, as well as upon the colleges and observatories throughout the country.

Now, Mr. Speaker, I have made my explanation, which I think justifies the amendment I proprosed last night and the amendment I propose now, and I have no more interest in the action of the House in regard to it than other members, and I can not see why we should follow the committee, right or wrong, as seems too often to be the rule in this House.

Mr. RICHARDSON. Let us have a vote.

The question being taken on the amendment of Mr. JOSEPH D. TAYLOR, there were on a division—ayes 30, noes 32.

Mr. JOSEPH D. TAYLOR. No quorum.

The SPEAKER appointed Mr. JOSEPH D. TAYLOR and Mr. RICHARDSON as tellers.

The House again divided; and the tellers reported—ayes 25, noes 17.

Mr. JOSEPH D. TAYLOR. I withdraw the point of no quorum.

Mr. RICHARDSON. With the understanding that the amendment is modified, as I understand the gentleman to agree that it shall be modified, so as to provide that the money arising from these sales shall be deposited in the Treasury to the general fund and not to the credit of appropriations for the public printing, I would have no special objection to the amendment.

Mr. WILLIAMS of Illinois. But, Mr. Speaker, the vote has not yet been completed. Other gentlemen wanted to vote.

Mr. RICHARDSON. I have no objection to their voting; but we were undertaking to modify the amendment.

Mr. WILLIAMS of Illinois. But I do not think you have a right to compromise the matter in that way.

Mr. BLOUNT. I hope the vote will be taken over again, as there seems to be some misunderstanding.

The SPEAKER. If there be no objection, the vote will be again taken by tellers.

There was no objection.

The House having again divided, the tellers reported—ayes 30, noes 73.

Mr. JOSEPH D. TAYLOR. There is no quorum, Mr. Speaker.

Mr. RICHARDSON. I ask for the yeas and nays then, if we can not get a quorum.

The yeas and nays were ordered.

The question was taken; and there were—yeas 67, nays 123, not voting 139; as follows:

YEAS—67.

Andrew,	Davis,	Hopkins, Ill.	Randall,
Atkinson,	Dingley,	Hull,	Ray,
Baker,	Doan,	Jolley,	Reyburn,
Bergen,	Dolliver,	Lapham,	Scull,
Bingham,	Donovan,	Lind,	Sperry,
Broslus,	English,	Magner,	Stone, C. W.
Butler,	Flick,	Mallory,	Stone, Ky.
Cadmus,	Forney,	McKinney,	Storer,
Cheatham,	Funston,	O'Donnell,	Stout,
Clancy,	Geissenhainer,	O'Neill, Pa.	Taylor, Ill.
Cobb, Ala.	Gorman,	Pattison, Ohio	Taylor, Tenn.
Cockran,	Grout,	Pearson,	Taylor, E. B.
Coombs,	Halvorson,	Perkins,	Taylor, J. D.
Covert,	Hare,	Pickler,	Tracey,
Crosby,	Haynes, Ohio	Pierce,	Waugh,
Cummings,	Hitt,	Post,	Winn.
Curtis,	Hooker, N. Y.	Raines,	

NAYS—123.

Abbott,	Capehart,	Geary,	McAleer,
Allen,	Caruth,	Gillespie,	McClellan,
Amerman,	Castle,	Grady,	McKaig,
Antony,	Catchings,	Greenleaf,	McLaurin,
Arnold,	Causey,	Harries,	McMillin,
Bailey,	Clover,	Heard,	McRae,
Bankhead,	Cobb, Mo.	Henderson, N. C.	Meyer,
Barwig,	Coburn,	Holman,	Mitchell,
Beltzhoover,	Cooper,	Hooker, Miss.	Mutchler,
Bentley,	Cowles,	Houk, Ohio	Newberry,
Blanchard,	Cox, N. Y.	Jones,	Norton,
Bland,	Cox, Tenn.	Kribbs,	Oates,
Blount,	Crawford,	Kyle,	O'Ferrall,
Bowman,	Culberson,	Lagan,	Ohliger,
Branch,	Daniell,	Lane,	O'Neil, Mass.
Brawley,	De Armond,	Lanham,	Outhwaite,
Breckinridge, Ark.	Dixon,	Lawson, Va.	Page,
Bretz,	Dockery,	Lawson, Ga.	Parrett,
Brickner,	Edmunds,	Layton,	Patton,
Brookshire,	Elliott,	Lester, Ga.	Payne,
Brunner,	Epes,	Lester, Va.	Pendleton,
Bunn,	Everett,	Little,	Rayner,
Burrows,	Fithian,	Livingston,	Richardson,
Busey,	Fyan,	Long,	Rockwell,
Bynum,	Gantz,	Martin,	Sayers,

Scott,	Stevens,	Turner,	White,
Seerley,	Steward, Ill.	Walker,	Wike,
Shively,	Stockdale,	Warner,	Wilson, Mo.
Snodgrass,	Terry,	Watson,	Wise,
Snow,	Tillman,	Weadock,	Wolverton.
Springer,	Tucker,	Wheeler, Ala.	

NOT VOTING—139.

Alderson,	Dalzell,	Johnson, Ohio	Robinson, Pa.
Alexander,	De Forest,	Johnstone, S. C.	Rusk,
Babbitt,	Dickerson,	Kem,	Russell,
Bacon,	Dungan,	Kendall,	Sanford,
Bartine,	Dunphy,	Ketcham,	Shell,
Beeman,	Durborow,	Kilgore,	Shonk,
Belden,	Ellis,	Lewis,	Simpson,
Belknap,	Enloe,	Lockwood,	Sipe,
Boatner,	Enochs,	Lodge,	Smith,
Boutelle,	Fellows,	Loud,	Stahlnecker,
Bowers,	Fitch,	Lynch,	Stephenson,
Breckinridge, Ky.	Forman,	Mansur,	Stewart, Tex.
Broderick,	Fowler,	McCreary,	Stone, W. A.
Brown, Ind.	Goodnight,	McGann,	Stump,
Brown, Md.	Griswold,	McKeighan,	Sweet,
Bryan,	Hall,	Meredith,	Tarsney,
Buchanan, N. J.	Hallowell,	Miller,	Taylor, V. A.
Buchanan, Va.	Hamilton,	Milliken,	Townsend,
Bullock,	Harmer,	Montgomery,	Turpin,
Bunting,	Harter,	Moore,	Van Horn,
Bushnell,	Hatch,	Morse,	Wadsworth,
Byrns,	Haugen,	Moses,	Washington,
Cable,	Hayes, Iowa	O'Neill, Mo.	Wever,
Caldwell,	Hemphill,	Otis,	Wheeler, Mich.
Caminetti,	Henderson, Iowa	Owens,	Whiting,
Campbell,	Henderson, Ill.	Patterson, Tenn.	Willcox,
Cate,	Herbert,	Paynter,	Williams, Mass.
Chipman,	Hermann,	Peel,	Williams, N. C.
Clarke, Ala.	Hilborn,	Powers,	Williams, Ill.
Clark, Wyo.	Hoar,	Price,	Wilson, Ky.
Cogswell,	Hopkins, Pa.	Quackenbush,	Wilson, Wash.
Compton,	Houk, Tenn.	Reed,	Wilson, W. Va.
Coolidge,	Huff,	Reilly,	Wright,
Crain,	Johnson, Ind.	Rife,	Youmans.
Cutting,	Johnson, N. Dak.	Robertson, La.	

So the amendment was rejected.

The Clerk announced the following additional pairs:

Until further notice:

Mr. MOORE with Mr. HAUGEN.

For rest of this day:

Mr. BUSHNELL with Mr. LODGE.

Mr. FORMAN with Mr. SMITH.

Mr. ALDERSON with Mr. STEPHENSON.

For this vote:

Mr. CRAIN with Mr. HENDERSON of Iowa.

The result of the vote was then announced as above recorded.

The Clerk proceeded with the reading of the bill.

Section 89 was read, as follows:

SEC. 89. No printing or binding shall be done at the Government Printing Office unless authorized by law. Binding for the Departments of the Government shall be done in plain sheep or cloth, except that record and account books may be bound in Russia leather, sheep fleshers, and skivers, when authorized by the head of a Department: *Provided*, The libraries of the several Departments, the Library of Congress, and of the Naval Observatory may have books for the exclusive use of said libraries bound in half Turkey—

with an amendment as follows:

In line 8, after the word "Congress," strike out the words "and of the Naval Observatory" and insert the words "the libraries of the Surgeon-General's Office, the Patent Office, and the Naval Observatory."

Also in line 11, after the word "Turkey," insert the words "or material no more expensive."

The amendments were agreed to.

Section 101 was read, as follows:

SEC. 101. The libraries of the United States Military Academy and United States Naval Academy are hereby constituted designated depositories of Government publications, and the superintendent of documents shall supply one copy of said publications, in the same form as supplied to other depositories, to each of the libraries—

with an amendment as follows:

In line 1, after the word "libraries," insert the words "of the eight Executive Departments."

The amendment was agreed to.

The Clerk then completed the reading of the bill.

Mr. RICHARDSON, Mr. ANTONY, and Mr. PICKLER addressed the Chair.

The SPEAKER. The gentleman from Tennessee [Mr. RICHARDSON], in charge of the bill, is recognized.

Mr. RICHARDSON. I will yield to the gentleman from Texas [Mr. ANTONY] for a moment.

Mr. ANTONY. I wish to amend section 74, on page 31, by adding at the end of line 8 the following words:

By such Senators, Representatives, and Delegates.

Mr. RICHARDSON. That could only be done by unanimous consent. I do not object to recurring to it, because I think that is the sense of the proposition already.

The SPEAKER. The gentleman from Tennessee [Mr. RICHARDSON] yields to the gentleman from Texas [Mr. ANTONY].

Mr. ANTONY. I ask that this amendment be adopted, in order to make the provisions specific. As it now reads it does not state at the conclusion by whom these documents shall be "otherwise ordered" to be sent out from the folding room, and in my judgment it ought to be specific. This amendment makes it specific. The last clause reads:

All reports or documents to be distributed for Senators, Representatives, and Delegates shall be folded and distributed from the folding rooms unless otherwise ordered.

It does not specify by whom the order is to be made, and this amendment is to cure that defect.

The amendment was agreed to.

Mr. PICKLER. Mr. Speaker, I desire to ask the gentleman from Tennessee [Mr. RICHARDSON] one question. On page 61, in line 8, I find the words:

That each Senator and Representative shall be entitled to the binding in half morocco, or material no more expensive, of but one copy of each public document to which he may be entitled.

I wish to know whether that will cut off the binding of the CONGRESSIONAL RECORD. We are now entitled, I believe, to have bound all copies of the CONGRESSIONAL RECORD that we do not distribute during the session.

Mr. RICHARDSON. This does not interfere with that right.

Mr. PICKLER. Is that provided for anywhere else?

Mr. RICHARDSON. Yes, it gives each member the same number which he has now, which he can have sent out separately as the daily RECORD is published, or he can have the RECORDS kept and bound at the close of the session. This does not interfere with that.

Mr. PICKLER. If the RECORD is a public document, this cuts it off, unless it is provided for somewhere else.

Mr. RICHARDSON. If the gentleman will turn to the provision about the CONGRESSIONAL RECORD he will find that each member still has the right to 22 copies, which he can send out in the current daily RECORD form, or he can have them bound at the close of the session. That provision is there.

Mr. STOCKDALE. Mr. Speaker——

The SPEAKER. Does the gentleman from Mississippi propose to offer an amendment?

Mr. STOCKDALE. I am satisfied that an amendment was voted down yesterday upon incorrect information——

The SPEAKER. The gentleman from Tennessee [Mr. RICHARDSON] has the floor.

Mr. STOCKDALE. I desire to ask unanimous consent to recur to a section. I am satisfied that an amendment was voted down yesterday upon incorrect information, and I know the committee do not want to do that if what I say is true. I wish to recur to the section on page 43, in reference to the additional number of CONGRESSIONAL RECORDS allowed to each Representative.

Mr. RICHARDSON. I do not understand what the gentleman desires.

Mr. STOCKDALE. I want to ask unanimous consent to recur to that section on page 43, in line 294, in reference to the number of RECORDS which shall be given to the members of the House.

The SPEAKER. Will the gentleman indicate the amendment which he wishes to offer?

Mr. RICHARDSON. Does the gentleman want to recur to that to debate it or to amend it? I do not know what the gentleman from Mississippi [Mr. STOCKDALE] desires.

Mr. STOCKDALE. I want to have the vote taken over on that amendment. I am satisfied that it was voted down as the result of incorrect information, and that the House was misinformed yesterday. I know that the committee do not wish to pass over an amendment under such circumstances.

Mr. RICHARDSON. So far as I am concerned, I do not see what the gentleman desires to do. If he will signify what he wishes——

Mr. STOCKDALE. I want to present the amendment that I presented yesterday.

Mr. RICHARDSON. Oh, I shall object to going back to offer an amendment increasing the number of RECORDS by twenty-two to each member. That will be an increase of nearly eight thousand RECORDS.

Mr. STOCKDALE. The gentleman discusses the point before hearing the reasons for asking unanimous consent. I will say that the vote yesterday was taken on incorrect information, as I believe and can show, and that that information was given to the chairman of the committee. If I do not show that, then I will not ask it.

Mr. RICHARDSON. If I understand the request of the gentleman, it is to increase by twenty-two the number of copies of the RECORD assigned to each member.

Mr. STOCKDALE. That is it.

Mr. RICHARDSON. I stated yesterday that the annual cost of the RECORD was about $8 for the long session and $4 for the short session, or $12 for both sessions. To increase the number by twenty-two to each member would make the increase in copies

nearly eight thousand; and if it costs nearly $8 for the long session and $4 for the short session, or $12 for the Congress, it would amount to nearly $96,000. But I can not consent to go back to consider different items in the bill.

Mr. STOCKDALE. In reply to that, I want to say that I am able to show, as I think, that the gentleman was incorrect in his statement by $60,000, and that it would not cost over $31,000. If the gentleman wants to insist in his opposition to an amendment voted down upon incorrect information by this House, I can not help it.

Mr. RICHARDSON. I can not consent to go back. We would never get through the bill.

Mr. BROSIUS. Mr. Speaker, I desire to ask the chairman of the Committee on Printing a question. I would like to direct his attention to page 56—the franking privilege. The language used in that clause is general—a general franking privilege on all matter, both public and private. I do not know whether it is the intention of the committee to make it apply to both public and private matter.

Mr. RICHARDSON. Will the gentleman state where it is?

Mr. BROSIUS. On page 56, commencing at line 11, relating to the franking privilege, it says:

Shall have the privilege of sending free through the mails and under their frank, any mail matter to any Government official.

That language embraces private matter as well as official business. It is indifferent to me whether it is one or the other, but I would like to know what the intention of the committee was.

Mr. RICHARDSON. The intention of the committee was not to change the law, but to use the language which now appears in it under which we have the right to send an official communication on official business.

Mr. BROSIUS. It is easily to be seen by the language used that it embraces all matter, both public and private; and if it is intended to limit the privilege to official matter, would it not be well to insert the words: "on official business," or some other equivalent words? That can be done by unanimous consent.

Mr. RICHARDSON. I desire to say, Mr. Speaker, that the language employed here is copied from the present law as found in an appropriation bill at the second session of the Fifty-first Congress. That provision has been construed that the franking privilege could only be used on official business with officers of the Government.

Mr. BROSIUS. Does not my friend see that such a construction does violence to the language; and would it not be better to depart from the old law and make it clear that that is the intention? Can any man be justified under the language used granting this franking privilege to any public officer, for him to write to another to invite him to visit him at his home on any matter?

Mr. RICHARDSON. I have no objection to making it "on official business" if the gentleman thinks it is desirable.

Mr. BROSIUS. If the gentleman will do that by unanimous consent I think it will make it clearer, and will probably be better than to leave it as it is now—if he will insert after "mail matter to any Government official" the words "on official business."

Mr. RICHARDSON. I have no objection to that—to insert after "mail matter to any Government official" in line 14, "on matters of official business."

The SPEAKER. By unanimous consent this amendment can be made. Is there objection? [After a pause.] The Chair hears none.

Mr. O'NEILL of Pennsylvania. Mr. Speaker——

The SPEAKER. The gentleman from Tennessee has the floor.

Mr. BANKHEAD. Mr. Speaker, I want to ask the gentleman from Tennessee a question.

Mr. RICHARDSON. I yield to the gentleman from Alabama for a question.

Mr. BANKHEAD. I would like to have the gentleman from Tennessee explain to the House what is meant by the language in line 338, on page 45. The section reads:

"The Public Printer is authorized to furnish to subscribers the daily RECORD at $8 for the long and $4 for the short session, or $1.50 per month payable in advance."

Then it says:

The "usual number" of the CONGRESSIONAL RECORD shall not be printed.

Now what does that mean?

Mr. RICHARDSON. The term "usual number" is a technical term when you come to the printing of documents.

Mr. BANKHEAD. That is what I want to know.

Mr. RICHARDSON. Seventeen hundred and thirty of any document is called the "usual number." And when a document is simply ordered printed at the desk by the Speaker, under the rules, the "usual number" is printed, which means 1,730 copies. If the gentleman will turn to the House rules, he will find that they provide how these 1,730 volumes or copies, so printed, shall be distributed. So many go to the document room of the House, so many go the document room of the Senate, so many to the folding room of the House, and so many to the folding room of the Senate, and so on as thus shown.

Mr. BANKHEAD. I understand that now. Now, suppose the subscribers to the RECORD exceed the "usual number?"

Mr. RICHARDSON. The "usual number" simply means 1,730 copies. It does not affect the matter of subscribers to the RECORD. It does not affect the 22 copies to each member of the House and of the number to Senators, but it provides this additional 1,730 copies of the RECORD, the technical "usual number," shall not be printed.

Mr. BANKHEAD. Then I understand this additional publication of 1,730 copies would be in excess of what is required in the distribution?

Mr. RICHARDSON. Yes; and it says that these shall not be printed of the RECORD. That does not destroy the "usual number" as to other publications. As to all other publications, unless it is otherwise provided in this bill, "the usual number" of copies will be printed.

Mr. BANKHEAD. I am entirely satisfied.

Mr. HOLMAN. Mr. Speaker, I rise to a parliamentary inquiry. I believe this bill is being considered in the House as in the Committee of the Whole?

The SPEAKER. The bill is in the House.

Mr. RICHARDSON. But there was no agreement that it should be considered as in Committee of the Whole.

The SPEAKER. Consent was given that the bill should be considered in the House, and that as each section was read, unless objection was made, it should be considered as agreed to.

Mr. HOLMAN. Inasmuch as this is a bill that ought to be considered in Committee of the Whole, my impression was that it was being considered in the House as in committee. I wish to inquire of the gentleman from Tennessee [Mr. RICHARDSON] whether he proposes now to close the debate?

Mr. RICHARDSON. I am perfectly willing to allow any reasonable time for debate. I have no wish to shut off debate at all if gentlemen wish to discuss the bill. I desire to submit some general remarks upon the bill. I did so a year ago, and I wish now simply to repeat some of the things that I then said and to add a little by way of explanation of the provisions of the bill as it stands before the House, modified by the amendments which have been adopted, most of which were reported by the Committee on Printing.

Mr. HOLMAN. I hope the gentleman will consent to a reasonable time for debate. He will probably occupy an hour himself.

Mr. RICHARDSON. Oh no; not over fifteen minutes.

Mr. HOLMAN. Why not allow an hour for debate?

Mr. RICHARDSON. I will agree not to call the previous question within that time if gentlemen desire to debate the bill.

The SPEAKER. The Chair understands, then, that the gentleman from Tennessee [Mr. RICHARDSON] is to occupy fifteen minutes and the gentleman from Indiana [Mr. HOLMAN]——

Mr. RICHARDSON. No, Mr. Speaker, I was not undertaking to make any specific agreement as to time. I said that I would agree not to call the previous question until gentlemen should have had an opportunity to discuss the bill. I will, however, agree to a particular time, if gentlemen desire.

Mr. HOLMAN. Say an hour.

Mr. RICHARDSON. Well, I will agree not to call the previous question within an hour.

Mr. O'NEILL of Pennsylvania. Mr. Speaker, I ask unanimous consent to have inserted an amendment which I will send to the desk, providing that all replies upon official business from the various Departments shall include penalty envelopes. From many of the Departments, when they reply to communications from members on official business, they inclose a penalty envelope addressed to the person who has written to the member. Now, if that practice were made general it would be a great convenience to members and would add but little expense.

Mr. RICHARDSON. I ask to have the amendment of the gentleman from Pennsylvania reported.

The amendment was read, as follows:

Insert the following:
"That replies to official communications from Government officials shall contain penalty envelopes."

Mr. RICHARDSON. I see no objection to that.

Mr. HOLMAN. That is the law now.

Mr. O'NEILL of Pennsylvania. Oh, no. Some of the Departments send such envelopes with their replies, but I do not think the law requires them to do so.

Mr. RICHARDSON. Let that come in after line 14 on page 56.

The amendment was adopted.

Mr. BANKHEAD. Mr. Speaker, I desire to ask the Chair whether there has been an agreement reached as to the time to be allowed for this discussion?

Mr. RICHARDSON. No agreement was made. I merely

said that I would allow all the time that gentlemen might desire. I have no disposition to shut off debate.

Mr. BANKHEAD. I think the gentleman from Indiana [Mr. HOLMAN] intimated a desire that there should be an hour for debate.

Mr. HOLMAN. Yes; I suggested an hour.

The SPEAKER. The Chair will state that this bill is in the House, and any gentleman obtaining the floor in his own right will be entitled to an hour, and any gentleman having the floor may demand the previous question at any time, which, if ordered, will bring the House to a vote.

Mr. BANKHEAD. I understand that, but I thought there was an attempt to reach an agreement.

Mr. RICHARDSON. Mr. Speaker, after conferring with gentleman here, I think it best that I shall ask for the previous question after one hour's debate. I do not want to occupy over fifteen minutes at first, and I will agree not to call the previous question until after the expiration of one hour.

Mr. PICKLER. I object to an hour being fixed at this time as the limit of debate.

The SPEAKER. The gentleman from Tennessee [Mr. RICHARDSON] gives notice that he will call the previous question at the expiration of an hour. Unanimous consent is not required.

Mr. STOCKDALE. It seems to me that if the chairman of the committee is willing to let this debate run on a reasonable time other members should not seek to prevent it. I do not think any gentleman is going to abuse the patience of the House; and there is no reason why we should not go on with the discussion in the regular way.

Mr. RICHARDSON. I shall not undertake to limit debate. I shall occupy ten or fifteen minutes and will then yield to any other gentleman who may wish to discuss the measure. I have no disposition to cut off debate.

Mr. WOLVERTON. I desire to call attention to an incongruity in certain provisions of this bill. The eighteenth section makes provision for the appointment of a Public Printer, who, it is provided, "must be a practical printer." By the forty-fifth section the Public Printer is authorized to appoint a chief clerk at a salary of $2,400 a year; and in the thirty-seventh section it is provided—

> In case of the death, resignation, absence, or sickness of the Public Printer the chief clerk of the Government Printing Office shall perform the duties of the Public Printer until a successor is appointed, or such absence or sickness shall cease."

Now, it seems to me that this chief clerk should also be a "practical printer;" and I suggest that an amendment to that effect be inserted in the thirty-seventh section by unanimous consent. I suppose the omission has occurred by mistake. This chief clerk is understood to be the most important official, next to the Public Printer himself, in connection with the Public Printing Office.

Mr. RICHARDSON. The chief clerk, under this bill, will act only temporarily in the place of the Public Printer; and I do not think it necessary that we should impose in his case the same requirement as in the case of the Public Printer. I can not agree to go back for the amendment suggested.

Mr. WOLVERTON. It seems to me there ought to be no objection to this amendment, because, under the provision of section 37, the chief clerk will, at times, perform all the duties of the Public Printer.

Mr. RICHARDSON. He may act in that way for only a single day. During the absence of the Public Printer it is necessary to have some one to sign requisitions or other papers. To meet an emergency of that kind the provision has been inserted in the bill. This chief clerk is not to act permanently at all; for it is provided that whenever it be deemed necessary during the absence or disability of the Public Printer the President may designate an officer to take charge of the printing department.

Mr. WOLVERTON. The gentleman says that this temporary duty may be for a single day; but, sir, it might be for nine months. I call the gentleman's attention to this provision of section 45:

> There shall be appointed by the Public Printer a chief clerk, whose salary shall be $2,400 per annum.

I suggest that there be inserted after the words "chief clerk" the words "who shall be a practical printer."

Mr. RICHARDSON. I do not think that this chief clerk should necessarily be a practical printer. We had better leave that matter in the discretion of the Public Printer. I can not agree to go back to make the amendment suggested.

Mr. WOLVERTON. I shall oppose the bill unless that amendment be made. I do not believe in permitting a person who has possibly the qualification of a mere store clerk to perform the duties of the Public Printer, involving matters for which possibly only a practical printer may be competent.

Mr. RICHARDSON. Mr. Speaker, I wish to say a few words in explanation of this bill; but I do not care to do so unless I can have the attention of the House. There has been considerable opposition to the bill—opposition founded, in my judgment, upon a total misapprehension of the measure. This bill is the result of a great deal of investigation and labor on the part of the Joint Committee on Printing of the two Houses. They sat several weeks in the spring of 1891, and also in the month of November of that year, calling before them the heads of Departments, chiefs of bureaus, officers of the Printing Office, and other executive officers having charge of printing matters. In this way there was collected the mass of testimony embraced in the document before me, a document of nearly 500 pages. We have endeavored to make this bill contain what a law on the subject of the printing of this Government ought to contain. Our object primarily was to secure economy in the public printing. The complaint has gone forth that we are printing too much; and there has been another complaint equally formidable and well founded, that the distribution of what we print is faulty.

These complaints are just, and our object has been to reduce the volume of the printing and to secure if possible a better method of distribution of the matter printed. I think we have succeeded. We have in this bill endeavored to collate in proper shape all the laws with reference to the subject of printing. In doing so we had to extract provisions from the Revised Statutes, from appropriation bills, and from other laws which have been passed by Congress during the last thirty or forty years. We have endeavored to make the bill harmonious in all its parts. Many years ago the Public Printer was called the Congressional Printer. We have provided that this officer shall be called by his proper designation, the Public Printer; and we have sought to define clearly his duties. In the preparation of the bill we have in many instances adopted the language of the Revised Statutes without any change whatever. Possibly three-fourths of the different sections of the bill make no change of existing law. We have to a large extent simply collated existing provisions and embodied them in this bill in order that there might be a uniform and perfect printing law as nearly as we could make it.

If a member of the House was to undertake now to find out the different laws on printing he would have to go through possibly a dozen different volumes to do so, extending back, as I have said, some twenty, thirty, or fifty years. We have endeavored in this bill to make this a code or a system by which any gentleman can see at once what the law is and ascertain what it authorizes or prohibits.

Now, I have been asked to state what we do in the way of economizing in the formation of this measure. I do not think that that is the prime object of the bill; yet there are large economies provided for, or reductions in the cost of the public printing. This applies not alone to Congress, but to the various Departments of the Government; and I want to say this for the information of the House, that last year there was expended for public printing in round numbers the sum of $3,600,000.

Of this vast sum not exceeding $225,000 was expended upon concurrent resolutions passed by Congress during its session. So that when the complaint comes, as complaints have come, to the Committee on Printing, that we are printing too much, I want to state that if the Committee on Printing had failed to report a solitary resolution to print anything during that Congress there would have been expended $3,400,000 in printing. You may economize here if you choose; you may cut down the amounts ordered to be printed by Congress; but unless you strike at the great bulk of the printing, unless you limit the Departments in their power to order printing, you will not and can not economize. You may reduce the number printed by order of Congress, or abolish the printing here altogether, and you will only cut out of the total bulk the sum of $225,000 of the $3,600,000 annually expended for printing.

The committee have endeavored to economize all along the line. We have endeavored to cut down the number of documents authorized to be printed in the Departments, not ruthlessly or recklessly, but we called the heads of the Departments before us, have taken their sworn testimony, have considered that testimony, in which they fix the smallest number of documents that they can get along with in each case, and we acted accordingly. We have endeavored to have them agree to get along on the smallest possible number.

I will not undertake to say, Mr. Speaker, what the total amount of saving in the public printing will be if this measure becomes a law. My friend from Texas asked this morning, during the debate on a paragraph of the bill, how much in round numbers it would reduce the cost of the public printing. I ventured to answer that under the bill it would possibly amount to a reduction of from two hundred and fifty to three hundred thousand dollars. And I mean that. That is to say, there is a reduction of actual expenditures to that extent. But, sir, it goes beyond

that. We start out with a reduction like that; but if this bill passes and goes upon the statute books as the law of the land it will eventually result in a very much larger annual reduction. It will methodize the printing; it will systemize it. It will prevent the duplication of documents in many instances, and will in every possible way guard the public against unnecessary expenditures in that line.

I may cite some of these reductions as I go along. Some of them are as follows, and I cite a few simply to indicate the line on which the committee proceeded. Take the report of our Commercial Relations, the number of volumes has been reduced from 5,000 to 3,000 annually. Of the volumes of Foreign Relations the reduction is from 6,000 to 3,000. The reduction in the Report on Ethnology—the annual report—is 7,500 volumes. That is a valuable publication. It costs probably from $2 to $3 a volume to print it, and therefore there is a reduction of some $15,000 in that item alone. Of the report on Fish and Fisheries we make a reduction of 3,000 volumes. The report of the Civil Service Commission we reduce from 31,000 to 23,000. The report of the Commissioner of Education from 44,000 to 35,000. The report of the Geological Survey from 18,500 to 12,000.

The Interstate Commerce Report, which has heretofore averaged from 6,000 to 21,000 in different years, is fixed annually at 15,000 copies. The report of the Academy of Sciences is reduced from 5,000 to 1,500 copies. The memoirs of the Academy of Sciences shows a reduction of 2,000 copies. In the Smithsonian Report there is a reduction of from 19,000 to 10,000 copies. In the Statistical Abstract a reduction of 4,000 copies. Of the report of the commissioners or directors of the Pacific railways we have reduced the number to 1,500 copies. The abridgment is reduced from 35,000 to 12,000. The Senate and House Journals are also largely reduced, but the exact number I have not now before me.

These, Mr. Speaker, are some of the annual publications or reports in which these reductions have been made. The committee puts a limit on the heads of Departments as to the number of annual reports printed, and provides expressly what number they shall print.

Now, Mr. Speaker, there is another matter to which I wish to call attention. If gentlemen want to go on in the way we have been going on, why they will vote against this bill; but if they want these reforms instituted, they will vote for the bill.

Now, I want to call your attention to one reform that we institute in this bill, in the distribution of what is called "the reserve." The Clerk of the House, from the document room of the House, distributes to members, and has been distributing to them for years, the reserve, as it is called; that is to say, one copy, bound in full sheep, of every publication made by this Government, whether the member wants it or not. These documents are sent out months and months after the session terminates, and the member has to take them and store them away whether he wishes them or not. This bill provides that that reserve shall be held in an unbound condition by the Public Printer, to the number of 500 copies, and that they may be bound and sent to members, if members desire them.

The sworn testimony of the foreman of printing is before us here, and the estimate which he makes is that not one-third of this "reserve" would be called for by members if it was left optional with them to take the books or not. Now that alone will make a saving to the Government, if only one-third of this reserve is called for by members, of $86,000 in a Congress. Yet every Representative and every Senator will get every document he wishes. This $86,000 has been expended by every Congress for the last ten or fifteen years. Why and for what cause? I can not answer. The books are not wanted, but the law is imperative. The Public Printer must bind them in the best style and the most costly binding. He must cart them up here to the Capitol and turn them over to the Clerk of the House and the Secretary of the Senate, and those officers must send them out to Senators and Members.

Now, I know gentlemen who have taken the trouble to look at these books when sent to them will agree with me that three-fourths of them are not needed or wanted in any gentleman's library. If you vote down this bill, this $86,000 for every Congress will be put upon the country as an expense, as has been done for years past. This bill provides that every man shall get what he wants. It does not cut him off; but he must say that he wants the book, and he can get it in that way. There is in this simple item the immense saving of $86,000 in each Congress. Vote down this bill and you continue this waste of $86,000.

Another provision in the bill changes the mode of binding, which applies possibly to 100,000 volumes, and the difference will be 25 cents per volume, or $25,000 per year, the mere difference of the cost of binding which this bill provides.

Mr. PICKLER. What is that change?

Mr. RICHARDSON. Section 55 changes the binding of such publications from half Russia to full sheep. Pass this bill and you save that $25,000 each year.

Now, I have already spoken, Mr. Speaker, of the better distribution of documents. I wish to call attention to another matter. For ten or twenty years, or longer, there have been accumulating in the various Departments of this Government and in the basement of the Capitol here, untold tons of printed matter, some of the volumes being very expensive. I can not undertake to tell the House and the country how many copies there are, but the proof before the committee led us to believe that if you would take the extra or surplus volumes in the various Departments, which are not needed, and which they want to turn over to the members of Congress to be distributed among their constituents, and take the number in the basement of the Capitol, that do not belong to members' quotas now—for I am not speaking of books that have ever been apportioned to members, but of books that have not been apportioned, and that are in the basement of the Capitol and in these various Departments—over 700,000 or more copies of books can be turned over to the members of Congress for distribution from this source.

There are in the basement here probably half a million or more copies. One gentleman, a dealer in such books, in this city, came before the committee and testified that some of these books are worth $25 a volume, and that he could sell them for that. I put you in possession of a fact when I tell you that these books are to-day rotting and molding. They ought to be sent out to the people of the country. If you go down in the basement you will find what I tell you is true, that these books are rotting on our hands. If you wish them to remain there and so rot and mold, vote against this bill.

Mr. COWLES. Why have not these books been apportioned?

Mr. RICHARDSON. They do not belong to any member's quota and never did. You distribute all the books you get, but you do not get these, and they have just been accumulating there from time to time.

Mr. COWLES. Is it not also because a number of members, representing city constituents, do not need these books and do not send for them?

Mr. RICHARDSON. No; I am not speaking of books that have ever been put to the credit of any member.

Mr. COWLES. These are remnants?

Mr. RICHARDSON. Remnants; books from the Departments and from the committee rooms of the two Houses of Congress that have been sent here for storage, that have never been assigned to any member.

Mr. BANKHEAD. I would like to ask the gentleman from Tennessee [Mr. RICHARDSON] if these books that he alludes to in the basement of the Capitol could not be apportioned to members and distributed under the present organization of the House, without reference to this new bureau?

Mr. RICHARDSON. Well, Mr. Speaker, it has not been done. This committee have simply devised a means to try to get rid of them. If you ask me whether it could be done in some other way, I say yes, it could be done, but it never has been done, and we have simply tried to get at them in the best way we could devise.

Mr. BANKHEAD. Have we ever had before a bureau of this character?

Mr. RICHARDSON. Why, certainly. We have now a bureau in the Interior Department called the Bureau of Documents. That bureau is abolished by this bill.

Mr. BANKHEAD. I understand that.

Mr. RICHARDSON. It goes out of existence, and we simply propose to make an officer of this House and of the Senate take charge of these books and distribute them among members of Congress. That is what this bill does.

Mr. BANKHEAD. Then you admit that it could be done under the present organization?

Mr. RICHARDSON. I say it can not be done unless you make provision to have it done.

Mr. BANKHEAD. If they were apportioned to the members?

Mr. RICHARDSON. By authorizing it under the law. That is what I am trying to get at.

Mr. BANKHEAD. Do you not think you had better do it in this bill?

Mr. RICHARDSON. The committee did not think so. The committee thought this the better way to do it.

Mr. BANKHEAD. I hope the House will think that the better plan.

Mr. RICHARDSON. That may be the better plan; but the committee did the best they could with all the lights before them. I am not wedded to any plan; but there is no law under which we or anyone has undertaken to do that; and the committee thought this the best way to get these books out.

Mr. OATES. Will the gentleman from Tennessee allow me to ask him a question?

Mr. RICHARDSON. Yes, sir.

Mr. OATES. Is not the effect of the bill in reference to the documents simply this: To allow the folding room to remain in the Senate and the House as now, except that the distributor of the documents practically takes the place of the one who now performs that function, to a limited extent, in the Interior Department, except that the distributor has enlarged powers to look up documents that are not cared for by members and care for them properly and distribute them?

Mr. RICHARDSON. That is it in substance. Now, Mr. Speaker, I propose to address myself to the consideration of this provision of the bill, if I can have the attention of members.

Mr. COWLES. Does this abolish our own document room?

Mr. RICHARDSON. No. I will come to the question asked by the gentleman from North Carolina.

There is an objection, as I stated, to this bill. That objection—and I ask the attention of members to it—one of the main objections to this bill comes from second-hand book-dealers in the city of Washington. They have in their employ employés of this House, who whisper in the ears of members that this bill is going to injure the patronage of this House and its members.

I tell you I know what I say when I state that the second-hand book-dealers are afraid that this bill will break up or materially injure their business in the city of Washington. I speak what I know when I say it. There are men in this city who make a living off Government books sold at little junk stores in this city, and how they get them no man knows. This committee undertook to find that out. We were able to trace but one member of either House who had sold his books. We showed that he did sell them and got the money for them after he went out of Congress. But in some way these book-dealers sometimes get these books before the members of Congress get them.

Mr. O'NEILL of Pennsylvania. Mr. Speaker, I would like to ask the gentleman from Tennessee if it ever suggested itself to him or his committee that members of Congress sometimes trade books or documents for other documents?

Mr. RICHARDSON. Oh, they do.

Mr. O'NEILL of Pennsylvania. And for that reason they go to these persons whom he calls second-hand book-dealers. I have at times found it extremely convenient in the years that I have been here to be able to go to some second-hand book-dealer and give some of my documents and get important documents that he might have and which he has received by trading with other members for those they did not want.

Mr. RICHARDSON. I have no doubt there are frequently such cases of honest exchange. This bill provides for the exchange of these documents through this officer; and it seems to me that that would be much better.

Mr. O'NEILL of Pennsylvania. We exchange documents for those which our constituents want, and which they have written for; and I think it would be much better if members of Congress were to send books and documents only to those constituents who write for documents and not make a list of so many constituents to whom they send documents, some of which they never read.

Mr. RICHARDSON. Now, Mr. Speaker, on the duties of this officer I want to comment but a moment. Some gentlemen have said to me that they understood that the right of members in sending out their documents were being interfered with. That objection was urged last spring when this bill was up, and a great many members stated that they voted against it because they understood that it did interfere with the right of a member to send out his own books. Now, I want to read that section, and if any gentleman has an idea in his mind that his right to control his books is interfered with, I want him to rise after this section is read.

The section read as follows——

Mr. BROSIUS. What section?

Mr. RICHARDSON. Section 62, page 24. After providing for this officer it says:

He shall have general supervision of the distribution of all public documents, and to his custody shall be committed all documents subject to distribution, excepting those printed for special use of the Executive Departments.

That is the first exception. Documents printed for the Secretary of State or for the Secretary of Agriculture or for other Secretaries would not pass into his hands.

The next exception is:

Those printed for the use of the two Houses of Congress, which shall be delivered to the folding rooms of said Houses and distributed or delivered ready for distribution to Members and Delegates upon their own order by the superintendents of the folding rooms of the Senate and of the House.

Now, is that going to interfere with any gentleman's control of his documents? Do not vote against this bill, gentlemen, upon the idea that it takes from you the right to control your documents. It does nothing of the kind. It does provide for a clerk to the Joint Committee on Printing who shall distribute the tons of public documents now accumulated in the basement of this Capitol and also those that may be sent from the Departments as not being required there. And it provides that he shall distribute them upon lists furnished by the members of Congress themselves and to the persons they designate. It does not take away any rights from members, nor does it interfere with their rights.

My friend from Indiana (Mr. HOLMAN) thinks that the bill creates a new bureau. It abolishes the existing bureau in the Interior Department; it does away with one bureau of this Government and it simply provides that our documents shall be distributed by an agent of our own, the clerk of one of our committees. The Congress will have absolute control of that committee and of that clerk in the discharge of their duties. We need not give this official more assistants than he absolutely needs. We abolish the bureau in the Interior Department, as I have already said, and permit this officer to employ such clerks as he may actually require for the discharge of the duties of his office. That is all.

Now, Mr. Speaker, let me say in conclusion that this bill is called for by all the librarians in the United States, and they are the most intelligent set of men as to the question of the distribution of Government literature. They have studied it more than any other class of people in the country. They believe that this bill provides a medium through which the Government publications will reach all the people of this country. The Committee on Printing were desirous of finding a medium through which the largest possible number of the people could be reached, and they believe that end can be attained through the provisions of this bill. I do not care to discuss the bill further. I am perfectly content to take a vote now, or I am ready to answer any questions which any gentleman may desire to ask.

Mr. COWLES. One argument against the bill that I have heard among members is that the Senate is to have the sole appointment of these proposed officials.

Mr. RICHARDSON. This clerk is to be appointed by the Joint Committee on Printing, which consists of three members of the Senate and three members of the House. In the Senate two of the members of the committee are Republicans and one is a Democrat; of the House committee two members are Democrats and one a Republican; so that politically the committee would be a tie, as was suggested yesterday.

Mr. JOSEPH D. TAYLOR. Has the gentleman's committee taken into consideration the question of the propriety of abolishing the free distribution of public documents altogether beyond what may be necessary to supply the needs of Congress and of public libraries; sending out lists to the different post-offices letting the people know what documents are published by the Government and selling them at some reduced rate, but entirely abolishing their free distribution?

Mr. RICHARDSON. Yes; the committee considered that question a good deal, and they came to the conclusion that Congress was not quite ready to do away with the free distribution of public documents.

Mr. BOUTELLE. Perhaps the next Congress will get up to that standard. [Laughter.]

Mr. KRIBBS. Between the expiration of this Congress and the convening of the next there will be no House printing committee. Now, will the Senate committee have control of these matters during that time?

Mr. RICHARDSON. They would have control when there was no House committee.

Mr. HOLMAN. Mr. Speaker, my friend from Tennessee [Mr. RICHARDSON] has presented the case for this bill very well, and, considering the magnitude of the bill and the multitude of subjects involved, he has presented it with great clearness. There is but one feature of the bill that I am not satisfied with, and that is the one which provides for this new bureau, this superintendent of public documents. That creates a new office. That this bill should receive the approval of those in charge of public libraries is not at all remarkable, for I called my friend's attention to an extraordinary power that is conferred upon this superintendent in that connection. It is found on page 29 of the bill. It provides that—

All documents delivered to the superintendent of documents from accumulations thereof in the Executive Departments—

And those accumulations are very large, as has been stated by the gentleman from Tennessee—

or received from officers of the two Houses—

That embraces the great mass of documents to which my friend from Tennessee has referred, many of which are very valuable publications—

shall be distributed by him first to public and school libraries, etc.

This is not under any supervision whatever, not even under the supervision of the Joint Committee on Printing. Now, we have not imposed, and we do not even by this bill impose, any severe

restraints upon the Departments in respect to their publications. They publish documents, sometimes, with a view to delivery many years ahead. At every session of Congress almost every general appropriation bill contains provisions authorizing publications by some of the Departments, and even where we provide that a given number of copies shall be for the use of Senators and Representatives we always place a large number at the disposal of the head of the Department.

Take for instance the Commissioner of Agriculture who, I believe, has control of one-third of all the agricultural reports which are printed. The distribution of this vast accumulation of documents, many of which, especially those published by the Treasury Department and Interior Department, are of special value, is placed under the control of this superintendent of documents. How is he to distribute them? I ask the House to observe the extraordinary powers conferred upon him. It is provided that these accumulations of documents—

Shall be distributed by him, first, to public and school libraries for the purpose of completing broken sets.

That is a very good provision.

Second, to public and school libraries that have not been supplied with any portion of such sets.

Now, there is a very great power of discrimination conferred upon this officer. There is no restriction or limitation as to the distribution to these public and school libraries; yet we all know that even with this vast body of documents, numbering 750,000 to 1,000,000, there will not be enough to supply all persons who may want them.

And, third, to other parties, which persons and libraries shall be named to him by Senators, Representatives, and Delegates in Congress; and in this distribution the superintendent of documents shall see that as far as possible an equal allowance is made to each member of Congress.

Mr. RICHARDSON. Of what documents is the gentleman now speaking?

Mr. HOLMAN. The classes of documents referred to in the the provision on page 28—all documents at present in charge of the several Executive Departments and not required for official use; and also all documents stored in and about the Capitol other than those belonging to the quota of members of Congress and Delegates and to the Senate library. These various documents are to be delivered, under this bill, to this superintendent of documents for distribution and sale.

Mr. RICHARDSON. I call the gentleman's attention to the fact that the provision to which he refers relates simply to the surplus not distributed by the heads of Departments; for in section 95, page 59, it is provided that the "Government publications printed for or received by the Executive Department, whether for official use or for distribution, shall be distributed by a competent person detailed to such duty in each Department by the head thereof." In other words, such distribution is to be made in the same manner in which it has always been done. But when there is a surplus which the heads of Departments can not distribute, they are to be put into the hands of this officer that he may supply volumes for the completion of broken sets. That is all there is in the provision.

Mr. HOLMAN. I have said that so far as regards the completion of broken sets the bill is right enough; but my friend must bear in mind that this vast accumulation of which he speaks—and I think it must be conceded that it is greatly to our discredit that this accumulation should have been allowed—the distribution of this vast mass of books is controlled by the provision now under consideration; and to the extent that it authorizes this officer to discriminate among public and school libraries of the United States, I submit the provision goes a little farther than any power we have heretofore conferred.

The third mode provided for getting rid of these volumes—that is, by sending them out to persons or libraries designated by Senators, Members, and Delegates—is all right. But the discretion to which I have just referred—the power to discriminate among the various public libraries—should not be, I think, conferred upon this officer.

I now come to a more important consideration connected with this measure. My friend from Tennessee is under some misapprehension in regard to the officer who has been referred to in the Interior Department. That office has existed for many years. I can remember myself that over thirty years ago Mr. Dillon, who, I believe, was a fourth-class clerk—a very accomplished gentleman, who wrote a history of Indiana which has become the text-book in the schools of our section of the Union—was the librarian. As I understand—if I am not correct I hope some gentleman will correct me—the gentleman now at the head of the distributing force in the Interior Department is this librarian, who will continue in office, retaining the present salary of $2,500. But the clerks and employés under him are, by the provisions of this bill, placed under the control of the superintendent here provided for. The chief, however, of that little bureau in the Interior Department will remain.

Mr. RICHARDSON. Under this bill that bureau is abolished.

Mr. HOLMAN. No, sir.

Mr. RICHARDSON. The office of superintendent of documents in the Interior Department is abolished, and if the Department is still to have a librarian I do not know what use it will have for him. This bill does not provide for that.

Mr. HOLMAN. This bill does not abolish the office of librarian, but transfers the clerks and employés to the control of this new officer here in the Capitol. That is what the bill accomplishes.

Mr. RICHARDSON. I refer the gentleman to section 67.

Mr. HOLMAN. I have stated the matter correctly, have I not?

Mr. RICHARDSON. Substantially; but the gentleman calls the officer a librarian; we do not.

Mr. HOLMAN. You will find that this librarian has been there for years and will remain there—the librarian, as I understand, of the Interior Department. The distribution of these public documents, now under the control of the respective Departments, is by this bill placed under the charge of this new bureau.

Mr. RICHARDSON. Not at all. We do not interfere with the present distribution of documents by the Departments. We still allow the Departments to distribute their own documents.

Mr. HOLMAN. We shall still have these librarians in the several Departments, though their duties will be diminished.

Mr. RICHARDSON. Then you can reduce the salaries.

Mr. HOLMAN. That would be difficult.

Mr. RICHARDSON. You can do that in your appropriation bill.

Mr. HOLMAN. That is not my experience. Salaries go up by the same law that gravitation goes down. [Laughter.]

Mr. RICHARDSON. But, seriously, Mr. Speaker, I want to call the attention of my friend to the fact that this abolishes the office of superintendent of documents in the Interior Department. This officer will go if this bill becomes a law, and the office is abolished. If the Department needs a force to distribute the documents belonging to the special bureaus in the Department, they have the right to assign clerks to that duty just as any of the others have. But the superintendent of documents is abolished. The office no longer exists.

Mr. HOLMAN. To what page of the bill does the gentleman refer when he says that office is abolished?

Mr. RICHARDSON. To page 27 of the bill, section 67.

Mr. HOLMAN (reading).

SEC. 67. Upon the appointment of the superintendent of documents, the office of superintendent of documents in the Department of the Interior shall be abolished.

Yes, that is correct. But you do not abolish the librarian of the Department of the Interior.

Mr. RICHARDSON. No, nor any of the other Departments, if you call the clerk assigned to that duty a librarian.

Mr. HOLMAN. Well, that is the same office. I admit that if you get rid of this vast body of employés in the libraries of the Departments you accomplish very much.

Mr. RICHARDSON. If we abolish the office of superintendent of documents and leave the librarian, as you call him, you will then only have such an official as they now have in the State and other Departments. We do not undertake to discharge that office in all the Departments. But this office of superintendent of documents in the Department of the Interior is abolished. The distribution of documents in the Departments is under their own control, as the gentleman knows.

Mr. HOLMAN (reading from the bill):

The clerks and employés of said office shall be transferred to the office of the superintendent of documents herein established, and shall remain until their sucessors shall be appointed: *Provided*, That their salaries shall continue to be paid by the disbursing officer of the Department of the Interior from the appropriations already made, until other provision for said salaries shall be made. The superintendent of documents shall appoint all employés of his office authorized by Congress.

Now, here is a very important provision:

The superintendent of documents shall appoint all employés of his office authorized by Congress.

I do not know the number of employés in that little affair up there in the Interior Department, but I think that there are some five or six. I have been told—I did not get the information from the Department, however—that the distribution by the librarian or superintendent of documents of the Interior Department of the last census report, the Tenth Census, has cost us over $10,000. Here is a single publication, I admit a very large one, but the statement was made to me by a gentleman generally well informed on such subjects that the cost of that distribution had reached $10,000.

Now, I will agree at once that if there could be any possible assurance that this bureau would not have double or treble or quadruple the number of employés that they have now in the

Interior Department in the next twenty years, I should be much inclined to waive the grave objections I have to this feature of the bill. But you will never get rid of that bureau, nor of the expenditures that are entailed upon us by it, by any such provision as this.

Mr. BOUTELLE. But does not the gentleman from Indiana recognize the result of the recent elections as such an assurance? [Laughter.]

Mr. HOLMAN. Well, that is an assurance of course of economy, I agree, but it hardly ever reaches both Houses of Congress.

Mr. DINGLEY. But I thought you had the assurance. [Laughter.]

Mr. HOLMAN. Well, we are hoping so. We are indulging in the belief, and if grace should smile on us hereafter as heretofore that would be the result.

Mr. BOUTELLE. I was only expressing my surprise that the gentleman should manifest any doubt on that point.

Mr. HOLMAN. I did it subject to limitations, of course. [Laughter.]

Mr. Speaker, I feel that I should not occupy time that other gentlemen desire to occupy in the further discussion of this bill. I should have been glad to have time to analyze the measure in such manner as to show the extraordinary powers conferred by it all along the line. I do not complain of the matter of appointment, for I do not see any better. But the very first power conferred upon this official is in the following words:

He shall have general supervision of the distribution of all public documents, and to his custody shall be committed all documents subject to distribution, excepting those printed for the special official use of the Executive Departments.

Now, that exception means all the publications made by any of the Government Departments, for it is a fact that all of them publish them, as, for instance, the War Department publishes a very valuable work. There are also important works published in the Treasury Department and the State Department, especially the State Department.

Now, those works that they publish will still be distributed under that provision, just as they are now. Let me inquire of my friend from Tennessee [Mr. RICHARDSON] when it is, how long after the accumulation of books in an executive department, before the books are to be transferred to the superintendent provided for in this bill? What time must elapse?

Mr. RICHARDSON. Just as soon as they are not needed by the head of a Department he transfers them. When he finds he does not need them, he gets rid of his surplus by turning it over to be distributed by members of Congress.

Mr. HOLMAN. It seems to me that there ought to be some thing more definite than that. In the case of a valuable book, for instance, there is a pride in keeping on hand such a book with a view to exchanges. Such books will be kept on hand there for years and years, and you will find in the State Department, and I know in the Treasury Department and in the War Department also, works that have been there for a great many years, used for exchanges from time to time with other nations, and occasionally copies given to some scientific gentleman who desires to obtain possession of them. I do not think any books will come from these Executive Departments.

Mr. RICHARDSON. The gentleman asked me a question. I was going to say in reply that at first the committee fixed a limitation of one year; but we concluded, upon the statement of some of the Secretaries, that they could not always decide in a year whether a certain document would be a surplus document or not, and they preferred to have it left in their discretion. They desire to get rid of them as soon as they can, and as soon as they become convinced that they are surplus they will transfer them and get them out of the way. The gentleman says no books will come. I can state to the gentleman, as a case in point, that recently 5,000 volumes were sent from the White House to the superintendent of documents to be distributed.

Mr. HOLMAN. I should not wonder at that at all.

Mr. RICHARDSON. From one place, from the President, 5,000 copies, that he considered surplus, were sent down.

Mr. HOLMAN. And there are many thousand copies of the last census still in the Interior Department, and such works as those the Department will not get rid of; but they are comparatively valueless. Who cares now to send out a report of the Tenth Census? Yet there is a large accumulation of them. I have been requested over and over again to furnish additional lists for the sending out of the Appendix, on account of the large number on hand, encumbering the rooms that ought to be appropriated for some other purpose.

The sixty-fourth section of the bill is an important one, perhaps most important in some respects. I beg leave to read it.

The superintendent of documents is also charged with the sale of public documents, except as herein otherwise provided.

Before I read further I wish to call the attention of my friend from Tennessee [Mr. RICHARDSON] to the fact that a very interesting report ought to have been made to the House, it seems to me, as to how these books in such vast numbers get into the hands of the old book-store establishments; for I have received—and I presume other gentlemen have also received during this vacation—three separate notifications by postal card, stating that the sender had in one case 800 volumes of the very valuable report that has been referred to so often in the House, especially by the gentleman from South Dakota [Mr. PICKLER], the report on the Diseases of the Horse. One establishment had 800 copies, and the other two mentioned other numbers that they had for sale. Now, I do not know that my friend [Mr. RICHARDSON] received any such notice as this.

Mr. RICHARDSON. I did receive such a notice, but it stated that the sender had 216 or 208 copies—the exact quota of a member—of the report on the Diseases of the Horse; and I desire to state that we summoned the very man who sent that postal card before the committee, and we have his testimony in this report, which the gentleman from Indiana [Mr. HOLMAN] can read if he wishes. He will find a statement showing exactly where they came from and all about it. We traced that down.

Mr. HOLMAN. That was only one instance. Section 64, to which I have referred, reads:

The superintendent of documents is also charged with the sale of public documents, except as herein otherwise provided—

I believe there is no provision in this bill for the sale of documents by the Public Printer—

and all documents hitherto published, for sale by other officers of the Government, shall be turned over to him.

That of course would embrace the Public Printer.

Now, he has charge of the whole of this vast accumulation of books, which are to be subject to sale. I do not see exactly how they are to be distributed. The distribution, in the first place, is to be to the libraries, then to the public schools, and then to be distributed under the direction of the members of the House and Senate. So that I do not understand exactly how they are to be distributed.

And all documents hitherto published, for sale by other officers of the Government shall be turned over to him. He is hereby authorized to sell any publication of the Government at cost.

Now, I must say again to my friend from Tennessee that that does not seem to be a matter that should be committed to this officer. The 10 per cent additional which has always been charged heretofore for publications, made by the Public Printer, was intended to meet incidental expenses that remotely enter into the actual cost.

Mr. RICHARDSON. Oh, no.

Mr. HOLMAN. Then what was it for?

Mr. RICHARDSON. For profit—10 per cent additional on cost.

Mr. HOLMAN. I do not think that the Government intended to make any speculation.

Mr. RICHARDSON. It says 10 per cent on cost.

Mr. HOLMAN. Here are the paper and the plates and the amount of work done and all that; but there are other incidental matters that you can not take into account, and that 10 per cent was simply intended to cover that; but in this bill you allow the sale at simply cost and nothing else.

Mr. RICHARDSON. Well, I submit, Mr. Speaker, if what the gentleman states is incidental to the cost, it is put on by this officer for incidentals—it is part of the cost.

Mr. HOLMAN. It may be so small incidentally that you can not account for it——

Mr. DINGLEY. That is "incidental protection."

Mr. HOLMAN. By way of preventing the Government from sustaining any loss in furnishing books to private persons—

He is hereby authorized to sell any publication of the Government at cost—

Is he required to give bond? I believe not—

as estimated by the Public Printer, and based upon printing from stereotype plates, excepting old and rare volumes, which shall be sold at an appraised value, to be determined by the superintendent of documents, the Public Printer, and the Librarian of Congress.

Now, here, as to one matter—

Excepting old and rare volumes.

Except as to that one matter, he has placed under his control, in connection with the Public Printer and the Librarian of Congress, vast powers, far beyond those conferred on that board—conferred upon a single man and only subject to the supervision of Congress.

Mr. PICKLER. To sell at private sale, or anywhere he likes.

Mr. COX of Tennessee. And not under bond?

Mr. HOLMAN. I do not say so. I simply made that suggestion.

Mr. RICHARDSON. He is not going into the sale of books. He is not a bookseller.

Mr. HOLMAN (reading):

But only one copy of any document shall be sold to the same individual, except in the case of libraries or schools—

Now, why sell to libraries or schools when this very bill provides for distribution to them?

by which additional copies are desired for separate departments thereof. All moneys received from the sale of documents shall be covered into the Treasury monthly and placed to the credit of the general fund for public printing.

I hope my friend from Tennessee will ask unanimous consent, at least, that that be stricken out.

Mr. RICHARDSON. I wished to do that yesterday, and you did not agree to it.

Mr. HOLMAN. You thought a discrimination should be made here, and now you perceive that this section does not place the publication for sale as it has been heretofore by the Public Printer. That was a misapprehension, because this language is so broad that it is quite obvious that this superintendent was to receive under his control the sale of all the works, no matter who has heretofore had the power of sale. Who has heretofore been selling these works?

Mr. RICHARDSON. No, it does not take away the power from the Public Printer.

Mr. HOLMAN. It permits this superintendent to sell them at cost.

Mr. RICHARDSON. It does not take the power away from the Public Printer.

Mr. HOLMAN. It says the "superintendent of documents is also charged with the sale of public documents, except as otherwise herein provided."

Mr. RICHARDSON. It does not take away from the Public Printer the right of sale.

Mr. HOLMAN. In this bill you say that the Public Printer shall sell.

Mr. RICHARDSON. Oh, yes; this provision simply allows the superintendent to sell a book which may be in his possession, and get the cost of it.

Mr. HOLMAN. Then the sixty-fifth section provides that this superintendent shall—

prepare and publish a comprehensive index of public documents beginning with the Fifty-second Congress upon such a plan as shall be approved by the Joint Committee on Printing.

Upon a plan. It is only the plan they have to approve. How many clerks are required there for the performance of that duty?

And the Public Printer shall, immediately upon its publication, deliver to him a copy of each and every document printed by the Government Printing Office, and the head of each of the Executive Departments, bureaus, and offices of the Government shall deliver to him a copy of each and every document issued or published by such Department, bureau, or office, not confidential in its character.

Mr. RICHARDSON. What was the interrogation of the gentleman? I did not hear. On what plan will you have the index made?

Mr. HOLMAN. It was not an interrogatory. It was a statement that what you provided here was a plan, and that all else was left to this superintendent.

Mr. BOUTELLE. How can the work be done without a plan?

Mr. HOLMAN. Oh, the plan here is very simple. The provision is for a "comprehensive index," and we all know what that generally means. We have had some experience of what it costs to prepare an index, even though it is not very comprehensive. [Laughter.]

Mr. RICHARDSON. Does the gentleman know that there is no index like the one provided for in this bill now in existence?

Mr. HOLMAN. No.

Mr. RICHARDSON. That is the fact. There is no general index of Government publications.

Mr. HOLMAN. There is an index that is sufficient for all practical purposes, an index which was a long time in preparation, and which cost a large amount of money.

Mr. RICHARDSON. I suppose the index the gentleman speaks of is the one that was prepared under the direction of the Committee on Appropriations, and which is still in manuscript, never having been printed. After paying a man $5,000 a year for about eight years I believe, to prepare it, they never had it printed.

Mr. HOLMAN. That is not the only index. We have any number of them. That is a "comprehensive" index, but it is not of sufficient value to justify its printing, although it was several years in course of preparation. I read further from this section of the bill:

And the head of each of the Executive Departments, bureaus, and officers of the Government shall deliver to him a copy of each and every document issued or published by such Department, bureau, or office not confidential in its character. He shall also prepare and print in one volume a consolidated index of Congressional documents and shall index such single volumes of documents as the Joint Committee on Printing shall direct.

Now, Mr. Speaker, I would occupy too much time and would weary the House if I were to discuss this matter in detail, so I must desist, but I greatly indulge the fear and now express the apprehension that this is very unwise legislation. I believe that under the other provisions of this bill a very considerable amount of money will be saved in the printing office. I trust the estimate of the gentleman from Tennessee [Mr. RICHARDSON] will prove to be substantially correct, and that we shall save between $200,000 and $300,000 by a reduction in the mass of our public printing, but what about this bureau? What is that to cost?

Mr. RICHARDSON. Bureau! One clerk to the Committee on Printing.

Mr. HOLMAN. Why, you give him five or six clerks to begin with.

Mr. RICHARDSON. Not at all. He can not have any without the approval of Congress. We give him no new clerks.

Mr. HOLMAN. Why, yes; you provide here for transferring to him the clerks that are already employed.

Mr. RICHARDSON. Those that he may need are transferred from the Interior Department, but that is not the creation of any new ones. He can not have any clerks unless Congress gives them to him.

Mr. HOLMAN. The clerks and employés now employed, and there is quite a force of them, are to be transferred to him at once; and if this bill goes into effect this Congress will not expire before imperative reasons will be found for largely increasing that force. Here are indexes provided for that will occupy several men uninterruptedly.

Mr. RICHARDSON. I want to ask my friend if there is any way by which an increase can be made unless Congress consents to it? This clerk can not make an increase himself.

Mr. HOLMAN. Oh, well, I dread always to see the basis for a good argument created by our legislation. We furnish the fulcrum and then the whole thing goes up. [Laughter.]

Mr. RICHARDSON. Why should we give this bureau any more clerks than we gave to the bureau in the Interior Department?

Mr. HOLMAN. Mr. Speaker, a member of this House who saw, years ago, the growth and progress of that very unfortunate measure which met with such universal condemnation, the increase of the compensation of Senators and Representatives, a man who saw how that began and how it was worked up from the increase of the compensation of a single clerk; how, within a period of two months, it grew into a magnitude which aroused public apprehension for the integrity of our Government and produced important results in our public affairs, a man who watched that transaction from its inception to its culmination may be pardoned if he is apprehensive of great results from small beginnings. Gentlemen who are familiar with the facts know that the idea of an increase of the compensation of Members and Senators to $7,500 was not dreamt of at the beginning of that movement, and that the retroactive provision of the bill was not even thought of. The movement grew during a period of six or seven weeks, until it finally culminated in a piece of legislation that shattered parties into fragments.

So, Mr. Speaker, so far as I am concerned, I do not care to support any measure which contains a provision so capable of unlimited expansion as this portion of the pending bill. The other provisions of the bill I, for one, thank the gentleman from Tennessee for securing, for I believe them to be beneficial. That the extraordinary state of things should have existed for years that a member of Congress could have published by authority of law one entire set of public documents, 95 per cent of which were valueless to him, and then in addition to that, by another law passed within the last ten years, was entitled to have any publication he desired bound at the public expense in such binding as he might select—that such a state of things should last so long is one of the many illustrations of the abuses that grow up in matters which touch Congress and its methods of procedure.

The bill is a good bill, except the one feature on which I have been commenting; and I trust that the gentleman from Tennessee, for the purpose of ascertaining the sentiment of the House on this provision, will consent that a vote be taken on striking out the sixty-second section. I feel quite confident, from the expressions I have heard, that gentlemen of the House generally are very well satisfied with the measure as a whole, and are thankful to the Joint Committee on Printing for the labor they have performed. But this provision which I have criticised is, I believe, objectionable to many gentlemen here. Many members have said to me, "This is not the time to begin the creation of new offices or new bureaus with expansive powers."

I submit, Mr. Speaker, that this is a time for fair retrenchment and a fair economy in the administration of the Government. It is expected of this House that the necessities of the hour will be fairly met, and that no foundation will be laid for imposing in the future large expenses upon the Government; for,

according to our experience, this bureau when once established will remain a fixed feature in our Congressional methods.

I trust the gentleman from Tennessee will indicate whether he is willing that we may go back and take a vote on striking out the sixty-second section so as to test the sense of the House on the creation of this bureau; otherwise, as my friend must see, the motion will be made to recommit the bill with instructions to strike out that feature. I hope my friend will not allow what is valuable in the bill to be lost by hanging on to a particular provision. I do not think my friend can afford to do that.

Mr. RICHARDSON. In reply to the gentleman from Indiana I wish to say that he has taken a molehill and magnified it, or attempted to magnify it, into an immense mountain. He concedes that this is a good bill except in that single provision. I have said what I believe to be the truth, that the measure if passed will save to this Government $250,000 a year; and I believe that eventually it will result in a much greater saving. As I have shown, the bill puts our printing laws in methodical form. I will not go over the arguments that I undertook to submit a few moments ago in behalf of the bill; but I think they ought to commend themselves to every gentleman here. I trust no member will vote against the bill upon hearsay, or upon the mere representation of some other persons.

What is the provision to which the gentleman from Indiana objects? He says that it creates a new bureau, that it makes additional offices. Now, all that it does is, in the first place, to abolish the superintendent of documents in the Interior Department, thus getting rid of one officer and one bureau. If there is any occasion for an officer there to act as librarian the Secretary of the Interior will have such officer regardless of this bill. We do not undertake to control the appointment of librarians in Departments; we can not do that in this bill and have not attempted it. We do, however, abolish the bureau in the Interior Department for the distribution of documents; and in lieu of the officer thus abolished we provide for a simple clerk of a committee of Congress to perform his duties; and this, according to the gentleman from Indiana, is going to ruin the Government! He proposes to defeat this bill and continue the present loose methods we have in force in the public printing; continue to waste and lose this $86,000 each Congress; continue to lose the $25,000 each year or $50,000 each Congress in the matter of binding I have mentioned; continue to print documents largely in excess of what a painstaking committee of the two Houses find the Departments can get along on; continue the miserable distribution of public documents now in force and which is remedied by this bill; defeat the bill and prevent the reform it makes and the reductions it proposes, all lest one little clerk of a committee of the two Houses will build up a vast bureau which will swamp the Government! And he says the bill is in all other respects a good one.

Mr. OATES. I would like to ask the gentleman a question; and as preliminary thereto, I will say that when this bill was first taken up for consideration I was very much opposed to it, or rather prejudiced against it, but after a careful reading of the bill last night I concur in the view that it has many excellent features; that it provides economical and methodical arrangements with reference to this subject of printing. But there is one point about which I wish to inquire. This officer just referred to in the remarks of the gentleman from Indiana is to be selected by the Joint Committee on Printing?

Mr. RICHARDSON. Yes, sir.

Mr. OATES. It is also provided, I believe, that he is not to be selected till after the adjournment of the present Congress; or that this bill is to have no operation or effect until after such adjournment. In another part of the bill it is provided that when there is no House Committee on Printing the Senate committee may act, and when there is no Senate committee the House committee may act. Does not the bill then in effect give the appointment of this officer to the Senate committee, because the provisions of the bill will not go into effect until Congress adjourns, when there will be no House committee.

Mr. RICHARDSON. The gentleman will not find in the language of the bill any provision that this clerk is not to be selected before the closing of Congress, or that the provisions of the bill shall not take effect until that time.

Mr. OATES. The bill does not provide *in totidem verbis* that this clerk is not to be selected until after the adjournment of Congress; but is not that the effect of the provision that the bill shall not go into operation until that time?

Mr. RICHARDSON. The bill does not so provide.

Mr. OATES. I think so.

Mr. RICHARDSON. The proviso of section 61 is: "That this section shall not take effect until the closing of the Fifty-second Congress." That relates to the consolidation of the two document rooms of the House.

Mr. OATES. Then the provision does not apply to the bill as a whole.

Mr. RICHARDSON. No, sir. It relates only to that particular section.

Mr. OATES. I believe on further examination the gentleman is correct.

Mr. SCOTT. Is it not a fact that there is always a Senate Committee on Printing?

Mr. RICHARDSON. There might or might not be.

Mr. SCOTT. I understand it to be a fact that there always is.

Mr. RICHARDSON. The terms of one-third of the Senators expire on the 4th of March every second year; and the three members of the Committee on Printing may thus go out of office; so that there would not be any committee until the following December.

Mr. SCOTT. It is not likely that all three of the members would go out of office at the same time.

Mr. RICHARDSON. Well, only two or one might go out. At any rate a new committee would have to be appointed at the beginning of the subsequent session.

Mr. SCOTT. Suppose that none of the members of the Committee on Printing should go out of office at the expiration of a Congress, would not the Senate committee be the only Committee on Printing during the eight or nine months of the recess?

Mr. RICHARDSON. When the Senate meets at the opening of a new Congress it appoints new committees as we do.

Mr. LIVINGSTON. Will the gentleman allow me a question in this connection?

Mr. RICHARDSON. In a moment.

Now, Mr. Speaker, I wish to again recur to the argument of the gentleman from Indiana. If there was anything at all in the argument he made against this arrangement; if there was danger to come from that source, I would consent to have that provision go out of the bill. But I tell you it seems to me that the argument is simply an effort to magnify nothing into a question of great importance on the part of the gentleman from Indiana. There is absolutely no danger of a clerk of this House, or of the two Houses, gathering unto himself the power to destroy this Government as my friend intimates. He is simply a clerk of the committee and will be the agent of the committee. He is subject to the orders of the committee, and is under its absolute control.

Mr. LIVINGSTON. Just in that connection will you be kind enough to answer this question: What length of time is this clerk to be continued in his office?

Mr. RICHARDSON. During a Congress; or at the pleasure of the committee.

Mr. LIVINGSTON. Does the bill say so?

Mr. RICHARDSON. No; it is not necessary.

Mr. DINGLEY. He will be retained during the pleasure of the joint committee.

Mr. RICHARDSON. Certainly.

Mr. LIVINGSTON. It does not so provide.

Mr. RICHARDSON. Why, he could be turned out in a day. He would be exactly on the same footing as the clerk of your own committee. He could be dismissed at the pleasure of the committee. The whole power is with the committee absolutely, just like the clerk of any of the other committees of the House. He holds his office during the will of the committee.

Mr. LIVINGSTON. Why not say so specifically?

Mr. RICHARDSON. It does not seem necessary; but if the gentleman wishes to do so I have no objection to his offering an amendment to that effect.

Mr. LIVINGSTON. The argument is that it is a permanent bureau, so created, with a permanent head.

Mr. RICHARDSON. Not at all. As I say, I have no objection, if the gentleman thinks it necessary, to his offering an amendment to that effect, that he shall hold office only during the Congress or for a specific term. But as a matter of fact it is not necessary, for he is like the clerk of any other committee; and that is the law now.

Mr. REILLY. Let me ask the gentleman from Tennessee what effect, supposing he agrees to the proposition of the gentleman from Indiana for a separate vote on section 61, what effect would it have upon the remainder of the bill if that section should be stricken out altogether?

Mr. DINGLEY. But there can not be a separate vote excepting by unanimous consent. We are in the House and have passed these sections as they were reached.

Mr. REILLY. I understand that; but suppose that section was stricken out, what would be the effect?

Mr. RICHARDSON. I think it would destroy the harmony of the bill. Of course if the gentleman wants to move to recommit the bill with instructions to strike out that provision he could do it; but it would have to be recommitted to the Com-

mittee on Printing and reformed, and this committee has positively given more time and thought, I am sure, to this measure than has been given to any other measure before Congress, unless, perhaps, the tariff.

Mr. HOLMAN. The bill is perfect, however, without the bureau feature, and it certainly would not take a half hour to eliminate that and recast the bill in other respects to meet that change.

Mr. BOUTELLE. But does not the gentleman from Indiana understand that this officer would be a Democrat?

Mr. RICHARDSON. I do not know how that would be, and it ought not to be considered in connection with the matter.

Mr. BOUTELLE. There is no imminent danger of the Senate getting away with this officer; and therefore I am asking the ground of the apprehension entertained by the gentleman from Indiana.

Mr. HOLMAN. If it was certain that a good Democrat got the place it would be one objection less.

Mr. RICHARDSON. I do not want to bring that kind of an issue into the consideration of this measure at all. But on that point let me say—for it was raised yesterday—that this joint committee already has one clerk, that is the index clerk who indexes your CONGRESSIONAL RECORD. He gets about $3,500 a year. The committee is constituted, as I have stated, of three Republicans and three Democrats, and yet this clerk I am told is a Democrat and gets his $3,500 per year. So I do not think there is any very serious danger of the Republicans getting away with the committee, and if they did get this clerk they would not do more than get even.

Mr. BOUTELLE. I am glad the gentleman has given me that assurance. It will be satisfactory, I hope, to stay the apprehensions of the gentleman from Indiana, who will therefore withdraw his objections.

Mr. JOSEPH D. TAYLOR. I thought he had withdrawn his objections. [Laughter.]

Mr. BOUTELLE. And the country is safe.

Mr. PICKLER. Let me ask the gentleman from Tennessee this question. Section 63 provides:

> When desired all orders for the distribution of documents by Senators, Representatives, or Delegates, who may so request, and orders from Departments shall be sent to the superintendent of documents on franked or other labels or in lists, which shall be kept confidential, etc.

Now, suppose I want the superintendent to send a dozen or more documents to people, and I do not care about having them confidential. Does he have an option in the matter, or do you require him absolutely, whether it is desired by the member sending the documents or not, to keep them confidential or to make a confidential list of them?

Mr. RICHARDSON. It simply means that he will keep your list confidential. He will not make it public to everybody.

Mr. PICKLER. Then what becomes of these confidential lists that this section provides for?

Mr. RICHARDSON. If you want your list kept confidential he will keep it so. That is all. If not, he destroys the list, and that is the end of it.

Mr. PICKLER. But these confidential lists and these indexes become public records, and must remain in that office, must they not?

Mr. RICHARDSON. Not at all, unless you want them to remain there. You can take them back.

Mr. PICKLER. How is it possible to withdraw these confidential indexes?

Mr. RICHARDSON. There is no confidential index. There is a confidential list.

Mr. PICKLER. But he must index them.

Mr. RICHARDSON. That is kept confidential, if you want it kept confidential.

Mr. PICKLER. What becomes of that index?

Mr. RICHARDSON. It remains in his office there. He keeps the index and excludes the public from it. That is all that means. It is so that everybody can not go and find out, on simple application, where a member sends his books.

Mr. PICKLER. Must he not, under this section, index any list a member sends there, whether the member cares to have it kept confidential or not? In other words, if I order three documents sent out, must he not index the list in order that there may not be duplications?

Mr. RICHARDSON. That is right.

Mr. PICKLER. Will not that entail a great deal of needless work?

Mr. RICHARDSON. That provision is simply to prevent duplication; to prevent the same documents being sent to the same person by half a dozen different men. We found one instance where the same document was sent forty times to one man, and that was the horse book that my friend is so much in love with. One man got 40 copies of that very volume in that way.

Mr. PICKLER. I have nothing to take back that I have said about the horse book.

A MEMBER. What did the man do with the forty books?

Mr. RICHARDSON. I have no doubt he sold them.

Mr. PICKLER. Can that section be complied with—that is, can this confidential list of every order for documents given by a member be kept and this index be prepared by the force of clerks we now have in the document room? Will it not be a very large undertaking to keep this index?

Mr. RICHARDSON. I think not. I think that index can be kept very easily, because whenever he sends out documents it diminishes the clerical force necessary in the document rooms of the two Houses, because it takes that much labor from them.

Mr. PICKLER. One other question: What is the estimate as to the number of volumes or documents that this will take away from a member? How much does it cut down the number to be distributed? How many less documents will a member have for distribution than he has now?

Mr. RICHARDSON. Not one single solitary scrap of paper will be taken from a member which he has now.

Mr. PICKLER. Where does all this reduction come in on the ethnological reports and the reports of the Smithsonian Institution? Is not the number of them cut down considerably?

Mr. RICHARDSON. Yes.

Mr. PICKLER. Then it does curtail the number which a member can get.

Mr. RICHARDSON. The law will curtail the number printed. That is all that is done.

Mr. PICKLER. That is the question I am asking. How much will it curtail the list of documents that a member will be entitled to send out?

Mr. RICHARDSON. In the case of the ethnological reports——

Mr. PICKLER. Well, taking everything together.

Mr. RICHARDSON. I have not made any estimate in that respect. It cuts down the number largely, and there is no other way to reduce the printing except by cutting down the number printed.

Mr. BLAND. Cut it down one-half, and that would not be too much.

Mr. RICHARDSON. That is what we have done. We have cut down the Ethnological Report 8,000.

Mr. PICKLER. From the list the gentleman read here, it seems that they struck the scientific departments of the Government altogether.

Mr. RICHARDSON. Oh, no.

Mr. PICKLER. I should be glad if the gentleman could state from his list the number of the Smithsonian Reports.

Mr. RICHARDSON. I do not know what the number is, as I have not my figures on that document before me. Now, Mr. Speaker——

Mr. SCOTT. Will the gentleman allow me another question?

Mr. RICHARDSON. Yes, sir.

Mr. SCOTT. I want to call his attention to section 51.

Mr. PICKLER. The gentleman has not answered my question.

Mr. RICHARDSON. I have not the memoranda at hand, but the information is in my remarks.

Mr. PICKLER. Then, I understand the gentleman to say that he has no estimate of how many less documents for distribution there will be?

Mr. RICHARDSON. It will depend upon the number printed. I can not tell the number of the various documents that will be ordered printed.

Mr. PICKLER. Has not the committee made an estimate? This bill provides how many there shall be.

Mr. RICHARDSON. It provides how many there shall be in each case; but you will have to speak specifically as to which document you refer to.

Mr. SCOTT. I wanted to ask the gentleman from Tennessee whether he did not think that section 51 gives a very large discretion to the Public Printer in the matter of the employment of apprentices, and whether he is not likely to have a great many employed who are not competent to do that work?

Mr. RICHARDSON. I think not. This is left to his discretion, and I have no doubt he will exercise that discretion in a wise manner. They are simply to learn the trade, and the object is to teach as many American boys the trade as possible.

Mr. SCOTT. The Public Printing Office is scarcely the proper place for that.

Mr. RICHARDSON. I agree with you in that; but he does employ them now, or has been employing them. It does not change the law, but makes law a custom that has obtained there.

Mr. SCOTT. I think it is a very dangerous provision, and I think the discretion altogether too great.

Mr. RICHARDSON. I think so; but no Public Printer would abuse a discretion of that kind.

Mr. STOCKDALE. Suppose all the members of Congress should send out all their books, what force would it take to do it?

Mr. RICHARDSON. I think it would take the force that is now employed in these two document rooms.

Mr. STOCKDALE. Now, if all the lists were sent in nearly at a time, would not they have to be taken up in their order?

Mr. RICHARDSON. Of course, if they were all sent in at one time, but that never will occur. They would be sent out as quickly as they could be.

I have now endeavored to answer all these questions, and I think that the motion that the gentleman from Indiana has asked me to agree to ought not to be made. I can not agree to accept it. I do not see any danger in that section of the bill. We create officers, and this matter will be under the control of the Committee on Printing and under the control of Congress; and I do not think my friend is right in undertaking to assume some other Congress will abuse the power that is given to it to make officers for Congress.

I do not believe that the next Congress will be any less wise than this, and the party in power will be held responsible by the people for the creation of new officers. I do not think we need to put the brake on that our friend suggests as necessary to be put on here. I do not believe the gentleman is warranted in coming to the conclusion that we will lose by the passage of this bill. Let us save this vast sum to the Government; let us pass this bill which will bring about the economy in the public service which I have before asserted will arise from it, and which many gentlemen believe will be brought about. Take the one matter of "reserve," where we have shown that we have saved $86,000 in a Congress in changing the law, defeat this bill, and in that one item, in my judgment, speaking it solemnly, you will permit the waste of more money than this committee clerk would expend in the next ten years. This vast sum, or a sum approximately it in amount, has been squandered and wasted for many Congresses. Vote down this bill and you continue it.

Mr. HOLMAN. I would not assume that Congress in the future will do any wrong, except to carry out the provisions of this bill. I am assuming that the duties imposed upon this officer, this so-called superintendent of public documents—that the powers conferred upon him, and which of course he will exercise, will involve an enormous expenditure. I trust that if this bill becomes a law this prediction of mine will not be verified. But the bill contains upon its face, in spite of all the caution employed in preparing the measure, provisions that will involve very heavy expenditure, growing heavier every successive year.

Mr. LIVINGSTON. I would suggest to the gentleman from Tennessee that he agree to strike out from line 4, in section 62, down to "dollars per annum," in line 8, and, in lieu of this superintendent of documents, insert a provision authorizing the Speaker of the House and the President of the Senate to appoint each a committee on documents, which shall be a committee of accounts. In that way we shall keep our business in our own hands, and let the economic features of the bill stand.

Mr. RICHARDSON. My friend proposes to make two offices instead of one.

Mr. LIVINGSTON. No, sir. We are paid a salary, and our services in this matter will not cost the Government anything extra.

Mr. RICHARDSON. Do you not propose that the Speaker and the President of the Senate shall each appoint a clerk?

Mr. LIVINGSTON. No, sir; my proposition is, that the Speaker shall appoint a committee on documents and that the President of the Senate shall do the same, so that we may keep our business in our own hands.

Mr. RICHARDSON. Well, that idea has not been considered, but I do not suppose that the members of the House want to go into the distribution of documents.

Mr. LIVINGSTON. They would not have to do it; the folding room would distribute our documents, as it does now.

Mr. SCOTT. Mr. Speaker, I ask the gentleman from Tennessee to consent to strike out section 51. I know there was a time when this matter of apprentices was a very serious objection to the management of the Government Printing Office.

Mr. RICHARDSON. I will say to my friend that his objection will not be removed by striking that section out, because they have apprentices there now, and unless you put in some prohibitive legislation they will go on in the same way.

Mr. SCOTT. I understand the present law is the same as this. Now, if we strike this out and if this bill becomes a law what will be the effect?

Mr. RICHARDSON. I do not say that the matter is provided for by statute. I say that the custom has prevailed in the office for many years, and that they have apprentices there now or have had recently.

Mr. SCOTT. Then I ask my friend to consent to strike out that section and let me offer an amendment.

Mr. DINGLEY. An amendment is not in order.

Mr. RICHARDSON. I do not object to the gentleman asking consent to offer an amendment.

Mr. DINGLEY. Amendment is not in order.

Mr. RICHARDSON. No, it is not in order now. If the gentleman had presented it at the proper time I would not have objected to taking a vote of the House upon it.

Mr. SCOTT. Mr. Speaker, I ask unanimous consent to offer an amendment now in place of section 51.

The SPEAKER *pro tempore* (Mr. BLANCHARD). Does the gentleman from Tennessee yield?

Mr. RICHARDSON. I yield for the gentleman to make his request.

Mr. SCOTT. I will prepare an amendment in a moment prohibiting the employment of apprentices in the Government Printing Office.

Mr. RICHARDSON. Now, Mr. Speaker, I yield to the gentleman from Nebraska [Mr. BRYAN] for a question.

Mr. BRYAN. Mr. Speaker, I want to ask the gentleman from Tennessee whether the superintendent here provided for is given any appointing power?

Mr. HOLMAN. Certainly.

Mr. RICHARDSON. Not absolutely.

Mr. BANKHEAD. The bill gives him power to appoint all his employés.

Mr. RICHARDSON. He can appoint, or ask for the appointment of his assistants, but he can not provide for their payment.

Mr. BRYAN. Is he to have supervision of men appointed by other authorities?

Mr. RICHARDSON. Certain clerks are transferred from the Bureau of Documents in the Interior Department and become his clerks. If he wants any more he must get them from Congress; they must be first authorized by Congress; that is, by law.

Mr. BRYAN. But those clerks are transferred at once?

Mr. RICHARDSON. Yes, sir.

Mr. BRYAN. Who dismisses them?

Mr. RICHARDSON. The head of the room, or chief clerk, I suppose, as in other cases.

Mr. BRYAN. Then we are to have three kinds of clerks here, those appointed by the House, those appointed by the Sergeant-at-Arms, and those appointed by this superintendent.

Mr. RICHARDSON. Those that he appoints are to be merely his assistants.

Mr. BRYAN. Is he to have supervision of those who are appointed by the House and by the Senate?

Mr. RICHARDSON. Oh, no; he has nothing to do with the distribution of documents in the House or in the Senate.

Mr. BRYAN. And he is to have no power to appoint except what is given here, or what may be given by subsequent legislation?

Mr. RICHARDSON. No.

Mr. REILLY. Mr. Speaker, I wish to call the attention of the gentleman from Tennessee to a provision in section 67, at the top of page 28. It is as follows:

The superintendent of documents shall appoint all employés of his office authorized by Congress.

If the superintendent himself is to be appointed by the Joint Committee on Printing, what is the reason for delegating this power to the superintendent?

Mr. RICHARDSON. The trouble is that Congress might not know how many clerks he might need.

Mr. REILLY. Then, instead of retaining the power in the hands of the Joint Committee on Printing, you delegate it to this officer?

Mr. RICHARDSON. That is it. He will select such clerical force as may be necessary, after being authorized so to do by law.

The SPEAKER. Did the gentleman from Tennessee yield to the gentleman from Illinois [Mr. SCOTT] to offer an amendment?

Mr. RICHARDSON. I yielded to allow the amendment to be read.

Mr. SCOTT. I ask unanimous consent to offer the amendment which I send to the desk.

The Clerk read as follows:

Strike out section 51, page 18, and insert in lieu thereof the following:

"No apprentices shall be employed by the Public Printer in any part of the Government Printing Office."

Mr. DINGLEY. Before the question is taken on granting unanimous consent, I would like to ask the gentleman in charge of the bill what are the duties now performed by apprentices in the Government Printing Office? Is it found necessary and economical in the conduct of the office to employ them?

Mr. RICHARDSON. As I understand this matter of apprentices (I do not profess to have a perfect familiarity with it) there have been from time to time a few boys employed there to learn the printing trade. They work there until they become proficient and then they can go elsewhere to practice their trade or

may obtain appointment as regular workmen in the office. That was the practice for many years. When the next to the last Public Printer was in office he decided that under the law he could not allow the employment of apprentices——

Mr. JOSEPH D. TAYLOR. The gentleman will allow me to ask what compensation these apprentices get?

Mr. RICHARDSON. No compensation, as I understand. They are simply permitted to learn the trade.

As I was remarking, the next to the last Public Printer, in view of the provision of the law that only skilled workmen should be employed, held that he was prohibited from employing apprentices or permitting them to work there. But the present Public Printer, returning to the old custom, has appointed a few apprentices, or at any rate he stated in his testimony before the joint committee that he favored it, and would employ them if he had the room in the office for them.

Mr. SCOTT. The object of my amendment is to prohibit the taking in of anybody to learn the trade of printing.

Mr. RICHARDSON. It would put an end to the present custom and prohibit the Public Printer from employing apprentices?

Mr. SCOTT. Yes, sir.

A MEMBER. What is the harm?

Mr. JOSEPH D. TAYLOR. I object to the amendment.

Mr. CUMMINGS. In answer to the question of the gentleman from Ohio [Mr. JOSEPH D. TAYLOR] awhile ago, I would like to say that some of these apprentices get $3.50 a day.

The SPEAKER. Objection is made, and the amendment is not before the House.

Mr. RICHARDSON. Mr. Speaker, we have now gone over this bill, and I think discussed it so far as gentlemen care to do so. I now move the previous question.

The previous question was ordered; and under the operation thereof the bill was ordered to a third reading and read the third time.

Mr. HOLMAN. I desire to submit a motion to recommit the bill with instructions.

The SPEAKER. The proposition of the gentleman from Indiana [Mr. HOLMAN] will be read.

The Clerk read as follows:

Resolved, That the pending bill be recommitted to the Committee on Printing with instructions to strike out all the provisions of the bill relative to the office of superintendent of public documents, with the right to report the bill back at any time.

Mr. HOLMAN. On this motion I ask the previous question.

Mr. SCOTT. I would like to move an amendment to the motion of the gentleman from Indiana, so as to include the provision already read prohibiting the employment of apprentices.

The SPEAKER. If the demand for the previous question is sustained the motion of the gentleman from Indiana is not amendable.

Mr. HOLMAN. I am willing to withdraw the previous question to admit the gentleman's amendment.

The SPEAKER. Does the gentleman from Indiana modify the proposed instructions?

Mr. HOLMAN. I presume the gentleman from Illinois has a right to move an amendment. One amendment is in order, I believe.

The SPEAKER. The gentleman has that right unless the previous question is demanded.

Mr. HOLMAN. I think I ought to withdraw the previous question under the circumstances.

The SPEAKER. If it is withdrawn it is withdrawn for all purposes, and the instructions are amendable in any degree. The gentleman from Illinois [Mr. SCOTT] moves to amend the motion of the gentleman from Indiana by inserting what the clerk will read.

The Clerk read as follows:

Insert after "public documents" the words "and to strike out section 51."

The SPEAKER. The question is upon the amendment of the gentleman from Illinois.

Mr. HOLMAN. I now call the previous question on the pending proposition and amendment.

Mr. BLAND. I rise to a parliamentary inquiry. I wish to know whether the amendment offered by the gentleman from Illinois [Mr. SCOTT] is germane to the proposition of the gentleman from Indiana. As I understand it, does not apply to the same paragraph or section. If this amendment is in order we might go on and amend every section of the bill.

The SPEAKER. The Chair is of opinion that it is competent for the House to give such instructions to the committee in charge of the bill as it sees fit, unless the right to amend has been cut off.

The question is on ordering the previous question upon the amendment to the motion of the gentleman from Indiana.

The previous question was ordered; under the operation of which the amendment of Mr. SCOTT to strike out section 51 was rejected; there being, on a division—ayes 35, noes 54.

The question recurring on the motion of Mr. HOLMAN to recommit with instructions, the House divided; and there were—ayes 76, noes 60.

Mr. RICHARDSON. I make the point that no quorum has voted.

The SPEAKER. The Chair will appoint tellers.

Mr. RICHARDSON and Mr. HOLMAN were appointed tellers.

Mr. RICHARDSON (one of the tellers). Mr. Speaker, quite a number of gentlemen have left the House, understanding that there would be no vote this afternoon. They communicated that fact to me before leaving, and in justice to them I move that the House do now adjourn.

LEAVE OF ABSENCE.

Pending the motion to adjourn, leave of absence was granted as follows, by unanimous consent:

To Mr. LOCKWOOD, indefinitely, on account of sickness in his family.

To Mr. DAVIS, for two days, on account of important business.

To Mr. BUSHNELL, indefinitely, on account of important business.

The motion of Mr. RICHARDSON was then agreed to.

And accordingly (at 4 o'clock and 25 minutes p.m.) the House adjourned.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were re-referred as follows:

The bills H. R. 8805, for the relief of Barney Morgan, teamster Quartermaster's Department; H. R. 9381, to increase the pension of Cyrus J. Van Lanningham; H. R. 9683, for the relief of Alvidas Mayland; H. R. 7437, for the relief of Mrs. Eliza E. Sargeant; H. R. 7717, to place the name of John C. Fruit on the pension rolls; H. R. 7980, to grant a pension to Mrs. Mima A. Read; H. R. 7160, for the relief of Henry A. Lee; H. R. 6301, granting a pension to Mary D. Craig; H. R. 6822, granting a pension to Emanuel Dougherty; H. R. 9159, for the relief of Archibald P. Cooper; H. R. 9291, to place on the pension roll the name of Capt. James G. Saint; H. R. 1188, granting a pension to William U. Mallorie; H. R. 1064, granting a pension to Harriett Fawpell; H. R. 1081, authorizing the payment of the pension of Edward S. Smith, accrued at the time of his death, to his mother Catherine; H. R. 1294, granting a pension to Thomas Nelson; H. R. 1295, granting a pension to Christena Lowe; H. R. 2104, for the relief of James Nipper, of Cleveland, Tenn.; H. R. 2593, granting a pension to Mrs. Jane M. Purdy; H. R. 4813, for the relief of Lucy A. Branham; H. R. 7122, to restore to the pension rolls the name of Elizabeth Marshall; H. R. 5822, for the relief of Charles W. Griest; H. R. 5416, granting a pension to Margaret Cronin, widow; H. R. 9518, granting a pension to Mrs. Eliza Fish; H. R. 8549, for the relief of Della and Emma Miller; H. R. 9030, for the relief of Barbara A. Cornett—the Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

The bills H. R. 2595, for the relief of Henson D. Pittman; H. R. 2123, for the relief of Thomas Fitzgibbons; H. R. 5332, to amend the military record of James Mackie, late of Company F, Berge's Regiment S.S., Volunteers of Missouri—the Committee on Pensions discharged, and referred to the Committee on Military Affairs.

BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills and resolutions of the following titles were introduced, and severally referred as follows:

By Mr. SIPE: A bill (H. R. 9786) authorizing the construction of a bridge over the Monongahela River, at West Elizabeth, in the State of Pennsylvania—to the Committee on Interstate and Foreign Commerce.

By Mr. STONE of Kentucky (by request): A bill (H. R. 9787) providing for the purchase of certain property therein named for the use of the Interior Department—to the Committee on Public Buildings and Grounds.

By Mr. PEEL: A bill (H. R. 9788) making an appropriation for the payment of arrears of interest on the trust fund of the Chickasaw Nation—to the Committee on Indian Affairs.

By Mr. CALDWELL: A bill (H. R. 9789) to reduce postage on first-class matter to 1 cent per half ounce—to the Committee on the Post-Office and Post-Roads.

By Mr. HERMANN: A bill (H. R. 9790) for the relief of purchases of timber and stone lands under the act of June 3, 1878—to the Committee on the Public Lands.

By Mr. CATCHINGS: A resolution for the amendment of Rule XXVII by striking out all down to the word "all" in the sixth line—to the Committee on Rules.

By Mr. OATES: To fix a day for the consideration of the bill to establish a uniform system of bankruptcy—to the Committee on Rules.

By Mr. HEARD: A resolution directing the United States Quartermaster-General to reinvestigate claims Nos. 115,594, pending in his department—to the Committee on Claims.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as indicated below:

By Mr. BERGEN: A bill (H. R. 9791) to correct the military record of John Evans, late captain of Company E, Fourth New Jersey Volunteers—to the Committee on Military Affairs.

By Mr. BOWERS: A bill (H. R. 9792) for the relief of the assignees of Augustus Haraszthy, a bankrupt—to the Committee on Private Land Claims.

By Mr. DURBOROW: A bill (H. R. 9793) granting a pension to Hedwig Voss, widow of Arno Voss, colonel, Illinois Volunteers—to the Committee on Invalid Pensions.

By Mr. GROUT: A bill (H. R. 9794) to pension Betsy Bush, of Bondville, Vt.—to the Committee on Invalid Pensions.

By Mr. HERMANN: A bill (H. R. 9795) increasing the pension of Melancthon McCoy—to the Committee on Invalid Pensions.

By Mr. HOOKER of New York: A bill (H. R. 9796) for the relief of Thankful Robbins—to the Committee on Invalid Pensions.

By Mr. LODGE: A bill (H. R. 9797) for the relief of Mrs. R. M. Bartleman—to the Committee on Pensions.

By Mr. O'FERRALL: A bill (H. R. 9798) for the relief of the heirs of the late Mrs. Mary Ann Randolph Custis Lee, of Fairfax County, Va.—to the Committee on War Claims.

By Mr. CHARLES W. STONE: A bill (H. R. 9799) to remove the charge of desertion standing against the name of Edward J. Butler—to the Committee on Military Affairs.

By Mr. TAYLOR of Tennessee: A bill (H. R. 9800) for the relief of the heirs of James A. Galbreaith—to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALDERSON: Nineteen petitions of claimants of West Virginia, as follows: of John Q. Summers, of Nicholas County; of W. W. Neil, of Nicholas County; of J. F. V. Neil for the estate of Robert Neil, deceased; of George W. Morris, jr.; of John E. Hardway, of Nicholas County; of Levi Gay, deceased, late of Pocahontas County; of A. J. Shumate, late of Raleigh County; of John A. Dempsy, of Fayette County; of Abraham Shimebray, of Pocahontas County; of Uriah Phillips, for the estate of Frederick R. Phillips, of Pocahontas County; of Peyton Morton, of Fayette County; of William Masters, deceased, late of Fayette County; of J. Thomas Blake, administrator of McDowell Blake, deceased, late of Fayette County; of Mrs. Margaret Dotson, executrix of Thomas Dotson, deceased, of Fayette County; of B. S. Harper, heir of Jacob Harper, deceased; of Newton Shumate, of Raleigh County; of William F. Ervine, of Pocahontas County; of James E. Sikens, of Fayette County, and of Jane Sumers, *nee* Harrold, for the claim of C. A. Harrold, deceased, late of Nicholas County, praying that their claims be referred to the Court of Claims under the provisions of the Bowman act—to the Committee on War Claims.

By Mr. COBURN: Petition of Congregational churches at West Salem, Wis., relating to closing the World's Fair on Sunday, etc.—to the Select Committee on the Columbian Exposition.

By Mr. COMPTON: Petition of Dr. Charles G. W. McGill, Dr. George H. Roe, and others, asking for an appropriation to assist defraying the expenses of the Pan-American Medical Congress—to the Committee on Appropriations.

By Mr. COOLIDGE: Petition of Seth C. Cary and others, of Gardner, Mass., praying for a sixteenth amendment to the Constitution—to the Committee on the Judiciary.

By Mr. DALZELL: Petition of the First, Second, Third, and Fifth United Presbyterian churches of Pittsburg, Pa., against opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. DUNPHY: Petition of James M. Touhey, to accompany bill for relief—to the Committee on Military Affairs.

By Mr. GROUT: Memorial of Betsy Brush for a pension—to the Committee on Invalid Pensions.

By Mr. HITT: Petition and memorial of the congregation of the Christian Church at Rockford, Ill., thanksgiving day, thanking Congress for Sunday-closing legislation had, and urging its maintenance—to the Select Committee on the Columbian Exposition.

By Mr. HOOKER of New York: Petition of Thankful Robins for relief—to the Committee on Invalid Pensions.

By Mr. LODGE: Memorial of the Boston Chamber of Commerce, opposing the passage of the Washburn and Hatch anti-option bills—to the Committee on Agriculture.

By Mr. LOUD: Petition of congregations of all churches held at Gilroy, Cal., thanking Congress for closing the World's Fair on Sunday, praying for prohibition of sale of liquor, and for the restriction of immigration—to the Select Committee on the Columbian Exposition.

By Mr. MANSUR: Petition of Rev. James T. Hanston and 48 others, of Missouri, against the Sunday opening of the World's Columbian Exposition—to the Select Committee on the Columbian Exposition.

By Mr. O'DONNELL: Petition of 76 citizens of Leslie, Mich., praying that a pension be granted to Diantha Crooker—to the Committee on Invalid Pensions.

Also, resolutions of World's Fair managers for Michigan, in favor of keeping the Fair open on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. PERKINS: Petition of Reformed Church of Maurice, Iowa, in behalf of Sunday closing of the World's Fair—to the Select Committee on the Columbian Exposition.

By Mr. WILLIAM A. STONE: Resolution of the Methodist Episcopal, Presbyterian, and United Presbyterian churches of Emsworth, Pa., relative to closing the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. EZRA B. TAYLOR: Petition of citizens of Munson, Ohio, against opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. WILLIAMS of Illinois: Petition of W. F. Hall and W. W. Hall, relative to the pension claim of James C. Finn, late Company D, South Cumberland, of Kentucky Volunteers—to the Committee on Invalid Pensions.

By Mr. WRIGHT: Petition of Dr. W. L. Richardson and 12 other physicians of Susquehanna County, Pa., in favor of an appropriation by Congress of $44,983 to defray expenses of Pan-American Medical Congress to be held in the city of Washington in September, 1893—to the Committee on Appropriations.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the committees were discharged from the consideration of the following petitions; which were re-referred as follows:

By Mr. BUTLER: Petition for the encouragement of silk culture—from the Committee on Ways and Means to the Committee on Agriculture.

Also, petition to prevent the adulteration of food and drugs—from the Committee on Ways and Means to the Committee on Agriculture.

By Mr. BURROWS: Four petitions on dealing in options—from the Committee on Ways and Means to the Committee on Agriculture.

Also, petition on silk culture—from the Committee on Ways and Means to the Committee on Agriculture.

By Mr. BRICKNER: Petition on dealing in options—from the Committee on Ways and Means to the Committee on Agriculture.

By Mr. CLARK of Wyoming: Three petitions favoring the establishment of a branch home for disabled soldiers and sailors at Fort Steele Military Reservation—from the Committee on Ways and Means to the Committee on Military Affairs.

By Mr. DINGLEY: Petition for free delivery of mails to rural district—from the Committee on Ways and Means to the Committee on the Post-Office and Post-Roads.

By Mr. WOLVERTON: Petition for the prevention of the adulteration of food and drugs—from the Committee on Ways and Means to the Committee on Agriculture.

By Mr. PICKLER: Petition asking that timber-culture claimants be allowed to make final proof of homestead claimants—from the Committee on Ways and Means to the Committee on the Public Lands.

By Mr. VAN HORN: Petition to prevent the adulteration of food and drugs—from the Committee on Ways and Means to the Committee on Agriculture.

By Mr. LAYTON: Petition to prevent the adulteration of food and drugs—from the Committee on Ways and Means to the Committee on Agriculture.

By Mr. WILLCOX: Three petitions relating to silk culture—from the Committee on Ways and Means to the Committee on Agriculture.

By Mr. HITT: Petition relating to silk culture—from the Committee on Ways and Means to the Committee on Agriculture.

By Mr. PEEL: Petition relating to Mark Jackson, late private of Company C, First Regiment of Arkansas Cavalry, Mexican war—from the Committee on Invalid Pensions to the Committee on Pensions.

HOUSE OF REPRESENTATIVES.

FRIDAY, *December 9, 1892.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of yesterday was read and approved.

REFERENCE OF SENATE BILL.

The SPEAKER laid before the House the bill (S. 2345) to authorize the construction of a bridge across the Mississippi River above New Orleans; which was read twice and referred to the Committee on Interstate and Foreign Commerce.

DEATH OF HON. JOHN G. WARWICK, OF OHIO.

The SPEAKER also laid before the House the resolutions of the Senate in regard to the death of Hon. John G. Warwick, late a Representative from the State of Ohio; which were laid on the table.

CERTIFICATE OF ELECTORAL VOTES OF COLORADO AND CONNECTICUT.

The SPEAKER also laid before the House certificates, transmitted by the Secretary of State, showing the final ascertainment of the electors for President and Vice-President in the State of Colorado, and also in the State of Connecticut; which were severally ordered to be laid upon the table.

BOARD OF LADY MANAGERS, COLUMBIAN EXPOSITION.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting an estimate of appropriation submitted by the president of the World's Columbian Exposition for the expenses of the Board of Lady Managers for the fiscal year ending June 30, 1893; which was referred to the Committee on Appropriations.

CONTINGENT EXPENSES, WAR DEPARTMENT.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting report of the receipts and expenditures on account of appropriations for contingent expenses of the War Department for the fiscal year ending June 30, 1892; which was referred to the Committee on Expenditures in the War Department.

EXPENSES WORLD'S COLUMBIAN EXPOSITION.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting an estimate of appropriations, forwarded by the president of the World's Columbian Exposition, for the expenses of the Commission for the fiscal years 1893 and 1894; which was referred to the Committee on Appropriations.

RANK OF RETIRED ARMY OFFICERS.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a communication addressed to the chairman of the Committee on Military Affairs, signed by certain army officers stationed at Fort Sill, Okla., requesting the passage of a bill fixing the rank of retired army officers; which was referred to the Committee on Military Affairs.

IMPROVEMENTS OF RIVERS AND HARBORS.

The SPEAKER also laid before the House letters from the Acting Secretary of War, transmitting communications from the Chief of Engineers with report of examination and survey of the following rivers and harbors; which were severally referred to the Committee on Rivers and Harbors, namely:

Whale Creek, New Jersey; harbor at Yaquina Bay, Oregon, with a view of obtaining 25 feet of water at mean low water upon the bar at the entrance; for inland water way connecting the Mispillion and Broadkiln rivers, Delaware, so as to reopen the navigation of Cedar, Slaughter, and Primehook creeks; Merced River, California; Rockland Harbor, Maine; Portland Harbor, Maine; Saugus River, Massachusetts; the entrance to the harbor of San Francisco, Cal., known as the Golden Gate; the south branch of the Patapsco River, at Baltimore, Md.; Lincolnville Harbor, Maine, locally known as Duck Trap Harbor; Norwalk Harbor, Connecticut; Spokane River, Idaho, from Post Falls to Lake Cœur d'Alene; the channel near Hardys Point, below Pembroke, Maine; Chetco River, Oregon; Pocomoke River, Maryland, with the view of uniting the waters of said river with the waters of Sinepuxent Bay at a point above Snow Hill; Durhams Estuary, North Carolina; the Mississippi River at and near Bellevue, Iowa; Berrians Creek, Long Island, New York; Harbor at Stockbridge, on Lake Winnebago, Wisconsin; the Ohio River between Livingston Point and the head of Tennessee Island, with the view of protecting the harbor and marine way at Paducah, Kentucky; the bar at the mouth of Alaqua Bayou, Florida; Kootenai River from Fry, Idaho, to international boundary line; Snohomish River, Washington, from its mouth to Lowell; Cooper Creek, New Jersey; Twelve Mile Creek, California; the mouth of Parish Creek, Maryland; Mississippi River, Iowa side, from mouth of Iowa River to Burlington; Nestucca River as far as Woods, Oregon; for lock and dam at the most practical point for navigation on the Allegheny River, Pennsylvania; between the dam at Tarentum and Herr Island Dam, Pennsylvania; for channel west of Robbins Reef Light-house, to connect the mouth of Arthur Kill with New York Harbor, New York; Tennant Harbor, Maine; and Hammond Bay, Lake Huron, Michigan, at the mouth of Ocqueoc River.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. BEEMAN, indefinitely, on account of sickness.

LEAVE TO WITHDRAW PAPERS.

By unanimous consent, leave was granted, on motion of Mr. RUSK, to withdraw from the files of the House the papers in the case of A. Trego Shertzer, now on file in the Clerk's office.

PRINTING IN RELATION TO PENSION LAWS.

The SPEAKER. The gentleman from Ohio [Mr. PEARSON], from the committee appointed at the last session to codify the pension laws, asks leave for that committee to have printed such matter as may be necessary in the consideration of matters before them. Without objection that order will be made.

There was no objection, and it was so ordered.

ADJOURNMENT UNTIL MONDAY.

Mr. MCMILLIN. I move that when the House adjourn to-day it adjourn to meet on Monday next.

The motion was agreed to.

NICARAGUA CANAL.

Mr. WISE. Mr. Speaker, I hold in my hand a memorial, passed by the convention recently held in New Orleans, relative to the construction of the Nicaragua Canal. This resolution is for reference to the Committee on Interstate and Foreign Commerce. I ask unanimous consent that it may be printed in the RECORD for the information of members of the House?

The SPEAKER. The gentleman from Virginia [Mr. WISE] asks unanimous consent to print in the RECORD a memorial, the title of which the Clerk will read, so that the House may understand it.

The Clerk read as follows:

Preamble and resolutions of national Nicaragua canal convention, urging upon Congress the importance of constructing said canal.

The SPEAKER. Is there objection to the printing of the memorial in the RECORD?

Mr. KILGORE. Mr. Speaker, I object.

Mr. WISE. I hope the gentleman will withdraw the objection. I will state to the gentleman from Texas [Mr. KILGORE] that it will occupy but a very small space in the RECORD.

Mr. KILGORE. I object, because I do not think we should encumber the RECORD with a lot of slush of that kind.

Mr. WISE. It will occupy but a very small space in the RECORD.

Mr. KILGORE. I withdraw the objection, although I think the printing of such matter in the RECORD is objectionable.

The SPEAKER. If there be no objection——

Mr. STONE of Kentucky. Mr. Speaker, I object.

Mr. WISE. This is simply a memorial relating to the construction of the Nicaragua Canal, passed by the convention recently held in New Orleans. It is a subject of importance, and I ask the gentleman to withdraw his objection.

Mr. STONE of Kentucky. I do not want to commit this Congress to any such project.

Mr. WISE. You do not commit anybody by giving consent that this memorial may be printed in the RECORD for the information of members.

Mr. SPRINGER. It is very short?

Mr. WISE. It is very short. It will occupy but a column.

Mr. STONE of Kentucky. It has been or can be printed in the newspapers, and the people can read it in that way.

The SPEAKER. Is there objection to the request?

Mr. WISE. I ask the gentleman from Kentucky [Mr. STONE] to withdraw his objection.

Mr. STONE of Kentucky. Mr. Speaker, I object.

The SPEAKER. Objection is made. The memorial will be referred to the Committee on Interstate and Foreign Commerce.

COMMITTEE CHANGES.

The SPEAKER announced the following resignations and appointments:

Resignations:

Mr. BACON from the Committee on the Judiciary.

Mr. SCOTT from the Committee on War Claims.

Mr. GORMAN from the Committee on Expenditures in the Post-Office Department.

Mr. BRETZ from the Committee on Education.

Appointments:
Mr. FELLOWS to the Committee on the Judiciary.
Mr. BRETZ to the Committee on Public Buildings and Grounds.
Mr. SCOTT to be chairman of the Committee on Enrolled Bills.
Mr. BROWN of Maryland to the Committee on Naval Affairs.
Mr. GORMAN to the Committee on Military Affairs.
Mr. MCLAURIN to the Committee on Education.
Mr. OHLIGER to the Committee on Enrolled Bills.
Mr. CADMUS to the Committee on Invalid Pensions.
Mr. SIPE to the Committee on the Militia.
Mr. HILBORN to the Committee on War Claims.
Mr. SIPE to the Committee on Expenditures in the Post-Office Department.
Mr. MCLAURIN to the Committee on the Militia.

AMENDMENT TO THE RULES.

Mr. CATCHINGS. Mr. Speaker, I desire to present a report from the Committee on Rules, which I ask the Clerk to read.

The Clerk read as follows:

Mr. CATCHINGS submitted the following, which was referred to the Committee on Rules:

"*Resolved*, That Rule XXVII of the House of Representatives be, and the same is hereby, amended so that the same shall read as follows:

"'RULE XXVII.

"'UNFINISHED BUSINESS OF THE SESSION.

"'All business before committees of the House at the end of one session shall be resumed at the commencement of the next session of the same Congress in the same manner as if no adjournment had taken place.'"

Mr. CATCHINGS. Mr. Speaker, I move the adoption of the report.

The motion of Mr. CATCHINGS was agreed to.

CALL OF STANDING AND SELECT COMMITTEES.

The Clerk, under direction of the Speaker, proceeded to call the roll of standing and select committees for reports. No reports were presented.

ORDER OF BUSINESS.

Mr. RICHARDSON. Mr. Speaker, I call up the unfinished business of yesterday.

The SPEAKER. Unless the House proceeds to the Private Calendar, the Chair will direct the Clerk to call the committees for the consideration of business in the second morning hour.

Mr. HOOKER of Mississippi. Mr. Speaker——

Mr. OUTHWAITE. Mr. Speaker, I ask unanimous consent to dispense with the second morning hour.

The SPEAKER. The gentleman from Ohio asks unanimous consent to dispense with the second morning hour. Is there objection?

Mr. MCRAE. What is the request?

The SPEAKER. That the committees be not called this morning for the second morning hour.

Mr. MCRAE. Why not?

Mr. HOOKER of Mississippi. Why not?

Mr. MCRAE. I object.

Mr. HOOKER of Mississippi. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HOOKER of Mississippi. Is not this day, Friday, set apart under the rules as a day on which the Private Calendar is in order?

The SPEAKER. It is, when a motion is made respecting it. The Chair stated that if no motion was made respecting the Private Calendar——

Mr. HOOKER of Mississippi. I call for the regular order.

The SPEAKER. This is the regular order.

Mr. HOOKER of Mississippi. I hope that this day will be devoted to the purpose to which, under the rules, it was intended to be applied. I move, therefore, that we proceed to the consideration of bills on the Private Calendar. It will be remembered, Mr. Speaker, that during the last session of Congress we had very few opportunities to consider business on the Private Calendar. There was one case which stood at the head of the Calendar, and its consideration barred all action on other cases. I hope, therefore, that the gentlemen of the State from which that case comes will withdraw it from consideration and allow the House to proceed to consider that class of cases on the Private Calendar to which there is no objection. I move, therefore, that the House go into Committee of the Whole on the Private Calendar.

The SPEAKER. That is in order under the rule:

On Friday of each week after the morning hour it shall be in order to entertain a motion that the House resolve itself into Committee of the Whole House to consider business on the Private Calendar.

Mr. HOOKER of Mississippi. I make that motion.

Mr. DINGLEY. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DINGLEY. What business would be in order if the House should resolve itself into Committee of the Whole on the Private Calendar? Is there any business on which the previous question has been ordered?

The SPEAKER. The Chair is not informed.

The question was taken on the motion to go into Committee of the Whole, and the Speaker announced that the noes seemed to have it.

Mr. HOOKER of Mississippi. I call for a division.

The House divided; and there were—ayes 47, noes 88.

Mr. HOOKER of Mississippi. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 76, nays 140, not voting 113; as follows:

YEAS—76.

Abbott,	Cowles,	Hooker, Miss.	Peel,
Allen,	Cox, N. Y.	Kyle,	Pendleton,
Amerman,	Crawford,	Lanham,	Richardson,
Beltzhoover,	Culberson,	Lawson, Ga.	Seerley,
Boatner,	Cummings,	Layton,	Sperry,
Branch,	Daniell,	Lester, Va.	Springer,
Breckinridge, Ark.	De Forest,	Little,	Stockdale,
Bunn,	Enloe,	Livingston,	Stone, Ky.
Butler,	Fellows,	Loud,	Tracey,
Cadmus,	Forney,	Mansur,	Tucker,
Capehart,	Gillespie,	Martin,	Turner,
Caruth,	Grady,	McAleer,	Warner,
Cate,	Greenleaf,	McKaig,	Wheeler, Ala.
Causey,	Hare,	McMillin,	Wheeler, Mich.
Chipman,	Harter,	McRae,	Williams, N. C.
Cobb, Mo.	Hemphill,	Oates,	Wilson, Mo.
Coburn,	Henderson, N. C.	O'Ferrall,	Wilson, W. Va.
Coolidge,	Hermann,	O'Neil, Mass.	Winn,
Covert,	Hitt,	Page,	Youmans.

NAYS—140.

Andrew,	Curtis,	Houk, Ohio	Pierce,
Antony,	Cutting,	Hull,	Ray,
Arnold,	Dalzell,	Johnson, N. Dak.	Rayner,
Atkinson,	De Armond,	Jolley,	Reed,
Babbitt,	Dingley,	Jones,	Reyburn,
Bailey,	Dixon,	Kilgore,	Rockwell,
Baker,	Doan,	Kribbs,	Sayers,
Bankhead,	Dockery,	Lane,	Scott,
Barwig,	Dolliver,	Lapham,	Scull,
Belknap,	Durborow,	Lester, Ga.	Shively,
Bentley,	Edmunds,	Lodge,	Simpson,
Blanchard,	Elliott,	Long,	Sipe,
Bland,	English,	Lynch,	Smith,
Blount,	Epes,	Mallory,	Snodgrass,
Bowers,	Everett,	McGann,	Snow,
Bretz,	Fithian,	McKinney,	Steward, Ill.
Brickner,	Flick,	McLaurin,	Stone, W. A.
Broderick,	Forman,	Miller,	Storer,
Brookshire,	Fyan,	Mitchell,	Stout,
Brosius,	Gantz,	Moore,	Taylor, Ill.
Brown, Ind.	Geary,	Mutchler,	Taylor, Tenn.
Brunner,	Geissenhainer,	Newberry,	Taylor, E. B.
Bryan,	Gorman,	Norton,	Taylor, J. D.
Burrows,	Griswold,	O'Donnell,	Terry,
Busey,	Grout,	Ohliger,	Tillman,
Bynum,	Halvorson,	O'Neill, Pa.	Townsend,
Caldwell,	Harries,	Otis,	Van Horn,
Castle,	Haugen,	Owens,	Watson,
Clover,	Haynes, Ohio	Parrett,	Waugh,
Cobb, Ala.	Henderson, Ill.	Patterson, Tenn.	Weadock,
Coombs,	Herbert,	Pattison, Ohio	White,
Cooper,	Hilborn,	Patton,	Wike,
Cox, Tenn.	Holman,	Payne,	Williams, Mass.
Crain, Tex.	Hooker, N. Y.	Pearson,	Williams, Ill.
Crosby,	Hopkins, Pa.	Perkins,	Wise.

NOT VOTING—113.

Alderson,	Compton,	Ketcham,	Robinson, Pa.
Alexander,	Davis,	Lagan,	Rusk,
Bacon,	Dickerson,	Lawson, Va.	Russell,
Bartine,	Donovan,	Lewis,	Sanford,
Beeman,	Dungan,	Lind,	Shell,
Belden,	Dunphy,	Lockwood,	Shonk,
Bergen,	Ellis,	Magner,	Stahlnecker,
Bingham,	Enochs,	McClellan,	Stephenson,
Boutelle,	Fitch,	McCreary,	Stevens,
Bowman,	Fowler,	McKeighan,	Stewart, Tex.
Brawley,	Funston,	Meredith,	Stone, C. W.
Breckinridge, Ky.	Goodnight,	Meyer,	Stump,
Brown, Md.	Hall,	Milliken,	Sweet,
Buchanan, N. J.	Hallowell,	Montgomery,	Tarsney,
Buchanan, Va.	Hamilton,	Morse,	Taylor, V. A.
Bullock,	Harmer,	Moses,	Turpin,
Bunting,	Hatch,	O'Neill, Mo.	Wadsworth,
Bushnell,	Hayes, Iowa	Outhwaite,	Walker,
Byrns,	Heard,	Paynter,	Washington,
Cable,	Henderson, Iowa	Pickler,	Wever,
Caminetti,	Hoar,	Post,	Whiting,
Campbell,	Hopkins, Ill.	Powers,	Willcox,
Catchings,	Houk, Tenn.	Price,	Wilson, Ky.
Cheatham,	Huff,	Quackenbush,	Wilson, Wash.
Clancy,	Johnson, Ind.	Raines,	Wolverton,
Clark, Wyo.	Johnson, Ohio	Randall,	Wright.
Clarke, Ala.	Johnstone, S. C.	Reilly,	
Cockran,	Kem,	Rife,	
Cogswell,	Kendall,	Robertson, La.	

So the motion was not agreed to.

The following pairs for this day were announced:

Mr. CAMINETTI with Mr. MILLIKEN.
Mr. OHLIGER with Mr. KETCHAM.
Mr. BOWMAN with Mr. BINGHAM.
Mr. ELLIS with Mr. HUFF.
Mr. DICKERSON with Mr. BARTINE.
Mr. LOCKWOOD with Mr. STEPHENSON.

The following-named members were announced as paired until further notice:

Mr. MCCREARY with Mr. MORSE.
Mr. MONTGOMERY with Mr. WEVER.
Mr. PAYNTER with Mr. BELDEN.
Mr. GOODNIGHT with Mr. SHONK.
Mr. WASHINGTON with Mr. SANFORD.
Mr. CLARKE of Alabama with Mr. VINCENT A. TAYLOR.
Mr. HATCH with Mr. HARMER.
Mr. WILLCOX with Mr. RUSSELL.
Mr. ROBERTSON of Louisiana with Mr. HOUK of Tennessee.

The following were announced as paired on this vote:

Mr. MOSES with Mr. PICKLER.
Mr. STEVENS with Mr. RANDALL.

The result of the vote was then announced as above recorded.

ORDER OF BUSINESS.

Mr. RICHARDSON. Mr. Speaker, I now call up the unfinished business.

Mr. HOOKER of Mississippi. Mr. Speaker, I move that the House do now adjourn.

Mr. RICHARDSDN. I hope the gentleman from Mississippi will withdraw that motion and let us dispose of the unfinished business coming over from yesterday.

Mr. HOOKER of Mississippi. Will the gentleman move to adjourn after that is done?

Mr. RICHARDSON. I will.

Mr. HOOKER. Then, Mr. Speaker, I withdraw my motion, as the gentleman from Tennessee [Mr. RICHARDSON] says he will renew it.

PRINTING BILL.

Mr. RICHARDSON. Now, Mr. Speaker, I call up the unfinished business, the printing bill.

The SPEAKER. The bill before the House yesterday was ordered to be read a third time, and was read a third time, and, pending the question on its passage, the gentleman from Indiana [Mr. HOLMAN] moved to recommit the bill with instructions. The previous question was ordered, a vote was taken, and, no quorum appearing, tellers were appointed on the motion to recommit.

Mr. HOLMAN. Mr. Speaker, I ask unanimous consent to dispense with the motion to recommit, in order that we may take a vote at once upon the proposition involved in that motion, which is to strike out the sections of the bill providing for a superintendent of public documents. If that be done the bill will go at once to a conference committee, and can be disposed of without coming back to the House. I therefore submit the request that, by unanimous consent, that course be adopted and a vote taken at once. If that is agreed to I will move to strike out sections 62 to 73, inclusive, which are the sections creating this new office of superintendent of public documents, leaving the balance of the bill unchanged.

Mr. DINGLEY. As I understand the request of the gentleman from Indiana, it is that the motion to recommit be vacated, and that then a direct motion to amend the bill be permitted to be made in the House.

Mr. HOLMAN. Yes, sir.

Mr. RICHARDSON. Mr. Speaker, I hope that request will be agreed to. It will bring us to a direct vote upon the motion to strike out these sections of the bill.

Mr. REED. Are the amendments to be further debated?

Mr. RICHARDSON. Well, the previous question has not been ordered on the passage of the bill, but I do not want to debate it any further.

The SPEAKER. To accomplish the purpose of the gentleman from Indiana [Mr. HOLMAN] it will be necessary that the motion to recommit be withdrawn and that the House reconsider the vote by which the bill was ordered to a third reading. The bill has in fact been read a third time.

Mr. HOLMAN. Then, Mr. Speaker, I withdraw the motion to recommit.

The SPEAKER. The gentleman from Indiana, withdrawing his motion to recommit, asks unanimous consent that the vote by which the bill was ordered to a third reading be reconsidered. Is there objection?

Mr. DINGLEY. I object.

Mr. RICHARDSON. I hope the gentleman will not object. If he is a friend of the bill I ask him not to object. It is a gentleman who is opposed to the bill that is making the request. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RICHARDSON. Is it necessary that the gentleman from Indiana [Mr. HOLMAN] should have the unanimous consent to withdraw his motion to recommit; there has been no vote upon it.

The SPEAKER. Unanimous consent was asked to reconsider the vote by which the bill was ordered to a third reading. Is there objection to the proposition of the gentleman from Indiana?

There was no objection, and it was so ordered.

The SPEAKER. The bill is now before the House.

Mr. HOLMAN. Now, Mr. Speaker, I offer the amendment which I send to the desk.

The amendment was read, as follows:

Amend by striking out sections 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, and 73.

Mr. HOLMAN. Those are the sections which provide for the office of superintendent of public documents.

The SPEAKER. The Clerk will report the sections, so that the House may understand what it is proposed to strike out.

Mr. HOLMAN. Mr. Speaker, I think the House understands exactly the substance of those sections. They are, as I have already said, the sections which create a superintendent of public documents and confer upon him certain powers.

Mr. PEEL. Mr. Speaker, I ask that the sections be read.

Mr. HOLMAN. I ask unanimous consent, inasmuch as those sections are understood by the House, that the reading be dispensed with.

Mr. PEEL. I object.

The SPEAKER. The Clerk will report the sections.

The Clerk read as follows:

SEC. 62. The Joint Committee on Printing is hereby authorized and directed to appoint a clerk to said joint committee, who shall be superintendent of documents and be entitled to receive a salary of $2,500 per annum. He shall have general supervision of the distribution of all public documents, and to his custody shall be committed all documents subject to distribution when a member so desires, excepting those printed for the special official use of the Executive Departments, which shall be delivered to said Departments, and those printed for the use of the two Houses of Congress, which shall be delivered to the folding rooms of said Houses and distributed or delivered ready for distribution to Members and Delegates upon their order by the superintendents of the folding rooms of the Senate and House of Representatives.

SEC. 63. When desired all orders for the distribution of documents by Senators, Representatives, or Delegates, who may so request, and orders from Departments shall be sent to the superintendent of documents on franked or other labels or in lists, which shall be kept confidential, and which shall give the name and address of each and every party to whom documents are ordered sent; and it shall be the duty of the superintendent of documents to establish such a system of registration by card index, or otherwise, as will prevent duplication in the distribution of documents, and such a system of notification by mail as will most effectually secure the reception of documents by parties in whose behalf they are ordered: *Provided*, That when the same document is ordered sent to the same party by two members of Congress or Departments the sender whose order is last received shall be notified of the fact that said order is a duplicate and it shall not be executed, except upon further special order.

Exchanges of documents among members of Congress shall, upon their request, be made by the superintendent of documents, or by the superintendents of the folding rooms of the respective Houses; and accounts of such exchanges shall be kept by them.

SEC. 64. The superintendent of documents is also charged with the sale of public documents, except as herein otherwise provided; and all documents hitherto published for sale by other officers of the Government shall be turned over to him. He is hereby authorized to sell any publication of the Government at cost, as estimated by the Public Printer, and based upon printing from stereotyped plates, excepting old and rare volumes, which shall be sold at an appraised value, to be determined by the superintendent of documents, the Public Printer, and the Librarian of Congress, acting as a commission for this purpose; but only one copy of any document shall be sold to the same individual, excepting in the case of libraries or schools, by which additional copies are desired for separate departments thereof. All moneys received from the sale of documents shall be covered into the Treasury monthly and placed to the credit of the general fund for public printing.

SEC. 65. The superintendent of documents shall, at the close of each regular session of Congress, prepare and publish a comprehensive index of public documents, beginning with the Fifty-second Congress, upon such plan as shall be approved by the Joint Committee on Printing; and the Public Printer shall, immediately upon its publication, deliver to him a copy of each and every document printed by the Government Printing Office; and the head of each of the Executive Departments, bureaus, and offices of the Government shall deliver to him a copy of each and every document issued or published by such department, bureau, or office not confidential in its character. He shall also prepare and print in one volume a consolidated index of Congressional documents, and shall index such single volumes of documents as the Joint Committee on Printing shall direct.

SEC. 66. The superintendent of documents shall report annually to Congress the number of documents received by him from the Public Printer, and the disposition made of the same; the aggregate number of volumes, orders for the distribution of which have been received from each House of Congress; the number of copies of each document sold by him, and the price per copy, and also the number of employés in his office, the duties assigned, and wages paid them.

SEC. 67. Upon the appointment of the superintendent of documents the office of superintendent of documents in the Department of the Interior shall be abolished. The clerks and employés of said office shall be transferred to the office of the superintendent of documents herein established, and shall remain until their successors shall be appointed: *Provided*, That their salaries shall continue to be paid by the disbursing officer of the Department of the Interior from the appropriations already made, until other provision for said salaries shall be made. The superintendent of documents shall appoint all employés of his office authorized by Congress.

SEC. 68. All official correspondence of the superintendent of documents and all replies to the same shall be entitled to free transmission by mail, and he shall be entitled to frank public documents: *Provided*, That in the transmission of such mail matter envelopes, labels, or postal cards are used on which the name of the office and the penalty clause are printed.

SEC. 69. The Public Printer is hereby authorized and directed, upon the requisition of the superintendent of documents, to furnish such blanks and to do such printing and binding as are required by his office, the cost of the same to be charged against the appropriation for printing and binding for Congress: *Provided*, That whenever there shall be found in the standard

dictionaries varied spelling of a word it shall be the duty of the Public Printer to use the simplest form.

The Sergeant at-Arms of the Senate, Doorkeeper of the House, and the Public Printer shall provide convenient office, storage, and distributing rooms for the use of the superintendent of documents.

SEC. 70. All documents at present remaining in charge of the several Executive Departments, bureaus, and offices of the Government not required for official use shall be delivered to the superintendent of documents, and hereafter all public documents accumulating in said Departments, bureaus, and offices not needed for official use shall be annually turned over to the superintendent of documents for distribution or sale. The Secretary and Sergeant-at-Arms of the Senate, and the Clerk and Doorkeeper of the House, shall cause an invoice to be made of all books stored in and about the Capitol other than those belonging to the quota of Members of Congress and Delegates and to the Senate library; and all such documents, unless ordered to be retained by the chairmen of the committees by which they have been stored, shall be transferred to the superintendent of documents for distribution and sale, as provided in this act, and such invoicing and transfer shall be made annually hereafter.

Where, in the division among Senators, Representatives, and Delegates of extra copies of documents printed for the use of Congress, there shall be a remainder beyond the number of 25 to each House of Congress, the surplus beyond 25 shall be turned over by the superintendents of the folding rooms to the superintendent of documents for distribution and sale by him under the provisions of this law. All documents delivered to the superintendent of documents from accumulations thereof in the Executive Departments, or received from officers of the two Houses, shall be distributed by him, first, to public and school libraries for the purpose of completing broken sets; second, to public and school libraries that have not been supplied with any portion of such sets; and, third, to other parties, which persons and libraries shall be named to him by Senators, Representatives, and Delegates in Congress; and in this distribution the superintendent of documents shall see that as far as possible an equal allowance is made to each member of Congress.

SEC. 71. A catalogue of Government publications shall be prepared by the superintendent of documents on the first day of each month, which shall be printed in the Official Gazette of the Patent Office, and during sessions of Congress also in the CONGRESSIONAL RECORD, and shall show the documents printed during the month, where obtainable, and the price thereof. On the 1st day of July of each year he shall prepare and print in pamphlet form for distribution and sale 2,000 copies of a catalogue of Government publications issued during the year, giving the price of each and where purchasable.

SEC. 72. When extra numbers in excess of 5,000 of any document shall be ordered by Congress, there shall be delivered to the superintendent of documents 500 copies, to be taken ratably from the two Houses of Congress; and where less than 5,000 extra numbers are ordered the superintendent shall receive 10 per centum of the number. Said copies shall be distributed by the superintendent of documents to free public libraries having more than 1,000 volumes, other than Government publications, which have not been designated as depositories, preference being given to those named by Senators, Representatives, and Delegates.

SEC. 73. The superintendent of documents shall thoroughly investigate the condition of all libraries that are now designated depositories, and whenever he shall ascertain that the number of books in any such library other than college libraries is below 1,000, other than Government publications, or it has ceased to be maintained as a public library, he shall strike the same from the list, and the Senator, Representative, or Delegate shall designate another depository that shall meet the conditions herein required.

Mr. RICHARDSON. Mr. Speaker, if I can have the attention of the House, I will state the parliamentary situation. The motion made by the gentleman from Indiana [Mr. HOLMAN] on yesterday afternoon, was to recommit the bill to the Committee on Printing with instructions to strike out the sections which have just been read.

These sections relate to the office of superintendent of documents, and define the duty of that officer. If the motion is modified, as the gentleman from Indiana [Mr. HOLMAN] now asks that it be modified, so as to allow a vote upon the motion to strike out, that will accomplish the same thing as would be accomplished if his motion made yesterday afternoon were voted upon and adopted by the House, the bill recommitted to the committee and reported back with these sections stricken out. For that reason I have agreed that the vote shall be taken directly on the proposition to strike out, rather than on the proposition to recommit to the Committee on Printing.

Of course the Committee on Printing do not agree to this motion. We are as much opposed to this as to the other, because we believe the bill should pass in its present form. I will not argue the matter further, but simply state the parliamentary status.

Mr. HOLMAN. My friend ought to add that the subject will go finally to a conference committee between the two Houses.

Mr. RICHARDSON. That will be the probable result. If these sections are stricken out, the bill will then go to the Senate. The Senate might accept the bill with the amendments as the House has agreed to them; if it did not do that, and asked for a conference, I take it for granted that the bill would go into conference, and then a final result would be reached.

I hope the vote will now be taken.

Mr. DINGLEY. Before the vote is taken I desire to call the attention of the gentleman from Tennessee [Mr. RICHARDSON], in charge of the bill, to the fact that in other portions of the bill there are references to this officer, the superintendent of documents, although if these sections are stricken out there would be no provision for the appointment of that officer.

Mr. HOLMAN. But that would be corrected by the conference committee, no doubt.

Mr. DINGLEY. The sections that have been concurred in would not be in the jurisdiction of the conference committee.

Mr. HOLMAN. Of course the conference committee can, if they think proper, report a substitute for the entire bill.

Mr. DINGLEY. The conference committee will have no jurisdiction over any sections except those on which there is a disagreement between the two Houses. Another thing——

Mr. RICHARDSON. Before you pass from that, I will state that there is already a superintendent of documents, and where the references occur in the bill to that officer they would be considered as applicable to the superintendent already in existence.

Mr. DINGLEY. I notice further that the sections which the gentleman from Indiana [Mr. HOLMAN] proposes to strike out cover all the provisions relating to the many tons of documents that are now accumulated in the basement of the Capitol.

Mr. RICHARDSON. That is true.

Mr. DINGLEY. This great mass of documents will not be distributed, but they will continue in the condition in which they now are, of no use to anyone.

Mr. HOLMAN. But undoubtedly that will be provided for by the action of the Senate or in the conference committee. There is no doubt about that whatever.

Mr. RICHARDSON. It will be in the power of the conference committee to make some disposition of these documents; but if the bill passes and becomes a law with these sections stricken out it will leave these documents in the basement of the Capitol undistributed.

Mr. HOLMAN. It is almost certain, though, that the Senate will ask a conference on this matter.

Mr. DINGLEY. A single word. Here is a bill correcting acknowledged evils relating to the public printing, a bill that has been carefully considered by the joint committee of both the Senate and House for more than eight months, a bill prepared with exceeding care, providing all the necessary machinery for the accomplishment of these reforms——

Mr. HOLMAN. The gentleman from Tennessee [Mr. RICHARDSON] has the floor and I trust my friend from Maine [Mr. DINGLEY] will not open up this debate again.

Mr. DINGLEY. I understood the gentleman from Tennessee [Mr. RICHARDSON] to yield to me.

Mr. HOLMAN. I hope the gentleman will not open up this debate. We have discussed the bill already a great deal.

Mr. DINGLEY. Do I understand that there has been an agreement that this amendment shall not be debated?

Mr. HOLMAN. There was an understanding that the previous question would be called after a statement of the effect of this motion which I have made.

Mr. DINGLEY. It is a proposition which practically destroys the effect of the bill.

Mr. HOLMAN. The object is not to open up a general debate. I hope my friend from Maine [Mr. DINGLEY] will not debate it further.

Mr. RICHARDSON. The agreement between the gentleman from Indiana and myself was that I would not debate the bill, and I am not going to do that.

Mr. DINGLEY. But I entered into no such agreement as that. Here is an amendment offered, which is open to debate.

Mr. HOLMAN. The gentleman from Tennessee [Mr. RICHARDSON] agreed substantially that after a statement of the effect and operation of the proposed motion, so far as he was concerned there would be no further debate, and of course I understood that the debate had already closed, else I should not have withdrawn the demand for the previous question. If debate is to be opened up, what has been agreed to will be entirely lost, because it will lead to general debate at once. I think we have debated this bill very fully.

Mr. DINGLEY. But this particular portion has not been debated at all except by the gentleman from Indiana [Mr. HOLMAN].

Mr. HOLMAN. Well, by anybody who wanted to debate it.

Mr. DINGLEY. The gentleman from Indiana [Mr. HOLMAN] should have offered this amendment when we were proceeding to the consideration of the bill by sections.

Mr. HOLMAN. I tried to do it. I asked unanimous consent to do that very thing.

Mr. DINGLEY. But there was no need for asking unanimous consent. When we reached this section you could have offered your amendment.

Mr. HOLMAN. I did not understand the scope of this new bureau until after we had passed the sixty-second section.

Mr. LIVINGSTON. Regular order.

Mr. DINGLEY. What I am afraid of in this matter is that if this amendment prevails, this being the short session, we shall fail to reach the reforms attempted by this bill, which it has been stated will save from $200,000 to $300,000 in the public printing, and it seems to me this result is too important to be lost on

the simple question of the compensation of one officer at $2,500 a year.

Mr. HOLMAN. One officer! My friend ought not to say that. My friend ought to say a bureau, no man can tell how big.

Mr. DINGLEY. But this simply abolishes one officer in the Interior Department.

Mr. HOLMAN. Oh, well, it is a bureau, which will lead to hundreds of employés perhaps.

Mr. KILGORE. Now, Mr. Speaker, I would like to ask the gentleman from Tennessee [Mr. RICHARDSON] if this proposition of the gentleman from Indiana [Mr. HOLMAN] prevails, then the documents in the basement to the credit of each member will remain as they are?

Mr. RICHARDSON. Undoubtedly.

Mr. KILGORE. Suppose it does not prevail, what becomes of the documents which are in the basement of the Capitol to my credit, for instance?

Mr. RICHARDSON. It does not touch them at all.

Mr. HEARD. It does not touch them in either case.

Mr. RICHARDSON. The documents we are speaking of are not documents that have ever been placed to the credit of the gentleman from Texas [Mr. KILGORE] or any other member of Congress. The documents referred to are those that have never been allotted or assigned to any human being.

Now I ask for a vote upon the proposition.

The SPEAKER. The question is on the amendment of the gentleman from Indiana [Mr. HOLMAN].

The question being taken, the Speaker announced that the ayes seemed to have it.

On a division (demanded by Mr. RICHARDSON) there were—ayes 71, noes 50.

Mr. RICHARDSON. I make the point of no quorum.

The SPEAKER. The gentleman from Tennessee makes the point of no quorum, and the Chair will appoint as tellers the gentleman from Tennessee [Mr. RICHARDSON] and the gentleman from Indiana [Mr. HOLMAN].

The House again divided; and the tellers reported—ayes 105, noes 63.

So the amendment of Mr. HOLMAN was agreed to.

Mr. RICHARDSON. I now move the previous question on the third reading of the Senate bill as amended.

The previous question was ordered.

The bill as amended was ordered to a third reading; and was accordingly read the third time.

The SPEAKER. The question now is, Shall the bill pass?

The question being taken, the Speaker announced that the ayes seemed to have it.

On a division (demanded by Mr. ENGLISH) there were—ayes 84, noes 32.

Mr. ALDERSON. I demand the yeas and nays.

The yeas and nays were refused.

So the bill passed.

On motion of Mr. RICHARDSON, a motion to reconsider the vote by which the bill passed was laid on the table.

ASSISTANT CLERK, COMMITTEE ON CLAIMS.

Mr. BUNN. Mr. Speaker, I ask for the immediate consideration of the resolution which I send to the Clerk's desk.

The resolution was read, as follows:

Resolved, That an assistant clerk be allowed to the Committee on Claims during the present session of Congress, at a compensation of $6 per day, to be paid from December 5, 1892, out of the contingent fund of the House.

The SPEAKER. The gentleman from North Carolina [Mr. BUNN] asks unanimous consent for the present consideration of the resolution which has just been read. Is there objection?

Mr. HOLMAN. Mr. Speaker, I believe that committee already has an assistant clerk.

Mr. BUNN. They had an assistant clerk during the long session, but the appointment was only authorized for that session. This simply continues what has been allowed heretofore.

Mr. HOLMAN. Will there then be three clerks?

Mr. BUNN. Oh, no; there will only be one clerk and one assistant clerk, the same as heretofore.

Mr. HOLMAN. But you have one assistant clerk now?

Mr. BUNN. No, we have not. We had one during the last session, but we have none now. The resolution adopted at the last session only authorized the appointment of this assistant clerk for the first session of the Fifty-second Congress. This resolution is to continue that appointment.

Mr. HOLMAN. To continue the same appointment that was allowed for the last session?

Mr. BUNN. That is all.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. BURROWS. May I ask what is the object of having an assistant clerk at this session? The committee does not expect to report anything new, I presume.

Mr. BUNN. The committee is besieged by members of Congress with work, and we intend to work regularly and steadily, and make reports. We are very busy. This request has never been refused heretofore.

The SPEAKER. Is there objection to the present consideration of the resolution?

There being no objection, the resolution was considered and agreed to.

CHINESE EXCLUSION.

Mr. ANDREW. Mr. Speaker, I ask unanimous consent to offer at this time a petition of citizens of Massachusetts, and have it referred to the Committee on Foreign Affairs; and also request that the body of the petition may be printed in the RECORD, as it will only occupy a very small space.

There being no objection, the body of the petition was ordered to be printed in the RECORD, and referred as requested.

It is as follows:

Petition of Bishop Phillips Brooks, Charles W. Eliot, William Endicott, jr., William Lloyd Garrison, Samuel Johnson, Robert Treat Paine, Rufus S. Frost, Archibald M. Howe, Norwood P. Hallowell, Richard P. Hallowell, Alexander H. Rice, A. E. Pillsbury, John E. Sanford, William M. Olin, Jabez Fox, Rev. Solon W. Bush, Rev. Minot J. Savage, Rev. A. H. Plumb, Rev. George C. Lorimer, Rev. A. P. Peabody, Rev. John Cuckson, Rev. William E. Griffiths, Rev. Robert Macdonald, Rev. Samuel May, Rev. Frederick B. Allen, Rev. Reuben Kidner, Rev. C. A. Bartol, Rev. S. H. Hayes, Rev. A. J. Gordon, Rev. Charles Follen Lee, Prof. F. J. Childs, Prof. W. W. Goodwin, Prof. J. B. Thayer, Prof. Charles E. Fay, Darwin E. Ware, William H. Baldwin, Samuel B. Capen, George S. Hale, Mary A. Livermore, Rev. Percy Browne, Francis J. Garrison, Edna Dean Proctor, Rev. O. B. Frothingham, Rev. Louis Albert Banks, Rev. Samuel E. Herrick, Lucy Stone, Rev. Charles G. Ames, Charles R. Codman, Osborne Howes, jr., and twenty-five hundred other citizens of Massachusetts asking for the repeal of an act to prohibit the coming of Chinese persons into the United States, approved May 5, 1892, and known as the "Geary bill," excepting, however, the first section thereof, whereby all laws now in force prohibiting and regulating the coming of Chinese persons into the United States are hereby continued in force for a period of ten years from May 5, 1892.

DEFICIENCIES IN APPROPRIATIONS.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting an estimate of deficiencies in appropriations for the support of the Government for the fiscal year 1893 and prior years; which was referred to the Committee on Appropriations.

ORDER OF BUSINESS.

Mr. BUNN. I move that the House resolve itself into Committee of the Whole House to consider bills on the Private Calendar.

The SPEAKER. The Chair will state to the gentleman that that motion has been made and voted down by the House, which was equivalent to an order to dispense with private business for to-day.

Mr. RICHARDSON. But, Mr. Speaker, I submit that the reason the House voted down the motion was that they wanted to take up and pass the printing bill.

Mr. HOOKER of Mississippi. I think the motion is now in order, Mr. Speaker, because other business has supervened since the vote was taken.

The SPEAKER. The Chair will state to the gentleman from Mississippi that a vote of the House refusing to go into Committee of the Whole to consider business on the Private Calendar, has been always held, so far as the Chair is informed, by presiding officers to be an expression of the judgment of the House that private business should be dispensed with for the day, and public business, or business of a general character, considered.

Mr. HOOKER of Mississippi. But I make the suggestion, Mr. Speaker, that while that may be correct ordinarily, perhaps the very business just disposed of may have operated upon the minds of some members to induce them to vote down the proposition when first submitted, whereas they would favor it now.

Mr. FORNEY. Would a motion to adjourn be in order?

The SPEAKER. It would.

Mr. FORNEY. I move that the House now adjourn.

The motion was agreed to; and accordingly (at 1 o'clock and 39 minutes p. m.) the House adjourned until Monday next at 12 o'clock m.

REPORT OF COMMITTEES.

Under clause 2 of Rule XIII, Mr. BUTLER from the Committee on Invalid Pensions, reported the bill (H. R. 9776) granting a pension to Marilla Tenney, which was delivered to the Clerk, ordered to be printed, and referred to the Committee of the Whole House. (Report No. 2148.)

BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills and a memorial of the following titles were introduced and severally referred as follows:

By Mr. TERRY: A bill (H. R. 9801) to put surgical instruments upon the free list—to the Committee on Ways and Means.

By Mr. DINGLEY: A bill (H. R. 9802) to amend and define section 4347 of the Revised Statutes, relating to transportation of merchandise between ports of the United States—to the Committee on Interstate and Foreign Commerce.

By Mr. COOMBS: A bill (H. R. 9803) for the protection of distinguishing flags and symbols used on vessels of the United States—to the Committee on Interstate and Foreign Commerce.

By Mr. BELTZHOOVER: A bill (H. R. 9804) to regulate immigration—to the Select Committee on Immigration and Naturalization.

By Mr. SCOTT: A bill (H. R. 9805) to prevent the employment of apprentices in the Government Printing Office or other departments doing printing for the public service—to the Committee on Printing.

By Mr. WILLIAMS of Massachusetts: A bill (H. R. 9806) to discontinue the purchase of silver bullion, and to restore to the credit of the national banks the deposits received for the redemption of circulating notes—to the Committee on Coinage, Weights, and Measures.

By Mr. FORNEY: A memorial of the Joint Assembly of the State of Alabama, favoring the construction of the Nicaragua Canal and its control by the United States Government—to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred, as indicated below:

By Mr. BELTZHOOVER: A bill (H. R. 9807) for the relief of Anna V. Ingerton, widow of the late William H. Ingerton, lieutenant-colonel of the Thirteenth Tennessee Cavalry—to the Committee on Military Affairs.

By Mr. BURROWS: A bill (H. R. 9808) for the relief of Polly Hurd—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9809) for the relief of William Trumble—to the Committee on Military Affairs.

By Mr. CURTIS: A bill (H. R. 9810) to increase the pension of Julia Bews—to the Committee on Invalid Pensions.

By Mr. GROUT: A bill (H. R. 9811) to correct the military record of Frank Bruno—to the Committee on Military Affairs.

Also, a bill (H. R. 9812) granting a pension to Eugene Howe, Company A, Sixth Vermont Volunteers—to the Committee on Invalid Pensions.

Also a bill(H. R. 9813) to pension Mary Brown, of Berlin, Vt.—to the Committee on Invalid Pensions.

By Mr. HENDERSON of Iowa: A bill (H. R. 9814) for the relief of George W. Jones—to the Committee on Claims.

By Mr. RUSK: A bill (H. R. 9815) for the relief of Henry Barnes—to the Committee on Claims.

By Mr. SIPE: A bill (H. R. 9816) granting a pension to Mary A. Freeman—to the Committee on Pensions.

By Mr. TOWNSEND: A bill (H. R. 9817) for the relief of George F. McReynolds, late of Company B, Tenth Illinois Cavalry—to the Committee on Claims.

Also, a bill (H. R. 9818) to grant a pension to Edward Bell, late of Company L, Tenth Illinois Cavalry—to the Committee on Invalid Pensions.

By Mr. WADSWORTH: A bill (H. R. 9819) for the relief of Charles Winters, a quartermaster, United States Navy—to the Committee on Naval Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ANDREW: Petition of William Lloyd Garrison and others, asking for the repeal of an act to prohibit the coming of Chinese persons to the United States—to the Select Committee on Immigration and Naturalization.

By Mr. BELKNAP: Petition of members of the medical profession of the city of Grand Rapids, Mich., asking an appropriation to assist in defraying the expenses of the Pan-American Medical Congress—to the Committee on Appropriations.

By Mr. BOWMAN: Petition of A. L. Harvey and 51 others, of Logan, Iowa, asking that the Mexican pension laws be amended so as to increase the pensions of Mexican soldiers from $8 to $12 a month—to the Committee on Pensions.

By Mr. CRAWFORD: Petition of citizens of Dellwood, N. C., in respect to keeping the World's Fair closed on Sundays—to the Select Committee on the Columbian Exposition.

By Mr. GORMAN: Petition of the faculty of the State normal school of Ypsilanti, Mich., praying for the passage of a law for the establishment of the metric system of weights and measures—to the Committee on Coinage, Weights, and Measures.

By Mr. GROUT: Copy of evidence on file in the War Department in application of Frank Bruno for an honorable discharge—to the Committee on Invalid Pensions.

Also, memorial in the matter of Betsy Bush's pension—to the Committee on Invalid Pensions.

Also, petition of Sophronia Baily in the matter of her pension—to the Committee on Invalid Pensions.

Also, memorial of S. Hartington, widowed mother of Eugene Howe, Company A, Sixth Volunteers—to the Committee on Invalid Pensions.

By Mr. HENDERSON of Iowa: Petition of George W. Jones, for settlement of accounts as minister resident to Bogota—to the Committee on Claims.

Also, petition of citizens of Iowa, in favor of the Hon. George W. Jones, late minister to the United States of Colombia—to the Committee on Claims.

Also, petition of citizens of Iowa, in behalf of George W. Jones, for an act of Congress—to the Committee on Claims.

By Mr. O'FERRALL: Petition of Newton Woodyard, of Prince William County, Va., for relief—to the Committee on War Claims.

By Mr. JOSEPH D. TAYLOR: Seven petitions of citizens of Carrollton, Carroll County, Ohio, numbering, respectively, twenty-seven, thirty-four, thirty-nine, thirty-eight, eighty-two, and thirty-four, all praying that the law closing the gates of the World's Fair on Sunday be not repealed—to the Select Committee on the Columbian Exposition.

By Mr. TAYLOR of Tennessee: Petition of J. A. Galbraith, of Greenville, Tenn., with accompanying papers—to the Committee on Claims.

By Mr. TOWNSEND: Three affidavits to accompany bill for the relief of George F. McReynolds, late of Company B, Tenth Illinois Cavalry—to the Committee on Claims.

By Mr. WIKE: Petition of Dr. E. B. Montgomery and others, medical men of Quincy, Ill., asking an appropriation for the World's Medical Congress—to the Committee on Appropriations.

By Mr. WILSON of West Virginia: Four petitions of West Virginia as follows: of Zimri Bane, of Mineral County; of George W. Baughman, administrator of Abraham Hershman, deceased, late of Barbour County; of Melvin Currence, of Randolph County; of James C. Sudwick, of Hampshire County, each praying that his war claim be referred to the Court of Claims under the provisions of the Bowman act—to the Committee on War Claims.

By Mr. WISE: Preamble and resolution of the national Nicaragua canal convention, urging upon Congress the importance of constructing said canal—to the Committee on Interstate and Foreign Commerce.

SENATE.

MONDAY, *December 12, 1892.*

Prayer by the Chaplain, Rev. J. G. BUTLER, D.D.

J. L. M. IRBY, a Senator from the State of South Carolina, and FRANCIS E. WARREN, a Senator from the State of Wyoming, appeared in their seats to-day.

The Journal of the proceedings of Thursday last was read and approved.

EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate communications from the Secretary of State, transmitting, in accordance with the provisions of the act of Congress approved February 3, 1887, true copies of the certificates of the final ascertainment of the electors for President and Vice-President appointed in the States of New Jersey, Colorado, Connecticut, and Ohio, at the election held therein on the 8th of November, 1892, as received by him from the governors of those States; which were ordered to be printed, and, with the accompanying papers, ordered to lie on the table.

He also laid before the Senate a communication from the Postmaster-General, acknowledging the receipt of a resolution of the 6th instant, relative to increased compensation claimed by letter-carriers under existing law in cities which contain a population of 75,000 inhabitants, and stating that an answer to such resolution would be prepared and transmitted as early as practicable; which was referred to the Committee on Appropriations, and ordered to be printed.

He also laid before the Senate a communication from the Postmaster-General, stating, in response to the resolution of December 6 relative to the claim of letter-carriers in cities which contain a population of 75,000 inhabitants to a larger claim for compensation than heretofore received, that the pay of carriers at those offices at the increased rate as carriers of the first class from July 1, 1890, will require a special appropriation of $50,000, etc.; which was referred to the Committee on Appropriations, and ordered to be printed.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented memorials of H. McCain and other citizens of Memphis, Tenn.; of J. R. Stewart and other citizens of Huntsville, Tex.; of H. B. Henley and other citizens of Morrilton, Ark.; of Robert B. Brant and other citizens of Hope, Ark.; of George W. Smith and 23 other citizens of Texas; of A. H. Harbers and 41 other citizens of Texas; of W. H. Pollock, jr., and 39 other citizens of Mississippi, and of Charles Cohen and 40 other citizens of North Carolina, remonstrating against the passage of the antioption bill, which were ordered to lie on the table.

Mr. HARRIS presented petitions of the Tennessee State Grange, of Brownsville, Tenn.; of the Washington County (Tenn.) Farmers and Laborers' Union; of John B. Wilson, of Cheery Heights, near Rome, Tenn.; of sundry farmers and citizens of Shelby County, Tenn., and of citizens of Hornbeak, Tenn., praying for the passage of the Washburn-Hatch antioption bill; which were ordered to lie on the table.

He also presented a memorial of the Norfolk and Portsmouth (Va.) Cotton Exchange, remonstrating against the passage of the Washburn-Hatch antioption bill; which was ordered to lie on the table.

Mr. KYLE presented a petition of the Twenty-fourth General Assembly of the State of Iowa, praying for the passage of the Washburn-Hatch antioption bill; which was ordered to lie on the table.

He also presented petitions from P. M. Rowland and 23 other citizens of Yankton County; of H. E. Parker and 20 other citizens of Minnehaha County; of A. H. Roguess and 22 other citizens of Yankton County; of Van C. Shaffer and 21 other citizens of Minnehaha County, and of M. Keeley and 23 other citizens of Cass County, all in the State of South Dakota, praying for the appointment of a Senate committee to investigate the combine formed to depreciate the price of grain now existing between the elevators, millers, and railroads at Minneapolis, Minn., and St. Louis, Mo., and praying for the postponement of the Washburn-Hatch antioption bill until such committee shall report; which were referred to the Committee on Agriculture and Forestry.

He also presented the petition of W. S. Major and 20 other citizens of Hand and Beadle Counties, in the State of South Dakota, praying for the passage of the Washburn-Hatch antioption bill; which was ordered to lie on the table.

Mr. TURPIE presented petitions of the Journeyman Tailors' Unions of Columbus, South Bend, Indianapolis, Lafayette, Attica, Anderson, Greenfield, Huntington, Richmond, and Terre Haute, all in the State of Indiana, praying for the passage of House bill 8535, limiting the free entry of wearing apparel of foreign manufacture; which were referred to the Committee on Finance.

He also presented a petition of the Business Men's Association of Evansville, Ind., praying for the passage of legislation looking to the ownership, control, and completion of the Nicaragua Canal by the United States Government; which was referred to the Committee on Foreign Relations.

He also presented the petition of Rev. J. H. Walters, pastor of Methodist Episcopal Church, and sundry other citizens of Montpelier, Ind., and a petition of the Christian Endeavor Society of Fort Wayne, Ind., praying Congress to renew its rescinded action excluding the sale of liquor on the grounds of the World's Columbian Exposition and that the gates of the Exposition be closed on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

Mr. VEST presented petitions of the Journeymen Tailors' unions of Sedalia and St. Louis, Mo., praying for the passage of House bill 8535, limiting the free entry of wearing apparel of foreign manufacture; which were referred to the Committee on Finance.

Mr. BUTLER presented a memorial of citizens of Lancaster, S. C., remonstrating against the passage of the antioption bill; which was ordered to lie on the table.

Mr. SHERMAN presented petitions of the Journeymen Tailors' Unions of Zanesville, Findlay, and Tiffin, all in the State of Ohio, praying for the passage of House bill 8535, limiting the free entry of wearing apparel of foreign manufacture; which were referred to the Committee on Finance.

He also presented a petition of 83 citizens of Medina County, Ohio, and a petition of 11 citizens of Richland County, Ohio, praying for the passage of the Washburn-Hatch antioption bill; which were ordered to lie on the table.

Mr. MANDERSON presented petitions of R. S. Baker and 21 other citizens of Lancaster County; of W. L. Wilcox and 22 other citizens of Lancaster County; of W. C. Smith and 21 other citizens of Lancaster County; of E. R. Andrews and 23 other citizens of Saunders County; of D. T. Hunt and 46 other citizens of Lancaster County; of M. Peterson and 24 other citizens of Lancaster County; of Thomas Cochran and 23 other citizens of Lancaster County; of C. H. Lee and 24 other citizens of Lancaster County; of J. C. Palmer and 20 other citizens of Adams County; of John Roach and 22 other citizens of Lancaster County; of O. H. Farrens and 20 other citizens of Adams County; and of M. J. Wickard and 23 other citizens of Douglas County, all in the State of Nebraska, praying for the appointment of a Senate committee to investigate the combine formed to depress the price of grain, and asking to have the consideration of the antioption bill postponed until such committee shall report; which were referred to the Committee on Agriculture and Forestry.

Mr. PEFFER presented a petition of the United Presbyterian Church of Glen Elden, Kans., praying for the closing of the World's Columbian Exposition on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

Mr. PEFFER. I present a paper intended to be in the nature of a petition, but it refers to several different matters that are not cognizable by one committee, and I will briefly state its purport.

It is first an expression of thanks to God, and to both Houses of Congress, and to the President for the passage of an antilottery law, and prays for the passage of the Hatch-Washburn antioption bill.

The next paragraph is a petition praying this body to stand by its action on the closing of the World's Fair on Sunday, and to retrace its steps in relation to the sale of intoxicating liquors on the World's Fair grounds.

The next paragraph is a petition to Congress praying for legislation to restrict immigration by consular examinations, educational tests, and a high tariff on immigrants.

The last paragraph is a petition to Congress and to the President to accomplish the submission of the proposed sixteenth amendment, forbidding State Legislatures (as only Congress is now forbidden) to unite church and state, and especially forbidding what is the very essence of such union, namely, sectarian appropriations.

This paper comes from the Presbyterian Church of Washington, Kans., and inasmuch as it relates chiefly to matters that concern the Columbian Exposition, I move that it be referred to the Select Committee on the Quadro-Centennial.

The motion was agreed to.

Mr. DOLPH. I present a copy of the petition just presented by the Senator from Kansas [Mr. PEFFER]. It is a petition from citizens of Milton, Oregon. I move that the petition be referred to the Select Committee on the Quadro-Centennial.

Mr. PLATT. What is the nature of the petition?

Mr. DOLPH. I say it is a copy of the petition which has just been presented by the Senator from Kansas, but from a different place. He has fully stated its contents, but I can give the contents if the Senator from Connecticut desires it.

Mr. PLATT. Just in a word.

Mr. DOLPH. It starts out with the following resolution:

Resolved, That we rejoice and thank God, and Congress also, with the President, for the Sabbath closing of the World's Fair.

It authorizes "our presiding officer to forward this and the following resolutions to the President and through our Congressman and the Senators residing nearest to us to both Houses of Congress, in duplicate."

It resolves further:

That we also express our heartfelt thanks to God and to both Houses of Congress, and to the President, for the passage of the antilottery law some months since, and to the House for the passage of the Hatch-Washburn bill, which we hereby petition the Senate and President to complete and so suppress gambling in foods.

The paper also embraces the following resolution:

That we petition Congress to renew its rescinded action excluding liquor-selling from the World's Fair, taken in the last session by both Houses, on the temperance ground alone, but now called for with the added reason that to allow the carrying out of the Directors' contracts for the sale of liquor would violate two laws of Illinois, and so the act of Congress by which the Fair was instituted, and which requires that the State law shall be observed in the contracts and conduct of the Fair, to which violation of State and national laws we urge the President, after due investigation through the Attorney-General, to call the attention of Congress.

Then there is the following resolution:

That we petition Congress and the President to accomplish the submission of the proposed Sixteenth amendment, forbidding State legislatures (as only Congress is now forbidden) to unite church and state, and especially forbidding, what is the very essence of such union, sectarian appropriations.

Mr. PADDOCK. It seems to me that the petition should go to the Committee on Education and Labor. It is a typewritten petition, and it is not unlikely that a large number of such petitions will come here.

Mr. DOLPH. This petition was adopted at a public meeting held at Milton, Oregon, and is signed by the presiding officer of the meeting.

The VICE-PRESIDENT. What reference shall be made of the petition?

Mr. PADDOCK. I think it should be referred to the Committee on Education and Labor.

Mr. DOLPH. I have no objection to that reference.

The VICE-PRESIDENT. At the request of the Senator from Kansas [Mr. PEFFER] a similar petition presented by him was referred to the Select Committee on the Quadro-Centennial.

Mr. PADDOCK. As the Senator from Kansas is not in the Chamber at this moment, I ask that the reference of the petition presented by him be reconsidered, and that that petition and the one just presented by the Senator from Oregon lie on the table for the present.

The VICE-PRESIDENT. That course will be pursued if there be no objection. The Chair hears none, and the petitions will lie on the table.

Mr. DOLPH presented the petition of James Le Duc and other citizens of Oregon, praying for an extension of time to make payment for forfeited railroad lands; which was referred to the Committee on Public Lands.

Mr. WILSON presented the petition of C. D. Miller and 25 other citizens of Woodbury, Iowa, and the petition of B. H. Shaw and 24 other citizens of Woodbury, Iowa, praying for the appointment of a committee to investigate the combine formed to depreciate the price of grain; which were referred to the Committee on Agriculture and Forestry.

Mr. CULLOM presented a petition of the Women's Club of Chicago, Ill., praying for a repeal of the law closing the World's Columbian Exposition on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

He also presented a petition of the Journeymen Tailors' Unions of Chicago, Danville, and Streator, all in the State of Illinois, praying for the passage of House bill 8535, limiting the free entry of wearing apparel of foreign manufacture; which was referred to the Committee on Finance.

He also presented a petition of the Chicago (Ill.) Ministerial Union, praying that the World's Columbian Exposition be closed on Sunday; which was ordered to lie on the table.

Mr. CAMERON presented a petition of the Journeymen Tailors' Union of Philadelphia, Pa., praying for the passage of House bill 8535, limiting the free entry of wearing apparel of foreign manufacture; which was referred to the Committee on Finance.

He also presented memorials of the Commercial Exchange of Philadelphia, Pa., of the Grain and Flour Exchange of Pittsburg, Pa., and of the Philadelphia (Pa) Board of Trade, remonstrating against the passage of the Washburn-Hatch antioption bill; which were ordered to lie on the table.

Mr. PADDOCK presented petitions of E. Sayrs and 23 other citizens of Saunders County; of H. C. Rodell and 12 other citizens of Dodge County; of S. B. Robison and 23 other citizens of Lancaster County; of H. Brown and 22 other citizens of Madison County; of Alex. Moore and 23 other citizens of Douglas County; of J. L. Webb and 23 other citizens of Gage County; of Peter Simpson and 19 other citizens of Adams County; of J. P. Wilson and 23 other citizens of Douglas County; of B. W. Stiles and 23 other citizens of Lancaster County; of F. D. Wilson and 23 other citizens of Lancaster County; of Robert Grimm and 19 other citizens of Butler County, and of Joseph Brott and 25 other citizens of Gage County, all in the State of Nebraska, praying for the appointment of a Senate committee to investigate the combine formed to depreciate the price of grain, and also that the consideration of the antioption bill be postponed until such committee shall report; which were referred to the Committee on Agriculture and Forestry.

Mr. McMILLAN presented the petition of Gen. S. B. Holabird Garrison No. 29, regular Army and Navy Union of Fort Mackinac, Mich., praying for the passage of the Senate bill providing for the retirement of the enlisted men of the U. S. Army after twenty-five years of service; which was referred to the Committee on Military Affairs.

Mr. MILLS presented memorials of sundry citizens of Waxahachie, San Antonio, Sherman, Greenville, Kingston, and of Johnson County, all in the State of Texas, remonstrating against the passage of the Washburn-Hatch antioption bill; which were ordered to lie on the table.

Mr. QUAY presented a memorial of the Grain and Flour Exchange of Pittsburg, Pa., remonstrating against the passage of the Washburn-Hatch antioption bill; which was ordered to lie on the table.

He also presented a petition of 90 citizens of Lawrence County, Pa., praying for the passage of the Washburn-Hatch antioption bill; which was ordered to lie on the table.

He also presented petitions of the Journeymen Tailors' unions of Philadelphia, New Castle, Pittsburg, and Warren, all in the State of Pennsylvania, praying for the passage of House bill 8535, limiting the free entry of wearing apparel of foreign manufacture; which were referred to the Committee on Finance.

He also presented memorials of the First, Second, Third, and Fifth Presbyterian churches of Pittsburg, Pa., remonstrating against the repeal of the present law closing the World's Columbian Exposition on Sunday; which were ordered to lie on the table.

Mr. WASHBURN presented resolutions adopted by the Chamber of Commerce of St. Paul, Minn., approving the general principles of what is known as the Washburn-Hatch antioption bill; which were ordered to lie on the table.

He also presented a petition of citizens of Minneapolis, Minn., praying for the adoption of an amendment to the Constitution of the United States prohibiting the passage of any legislation respecting an establishment of religion, or making an appropriation of money for any sectarian purpose; which was referred to the Committee on the Judiciary.

Mr. PETTIGREW. I present several petitions purporting to come from farmers of my State, praying for the appointment of a Senate committee to investigate the combine formed to depress the price of grain, and asking to have the consideration of the antioption bill deferred until such committee shall report. All the petitions are postmarked Leavenworth, Kans., and they are all alike. I move that the petitions be referred to the Committee on Agriculture and Forestry.

The motion was agreed to.

Mr. PETTIGREW presented a petition of the Methodist Episcopal Church, of Huron, S. Dak., signed by F. D. Newhouse, pastor, and members of the congregation, praying that Congress do not repeal the law requiring the closing of the World's Columbian Fair on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

Mr. GORDON presented memorials of citizens of Elberton, West Point, Augusta, and Fort Valley, all in the State of Georgia, remonstrating against any further consideration of the antioption bill; which were ordered to lie on the table.

Mr. PERKINS presented petitions of L. M. Fall and 18 other citizens of Reno County; of J. H. Ramsey and 19 other citizens of Sedgwick County; of C. A. Baker and 20 other citizens of Cowley County; of B. Jacobs and 19 other citizens of Harvey County; of D. N. Hicks and 20 other citizens of Geary County; of W. H. Gorden and 41 other citizens of Cowley County, and of W. B. Lakin and 30 other citizens of Harvey County, all in the State of Kansas, praying for the appointment of a Senate committee to investigate the combine formed to depress the price of grain, and asking for the postponement of the Washburn-Hatch antioption bill until such committee shall report; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Journeymen Tailors' Union, No. 120, of Topeka, Kans., praying for the passage of House bill No. 8535, limiting the free entry of wearing apparel of foreign manufacture; which was referred to the Committee on Finance.

Mr. HANSBROUGH presented the petition of J. P. Harris and 23 other citizens of Cass County; of W. W. Bell and 21 other citizens of Crawford County, and of N. Ogans and 23 other citizens of Barnes County, all in the State of North Dakota, praying for the appointment of a Senate committee to investigate the combine formed to depreciate the price of grain, and asking to have the consideration of the Washburn-Hatch antioption bill postponed until such committee shall report; which were referred to the Committee on Agriculture and Forestry.

BRIG VULTURE.

Mr. DAWES. I present the report of the Court of Claims in the case of the brig Vulture, a French spoliation claim as found in Miscellaneous Document No. 41, of the House of Representatives, second session, Fifty-first Congress, which I move be referred to the Committee on Claims, together with the original documents now on file in the office of the Secretary of the Senate.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. DOLPH, from the Committee on Private Land Claims, to whom was referred the bill (S. 3382) to authorize a corrected patent to be issued for the donation land claim of Wheelock Simmons and wife, reported it with amendments, and submitted a report thereon.

GOVERNMENT PRINTING OFFICE SITE.

Mr. MANDERSON. The Committee on Printing of the Senate was charged by a resolution of the Senate with the duty of making exploration looking to a new site for the Government Printing Office. The Senate committee invited the House Committee on Printing to participate in its deliberations upon this matter. I am now charged by the Senate committee with the duty of making a report. I report a joint resolution and ask that it may be twice read and placed on the Calendar, with the favorable report of the committee thereon.

The joint resolution (S. R. 120) making available the sum of $250,000, appropriated in 1890 and suspended in 1891, to provide accommodations for the Government Printing Office was read twice by its title.

PUBLICATION OF ELEVENTH CENSUS.

Mr. HALE. Near the close of the last session the bill (H. R. 8582) to provide for the publication of the Eleventh Census came to this body and was referred to the Committee on the Census. It should have gone to the Committee on Printing. I move that the Committee on the Census be discharged from the further consideration of the bill, and that it be referred to the Committee on Printing, stating that it is important the matter should have the early attention of the committee. I hope the Senator from Nebraska [Mr. MANDERSON] will bring his committee to work upon it as soon as possible, because the legislation is needed at once.

Mr. MANDERSON. That will be done, of course; but I should like very much that the Committee on Printing should have the benefit of some information in the Senate from the Senator on behalf of the Committee on the Census as to its views upon the bill, whether it reaches the matter fully or not.

Mr. HALE. I think it is a very good bill. I have examined it and compared it with other bills of this character. It is not an extravagant bill. If it were not for the fact that it naturally should go to the Senator's committee, I would have no hesitation in reporting it myself from the Committee on the Census.

The VICE-PRESIDENT. The Committee on the Census will be discharged from the further consideration of the bill, and it will be referred to the Committee on Printing, if there be no objection.

MARITIME OFFENSES.

Mr. HOAR. I am directed by the Committee on the Judiciary, to whom was referred the bill (S. 2625) to provide for the punishment of offenses on the high seas, to report it favorably, with two amendments. The bill is a very important one, and at the same time very simple, and one which I think will meet with no opposition. I ask that it may be considered now.

The VICE-PRESIDENT. The bill will be read at length for information.

The Chief Clerk read the bill.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. CALL. If the Senator from Massachusetts who reported the bill has no objection I should be glad to have it printed and lie over, so that we can see it in print as proposed to be amended.

Mr. HOAR. I will state for the information of the Senator that this bill merely extends the existing law—which punishes offenses by persons belonging to the crew on board an American vessel—to persons other than members of the crew, passengers or persons transiently on board the ship; and it does not in any other respect change the existing law. The existing law is that for all offenses on the high seas the admiralty jurisdiction of the United States attaches. Wherever there is a concurrent jurisdiction of the State and the nation, as on the Mississippi River, on the Great Lakes, and in ports, there the jurisdiction is left entirely to the State of all crimes except maritime crimes proper, like mutiny or resisting the authority of the captain. The bill simply remedies this deficiency in the existing law. Of course, if the Senator wants to have it go over I have no objection; but I would rather have the bill passed now, if the Senator does not object to its present consideration.

Mr. CALL. The point which I desire to examine in the bill is whether the question of "aiding and abetting" a conspiracy, which are very shadowy terms, may not put all passengers on board ship more or less in danger of oppression, a punishment at the mere arbitary will of the captain. I am very much opposed to the enactment of laws punishing persons for "conspiracy" to commit or for "aiding and abetting" in the commission of crimes without defining with great clearness and precision the acts which shall constitute "aiding and abetting" or shall be a conspiracy, but I do not wish to oppose the wishes of the Senator from Massachusetts in reference to the immediate consideration of the bill.

Mr. HOAR. A passenger could only be punished in a case where the crew would be punished by the existing law. However, the bill may lie over.

Mr. FRYE. If the Senator will pardon me, the coastwise steamers are now entirely defenseless. They are absolutely in the hands of any mob of immigrants they may be carrying, and all the owners and officers unite in asking for this legislation. The matter has been long in Congress. I presented the bill the first of last session, but for certain reasons it has been before the Judiciary Committee, and it was not finally acted upon until this morning. I am very anxious that it shall be passed and go to the other House, so that it may have action there.

Mr. HOAR. Perhaps the Senator from Florida will allow the bill to pass, as the whole discussion necessary has been had. He can look at it afterwards, and if he finds any difficulty in it he may enter a motion to reconsider. I shall not object to such a motion.

Mr. CALL. I will withdraw any objection to the consideration of the bill. My doubt in regard to it was as to the expediency of legislation which extends the crime of conspiracy, or uses the language "aiding and abetting," which practically means that whatever the judge and the jury shall decide to be a conspiracy is a conspiracy, or is "aiding and abetting," and that it places the passengers on board of ships more or less in the power and the arbitrary will of the officers on board the ship. This class of statutory offenses should be done away with rather than extended, because they place the liberty of the citizen in the unrestrained power of a judge who may select a jury obedient to his will and decide what he pleases to be a conspiracy or aiding and abetting. But I withdraw the objection.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The VICE-PRESIDENT. The amendments reported by the Committee on the Judiciary will be stated in their order.

The first amendment was, in section 1, line 4, after the word "or," to strike out the words "in any arm of the sea, or in any river, haven, creek, basin, or bay," and to insert the words "other waters;" so as to read:

That every person not one of the crew who, alone or with others not of the crew, upon the high seas or other waters within the admiralty jurisdiction of the United States, etc.

The amendment was agreed to.

The next amendment was, in section 2, line 2, after the word "or," to strike out the words, "in any arm of the sea, or in any river, haven, creek, basin, or bay," and to insert the words "other waters;" so as to read:

That every person not one of the crew who, upon the high seas, or other waters within the admiralty jurisdiction of the United States, etc.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. VEST (by request) introduced a bill (S. 3561) to encourage the construction of electric railroads, to facilitate the rapid transportation of the mails, to promote the interests of commerce and travel and to aid in demonstrating the feasibility of the distribution of electrical power for agricultural and other purposes along the line of electric roads, and especially to aid in the construction of a pioneer electric railroad between the cities of Chicago and St. Louis, by the Chicago and St. Louis Electric Railroad Company, and to secure to the Government the use of the same for postal, military, and other purposes at existing rates; which was read twice by its title, and referred to the Committee on Commerce.

Mr. CAMERON introduced a bill (S. 3562) for the relief of Nicholas Marshall; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

He also introduced a bill (S. 3563) to authorize the sale to the Schuylkill River East Side Railroad Company of a lot of ground belonging to the United States Naval Asylum, in the city of Philadelphia, Pa.; which was read twice by its title, and, with the accomnanying papers, referred to the Committee on Naval Affairs.

Mr. HOAR introduced a bill (S. 3564) for the relief of Josiah Pickett; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. PROCTOR introduced a bill (S. 3565) to pension Mary Brown, of Berlin, Vt.; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HALE introduced a bill (S. 3566) for the relief of Almon Springteer, of Binghamton, N. Y.; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CULLOM introduced a bill (S. 3567) for the relief of Rev. Moses M. Longley; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. FRYE introduced a bill (S. 3568) providing for the establishment and enforcement of rules and regulations for the use and navigation of United States canals and similar works of navigation, and for other purposes; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Commerce.

Mr. SHERMAN. I introduce a joint resolution——

The VICE-PRESIDENT. The Chair will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O.

TOWLES, its Chief Clerk, announced that the House had passed the following bills:

A bill (S. 139) terminating the reduction in the numbers of the Engineer Corps of the Navy; and

A bill (S. 1940) for the relief of R. B. Woodson.

The message also announced that the House had passed the bill (S. 1549) providing for the public printing and binding and distribution of public documents, with amendments; in which it requested the concurrence of the Senate.

The message further announced that the House had passed a joint resolution (H. Res. 167) relating to the discharge of certain official duties in the office of Register of the Treasury; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice-President:

A bill (S. 1661) granting an increase of pension to John Hallam; and

A bill (H. R. 8868) granting increase of pension to Mary North, a widow of a soldier of war of 1812, and who is 100 years old.

OFFICE OF REGISTER OF THE TREASURY.

Mr. SHERMAN. I see that a joint resolution similar to the one I intended to introduce has been passed by the House of Representatives. I ask that it be read at length, with a view to its passage.

The joint resolution (H. Res. 167) relating to the discharge of certain official duties in the office of Register of the Treasury was read the first time by its title and the second time at length, as follows:

Be it resolved, etc., That during the absence of the Register of the Treasury, and while the Assistant Register is discharging, under the law, the duties of Register during his said absence, the Secretary of the Treasury may, by appointment under his hand and seal, delegate authority to any chief of division or clerk in the office of Register to act as Assistant Register during the said absence of the Register.

The VICE-PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole.

Mr. SHERMAN. I have a letter from the Secretary of the Treasury, stating that on account of the illness of Gen. Rosecrans it is absolutely necessary to provide some relief to the Assistant Register. If any Senator desires further information on the subject, I will have the letter read; but that is the whole matter. It is to supply temporarily the want of an Assistant Register in the Treasury while Gen. Rosecrans is sick, the Assistant Register being fully occupied with the duties of Register of the Treasury. The letter is in the ordinary form.

The VICE-PRESIDENT. Does the Senator from Ohio desire to have the letter read?

Mr. SHERMAN. Not unless some other Senator desires it. I have stated the substance of it.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SILVER COINAGE.

Mr. STEWART. I notice an omission in the bill introduced by the Senator from New York [Mr. HILL] to repeal the act of 1890 providing for the purchase of silver bullion, and I propose to supply that omission by additional sections. I presume it will be satisfactory to him, as he is a bimetallist. I ask that the proposed amendment be read, printed, and referred to the Committee on Finance.

The amendment was read, and referred to the Committee on Finance, as follows:

Amendment intended to be proposed by Mr. STEWART to the bill (S. 3534) to repeal the act of July 14, 1890, entitled "An act directing the purchase of silver bullion and the issue of Treasury notes thereon, and for other purposes."

After section 1 insert the following:

"SEC. 2. That the silver coins of the United States shall be composed of standard silver. That of the silver coins the dollar shall be of the weight of 412½ grains, the half-dollar of the weight of 206¼ grains, the quarter-dollar of the weight of 103¼ grains, and the dime, or tenth part of a dollar, of the weight of 41¼ grains. And that dollars, half-dollars, quarter-dollars, and dimes shall be legal tenders of payment according to their nominal value for any sums whatever.

"SEC. 3. That silver bullion brought to any mint of the United States for coinage shall be received and coined by the proper officers for the benefit of the depositor: *Provided*, That it shall be lawful to refuse, at the mint, any deposit of less value than $100, and any bullion so base as to be unsuitable for the operations of the mint. And all silver bullion belonging to the United States shall be coined; but such coinage shall not delay the coinage of silver bullion for depositors.

"SEC. 4. That the depositor of silver bullion at any mint of the United States for coinage shall receive therefor silver coin or Treasury notes of the United States, to be issued by the Secretary of the Treasury in such form and of such denominations, not less than $1 nor more than $1,000, as he may prescribe. The Treasury notes issued according to the provisions of this act shall be redeemable on demand at the Treasury of the United States or at the office of any assistant treasurer of the United States in either gold or silver coin, at the option of the United States; and such Treasury notes shall be a legal tender in payment of all debts, public and private."

REPORT ON IMMIGRATION.

Mr. CHANDLER submitted the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That the Public Printer be, and he is hereby, directed to print, with a title page, 12,000 additional copies of the report of Immigrant Commissioner H. J. Schulteis, contained in Part I, House Executive Document No. 235, first session Fifty-first Congress, pages 263 to 323, inclusive, 2,000 to be for the use of the Treasury Department, 2,000 for the use of the House Committee on Immigration, 2,000 for the use of the Senate Committee on Immigration, 2,000 for the use of the Senate, and 4,000 for the use of the House.

INTRODUCTION OF CHOLERA.

Mr. CHANDLER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Treasury be directed to transmit to the Senate any communications recently received from the port physician of the city of Philadelphia concerning the danger of the introduction of cholera into this country during the coming season, and also to inform the Senate whether during the past summer any immigrants shipped back to Europe by the United States immigration officers were retaken from the vessels by their owners, contrary to law; and, if so, to state the circumstances of such recaption, and whether or not prosecutions were instituted to punish the violators of law.

ENTRANCE TO FERNANDINA HARBOR.

Mr. CALL submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War be, and is hereby, directed to furnish to the Senate any information in possession of the Chief of Engineers as to the condition of the present ship channel between Cumberland Island, Georgia, and Fernandina, Fla., and the injury to it from the construction of the north jetty, and its present unfinished condition, and as to the danger of the closing of the channel on account of the obstruction created by this work, and the necessity for an immediate appropriation to prevent the closing of the channel.

Mr. CALL. I ask that a letter of the Fernandina Chamber of Commerce be printed in the RECORD in connection with the resolution just adopted.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Florida? The Chair hears none.

The letter referred to is as follows:

FERNANDINA CHAMBER OF COMMERCE.
Fernandina, Fla., December 8, 1892.

To the Hon. Wilkinson Call and Samuel Pasco, Senators, and Hon. S. R. Mallory and Robert Bullock, Representatives in Congress, Washington, D. C.:

The Chamber of Commerce of the city of Fernandina is informed of a serious danger threatening the entrance of this port.

The unfinished condition of the north jetty permits the accumulation of sand, drifting from the northeast to the southwest, to encroach rapidly and dangerously on the present ship channel, threatening the obstruction and possible closing of the channel unless means are speedily taken to arrest the movement.

The construction of the north jetty was intended to prevent this southward movement of sand and permit the ebb and flow of the tides to deepen and maintain the channel between the jetties.

The appropriation for improving the entrance has so far enabled the engineers to construct only the foundation of the north jetty, which is entirely submerged, and in its present unfinished condition affords no obstruction to the southward drift of the sand.

There is no apparent relief from this pressing danger, which threatens also the destruction to a large extent of the more advanced work on the south jetty, except by a special and immediate appropriation by Congress sufficient to raise the north jetty above the danger point.

The export of phosphate rock alone from this port has increased during the past year more than 100 per cent, amounting to more than 150,000 tons.

The closing of this port or the temporary obstruction to its entrance would be a very serious loss and damage to the entire State of Florida.

The Chamber of Commerce therefore earnestly appeals to its Representatives in Washington to make a strenuous effort to secure an emergency appropriation and place before Congress the evidence of such necessity.

Respectfully,

H. E. DOTTERER, *President.*
B. T. BURCHARDI, *Secretary.*

COMMITTEE SERVICE.

Mr. CULLOM submitted the following resolution; which was considered by unanimous consent and agreed to:

Resolved, That Senators PEFFER and CALL be appointed as additional members of the Committee on Immigration during the present session of Congress.

THE FIVE CIVILIZED TRIBES.

Mr. BERRY. Mr. President, I desire to call up the joint resolution introduced by the Senator from Missouri [Mr. VEST] a few days ago, authorizing the appointment of a commission to treat with the five civilized tribes of the Indian Territory.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (S. R 117) authorizing the appointment of a commission to treat with the five civilized tribes of the Indian Territory with a view of making agreements to induce them to take homesteads in severalty.

Mr. VEST. Will the Senator from Arkansas permit me to make a personal explanation, which will not take more than a few moments, before he proceeds, as I wish to get the facts before the Senate?

Mr. BERRY. Certainly.

Mr. VEST. I stated the other day the expenses of the courts at Fort Smith, Ark., Paris, Tex., Wichita, Kans., and in the Indian Territory at certain amounts. Since making those statements I have received a letter from the Attorney-General calling my attention to the fact that on account of the peculiar manner in which these amounts are set forth in his report I was innocently misled. The fact is, that I did not state these expenses at hardly more than one-half what they really were; and before the Senator from Arkansas proceeds I wish to give the correct figures as I obtained them from the Attorney-General. As now given they are absolutely correct.

I stated in my speech the other day the expenses of the court at Fort Smith, Ark., for 1889, to be $10,368.61. In reality the expenses for 1889 of that court were $256,214.42. I stated the expenses in 1890 to be $48,277.04, when in reality they were $296,909.53. For 1891 I stated the expenses of that court to be $192,189.92, when in reality they were $224,321.12. I stated the expenses of the court at Fort Smith, Ark., for the three years 1889, 1890, and 1891, to be $250,834.97, when in reality they were $777,445.07.

I stated the expenses of the Texas court, located at Paris, for 1889, to be $2,348.24, when in reality they were $52,050.61. The expenses of the same court for 1890 I stated at $205,220.49, when in reality they were $352,980.09 for that year. I stated the expenses of the Texas court for 1891 to be $78,558.56. In reality they were $194,141.06. Instead of the expenses of the court at Paris, Tex., being for the three years 1889, 1890, and 1891, $286,127.49, as I put them, they are, from the official records, $599,171.76.

The expenses of the court at Wichita, Kans., with partial jurisdiction over the Indian Territory, I stated for 1889 to be $7,326.76. In reality these expenses were $81,545.48 for that year. For 1890 I put the expenses of the court in Kansas at $32,131.56. In reality they were $91,791.49. For 1891 I put the expenses of the same court at $84,481.06. In reality they were $86,361.80; and instead of the expenses of the court at Wichita, Kans., being for the three years 1889, 1890, and 1891, $123,939.38, as I put them, they were $259,698.58.

I stated the expenses of the court in the Indian Territory, at Muscogee and Ardmore, to be in 1889, $1,570.40. In reality they were $11,991.18 for that year. In 1890, I put the expenses of that court at $2,079.13. In reality they were $98,057.40. For 1891, I put the expenses of that court at $135,276.13. Really, they were $147,875.71. The expenses of the court in the Indian Territory, which I stated to be, for three years, $156,925.66, were in reality $259,698.78. The courts at Fort Smith, Ark.; Paris, Tex., Wichita, Kans., and the Indian Territory cost in three years, $1,895,014.19, instead of $817,826.70, as I stated.

The court for the southern district of New York, which includes the great city of New York, which I stated cost, for 1889, $2,107.38, cost in reality $128,151.06. For 1890 I placed it at $39,365.38, when in reality it should have been $73,595.55. For 1891 I put the expenses at $129,452.57, when they should have been $138,088.97, making for the three years, 1889, 1890, and 1891, for the expenses of the court for the southern district of New York, $339,835.58, instead of $170,725.83, as I stated in my remarks.

The court for the eastern district of Texas, in which Paris is situated, cost in three years, $259,236.18 more than the court for the southern district of New York. The court at Fort Smith, in the western district of Arkansas, cost in the three years, 1889, 1890, and 1891, $437,609.47 more than the court for the southern district of New York in those three years.

The court for the northern district of Texas, which has no jurisdiction over the Indian Territory, cost for 1890 only $76,630.55 as against $352,980.09 in the eastern district for the court at Paris, which has partial jurisdiction over the Indian Territory.

In 1891 the court for the northern district of Texas, having no jurisdiction over the Indian Territory, cost $87,578.39 as against $194,141.06 for the same year as the expenses of the court held at Paris, with partial jurisdiction over the Indian Territory.

These figures are necessary to a correct understanding of the statement I made on a former occasion.

Mr. BERRY. Mr. President——

Mr. DAWES. Will the Senator from Arkansas permit me to make an inquiry of the Senator from Missouri?

The VICE-PRESIDENT. Does the Senator from Arkansas yield to the Senator from Massachusetts?

Mr. BERRY. For what purpose does the Senator from Massachusetts desire me to yield? I did not understand him.

Mr. DAWES. I only wish to make an inquiry of the Senator from Missouri. I do not desire to make any extended remarks.

Mr. BERRY. Very well, I yield.

Mr. DAWES. I should like to inquire of the Senator from Missouri whether from any data he has he is able to tell the Senate how much of the costs of the courts at Fort Smith, at Paris, and at Wichita arises from that part of their jurisdiction which is in the Indian Territory.

Mr. VEST. The only way that I can answer that question is by comparing the expenses of the court immediately adjacent in Texas, which has no jurisdiction over the Indian Territory, and I have just given the figures. As I said a few minutes ago, the expenses of the court for the northern district of Texas, which has no jurisdiction over the Indian Territory, are about one-half.

Mr. DAWES. I suppose if the Senator will compare the expenses of the United States court in Connecticut with those of the court in the southern district of New York he may find a very large discrepancy. It does not seem to me that the comparison the Senator now makes is applicable.

Mr. BERRY. I ask that the joint resolution may be read.

The VICE-PRESIDENT. The joint resolution will be read.

The Secretary read the joint resolution (S. 117) authorizing the appointment of a commission to treat with the five civilized tribes of the Indian Territory with a view of making agreements to induce them to take homesteads in severalty, as follows:

Resolved, etc., That the President of the United States is hereby authorized to appoint three commissioners, whose duty it shall be to confer with the proper authorities of the five civilized tribes of the Indian Territory with the view of making such agreements and arrangements with said tribes as will induce them to take homesteads in severalty and to sell the remainder of their land to the United States.

That said commissioners shall report to the President, within one year after the date of their appointment, the result of their action, together with such recommendations and suggestions as they may deem proper, and the President shall transmit such report to Congress for its action.

That the commissioners shall each receive for his compensation the sum of $10 for each day he may be actually engaged in service, together with his necessary traveling and personal expenses, and to pay such salaries and expenses the sum of $10,000, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Mr. BERRY. Mr. President, I can only say that I hope the Senator from Missouri [Mr. VEST] did not get so badly mixed in his ideas in regard to the condition of affairs down in the Indian Territory, and the courts at Fort Smith and elsewhere, as he did in reference to the expenses of those courts. I take it, however, that the last statement presented by him is correct. It agrees with the one which I have myself received from the Attorney-General.

I do not disagree with the Senator from Missouri as to the policy of appointing a commission with the view of inducing the Indians, composing what is commonly known as the five civilized tribes, to accept homesteads in severalty as proposed by his joint resolution. On the contrary, during the last session of Congress I introduced a bill, which is now pending before the Committee on Indian Affairs, embodying precisely the same idea as that contained in the joint resolution of the Senator from Missouri, but my bill is much fuller in detail, specifying precisely how the commissioners shall be appointed, the objects and purposes desired to be attained, and specifying their duties in treating with those Indians.

I agree with the Senator that the quickest and most direct route to the solution of the Indian question is to induce those Indians to accept their lands and homesteads in severalty and to dispose of the remainder of the lands for their value, the Indians of course to receive the proceeds, and opening the lands to immigrants from other States and other countries. If the Indians can be induced to do that, and that can be accomplished, the day is not distant when those people can be admitted as a State of this Union, and then they can take entire charge of their local and their domestic affairs and control them. In that way they will best promote the happiness and security of their people. I am in hearty accord with the Senator from Missouri on that proposition, and I shall vote for any bill or any resolution which looks to that end or which will accomplish that purpose.

I disagree with the Senator from Missouri, however, in regard to the condition of affairs as he describes it in that Territory. He drew a most fearful picture of murderers, thieves, robbers, and banditti riding over that Territory unchecked and unmolested, to such an extent that they terrorized all the citizens, and stated that when nightfall came doors and windows were locked and barred, and thereafter it was impossible to have and to hold any communication with the citizens there.

Mr. President, I think that picture is overdrawn. I have lived in a county of Arkansas adjoining the Cherokee Nation for more than twenty-two years. I have frequently been in the Territory and I know something of my own personal knowledge of the manner in which these people live. I know a great many of them personally. That there are bad white men in the Indian Territory is true beyond any question. There are bad Indians also in the Territory, and bad half-breeds; there are murderers and thieves there, but that universal lawlessness prevails or that the people are living in a continual state of terror is not true in that part of the Indian Territory with which I am acquainted.

In many portions of that Territory the inhabitants are conducting themselves very much as are the people of Missouri, Kansas, Texas, or Arkansas surrounding them. A stranger can pass into many parts of the Cherokee or Choctaw Nation and never know that he has crossed the line; yet, as I stated, it is true that there are bad men who have taken refuge in that Territory. If, however, all the Senator alleged were true, if the condition of affairs is as he has stated it, then he has furnished the very strongest possible argument that could be furnished why that jurisdiction should not be taken away from the courts at Fort Smith, at Paris, and at Wichita, and instead of it being a reason why these courts should be abolished, it is the strongest possible reason for their continuance; and instead of it being a cause for criticism upon the court at Fort Smith for the executions which have taken place there, he has furnished the excuse and the reason which justifies the court at Fort Smith in having hung ninety-seven or any other number of men.

Mr. President, I assert that the large majority of the men at Fort Smith who have suffered the death penalty are white men, and not the poor Indians described by the Senator, refugees from other States of this Union, who had taken refuge in that Territory; and if they were the character of men which the Senator described, then that court deserves praise and not blame for having executed the law, as it was compelled to do, and ought not to be blamed, especially if, as the Senator says, that Territory is to-day swarming with any number of men who ought to be hung.

Mr. President, I am not the political friend of Judge Parker, who presides over the Fort Smith court; but I wish to say here to-day that he is an able and efficient judge. He has the confidence and respect of that entire community, and they uphold his hands in the execution of the law at Fort Smith. If, as has been said by some, he is sometimes severe, then I say the character of men described by the Senator from Missouri as inhabiting that Territory would justify his severity.

The Senator also tried to make a point from the fact that the Dalton brothers had gone from that Territory into the State of Kansas and attempted to rob a bank. Just what connection that has with the matter at issue before the Senate or what connection it has with retaining jurisdiction at Fort Smith, at Paris, and at Wichita, I am unable to see.

It is true that those men assembled in the Territory immediately before they made a raid upon the bank, but that ought not to be a charge against all the people of that Territory. That fact might happen in any State of this Union. It has happened heretofore in fact. Men have assembled in States of this Union and passed beyond the boundaries of those States to rob banks in other States, and yet I never believed that that was just cause to accuse the entire people of those States of lawlessness or of being willing to violate the law. I say that that might occur in any State; and that itself is no justification for saying that the entire people of the Indian Territory are violators of the law.

Mr. President, in regard to the law of which the Senator from Missouri complains—I mean the law upon the statute book to-day which defines the jurisdiction of the courts at Muscogee, at Wichita, at Fort Smith, and at Paris—if I am not misinformed and if I recollect correctly, that bill was reported from a conference committee by the Senator from Missouri himself. He reported that bill here and it was placed upon the statute book. If it has worked so disastrously, as he says, and if it has failed to accomplish the purpose designed, he, together with the rest of us here who voted for it, is responsible; but it ought not to be brought here as the ground of a charge to assail the courts at Fort Smith, at Paris, and at Wichita unjustly.

In regard to the expenses of running these various courts, I say frankly that I agree with the Senator from Missouri that the cost seems to be enormous; I believe it is more than it ought to be; I believe the fees in each and every one of those courts are beyond that which would be justified by the business of the courts. What the cause for that is I am unable to say; but I assert that the figures furnished by the Senator himself show that this increased expenditure is not caused by the fact that the courts are held outside of the Indian Territory.

The Senator presents figures here of the cost of the court at Muscogee, Ardmore, and South McAlester, places inside of the Territory, which show that for the year 1891 they almost equaled the expenses of the court at Fort Smith. It will be borne in mind that the court at Fort Smith has jurisdiction of all the graver felonies, of the higher crimes, while the court inside the Territory is confined to misdemeanors and less heinous crimes; and it is natural that the expenses of the court having jurisdiction of the higher offenses—the numerous murder cases, etc.—should exceed the expenses of a court having jurisdiction merely over misdemeanors; and yet in 1891 the expenses of the courts in that Territory having this limited jurisdiction as now constituted almost equaled the expenses of the court at Fort Smith.

In regard to the expenses of the court at Paris, Tex., the Senator said the other day that it was claimed they were largely increased by one particular case of murder, and he added "what has happened once may happen again." Mr. President, the case to which the Senator referred did not occur in the Indian Territory. It was a murder committed in what is known as No Man's Land, outside the Indian Territory entirely. The case was taken to Paris, Tex. A number of the parties concerned in it were of considerable prominence; there were numerous witnesses, and the case did cost an enormous amount of money; but the jurisdiction of that court now, as I understand, no longer extends over No Man's Land, because a law was passed which attaches No Man's Land to Oklahoma, and that court now does not have jurisdiction.

The Senator read an article from a newspaper showing that seventeen hundred witnesses were in attendance on the first day of the court, at Paris, Tex. I know nothing about the facts personally, but I am informed that that is a gross exaggeration, and that no such number of witnesses ever attended the Paris court at any time, whether on the first or any other day of the court.

Mr. President, in regard to the Senator's comparison of the expenses of the Indian courts with those of the court for the southern district of New York, the Senator from Missouri knows full well that nothing could be more unfair or more misleading than an attempt to compare the expenses of the court at Fort Smith or at Paris with the expenses of the United States court held in any other State in this Union. The cases which come before the courts are totally different and bear no resemblance to each other.

While it is true that an immense amount of business is done in the southern district of New York, it is largely civil business, suits between parties where the litigants pay their own costs and where they are not assessed against the United States. The Senator well knows that if the same offenses were committed in the southern district of the State of New York that are committed in the Indian Territory, they would not be tried in the United States district court in New York, but would be tried in the State courts of New York, and that the court of Fort Smith has jurisdiction over every case of crime committed within the Indian Territory where one of the parties is a white man or where white blood predominates, I say there can be no comparison between New York and Fort Smith. I doubt if there were half a dozen cases of murder, in fact I do not know that there was one that was tried in the United States court for the southern district of New York in the year 1891. This jurisdiction over the Indian Territory embraces all offenses committed within the Territory. If the Senator had made a comparison between that court and the criminal courts of the State of New York in the southern district of New York then there would be some justice and some reason in complaining that the expenses of Indian courts exceeded those of the courts in New York.

Mr. President, the great objection to depriving the courts at Fort Smith, Paris, and Wichita of the jurisdiction they now have rests upon the fact that while the present condition of affairs continues in the Indian Territory, if all this jurisdiction for this entire grade of offenses were transferred to that Territory, the jurors to try the cases would have to be selected from the Territory, and if the jurors were men of the character which the Senator has described, if the inhabitants of that Territory are thieves, cutthroats, and banditti, what kind of justice does the Senator think that they would administer as jurors when they came to a trial of those causes. The Senator himself well knows that while that condition exists, if the trial of these causes were transferred there, it would be almost impossible to convict any man who should commit a serious offense inside of that Territory. I believe I could name half a dozen prominent Indian families in the Cherokee, Choctaw, and Chickasaw Nations, who, if they were to be tried only by jurors selected in the Indian Territory, could murder any white man now living in the Indian Territory, could murder any man passing through it, and they would be as absolutely safe and secure from trial and punishment as it is possible for a man to be.

Take the history of the Indian courts. The Indian courts have jurisdiction over criminal causes where both parties are Indians. Some of the most flagrant murders which have ever been committed in any community have been committed again and again by prominent men in the Indian Territory; and yet I assert that no solitary man of influence or of extensive connection living in that Territory has ever been convicted of a serious crime, such as murder, in the Indian courts. It is absolute folly to talk about trying criminals of this class before jurors of that kind. The Senator when he himself described the character of the inhabitants there, showed that it would be suicidal to pursue such a policy. To do so would be to destroy every vestige of security for life, liberty, and property that now exists in that Territory.

Mr. President, the effort on the part of the Senator to show

that the expenses of the courts at Fort Smith were largely increased by the fact that the courts are held outside of the Territory does not accord with the true state of facts. Fort Smith is located directly on the line of the Choctaw and Cherokee Nations, the court-house stands within gunshot of both nations, and it is more convenient for a large portion of the Cherokee and Choctaw Nations than Muscogee. The cost would not be decreased by having the jurisdiction brought from Fort Smith and transferring it to Muscogee; and, as I said, the Senator himself proves that when he shows that the cost of the court at Muscogee, which only has jurisdiction over smaller offenses, ran up last year to $148,000. That is not the cause of the increased expense. There may be some abuse in regard to the fee system, and I will join hand in hand with the Senator to correct that; but it is not attributable to the fact that those courts are held just outside of the line of the Territory rather than on the inside.

I wish to say in regard to the furious assault made by the Senator from Missouri upon the court at Fort Smith, Ark., on account of the fact that there have been a great many men hung there within the last thirty years, that unless the Senator from Missouri can show that some innocent man has been hung, I do not conceive that the mere statement of the matter ought to prejudice the mind of the Senate against that court. He does not complain that Judge Parker does not enforce the law, but he complains because so many thieves, murderers, and banditti, who he says were riding over that Territory, have suffered the extreme penalty of the law. I think that is unjust and unfair.

I close as I began, by saying that I am in favor of the Senator's joint resolution. I introduced a bill of a similar kind to open that country for the immigrants who desire to go there and when we can get the best class of immigrants to settle there. Then it would be proper and it would be right that they should have the full control and conduct of their local affairs and that all these offenses should be tried by courts held inside the Territory, but while the present condition remains, if you take this jurisdiction away from these other courts, it will not be six months until the condition described by the Senator from Missouri as existing in the Indian Nation will not only exist there, but it will be intensified tenfold even beyond that.

Mr. PEFFER. Mr. President, the matters involved in a discussion of the Indian Territory question have very great interest for the people of Kansas. The present condition of that Territory is a standing menace to the peace and the good order of the communities living upon the borders. For a number of years my home was within two miles and a half of the Indian Territory line, and I know personally that the Nation, as we call it, is a refuge of thieves, of burglars, and of murderers. It was common, it is even now common, sir, for men to hold their rendezvous inside of the Territory boundaries and make forays out upon the civilized people beyond their lines for the purpose of capturing animals, horses, cattle, sheep, and swine, and of robbing stores and banks and stealing property from citizens upon the open highway.

It seems to me, Mr. President, that the time has come to treat this question heroically. There was a time in the history of the country when all matters pertaining to Indians and their supposed rights were very tenderly dealt with, and perhaps that was properly done; but there is no reason to believe that the Indian has any rights which the white man does not enjoy or ought not to, that by reason of his color or by reason of his prior occupancy of the soil he enjoys and ought to enjoy more rights than the people who live upon the outside of his particular reservation.

Thirty years ago we passed a homestead law. The object was to give to the people of this country, and especially to the poor people, homes, so that all our citizens might own their own homes and their own habitations; but within the last two years, when certain portions of the Indian Territory were to be thrown open to settlement, long lines of our own citizens, with their wives and their children, encamped along upon the United States side of the boundary line, while the Government soldiery encamped upon the other side. The object of the presence of the soldiers was to prevent our own citizens from acquiring what the homestead law intended that they should acquire.

Now, we find that because of a few Indians, and in connection with them a few attorneys, as I believe, stock speculators and other interested men, we are still kept at bay; our citizens go to the boundary line and there they must stop. There is a very general demand upon the part of the people in the West, and indeed upon the part of a great many in the East, that the Government shall take some action, and take it early, to throw open all of the unused lands in that Territory in order that the people who need homes may go in there and obtain them. I believe, sir, that the time has come for the Congress of the United States to lay bold hands upon the Indian Territory and upon the people there, to allow to every Indian man, woman, and child 160 acres of land and provide that they themselves or their guardians shall select their own allotments, and them immediately, without any preparatory treaty or without any preparatory proceeding beyond the simple mandate of the Government, throw open all the rest of the land of every character and description to homestead settlement by the people.

When that is done, the next step will be to organize a State government, with State courts, and the Indian question, so far as the Indian Territory is concerned, will have been solved. Then we shall have peace there; then we shall have no need for the expenditure of more money for attorneys' fees or for the payment of commissioners to treat with the Indians. Indeed, sir, I believe the time has passed to make treaties with Indians. Treat them as people of the United States, make citizens of them, treat them as such, bring them under the same laws that we are compelled to submit to, and let that end it.

Mr. VEST. Mr. President, the representative feature in our Government is a very valuable one, and the speech of the Senator from Arkansas [Mr. BERRY] is a conspicuous illustration of the fact that a Senator or Representative must be always largely influenced by the interests of his immediate constituents. As a matter of course the people of Fort Smith, Ark., and of Paris, Tex., want these courts retained in their towns. The sum of $250,000 to $300,000 a year out of the public Treasury of the United States distributed amongst the saloon keepers and hotel keepers of a border town is a bonanza of the very largest dimensions. Just think of it, Mr. President! A quarter of a million dollars taken out of the tax money of the people of the United States to pay the expense of dragging Indians out of their own country to be tried before an alien jury and hung by a United States judge who holds his office for life!

The Senator from Arkansas says that I do not pretend to say that in this holocaust—no, not a holocaust, but this institution of Moloch, which is going on at Fort Smith from year to year—no innocent man has been hung. As a matter of course I have not gone into the records of these trials. The Senator on my left from Indiana [Mr. VOORHEES] tried a case at Fort Smith and knows what sort of a tribunal it is. I am not here to assail Judge Parker, who belongs to a coördinate department of the Government and is from my own State, but since the Senator from Arkansas has done me the honor to speak of my personal knowledge, I will give just one instance of how much I know about the administration of justice at Fort Smith.

Some six years ago, during the administration of Mr. Cleveland, a gentleman in one of the border counties of Texas, who was an old army friend of mine, wrote to me that a poor, miserable negro was under sentence of death at Fort Smith, that he had not a friend in the world, unless this gentleman could be called his friend, who had simply been his employer and had him picking cotton on his plantation. He said from what he knew of this negro he believed he must be innocent of the terrible crime charged to him, and asked my services to go to the Attorney-General's office and examine the record and see whether great injustice was not about to be perpetrated.

I went down to the Attorney-General's office—Mr. Garland was then Attorney-General—and looked into the trial of this negro who had been convicted of murder in the first degree at Fort Smith and sentenced to be hung in about two weeks from that time. I found that he had lived with his wife in the Choctaw country in an isolated little cabin, and had become involved in a difficulty with some of his neighbors or with some of the people who were roaming over that country, whose character is to be established with a six-shooter and a pair of bell-spurs. There is hardly a man in that country who has not some sort of feud on his hands, unless it be those upon the railroads living in the towns.

It seems that this poor negro had become involved in this neighborhood strife; that he was lying in bed with his wife, and his children in the same room, with his gun above his bed, at 2 o'clock in the morning, when some one knocked at the door and demanded admittance. He immediately came to the conclusion that it was some of those self-constituted vigilantes who had come there to hang him. He demanded to know who it was. They said, "No matter who it is, open this door, or we will break it down." That confirmed his impression, and he reached up and took down his gun and said, "Break down that door and I will kill the first man who enters." The door was immediately broken down, and he fired and killed the first man who started in. Judge Parker instructed the jury that the official character of this man, who turned out to be a deputy United States marshal, was presumed to be known to the prisoner, and the jury found a verdict of guilty, and he was condemned to be hung for murder in the first degree.

I took the record, examined it, and called the attention of Mr. Boteler, the pardon clerk, an old friend of mine, to it, and he

recommended a pardon. I carried it myself to President Cleveland. I never saw this negro and never heard of him, except through Mr. Brierly, the old friend who wrote to me. I placed the record before the President, who looked over it that night, and commuted the sentence the next day to ten years in the penitentiary, and the prisoner is now serving out part of his term. He ought to have been pardoned, I say with due respect.

Mr. VOORHEES. He ought to have been acquitted.

Mr. VEST. He ought to have been acquitted. At any rate he should have been pardoned by the President, but the President commuted his sentence to ten years' imprisonment. Judge Parker afterwards denounced that action of the President of the United States as an interference with his judicial authority, and he subsequently, as the Senators from Arkansas know, after denouncing President Cleveland denounced President Harrison for interfering with one of his sentences. If that is the sort of court that is to give to the civilized Indians of this country a correct example of our mode of administering justice, heaven save us from setting examples to the civilized or uncivilized people upon this continent! Here we are pretending to be the evangels of a Christian civilization; pretending to be descended from that splendid old Anglo-Saxon stock, that with mailed hand wrung from the kings of England the admission that every freeman should be tried by a jury of his peers.

Are we giving these Indians the trial that we demand for ourselves? We take control over them judicially; we appoint judges, and marshals to ride over that Territory, and yet when we try them, instead of a trial by a jury of their peers, to which they are entitled under English and American civilization, we send them off manacled and pinioned to a distant State, to be tried before white men upon the border, who, as every one of us knows, have the deepest prejudice against any Indian, and before a judge not responsible to the people, but who holds his tenure of office for life.

Why, Mr. President, if this slaughterhouse at Fort Smith be an example of the mercy that a great government is to extend to a people in regard to whom our record is not without stain—if that is to be the great exemplar of our civilization, then we have made a miserable failure of the whole business.

But, Mr. President, while dollars and cents should not be conclusive as to a great matter of human life and human justice, when we look at the terrible array of expense which is entailed upon the people of these United States by this system, that of itself ought to sweep it away.

The Senator from Arkansas says it is not a fair comparison to compare the expenses of the court in the southern district of New York, with the great metropolis of the country in it, and the expense of one of these border courts. I know it is hardly a fair comparison. It is true that these courts have a criminal jurisdiction which the court for the southern district of New York does not exercise; but has the Senator reflected upon the enormous disparity in commercial business and litigation between the court in New York and that at Fort Smith, Ark., or that at Paris, Tex., or that at Wichita, Kans., with the right to millions upon millions of dollars to be adjudicated, and intricate questions of civil law to be determined, which do not and can not possibly come before the tribunals in Arkansas and in Kansas?

Mr. PLATT. Will the Senator allow me a word?

Mr. VEST. Yes.

Mr. PLATT. I wish the Senator would state concisely what are the respective jurisdictions of what are known as Indian courts, of the Paris, Fort Smith, and Wichita courts, and of the court at Muscogee. I do not think that is generally understood; and, I am sure, he can state it as well as anyone.

Mr. VEST. I have all the acts of Congress here before me, and if it would not weary the Senate too much I would read them; but I will state in as few words as I can when I come to another branch of the Senator's argument what that difference in jurisdiction is.

Mr. PLATT. Any time before the Senator concludes will answer.

Mr. VEST. I may as well state it now.

The Senator from Arkansas [Mr. BERRY] rather taunted me with having agreed to report the bill which gave a partial jurisdiction over the Indian Territory to the court at Paris, Tex. He was unfortunate in that reference, not intentionally so, of course. If he had done me the honor to look at my record as a Senator upon that question he would have seen that the bill I introduced, which was reported from the Judiciary Committee of the Senate, of which I am a member, conferred full jurisdiction absolutely upon the court at Muscogee, and never for one single instant have I faltered in the opinion that this court should have ample and complete jurisdiction over all crimes of any degree in the Indian Territory.

That bill passed the Senate on my motion. It was reported by me from the Judiciary Committee. It went to the House of Representatives, and, without giving names, the chairman of the Committee on the Judiciary in the House of Representatives was a member from Texas, and the next most active member of that committee was the member from the Fort Smith district in Arkansas. They refused to pass that bill. They passed a bill so amended as to give jurisdiction to the courts at Fort Smith and at Paris over all first-class felonies, murder in the first degree and the second degree, for instance, and robbery, leaving jurisdiction over misdemeanors and the lower felonies to the court at Muscogee in the Indian Territory.

That is the difference in jurisdiction, and if it is proposed to go into details I have the acts here before me showing exactly what that jurisdiction is. The contention of the managers on the part of the House of Representatives was that all cases of murder in the first degree should be tried outside of the Territory, and they put it upon the ground that juries could not be obtained in the Indian Territory who were fit to pass upon the question of life and death. The other House passed the bill so emasculated that I hardly knew my own production. When it came back here as a matter of course all I could do was to agree to a committee of conference.

The former Senator from Vermont [Mr. Edmunds], then chairman of the Judiciary Committee, and myself were the conferees on the part of the Senate. The chairman of the Judiciary Committee of the other House, from Texas, and Mr. Rogers, the member from the Fort Smith district in Arkansas, were the conferees on the part of the House, and all I could obtain was the present bill.

I want to make the statement now upon my personal veracity that the report was agreed to by me, with the distinct understanding made with the House conferees that it was only a temporary piece of legislation; that they did not propose that it should be permanent; that they simply wanted to try it for a few years. They recognized, as every lawyer must recognize, that it was an anomaly in jurisprudence to take people charged with crime, and especially murder in the first degree, outside of the jurisdiction where they live in order to be tried in another State.

Mr. PERKINS. Will the Senator from Missouri permit a question?

Mr. VEST. Certainly.

Mr. PERKINS. Has not the Senator from Missouri stated the case too liberally even as it is?

Mr. VEST. Possibly I have.

Mr. PERKINS. Have not the court in Texas and the court in Arkansas, of which the Senator has spoken, concurrent jurisdiction with the court in the Indian Territory, even as to misdemeanors?

Mr. VEST. That is true. I intended to state that.

Mr. PLATT. As to liquor selling?

Mr. PERKINS. They have concurrent jurisdiction even as to minor offenses.

Mr. VEST. As a matter of course; and I was coming to that point in my argument.

The Senator from Arkansas says that if the population of the Indian Territory is such as I have described it, then no juries can be obtained there. The fault is not with the jury system. The fault is with the administration of the law, and the marshals and judges. It is now a scramble between the deputy marshals inside the Territory and those outside as to who shall get the fees, and they are both engaged in this ruinous competition to put money into their own pockets. I can produce proofs here until no Senator will have a doubt about it showing that the only business of the deputy marshals outside and inside is a scramble to get fees. The Senator from Kansas (and I am obliged to him) stated the point exactly when he called my attention to the fact that the outside courts have concurrent jurisdiction over misdemeanors. The whole question is now who shall get hold of the Indian and bring him into court, so as to make the most money in the shape of fees out of the trial.

As to my charging that all the people of the Indian Territory are felons, I want to say it is monstrous and absurd, and I made no such statement. I did state, and state now, that the Indian Territory is in such condition by reason of the bad administration of law and its anomalous condition with reference to the adjacent States that it is filled with the lawless and criminal class, who are not punished, and that they never will be punished, as matters now stand.

Mr. BERRY. Will the Senator permit me to interrupt him right there?

Mr. VEST. Certainly.

Mr. BERRY. Did not the Senator specifically complain because so many were sent to Fort Smith? And now the Senator says they are not sent there.

Mr. VEST. I made this statement, and none other, that the condition of that Territory invited the criminals from adjacent

States to go into it, and it always will do it. They go to it exactly as wild animals will go to a reserve where they are protected from the hunter. A man who commits a crime down in Southwest Missouri, who steals a horse there, immediately crosses the line into the Indian Territory, and he is safe, and goes unwhipped of justice. I made no statement that all the people in that Territory were criminals. I do say that, in proportion to the population, a very large number of them are, and the system that I am attacking is the inducement for these criminals to be there.

Mr. BERRY. Will the Senator permit another question?

Mr. VEST. Certainly.

Mr. BERRY. The Senator says these criminals are not caught and punished. I ask the Senator if he did not say a few minutes ago that it was a scramble between the inside and outside marshals as to who should get the most of them?

Mr. VEST. As a matter of course, to catch the people who are peddling whisky without a license; but I have a letter here just upon that point from a lawyer of fair standing in the State of Kansas. I have inquired of the Kansas Senators in regard to him, and I can give his name if it is required. I received it this morning, and it is just upon the point that the Senator from Arkansas now makes. This gentleman states that these deputy marshals never go after what is called "a bad man." They do not oppose pistol to pistol, but they are hunting up petty offenders in order to get the costs and put the fees in their pockets. He says:

It is a further fact that these deputies raid the Strip, arresting whisky peddlers, bring them to Guthrie, waive examination, take them back to Wichita, and after two or three weeks bring them back to Guthrie and have them plead guilty. They take all these trips to make more fee. They never, or very seldom, "go after" a dangerous or bad man. I know of them arresting a "boomer" for cutting enough wood to camp by, and when the boomer demanded immediate trial they would not give it unless he would plead guilty and be fined $5; otherwise he would be taken back to Wichita and be brought back to Guthrie in ten or fifteen days, etc. One deputy United States marshal told me he had made $3,000 this last year. I met another on a train with two whisky peddlers taking them to Wichita, and I asked him why he did not let them plead guilty at once. He said, "There is nothing in that for me. I will bring them up to Wichita and get 10 cents per mile each way, and get the same to come after them; they will then plead guilty and I will get to bring them back. See!" They have a jail now in Guthrie. I hope this system will be abolished.

Mr. President, that is the condition of things as stated by this gentleman. I have not given his name, but the Senator from Arkansas can have it. I took the letter to the Senator from Kansas to know who this gentleman is. I did not propose to discuss the question of the character of the juries in the Indian Territory. I disclaim emphatically and distinctly having attacked the entire population. I have some friends there as near and dear to me as the people of Fort Smith can be to the Senator from Arkansas, and they are reputable men and stand high in Missouri. Hundreds of them have gone into that Territory, connected with the railroads and other business, and they are there legitimately to-day. But since the question has come up, I will read a few letters I received some time ago in regard to these juries.

[United States court in the Indian Territory, at chambers. James M. Shackelford, judge.]

MUSCOGEE, IND. T., *May 9, 1892.*

DEAR SIR: I learn from your letter written on the 5th instant to Clifford L. Jackson, esq., of this place, that the chief argument against your bill now pending in the Senate, giving full and exclusive jurisdiction to the United States court in the Indian Territory, is that good juries can not be had here.

The argument is utterly unfounded in fact. The juries are uniformly composed of men of intelligence, courage, and integrity. The numerous verdicts rendered by the different juries in both civil and criminal cases since the establishment of the courts in the Territory have been, with few exceptions, rendered in accordance with the law and the evidence in each case. I simply repeat what I have heretofore written the Attorney-General and others on this subject, namely: I have never seen better juries in the States than are the juries of the courts of the Indian Territory.

Very respectfully, yours,

JAMES M. SHACKELFORD,
Judge United States Court.

Hon. G. G. VEST, *Washington, D. C.*

That letter was written May 9, 1892. Here is another letter dated May 9, 1892, addressed to me, as follows:

[United States marshal for the Indian Territory.]

MUSCOGEE, IND. T., *May 9, 1892.*

SIR: In the matter of procuring honest and capable jurors for the United States court in the Indian Territory I have to say that I honestly believe that we have a better class of jurors for our court than the average of the courts in any of our States. We are not troubled with "chronic jurors," as they are in the States. I have had much experience with jurors in the States, and I can truthfully say that I have never seen a better or more intelligent class of jurors than serve on the juries of this court. We have in this Territory over 100,000 white people, farmers, merchants, mechanics, professional men, etc., and there is no reason under heaven why as good and intelligent jurors can not be summoned and procured here as in any State in the Union.

Respectfully,

T. B. NEEDLES,
United States Marshal.

Hon. GEORGE G. VEST,
United States Senate, Washington, D. C.

To the same effect is the following letter:

MUSCOGEE, IND. T., *May 9, 1892.*

To whom it may concern:

The undersigned, attorney and assistant attorney of the United States court in the Indian Territory, certify that the jurors selected and empaneled in the courts of the several divisions in the Indian Territory will compare favorably in intelligence and impartiality with those in attendance upon the Federal courts in the neighboring States.

They appear to be conscientious in the discharge of their duties, and endeavor to find and present the issues submitted to them according to the law and the testimony. In our opinion the people here can safely be intrusted with the trial of all offenses committed in the Indian Territory.

Very respectfully,

Z. T. WALROND,
United States Attorney.
J. S. JENKINS,
Assistant Attorney.

Here are resolutions passed by the bar at Muscogee, to the same effect, together with other testimony.

Now, Mr. President, I have always said, or intended to say, that along the line of the railroads in these towns and cities juries can be obtained as good as those in the adjoining States. These criminal classes are not found there. They do not go to the towns and cities upon the railroads except for purposes of debauchery after they have accumulated enough plunder for their dissipation. They are not seen often in the daytime, unless when under the influence of liquor. One of them dashes in and is seen from an incoming or an outgoing train, and then goes again to his depot or fastness in the interior of the country.

The Senator says he speaks from personal knowledge. I speak from personal knowledge also upon this subject. I was engaged some years ago in the practice of my profession in a case where the evidence was developed that there was a systematically organized band of horse thieves operating from North Missouri and Iowa into Indian Territory. The people broke it up by a vigilance committee, and I defended the vigilantes, and it was the proof that thieves had their regular stations all culminating in the Indian Territory and radiating from there out into the adjoining States.

Mr. President, while I speak here as a Senator of the United States and a Missourian, how much more is the interest of Arkansas and Texas in this matter compared with that of my own State? There is but little of the State of Missouri that adjoins or abuts upon the Indian Territory. But how is it with Arkansas, and more especially how is it with the great State of Texas? I undertake to say that the condition of the Indian Territory, hermetically sealed against civilization and immigration, a dead waste so far as its great resources are concerned in the form of development, is almost an absolute barrier to immigration into the State of Texas.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business, which is House bill 7845.

Mr. PEFFER. I ask that the unfinished business be temporarily laid aside in order that the Senator from Missouri may conclude his remarks.

The PRESIDING OFFICER. Unanimous consent is asked by the Senator from Kansas that the pending business be temporarily laid aside. Is there objection? The Chair hears none, and the Senator from Missouri will proceed.

Mr. VEST. Mr. President, I shall detain the Senate but a few moments longer.

I was saying, and I say it very earnestly, that the State of Texas is more interested in the opening of this Territory than any other State in the Union. It is impossible to fix the amount of injury done to that great empire by the simple fact that the Indian Territory on the north is not opened up. The impression is made upon the people of the North that there is some sort of obstacle they can not analyze or define between Texas and the rest of the Union; that the homogeneity does not exist geographically as to our soil that ought to exist. The condition of the Indian Territory to-day, judicially, socially, and morally, is an anomaly both to our jurisprudence and the autonomy of our Government. The men who made the Constitution never contemplated that we should hold territory in the condition the Indian country is in to-day.

The men who framed the Constitution never intended that we should have colonies. The idea of those who made the Constitution of 1789 was that every foot of soil belonging to the people of the United States should be, politically, socially, morally, and judicially, an integral portion of our whole country. The continental system, and that of England, of colonizing and carrying the British flag, the French and German flags, to the confines of the earth in order to obtain money and power, is unknown to us; and it would be enough to startle the spirit of the men who made the Constitution, if spirits take any cognizance of what we are doing here now, if they were told that it was seriously contended here that we should hold this Indian country in its present condition.

More than that; I go further. The right of self-preservation is the highest and first right of every people. I repeat what was said by the Senator from Kansas [Mr. PEFFER], that this Indian country as it is to-day is a menace to civilization. No Indian intellectual enough to understand this question at all can complain justly, when I insist that the status of that country shall be changed. We are not called upon to keep up a depot for criminals.

The Senator from Arkansas hurries away from a statement I made, and it is a most conspicuous and startling one, that from a depot in the Indian Territory came in broad open daylight a band of banditti and at 9 o'clock in the morning attacked a peaceable community in the State of Kansas and turned its quiet and silent streets into a scene of carnage, shooting men down in their business houses and in the banks, and but for a most remarkable example of heroism and self-defense they would have succeeded and plundered the banks and gone off with their booty.

But what has happened once may happen again, and will happen. When I last heard from that little town of Coffeyville, men were sleeping with arms by their sides, expecting the survivors and relatives of this band of robbers to attack them again. I know there have been criminals all over this country in all the States. My State was called the robber State. It was not the fault of our jurisprudence. Frank James was tried by a jury of his countrymen, defended by counsel, and prosecuted by the ablest lawyers in the State, and acquitted. If he had been dyed with blood, incarnadined from head to foot, he had that right to be tried by a jury of his peers, and when acquitted under the glorious institutions and traditions that our fathers have left us, he could not again be put in peril for that offense.

Missouri broke up her robbers, and my State to-day is as calm and peaceful from one end of it to the other as any domain in the civilized world. Illinois had her robbers. One of them, after shooting down six of her citizens, was at last arrested in the streets of St. Louis by a police officer of that municipality at the expense of his life. Kansas had her robbers, where a den of murder was kept up for years, and some of the best men in the State were entrapped and massacred. It was not the fault of the jurisprudence of Kansas, nor was it in violation of the established principles of jurisprudence, that every man, no matter how ignorant, poor, or humble, is entitled to a trial by a jury of his peers in the jurisdiction where he lives.

In our Federal courts you can only sue a citizen in the Federal district where he lives or where he is found in the district of the plaintiff. Whoever heard under any State or Federal system that defense could really be made of this anomaly in jurisprudence that drags a man away from his peers and away from his jurisdiction to be tried in a foreign State and by those who for some reason (and I do not propose to discuss it) all along the border are prejudiced against the Indians as a class?

Now, Mr. President, I will conclude what I have to say by reading another letter which I received this morning. It came to me unsolicited from a gentleman I never saw. He refers me to the Senator from Illinois [Mr. PALMER], and I submitted the letter to him, and he states that this gentleman is a man of the highest character, and I think the Senate will say, after hearing the letter, that there is no question about his intelligence. The Senator from Arkansas spoke of my statement here as being utterly unfounded and based simply upon rumor. I will read now from a man who has lived for years in the Indian Territory and who is a Cherokee by birth. Here is his statement, and I ask the attention of Senators to it:

In looking over my morning paper, I notice you offered a resolution looking to the appointment of a commission to visit the five civilized tribes of Indians for the purpose of ascertaining if an arrangement can be effected whereby they will accept allotment of their lands, and agree to sell the surplus.

I will preface what I am going to write you, by telling you I am a native by blood of the Cherokee Nation. I have spent many years among them before and since the war; am personally acquainted with almost every family in the nation. J. B. Mayes, the chief, is my own cousin. I would welcome the day when the object you now seek to accomplish might be accomplished, for this consummation would be a source of joy to many thousands of that tribe. But, sir, I have no confidence in any effort put forth by the Government which leaves to the option of those people to accept or reject.

I hope you will bear with my lack of brevity, for this is a thing that embodies many elements in its make-up, and each plays its part. When you suggest this allotment scheme (I mean no disrespect by saying scheme), in viewing the entire ground over, there is perhaps no one element that sways and controls this people more than the foreign capital that is invested in that country. Outside capital has been gradually pouring into that country, to be invested in cattle, until they have monopolized the entire range. This is effected through that class of citizens who are termed half-breeds (a half-breed is one who is partly white; many who have only a sixty-fourth part of Indian blood are termed half-breeds), and principally through this class of citizens they manage to introduce their capital and evade tax laws and other laws which would otherwise bar them. There are many white men also in the country who have married into these tribes who are also engaged in this illegal speculation. These people are the "Wall street" of the Territory. They want no change that would cut up the range into small individual claims and thus destroy their monopoly of the range.

This element is the brains of the country; they have the money; they manage to defeat every effort put forth looking to a change. This they accomplish by controlling and shaping the legislation by combining the sharp, shrewd element in combination with the ignorant full-blood. This is brought about by making the full-blood believe that if he ever consents to a change the white man will gobble it all, and that railroad grants through the Territory will take a large portion of their country. In this manner they manage to keep up a prejudice in the minds of the full-bloods and are enabled to keep in control.

Then others, and perhaps a majority of the entire community, desire this allotment, but they are termed (through these influences) traitors. Many have been ostracized from that country on account of advocating a change so as to place the land belonging to them and their children on a firmer basis. The present condition has nothing in the shape of permanency about it. There is nothing to encourage an industrious man to exert himself. He has no metes and bounds or title by which he can be justified in making permanent improvements. There is always a feeling of uneasiness that pervades the air in such a state of affairs.

It is not to be wondered at that their country is uncultivated. Some cultivation of soil is going on, but this is done by white men who have gone to the country and leased land from these sharp half-breeds who have gobbled up all the good farming lands for this purpose. They give a citizen of the United States a half or whole section of land for five years or more if he will break it up and make so much improvement on it. The law there does not limit him to one farm, but some have thirty or forty farms secured in this manner, and of course they oppose any change. This class monopolize all the offices in the country, and all the money arising from their semiannual interest is pocketed by this class, for they have only to account to themselves for it. Thus you see those who would favor a change dare not openly advocate it.

The law and order of that country is a howling farce, with no moral stamina to back it up. The country is one grand asylum for all the criminals who choose to accept it as a safe retreat. The Federal court at Fort Smith, with all of its regiment of low-flung marshals, reeks with filth. The country is a barrier to civilization and is a Chinese wall hedging in the worst element of people. The six-shooter and bell spur are ornaments that command universal respect. I left this country in disgust to get into a country in which I dared to raise my children. I never expect to return under the present status. I will give you one illustration of the way justice is dealt out in the Federal court at Fort Smith. While I was in that country it happened to my lot to hear one night from a telegraph operator in the Cherokee country that a theft had been committed in the Creek country, one white man robbing another, and the man who was robbed of $800 offered half for the capture of the theft.

Next morning at daybreak in company with a companion I started on horseback south to catch that thief. It had snowed over night, and after going south about 15 miles, we saw a trail made by two horses leaving the railroad. We followed it about a mile in a brisk gallop and overtook a negro and a white man. We found the latter suited the description and he held up his hands until we searched and found all the money as described, and then we took him with us. When we delivered him up we found he had also on the robbed man's pants and boots. We got our money or rather kept it, and turned over $400. This man went to Fort Smith a prisoner, and some months after I was called to Fort Smith as a witness against him. I found him sauntering about town. The turnkey at the jail stated to the court that a conspiracy to kill him had been thwarted by this man and they gave him his liberty. When the trial came up I gave my evidence, but the man who was robbed did not appear. During the trial the priest at Fort Smith came into court and asking the attention of Judge Parker, stated that this prisoner had done penance and he had absolved him and he asked the court to be lenient with him. Parker fined him $1 and discharged him.

This gentleman then gives what he considers a remedy for the condition of things in the Indian Territory, the only thing that he says can do any good. He says:

Bring up a resolution before Congress allowing every Indian who chooses to become a citizen of the United States the right to take his pro rata share of land, and have a strip surveyed off for that purpose, and I will pledge you that they will break their necks running over each other to accept it, and then you at once solve the entire question and do away with your rotten Federal court. You tear down that wall and remove the barrier to progress and civilization.

I do not give this gentleman's name, but it is at the service of anyone who desires to see it, together with the statements of the Senator from Illinois as to his character.

Mr. BERRY. Mr. President, the Senator from Missouri, in the latter part of his remarks, seeks to put the Representatives from Arkansas and Texas in the position of opposing the opening of that Territory. I expressly stated in the remarks I made that I am in favor of the Senator's joint resolution, and I am in favor of every proposition that looks to the opening up of that Territory to immigrants from all the States, and to its admission as a State into the Union. The only difference between the Senator and me is that I was four months ahead of him. I introduced a bill during last session containing precisely the same idea, and advocated it, and stand ready to advocate it, and no argument in regard to standing as a barrier between Texas and immigration has anything to do with the issue between the Senator from Missouri and myself.

The issue that I made with him was this: That while the present condition remains it is suicidal; that it would be a great crime to the people of that nation to remove the fear of punishment that is inflicted at Fort Smith and Paris from the cutthroats now in that nation. That is the issue between him and me. When the Territory is opened up to immigrants from every part of the country and the best class of people can go there, I agree with him, then the causes should be tried inside of the Territory from juries selected there; but while the condition exists which he says exists, I say that it would be cruel and unjust to the people of that Territory to remove all fear of punishment from the commission of any crime whatever.

I said in my speech that the Senator was inconsistent, because he said that parties ought to be tried by the people of that Territory, and at the same time said it was largely composed of thieves, cutthroats, and banditti. He says that I slipped over

the fact that the Daltons had assembled there before they went to Coffeyville, Kans. I do not think that is just. I said they assembled there, but that was no argument why all the people of that Territory were lawless. I did not allude to the Senator's State by name, because I felt a delicacy in doing so, but he now comes in himself and admits that in States of this Union the same thing has been done, precisely, that has been done in that nation. If it is a charge against the men of that nation that those men assembled there before they went to Coffeyville, is it not really a charge against the State of Missouri that the men who robbed the bank in Minnesota assembled in Missouri before they went to Minnesota?

I say that it is unjust to charge it on all the people of Missouri that they were lawless or in favor of robbers because those men happened to go from Missouri into Minneapolis. I say that it is equally unjust to state the same in regard to the people of the Indian Territory because those men went from there to the town of Coffeyville.

Now, the Senator from Missouri reads letters from Judge Shackelford and others and says that juries can be found that the character of the people there would compare favorably with that of certain States. I ask him how that agrees with the desperate condition of affairs which he described as existing there a few days ago upon the open floor of this Senate? How does that agree? I take it when he made that speech he had not read Judge Shackelford's letter, because the two would not go together.

Mr. VEST. If the Senator will permit me, the letter is dated May 9, 1892, and I have had it since that time.

Mr. BERRY. I could not understand how the Senator with that letter before him, if he believes what is in it, could paint the fearful picture he did two or three days ago in regard to the condition of society in that Territory, because the two do not agree. That is what I said.

Mr. VEST. I am not so vain as to think that I could convince the Senator from Arkansas on this question, but I stated distinctly that the men who are committing these crimes are not found along the railroads where the juries are obtained. I emphatically stated, and it is the fact, that they only appear sporadically in those towns and cities, and they are sparsely located. The juries are taken from those towns.

Mr. BERRY. Mr. President, the most peaceable and law-abiding part of that Territory I have ever seen are the men who are living on the farms in the Cherokee and Choctaw Nation—men who go about their business as they do in every other State of this Union; and it is unjust to say that the only peaceable and law-abiding citizens in that Territory are those along the railroads and at the towns in the Territory. It does not comport with the facts stated, and men who live in that section know it.

Mr. VEST. Will the Senator permit me? Of course he does not want to make a misstatement.

Mr. BERRY. Not if I know it.

Mr. VEST. If the Senator will read the act which organizes the court in the Indian Territory he will see it requires that their jurymen shall be able to speak and understand the English language. That shuts out from the jury service the half-bloods in the Territory, as a rule, and confines the jury service to the white men, the large majority of whom are found along the railroads in the towns and cities.

Mr. BERRY. I said, and I repeat, the Senator did not answer that part of it, that in the Indian courts where they had full jurisdiction to try criminal causes, where both parties were Indians, that in a long series of years, while many murders had been committed by men of prominence and standing in that Territory, the Senator well knows it when I say that no man of prominence, of extensive connection, or wealth has ever been convicted in a single instance in a trial before those Indian courts of a serious offense. There are families there that are so extensive that they are closely and intimately connected with each other, and they are of such overpowering influence in the Territory that any member of the family could murder the Senator in passing through there and it would be utterly impossible to get a jury to convict him. If he can get the pending joint resolution passed; if it is effective, which I hope it will be; if the Territory can be opened to every class of immigrants, then it is entirely proper and correct that the people should be tried by juries who reside inside of the Territory.

There is one other thing. The Senator seeks to make the impression that this large cost is attributable to the fact that these courts are held on the line of the Territory instead of inside of the nation. Mr. President, I have been told reliably that the courts at Muscogee, South McAllister, and Ardmore are already with a limited jurisdiction over misdemeanors, and they are so overcrowded that it is impossible to call them at every term of the court. If this additional jurisdiction were attached to them additional courts would have to be created, new judges would have to be appointed, and new district attorneys and new marshals in that district would have to be appointed in order to dispose of the business, and of course with this would come increased fees and increased cost over and above what it is now.

Now, this is all that I have to say. I do not object to the Senator's joint resolution, but I did not believe that he ought, when a measure of this character is pending, to bring in another question, and make an argument here intended to benefit another bill that is not now before the Senate for consideration. I have stated and restated the position of the people of Arkansas and Texas. The Senator said the other day that it is simply a question of saloons and boarding houses. It is a question of the enforcement of the law. In one breath he complains of Judge Parker on account of the severity of his punishment of criminals, and he then reads a letter as the ground of complaint, because some man was fined with the insignificant sum of $1. His whole speech is inconsistent from beginning to end.

Mr. VEST. The Senator certainly does not mean to say that.

Mr. BERRY. I certainly so understood the letter the Senator read.

Mr. VEST. I did not say it, but the letter makes the statement.

Mr. BERRY. That is what I stated.

Mr. VEST. If the Senator can justify it I should like to see him do it. The letter states that the United States judge found a man guilty of robbery and fined him $1.

Mr. BERRY. Well, Mr. President, I undertake to say that the facts are not as stated in that letter, and I do not care who the man is who states it. Judge Parker is a man of ability. He is a man of high character. The Senator well knows that he has the entire confidence of that community. He is a splendid lawyer, and whatever character the decision was, if the other side could be heard it would be fully explained. But I say the Senator did complain that ninety-seven men had been hung right there. That is his exact statement. The complaint then was that he hung too many of these thieves and murderers. He has shifted his ground to-day and says he failed to punish men. I say that is unjust; it is groundless.

Mr. VEST. I should like to ask the Senator a question. He alludes to Judge Parker. Does he think that a United States judge ought to deliver a charge to a grand jury criticising the President of the United States for granting a pardon?

Mr. BERRY. Mr. President, I have already stated that I am not a political friend of Judge Parker.

Mr. VEST. I ask the Senator as a lawyer what he thinks of a judge who would do that? The Senator has been on the bench.

Mr. BERRY. I will answer the Senator that I think when Judge Parker undertook to criticise the President of the United States for granting a pardon he went out of his way and made a mistake and did that which a judge on the bench should not do; but while I say that, I do not believe that Judge Parker is a dishonest man, and the Senator will not assert it, because no man who has held a position there for fourteen years, unless he is an honest man, could get the confidence of the entire community to the extent which he enjoys it.

As the Senator well knows, and as I said a while ago, Judge Parker is a Republican. He has said many things politically to which I do not agree, and I thought he went out of the way to criticise the President for pardons in his charge to the jury, and that it was wholly unadvisable and inexcusable, and he ought not to have done it. But it does not follow from that that guilty men who were tried in his court ought not to have been hung, because if they were of the character the Senator says, and it is not shown they were of any other, they well deserved to be hung, and the Senator knows it. If there are thieves and cutthroats and banditti riding by day as well as by night terrorizing the people to such an extent, to use his own language, that the doors of ingress and egress are closed, locked, and barred; if there are that character of men in that Territory then they ought to be hung, and it will be a relief to the rest of the citizens of that Territory when they are hung.

I simply say that the Senator's argument is wholly inconsistent from beginning to end. I am with him heart and soul in the appointment of this proposed commission. I trust that these Indians will agree to take the land in severalty and sell all, except such as they desire for homes, at its full value, open it up to the world, and that the Territory will come in as a State of this Union. That has been my solution of the question from the beginning; but until that is done I ask in the name of humanity that all restraints and all fear of punishment be not taken away from the criminals in that Territory.

Mr. WASHBURN. I understand that the joint resolution is likely to lead to quite a long debate, and I shall have to ask that the regular order be laid before the Senate.

The VICE-PRESIDENT. The regular order is called for, being the bill (H. R. 7845) defining "options" and "futures,"

imposing special taxes on dealers therein, and requiring such dealers and persons engaged in selling certain products to obtain license, and for other purposes.

Mr. COKE. What disposition has been made of the joint resolution?

The VICE-PRESIDENT. It goes over.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 2034) for the relief of Susan T. Salisbury;

A bill (H. R. 2478) for the relief of David Sarsfield;

A bill (H. R. 2901) to pension Ida Cassell;

A bill (H. R. 6564) to remove the charge of desertion against Charles H. Behle;

A bill (H. R. 7036) granting a pension to Lillie Ries, late a nurse at Jefferson Barracks;

A bill (H. R. 7099) granting an increase of pension to Samuel S. Anderson;

A bill (H. R. 7375) granting a pension to Mary Hollis;

A bill (H. R. 8054) to increase the pension of Mary L. Bacon, widow of the late George B. Bacon, late lieutenant-commander of the United States Navy;

A bill (H. R. 8780) to restore to the pension roll Mary Eleanor White, former widow of Capt. George W. Hazzard; and

A bill (H. R. 8925) to increase the pension of Harvey Lyon.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled joint resolution (H. Res. 167) relating to the discharge of certain official duties in the office of Register of the Treasury; and it was thereupon signed by the Vice-President.

TENDOY.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 2612) granting a pension to Tendoy, chief of the Bannocks, Shoshones, and Sheepeaters tribe of Indians, which was, on page 1, line 4, before the word "dollars," to strike out "30" and insert "15."

Mr. SHOUP. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

HOUSE BILLS REFERRED.

The following bills received this day from the House of Representatives were severally read twice by their titles and referred to the Committee on Military Affairs:

A bill (H. R. 2478) for the relief of David Sarsfield; and

A bill (H. R. 6564) to remove the charge of desertion against Charles H. Behle.

The following bills were severally read twice by their titles and referred to the Committee on Pensions:

A bill (H. R. 2034) for the relief of Susan T. Salisbury;

A bill (H. R. 8780) to restore to the pension roll Mary Eleanor White, former widow of Capt. George W. Hazzard;

A bill (H. R. 8925) to increase the pension of Harvey Lyon;

A bill (H. R. 7036) granting a pension to Lillie Ries, late a nurse at Jefferson Barracks;

A bill (H. R. 7099) granting an increase of pension to Samuel S. Anderson;

A bill (H. R. 7375) granting a pension to Mary Hollis;

A bill (H. R. 8054) to increase the pension of Mary L. Bacon, widow of the late George B. Bacon, late lieutenant-commander of the United States Navy; and

A bill (H. R. 2901) to pension Ida Cassell.

DEALING IN "OPTIONS" AND "FUTURES."

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7845) defining "options" and "futures," imposing special taxes on dealers therein, and requiring such dealers and persons engaged in selling certain products to obtain license, and for other purposes, the pending question being on the amendment of Mr. DANIEL to strike out section 10.

Mr. HARRIS. I wish to suggest to the Senator in charge of the bill the fact that the last print, the one that is used on the desks of the Senators, does not discriminate between amendments already made in the Senate and the original text of the bill as passed by the other House. It is impossible from that print to determine what parts are the original text of the House bill and what parts are amendments already agreed to as in Committee of the Whole by the Senate. I suggest, in order that we may deal with the bill intelligently, that it ought to be printed, the original text of the House bill in the ordinary bill type, the amendments already agreed to by the Senate as in Committee of the Whole in small capitals, and if there be pending amendments let them be printed in italics. Then every Senator can tell exactly what is the original text, what amendments have already been agreed to as in Committee of the Whole, and what are pending amendments. It is utterly impossible to proceed intelligently upon the print we now have, and I suggest that the bill be reprinted on the plan I have indicated.

Mr. WASHBURN. It has not occurred to me that it is necessary to have a reprint. The last print was agreed upon before the bill went over from the last session, and it was done by unanimous consent, the Senator from Tennessee agreeing to it with others, with a view that Senators and the country should know just what kind of a bill was to be pressed by the friends of a measure of this kind in the Senate on its reassembling in December. It was done for the express purpose that not only Senators, but everybody should know the character of the bill that would be attempted to be passed during the present session; and here the bill is as its friends desire to pass it. I do not imagine that there is any great necessity to show the precise changes or amendments, because they were all discussed and all agreed on in the Senate when the bill was placed in its present form.

Mr. HARRIS. I raise no question about how the order to print the bill in its present form was made, nor does it matter in the slightest degree whether it was made by unanimous consent or by any other order of the Senate. If the bill had been printed as I have suggested, every Senator and the whole country could have seen not only the text of the bill as it passed the other House but the amendments that the Senate as in Committee of the Whole have incorporated in it.

They could have had exactly the same amount of information if the bill had been printed in that form that they can obtain from the bill in its present form. But there is something practical in the suggestion I make. Here is a part of the bill that is incorporated by action of the Senate as in Committee of the Whole, and the Senate having acted upon it as in Committee of the Whole, it would not be in order for me to move an amendment to that part of the bill, while it is in order for me to move to amend the original text as in Committee of the Whole; but it would not be in order to move to amend if the Senate has already acted upon an amendment and has agreed to it as in Committee of the Whole. I say, in order to deal with the bill intelligently, we must have a print of it on the plan I have suggested.

Mr. WASHBURN. The Senator from Tennessee will notice the memorandum on the back of the bill, "By unanimous consent, made unfinished business for first Monday in December, 1892, the reprinted act as amended to be considered as the original act." So it stands before the Senate to-day as the original bill. If the Senator from Tennessee feels that the bill can be discussed more intelligently and more satisfactorily by having the reprint he desires, so far as that is concerned I make no objection, and I must believe that it is from motives of that character rather than for the purpose of delay that the Senator has made the suggestion.

Mr. HARRIS. If the Senator will allow me, there is no delay in my suggestion. The bill will be printed, if the order is made now, to be on our tables to-morrow morning. Where is the delay or obstruction?

Mr. WASHBURN. It is simply the delay of to-day.

Mr. HARRIS. Every Senator will then be enabled to comprehend the actual status of the question more clearly than it can be comprehended in the present form of the bill, and that is my object and my only object.

Mr. WASHBURN. With the understanding that there will be no delay beyond to-morrow I will agree to the suggestion. Of course it is well understood, I presume, by Senators as by everybody else, that there is a purpose, not in the Senate but on the part of people who are interested in the business against which the measure is directed, to defeat it by delay. They have announced it publicly in the newspapers, and in every other way. So far as I am concerned I do not propose to be stampeded or to agree to any measure of delay for the benefit of that class of people. I have received within thirty minutes a telegram from New Orleans, one of the storm centers of this nefarious business, in which the party says:

Cotton speculators and cotton-speculating towns have wired Washington to try to postpone consideration of your bill until holidays. This done through no sympathy for producers. They think grossly exaggerated reports of short crop will enable them to unload at higher prices on innocent outsiders. They affect to believe early consideration might interfere with their plans.

Mr. WHITE. Will the Senator give us the name?

Mr. WASHBURN. No, I prefer not. It is a genuine dispatch, however. It is a private dispatch, and I will not take the liberty of giving the name.

I have no objection to having a reprint of the bill, as suggested by the distinguished Senator from Tennessee, so that we shall be ready to go on with its consideration to-morrow morning after the morning hour.

Mr. HARRIS. Then let the bill be printed as I have suggested, with the amendments already agreed to by the Senate as in Committee of the Whole printed in small capitals; if there be pending amendments, let them be printed in italics, and let the original text be printed in the ordinary form.

The VICE-PRESIDENT. The order to print will be made in the manner indicated by the Senator from Tennessee, if there be no objection.

Mr. WASHBURN. Before that is agreed to, I understand that when we go on to discuss and act upon the bill it will be the bill as it now stands and as agreed upon on the 30th of July. I do not understand that by having a reprint ordered there is to be any change of base so far as the bill itself is concerned.

Mr. HARRIS. The Senator from Minnesota and every Senator can keep, if he chooses, the present print and the new print that I suggest, but the new print that I suggest is the one that will enable him to deal more intelligently with the subject-matter than he can in any other way possible.

Mr. WHITE. I do not understand the effect of the motion of the Senator from Tennessee to be to change in any way the order hitherto made by the Senate.

Mr. HARRIS. Of course not. It does not interfere with any standing order. It only provides for an intelligent print of the bills; that is all.

Mr. WASHBURN. All right.

The VICE-PRESIDENT. It is so ordered.

Mr. PLATT. I suppose that under the order of July 30 the print of that date is considered the original act, and therefore the bill as printed then is open to amendment in any of its parts, no matter what may have been the previous action of the Senate. If considered as the original bill, I should suppose that would follow.

Mr. HARRIS. That necessarily follows, unless the question of order should be made, when of course the Chair would be bound to administer the rules of the Senate in respect to whether an amendment was or was not in order, if anybody chose to violate a unanimous-consent agreement.

Mr. WASHBURN. I understand the bill went over from the last session under the unanimous consent that the text should be taken as the original bill. With that understanding I have no objection to the reprint suggested by the Senator from Tennessee.

The VICE-PRESIDENT. The bill will be printed as suggested by the Senator from Tennessee, in the absence of objection. The Chair hears none.

Mr. WASHBURN. I should like to make a parliamentary inquiry, and I wish the attention of the Senator from Tennessee [Mr. HARRIS]. In view of the unanimous consent for a reprint, is there any objection to going forward with the discussion or voting on the amendment submitted by the Senator from Virginia?

Mr. HARRIS. I certainly interpose no objection, except that I can not discriminate as to what is the original text of the House bill and the amendments of the Senate as heretofore agreed to, and I should like to have accurate information in regard to the whole subject-matter.

Mr. WASHBURN. All right; let the bill go over until 2 o'clock to-morrow.

Mr. GEORGE. I desire to give notice that I shall address the Senate to-morrow at 2 o'clock on the bill.

Mr. SHERMAN. The order to print has not yet been made, I understand.

The VICE-PRESIDENT. The order has been made.

Mr. SHERMAN. Senators around me did not so understand it. I should like to have the order read.

The VICE-PRESIDENT. The order was made by unanimous consent, that the bill should be reprinted.

Mr. SHERMAN. In order to carry out the object of the Senator from Tennessee, I move that the bill be printed by 12 o'clock to-morrow, as he has suggested, a portion of it in the ordinary print of a bill, a portion in italics, and a portion in small capitals. I think the Senator from Tennessee had better write the order so that the Printer may know exactly what to do.

The VICE-PRESIDENT. The Chair is of opinion that it is well understood at the desk.

Mr. SHERMAN. All right.

Mr. HARRIS. I think it is clearly understood.

The VICE-PRESIDENT. The question is on the motion made by the Senator from Ohio, that the bill be printed by 12 o'clock to-morrow.

The motion was agreed to.

INDIANS ON WHITE EARTH RESERVATION.

The VICE-PRESIDENT. The first bill on the Calendar will be stated.

The bill (S. 3184) to provide for allotments to Indians on the White Earth Reservation, in Minnesota, was announced as first in order on the Calendar; and the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. PLATT. The bill was reported by the Senator from Massachusetts [Mr. DAWES], chairman of the Committee on Indian Affairs.

Mr. DAWES. Is the bill open for amendment?

The VICE-PRESIDENT. It is open for amendment.

Mr. DAWES. In the fourth line, after the words "Chippewa Indians," I move to insert the words "of the Mississippi;" so as to read:

That the President of the United States be, and he is hereby, authorized to allot to each Chippewa Indian of the Missi-sippi now legally residing upon the White Earth Reservation, etc.

The amendment was agreed to.

Mr. DAWES. In the eleventh line, after the word "to," I move to strike out the words "those Indians" and insert:

Each Indian of the Otter Tail Band of Pillagers, parties to an agreement ratified by act of Congress approved May 29, 1872, and legally residing on the White Earth Reservation on March 4, 1890, the date of the approval by the President of the several agreements made with the Chippewa Indians under the provisions of said act, and to those Chippewa Indians of the Mississippi.

The amendment was agreed to.

Mr. DAWES. In line 13, after the word "of," I move to strike out "April 18" and insert "March 19;" so as to read: "March 19, 1867."

The amendment was agreed to.

Mr. DAWES. In line 20, after the word "and," I move to strike out "sixty" and insert "eighty;" so as to read: "approved February 8, 1887."

The amendment was agreed to.

Mr. DAWES. In line 23, after the word "the," I move to strike out "Commissioners" and insert "laws;" so as to read: "protection of the laws of the United States."

The amendment was agreed to.

Mr. DAWES. After the word "canceled," in line 30, at the end of the bill, I move to insert:

And in all cases where any of said Indians have accepted an allotment of less than 160 acres, that an additional allottment of land may be made to each of them, not exceeding in the aggregate 160 acres.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. SHERMAN. I move that the Senate adjourn.

Mr. CULLOM. I hope the Senator from Ohio will allow me to move an executive session.

Mr. SHERMAN. Certainly.

Mr. CULLOM. I move, by leave of the Senator from Ohio, that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 3 o'clock and 5 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, December 13, 1892, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate December 12, 1892.

ASSOCIATE JUSTICE SUPREME COURT DISTRICT OF COLUMBIA.

Charles C. Cole, of the District of Columbia, to be associate justice of the supreme court of the District of Columbia, vice Charles P. James, retired, under section 714, United States Revised Statutes, to take effect December 1, 1892.

DISTRICT JUDGE, NORTHERN DISTRICT OF ILLINOIS.

Peter S. Grosscup, of Illinois, to be United States district judge for the northern district of Illinois, vice Henry W. Blodgett, retired, under section 714, United States Statues at Large, to take effect December 5, 1892.

ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY.

Person C. Cheney, of New Hampshire, to be envoy extraordinary and minister plenipotentiary of the United States to Switzerland, vice John D. Washburn, resigned.

ASSISTANT SECRETARY OF THE TREASURY.

Genio M. Lambertson, of Nebraska, to be Assistant Secretary of the Treasury, to succeed Allured B. Nettleton, resigned.

INTERSTATE COMMERCE COMMISSIONER.

James W. McDill, of Iowa, to be an Interstate Commerce Commissioner, whose term of office will expire December 31, 1892.

HOUSE OF REPRESENTATIVES.

MONDAY, *December 12, 1892.*

The SPEAKER, at 12 o'clock m., amid general applause, called the House to order. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of Friday last was read and approved.

THE RANK OF RETIRING OFFICERS OF THE ARMY.

The SPEAKER laid before the House a letter from the Secretary of War, transmitting a draft of a bill "to fix the rank of officers of the Army of the United States retiring after long and faithful service;" which was referred to the Committee on Military Affairs, and ordered to be printed.

DULUTH HARBOR, MINN.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a letter from the Chief of Engineers, submitting a copy of the report of one of the engineers of his investigation into the ownership of the ground on which are located the canal, canal entrances, and piers in Duluth Harbor, Minn.; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

CIVILIAN ENGINEERS EMPLOYED ON RIVER AND HARBOR IMPROVEMENTS.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a copy of a letter from the Chief of Engineers, together with a statement showing the names and places of residence of each civilian engineer employed from July 1, 1891, to June 30, 1892, in the work of improving the rivers and harbors; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

IMPROVEMENTS OF RIVERS AND HARBORS.

The SPEAKER also laid before the House letters from the Acting Secretary of War, transmitting communications from the Chief of Engineers with report of examination and survey of the following rivers and harbors; which were severally referred to the Committee on Rivers and Harbors, namely:

Raccoon River, Ohio; Dunkirk Harbor, New York; Fort Pond Bay, Long Island, New York; Nanticoke River, Delaware; Mexico Bay on Lake Ontario, New York; Harbor at Calumet, on Lake Winnebago, Wisconsin; Westport Harbor, Connecticut; the Ohio River between Ironton, Ohio, and Guyandotte River, West Virginia; North Hero Harbor, on Lake Champlain, Vermont; the harbor at Petersburg, and the Appomattox River, Virginia; the Harbor at Evansville, Ind., and the Ohio River at or near Elizabethtown, Ill.

FINDINGS OF THE COURT OF CLAIMS.

The SPEAKER also laid before the House a communication from the assistant clerk of the Court of Claims, transmitting copies of the findings of the court in the cases of the following-named persons *versus* the United States: W. S. Bewley, W. Y. Fain, W. A. Galloway, B. M. Parham, deceased, J. C. Scroggins, deceased, A. T. Phelan, S. B. Thrift, deceased, Robert Chism, deceased, J. T. Bone, deceased, Jaber Russell, Peter Crosby, deceased, and Henry Gallaher, deceased; which was referred to the Committee on War Claims, and ordered to be printed.

SLATER AND WILLIAM COWART VS. THE UNITED STATES.

The SPEAKER also laid before the House a communication from the assistant clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of Slater and William Cowart *vs.* the United States; which was referred to the Committee on War Claims, and ordered to be printed.

A. B. PHILLIPS VS. THE UNITED STATES.

The SPEAKER also laid before the House a communication from the assistant clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of A. B. Phillips *vs.* the United States; which was referred to the Committee on War Claims, and ordered to be printed.

R. S. AND G. W. WOODBURY VS. THE UNITED STATES.

The SPEAKER also laid before the House a communication from the assistant clerk of the Court of Claims, transmitting a copy of the findings of the court in the case of R. S. and G. W. Woodbury *vs.* the United States; which was referred to the Committee on War Claims, and ordered to be printed.

FINDINGS OF THE COURT OF CLAIMS.

The SPEAKER also laid before the House a communication from the assistant clerk of the Court of Claims, transmitting copies of the findings of the court in the cases of the following-named persons against the United States: J. C. Lummis, Susan Mussen, deceased, and M. H. Thomas, deceased; which was referred to the Committee on War Claims, and ordered to be printed.

CERTIFICATE OF ELECTORAL VOTES OF NEW JERSEY AND OHIO.

The SPEAKER also laid before the House certificates, transmitted by the Secretary of State, showing the final ascertainment of the electors for President and Vice-President in the State of New Jersey and also in the State of Ohio; which were severally ordered to be laid on the table.

DUTIES OF THE REGISTER OF THE TREASURY.

The SPEAKER also laid before the House the following letter from the Secretary of the Treasury, accompanied by a draft of a joint resolution:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY.
Washington, D. C., December 9, 1892.

SIR: I have the honor to transmit herewith the draft of a joint resolution relating to the office of Register of the Treasury with the request that the same be presented to the House for present consideration, reference being made to my letter of June 4 last (H. Ex. Doc. 256), transmitted at the request of Gen. Rosecrans, recommending similar legislation.

The necessity for prompt action is due to the fact that Gen. Rosecrans, the Register of the Treasury, for the last five weeks has been unable to discharge any of his official duties, and it is not probable, in the judgment of his physician, that his health will be for some time restored so as to enable him to resume and discharge such duties.

Substantially the language of the acts of March 3, 1883 (Stat., vol. 22, p. 539), and March 31, 1886 (Stat., vol. 24, p. 9), in respect to the discharge of official duties of the officers of the Treasurer and First Comptroller, has been followed in the inclosed joint resolution. The large number of warrants, requisitions, certificates, etc., required daily to be signed by the Register, or Assistant Register—larger than by any other bureau officer in this Department—render it important that prompt action should be taken in order to relieve the present and future delay in the work of the Register's office.

Respectfully yours,

CHARLES FOSTER, *Secretary.*

Hon. CHARLES F. CRISP,
Speaker of the House of Representatives.

Mr. GEARY. Mr. Speaker, I ask for the immediate consideration of the resolution.

The resolution was read as follows:

Joint resolution (H. Res. 167) relating to the discharge of certain official duties in the office of the Register of the Treasury.

Be it resolved, etc., That during the absence of the Register of the Treasury and while the Assistant Register is discharging, under the law, the duties of Register during his said absence, the Secretary of the Treasury may, by appointment, under his hand and seal, delegate authority to any chief of division or clerk in the office of Register to act as Assistant Register during the said absence of the Register.

The SPEAKER. The gentleman from California asks unanimous consent for the immediate consideration of this resolution, Is there objection? [After a pause.] The Chair hears none.

The resolution was read a second time.

The SPEAKER. The question is on the third reading of the joint resolution.

The joint resolution was ordered to be read a third time, and was accordingly read the third time, and passed.

On motion of Mr. GEARY, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. LESTER of Georgia, indefinitely (at the request of Mr. TURNER of Georgia), on account of sickness in his family.

To Mr. WOLVERTON, for three days, on account of important business.

To Mr. NORTON, indefinitely, on account of important business.

ENROLLED BILLS SIGNED.

Mr. SCOTT, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 8868) granting increase of pension to Mary North, a widow of a soldier of war of 1812, and who is 100 years old.

A bill (S. 1661) granting an increase of pension to John Hallan.

LA ABRA CLAIM.

Mr. BLOUNT. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The resolution was read, as follows:

Resolved, That on Tuesday, after the second morning hour, the House will proceed to the consideration of Senate bill 539 and Senate bill 606.

Mr. BURROWS. What are they?

Mr. BLOUNT. These bills, I will state, are known as the Benjamin Weil and La Abra mining claims. I wish to say, Mr. Speaker, that for more than sixteen years every administration of the Government has been seeking to have a review of these awards, and I simply want to bring the matter before the House with a view of letting the House determine whether this question shall go to the Court of Claims.

The SPEAKER. Is there objection to the present consideration of the resolution? [After a pause.] The Chair hears none.

The resolution was agreed to.

R. B. WOODSON.

Mr. BANKHEAD. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the Clerk's desk.

The SPEAKER. The bill will be read, after which the Chair will ask if there be objection.

The bill was read, as follows:

A bill (S. 1940) for the relief of R. B. Woodson.

Be it enacted, etc., That the Postmaster-General be, and is hereby, authorized and directed to allow R. B. Woodson, postmaster, Gainesville, Ala., a credit for the sum of $142, money-order funds collected by him and lost in transit from Gainesville, Ala., to Mobile, Ala., on or about September 23, 1889, and which the Postmaster-General was unable to allow to said postmaster as a credit under existing laws, and which amount was paid and lost by said postmaster. The Postmaster-General is authorized and directed to refund said sum of $142 to said Woodson, and take his receipt in full satisfaction of said claim. An amount sufficient to refund said sum of $142 is hereby appropriated out of any money in the Treasury not otherwise appropriated.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. BANKHEAD, a motion to reconsider the vote by which the bill was passed was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had passed without amendment joint resolution (H. Res. 167) relating to the discharge of certain official duties in the office of Register of the Treasury.

WATER COMMISSIONERS, ERIE, PA.

Mr. GRISWOLD. Mr. Speaker, I ask unanimous consent to have considered at this time the bill (H. R. 9826) which I send to the desk. It is a bill granting certain rights and privileges to the board of water commissioners of the city of Erie, Pa.

The bill was read.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. KILGORE. Mr. Speaker, has that measure been reported and placed on the Calendar?

The SPEAKER. The Chair thinks not.

Mr. KILGORE. I do not think that any bill ought to be considered in this summary way, and upon that ground I feel inclined to object.

Mr. GRISWOLD. I hope the gentleman will not object. The bill simply gives the right to cross the bay and peninsula in order to secure pure water for the city of Erie. It calls for no appropriation; it injures no person, and its passage will be of great advantage to the city of Erie.

Mr. KILGORE. But the manner in which the bill is brought up involves a very wide departure from the rules of the House, and on that ground I must object.

Mr. GRISWOLD. Then, Mr. Speaker, I ask that the bill be referred to the proper committee.

The SPEAKER. The bill will be so referred.

MILITARY APPROPRIATION BILL.

Mr. OUTHWAITE, from the Committee on Military Affairs, reported a bill (H. R. 9825) making appropriations for the support of the Army for the fiscal year ending June 30, 1894, and for other purposes; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. DINGLEY. Mr. Speaker, I desire to reserve all points of order on that bill.

ORDER OF BUSINESS.

The SPEAKER. The Clerk will now call the standing and select committees for reports.

TIMBER-CULTURE LAWS.

Mr. PICKLER, from the Committee on Public Lands, submitted a supplementary report on the bill (H. R. 7691) to amend an act entitled "An act to repeal the timber-culture laws," and for other purposes; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

RIGHT OF WAY, CHICAGO, ROCK ISLAND AND PACIFIC RAILWAY COMPANY.

Mr. HARVEY, from the Committee on Indian Affairs, reported back the bill (H. R. 8271) granting to the Chicago, Rock Island and Pacific Railway Company a right of way through the Indian Territory, and for other purposes: which was referred to the Committee of the whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

MO-KAW-HO-KO INDIANS.

Mr. PEEL, from the Committee on Indian Affairs, reported a bill (H. R. 9832) for the relief of the Mo-kaw-ho-ko band of Sac and Fox Indians of the Mississippi; which was referred to the House Calendar, and ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. This day, being the second Monday of the month, is set apart under the rules for the consideration of business presented by the committee on the District of Columbia if that committee desires to claim the day.

Mr. HEMPHILL. We will claim a part of it.

Mr. PEEL. Mr. Speaker, a parliamentary inquiry. Has the morning hour been dispensed with?

The SPEAKER. It has not. The attention of the Chair was not directed to that subject when he announced the Order of Business. The second morning hour will now be had, in accordance with the second clause of Rule XXIV, which provides that on all days other than the first and third Mondays of the month the Speaker shall call the committees for the second morning hour. Several committees were passed over without prejudice. The Chair will not call those unless some gentleman representing one of them asks to have his committee called. The regular call rests with the Committee on Naval Affairs. The second morning hour begins at twenty-one minutes past 12 o'clock.

The Committee on the Post-Office and Post-Roads being called,

Mr. HENDERSON of North Carolina said: Mr. Speaker, I ask unanimous consent that that Committee also be passed without prejudice.

There was no objection; and it was so ordered.

The Committee on Public Lands was called.

Mr. MCRAE. Mr. Speaker, I call up the bill (S. 2275) for the relief of purchasers of timber and stone lands under the act of June 3, 1878.

The bill was read, as follows:

Be it enacted, etc., That hereafter all necessary affidavits and proofs required by law of any purchaser of lands under the provisions of an act entitled "An act for the sale of timber lands in the States of California, Oregon, Nevada, and Washington Territory," in order to perfect his title to said lands, may be made before any officer qualified to take proof in homestead cases.

Mr. DINGLEY. Mr. Speaker, is that a bill requiring consideration in the Committee of the Whole?

The SPEAKER (after examining the bill). The Chair thinks the bill is properly in the House. It refers only to the character of the testimony to be presented in the cases referred to. The Clerk will again report the bill, so that the House may understand it fully.

The bill was again read.

Mr. MCRAE. Mr. Speaker, I do not think it necessary to say anything in explanation of this bill. It explains itself. It simply changes the law so as to allow testimony and affidavits to be taken in entries of this kind, as in other entries. It is designed to promote the convenience of people who may wish to enter land, and to save them expense and travel.

The bill was ordered to a third reading, read the third time, and passed.

LAND PATENTS IN NEW MEXICO AND ARIZONA.

Mr. MCRAE. I call up the bill (H. R. 8268) to amend chapter 559, page 1093, volume 26, United States Statutes at Large.

The bill was read, as follows:

Be it enacted, etc., That section 8 of the act entitled "An act to repeal timber-culture laws, and for other purposes," approved March 3, 1891, as amended by an act approved March 3, 1891, chapter 559, page 1093, volume 26, United States Statutes at Large, be, and the same is hereby, amended as follows: After the word "Wyoming" in said amended act insert the words "New Mexico and Arizona."

Mr. MCRAE. There is a typographical error in the bill as read; "ninety-three," in line 8, should be "ninety-five."

The SPEAKER. Without objection that correction will be made.

Mr. DINGLEY. Will the gentleman explain the effect of this bill?

Mr. MCRAE. It simply extends the act of March 3, 1891, to the Territories of Arizona and New Mexico a law passed by the Fifty-first Congress, from which they were omitted, evidently by oversight. The bill does not propose to change the provision of the existing law, but simply to give to those Territories the benefit of section 8—nothing more. Section 8, referred to in the bill, reads as follows:

SEC. 8. That suits by the United States to vacate and annul any patent heretofore issued shall only be brought within five years from the passage of this act, and suits to vacate and annul patents hereafter issued shall only be brought within six years after the date of the issuance of such patents. And in the States of Colorado, Montana, Idaho, North Dakota, and South Dakota, Wyoming, and in the District of Alaska, and the gold and silver regions of Nevada, and the Territory of Utah, in any criminal prosecution or civil action by the United States for a trespass on such public timber lands or to recover timber or lumber cut thereon, it shall be a defense if the defendant shall show

that the said timber was so cut or removed from the timber lands for use in such State or Territory by a resident thereof for agricultural, mining, manufacturing, or domestic purposes, and has not been transported out of the same; but nothing herein contained shall apply to operate to enlarge the rights of any railway company to cut timber on the public domain: *Provided*, That the Secretary of the Interior may make suitable rules and regulations to carry out the provisions of this section.

I repeat, the only object of this bill is to insert in this section the Territories of New Mexico and Arizona.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

Subsequently, by unanimous consent, the title of the bill was amended by striking out "ninety-three" and inserting "ninety-five."

PUBLIC SETTLERS IN TUCSON LAND DISTRICT, ARIZONA.

Mr. McRAE. I call up the bill (H. R. 7625) for relief of certain settlers on public land in the Tucson land district in Arizona.

The SPEAKER. This bill is on the Calendar of the Committee of the Whole House on the state of the Union.

Mr. McRAE. I move, then, that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill in the House as in Committee of the Whole, unless consent be given that it be considered in the House as in Committee of the Whole.

Mr. HOLMAN. I hope before that question is taken the bill will be read.

The bill was read, as follows:

Be it enacted, etc., That each bona fide settler on public lands within the Tucson land district in Arizona, who shall prove to the satisfaction of the register and receiver of the Tucson land office that he has paid any money in fees, commissions, or for the land more than once, or where he has paid double minimum price for land after it was proclaimed for purchase at single minimum by the General Land Office, that such excess so paid shall be repaid to the person who so paid the same, or to his heirs or personal representative.

SEC. 2. That it shall be the duty of such register and receiver to hear the proofs in such cases and make report thereof and their decision thereon to the Secretary of the Interior, who, on receipt of same, shall transmit to the Secretary of the Treasury the names of the beneficiaries, and the amount due each, and the Secretary of the Treasury is authorized and directed to pay the same out of any money in the Treasury not otherwise appropriated.

The SPEAKER. The gentleman from Arkansas asks unanimous consent that this bill be considered in the House as in Committee of the Whole.

Mr. HOLMAN. I think it had better take the regular course.

The SPEAKER. The question, then, is on the motion of the gentleman from Arkansas that the House resolve itself into Committee of the Whole for the consideration of the bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union (Mr. RICHARDSON in the chair) and proceeded to the consideration of the bill (H. R. 7625) for relief of certain settlers on public land in the Tucson land district in Arizona.

Mr. McRAE. There are several amendments reported by the Committee on Public Lands. I ask that they be read and acted on first.

The amendments were read, as follows:

In section 1, line 3, strike out all down to the word "lands" and insert "that all persons having filed for or entered."

And in line 5, after the word "office," insert "and the Commissioner of the General Land Office."

And in section 2, line 3, strike out the words "Secretary of the Interior" and insert in lieu thereof "Commissioner of the General Land Office."

And in line 4, after the word "same," insert "and upon the approval of the Secretary of the Interior."

The CHAIRMAN. Is a separate vote demanded on these amendments?

Mr. HOLMAN. The bill has not yet been read in Committee of the Whole.

Mr. McRAE. It was read in the House only a few moments since.

The CHAIRMAN. Does the gentleman from Indiana ask for the reading of the bill?

Mr. HOLMAN. I do.

The bill was again read.

The question being taken on the amendments (no separate vote being demanded), they were agreed to.

Mr. McRAE. Mr. Speaker, this bill as now amended meets the approval of the Secretary of the Interior. It is designed to correct a mistake which was made by certain local land officers, and relates only to the one land district referred to. It has appeared to our committee as a very meritorious measure; but as the gentleman who represents Arizona as a Delegate on this floor [Mr. SMITH] is much more familiar with this question than I am, I yield to him such time as he may desire for an explanation of the bill.

Mr. SMITH of Arizona. Mr. Chairman, as has just been stated by the chairman of the Committee on the Public Lands, and as shown by the letter of the Secretary of the Interior submitted with the accompanying report in answer to one I wrote to him in regard to this question from the Committee on the Public Lands, a certain amount of money was illegally collected by the receiver of public moneys in the Tucson land district in Arizona, which money was never accounted for by him to the Government. As shown by the report, the settlers within the district stated had paid the double minimum price for their lands when they should have been charged the single minimum or the smaller price. Under these circumstances the settlers who were thus overcharged are unable to receive back the overplus so paid for the land, except there be such action taken by Congress as is proposed by the pending bill.

I appealed to the Secretary of the Interior for relief in behalf of these people, but found that he was unable to give them any aid as the law now exists, but recommended the passage of this bill. I can see no objection whatever to the passage of the bill. It is simply to refund overpaid moneys. These people have burdens enough to bear as it is now, without imposing upon them this additional burden; and I hope there will be no objection to the passage of the bill.

Mr. HERMANN. In additional explanation with regard to the provisions of this bill, I desire, Mr. Chairman, to state that in my own State of Oregon, and in Washington adjoining, there are a number of cases that I apprehend are somewhat similar to those referred to by the gentleman from Arizona, where the double minimum price was paid on railroad lands which were subsequently restored to the public domain, and where now the same lands are rated at $1.25 an acre, the original settlers having been compelled to pay $2.50 an acre. Bills are now pending asking reimbursement of the additional $1.25 so paid.

I desire to know whether this bill covers a condition of things similar to that?

Mr. SMITH of Arizona. No, sir; it does not.

Mr. HERMANN. May I ask why?

Mr. SMITH of Arizona. This is a bill to reimburse the settlers what they were compelled to pay without warrant of law. What you refer to was done under the law. But there was no law to collect this money from the settlers in Arizona. It was collected from them absolutely against law.

Mr. HERMANN. Then will the gentleman state whether this bill now pending pertains to settlers upon railroad lands in the Tucson land district?

Mr. SMITH of Arizona. No, sir; but simply to settlers upon the public domain who were charged by a Government officer an extra price beyond what the law required.

Mr. HERMANN. Not railroad lands?

Mr. SMITH of Arizona. No. The law did not authorize this extra charge. It was made by a Government official without authority of law.

Mr. HERMANN. Let me ask the gentleman from Arizona further as to whether this overcharge, to which he refers, merely arose out of a clerical error on the part of the land officers? Was it a mistake on their part?

Mr. SMITH of Arizona. It was a mistake or something worse on the part of the receiver of the public moneys in the Tucson land district.

Mr. HERMANN. Will the gentleman be kind enough to illustrate by an instance how this occurred?

Mr. SMITH of Arizona. The bill refers to instances where the receiver, as shown by the report here, has charged $2.50 an acre, or whatever the charge was, where it should have been but $1.25 an acre by law. The law fixes the price of the lands at $1.25 per acre. He charged $2.50 an acre, and made the settler pay the difference before issuing any paper of any kind whatever.

Mr. HERMANN. Does this extend to a large class of settlers?

Mr. SMITH of Arizona. No, sir; a number not exceeding thirty, forty, or fifty at the most.

Mr. HERMANN. Has any reason been stated by the receiver for this additional charge?

Mr. SMITH of Arizona. He makes none. The Secretary of the Interior says the people have been overcharged, and ought to have the money refunded to them.

Mr. HERMANN. That is the report of the Secretary of the Interior?

Mr. SMITH of Arizona. The Secretary says they should have relief, whether the overcharge was intentional or otherwise.

Mr. TAYLOR of Illinois. Was the money thus received turned into the Government Treasury?

Mr. SMITH of Arizona. I do not know. There was a question of defalcation——

Mr. HOLMAN. Oh, the money was lost.

Mr. SMITH of Arizona. Well, now, how do you know that?

Mr. HOLMAN. Well, the receiver did not pay it over.

Mr. SMITH of Arizona. He did pay it over under a judgment of the court, or the bondsmen paid it. You will find that what the Government was entitled to was paid over by the bondsmen.

Mr. HEMPHILL. How much is involved?

Mr. SMITH of Arizona. I do not know exactly. I think $20,000 is the maximum. There was before the committee a report from the Secretary showing that. I do not see, however, why the question of the amount involved should affect the right of these people. If this money has been taken from two hundred people they ought to be paid just as quickly as though the amount had been taken from one man only, and if anything it ought to be more promptly attended to, because more people are involved.

Mr. HEMPHILL. The committee ought to inform the House on that. We do not want to throw away any money.

Mr. SMITH of Arizona. If we are throwing it away, then do not let us give a cent; but if we are paying it back to the men to whom we owe it, let us give it to them.

Mr. DOCKERY. It is material to know how much we are paying, however.

Mr. SMITH of Arizona. Not over $20,000.

Mr. HOLMAN. I suggest that the gentleman from Arizona let the statement of the Commissioner of the General Land Office be read.

Mr. SMITH of Arizona. Certainly.

Mr. HOLMAN. That explains the whole matter, and with that explanation I think the House will understand it very well.

The Clerk read as follows:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., May 19, 1892.

SIR: I have the honor to acknowledge the receipt by reference of the 14th instant from Hon. George Chandler, First Assistant Secretary, of House bill No. 7625, entitled "A bill for relief of certain settlers on public lands in the Tucson land district in Arizona," submitted by Hon. M. A. SMITH for an expression of the views of the Department thereon, together with a letter from M. R. Slater, esq.

Said bill provides:

"That each bona fide settler on public lands within the Tucson land district in Arizona who shall prove to the satisfaction of the register and receiver of the Tucson land office that he has paid any money in fees, commissions, or for the land more than once, or where he has paid double minimum price for land after it was proclaimed for purchase at single minimum by the General Land Office, that such excess so paid shall be repaid to the person who paid the same, or to his heirs or personal representative."

During the incumbency of Fred. W. Smith, late receiver of public moneys at Tucson, Ariz., a large number of persons who applied to enter public lands paid to said Smith fees and commissions on homestead and timber-culture entries, also purchase money on preëmption, commutation of homestead and desert-land entries, and also $1.25 per acre in excess of the minimum price where the land was held at $1.25 per acre, and Smith failed to properly account for the moneys so received by him to the Government.

In cases where persons have paid twice for the land, there is no law by which the amount could be refunded. Section 2362 Revised Statutes, provides for repayment to the purchaser, or his legal representatives or assignees, upon proof "that any tract of land has been erroneously sold by the United States, so that from any cause the sale can not be confirmed," while section 2 of the act of June 16, 1880 (21 Stats., 287), provides that "in all cases where homestead, timber-culture, or desert-land entries, or other entries of public lands, have been heretofore or shall hereafter be canceled for conflict, or where, from any cause, the entry has been erroneously allowed and can not be confirmed, the amount of purchase money, fees, and commissions may be repaid." These are the only statutes allowing repayment of fees, commissions, and purchase money, and they clearly do not cover the cases provided for in the proposed bill.

It is estimated that it will require say $25,000 to settle the claims caused by the defalcation of Fred W. Smith. In cases where it is actually shown that money was paid by persons to Fred W. Smith, in his official capacity as receiver of public moneys for entries of public lands, and where purchasers were compelled to pay a second time for the land in order to perfect their entry, or where the land was improperly sold at $2.50 per acre, I think relief should be afforded.

In conclusion I beg leave to suggest the following alterations in the text of the bill, viz: In line 5, after the word "office," insert 'and the Commissioner of the General Land Office;" in section 2, line 3, strike out the words "Secretary of the Interior" and insert "Commissioner of the General Land Office;" and in line 4, after the word "same," insert "and upon approval of the Secretary of the Interior."

House bill No. 7625 and the letter of Mr. Slater are herewith returned.

Very respectfully,

THOS. H. CARTER, *Commissioner.*

The SECRETARY OF THE INTERIOR.

Mr. HERMANN. I desire to submit an amendment to the bill.

Mr. SMITH of Arizona. I have the floor and I do not yield to the gentleman from Oregon [Mr. HERMANN] to submit his amendment.

Mr. HOLMAN. I will ask also that the report of the Secretary of the Interior on this bill be read. I have read the document myself, but I think it ought to be before the committee. My impression is that, upon the facts stated by the Commissioner of the Land Office and the Secretary of the Interior, this is a proper bill. I hope the report of the Secretary of the Interior will be read.

Mr. McRAE. Is not that embodied in the report which has been read?

The CHAIRMAN. It precedes the portion which the Clerk read. The Clerk will now read it.

The Clerk read as follows:

DEPARTMENT OF THE INTERIOR, *Washington, June 4, 1892.*

SIR: I transmit herewith copy of the report of the Commissioner of the General Land Office on House bill No. 7625, "for the relief of certain settlers on public land in the Tucson land district, in Arizona," in which he recommends the passage of the bill with certain amendments.

Its purpose is to return certain sums of money illegally collected by the late receiver at the Tucson land office for which he failed to account.

According to the report of the Commissioner, money was illegally collected on desert as well as settlement entries. It would therefore seem that all persons overcharged in the matter of their entry of public lands at said office should be protected, if the proposed legislation is deemed advisable, and to that end I have to recommend that section 1 be amended so as to read: "That all persons having filed for or entered lands within the Tucson land district, in Arizona, who shall prove," etc.

With the above amendment I can see no objection to the passage of the bill, but believe that it should be made general instead of special, and thus afford relief to all persons overcharged in the matter of the entry of public lands, whether intentionally or otherwise.

Herewith is returned a letter inclosed by Hon. M. A. SMITH in submitting the bill for the consideration of this Department.

Very respectfully,

JOHN W. NOBLE, *Secretary.*

Hon. THOMAS C. MCRAE,
Chairman Committee on the Public Lands,
House of Representatives.

And then, on motion of Mr. McRAE, the bill was ordered to be laid aside to be reported to the House with the recommendation that as amended it do pass.

Mr. McRAE. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. RICHARDSON reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. 7625) for the relief of certain settlers on public land in the Tucson land district, in Arizona, and had directed him to report the same to the House with certain amendments and the recommendation that as amended it do pass.

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, was accordingly read the third time, and passed.

On motion of Mr. McRAE, a motion to reconsider the last vote was laid on the table.

STONE AND TIMBER LANDS, ETC.

Mr. McRAE. Mr. Speaker, I move to indefinitely postpone the bill (H. R. 6656), to provide for the sale of stone and timber lands unfit for cultivation, and for other purposes. The text of that bill was in substance embodied in an amendment to a Senate bill passed at the last session. The bill ought to be disposed of in some way, and I suppose this is as good a way as any to take it off of the Calendar.

The SPEAKER. Without objection, on the recommendation of the Committee, the bill referred to (H. R. 6656) will be indefinitely postponed.

There was no objection.

ADDITIONAL LAND OFFICE, NEW MEXICO.

Mr. McRAE. Mr. Speaker, I call up the bill (H. R. 6180) to establish an additional land office in the Territory of New Mexico.

The bill was read, as follows:

Be it enacted, etc., That all that portion of the Territory of New Mexico bounded and described as follows: Commencing at a point where the third standard parallel north intersects the western boundary line of the Territory of New Mexico and the eastern boundary line of the Territory of Arizona, between townships 11 and 12 north, range 21 west, of the New Mexico principal meridian; thence running east along the said third standard parallel to a point where the same touches the New Mexico principal meridian; thence running south along the said meridian to where the same crosses township line between townships 8 and 9 north; thence running east along the line between townships 8 and 9 north, as far as range line between ranges 8 and 9 east; thence running south along said range line to the northeast corner of township 13 south, range 9 east; thence running west along township line between townships 12 and 13 south, as far as the Arizona line; thence north along the line of New Mexico and Arizona to the place of beginning, be, and the same is hereby, constituted a new land district, to be called the "Socorro land district," in the Territory of New Mexico, and the land office for said district shall be located at the city of Socorro.

SEC. 2. That the President, by and with the advice and consent of the Senate, is hereby authorized to appoint a register and a receiver for such land district, who shall discharge like and similar duties and receive the same amount of compensation as other officers discharging like duties in the other land offices in said Territory.

With committee amendments as follows:

In lines 7, 8, and 9 strike out the words "between townships 11 and 12 north, range 21 west, of the New Mexico principal meridian."

Also, in lines 16, 17, 18, and 19, strike out the words "northeast corner of township 13 south, range 9 east; thence running west along township line between township 12 and 13 south, as far as the Arizona line," and insert the words "second standard parallel south; thence running west on said second standard parallel south to the western boundary of the Territory."

Mr. McRAE. I ask unanimous consent to consider this bill in the House as in Committee of the Whole.

Mr. HOLMAN. I think that bill should be considered in Committee of the Whole.

Mr. McRAE. I move that the House resolve itself into the Committee of the Whole for the purpose of considering the bill which has just been read.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole House on the state of the Union for the purpose of considering the bill (H. R. 6180) to establish an additional land office in the Territory of New Mexico, with Mr. RICHARDSON in the chair.

Mr. McRAE. Mr. Chairman, this bill has just been read in the House, and I move to dispense with its first formal reading in committee.

There was no objection.

Mr. HOLMAN. Mr. Chairman, I would like to have some explanation of the necessity for this new land district. My recollection is that we have recently established a new district in New Mexico.

Mr. JOSEPH. The report upon this bill shows the necessity for it. This is for a central district in New Mexico. There is urgent necessity for it.

Mr. HOLMAN. How many districts have you already?

Mr. JOSEPH. We have four already in New Mexico, and this is to establish a fifth, in central New Mexico. The report is quite full.

Mr. HOLMAN. I hope that the gentleman from New Mexico will consent to have the report read.

Mr. JOSEPH. I ask that the report be read.

The CHAIRMAN. The Clerk will read the report.

The report was read, as follows:

The Committee on the Public Lands, to whom was referred the bill (S. 2093) for the disposal of certain abandoned military reservations in the State of Wyoming, submit the following report:

This bill provides for the disposal, under the land laws of the United States, of certain abandoned reservations in the State of Wyoming.

The facts are fully set forth in the Senate report on this bill, which is as follows:

"The Committee on Public Lands, having had under consideration Senate bill 2093, to provide for the disposal of certain military reservations in the State of Wyoming, and considered the same, respectfully report the bill favorably with amendments.

"The bill proposes to throw open to settlement, under the homestead law, with certain restrictions, the Fort Fetterman hay reservation, containing 2,620 acres of land. This reservation was relinquished July 22, 1884, by the War Department, without improvements, and transferred to the custody of the Interior Department eight years ago. It has been settled upon, and the committee see no reason why it should not be disposed of as provided by the bill.

"The bill as amended also provides for the disposition of an old wood reserve, attached to Fort Fetterman, containing 4,706 acres of land, which has been relinquished; also what is known as the new wood reserve, attached to Fort Fetterman, containing 1,262 acres of land, which was also relinquished without improvements July 22, 1884.

"The annexed communications of the honorable Secretary of the Interior and the honorable Commissioner of the General Land Office show that the bill as amended is approved by the Land Department of the Government.

"DEPARTMENT OF THE INTERIOR,
"*Washington, March 19, 1892.*

"SIR: I am in receipt, by reference from you, of Senate bill 2093, entitled 'A bill to provide for the disposal of certain abandoned military reservations in the State of Wyoming,' with a request for an expression of the views of this Department thereon.

"I concur in the amendments proposed by the Commissioner of the General Land Office, in his report on the bill, which is herewith transmitted, and would also suggest the following amendment: Strike out the words, 'until the Secretary of the Interior shall so direct,' in lines 24 and 25 of said bill, and in lieu thereof insert the following: 'and said subdivision shall be disposed of under the provisions of the act of July 5, 1884, entitled 'An act to provide for the disposal of abandoned and useless military reservations,' and thus amended, I see no objection to the passage of the bill.

"Very respectfully,

"JOHN W. NOBLE, *Secretary.*

"Hon. J. N. DOLPH,
"*Chairman Committee on Public Lands, United States Senate.*

"DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
"*Washington, D. C., March 5, 1892.*

"SIR: I have the honor to receive, by reference from your Department, under date of February 15, 1892, for report in duplicate and return of paper, Senate bill 2093, 'To provide for the disposal of certain abandoned military reservations in the State of Wyoming,' transmitted to the Department by Hon. J. N. DOLPH, chairman of the Committee on Public Lands of the United States Senate, with a request for the views of your Department thereon. * * *

I see no objections to the passage of the bill.

"Attention is called to the fact that the act of July 10, 1890 (26 Stats., 227), provided specifically for the disposition, among others, of the Fort Fetterman post reserve. Besides the said post reserve and the hay reserve, to which this bill refers, there were attached to the Fort Fetterman reservation an old wood reserve situated in T. 32 N., Rs. 74 and 75 W., embracing 4,706.23 acres, which was established August 29, 1872, and relinquished without improvements July 22, 1884, and a new wood reserve situated in Ts. 28 and 29, R. 71 W., embracing 1,262.76 acres, which was established February 9, 1877, and relinquished without improvements July 22, 1884.

"It is suggested that these wood reserves be included in the bill if Congress sees fit to do so.

"Very respectfully,

"THOMAS H. CARTER,
"*Commissioner.*

"The SECRETARY OF THE INTERIOR."

In consideration whereof your committee recommend that the bill do pass with the following amendments:

In line 13, strike out the words "either of the" where said words occur in said line.

After the word "laws," in line 13, insert the words "if qualified."

The CHAIRMAN. The question is on the amendments proposed by the committee.

The amendments were agreed to in gross.

The bill as amended was ordered to be laid aside with the recommendation that it do pass.

Mr. McRAE. Mr. Chairman, I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. RICHARDSON, chairman of the Committee of the Whole House, reported that that committee had had under consideration the bill (H. R. 6180) to establish an additional land office in the Territory of New Mexico, and had directed him to report the same back with the recommendation that it do pass with amendments.

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. McRAE, a motion to reconsider the vote by which the bill was passed was laid on the table.

ABANDONED MILITARY RESERVATIONS IN THE STATE OF WYOMING.

Mr. McRAE. Mr. Speaker, I call up the bill (S. 2093) to provide for the disposal of certain abandoned military reservations in the State of Wyoming, and I ask that it be considered in the House as in Committee of the Whole.

The bill was read, as follows:

Be it enacted, etc., That all public lands now remaining undisposed of within the abandoned military reservations in the State of Wyoming, known as Fort Fetterman hay reservation, the Fort Fetterman old wood reserve, situated in township 32 north, ranges 74 and 75 west, established August 29, 1872, and the Fort Fetterman new wood reserve, situated in townships 28 and 29, range 71 west, are hereby made subject to disposal under the homestead law only: *Provided*, That actual occupants thereon upon the 1st day of January, 1892, shall have the preference right to make one entry, not exceeding one quarter section, under either of the existing land laws, which shall include their respective improvements: *Provided further*, That any of such lands as are occupied for town-site purposes and any of the lands that may be shown to be valuable for coal or minerals shall be disposed of as now provided for lands subject to entry and sale under the town-site, coal, or mineral-land laws, respectively.

The SPEAKER. The gentleman from Arkansas asks unanimous consent that this bill be considered in the House as in Committee of the Whole.

Mr. HOLMAN. I think for the purpose of having the report read, we should go into Committee of the Whole.

Mr. McRAE. Mr. Speaker, I do not believe the bill has been properly referred to the Union Calendar. It perhaps ought to have been on the House Calendar, as it involves no appropriation; but I do not intend to take up any time in discussing that point now. It is a bill to which there ought to be no objection. It simply seeks to open this land to settlers under the homestead law.

Mr. HOLMAN. If that be the only purpose, of course that rule does not apply; but I suggest to the gentleman from Arkansas that inasmuch as these reservations are generally land of especial value and surrounded with settlements, that our liberal propositions as to homesteads ought not to apply.

The SPEAKER. The Chair will state to the gentleman from Arkansas that this bill seems to grant a right to enter lands under the homestead laws where the right is not now granted, and the Chair believes that, therefore, the bill will have to be first considered in Committee of the Whole.

Mr. McRAE. I do not agree with the Speaker in his conclusion, because it does not appropriate either land or money; but I will not take up time in discussing the matter, and yield the point. I move that the House resolve itself into Committee of the Whole.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. RICHARDSON in the Chair.

The CHAIRMAN. The House is in Committee of the Whole for the consideration of a bill the title of which the Clerk will report.

The title was again reported.

Mr. HOLMAN. Mr. Chairman, the objection which I have to the bill——

The CHAIRMAN. Does the gentleman desire to debate the amendment?

Mr. HOLMAN. I do not.

The amendments recommended by the committee were agreed to.

Mr. HOLMAN. Mr. Chairman, I wish to suggest to my friend from Arkansas that we are so rapidly disposing of those of our public lands adapted to cultivation that we ought to adopt a more restricted policy. This bill, in effect, takes this land out from under the operation of the act of 1882, which provided a method for the disposal of abandoned military reservations, and subjects it simply to the provisions of the homestead law. Now, the objection to that, from my standpoint, is this: These are not to be regarded as wild lands, in an unsettled coun-

try, to which the homestead principle should apply. The land is surrounded by settlements with extensive improvements. These military reservations are uniformly composed of the best land, and generally well watered. That is the almost universal rule. Now, it seems to me, if the homestead principle should be applied, it should only extend to the amount of eighty acres, instead of a quarter section, and where one quarter section occurs in the bill I move to strike out "one quarter section" and insert "eighty acres."

My friend from Arkansas will see that the homestead idea ought not to apply in its completeness to this body of land—a reservation of land surrounded by settlement. The lands thus selected are generally quite fertile and favorably located for military use. I would be very glad if the gentleman from Arkansas would be disposed to accept this suggestion. Up to this time we have not applied strictly the homestead policy to these military reservations, and the act of 1882, for the reason I have named, does not assume these lands to be part of the public domain subject to be taken under the homestead law, but has provided for their sale and for covering the amount received into the Treasury.

Mr. CLARK of Wyoming. I would state to the gentleman from Indiana that this land is not really in the military reservation, but is miles away, and was reserved as a hay reservation. There are no settlements on it, but one mining settlement.

Mr. WILSON of Washington. I would ask the gentleman from Wyoming if this land has to be irrigated?

Mr. CLARK of Wyoming. Every foot of it.

Mr. WILSON of Washington. Then why not apply the desert-land law to it instead of the homestead law?

Mr. McRAE. Has the gentleman from Indiana concluded his remarks?

Mr. HOLMAN. Yes, sir.

Mr. McRAE. Mr. Chairman, I am opposed to giving settlers in one State or Territory 80 acres of land under the homestead law and 160 acres to those in other States and Territories. I think the land should be taken on equal terms in all the States or Territories, or not at all. Years ago we adopted 160 acres as a suitable homestead. That is the size of homesteads in most of the States.

The CHAIRMAN. Did the gentleman from Indiana offer an amendment?

Mr. HOLMAN. I moved to strike out "one quarter section" and insert "eighty acres."

Mr. CLARK of Wyoming. I hope the gentleman will withdraw that amendment.

The CHAIRMAN. The gentleman from Indiana will reduce his amendment to writing.

Mr. McRAE. The Clerk can easily get that amount by striking out "one quarter section" and inserting "eighty acres." That is all I desire to say. I hope the amendment will not be adopted.

Years ago we entered upon the policy of reserving agricultural lands for settlers only. We have since repealed all the land laws except the homestead law. This bill simply seeks to open to settlement these reservations under that law. Just why any gentleman objects to it I can not understand, unless he has made up his mind to advocate a policy of selling the public lands with a view of raising a revenue. That I do not believe the House is willing to do, and I hope the amendment will be voted down and the bill passed.

Mr. HOLMAN. I am not in favor of selling any of the public lands, not an acre, except under certain conditions. I have always favored the policy of the homestead law, but it seems to me that we have reached the period when lands which have been reserved for so many years ought to be disposed of in smaller quantities than quarter sections. However, looking at this bill more carefully, I do not think it necessary to insist on the application of that principle in this particular case, so I withdraw my amendment.

The bill was laid aside to be reported to the House with the recommendation that it do pass.

Mr. McRAE. Mr. Chairman, I move that the committee rise and report the bill to the House.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. RICHARDSON, from the Committee of the Whole, reported that they had had under consideration a bill (S. 2093) to provide for the disposal of certain abandoned military reservations in the State of Wyoming, and had instructed him to report the same to the House with an amendment.

The amendment was agreed to.

The bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. McRAE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CLASSIFICATION OF MINERAL LANDS, MONTANA AND IDAHO.

Mr. McRAE. Mr. Speaker, I call up the bill (H. R. 8796) to provide for the examination and classification of certain mineral lands in the States of Montana and Idaho.

The Clerk proceeded to read the bill.

The SPEAKER (during the reading). The morning hour has expired. This bill will come up in the second morning hour tomorrow.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. QUACKENBUSH, for three weeks, on account of sickness in his family.

To Mr. HALLOWELL, for two days, on account of important business.

To Mr. CAUSEY, until Thursday, on account of important business.

ENROLLED JOINT RESOLUTION SIGNED.

Mr. SCOTT, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled joint resolution (H. Res. 167) relating to the discharge of certain official duties in the office of Register of the Treasury; when the Speaker signed the same.

OPENING OF WORLD'S COLUMBIAN EXPOSITION ON SUNDAY.

Mr. DURBOROW, by unanimous consent, introduced a joint resolution (H. Res. 168) to provide for opening of the World's Columbian Exposition on Sunday; which was read a first and second time, referred to the Select Committee on the Columbian Exposition, and ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. This being the second Monday in the month, the Committee on the District of Columbia has the privilege of calling up such business as it may desire.

REAL ESTATE LAWS OF THE DISTRICT OF COLUMBIA.

Mr. HEMPHILL. Mr. Speaker, I call up the bill H. R. 6922, which is on the House Calendar. It is a bill to amend section 452 of the Revised Statutes, relating to the District of Columbia, concerning conveyances of real estate.

The bill was read, as follows:

Be it enacted, etc., That section numbered 452 of the Revised Statutes relating to the District of Columbia be, and the same is hereby, amended by adding at the end thereof the words "but such right of dower shall effectually pass by such deed whether such married woman be of full age or otherwise."

Mr. HEMPHILL. Mr. Speaker, this bill simply proposes to allow a married woman to sign away her dower when her husband has conveyed the land even though she be under 21 years of age.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HEMPHILL. Mr. Speaker, I ask unanimous consent to call up the bill H. R. 9758, to amend the charter of the Eckington Railroad Company.

The SPEAKER. Has the bill been reported?

Mr. HEMPHILL. It has not.

The bill was read, as follows:

Be it enacted, etc., That the act to amend the charter of the Eckington and Soldiers' Home Railway Company, approved April 30, A. D. 1890, is hereby amended by substituting the word "five" for the word "three" in the last line of said act.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina that this bill be now considered?

Mr. KILGORE. Mr. Speaker, do I understand that that bill has been considered by the Committee on the District of Columbia?

Mr. HEMPHILL. A majority of the committee have asked me to call it up. It has not been regularly reported.

Mr. KILGORE. But has it even been considered by the committee?

Mr. HEMPHILL. Oh, yes. I think the bill has passed the Senate. It is a very simple matter——

Mr. KILGORE. I do not care anything about the merits of the measure, but I do not think that a bill ought to be considered in the House that has not been reported from the committee having jurisdiction of the subject-matter.

Mr. HEMPHILL. Well, I have the request of nearly all the members of the committee that I call up the bill and have it considered, which of course gives their consent to its provisions.

Mr. KILGORE. I will not object.

The bill was ordered to be engrossed and read a third time; and being engrossed it was accordingly read the third time, and passed.

SATURDAY HALF HOLIDAY FOR BANKS AND BANKERS.

Mr. HEMPHILL. I report back favorably from the Committee on the District of Columbia the bill (H. R. 3418) making Sat-

urday a half holiday where banks and bankers so elect; and I call up the bill for immediate consideration.

The bill was read, as follows:

Be it enacted, etc., That it shall be lawful for trust companies, banks, and bankers in the city of Washington to close their doors for business at 12 o'clock noon on each and every Saturday in the year, and every Saturday in the year after 12 o'clock noon shall be a legal half holiday so far as regards the presenting for the payment or acceptance and the protesting and giving notice of the dishonor of bills of exchange, bank checks, drafts, promissory notes, and other negotiable paper, and for these purposes shall be treated and considered as the first day of the week, commonly called Sunday, without reference to whether any of said banks or trust companies do or do not close as aforesaid; and all such bills, checks, drafts, and notes presentable for acceptance or payment on Saturdays shall be deemed to be presentable for acceptance or payment on the secular or business day next succeeding: *Provided, however*, That all bills of exchange, drafts, and promissory notes made after the passage of this act, except those payable at sight or on demand, which shall be otherwise payable on any half-holiday Saturday, shall be deemed to be, and shall be, payable on the next succeeding secular or business day: *And provided further*, That for the purpose of protesting or otherwise holding liable any party to any bill or exchange, bank check, draft, or promissory note which shall not have been paid before 12 o'clock at noon on any half-holiday Saturday, a demand of acceptance or payment thereof may be made, and notice of protest or dishonor thereof may be given on the next succeeding secular or business day: *And provided further*, That when any person shall receive for collection in said city of Washington any bill of exchange, bank check, or promissory note due and presentable for acceptance or payment on any half-holiday Saturday, such person shall not be deemed guilty of neglect or omission of duty, nor incur any liability in not presenting for payment or acceptance or collecting such bill of exchange, bank check, draft, or promissory note on that day. Nothing in this section shall affect any legislation applicable to any Saturday whenever the same, under the provision of said section, shall be a legal holiday.

SEC. 2. That this act shall take effect from the date of its passage.

The bill was ordered to a third reading, read the third time, and passed.

LOT 3, SQUARE SOUTH OF SQUARE 990.

Mr. HEMPHILL. I call up the bill (H. R. 6644) to amend an act entitled "An act authorizing the sale of title of the United States in lot 3 in square south of square 990," approved March 3, 1891.

The bill was read, as follows:

Be it enacted, etc., That the act authorizing sale of title of United States in lot 3 in square south of square 990 be amended by adding thereto the following: "*Provided*, That the conveyance authorized and directed by this act shall be a quitclaim and relinquishment only of any title that the United States may have in and to said lot, and that in no event shall the United States be liable for any costs, expenses, damages, or taxes in relation to said lot, and that the Secretary of the Interior be, and he is hereby, authorized and directed to so quitclaim, release, and convey the title of the United States in said lot to the said Baker and Sanborn upon the payment into the Treasury by them of an amount not exceeding the assessed value of the said lot as the same was valued and assessed on the books of assessment of real property in the District of Columbia at the date of the purchase by said Baker and Sanborn from their grantor."

The following amendment reported by the committee was read and agreed to:

Strike out at the end of the bill the words "an amount not exceeding the assessed value of the said lot as the same was valued and assessed on the books of assessment of real property in the District of Columbia at the date of the purchase by said Baker and Sanborn from their grantor," and insert "three thousand two hundred dollars."

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

EXTENSION OF NORTH CAPITOL STREET.

Mr. HEMPHILL. I call up the bill (H. R. 8815) to extend North Capitol street to the Soldiers' Home.

The bill was read, as follows:

Be it enacted, etc., That the Commissioners of the District of Columbia are hereby directed to open and grade North Capitol street from T street to the Soldiers' Home, and are hereby authorized and directed to condemn, in the manner provided by law for the condemnation of land in the District of Columbia, such of the lands of the Prospect Hill Cemetery and of Annie E. Barbour as may be necessary for the extension of said street, and the sum of $10,000, or so much thereof as may be necessary, is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, to carry out the provisions of this act: *Provided*, That one-half of the said sum shall be paid out of the revenues of the District of Columbia: *And provided further*, That one-half of the costs of such grading and condemnation shall be charged against and become a lien upon the abutting property, and the collection of such costs shall be enforced in the manner provided for the collection of general taxes.

The SPEAKER. This bill is on the Union Calendar.

Mr. HEMPHILL. I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

There being no objection, the House proceeded to the consideration of the bill; which was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

ORDER OF BUSINESS.

Mr. HEMPHILL. Mr. Speaker, there is another bill which I had proposed to call up to-day—the Norfolk and Western Railroad bill; but in accordance with the request of some members of the committee I will not present it now. Therefore the committee has no other business to submit at this time.

The SPEAKER (after a pause). The Committee on the District of Columbia having no further business to present, a motion is in order respecting the Calendars.

Mr. DOCKERY. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 1 o'clock and 40 minutes p. m.) the House adjourned.

REPORT OF COMMITTEES.

Under clause 2 of Rule XIII, Mr. ROCKWELL, from the Committee on Indian Affairs, reported, in lieu of the bill (H. R. 3521) for the relief of Eli Ayres, the bill (H. R. 9820) of the same title; which was delivered to the Clerk, ordered to be printed, and referred to the Committee of the Whole House. (Report No. 2148.)

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bills (H. R. 7160) for the relief of the heirs of Henry A. Lee and (H. R. 2104) for the relief of James Nipper, of Cleveland, Tenn., and the same were referred to the Committee on Military Affairs.

BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. NEWBERRY (by request): A bill (H. R. 9821) to amend the act of Congress of February 12, 1887, entitled "An act to amend section 1661 of the Revised Statutes, making an annual appropriation to provide arms and equipments for the militia"—to the Committee on Military Affairs.

By Mr. COMPTON: A bill (H. R. 9822) to incorporate the Washington and Marlboro Electric Railway Company of the District of Columbia—to the Committee on the District of Columbia.

By Mr. McALEER: A bill (H. R. 9823) authorizing the President of the United States to appoint one passed assistant surgeon now on the retired list of the Navy under the act of Congress of Feburary 15, 1879, a surgeon on the retired list of the Navy—to the Committee on Naval Affairs.

By Mr. CRAIN: A bill (H. R. 9824) to amend "An act to promote the construction of a safe deep-water harbor on the coast of Texas," approved Feburary 9, 1891—to the Committee on Rivers and Harbors.

By Mr. GRISWOLD: A bill (H. R. 9826) granting certain rights and privileges to the board of water commissioners of the city of Erie, Pa.—to the Committee on the Public Lands.

By Mr. DALZELL: A bill (H. R. 9827) to authorize the Union Railroad Company to construct and maintain a bridge across the Monongahela River—to the Committee on Interstate and Foreign Commerce.

By Mr. FORMAN: A bill (H. R. 9828) to encourage the construction of electric railroads, to facilitate the carrying of mails, to promote the interests of commerce and travel, and to aid in demonstrating the feasibility of the distribution of electrical power for agricultural and other purposes along the line of electric roads, and especially to aid in the construction of a pioneer electric railroad between the cities of Chicago and St. Louis by the Chicago and St. Louis Electric Railroad Company, and to secure to the Government the use of the same for postal, military, and other purposes, at existing rates—to the Committee on Interstate and Foreign Commerce.

By Mr. SCOTT: A bill (H. R. 9829) to increase the tax on distilled spirits to $1.25 per gallon—to the Committee on Ways and Means.

By Mr. GRISWOLD: A bill (H. R. 9830) extending the privileges of the first and seventh sections of the act approved June 10, 1880, governing the transportation of merchandise, without appraisement, to the port of Erie, in the State of Pennsylvania—to the Committee on Interstate of Foreign Commerce.

By Mr. COBB of Alabama: A bill (H. R. 9831) to aid in building a national home for the aged—to the Committee on the District of Columbia.

By Mr. ANDREW: A bill (H. R. 9833) to increase the circulation of national banks, and for other purposes—to the Committee on Banking and Currency.

By Mr. MITCHELL: A bill (H. R. 9849) authorizing the establishment of a pier-head light at or near South Milwaukee, in the State of Wisconsin—to the Committee on Interstate and Foreign Commerce.

By Mr. DURBOROW: A joint resolution (H. Res. 168) to provide for the opening of the World's Columbian Exposition on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. RICHARDSON: A concurrent resolution to print the report of the Commissioner of Fish and Fisheries for fiscal year ending June 30, 1892—to the Committee on Printing.

By Mr. DOCKERY: A resolution creating a commission to investigate the Executive Departments—to the Committee on Rules.

By Mr. CUMMINGS: A resolution providing for an investigation of certain charges against the Post-Office Department—to the Committee on Rules.

By Mr. McRAE: A resolution to amend clause 2 of Rule XXIV—to the Committee on Rules.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as indicated below:

By Mr. BACON. A bill (H. R. 9834) granting an honorable discharge to Jehiel C. Tompkins—to the Committee on Military Affairs.

By Mr. BERGEN: A bill (H. R. 9835) to correct the military record of Jehu Evans, late captain of Company E, Fourth New Jersey Volunteers—to the Committee on Military Affairs.

Also, a bill (H. R. 9836) to correct the military record of George Whittaker, late a private of Company C, Twelfth New Jersey Volunteers—to the Committee on Military Affairs.

By Mr. BRODERICK: A bill (H. R. 9837) for the relief of Jesse Johnson—to the Committee on Pensions.

Also, a bill (H. R. 9838) for the relief of John Birkett—to the Committee on War Claims.

Also, a bill (H. R. 9839) for the relief of John Kircher—to the Committee on Military Affairs.

By Mr. FITHIAN: A bill (H. R. 9840) to grant a pension to Mary E. Dabbs—to the Committee on Invalid Pensions.

By Mr. GEARY: A bill (H. R. 9841) for the relief of James Joyce, late first lieutenant of the United States Army—to the Committee on Military Affairs.

By Mr. HOOKER of New York: A bill (H. H. 9842) for the correction of the record of James A. Smith deceased—to the Committee on Invalid Pensions.

By Mr. KENDALL: A bill (H. R. 9843) removing the charge of desertion from the military record of W. H. Kindrick—to the Committee on Military Affairs.

Also, a bill (H. R. 9844) removing charge of desertion from the record of Gilmore Justice—to the Committee on Military Affairs.

Also, a bill (H. R. 9845) removing charge of desertion from the record of William Justice—to the Committee on Military Affairs.

By Mr. KEM: A bill (H. R. 9846) granting a pension to Isaac D. Gregg—to the Committee on Invalid Pensions.

By Mr. RAINES: A bill (H. R. 9847) to remove the charge of desertion against Elijah T. Holloway—to the Committee on Military Affairs.

By Mr. STONE of Kentucky: A bill (H. R. 9848) for the relief of Mrs. S. A. Trimble—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk, and referred as follows:

By Mr. BLAND: Petition of Thomas S. King, for a pension—to the Committee on Invalid Pensions.

By Mr. BURROWS: Petition of William Trumble, of Mattison, Branch County, Mich., for relief—to the Committee on Invalid Pensions.

Also, petition of Polly Hurd, of Bronson County, Mich., for relief—to the Committee on Invalid Pensions.

By Mr. COX of New York: Petition of churches of Coxsackie, N. Y., in respect to keeping the World's Fair closed on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. DOAN: Petition of 41 members of the Third Lutheran Young People's Society of Christian Endeavor, of Springfield, Ohio, to the Congress of the United States, not to repeal the law closing the World's Columbian Exposition at Chicago on the Lord's day—to the Select Committee on the Columbian Exposition.

By Mr. FORNEY: Joint memorial of the senate and house of representatives of the State of Alabama, favoring the construc- of the Nicaragua Canal and its control by the United States—to the Committee on Interstate and Foreign Commerce.

By Mr. GANTZ: Petition of physicians of Darke County, Ohio, in favor of an appropriation for the Pan-American Medical Congress—to the Committee on Appropriations.

By Mr. GEARY: Petition of Henry Baicke, of Yountville, Cal., asking for increase of pension—to the Committee on Invalid Pensions.

By Mr. GEISSENHAINER: Petition of the Presbyterian Synod of New Jersey, against opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. HARE: Petition of H. L. Michener and 26 others, of Seneca County, Ohio, against the repeal of the law closing the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. HAUGEN: Petition of C. D. Conkey and 12 other physicians of Douglas County, Wis., asking an appropriation sufficient to defray the expenses of the Pan-American Medical Congress to be held in Washington, D. C., A. D. 1893—to the Committee on Appropriations.

By Mr. HAYNES of Ohio: Petition of George Sheets and 21 others of Toledo, Ohio, for the passage of an act to extend the provisions of act to provide for the muster and pay of certain officers and enlisted men of the volunteer forces, etc.—to the Committee on Military Affairs.

By Mr. HENDERSON of Iowa: Paper from Rev. A. G. Wilson, president Lenox College, Hopkins, Iowa, urging that the World's Fair be not opened on the Sabbath, and stating that such is the sentiment of his community—to the Select Committee on the Columbian Exposition.

By Mr. HITT: Petition of D. D. Lichty and 17 others of the medical profession in Winnebago County, Ill., for an appropriation of $43,983 for the Pan-American Medical Congress in Washington, September, 1893, with memorial and estimate—to the Committee on Appropriations.

By Mr. McCLELLAN: Petition of the members of the Third Presbyterian Church and Christian Endeavor Society connected therewith to the Presbyterians in Congress to vote against the bill to repeal the present law which prohibits the opening of the Columbian Exposition on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. MORSE: Petition of George Seltzer, of Boston, Mass., urging Congress to pass a bill to promote the safety of employés upon railroads engaged in interstate commerce, and for other purposes—to the Committee on Interstate and Foreign Commerce.

By Mr. OHLIGER: Three petitions of citizens of Ohio, two of which are against the repeal of the Sunday closing law for the Columbian Exposition, and one against opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. O'NEILL of Pennsylvania: Memorial of the Philadelphia Board of Trade in opposition to the passage of the Hatch antioption bill—to the Committee on Agriculture.

By Mr. OUTHWAITE: Petition of Alice Mayhugh and others of Big Plain, Ohio, protesting against the repeal of the law to close the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. PICKLER: Petition and resolution of the Methodist Episcopal Church of Huron, S. Dak., asking that Congress do not rescind action closing the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. SANFORD: Petition of the Medical Society of Fulton County, N. Y., signed by forty members of the medical profession, for an appropriation of $43,983 to assist defraying the expenses of the Pan-American Congress to be held in Washington, D. C., September 5, 6, 7, and 8, 1893—to the Committee on Appropriations.

By Mr. TAYLOR of Illinois: Petition of the Chicago Ministerial Union, representing 88 Congregational churches, renewing the expression of its conviction embodied in its former petition that the gates of the Columbian Exposition should not be opened on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. TRACEY: Petition of citizens of Albany, N. Y., in favor of the World's Fair being open on Sundays—to the Select Committee on the Columbian Exposition.

By Mr. WILSON of Missouri: Resolutions of church people of Tarkio, Mo., favoring Sunday closing of the World's Fair—to the Select Committee on the Columbian Exposition.

By Mr. YOUMANS: Resolutions of the Methodist Episcopal, Baptist, and Presbyterian congregations of Cass City, Tuscola County, Mich., thanking Congress for the Sabbath closing of the World's Fair—to the Select Committee on the Columbian Exposition.

SENATE.

TUESDAY, *December 13, 1892.*

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

PRINTING AND DISTRIBUTION OF DOCUMENTS.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 1549) providing for the public printing and binding and distribution of public documents.

Mr. MANDERSON. I move that the Senate nonconcur in the amendments of the House of Represensatives and that a conference be requested on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent the Vice-President was authorized to appoint the conferees on the part of the Senate, and Mr. MANDERSON, Mr. HAWLEY, and Mr. GORMAN were appointed.

PRESIDENTIAL ELECTORS.

The VICE-PRESIDENT laid before the Senate communications from the Secretary of State, transmitting, in pursuance of the provisions of the act of Congress approved February 3, 1887, certified copies of the final ascertainment of the electors for President and Vice-President appointed in the States of Texas, North Carolina, Alabama, Illinois, and Maine, at the elections held therein on the 8th of November, 1892, as certified by the governors of those States; which, with the accompanying papers, were ordered to lie on the table.

PETITIONS AND MEMORIALS.

Mr. WILSON presented a petition of the Journeymen Tailors' Union of Burlington, Iowa, praying for the passage of House bill 8535, limiting the free entry of wearing apparel of foreign manufacture; which was referred to the Committee on Finance.

He also presented a memorial of the Presbyterian Synod of Burlington, Iowa, remonstrating against the repeal of the law closing the World's Columbian Exposition on Sunday; which was ordered to lie on the table.

He also presented a petition of the Methodist Episcopal and United Presbyterian churches of Redding, Iowa, praying for the closing of the World's Columbian Exposition on Sunday; for the passage of the antioption bill, and that the sale of intoxicating liquors be prohibited on the grounds of the World's Columbian Exposition; also, praying for the passage of legislation restricting immigration; which was referred to the Committee on the Quadro-Centennial (Select).

Mr. PEFFER presented petitions of William Hintz and 20 other citizens of Crawford County; of G. W. Goodwin and 20 other citizens of Sedgwick County; of D. M. London of Blair County and 42 citizens of Montgomery County; of E. Bishop and 23 other citizens of Sumner County; of J. J. Wright and 19 other citizens of Sedgwick County; of S. L. Barrett and 19 other citizens of Sedgwick County; of J. T. Watson and 41 other citizens of Sedgwick County; of W. L. Thomas and 20 other citizens of Sedgwick County; of J. E. Sanderson and 39 other citizens of Crawford County; of James B. Caldwell and 20 other citizens of Cowley County; of B. F. Havens and 20 other citizens of Sedgwick County; of George Hudson and 40 other citizens of Cowley County; of Charles Harrison and 20 other citizens of Montgomery County; of John H. Miller and 18 other citizens of Bourbon County; of Lew Reppeto and 20 other citizens of Cowley County; of W. M. McFadden and 19 other citizens of Bourbon County; of D. E. Fuller and 38 other citizens of Sedgwick County, and of Charles B. Fox and 19 other citizens of Sumner County, all in the State of Kansas, praying for the appointment of a Senate committee to investigate the combine formed to depreciate the price of grain, and asking the postponement of the Washburn-Hatch antioption bill until such committee shall report; which were referred to the Committee on Agriculture and Forestry.

Mr. IRBY presented two memorials of citizens of Gaffney City, S. C., remonstrating against the passage of the Washburn-Hatch antioption bill; which were ordered to lie on the table.

Mr. PADDOCK presented a petition of the Chamber of Commerce of Duluth, Minn., praying for the construction of a ship canal through the United States from the Great Lakes to the Hudson River; which was referred to the Committee on Commerce.

He also presented the petition of F. H. Dailey and 23 other citizens of Douglas County, Nebr., and the petition of W. W. Miller and 18 other citizens of Adams County, Nebr., praying for the appointment of a Senate committee to investigate the depression in grain resulting from the combine existing between the millers, elevators, and railroads, and asking that the consideration of the antioption bill be postponed until such committee shall report; which were referred to the Committee on Agriculture and Forestry.

Mr. KYLE presented the petition of Philip Rempp and 51 other citizens of Yankton County, S. Dak., praying for the passage of the Washburn-Hatch antioption bill; which was ordered to lie on the table.

Mr. FELTON presented the petition of Dr. Edmund P. Tierney, of San Francisco, Cal., praying that an increase of pension be granted him; which was referred to the Committee on Pensions.

Mr. MITCHELL presented a memorial of members of the Seventh-Day Adventist Church, of Montvila, Oregon, remonstrating against the commitment of the United States Government to a union of religion and the state by the passage of any legislation closing the World's Columbian Exposition on Sunday; which was referred to the Committee on Quadro-Centennial (Select).

He also presented the petition of William E. Stevenson, of Butler County, Pa., late private in Company E, One hundred and third Regiment Pennsylvania Volunteers, praying to be allowed a pension on account of injuries received and privations endured during the war of the rebellion; which was referred to the Committee on Pensions.

Mr. CULLOM presented a petition of the United Presbyterian Church of North America, of Rock Island, Ill., praying that the World's Columbian Exposition be closed on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

Mr. PERKINS presented a petition of Journeymen Tailors' Union, No. 28, of Emporia, Kans., praying for the passage of House bill 8535, limiting the free entry of wearing apparel of foreign manufacture; which was referred to the Committee on Finance.

He also presented petitions of J. W. Poe and 19 other citizens of Sedgwick County; of A. G. Forney and 3 other citizens of Sumner County; of Joseph Cobb and 20 other citizens of Sedgwick County; of Mike Godfrey and 18 other citizens of Sumner County; of Dr. E. J. Hughes and 17 other citizens of Sedgwick County; of J. H. Felger and 18 other citizens of Harvey County; of Alfred Wilson and 23 other citizens of Crawford County; of John Edwards and 21 other citizens of Cowley County; of J. W. Gladman and 17 other citizens of Cowley County, and of W. D. Patton and 21 other citizens of Bourbon County, all in the State of Kansas, praying for the appointment of a Senate committee to investigate the combine formed to depreciate the price of grain, and asking for the postponement of the Washburn-Hatch antioption bill until such committee shall report; which were referred to the Committee on Agriculture and Forestry.

Mr. HILL. I present the petition of George S. Coe, Arthur Leary, Ebenezer K. Wright, George S. Hickok, William Dowd, and other citizens of New York, in favor of the passage of the New York and New Jersey bridge bill now pending in the Senate. The petition is a most important one, and, as it will probably be desired to refer to it during the debate which may take place on the bill, I ask unanimous consent that the petition, with the names, be printed in the RECORD.

The VICE-PRESIDENT. Is there objection to the request made by the Senator from New York?

Mr. HARRIS. What is the request?

The VICE-PRESIDENT. That the signatures to the petition and the petition be printed in the RECORD.

Mr. HARRIS. I have no objection to the petition being printed as a miscellaneous document, but I have uniformly objected to encumbering the RECORD with petitions. I object now.

The VICE-PRESIDENT. Objection being made, the petition will be printed as a document, and it will lie on the table.

Mr. ALLEN presented a petition of Journeymen Tailors' Union, No. 134, New Whatcom, Wash., and a petition of Journeyman Tailors' Union, No. 100, of Spokane, Wash., praying for the passage of House bill 8535, limiting the free entry of wearing apparel of foreign manufacture; which were referred to the Committee on Finance.

Mr. DANIEL presented memorials of the Chamber of Commerce of Richmond, Va.; of citizens of Florence, S. C., and of citizens of Norfolk, Va., remonstrating against the passage of the Washburn-Hatch antioption bill; which were ordered to lie on the table.

He also presented the memorial of W. A. Lewis and 8 other members of the Seventh-Day Adventist Church of Arlington, Va., remonstrating against the commitment of the United States Government to a union of religion and the state by the passage of any legislation closing the World's Columbian Exposition on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

He also presented petitions of D. R. Norvell, of Fluvanna County, Va.; of Ivey, Owen & Co., of Lynchburg, Va.; of Myers Brothers & Co., of Richmond, Va.; of John Rope, manager American Tobacco Company, of Richmond, Va.; of W. T. Hancock, of Richmond, Va.; of John H. Flood, of Lynchburg, Va.; of Gravely & Miller, of Danville, Va.; of William S. Carroll, of Lynchburg, Va.; of the J. B. Pace Tobacco Company, of Richmond, Va.; of the T. C. Williams Company, of Richmond, Va., and the petition of William H. Ford & Co., of Lynchburg, Va., praying for the repeal of the free-leaf section of the tariff law; which were referred to the Committee on Finance.

STATISTICAL ABSTRACT FOR 1892.

Mr. MANDERSON. I am directed by the Committee on Printing, to whom was referred the joint resolution (S. R. 118) to print the fifteenth number of the Statistical Abstract of the United States for the year 1892, to report it back with sundry amendments, and changing it to a concurrent resolution. I send the amendments to the desk.

The VICE-PRESIDENT. Does the Senator from Nebraska desire the present consideration of the joint resolution?

Mr. MANDERSON. I ask for its present consideration.

The Senate, by unanimous consent, proceeded to consider the joint resolution.

Mr. COCKRELL. What are the amendments?

The VICE-PRESIDENT. The amendments will be stated.

The CHIEF CLERK. In line 3, strike out "20,000" and insert "12,000."

In line 6, strike out "6,000" and insert "3,000."

In line 7, strike out "12,000" and insert "6,000."

In line 8, strike out "2,000" and insert "3,000."

Mr. MANDERSON. I will state for the information of the Senator from Missouri, who introduced the joint resolution, that these amendments are to make it conform to the general printing bill which has been passed by both Houses and is now in conference.

Mr. COCKRELL. I suggest to the Senator from Nebraska that while we are printing this document it would be well to print a larger number than that provided in the general bill. In the discussion of the tariff bill, which will be very apt to be discussed at no very distant day, this will be an exceedingly important document, because it contains the data up to the 1st of July, 1892. It will probably be necessary to have additional copies, and it would be as well to print them at once. Ordinarily the number prescribed I think would be sufficient, but I doubt whether it will be sufficient this time.

I think there will be a larger number of this document required. I find for example that the edition of the Statistical Abstract for 1887 was exhausted and additional copies had to be ordered two or three times, and yet for another year the usual number we printed was too many. I have a large number of copies on hand of certain years and for other years I can not get any copies at all. Take the Statistical Abstract for 1889; the edition was exhausted at once in the discussion of the tariff act of 1890. That is the only reason why I proposed to increase the edition over and above the usual number.

I simply make this suggestion because it would be economical, would it not, to have all the copies printed at once? What would be the difference in cost if we should want an additional issue?

Mr. MANDERSON. The cost of printing 20,000 copies is not a very large amount of money, although the Abstract for the year 1892 is much larger and contains more variety of information, I think, than perhaps any other that has preceded it.

I quite agree with the Senator from Missouri, that there will be a greater demand for this particular number than any which has been heretofore printed. I do not object for one, and I do not think the Committee on Printing will object to the printing of 20,000 copies and making this, perhaps, an exception to the general rule for printing the Statistical Abstract.

Mr. COCKRELL. I hope that will be done.

Mr. MANDERSON. So I shall not ask for a vote on the proposed amendments, but will withdraw them and simply insist upon the amendment changing the joint to a concurrent resolution.

Mr. COCKRELL. Oh, yes; that is right.

Mr. MANDERSON. That amendment will require some change in the body of the joint resolution. I ask that it be read.

The joint resolution was read, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That there be printed 20,000 copies of the Statistical Abstract of the United States for the year 1892, prepared by the Bureau of Statistics, Treasury Department; 6,000 copies for the use of the members of the Senate, 12,000 copies for the use of the members of the House of Representatives, and 2,000 copies for the Bureau of Statistics, Treasury Department, and that the sum of $, or so much of the same as may be necessary to defray the expense of printing such report, be appropriated and paid out of the money in the Treasury not otherwise appropriated.

Mr. MANDERSON. I move to change the form to that of a concurrent resolution, and to strike out all after the word "Department" in line 9.

The VICE-PRESIDENT. The resolution will be read as proposed to be amended.

The Chief Clerk read the resolution as proposed to be amended, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed 20,000 copies of the Statistical Abstract of the United States for the year 1892, prepared by the Bureau of Statistics, Treasury Department; 6,000 copies for the use of the members of the Senate, 12,000 copies for the use of the members of the House of Representatives, and 2,000 copies for the Bureau of Statistics, Treasury Department.

The VICE-PRESIDENT. The question is on agreeing to the amendments proposed by the Senator from Nebraska.

The amendments were agreed to.

The concurrent resolution as amended was agreed to.

TREASURY ACCOUNTS.

Mr. MANDERSON. There was referred to the Committee on Printing the letter of the Treasurer of the United States, relative to accounts rendered to and settled with the First Comptroller for the fiscal year which ended June 30, 1892, with copies of the same. I am directed by the Committee on Printing to report back the accounts with the recommendation that they be not printed. I ask that that order be made.

The VICE-PRESIDENT. The report will be agreed to, in the absence of objection.

CIVIL SERVICE COMMISSION REPORT.

Mr. COCKRELL. I should like to call the attention of the Senator from Nebraska to the resolution I introduced to print the ninth annual report of the Civil Service Commission. The printing of that report will save us a great deal of writing and explanation if we can have copies of the document to send out. There are quite a number of offices that have been brought under the jurisdiction of the Civil Service Commission which are not specified in the last report, and it is very difficult for a Senator to answer an applicant for a position as to whether the office comes under the civil-service law or not. We need to have that report printed as a document to distribute, and I should like to have it as soon as possible.

Mr. MANDERSON. I do not think that on this side of the Chamber we shall have the degree of interest in that report which the Senator expresses, but I will state to him that the report will be ordered printed very shortly, as soon as the committee can act upon the resolution.

BILLS INTRODUCED.

Mr. BATE introduced a bill (S. 3569) for the relief of D. W. and Minna H. Glassie and Joseph C. Nash; which was read twice by its title, and referred to the Committee on Claims.

Mr. GALLINGER introduced a bill (S. 3570) for the suspension of immigration under certain circumstances; which was read twice by its title, and referred to the Committee on Immigration.

Mr. PEFFER (by request) introduced a bill (S. 3571) to facilitate promotion in the Navy; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. PERKINS (by request) introduced a bill (S. 3572) providing for the purchase of certain property therein named; which was read twice by its title, and referred to the Committee on Appropriations.

Mr. FELTON introduced a bill (S. 3573) for the relief of James Joyes, late lieutenant United States Army; which was read twice by its title, and, with accompanying papers, referred to the Committee on Naval Affairs.

Mr. MITCHELL introduced a bill (S. 3574) to provide for a national encampment of the army and militia at the World's Columbian Exposition; which was read twice by its title, and referred to the Committee on the Quadro-Centennial (Select).

He also introduced a bill (S. 3575) granting a pension to William E. Stevenson; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3576) to remove the charge of desertion from the military record of Henry Von Hess, of Portland, Oregon; which was read twice by its title, and, with accompanying papers, referred to the Committee on Military Affairs.

Mr. CULLOM. I introduce a bill by request, and I do so for the reason that I desire to have the subjects contained in it considered by the Committee on Interstate Commerce.

The bill (S. 3577) to amend an act entitled, "An act to regulate commerce," approved February 4, 1887, was read twice by its title, and referred to the Committee on Interstate Commerce.

Mr. PLATT introduced a bill (S. 3578) granting a pension to Susan E. Cunningham; which was read twice by its title, and referred to the Committee on Pensions.

Mr. VEST introduced a bill (S. 3579) to extend the jurisdiction of courts in Oklahoma Territory and of the United States court in the Indian Territory; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. SAWYER introduced a bill (S. 3580) to amend the proviso to be found in connection with the free delivery system service, page 569, Twenty-fourth volume, Statutes at Large; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. DOLPH introduced a bill (S. 3581) to amend an act entitled "An act to forfeit certain lands heretofore granted for the purpose of aiding in the construction of railroads, and for other purposes;" which was read twice by its title, and referred to the Committee on Public Lands.

AMENDMENT TO A BILL.

Mr. ALLEN submitted an amendment intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

CIVIL SERVICE POSITIONS.

Mr. DANIEL submitted the following resolution; which was read:

Resolved, That the Civil Service Commission be, and it is hereby, requested to furnish the Senate with a succinct statement of the positions in the Government service now embraced under civil service regulations, including their number and kind and of the methods of application and examination; the said statement also to specify the quota of each State, whether filled or vacant, and what positions in number and kind are open to appointment outside of civil service regulations, with their number and kind, the design of this resolution being to procure in a compact form information for the use of those desiring to enter the service of the Government.

Mr. DANIEL. Mr. President, I beg leave to state that this resolution is simply one of inquiry, and that the information is desired for the purpose of labor saving in correspondence and for the enlightenment of the people. It is extremely difficult for any one to ascertain the number and the character of the positions which are in the civil service and those which are out of it. The statutes do not disclose the fact. Various bureaus of the Government have been from time to time passed under the operation of the civil service regulations by Executive order. This information is of course accessible to those who make diligent inquiries in various reports and documents, but there is no single paper issued by the Civil Service Commission which contains in a compact and condensed form all of the information which is desired.

I sent the resolution to the Civil Service Commission before offering it, and I have a letter in reply to the inquiries which I addressed to them which I ask leave to insert in the RECORD in connection with the resolution. The letter approves very much the object and design of the resolution, and the resolution is one to which I anticipate there can be assigned no reasonable objection.

The VICE-PRESIDENT. The letter will be inserted in the RECORD, if there be no objection.

Mr. COCKRELL. I ask that it may be read.

The VICE-PRESIDENT. The letter will be read.

The Chief Clerk read as follows:

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C., December 5, 1892.

SIR: The Commission has the honor to acknowledge the receipt of your communication of December 2, inquiring whether there is in use by the Commission any circular covering the ground embraced in a form of resolution which you think of offering calling for a statement of the positions in the Government service now embraced under the civil-service rules, including their number and kind, and of the methods of application and examination; the said statement also to specify the quota of each State, whether filled or vacant, and what positions in number and kind are open to appointment outside the civil-service rules with their number and kind; the design of the resolution being to procure in a compact form information for the use of those desiring to enter the service of the Government. You state that such information as the resolution calls for would be of convenience to applicants and save much tedious writing, and that your desire is to facilitate the enlightenment of those who make application.

In reply you are respectfully informed:

First. In respect to so much of the resolution as calls for information respecting the number and kind of places in the Government service, that on July 25th last the Commission addressed a letter to each of the heads of Departments stating that in preparing its ninth annual report the Commission desired to present the facts covered by the following inquiries: In the Departmental service at Washington, (1) the number of places classified and excepted from examination; (2) the number of places classified and subject to competitive examination. Respecting the unclassified Departmental service at Washington, (1) the number of places filled by appointment by the President; (2) the number of places below the classified service, as of laborers, watchmen, messengers, etc. As to the entire service under the Departments outside of the classified service away from Washington, a statement of the whole number of persons not included in the foregoing inquiries, and therefore outside of the classified service, arranged in three classes: First, the number of persons appointed by the President; second, the number of those who are merely laborers or workmen; and third, the number of all others. Such a statement of the entire extent of the executive service belonging to the Departments and paid from the public Treasury the Commission would regard as highly important. No such statement is embraced in the census and the facts would be of value in the work of the Commission and to the public when presented from year to year in the annual reports. It would also be useful if the census furnished statistics of the service of the States and cities.

The letters to the Postmaster-General, the Secretary of the Treasury, and the Secretary of War were varied to call for a statement of the classified service away from Washington, as the customs service, the Post-Office service, the Railway Mail service, and the offices of the depot quartermasters-general. The letter also requested a statement from each Department of the aggregate of salaries paid of the different classes of officers and employés, so that the cost of the service in salaries might be known. The Commission has been unable to obtain the information needed from some of the Departments as to the service away from Washington, although repeated letters have been written asking attention to the request of July 25.

In view of the difficulties, the long delays the Commission has experienced in obtaining such information, and the possibility that some of it can not be got at all, this portion of your resolution would be of material aid, and the Commission hopes you will introduce it very soon. The ninth report, which is now ready to be printed, except that it lacks these replies from some of the Departments, will contain as full and specific information respecting the entire classified and unclassified civil service as the Commission can obtain.

Second. The methods of application and of examination are briefly explained in the inclosed pamphlet, showing the times and places of holding examinations and containing instructions to applicants on all essential points. On page 21 of the pamphlet the method of making the apportionment is explained and the States are given which have such an excess of appointments as are likely to exclude them from appointments from the clerk and copyist registers during 1893. A fuller statement of the apportionment, showing the whole number of persons appointed from each State and the percentages to which entitled, appears in each of the annual reports. Printed circulars are also issued from time to time and furnished each applicant with the pamphlet of instructions, showing what States are in excess in the apportionment. The Commission will be glad to have pointed out any particulars in which its instructions are lacking in completeness respecting the apportionment and the methods of examination and certification for appointment. It has been the constant aim to furnish to each person desiring to be examined the fullest printed information to save correspondence. With this purpose in view it has just addressed a letter to the Committees on Printing of the House and Senate, urging that 25,000 copies of its ninth report be printed immediately for the use of the Commission in furnishing information to applicants. The Commission will be very glad if you can do anything to expedite the printing of the report. In the letters to these committees the Commission said: "The report contains the civil-service act, rules, regulations, specimen examination questions, and other information necessary to applicants. Nearly all of the questions contained in the letters addressed to the Commission can be more conveniently and fully answered by sending copies of the report than by writing letters."

If you can make it convenient to call at the office the Commission will be pleased to show you the form in which the information, as to the extent and cost of the civil service, is being collated.

Very respectfully,

CHAS. LYMAN, *President.*

Hon. JOHN W. DANIEL,
United States Senate.

The VICE-PRESIDENT. What disposition does the Senator from Virginia desire to have made of the resolution?

Mr. DANIEL. I ask that it may lie on the table, for the present, in the absence of the chairman of the Committee on Civil Service.

The VICE-PRESIDENT. The resolution will lie on the table.

REPORT OF THE COMMISSIONER OF FISH AND FISHERIES.

Mr. MANDERSON submitted the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring therein), That the report of the Commissioner of Fish and Fisheries, covering the operations of the Commission for the fiscal year ending June 30, 1892, be printed; and that there be printed 8,000 extra copies, of which 2,000 shall be for the use of the Senate, 4,000 for the use of the House of Representatives, and 2,000 for the use of the Commissioner of Fish and Fisheries; the illustrations to be obtained by the Public Printer under the direction of the Joint Committee on Printing.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had passed the following bills:

A bill (S. 2275) for the relief of purchasers of timber and stone lands under the act of June 3, 1878; and

A bill (S. 3418) making Saturday a half holiday for banking and trust company purposes in the District of Columbia.

The message also announced that the House had passed the bill (S. 2093) to provide for the disposal of certain abandoned military reservations in the State of Wyoming, with amendments; in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 6180) to establish an additional land office in the Territory of New Mexico;

A bill (H. R. 6644) to amend an act entitled "An act authorizing the sale of title of the United States in lot 3 in square south of square 990," approved March 3, 1891;

A bill (H. R. 6922) to amend section 452 of the Revised Statutes relating to the District of Columbia, concerning conveyance of real estate;

A bill (H. R. 7625) for relief of certain settlers on public lands in the Tucson land district, in Arizona;

A bill (H. R. 8268) to amend chapter 559, page 1095, volume 26, United States Statutes at Large;

A bill (H. R. 8815) to extend North Capitol street to Soldiers' Home;

A bill (H. R. 8956) establishing a fog signal at Tibbets Point, Lake Ontario, New York; and

A bill (H. R. 9758) to amend the charter of the Eckington and Soldiers' Home Railway Company of the District of Columbia.

THE FIVE CIVILIZED TRIBES.

The VICE-PRESIDENT. If there is no further morning business, that order is closed, and the Calendar under Rule VIII is in order.

Mr. JONES of Arkansas. I ask that the joint resolution introduced by the Senator from Missouri [Mr. VEST], to appoint a commission in regard to Indian Territory, be taken up.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Arkansas?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (S. R. 117) authorizing the appointment of a commission to treat with the five civilized tribes of the Indian Territory with a view of making agreements to induce them to take homesteads in severalty.

Mr. JONES of Arkansas. Mr. President, I confess that I am somewhat at a loss to know the purpose of the Senator from Missouri in introducing this resolution. The speech made by the Senator in explanation of it at the time it was introduced does not explain. The joint resolution and the speech are as complete a misfit as I have ever seen. The joint resolution seems to contemplate the appointment of a commission who shall treat with the Indians of the five tribes to induce them to accept their lands in severalty, and this seems to be the sole purpose.

The question of the condition of affairs in the Indian Territory has attracted the attention of the Senate and of Congress for a long time. Early in the last session my colleague [Mr. BERRY] introduced a bill which provided for the appointment of a commission to treat with these Indians, not only to induce them to accept their lands in severalty, but in addition to that to treat with them "with a view to such an adjustment, upon the basis of justice and equity, as may, with the consent of such nations or tribes of Indians, so far as may be necessary, be requisite and suitable to enable the ultimate creation of a State or States of the Union which shall embrace the lands within said Indian Territory," and the consideration of this bill by the Committee on Indian Affairs, to whom it was referred, has already resulted in a proposed amendment to the bill to ratify the Cherokee agreement, which they believe meets the requirements of the present situation.

Mr. President, the plain situation in the Indian country is this: Under all the treaties made from 1830 down to this good hour those tribes are guaranteed the right to maintain their governments as they have them. These rights must be first disposed of before our Government can extend Territorial or State governments over that country, unless we violate our treaties with them. There is no inducement which can be presented, in my opinion, by Congress to those Indians which will lead them to abandon their tribal organization unless we offer them something that they regard as a benefit to compensate them for what they give up.

The Committee on Indian Affairs and many members of this body have believed that the only hope of inducing those Indians to abandon their tribal organizations and their tribal governments and to become citizens of the United States is the offer of allowing them to take their lands in severalty in compensation for such action; and the proposition made by my colleague, the Senator from Arkansas, was that steps should be taken to allow those Indians to have their lands in severalty, if at the same time they should become citizens of the United States, and the Government should have the right to organize a Territorial or State government in that country. The one purpose we have in view, the best thing for the country, the best thing for the Indians, is to take exactly that step; but I submit to the Senate that if the proposition of the Senator from Missouri were carried out and the Indians were authorized to take their lands in severalty there would be no inducement on the face of the earth which we could present to those Indians that would lead them to give up their tribal organization and to become citizens of the United States.

This matter has been considered by the Committee on Indian Affairs for a long time. I understand the purpose of the Senator from Missouri to be to have the joint resolution referred to some other committee than the Committee on Indian Affairs. This subject has been before that committee for a long while, and there is now on the Calendar of the Senate a bill to ratify the Cherokee agreement, the last section of which bill provides:

SEC. 6. That the consent of the United States is hereby given to the allotment of lands in severalty within the limits of the country occupied by the Cherokees, Creeks, Choctaws, Chickasaws, and Seminoles; and upon such allotments the individuals to whom the same may be alloted shall be deemed to be in all respects citizens of the United States. And the sum of $25,000, or so much thereof as may be necessary, is hereby appropriated to pay for the survey of any such lands as may be allotted by any of said tribes of Indians to individual members of said tribes; and upon the allotment of the lands held by said tribes respectively the reversionary interest of the United States therein shall be relinquished and shall cease.

This proposition, submitted to the Senate and now pending upon the Calendar, accomplishes the purpose in the complete and even-handed way which certainly the Government of the United States has in view in this matter, while the proposition of the Senator from Missouri would only give away the single advantage we have, and the only inducement we have to offer those Indians to abandon their tribal organizations and to become citizens.

Under these circumstances I take it that the Senate will not refuse to commit the joint resolution to the Committee on Indian Affairs, if it is to be considered at all, and that the committee which has had charge of this question for so long shall have charge of the further consideration of the subject.

The periodical attacks made by the Senator from Missouri on the court at Fort Smith I care but little about. The administration of justice must everywhere and at all times be expensive. If there has been any waste of money at that court I am not aware of it. The Senator presented some startling figures a few days ago. He said that in 1889 there were $10,000 spent by that court, and in 1890, $48,000, and in 1891, $192,000. The astonishing increase of the expenses of that court was certainly enough to attract the attention of any member of the Senate. I asked the Attorney-General to give me the amount of these expenses, and have them before me. The Senator presented a part of those expenses in the Senate on yesterday, and they serve to show that the startling increase of expenses which he had presented to the consideration of the Senate a few days before is not sustained by the facts, but that the expenses have been in a measure uniform for years back. I go back as far as the year 1886 to show that there has been no material increase, and that the evils, whatever they are, have been in existence there for years.

The total expenses of that court in 1886 were $253,858.55. I will not give the odd figures, but will state the round sum. In 1887 the expenses were $165,000; in 1888, $270,000; in 1889, $256,000; in 1890, $296,000, and in 1891, $224,000. There has been no such marked and startling increase in the expenses of that court as the Senator from Missouri presented to the consideration of the Senate on the day of his first speech, and very much of the startling character of what he presented at that time is taken away by the plain records of the Attorney-General's Office, as presented by him yesterday.

This morning's Post, however, says that on yesterday the Senator paid his "torrid respects" to the United States judge at Fort Smith. The United States judge at Fort Smith does not belong to the same political party that I do. I have no personal connection with him, but I know how he stands in that community amongst Democrats as well as Republicans. I know that he is believed to be an able, honest, and upright judge. He may not be, in the opinion of the Senator, as efficient a judge as Chief Justice Marshall, and there may be individuals in that community who agree with him, but I do not know them and have never heard of them. On the contrary, Democrats as well as Republicans at that bar believe that he is an upright, honest, honorable, and fearless man.

The matter presented yesterday by the Senator from Missouri, which was, as I understand, relied upon to prove that that court is unworthy of the confidence of the Senate and the country, I propose to speak of for a few minutes. The Senator from Missouri, in paying his "torrid respects" to the judge of that court, said:

Some six years ago, during the Administration of Mr. Cleveland, a gentleman in one of the border counties of Texas, who was an old army friend of mine, wrote to me that a poor, miserable negro was under sentence of death at Fort Smith, that he had not a friend in the world, unless this gentleman could be called his friend, who had simply been his employer and had him picking cotton on his plantation. He said from what he knew of this negro he believed he must be innocent of the terrible crime charged to him, and asked my services to go to the Attorney-General's Office and examine the record and see whether great injustice was not about to be perpetrated.

I went down to the Attorney-General's Office—Mr. Garland was then Attorney-General—and looked into the trial of this negro who had been convicted of murder in the first degree at Fort Smith and sentenced to be hung in about two weeks from that time. I found that he had lived with his wife in the Choctaw country in an isolated little cabin, and had become involved in a difficulty with some of his neighbors or with some of the people who were roaming over that country, whose character is to be established with a six-shooter and a pair of bell spurs. There is hardly a man in that country who has not some sort of feud on his hands, unless it be those upon the railroads living in the towns.

It seems that this poor negro had become involved in this neighborhood strife; that he was lying in bed with his wife, and his children in the same room, with his gun above his bed, at 2 o'clock in the morning, when some one knocked at the door and demanded admittance. He immediately came to the conclusion that it was some of those self-constituted vigilantes who had come there to hang him. He demanded to know who it was. They said, "No matter who it is, open this door, or we will break it down." That confirmed his impression, and he reached up and took down his gun and said, "Break down that door and I will kill the first man who enters." The door was immediately broken down, and he fired and killed the first man who started in. Judge Parker instructed the jury that the official character of this man, who turned out to be a deputy United States marshal, was presumed to be known to the prisoner, and the jury found a verdict of guilty, and he was condemned to be hung for murder in the first degree.

I took the record, examined it, and called the attention of Mr. Boteler, the pardon clerk, an old friend of mine, to it, and he recommended a pardon. I carried it myself to President Cleveland. I never saw this negro and never heard of him, except through Mr. Brierly, the old friend who wrote to me. I placed the record before the President, who looked over it that night, and commuted the sentence the next day to ten years in the penitentiary, and the prisoner is now serving out part of his term. He ought to have been pardoned, I say with due respect.

Now, Mr. President, I have some recollection of that case, as has also my colleague [Mr. BERRY], who was absent from his seat yesterday when the Senator from Missouri made the particular statements to which I refer, or he would have replied to them doubtless at the time.

William M. Cravens, who is one of the best and most eminent lawyers at the bar of Fort Smith, came from Fort Smith to Washington City for the purpose of presenting this old negro's case to the President and asking for a pardon. Without fee or reward, or any hope thereof, but moved alone by feelings of hu-

manity, he had come here, paying his own expenses, and to the neglect of his private business, sought out my colleague and me, went with us to the Department of Justice, and together we examined all the papers in the case. Senator BERRY and I both went more than once to see the President about this case. While we were making these efforts the assistant district attorney from Fort Smith happened to be in the city. My colleague sought him out and came to me, and he, my colleague, and I went to the President and asked him to take the statement of that official as to the circumstances of the trial and his personal impressions about it. The President interrogated Mr. Cook as to the facts, went over all the circumstances, and the sentence was afterwards commuted. I think it was commuted to imprisonment for life and not for ten years, as stated by the Senator; but of this I am not positive; but I am rejoiced now to find that we had the able assistance of the Senator from Missouri in securing this act of clemency, though I never heard anything of it until he assured us of it yesterday.

The chief charge, however, upon which the Senator relied in paying his "torrid respects" to the judge of this court, was that the jury were instructed by him that in this case they were bound to presume that the defendant knew the official character of the man who was killed at the door when he fired the shot. I think the victim's name was Ayers. He was a deputy marshal. The evidence showed, as I now remember it, that nobody heard what passed between the negro and the deputy marshal. The negro's statement is the version given by the Senator from Missouri. On the other hand the assistant of the deputy marshal, who was there at the same time, said he heard none of the things which the negro said passed between him and the deputy marshal, and he and the others who were there stated that it was the practice of Ayers always to disclose his official character when he went to make an arrest. Judge Parker's instructions to the jury were, as I now remember, that it having been the duty of that deputy marshal to disclose his official character, and there being no proof to the contrary except the statement of the negro himself, it was the province of the jury to believe that the deputy marshal had performed his duty.

I am sorry I have not the papers here; but, as I now remember the circumstances, the evidence showed that, from the position of the parties, the range of the ball through the body of the victim, the bullet hole through the door, etc., as President Cleveland himself argued to my colleague and me, the statement of the negro could not be absolutely true, and that the presumption was strongly that it was absolutely not true. I can not at this distance of time state accurately the facts surrounding the case, but they clearly showed that at least a part of the negro's story was untrue, and it was because of this that he was not pardoned.

Mr. President, we all know the sense of fairness and justice which all the time characterized Mr. Cleveland while he was President of the United States was such as that if the papers showed such a state of facts in this case as the Senator from Missouri stated yesterday the President would have pardoned the man, and the jury, as suggested by the Senator from Indiana [Mr. VOORHEES], would have found him not guilty on the trial. But when the facts disproved the statement of the negro; when the judge made the charge that I have stated and not the one stated by the Senator from Missouri, it was a matter left to the sound discretion of twelve honest men to determine whether or not the negro spoke the whole truth or whether he had colored the thing so as to make himself less culpable than he otherwise would be. After a full investigation of the case Mr. Cleveland was not satisfied that the man was blameless, and I believe he commuted the sentence to imprisonment for life and not for ten years, as stated by the Senator.

I do not think there is anything in the facts of this case when fairly stated calculated to reflect on the integrity or the judicial fairness or ability of the judge who presided at that trial.

Mr. President, for one, I hope to see the time come speedily when that Indian country will come into the Union as a State or become a Territory under the control of the laws of the United States just as any other section of this country is, but if the statements made by the Senator from Missouri are true, there certainly ought not to be any additional powers conferred upon the courts in that Territory until there has been a great change in the population. When he introduced this joint resolution a few days ago he used these words, giving a startling pen picture of the situation of things in the Indian Territory. He said:

> Why, Mr. President, go into the Indian Territory to-night, ride to any house, make the usual hail in the West to the inmates, and you will have no response. Those houses are hermetically sealed after nightfall; every man is on guard, some because they are refugees from justice, others because they fear attacks from the lawless banditti roaming over that domain.

What a terrible state of things would exist there if a community of that kind should be invested with larger judicial functions than they already have? Is that the kind of community in which to find an impartial jury to try persons for murder?

The Senator seems to be outraged because there have been ninety-six men executed at Fort Smith—men taken from this lawless community, men taken from this great domain, where every man is on his guard, brought to Fort Smith and tried by an impartial jury. He referred the other day to some old-time rule of the Dark Ages, when, after an executioner had taken the lives of one hundred knights and belted earls, he thereby became a member of the order, and the Senator seemed to regret in his facetious way that the same rule did not apply now, stating that it would be a great benefit to this man who had executed ninety-six and was hoping for the time to come when he might execute four more, thereby making his hundred. I can assure the Senator from Missouri that the ninety-six men executed at Fort Smith were not knights nor belted earls, but they were miserable, deliberate, cold-blooded murderers who forfeited their lives by their crimes, and for which they have justly died. I am glad that there are some courts in this country which will execute men for murder. I am glad to see these lawless elements brought in for trial before a court somewhere where there is a likelihood that they will pay the penalty of their crimes with their lives.

Mr. President, yesterday after my colleague had ventured to suggest that the picture which the Senator from Missouri had just overdrawn of lawlessness in the Indian Territory was hardly sustained by the facts, the Senator from Missouri said:

> There is hardly a man in that country who has not some sort of feud on his hands, unless it be those upon the railroads living in the towns.

I have lived for a long time in the neighborhood of that Indian country; I have traveled through it in almost every way; I have been amongst those people almost everywhere, and I have never seen any state of things in that Territory from my boyhood up to to-day that would justify statements like those of the Senator. That there is more lawlessness there than in any other section of this country I grant; that it is a refuge for bad men from neighboring localities is true; but that the whole community is engaged in feuds I respectfully submit is not sustained by the facts, as every well-informed man knows.

There are many upright and law-abiding men in that country, and they are there by the thousands. The majority of the people living there are white. Many of those are bad men; many of those have gone there for bad purposes; but there are numbers of good men there, men whose characters will not suffer by comparison by any here or elsewhere, and such wholesale attacks are unjust and unwarranted.

In his speech when he introduced the joint resolution the Senator said:

> The Indian Territory to-day is a menace to civilization. The farce of administering justice there is a blot and a stain upon the judicial system of the United States; crime is rampant; corruption is rife.

Mr. President, I believe that the attempt to admininister justice in the Indian Territory if full powers were conferred upon these courts would be a failure. I have been opposed to allowing courts situated in the Indian Territory to have jurisdiction of all classes of crime, because the Indian courts are known to have fallen far short of the enforcement and administration of justice. Crimes have been committed there between Indians where the farce of a trial has been gone through with and men discharged without punishment at all when they have been guilty of the gravest crimes and these in great numbers. Of course our own courts situated there would do better than these; but in my opinion the trouble about juries would render the full and efficient enforcement of justice there a failure.

We all know of the terrors that exist by reason of the feuds that prevail in that country: and if they are as general as the Senator from Missouri has charged the conditions would be very much worse than they now are, if there was no enforcement of the law, except by the aid of juries selected in such communities.

While I believe they have reasonable juries in the courts presided over by Judge Shackleford, I do not believe it would be wise or proper or judicious to confer the entire criminal jurisdiction of that country to the keeping of these courts now.

I think it is unnecessary to reply to the intimations of the Senator from Missouri in his opening speech yesterday, that my colleague and I were influenced by unworthy motives in our opposition to the extension of the powers of these courts; and now I take it we are not called upon to say we have not advocated the jurisdiction of this court because saloon and boarding-house keepers are interested in keeping this court at Fort Smith. Such suggestions are unworthy of utterance here or anywhere. We have opposed conferring these powers upon these courts because we believe the enforcement of justice requires that the Indians charged with the gravest crimes should be tried where there will be less of the local influence than there is now in that Territory.

It seems to me, Mr. President, that the Senator from Missouri himself, when he says that almost every man in the Ter-

ritory, unless he lives in a town or on a railroad, is engaged in some of these feuds, gives his own case away. No reasonable man can certainly insist that the class of people described by the Senator should have the disposal of criminal charges of a grave character.

I desire now simply to object to sending this joint resolution to any other than the Committee on Indian Affairs. I object to that because the Committee on Indian Affairs is charged with such investigations on the part of the Senate, and it has never forfeited its jurisdiction. It has already on the Calendar, as I pointed out in the beginning, a proposition which I believe, and which many of the Indian citizens of that country believe, will result in these Indians taking their lands in severalty and at some time becoming citizens of the United States and having a Territorial or State government extended over them.

The particular feeling which seems to animate the Senator from Missouri in his periodical criticisms of the court at Fort Smith I care little about. That court will go ahead in the discharge of its duties without much regard as to whether the Senator from Missouri is entirely pleased with its conduct or not, and I suppose that Congress will retain the jurisdiction in that court until they become satisfied that the juries of the Indian Territory are such that they can be intrusted with a wider jurisdiction than the courts there have now.

Mr. PLATT. Mr. President, I regret that one of the most important political and governmental questions in our whole history should be seemingly obscured by a discussion which has arisen with reference to the condition of certain courts and the expenses of certain courts. The real question which should interest the American people is the question of whether we can longer endure five separate, independent, sovereign, and almost wholly foreign governments within the boundaries of the United States.

The joint resolution itself which is under discussion scarcely touches the great question which should interest us most, because it does not in terms look at all to the wiping out of those governments, if I may be pardoned the expression. It looks simply to the matter of allotting the lands in severalty in the Indian Territory and the sale of those which are not allotted. Inferentially, I suppose, it will be claimed that when that is done the time will have become ripe or will have been hastened when the Indians themselves will be content to give up their independent and foreign governments.

This is not a new question to those who have been serving upon the Committee on Indian Affairs, and I think the members of that committee are more impressed with the anomalous condition which exists, and which I have in a word described, than perhaps other members of the Senate.

Now, I desire to state as concisely as I may what is the real condition of these five civilized tribes with reference to our Government, and their political conditions. In 1832 the United States Supreme Court, in the case of Worcester *vs.* Georgia, I believe, decided that the Cherokee Nation was an independent nation, that the United States had treated it as an independent nation, and had thus recognized it as such. Following that, in 1835, by a treaty the United States, to the extent of that treaty, recognized the Cherokee Nation as an independent nation. I will read from article 5 of the treaty of 1835:

> The United States hereby covenant and agree that the lands ceded to the Cherokee Nation in the foregoing article shall in no future time, without their consent, be included within the territorial limits or jurisdiction of any State or Territory.

That gave them political independence.

> But they shall secure to the Cherokee Nation the right by their national councils to make and carry into effect all such laws as they may deem necessary for the government and protection of the persons and property within their own country, belonging to their people, or such persons as have connected themselves with them—

That gives them all legislative and judicial power with the limitations which are expressed in the proviso which follows:

> *Provided always*, That they shall not be inconsistent with the Constitution of the United States and such acts of Congress as have been or may be passed regulating trade and intercourse with the Indians; and also, that they shall not be considered as extending to such citizens and Army of the United States as may travel or reside in the Indian country by permission according to the laws and regulations established by the government of the same.

So that, with those simple restrictions that the nation should not pass laws inconsistent with the Constitution of the United States and the acts of Congress that existed or might be passed regulating trade and intercourse with the Indians, the Cherokee Nation was as much an independent and foreign government as the government of France or of England. That guaranty contained in the original treaty of 1835 has been continued by other treaties from that day down to the present. Therefore the United States by treaty stands pledged to guarantee to the Cherokee Nation a separate, independent, and in all respects, except so far as the limitations were specified, a sovereign government. The other five civilized tribes are practically in the same situation in this respect.

So we have now this strange and anomalous condition, that within the limits of the United States are five separate, independent governments, with no allegiance to the United States, with no responsibility to the United States Government, beyond the reach of the United States Government, except in the two limitations which were imposed or reserved by the treaty, that is that they shall not make laws inconsistent with the Constitution of the United States or inconsistent with the laws passed by Congress regulating trade and intercourse with the Indian tribes. Under those guaranties they have established five independent nations or governments of their own.

Mr. COKE. Will the Senator allow me to make a suggestion?

Mr. PLATT. Certainly.

Mr. COKE. I ask the Senator if the Government of the United States does not possess sovereignty over that soil, the right of eminent domain?

Mr. PLATT. The United States conveyed to each of the five civilized tribes their lands in fee simple, and agreed that they should never be included in any Territorial or State government, so long as the tribes continued to exist and occupy the lands. It probably can exercise right of eminent domain as to these lands, if it can exercise the right of eminent domain as to lands which it has patented to individuals in the States which have been created out of our public domain.

I am not prepared to admit that the Government can not exercise the right of eminent domain in that Territory, but in a treaty, made I think in 1866, it thought it was necessary that the Cherokee Nation and the other nations should agree that railroads might be constructed through their territory. The United States obtained that consent. My own impression about it is that the United States has the right of eminent domain there, but even the right of eminent domain has its restrictions.

I was proceeding to say that under these treaties and the guarantees given them by the United States, these Indian nations established governments of their own, constitutions of their own, organized very much after the model of the United States Government, with three branches, the legislative, the judicial, and the executive. They have a body of laws which are passed in their legislature and approved by their principal chief. They have their separate courts, in which all matters pertaining to their people are adjusted, and adjusted without possible interference of the United States Government, unless it be that there can be appeals to the Supreme Court of the United States, but that has never yet been attempted and there is no law for it upon our statute books.

The powers of these governments extend only to their own citizens; the powers of their courts extend only to their own citizens; but in all respects, so far as their own citizens are concerned, they are absolute. The United States courts have no jurisdiction whatever over controversies arising between acknowledged citizens of those nations; they have no power whatever over crimes committed by those Indians upon one another. As to all those matters the Indian courts which have been established in those five different nations are supreme.

Those are, then, the one class of courts which exist in the Indian Territory within the limits of these five civilized tribes. They are the courts which deal with the Indians and with the matters arising between Indians. I think, perhaps, I may here as well as anywhere else state what the jurisdiction of the other courts are.

The original idea when the Government gave the guarantees by which these Indian governments have been established was that white people were not to dwell in that country; that it was to be a purely Indian country, and that white people were to be excluded from it, except the Army and citizens who might be allowed to travel there by their permission. That condition of things is all changed in ways which I shall attempt to describe before I close.

The white people there outnumber the Indians in at least four of those governments; I think in all of them. So we have now, and have had for a long time, a condition of things where there was no court possible within what may be called the political organization of the Territory for the settlement of matters which might arise between the white people who were there, or between the white people and the Indians, or of the crimes which might be committed by white people affecting white people, or the crimes which might be committed by white men upon an Indian or an Indian upon a white man. That led to giving jurisdiction of such offenses to the courts in the adjoining State of Arkansas, at Fort Smith, and subsequently to the court at Paris, Tex., and subsequently, I think, even to that, to the court at Wichita, in Kansas. So the courts at Fort Smith, at Paris, and at Wichita have cognizance of all felonies arising in the Terri-

tory where white people are concerned, either as between themselves or between white people and Indians.

If an Indian commits felonious assault upon a white man, he can not be tried in the Indian courts, but he is taken to Fort Smith, to Paris, or to Wichita, as the case may be. So if a white man commits a felony within the limits of these nations he is tried in one of these courts in an adjoining State. That seemed to be necessary in order that there might be some law reaching those white people, either punishing or protecting them, as the case might be, who had been admitted into this country, where it was formerly supposed that nobody but Indians were to live.

That condition of things existed for awhile, and then it was found, as the white population increased, that there was a set of offenses and various civil controversies which could be determined in no court. Then the court at Muscogee, within the limits of the Territory, was established for the trial of misdemeanors which might be committed in the Territory, except where those misdemeanors related purely to the Indians in their relation to one another, and for the settlement of civil matters as between white people, and the white people and the Indians.

These, then, are the three courts: The Indian court, which has supreme power to deal with all matters exclusively between Indians; the courts at Fort Smith, Paris, and Wichita, which have jurisdiction of felonies committed within the limits of the territory occupied by these five civilized tribes, and the court at Muscogee, which has jurisdiction of misdemeanors and all civil matters arising in which Indians are not exclusively interested.

The difficulty which the Senator from Missouri [Mr. VEST] described grows out of the anomalous political condition. As I said a few moments ago, it was understood in the first place, when these treaties were made, that the Indians were to be protected from the intrusion of white people, that they were to conduct their governments solely as Indian governments, that the occupation of this territory was to be solely an Indian occupation. But the reason for the guaranty has long since passed away by the action of the Indians themselves.

The last census, that is the census of 1890, gives the whole number of Indians in these five civilized nations or tribes at 52,065, and colored Indian citizens and claimants at 14,224, making a total of 66,289, who may be said to be citizens of those nations or claim to be citizens of those nations. On the other hand, by this census there are white persons within the limits of these five nations to the number of 107,989. That does not include the class who are called intruders. The intruders are persons who claim to have a right by reason of Indian descent, but who are not recognized by the Indian Nation. They are included in the 14,000.

So there are nearly 108,000 white people to 52,000 Indians in this Territory, and most of those people have gone there and are there by permission of the Indians themselves.

I said it was an anomalous condition of things, and it is. The number of white people has largely increased since the census, and is constantly increasing. I have no doubt now that there are 125,000 white people within the limits of these five nations, permitted there by the Indians themselves, to 52,000 Indians. Those white people have no participation whatever in the government; they have nothing whatever to say about the government, either national or municipal; they are just as far removed from any participation in political affairs as if they were in Mexico; they are not responsible to the government which prevails there; the Indian court can not lay its hands upon them, and they can in no way go into the courts of those Indian nations for redress of offenses committed upon them or for the adjustment of their civil rights.

I say, therefore, the entire reason of the guarantee is gone; the entire reason why the United States should guarantee to the Indians a separate and practically a soverign and independent government has entirely vanished by what has taken place since the treaties were made and by the action of the Indians themselves.

Mr. BUTLER. Would it interrupt the Senator if I should ask him a question?

Mr. PLATT. I think not.

Mr. BUTLER. The Senator has stated that as to a great many of those white people they are in the Indian Territory with the consent of the Indians themselves. If he will pardon me, I suggest to him that that perhaps is rather a sweeping statement, in view especially of what has fallen from the Senator from Missouri [Mr. VEST], and the Senator from Arkansas [Mr. JONES], who have stated that there are a number of refugees from justice in the Indian Territory from the bordering States. It is certainly not plain that that class of people are there by the permission of the Indians.

Mr. PLATT. Not at all. Now, I wish to read to show that I am not mistaken about this——

Mr. BUTLER. If the Senator will pardon me, before he proceeds I should like to put one other inquiry to him, and that is, if there is not in the treaties to which he has referred a very strong obligation on the part of the Government of the United States to expel all these intruders from the Indian Territory?

Mr. PLATT. I do not wish to go into the intruder question further than to read an extract from a letter written to me by the Indian agent at Union Agency, under date of June 1, 1892, in which he says:

> Those denominated intruders may be divided into, first, noncitizens who are refugees from justice in the States, many under assumed names to hide their identity, who had no regard for the laws of the States from which they fled, and have none for the Indian laws or rights, but who engage in whisky peddling, gambling, and various sharp practices to gain a dollar or two. This class is now comparatively small, and is not increasing in numbers, because their natural inclination leads to crime, and their arrest and imprisonment soon follows. The advent of the United States court in this Territory has made their business and residence insecure, and many of this class have sought more promising fields in the West.

I think this extract settles the question as to the numerical proportion of the white people there who may be called refugees or criminals. The agent says this class is comparatively small and not increasing.

In the Cherokee Nation, for instance, there are five or six thousand people who are called intruders; in the Choctaw and Chickasaw Nations there are, perhaps, a couple of thousand more. Of that number, of more than 100,000 white people, not more than 10,000 are claimed by the Indians themselves to be intruders. There are, for instance—and I take the Cherokee Nation because it is illustrative of the whole condition—in the Cherokee Nation 27,176 white persons by the census. Mr. Boudinot, in testimony before the Indian Committee, says:

> We have permitted men in the Cherokee Nation not citizens and not in this intruder class, but living there by permission. We have probably 20,000 of them.

I then asked this question of the principal chief:

> Q. What do you say, Mr. Harris?
> Mr. HARRIS. I should say about that number.
> Mr. BOUDINOT. Twenty thousand men, women, and children; the number may go higher than that.

At least 20,000, then, of the 27,000 white people in the Cherokee Nation are acknowledged by the chief to be there by permission. Probable the proportion is even greater.

So with reference to the 49,000 who are in the Choctaw Nation. They acknowledge that the great bulk of those white people are persons to whom they have given permits to go there, permits to cultivate their lands, permits to do business; in other words, while it is true that there are people there who are refugees from justice, the great proportion of the white people who are there are people who have gone there by permission of the Indians under license by the Indians. They are there at work, cultivating the lands, or mining coal, or carrying on the various occupations of life, with the permission and with the entire consent of the Indians. In some of the nations they have leased lands and are herding cattle and raising stock.

Now that there are refugees, that there are criminals there is undoubtedly true. It could not be otherwise. If you could find anywhere in the United States a Territory where people could go and not be subject to the local government, where the government of that Territory could exercise no power or authority over them, of course that would be a section of the country where criminal people and desperate people would more or less go; but what I am talking about is whether this condition of things can continue there. The question of whether all criminals shall be tried in the Indian Territory or in an adjoining State, whether difficulties shall be settled in the Indian country between white people by the court existing there or in an adjoining State is not nearly so important in my mind as whether this condition of things is to continue.

The white people are constantly increasing in that country; business is being developed; in the Choctaw and Chickasaw country the white people far outnumber the Indians; comparatively large cities have been built up, and the growth of the white settlements in some portions of this so called Indian country is almost equal in its rapidity to the growth in Oklahoma. The existing conditions will continue just so long as the citizens of the United States who find their business and carry on their business within this Indian country are outside of the pale of government and outside largely of the pale of law.

I think the time has come, Mr. President, or if it has not come, it is rapidly nearing us, when either by the consent of the Indians, or without their consent, this condition of affairs must cease. As I have said, the reason for it is all gone, and nobody any longer supposes that there are to be Indian governments here controlling the land and the territory, to the exclusion of white people. The Indians themselves no longer expect or desire to exclude the whites. I do not advocate the violation of our treaties; I want to live up to all our treaties; but at the same time the Indians themselves must see that this condition of things can not much longer continue. They must

see to what it leads, and has led them; they must see that within their borders, comprising the fairest lands of the United States, there is a state of affairs existing with regard to the citizens of the United States which the United States Government can not much longer tolerate.

I believe that the Indians themselves do see this, and I believe that they have themselves been making rapid strides toward the time when they will, all of them, or if not all of them at least a majority of them, be ready to surrender their Indian governments and to come under a Territorial government, with the idea that eventually they are to become a State or a part of a State of the United States, and be in all respects citizens of the United States.

As I said, this is not a new matter with the Committee on Indian Affairs. It has been very often a matter of consideration. In considering the matter of the ratification of what is called the Cherokee agreement for the purchase by the United States of the Cherokee Outlet, a tract of land which lies outside the home country of the Cherokees, the Committee on Indian Affairs considered all the relations existing between the Government and the five civilized tribes and reported upon them, the bill now being upon the Calendar, and the report being 1079 of last session.

Of the intruder question I shall have something to say hereafter. Upon another occasion that question will come up when the bill which was reported by the committee shall be under consideration. I do not wish to confuse this question by dwelling upon the intruder matter now.

In respect to the relations between these Indian nations and the United States, the committee in the report to which I have alluded, say:

> The committee do not believe that the United States ought to place itself where it can be claimed that it has guaranteed any new or enlarged jurisdiction to the courts of the Cherokee Nation, or, indeed, that it is now reaffirming any guaranty of jurisdiction whatever, and are therefore of the opinion that paragraph 3 ought to be eliminated from said agreement. For this opinion it gives the following reasons:
>
> The anomalous condition of five separate independent Indian governments within the Government of the United States must soon, in the nature of things, cease. Each of the five civilized tribes, viz, the Cherokees, the Creeks, the Chickasaws, the Choctaws, and Seminoles, has an independent government, claimed by the Indians to be as sovereign and secure in all respects, where exceptions have not been made by treaty, as the government of any foreign power.
>
> The guaranty which the United States gave to these Indian nations or tribes, under which these governments were established, grew out of the policy adopted by the British Government and maintained by the United States until 1871, of treating with the Indians as independent and foreign nations. That policy has been abandoned since 1871, but the governments created in the case of the five civilized tribes, as they are called, remain.
>
> When these governments were established and guaranteed, to the extent that they were guaranteed by the United States, they were in a remote section of the country, far removed from other settlements, with modern means of travel and communication unknown, and without the slightest anticipation of the condition of things which now exists. To-day they are surrounded by settled States and Territories; white citizens by the permission of the Indians themselves have been admitted into their territory, until now the white people domiciled within the borders of the five civilized tribes outnumber the members of the tribes and are rapidly increasing.
>
> Our whole policy of dealing with the Indians has changed. It is now the purpose of the Government to make them citizens as rapidly as possible, and to wipe out the line of political distinction between an Indian citizen and other citizens of the Republic. And it must be evident to all who observe the changed condition of our country, and appreciate the change in our policy with regard to the Indians, that the day is rapidly approaching when the Indians now constituting these independent governments must be absorbed and become a part of the United States.
>
> As to the means by which this desired end is to be reached, the committee has at the present time no definite suggestions to make. It simply points to the admitted fact, acknowledged by Indians and non-Indians alike, that the change must soon come.

As was suggested by the Senator from Arkansas, the Indian Committee felt that probably the way to reach the change, which everyone must desire, was by inducing the Indians to take their lands in severalty, and accordingly we proposed an amendment to the bill which we had under consideration.

One reason why the Indians have not been willing to take their lands in severalty was the fear that if they so took their lands the United States might still claim a reversionary interest in them. The United States in its patent to the Indians reserved the right to the lands in case the tribe should become extinct or if it should cease to occupy the lands; and the Indians have felt that if they took up their lands in severalty, abandoned their tribal government, and gave up the tribal title to their lands, it might be claimed by the United States that the tribe had become extinct, and therefore the reversionary right of the United States would attach at least to the lands which should not be allotted. The committee proposed then this amendment to the bill:

> The consent of the United States is hereby given to the allotment of land in severalty within the limits of the country occupied by the Cherokees, Creeks, Choctaws, Chickasaws, and Seminoles; and upon such allotments the individuals to whom the same may be allotted shall be deemed to be in all respects citizens of the United States. And the sum of $25,000, or so much thereof as may be necessary, is hereby appropriated to pay for the survey of any such lands as may be allotted by any of said tribes of Indians to individual members of said tribes. And upon the allotment of the lands held by said tribes, respectively, the reversionary interest of the United States therein shall be relinquished and shall cease.

Mr. BUTLER. Is the bill to which the Senator refers Senate bill 2594?

Mr. PLATT. It is No. 2870. I merely wished to speak of this question in what seems to me to be its great political importance, its governmental importance. I regret that when anything relating to the Indians is under consideration Congress hardly seems to think that it is a matter of public importance, but that it is a matter of local importance, a matter which pertains to the Indians, and is to be settled by the Indian Affairs Committee and not one to enlist general interest. But it seems to me that a condition of things where we have in our midst five different governments which are claimed by the Indians to be sovereign and independent, and which to a certain extent we acknowledge to be sovereign and independent, should interest every Senator, everyone who desires the future development of our country, everyone who would preserve and perpetuate the institutions of our Government.

I think this measure ought to be referred to the Committee on Indian Affairs. It has already considered it to the extent which I have indicated. That committee has also before it, and it is now in the hands of a subcommittee, a bill dealing with this very subject—Senate bill 2594, to which allusion has been made—introduced by the Senator from Arkansas [Mr. BERRY]. That bill provides for a commission and gives the commissioners "power to negotiate any and all such agreements as, in view of all the circumstances affecting the subject, shall be found requisite and suitable to such an arrangement of the rights and interests and affairs of such nations, tribes, bands, or Indians, or any of them, to enable the ultimate creation of a Territory of the United States with a view to the admission of the same as a State in the Union."

That bill embraces very much wider scope than is contained in the joint resolution introduced by the Senator from Missouri; and the committee having the matter under consideration, it being the committee which naturally must deal with such affairs—it seems to me that the joint resolution which has been introduced by the Senator from Missouri ought to be referred to the Committee on Indian Affairs.

I desire to close by simply repeating my conviction that the time has come when these governments must be abandoned, when the United States can no longer tolerate separate, independent, and practically foreign governments within its borders, and by expressing my hope and my conviction that these governments will be abandoned by the Indians themselves, and that by their consent they will come in and be citizens of the United States with all the privileges and all the responsibilities of citizens of the United States, associated in a State, which State shall be a part of the United States. But if they longer refuse, if they will not take steps toward the abandonment of these governments, toward becoming citizens of the Government of the United States, then I desire to say that I do not believe the reason for the guaranties which the United States has given them of separate and independent governments longer exists; that those governments can not be permitted to stand in the way of the march of our civilization; that if the consent of the Indians can not be obtained it will be the duty of the United States to see to it that this condition of things is changed without their consent.

Mr. BUTLER. Mr. President, I should be very glad to have the joint resolution go over until to-morrow. It is now very nearly 2 o'clock.

Mr. TELLER. I desire to call up a special order.

The PRESIDING OFFICER (Mr. PERKINS in the chair). The Chair understands that the Senator from Colorado [Mr. TELLER] desires to call up a matter which necessarily will occupy the time until 2 o'clock.

Mr. BUTLER. The Senator from Colorado will pardon me for a moment.

Mr. TELLER. Certainly.

Mr. BUTLER. I simply desire to state that after reading the speeches of Senators in the RECORD to-morrow morning I may possibly desire to submit some remarks upon the subject. I may not wish to do so; but I should like very much to have the joint resolution go over.

The PRESIDING OFFICER. The Chair is advised that other Senators desire to speak on the joint resolution. The joint resolution will go over, and the Senator from Colorado is recognized.

WILLIAM M'GARRAHAN—VETO MESSAGE.

Mr. TELLER. I intended to call the attention of the Senate this morning to the bill (S. 1958) to submit to the court of private land claims, established by an act of Congress approved March 3, 1891, the title of William McGarrahan to the Rancho Panoche Grande, in the State of California, and for other purposes, and ask to have the bill put on its passage over the veto. I do not believe there will be time to have it done this morning,

and I ask consent that I may do so to-morrow morning immediately after the routine business of the morning hour.

The PRESIDING OFFICER. The Senator from Colorado asks unanimous consent that the bill to which he has directed the attention of the Senate may be called up for consideration immediately at the close of the routine business of the morning hour to-morrow.

Mr. HARRIS. Let the title of the bill be read.

Mr. TELLER. It is known as the McGarrahan bill. The Senator will know it by that name.

Mr. HARRIS. That is sufficient.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Colorado? The Chair hears no objection, and it is so ordered. The first bill on the Calendar under Rule VIII will be proceeded with.

ELECTION OF SENATORS BY THE PEOPLE.

The joint resolution (S. R. 8) proposing an amendment to the Constitution of the United States providing for the election of Senators by the votes of the qualified electors of the States was announced as the first business on the Calendar.

The PRESIDING OFFICER. If there is no objection, as there are only a few minutes of the morning hour remaining, the Chair will direct that the joint resolution be passed over without prejudice. It is likely to consume time in its consideration.

Mr. PALMER. I ask pardon. What was the remark of the Chair?

The PRESIDING OFFICER. That the joint resolution be passed over without prejudice, as only a few minutes remain of the morning hour. The next bill on the Calendar will be stated.

Mr. MITCHELL. I ask that the joint resolution go over without prejudice and that it retain its place on the Calendar.

The PRESIDING OFFICER. That is the direction stated by the Chair.

COMPENSATION OF MARSHALS AND DEPUTIES.

The bill (S. 419) fixing the compensation of United States marshals and deputies, and for other purposes, was announced as next in order.

Mr. SHERMAN. I do not think that bill ought to be considered in the morning hour.

The PRESIDING OFFICER. Does the Senator from Ohio request that it be passed over without prejudice?

Mr. SHERMAN. I have no objection to passing it over without prejudice.

Mr. VEST. The bill is a very important one. It has come up here time and again and has gone over on various objections. I should like to have some understanding about it. It is the result of research and labor on the part of the Judiciary Committee. We have done the best we could as to a very great public evil.

Mr. SHERMAN. I have no objection to the bill being passed over, to be taken up at any time. I think it is a very important bill; but it ought not to be acted upon now, in five or ten minutes.

Mr. VEST. If the Senate will agree to take it up to-morrow and dispose of it——

The PRESIDING OFFICER. The Chair calls the attention of the Senator from Missouri to the fact that an order has already been made for to-morrow morning.

Mr. SHERMAN. Let the bill stand on the Calendar. I should like to look at it.

Mr. COCKRELL. Let it retain its place on the Calendar.

The PRESIDING OFFICER. Without objection, that will be the order.

Mr. VEST. The bill will retain its place on the Calendar?

The PRESIDING OFFICER. That is the order. The Chair lays before the Senate bills from the House of Representatives, for reference.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Public Lands:

A bill (H. R. 6180) to establish an additional land office in the Territory of New Mexico;

A bill (H. R. 7625) for relief of certain settlers on public lands in the Tucson land district in Arizona; and

A bill (H. R. 8268) to amend chapter 559, page 1095, volume 26, United States Statutes at Large.

The following bills were severally read twice by their titles, and referred to the Committee on the District of Columbia:

A bill (H. R. 6644) to amend an act entitled "An act authorizing the sale of title of the United States in lot 3, in square south of square 990," approved March 3, 1891;

A bill (H. R. 6922) to amend section 452 of the Revised Statutes relating to the District of Columbia concerning conveyance of real estate;

A bill (H. R. 8815) to extend North Capitol street to the Soldiers' Home; and

A bill (H. R. 9758) to amend the charter of the Eckington and Soldiers' Home Railway Company of the District of Columbia.

The bill (H. R. 8956) establishing a fog signal at Tibbets Point, Lake Ontario, New York, was read twice by its title, and referred to the Committee on Commerce.

DEALING IN "OPTIONS" AND "FUTURES."

Mr. WASHBURN. I ask the Senate to proceed to the consideration of the bill (H. R. 7845) defining "options" and "futures," imposing special taxes on dealers therein, and requiring such dealers and persons engaged in selling certain products to obtain license, and for other purposes.

The PRESIDING OFFICER. The Senator from Minnesota asks unanimous consent to proceed to the consideration of the bill at this time, only five minutes of the morning hour remaining. Is there objection to the request of the Senator from Minnesota?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7845) defining "options" and "futures," imposing special taxes on dealers therein, and requiring such dealers and persons engaged in selling certain products to obtain license, and for other purposes.

The PRESIDING OFFICER. The pending question is on the amendment of the Senator from Virginia [Mr. DANIEL], to strike out section 10, formerly designated as section 13 in the bill, upon which the Senator from Mississippi [Mr. GEORGE] is entitled to the floor.

Mr. BUTLER. Before the Senator from Mississippi proceeds, I should like to make an inquiry as to the exact status of the bill. I observe in the print we have this morning that section 12 appears to have been stricken out. Lines are drawn through the print. I should like to inquire of the Senator from Minnesota if that amendment has been adopted by the Senate?

Mr. WASHBURN. Yes.

Mr. BUTLER. That section has been stricken out?

Mr. WASHBURN. It has been stricken out.

Mr. BUTLER. It was stricken out in the Senate?

Mr. WASHBURN. Yes.

Mr. BUTLER. The amendment to strike out what is now put down as section 10 is the amendment pending.

Mr. WASHBURN. That is the amendment pending.

Mr. GEORGE. Mr. President, at the last session I had the honor to submit to the Senate some observations in reference to the general policy of the pending bill. Since that time there has been a good deal of discussion in the public prints in relation to the bill. There have been efforts in the various cotton markets in this country to depress the price of cotton, based upon the fact that the bill was pending before the Senate. There have been new arguments introduced in favor of defeating the measure and old arguments once relied upon have been abandoned.

So, Mr. President, I find myself this morning, representing a cotton-raising constituency almost exclusively, called upon to meet some new aspects in which this question has been presented. The people of Mississippi are deeply interested in the suppression of dealing in futures. This dealing affects their interests in a very vital point. The State of Mississippi is the largest cotton-growing State of the Union with one exception, the State of Texas, which has more than five times the area of the State of Mississippi. The farming interests of Mississippi are almost exclusively engaged in raising cotton. It is alleged by the cotton exchanges, who seem to have become peculiarly interested in the welfare of the cotton farmers of this country, that the passage of a bill suppressing speculations in futures would be very disastrous to the farmers. On the other hand, the farmers of this country, the farmers of Mississippi and Alabama and other Southern States as well as the farmers of the West are so benighted, so ignorant of their own interests that they almost with one voice demand the enactment of some efficient measure to protect them against these "future" speculations.

My own interests, if I may be allowed to refer to them, almost exclusively relate to the growing of cotton. So if I mistake in the course which I pursue in this matter I will not only injure myself, but I will seriously affect the interests of nine-tenths, in fact of all the people of Mississippi. I have given this question that consideration which its importance demands. I I have examined every argument which has been advanced in favor of the present system as practiced in the exchanges of New York and New Orleans. I have reached the conclusion that the system of dealing in futures, so far as cotton is concerned—I leave to my friends from the Northwest to take care of the wheat and provision interest—I have reached the conclusion that so far as cotton is concerned that this system as carried on in the New York and New Orleans Cotton Exchanges is detrimental to the interests of the producers. I feel, therefore, not only a personal interest in the success of a bill to suppress dealing

in futures, but I feel called upon by the highest motives which can govern a representative, that is, the protection of those who have commissioned him to legislate for them, to use every exertion in my power to make plain to the Senate that which appears so plain to my mind, the injurious effect of the traffic intended to be suppressed by this bill.

Mr. President, we live in an age more active in the pursuit of wealth than any other which has preceded it, unless it was that disastrous period of the Roman Empire which immediately succeeded the fall of the republic. We see on every hand activity in the pursuit of wealth more than any other age has presented. This is a money-getting age. Inventions have been made by which labor has been saved and wealth created. The activities of the human intellect, especially in this country, have been engaged more and more in that speculation by which large fortunes are gained by easy methods rather than by the slow processes which characterized our forefathers. The great powers of the Government have been seized and perverted to the acquisition of wealth for favored classes, and in consequence of that there has been such an accumulation of wealth in private hands as almost startles the contemplative patriot when he considers the result to come to our country.

Small enterprises have been crushed out by the large aggregation and accumulation of capital in the hands of those who own large establishments. The independent worker, once so common in this country, with his shop here and there in every village administering to the wants of his neighbors—that handy and necessary class have been swept away, and they have become hirelings, wage-receivers in the establishments belonging to accumulated wealth.

This, sir, is sad to me. Wealth has become so enormous in private hands, the capacity for corporate action by which large and larger, still growing larger, means have been united and wielded as by one man and one mind, has put the great mass of the community at still greater disadvantage. Prior to 1860 you could count the millionaires of this country upon the fingers of one hand. Now their name is legion; not only millionaires, but multimillionaires, any one of whom could exercise a power upon the exchanges that would be dangerous; but when associated, with a common object in view and that object the further increase of this aggregated and enormous wealth, becomes a serious problem for the patriot and the statesman.

I have been brought up, sir, in the school of let alone; as the French call it, *laissez faire;* the best school, I have always thought, for the action of this Government. Turn the people loose; let every man use his own activities, and his own energies, and his own skill for the bettering of his own fortune. But, sir, while this principle may be a true doctrine, it may become dangerous like every other doctrine under certain circumstances. You can not disregard it in enacting legislation by which enormous fortunes are developed, and put it in operation only when those who have been robbed and pillaged by governmental action seek protection against the aggression of these enormous fortunes.

So, sir, while I would touch by the hand of Government with reluctance any business of the American people, yet when I see as we all have seen, and as I intend to make those who listen to me see before I get through, combinations of enormous capital interjecting into the business of the country, new methods unknown to our fathers, new methods so far as cotton and a few other agricultural products are concerned, new as to them and yet unknown and unpracticed even at this day as to all other articles of merchandise; when I see seven million of my countrymen, toilers in the fields, the men who create with the favoring blessings of Providence the great mass of the exports of our country, languishing, growing still poorer and poorer, and I can attribute that fairly and logically and reasonably to these new methods which have grown up within the last twenty-five years, I feel called upon to act, to abandon, for the correction of these evils, the doctrine of *laissez faire* and act for the protection of the great mass of the people.

Mr. President, I shall confine my remarks to cotton. I see representatives of the grain and provision interest before me amply able to take care of that interest. What is the situation with reference to cotton? In five places in the world, within the last twenty-five or thirty years, has grown up a new method of dealing in cotton, which method is not applied to the great mass of the commercial products of the world. I see in addition to that, Mr. President, that the persons who produce cotton have been year by year becoming poorer and poorer, becoming more and more the victims of a rapacious policy which has taken their earnings and added it to the already overgrown wealth of the men who use injuriously to them the great powers of associated capital in five places, New York, New Orleans, Liverpool, Havre, and Bremen.

If future dealings in cotton are that beneficial and meritorious thing, so essential as the dealers say, not to their own prosperity, but to the salvation and welfare of the farmer, I should like to ask this question: Why are these dealings confined in the United States to two places? I ask it in view of the well-known fact that in one of these places there is less cotton received than in seven other seaports of the United States. One hundred and sixty-five thousand bales of cotton were received in the city of New York in the last cotton year; over 2,000,000 bales in New Orleans; over a million in Galveston; over a million in Savannah; about a half million in Charleston, and about the same amount in Norfolk. Altogether there are seven seaport cities which receive and dispose of more cotton than the city of New York, leaving out interior markets of great importance, like the city of Memphis, which I believe receives now about half a million bales a year. Is that about right?

Mr. HARRIS. Something over that, I believe.

Mr. GEORGE. A little over. If this future dealing in cotton is so essential as is claimed—falsely and ignorantly claimed—by the advocates of future dealings, if it is so beneficial to the cotton farmer, I should like to know why New York, with annual receipts of 165,000 bales, is the great cotton mart in this country, and the city of Galveston, which receives over one million bales of cotton, and the city of Memphis, which receives more than half a million bales of cotton, and the city of Savannah, which receives more than a million bales of cotton, have not these exchanges? That is a pertinent inquiry. I ask Senators to revolve it in their minds when they come to consider the argument that these dealings are beneficial to the producers.

I have thought that it would be well to bring before the Senate what the Cotton Exchange of New York is. I will read, before I do that, what is said by one of the leading bankers and brokers of the city of New York in relation to the power and influence of that city in determining the price of cotton. I will read from a paper very extensively circulated in the South during the last summer, thought to be of so much importance to the people of that country that its publication in the leading newspapers of Mississippi and other Southern States was paid for by persons interested in dealings in futures. I know about what I speak. The publication was paid for. I will read what that paper says in relation to the New York market.

Mr. HARRIS. What paper is it from which the Senator reads?

Mr. GEORGE. I read from a paper that bears the signature of Latham, Alexander & Co. Commenting upon something I said in my speech last year, they proceed:

> Does not Senator GEORGE know that transactions in cotton for future delivery are conducted in New York and New Orleans only, because New Orleans is the greatest port in the country for cotton and New York the largest shipping port and the financial center of the country? He might have said—

And to this I desire to call the especial attention of Senators from the cotton States—

> He might have said that there was virtually only one market, and that market New York, which influences the price of cotton; for our friends in New Orleans—

Poor fellows! I am sorry for them to be thus put in this order by this representative of the New York Cotton Exchange—

> For our friends in New Orleans will admit that they are governed in a great measure by quotations ruling in New York. It can not be otherwise. If there were other exchanges throughout the United States dealing in cotton for future delivery, they would have to look to the controlling market, which is New York, for quotations.

Enough of that, now. I will read more of it after awhile. So it seems that New York is the controlling market, and the market in New York is controlled by the New York Cotton Exchange. That makes it necessary for me to tell the Senate what the New York Cotton Exchange is, and who compose it. It is a chartered institution, and I have the charter before me. I will read for the information of the Senate the purposes as declared by the charter of this organization. I read from a book called Charter, By-Laws, and Rules, New York Cotton Exchange, 1891. The third section of the charter granted by the Legislature of the State of New York declares the purposes of the corporation to be:

> To adjust controversies between its members—

I hope Senators will not forget that, because before I get through you will see that that amounts to a very great deal—

> to establish just and equitable principles in the trade, to maintain uniformity in its rules, regulations and usages, to adopt standards of classifications, to acquire, preserve, and disseminate useful information connected with the cotton interest throughout all markets, to decrease the local risks—

Notice that. That figures in this matter—

> to decrease the local risks attendant upon the business, and generally to promote the cotton trade of the city of New York.

There is nothing here about promoting, as they now all over the main purpose of the organization is to promote, the interests of the producer of cotton, it is to promote the cotton trade of the city of New York—

> increase its amount—

And you will see before I get through how they have increased it after twenty-nine or thirty years of effort—

and augment the facilities with which it may be conducted, and to make provision for the widows and families of deceased members.

These are the objects. It is composed of 454 men. I believe I will read the initiation fee from the by-laws for fear that Senators may think that I exaggerate:

The initiation fee—

Says section 4 of article 3 of the rules and by-laws—

for membership in the exchange shall be—

Ten dollars? No. Ten hundred dollars? No.

$10,000, for which a certificate of membership shall be issued.

A man not only must be elected by this close corporation of 454 members to be a member, but the first thing he sees when he reads the by-laws is that he is to pay down $10,000 for the privilege of being a member of the Cotton Exchange of New York.

Right here, Mr. President, I feel bound to say that I have been informed that while that is the fee which the exchange charges, the executors and administrators of dead men, failed men, men who have gambled away their fortunes, persons having acquired all the wealth they desire and wishing to retire, sell their membership for less. So, in fact, if my information is correct, and I believe it is, the initiation fee of $10,000 operates solely as a limit upon the number of members. In other words, when translated into plain English, the $10,000 initiation fee operates as a proviso to the section which says that any fair-charactered man of good financial standing may be elected a member of this exchange. It operates as an exception or proviso to that: "*Provided*, the number shall never exceed 454." So there it is, 454.

Let us see what they do. The Senate will be astonished when I uncover from this book the powers and the actions of this exchange, which is the dominant cotton controlling exchange in the country, and as these parties say, in the world. Let us see how that is. It absolutely controls and monopolizes the cotton trade in New York. Warehousemen in the city of New York above a certain line, I do not remember it, but they are those situated above certain lines drawn in the city of New York, can not store cotton for the exchange. They are licensed. No man but a licensed warehouseman can receive cotton. Who license them? Do the authorities of the State of New York license them? No; they have a license from the New York Cotton Exchange.

I go further. The weighers of cotton in the city of New York, instead of having a permission from the great State of New York or from the municipality of New York City, have a license from the Cotton Exchange. The samplers the same; and they even go down, Mr. President, to the truckmen. No man owning a truck or a dray can convey cotton in the city of New York for members of the exchange without a license from the Cotton Exchange of New York. I believe I will read, for I propose to expose this thing fully, exactly what the charter and by-laws say upon that subject, because I am making statements here that will strike everybody with astonishment who is not familiar with the dealings of the Cotton Exchange of the city of New York. I read now from page 45, section 60, of this work:

All parties engaged in handling cotton or print cloths for members of this exchange, including warehousemen, assistant inspectors, owners and captains (part owners) of lighters—

The little lighters, the little boats which are used for the purpose of transporting cotton from the wharfs to the great vessels, must have the license of the New York Cotton Exchange—

weighmasters, samplers, truck owners, and headmenders—

Whatever that may be. I do not know what it is. The Senator from South Carolina [Mr. BUTLER] suggests, and I suppose he is right, that it is the man who when a ragged bale of cotton arrives in the city of New York is employed to mend it, to put on a patch—

must be licensed by the board of managers as follows.

Then they go on and prescribe how that is to be done. So you see, Mr. President, what it does in the way of machinery. Everything there must have the *imprimatur* of the New York Cotton Exchange. Well, what else? It legislates. It enacts legal-tender laws, which no State in the Union can do. It declares that one of their transferable notices of delivery shall be a good tender for a cotton contract; that a warehouse receipt shall be a legal tender, and it is possible there are one or two other papers declared to be a legal tender. It appoints inspectors, as I have read, for every bale of cotton that comes to New York for members of the exchange is inspected, graded, and classified by men who hold a license from the exchange. So they make rules about the delivery and reception of cotton. It fixes the day, and the place, and the hour when delivery shall be made. It fixes the form of contract, has it drawn out, and then declares that when a verbal contract is made it shall be considered as made in that form. And then it describes how the contract shall be performed, and then imposes the penalties for nonperformance. What more can a legislature do for a sovereign State in the Union? What is left of the regulation of the business of the country which this exchange has not exercised?

I desire to call the attention of Senators to the work of this exchange and you will find the rights and the interests of cotton-planter absolutely at the mercy of the New York Cotton Exchange. They say that it is the controlling market of the world. You must regulate your sales in Memphis, and Augusta, and Atlanta, and Savannah, and Galveston, and New Orleans, and Little Rock, and everywhere else by the quotations there. Now, let us see. They have a committee on quotations, and one of the most remarkable things about that is that that committee meets and fixes the quotations at 2 o'clock, when the business of the day is not ended until 3. This shows, and I want you to bear it in mind, that quotations are not fixed with reference to the actual trading in the market.

They also fix the quotations for sales on days in which no sales take place. How could they know what cotton was worth in the city of New York on a certain day when there were no sales? That is not all. This quotation committee are only allowed to fix the price of middling cotton for the day, and I believe there are about thirty different grades of cotton. If I get time before I get through I will read that to the Senate. See the list which they furnish themselves [exhibiting], about thirty different grades of cotton, recognized by the New York Cotton Exchange.

Now, how do you suppose the quotation for all these grades except middling is arrived at in the New York Cotton Exchange? Recollect the spot cotton, middling, quotations are fixed on at 2 o'clock, when the business runs until 3. They have a committee called the revision committee, which meets nine times in a year, just nine times, I believe, on the second Wednesday of each of nine months named. At any rate it meets once a month in each of nine months, and yet that revision committee fixes the relative price of these other grades of cotton for each day. How do they do it?

How do they fix the relative price of all these grades of cotton on every day in every one of these months, both before and after they have met? Well, they do not explain how they do it, but you will find if you look at the quotation from the New York Cotton Exchange that the price of many of these grades is quoted every day, and yet they are fixed by a committee which meets only nine times in the year, once in each month of nine. As we are not informed, we are left to conjecture as to how this is done. I will make the best guess that I can, and that is, without reference to a single transaction, they assume to say by a rule to operate until the next meeting of the committee that when middling is worth so much all these other grades should be worth so much; and they fix a sliding scale in that way. How else it can be done I do not know.

Then here is another remarkable thing. They have three calls in the exchange. I will not go into the minutiæ of that, but it is a sale of cotton for future delivery by months. If April is called and there is no offer and no bid, the revision committee fixes the price for April, and so for every other month called in which there is no transaction. I want Southern Senators who have any hesitancy about voting for a bill to suppress future dealings in cotton to know that this committee fixes quotations for spot sales on days in which no sales are made. It fixes quotations for future sales in months in which there were no bids. Now, that is pretty rough on the cotton producer; but I tell you, as I will explain more in detail before I get through, all the system of hedging, which is the grand substratum of their plea for future delivery, is based often upon the future quotations, quotations made by a committee without a single transaction upon which to base them. I think that I have made out pretty well that the price of cotton is authorized to be made in New York by the New York Cotton Exchange without reference to actual transactions.

Proceeding from where I left off when I quoted from the paper of Latham, Alexander & Co., I read:

There is always some controlling power or market for every commodity. London is the financial market of the world. New York is the financial market of the United States. There is virtually one stock exchange in the United States, that is the New York Stock Exchange, and the price of every bond and stock that is sold here regulates the price everywhere else. The price of cotton in New York oftentimes controls the price of cotton in the whole world because this city is presumed to know more about the supply and value of it than anywhere else, and our operators and dealers are oftentimes followed. No small market doing business in contracts—

That is futures; they call that dealing in "contracts."

could survive twenty-four hours unless their business was conducted on the basis of the prices at controlling centers. If any market for contracts smaller than ours should attempt to sell down prices cotton dealers in New York could—

They do not say they would; they could do it—

within a few hours buy all they had to sell. If they attempted to advance

prices against quotations in New York, dealers here could within twenty-four hours offer to sell them more cotton than they could buy.

So, Mr. President, according to this, and I have no doubt it is strictly correct, New York dominates and controls every market not only in the United States, but sometimes, oftentimes, they say, in the world.

Now, think of that! Cotton State Senators, whose constituents live by raising cotton, what do you think of the price of cotton being fixed by a corporation in New York with the powers and purposes which I have explained to the Senate as characteristic of the New York Cotton Exchange? The writers thought they had gone too far when they got to the point where I stopped reading, and then they put in italics the following significant language:

New York cotton dealers, by their own operations, do not control prices—

That is the salvo, but what do they do?

but they represent planters, operators, and dealers, not only in the United States, but all over the world, and the sentiment consolidated here makes the price.

Mr. President, I think I have made out to the satisfaction of every unprejudiced man who has listened to me that they do fix prices, and fix them according to the rules of the exchange. The writers of this letter admit that, but with a qualification, and now what is the qualification? Let us see what that means. They do not control prices by their own operation, says this paper, but they represent planters and operators and dealers, not only in the United States, but throughout the world, and the sentiment consolidated in the New York Cotton Exchange makes the price.

What is a representative, Mr. President? He is a man who acts in the place or stead of another, having authority or credentials so to do. Who gave these men the authority they have assumed? Where are their credentials to act for the farmers of Mississippi or Arkansas in fixing the prices of cotton for the world at large? They admit they fix the prices, but they say they do it as representatives. I dispute their authority. I say "your assumed power of representation is an impudent usurpation, you represent nobody but yourselves." According to this paper they do fix the price of cotton; and when men have the power to fix the price of any commodity they fix it in their own interest.

Let us see who compose the exchange, these men who suddenly have fallen in love with the interests of the poor cotton farmer, publishing everywhere that if this bill passes or anything like it the poor cotton farmer is ruined. Let us see who they are who are thus moved by this large degree of benevolence and charity for the cotton farmers of Arkansas, Mississippi, and other Southern States.

Mr. President, I was taken to task for a statement I made in my speech last session about the persons who composed the cotton exchange of New Orleans. I read from a book which I now have in my hand. It is the protest of the New Orleans Cotton Exchange filed before the Senate committee, in which they say the Exchange has a membership of over three hundred, and then they set out who compose it. I do not know but that I had better read it as I was criticised about it, and it was stated that I misrepresented that exchange, when I only followed what they themselves stated. They say:

This exchange has a membership of over three hundred, and is composed of commission merchants who sell cotton for planters.

They mention planters there, but not as members of the exchange—

of exporters who buy cotton for spinners and merchants in Europe, or merchants who buy cotton for spinners in the United States, of bankers through whom all bills of exchange drawn against cotton are negotiated, of ship agents who represent the great fleet of steamers and sailing vessels by which the cotton is carried abroad and to domestic ports, or insurance agents who arrange the insurance on the bulk of the cotton seeking a market through this port, of cotton brokers, expert judges of the raw material, who buy the cotton from representatives of the planters for the merchants who ship to Europe and to American spinners; of future brokers who buy and sell contracts for forward delivery for account of members of the exchange, and for merchants and spinners in Europe and the United States.

That is the list. Does anybody find "cotton-farmers" in that? There is not one. Then there is a general clause. Let us see whether that includes them or not—

indeed, of all who are in any way connected with the vast movement of cotton through this and other ports in this country.

If that includes farmers, then every cotton farmer in the United States is a member of the Cotton Exchange of New Orleans. I read that, and I based my assertion upon the statement of the New Orleans Cotton Exchange itself, and a great cry was made that they had many farmers who were members of the exchange. I now have a list of the members of the New Orleans Cotton Exchange. I had a memorandum made of who the cotton-planters are. I will not read their names, but I will read by number.

One of the cotton-planters, No. 1, plants cotton and resides at 199 Gravier street, New Orleans—a pretty good place, I suppose, to manage a plantation. No. 2 is both a factor and a planter. He lives at New Orleans. No. 3 lives in New Orleans, at 53 Carondelet street, and so on, all of them except one, No. 15; and I can not find out where he lives. His name is T. J. Majors.

Mr. WHITE. He lives in New Orleans.

Mr. GEORGE. I am obliged to the Senator for the information.

So you go, all the way through, and there is not a single one of these men who does not live in New Orleans. I have summed it up, and here is the summary of the whole thing: Cotton-planters, 4; factors and planters, 10; factors and interested in planting, 4; exporters and planters, 2; future broker and planter, 1; total, 21.

Mr. President, it was so very evident that the planting interest in the New Orleans Cotton Exchange was insignificant as compared with the other interests represented in the exchange that when that exchange itself in a solemn protest came before this body, telling who were the members of the exchange, they never thought to mention a cotton planter as a member. I said in the same speech as to New York I did not know how that was; but I presumed, as there were no planters in the New Orleans Exchange, that there were not any in New York. Suddenly it turned out that the New York Cotton Exchange was just the home and nest and resting place of the planters of this country, and it was published all over the land that so many cotton planters were members of the New York Cotton Exchange. I applied to a friend, who was introduced to me by the Senator from Louisiana as a perfectly reliable gentleman, and I think he is, who is engaged in cotton, to get me a list of the occupations of the members of the New York Cotton Exchange, and the superintendent of the exchange furnished a printed list of the members of the exchange, and opposite their names are their occupation and their residence.

I have looked through it very carefully and I do not find a single farmer or planter on the list; if there were any, they were so little addicted to that business that they had not attracted the attention of the superintendent of the New York Cotton Exchange, and so he did not report them. However, they took another bite at the cherry and they sent me a list of the members of the Cotton Exchange of New York engaged in cotton farming. I have it here. There are sixteen of them, and I suppose I might as well read their names. It is no harm, and it is no discredit to a man to be a cotton planter, and I am not showing any disrespect to these gentlemen by reading their names.

Mr. Henry Abraham is a cotton planter. He is said to own several plantations, but how much devoted to cotton I have been unable to ascertain. He lives in New Orleans. There are two gentlemen from Memphis by the name of Allen. They are enormous cotton planters. They own about thirty plantations in Mississippi, Arkansas, Louisiana, and Alabama, and raise cotton on all of them, one plantation containing 7,000 acres, and another 6,000 acres. Mr. President, I have no doubt that is so. When a man has thirty plantations, and is beside a merchant and cotton factor, it is suggestive that he had been compelled in the course of his trade—I do not know whether that is the case with these gentlemen or not; they may have loved planting; they may like to have thirty plantations scattered all over four States—but it is suggestive of this, that in the course of business the farmers who have dealt with them have been unable to meet their engagements, and these gentlemen have taken their plantations in payment.

Here is another gentleman from Memphis who owns thirty small plantations, and I have been unable to ascertain how much of his plantations is devoted to cotton. Here is a gentleman who lives in New York, who owns about 5,000 acres in North Carolina and South Carolina, of which about 1,000 acres are devoted to cotton. There is another gentleman from New York who owns about eight plantations in Alabama and Louisiana, in all of which, except one, cotton is raised. Another one in New York owns a plantation in Mississippi, upon which cotton is raised. There is a farmer in New York who owns about 650 acres in Alabama, and so on and so on, every single one of these men living in New York, Galveston, and Memphis, or some other city.

Mr. President, these men are all engaged in something else; they all live and carry on business somewhere else. I take it if they are planters at all they are what is called, if I may use that term in reference to so commonplace an object as farming, *dilettante* farmers, which, being interpreted, means men who follow the business in a desultory manner for amusement. These large cotton-planters who are to represent the interests of the cotton farmers of the United States in the Cotton Exchange of New York are of the character I have just indicated. If they have been planting to a large extent in the last two years, unless they have recouped themselves by their operations in the New York Cotton Exchange, I think they have not found much amusement in planting cotton.

Mr. SAWYER. Does the Senator from Mississippi desire to continue his speech further this evening?

Mr. GEORGE. I will give way directly.

The PRESIDING OFFICER (Mr. PADDOCK in the chair). The Senator from Mississippi declines to yield.

Mr. GEORGE. I wish to get through with this particular subject. I had a memorandum made showing the occupations of those men in New York who compose that exchange, as far as I could get it from the report of the superintendent. I find there 162 merchants; there are 15 bankers; 6 engaged in storage; 2 manufacturers; 1 engaged in the bagging business; 2 factors; 1 cotton buyer; 5 stock-brokers; 3 bank presidents; 1 engaged in shipping, and 1, I think, belongs to the Standard Oil Company. I do not know what connection that has with cotton. There are 9 bankers and brokers; 1 factor and banker; 2 insurance men; 3 exchange brokers; 1 dealer—I do not know in what he deals; 2 real-estate dealers, and 3 buyers. That is the way the New York Cotton Exchange pans out. Then there are a good many members whose occupations are not given. I find that those whose occupations are not given live in Cincinnati, Baltimore, Washington, Mobile, New Orleans, Atlanta, Providence, R. I., and in London and Havre and various other towns, and that 18 whose occupations are not given live in Wall street or do business there, and are members of the New York Cotton Exchange. So I do not think there are any farmers in that list.

Mr. President, if Senators now wish to adjourn or go into executive session, I am willing to yield.

Mr. PLATT said: With the permission of the Senator from Mississippi, I move that the Senate proceed to the consideration of executive business.

The PRESIDING OFFICER (Mr. PADDOCK in the chair). Does the Senator from Mississippi yield to the Senator from Connecticut?

Mr. GEORGE. I do.

EXECUTIVE SESSION.

Mr. PLATT. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were reopened, and (at 3 o'clock and 30 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, December 14, 1892, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate December 13, 1892.

ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY.

Person C. Cheney, of New Hampshire, to be envoy extraordinary and minister plenipotentiary of the United States to Switzerland.

ASSISTANT SECRETARY OF THE TREASURY.

Genio M. Lambertson, of Nebraska, to be Assistant Secretary of the Treasury.

JUSTICE OF THE PEACE, DISTRICT OF COLUMBIA.

Lewis I. O'Neal, of the District of Columbia, to be justice of the peace in the District of Columbia (to be assigned to the city of Washington).

ASSISTANT COMMISSIONER OF THE GENERAL LAND OFFICE.

Manning M. Rose, of Marietta, Ohio, to be Assistant Commissioner of the General Land Office.

REGISTER OF THE LAND OFFICE.

Thomas Fraser, of Placerville, Cal., to be register of the land office at Sacramento, Cal.

UTAH PROBATE JUDGES.

Charles A. Herman, of Utah Territory, to be judge of probate in the county of Tooele, in the Territory of Utah.

William W. Wallace, of Utah Territory, to be judge of probate in the county of Sevier, in the Territory of Utah.

Charles Foote, of Utah Territory, to be judge of probate in the county of Juab, in the Territory of Utah.

RECEIVER OF PUBLIC MONEYS.

Thomas J. Flanner, of Louisiana, to be receiver of public moneys at Natchitoches, La.

MARSHALS.

Charles C. Clarke, of Virginia, to be marshal of the United States for the eastern district of Virginia.

Irving A. Benton, of Utah Territory, to be marshal of the United States for the Territory of Utah.

HOUSE OF REPRESENTATIVES.

TUESDAY, *December 13, 1892.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

BATTLE LINES AND TABLETS AT ANTIETAM.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting an estimate of appropriation submitted by the Secretary of War for battle lines and sites for tablets at Antietam; which was referred to the Committee on Appropriations, and ordered to be printed.

CHIPPEWA INDIANS, MINNESOTA.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a copy of a letter from the Chief of Engineers recommending that the act of Congress entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota" be amended; which was referred to the Committee on Indian Affairs, and ordered to be printed.

WAR CLAIMS.

The SPEAKER also laid before the House a communication from the clerk of the Court of Claims, transmitting copies of findings of the court in the cases of William H. Belue, administrator of N. H. Belue; L. M. Loewenberg, administrator of Seth R. and C. W. Strong, deceased; J. A. Sorrell, administrator of E. T. Sorrell, deceased; Martha A. Stewart, administratrix; Sarah L. McLemore, administratrix of John C. McLemore, deceased; and L. P. Featherstone, administrator of John R. Sembler, deceased; which was referred to the Committee on War Claims, and ordered to be printed.

CERTIFICATES OF ELECTORAL VOTES.

The SPEAKER also laid before the House certificates transmitted by the Secretary of State, showing the final ascertainment of the electors for President and Vice-President in the States of Texas, Illinois, Alabama, North Carolina, and Maine; which were severally laid on the table.

LEAVE OF ABSENCE.

Mr. O'NEILL of Missouri, by unanimous consent, obtained leave of absence until the end of the week, on account of exceedingly important business.

COMMITTEE ON THE DISTRICT OF COLUMBIA.

The SPEAKER laid before the House the request of Mr. FELLOWS to be excused from further service on the Committee on the District of Columbia; which was granted.

The SPEAKER then announced the appointment of Mr. ABBOTT as a member of the Committee on the District of Columbia.

JOHN H. M'BRAYER.

Mr. STONE of Kentucky. I ask unanimous consent for the present consideration of the bill (H. R. 1595) for the relief of John McBrayer.

The bill was read.

Mr. BURROWS. I notice that this is a private bill. I think it had better go over until Friday, the regular private bill day.

The SPEAKER. Objection is made.

MARY A. LEWIS.

Mr. LANE. I ask unanimous consent for the present consideration of the bill (H. R. 1484) for the relief of Mary A. Lewis.

The bill was read.

The SPEAKER. The gentleman from Illinois asks unanimous consent for the present consideration of this bill. Is there objection?

Mr. HOLMAN. I think the report had better be read before consent is given.

Mr. BLOUNT. I hope the gentleman from Illinois will not insist on his request to-day. This day has been set apart for the consideration of two bills already by unanimous consent, and it may frustrate the order of the House.

Mr. LANE. It will not take any considerable time. Only a few moments. There is a very short letter accompanying the report. Besides, this is a very needy case and ought to have action.

The SPEAKER. The report will be read if there be no objection.

The report (by Mr. SMITH of Illinois from the Committee on Claims) was read at length.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BOATNER. I object.

FOG SIGNAL, TIBBETS POINT, LAKE ONTARIO.

Mr. CURTIS. Mr. Speaker, I ask unanimous consent to call up for consideration the bill (H. R. 8956), establishing a steam fog whistle at Tibbets Point, Lake Ontario, New York.

The SPEAKER. The bill will be read, after which the Chair will ask for objections to its present consideration.

The bill was read, as follows:

Be it enacted, etc. That there shall be established a steam fog whistle at Tibbets Point Light, foot Lake Ontario, New York, at a cost not exceeding $5,500.

The committee recommend the adoption of the following amendments: In line 3 strike out "steam fog whistle" and insert "fog signal;" and in line 3 strike out "5,500" and insert "4,300." Also amend the title to conform.

Mr. BLOUNT. Is that reported by a committee of the House?

Mr. CURTIS. It has been reported by the Committee on Interstate and Foreign Commerce favorably with the amendments, which have been read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HOLMAN. I think the report ought to be read.

The SPEAKER. The report will be read subject to objection.

The report (by Mr. BRICKNER) was read, as follows:

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 8956) establishing a steam fog whistle at Tibbets Point, Lake Ontario, New York, report the same back with amendments and with the recommendation that the bill as so amended do pass.

In line 3, strike out the words "steam fog whistle" and insert the words "fog signal."

In line 5, strike out the words "five thousand five hundred" and insert the words "four thousand three hundred."

Amend the title by striking out the words "steam fog whistle" and inserting the words "fog signal."

The substitution of "fog signals" for "steam fog whistles" is in accordance with the later views of the Light-House Board; and the former is a better and cheaper article than the latter.

The views of the Light-House Board as to the importance of this establishment are shown in the subjoined communication.

TREASURY DEPARTMENT, OFFICE OF THE LIGHT-HOUSE BOARD,
Washington, June 7, 1892.

SIR: I have the honor to acknowledge the receipt of your letter of June 7, 1892, transmitting, for the views of the Light-House Board thereon, H. R. bill No. 8956, providing for an appropriation of $5,500 for a steam fog whistle at Tibbetts Point, Lake Ontario, New York.

In reply I have the honor to inform you that the Light-House Board in its annual report for 1890, page 143, and for 1891, page 133, recommended that an appropriation for this object be made.

An item of $4,300 for the establishment of the proposed fog signal was included in the estimates of the Board for the fiscal year to end June 30, 1893, which may be found in Book of Estimates, 1892-'93, on page 178.

The Board is still of the opinion that provision should be made for the establishment of this fog signal as heretofore recommended.

The amount recommended in H. R. bill 8956, which is herewith returned, is sufficient for the establishment of the proposed fog signal.

Respectfully yours,

GEO. W. COFFIN,
Commander United States Navy, Naval Secretary.

Hon. GEORGE D. WISE, M. C.,
Chairman of the Committee on Interstate and Foreign Commerce, House of Representatives.

Mr. HOLMAN. Mr. Speaker, the reading of the report does not fairly indicate the exact condition of this request; and I hope the gentleman from New York will explain further precisely what is contemplated by the bill.

Mr. CURTIS. Mr. Speaker, the Light-House Board, on the application of all persons navigating Lake Ontario and the St. Lawrence River, have investigated this point, and recommended the establishment of the fog signal as indicated. It is a very dangerous place for navigation, at the foot of Lake Ontario before entering the St. Lawrence River, and many vessels have been injured by not having the facilities for determining and keeping the channel which a fog signal would afford in cases of stormy or foggy weather.

Mr. HOLMAN. But this is only an estimate for the work to be done hereafter, as I understand it.

Mr. CURTIS. This is an estimate of what will be necessary to be done to enable the Department to establish a fog signal at that point.

Mr. HOLMAN. The practice has been uniform to provide for the establishment of the light-house first.

Mr. CURTIS. The light-house is already there.

Mr. HOLMAN. The light-house has been established?

Mr. CURTIS. Yes, the light is what is known as Tibbets Point light-house, and this is to provide a fog signal in connection with it.

Mr. HOLMAN. But no appropriation for the work.

Mr. CURTIS. The thing has all been done except this fog signal. We now ask $4,300 to complete the work by establishing this fog signal.

Mr. HOLMAN. Mr. Speaker, there are a large number of items of this character. I hardly think they should be taken up in this way, for they will all go into the sundry civil bill, and there should be some limit to the amount to be appropriated. I do not feel like objecting in this case; but gentlemen having this class of bills are very numerous, and they ought to be grouped together in one bill it seems to me.

Mr. CURTIS. They are not numerous, if the gentleman will permit me to say, and even if they were, this is a special case of unusual merit. We have no establishment of this kind at the point indicated, and there is a great deal of traffic between the St. Lawrence and the lower part of the lake. The erection of the fog signal at the point indicated is demanded by large and important interests. The navigation interest is losing annually and monthly much beyond what is required to establish this signal. I am sure my friend from Indiana fails to appreciate the importance of the commerce of that lake, or he would not interpose objection to this request.

Mr. HOLMAN. I do appreciate it very fully, but undoubtedly large appropriations will be made at this session for this purpose. The only objection I make is in the selection of a single item in this manner out of a large class of items.

Mr. CURTIS. I would like to remind my friend from Indiana that in the last session of Congress, when the Committee on Commerce brought in a bill containing various light-house improvements, he himself, with other gentlemen on that side, demanded that they should be separated and that the items should be brought up as separate items or in separate bills.

It is in compliance with that recommendation, which my distinguished friend from Indiana [Mr. HOLMAN] has made, that I now ask for the passage of this bill.

Mr. HOLMAN. That is right as to the establishment of light-houses; but here is an appropriation.

Mr. CURTIS. My dear sir, the appropriation is an essential element of its establishment. What is the use of establishing a thing without an appropriation? If my friend desires to impede the navigation of the St. Lawrence River——

Mr. HOLMAN. Oh, well, nobody wants to impede the navigation of any river or any lake.

Mr. CURTIS. If the gentleman makes no objection, this bill will pass the House in one-half the time that it takes to carry on this discussion.

Mr. HOLMAN. I know; but gentlemen will find themselves very much embarrassed if they proceed by this piecemeal method.

Mr. REED. It is not the method but the bill that the gentleman objects to.

Mr. HOLMAN. Of course the object is a good one, but it is the method that is objectionable.

The SPEAKER. Is there objection to the request of the gentleman from New York [Mr. CURTIS] for the present consideration of this bill?

There was no objection.

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, was accordingly read the third time, and passed.

On motion of Mr. CURTIS, a motion to reconsider the last vote was laid on the table.

Mr. SPRINGER. The title of that bill should be changed to correspond with the text.

The SPEAKER. Without objection the title of the bill will be changed to conform to the body of it.

PRESENT CONDITION OF THE TREASURY.

Mr. CATCHINGS. Mr. Speaker, I submit a report from the Committee on Rules.

The Clerk read as follows:

The Committee on Rules, to which was referred the accompanying resolution, introduced by Mr. WILSON of West Virginia, report the same back with the recommendation that it be adopted.

Mr. WILSON of West Virginia submitted the following; which was referred to the Committee on Rules:

Resolved, That the Committee on Ways and Means be authorized and instructed to inquire and report as to the present condition of the Treasury, and the future probable revenues under existing laws; and to that end the committee is particularly instructed to ascertain the amount, as near as may be, that will be required for payment of pensions prior to June 30, 1894, the amount of all unexpended appropriations, and the amount required to complete works now authorized by law; the items of the sums to the credit of disbursing officers, the items of probable revenue between this date and June 30, 1894, and the date at which the same will be collected by the Treasury; together with all other facts which may be useful to show the present and future condition of the Treasury.

Mr. CATCHINGS. Mr. Speaker, I move that the report be agreed to.

Mr. BRECKINRIDGE of Arkansas. If the gentleman from Mississippi [Mr. CATCHINGS] will allow me, I want to suggest——

The SPEAKER. Does the gentleman from Mississippi yield the floor?

Mr. CATCHINGS. I will hear the gentleman's suggestion.

Mr. BRECKINRIDGE of Arkansas. I want to suggest that as the Committee on Appropriations has charge of one division of this general subject and the Committee on Ways and Means has charge of another, would it not be well to instruct both committees to inquire into the condition of the Treasury? If the gentleman will permit me I will read a resolution that I have drawn.

which I expected to refer to the Committee on Rules this morning; and I suggest an amendment in this connection——

Mr. CATCHINGS. Mr. Speaker, I wish to say in reply to my friend from Arkansas that the committee will consider any resolution he desires to offer; but I must object to any amendment to this resolution we have reported.

Mr. BRECKINRIDGE of Arkansas. If the gentleman considers that he would not be authorized to accept the amendment, I do not wish to antagonize the resolution as agreed upon by the Committee on Rules.

Mr. CATCHINGS. I have no authority to accept the amendment.

Mr. BRECKINRIDGE of Arkansas. If you will allow me, I will read a few words from this resolution that I have prepared, and I will then put it into the box for the consideration of the committee.

Mr. CATCHINGS. Of course it can be put in the box.

Mr. BRECKINRIDGE of Arkansas. My proposition is as follows:

Resolved, That the Committee on Ways and Means and the Committee on Appropriations be, and they are hereby, respectively instructed to inquire into and report upon the condition of the Treasury, including the receipts, expenditures, and liabilities of the Government; and they are also instructed to inquire into and report upon the present form of the public debt statement.

Now, the functions of these two committees are different. Each deals with a great division of the business of the Treasury, and of the revenues of the Government; and I think it is quite important that each committee should, from its own standpoint, be instructed to make this inquiry, and the House would then have the result of the inquiry of both committees. I will say no more, Mr. Speaker, at this time.

Mr. CATCHINGS. Let us have a vote.

Mr. HOOKER of Mississippi. I would suggest to the gentleman from Arkansas [Mr. BRECKINRIDGE] that he send his amendment to the Clerk's desk, in order that it may be read.

Mr. CATCHINGS. I decline to yield any further.

Mr. HOOKER of Mississippi. We want to know what the amendment is.

Mr. CATCHINGS. There is no amendment offered.

The resolution was agreed to.

On motion of Mr. CATCHINGS, a motion to reconsider the last vote was laid upon the table.

CALL OF COMMITTEES FOR REPORTS.

The Clerk, under direction of the Speaker, proceeded to call the standing and select committees for reports. No reports were presented.

CLASSIFICATION OF MINERAL LANDS IN THE STATES OF MONTANA AND IDAHO.

The SPEAKER. The morning hour begins at half past 12 o'clock, and the Clerk will resume the reading of the bill which was pending on yesterday when the hour expired.

The Clerk resumed and concluded the reading of the bill, which is as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed, as speedily as practicable, to cause all lands in the States of Montana and Idaho within the land grant and indemnity land grant limits of the Northern Pacific Railroad Company, as defined by an act of Congress entitled "An act granting lands to aid in the construction of a railroad and telegraph line from Lake Superior to Puget Sound, on the Pacific coast, by the northern route," approved July 2, 1864, and acts supplemental to and amendatory thereof, to be examined and classified by commissioners to be appointed as hereinafter provided, with special reference to the mineral or nonmineral character of such lands, and to reject, cancel, and disallow any and all claims or filings heretofore made, or which may hereafter be made, by or on behalf of the said Northern Pacific Railroad Company on any lands in said States which upon examination shall be classified as provided in this act as mineral lands.

SEC. 2. That for the purpose of making examination therein provided for there shall be appointed by the President of the United States, as soon as practicable after the passage of this act, three commissioners for each of the following land districts, to wit: The Bozeman, Helena, and Missoula land districts, in the State of Montana, and the Coeur d'Alene land district in the State of Idaho, at least one of whom for each district shall be a practical miner and a resident of such district, and said persons so appointed for each district shall constitute a board of commissioners to perform within such district the duties herein prescribed. They shall each receive for their compensation such sum as may be allowed by the Secretary of the Interior, not exceeding their actual expenses, and in addition thereto such further sum, not exceeding $10, for each day they may be actually engaged in the performance of their duties, and their accounts shall be audited by the Secretary of the Interior and paid monthly. Before entering upon their duties, each of said commissioners shall take an oath to faithfully perform the duties of his office. Said commissioners shall make examination of the lands herein mentioned within their respective districts, and may also take the testimony of witnesses as to the mineral or nonmineral character of any of said lands, and receive any other evidence relating to said matter, and shall have power to summon witnesses to appear before them, and to administer oaths; and they shall, immediately upon their appointment, proceed to examine and classify the lands herein mentioned within their respective districts, as provided in this act. The oath of office of said commissioners shall be filed by them in the office of the Commissioner of the General Land Office. All testimony taken by said commissioners shall be reduced to writing, subscribed by the witnesses, and filed with the report of the commissioners hereinafter required. The action or decision of a majority of said commissioners in each district shall control in all matters herein provided for. Not more than two of the commissioners in any one district shall be appointed from the same political party.

SEC. 3. That all lands shall be classified and taken to be mineral lands under this act which prior to the passage of this act have been located or patented as mineral lands, or which have, or probably will have, a market value by reason of the minerals which they contain, or which show such indications of valuable mineral deposits as would induce a miner to spend his time or money upon them with the reasonable expectation of finding mineral in paying quantites; or which from their geological formation, or their situation or propinquity or relation to known mineral lands, are or probably will be valuable for the mineral therein; and all of these matters shall be considered by the commissioners in determining the mineral or nonmineral character of such lands and in classifying the same. The classification herein provided for shall be by sections where the lands have been surveyed, unless there are such differences in the situation or character of different parts of the same section as in the opinion of the commissioners to require its classification by quarter sections; and in no case shall any subdivision of less than a quarter section be made for classification upon surveyed lands. If the lands examined are not surveyed, classification shall be made by tracts of such extent, and designated by such natural or artificial boundaries to identify them as the commissioners may determine. Where mining locations have been heretofore made or patents issued for mining ground in any section of land, this shall be taken as *prima facie* evidence that the whole of such section is mineral land: *Provided*, That the word "mineral," where it occurs in this act, shall not be held to include iron or coal: *And provided further*, That the examination and classification of lands hereby authorized shall be made without reference or regard to any previous examination or report or classification thereof.

SEC. 4. That such of the lands herein mentioned as have been surveyed prior to the passage of this act shall be first examined and classified as herein provided, and afterwards, and as speedily as practicable, the lands herein mentioned which have not been surveyed, until all the lands herein mentioned shall have been examined and classified, as herein provided.

SEC. 5. That said commissioners shall, on or before the fifth day of each month, file in the office of the register and receiver of the land office of the land district in which the land examined and classified is situated a full report, in duplicate, in such form as the Secretary of the Interior may prescribe, showing all lands examined by them during the preceding month, and specifying clearly, by legal subdivisions, where the land is surveyed, or otherwise by natural objects or permanent monuments, to identify the same, the lands classified by them as mineral lands and those classified as nonmineral; and with said report shall be filed all testimony taken and written communications received by said commissioners relating to the lands embraced in the report. The register and receiver shall file one duplicate of said report in their office, together with all accompanying testimony and papers, and the other duplicate shall be by them forwarded direct to the Secretary of the Interior, and said commissioners shall furnish to the Secretary of the Interior at any time such further or additional report or information as he may require concerning any matters relating to their duties or the performance of the same. Upon receipt of such report the register of the land office shall, at the expense of the United States, cause to be published in a newspaper of general circulation in the county in which the land is located, at least once a week for four consecutive weeks, notice of the classification of lands as shown by said report, and any person, corporation, or company feeling aggrieved by such classification may, at any time within sixty days after the first publication of said notice, file with the register and receiver of the land office a verified protest against the acceptance of said classification, which protest shall set forth in concise language the grounds of objection to the classification as to the particular land in said protest described, whereupon a hearing shall be ordered by, and conducted before, the said register and receiver, under rules and regulations as near as practicable in conformity with the rules and practice of such land office in contests involving the mineral or nonmineral character of land in other cases; and an appeal from the decision of the register and receiver shall be allowed to the Commissioner of the General Land Office and the Secretary of the Interior, under such rules and regulations as the Secretary of the Interior may prescribe: *Provided*, That at such hearings the United States district attorney or his assistants for the judicial district in which the land is situated shall appear and defend the interests of the United States, and for such service he shall receive compensation not exceeding $25 per day, to be paid out of the fund provided for the examination and classification of said mineral lands.

SEC. 6. That as to the lands against the classification whereof no protest shall have been filed as hereinbefore provided, the classification, when approved by the Secretary of the Interior, shall be considered final, except in case of fraud, and all plats and records of the local and general land offices shall be made to conform to such classification, and as to the lands against the classification whereof protests may be filed, the final ruling made after the day set for hearing shall determine the proper classification, and all records of the local and general land offices shall be made to conform to the classification as determined by such final ruling, and all costs of such hearings shall be paid by the unsuccessful party, under such rules as the Secretary of the Interior may prescribe; and the Secretary of the Interior is hereby authorized to establish such rules and regulations as may be necessary to carry into effect the true intent and provisions of this act as speedily as practicable.

SEC. 7. That no patent or other evidence of title shall be issued or delivered to said Northern Pacific Railroad Company for any land in said States until the examination and classification provided for in this act shall have been made, and such patent or other evidence of title shall only issue then to such land, if any, in said States as said company may be, by law and compliance therewith and by the said classification, entitled to, and any patent, certificate, or record of selection, or other evidence of title or right to possession of any land in said States issued, entered, or delivered to said Northern Pacific Railroad Company in violation of the provisions of this act shall be void: *Provided*, That nothing contained in this act shall be taken or construed as recognizing or confirming any grant of land or the right to any land in the Northern Pacific Railroad Company, or as waiving or in anywise affecting any right on the part of the United States against the said Northern Pacific Railroad Company to claim a forfeiture of any land grant heretofore made to said company.

SEC. 8. That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $80,000, or so much thereof as may be necessary, to be expended to carry into effect the provisions of this act, the same to be paid out upon the order of the Secretary of the Interior.

Mr. McRAE. Mr. Speaker, I ask unanimous consent to consider this bill in the House as in Committee of the Whole.

Mr. HOLMAN. I think it ought to be considered in Committee of the Whole.

Mr. McRAE. I ask unanimous consent to consider the bill in the House as in Committee of the Whole.

Mr. HOLMAN. I think so important a bill ought to be con-

sidered in Committee of the Whole, and I hope my friend will not insist on that request.

The SPEAKER. The gentleman from Indiana objects.

Mr. McRAE. I move that the House resolve itself into Committee of the Whole for the consideration of this bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. OUTHWAITE in the chair.

The CHAIRMAN. The House is in Committee of the Whole for the consideration of a bill, the title of which the Clerk will read.

The title was again reported.

Mr. McRAE. I ask unanimous consent to dispense with the first reading of the bill There is a complete understanding between——

The CHAIRMAN. The bill has just been read to the House. The gentleman from Arkansas [Mr. McRAE] asks unanimous consent to dispense with the reading of the bill in committee. Is there objection?

Mr. HOLMAN. What understanding is that that my friend alludes to?

Mr. McRAE. I ask to dispense with the reading of the bill.

Mr. HOLMAN. But you mentioned some understanding.

Mr. McRAE. There was a complete understanding between the friends of the bill and the friends of the substitute as to how we should proceed, but other members seem desirous to interfere for purposes not known to me.

The CHAIRMAN. The Chair hears no objection to the request of the gentleman from Arkansas, to dispense with the reading of the bill, and it is so ordered. The bill will now be read by sections.

Mr. DINGLEY. Before we proceed to reading the bill by sections I would like to hear the object of the bill explained in general debate.

Mr. McRAE. Mr. Chairman, I ask leave to offer an amendment, which is authorized by the Committee on Public Lands, to section 8, to strike out "eighty" and insert "twenty-five." I ask that that be considered as adopted before we proceed to the consideration——

Mr. DINGLEY. An amendment is not in order before general debate.

Mr. McRAE. I will explain the bill directly.

Mr. BUCHANAN of New Jersey. I suppose that if the amendment be adopted it does not prejudice the right to debate the bill?

Mr. McRAE. Certainly not. I ask unanimous consent to adopt this amendment, now out of order.

The motion was agreed to.

Mr. McRAE. Now, Mr. Chairman, as the title of the bill indicates, its purpose is to classify the mineral lands within the grant of the Northern Pacific Railroad in the States of Montana and Idaho. Its necessity grows out of a contention that is made by this railroad company to the effect that it is entitled to all the mineral lands within the grant not known to be mineral land at the time of the filing of the map of its definite route, which was not later than 1882. The grant excepted all mineral land with the exception of coal and iron. The details of the bill have been carefully considered by the committee, and I shall not undertake to discuss them. We have no time to discuss them. The minority suggest a substitute. I had hoped to take a vote upon the substitute, and then upon the bill. The gentleman from Montana who introduced the bill for which the pending measure is a substitute [Mr. DIXON], desires to be heard briefly, and I yield to him such time as he may desire. How much time does the gentleman desire?

Mr. DIXON. About fifteen minutes.

Mr. McRAE. I yield fifteen minutes to the gentleman from Montana.

Mr. DIXON. Mr. Chairman, in order to understand the situation of affairs which seems to call for legislation upon this subject, I want to make a short statement. In 1864 Congress passed the Northern Pacific bill authorizing that corporation to construct a railroad from Lake Superior to Puget Sound. It gave it a right of way to construct a railway and telegraph line, and a right to take materials for that purpose from the public lands and gave it, in addition, a very large land grant. Wherever the line of that road ran through a Territory of the United States, the land grant was twenty sections per mile on each side—alternate and odd-numbered sections. The road was not completed within the time that was required by the act of Congress, nor was it completed within the time that was subsequently allowed by different acts of Congress afterwards passed; but I do not know that that is very material. The length of the road as surveyed and built now through Montana is about 780 miles, and through the State of Idaho it is about 90 miles.

The number of acres of land included in that grant within the State of Montana is something like 17,000,000, besides about 4,000,000 more included within the indemnity limits outside of the 40 miles on each side of the road from which they are allowed to select land in lieu of that which they might lose by reason of it being mineral land, or having been previously appropriated. Through the State of Idaho the line is about 90 miles in length, and the amount of land within the grant is about 2,000,000 acres, and half a million acres are included within the indemnity limits. Now, it is readily to be seen that this is an enormous land grant. At the time this land grant was made not much was known of the character of the country through which it was to run, and the situation of affairs now is that probably half of the land grant in Montana and Idaho has never been surveyed.

A good deal of land within the grant has been surveyed by the United States, which is of an agricultural character, which lies in the valleys and is fit for sale and settlement. But, although the United States agreed to make this survey as the railroad progressed in its construction, they have not done it, and they seem unwilling to do it; at all events, the progress of the survey is very slow. These mineral lands are situated, of course, mostly in a rough and mountainous country, a country which, as a rule, is valuable for nothing but mining. It is not fit for agriculture, and unless it contains mineral in paying quantities, or useful timber, it is of no value whatever.

So, too, these mountainous lands are costly to survey, and that is another reason why the Government does not prosecute the work more vigorously. The Secretary of the Interior in his report estimates that about one-third of all the lands in Montana and Idaho within the limits of the grant are mineral lands. Now, what is the result of all this upon the mining interest? The result is that no man can go upon these lands and prospect and explore for mineral, as the law allows every citizen of the United States to do, because he does not know and he has no means of finding out which are the odd sections and which are the even sections. If he discovers mineral in a particular place he can not ascertain whether it is on a section of land which the United States has reserved from the railroad grant, or whether it is upon an odd section to be claimed by the railroad company. The consequence is that a man will not spend his own time or money and can not enlist the capital of others to develop any mines which he may find there.

Now, that is a bad condition of affairs, and one which ought not to be allowed to exist. Within the limits of that grant in Montana and Idaho are some of the richest mines of gold, silver, copper and lead that are to be found in the United States, and within that vast area yet unexplored and unsurveyed there are, no doubt, hundreds and hundreds of other mines just as valuable as any that have been discovered. But in the present condition of things, as I have already said, there is no way by which the prospector or the miner can tell whether any discovery of minerals that he may make is upon an odd section or upon an even section of land, and of course that state of things is very discouraging to prospecting and to the enlistment of capital for the development of any mines that may be discovered.

This is bad enough but there is another difficulty. The Northern Pacific Railroad Company, not satisfied with the immense grant which they received, and from which mineral lands were carefully excluded, by the language of the act, and also by the general policy of the United States which has been to reserve its mineral lands and not dispose of them in the same way that other lands are disposed of—the Northern Pacific Company, I say, not satisfied with the immense land grant which it received, and which it enjoys, sets up another claim based on an entirely distinct ground, for which claim it is now contending in the courts. The definite line of the road was located in 1882, and the company now claims that the exclusion of mineral lands in the grant applies only to such lands as were known to be mineral lands at the time of the filing of the definite line of the road.

The result all through Montana and Idaho is that there are hundreds of productive mines, discovered and developed since 1882, as to which the railroad company now comes and says: "If those mines are on odd sections they belong to us; they were not excluded from the grant because they were not known to be mineral lands at the time we filed the definite line of our road, and the exclusion applied only to lands which were then known to be mineral lands." That is the extraordinary claim which the railroad company sets up, and which certainly calls for some action upon the part of the Government. Proceedings to determine this question are now pending in the Supreme Court of the United States, and probably a decision will be had before long. But, however that question may be decided, the necessity for the examination and classification of these mineral lands will still exist in the same degree.

Now, I do not think it is necessary to go into an argument to show that in such a state of things as I have described, some legislative remedy is imperatively required. This bill proposes

to furnish that remedy, and the general character of it is this: The bill provides that in each land district through Montana and Idaho, along the line of the Northern Pacific Railroad, there shall be three commissioners appointed by the President of the United States, who shall examine and classify these lands into mineral and nonmineral lands, that they shall make their reports to the Land Office and shall give notice of the classification they have made, that the railroad company or anyone else interested shall have an opportunity to object to the classification, that the commissioners shall have power to hear testimony and to determine the questions presented, with the right of appeal to the Commissioner of the Land Office and the Secretary of the Interior reserved as in other cases; but when the report of the commission is approved or is not disputed, this classification is to be a final settlement of the matter, and these lands which have been classified as mineral lands are to be considered as mineral lands for all purposes—excluded from the railroad grant by the language of the grant and set apart for the exploration and occupation of citizens of the United States who are looking for mineral deposits.

This measure does no injustice to anybody. It is even a protection to the railroad company, because it is their interest to have this thing settled. Why, Mr. Chairman, it may not be generally known, but in consequence of the troubles in regard to this matter there has never been a patent issued to the Northern Pacific Railroad Company for an acre of land in Montana. Now, under this measure they can go on and sell their agricultural lands and the people to whom they may sell will be able to have their titles made good to them. Thus the people are interested in having the railroad company receive their patents. It is also to the interest of the company that this matter should be settled, that the quantity of land which is to be taken out of their grant should be defined, and that as to agricultural land to which they are entitled they should receive their patents and be able to make a good title to the persons to whom they may have sold or agreed to sell.

This bill is also in the interest of the Government. The railroad company under the law and under its grant has no right to this mineral land. The Government is not only interested in reserving it in behalf of the people from general sale in the same way as other lands, but it is interested in receiving the increased price for the mineral lands—$5 an acre—double the price which is charged for agricultural lands, within the railroad grant and four times the price received from ordinary preemption entries.

I believe that this bill is a proper and just one. I believe that it will come nearer to meeting the needs of the situation, doing justice to the railroad company, to the occupants of the lands, and to the Government, than any measure which has been proposed. It is a measure which the people of Montana, and I think also of Idaho, ask for unanimously, without distinction of political differences and without regard to locality.

The committee examined this bill carefully, hearing argument upon it for quite a long time. The Secretary of the Interior and the Commissioner of the General Land Office, while dissenting from some of the details of this particular bill, approved its general plan—approved a bill based upon the same general idea. This is shown by their report on the subject to the committee.

The minority of the committee whose views have been filed do not object to the general features of this bill; but they propose another plan. They say that they think under the law the suit now pending in the Supreme Court will be decided in favor of the railroad company, and that the company will be adjudged entitled to all lands not known to be mineral lands at the time when they filed the map of the definite line of their route in 1882. Therefore the minority of the committee propose to compromise with the railroad company so that in consideration of the mineral lands which they will lose by reason of the classification under this bill they shall be entitled to take lands within the indemnity limits—not only odd-numbered but even-numbered sections—to replace the lands which they lose.

Now, so far as I am concerned, and so far as the people I represent are concerned, we are opposed to this proposition. My people do not believe, and I never shall believe, that the Government of the United States ought to give another acre of land to any railroad corporation in the United States under any circumstances. By the plan proposed in the bill of the committee the railroad company will not lose anything to which they are entitled. These mineral lands never belonged to them; the Government never intended to give them mineral lands. Under the bill for the lands which may be adjudged mineral they will be allowed to make up from the odd-numbered sections within the indemnity limits. But I shall always object, and I think this House will object, to permitting the railroad company to go on and take within the indemnity limits not only the odd-numbered sections but also the even-numbered sections. They will receive under this bill all that they are entitled to; and let them be content. Let it be seen that they get no more.

I do not wish to weary the House; but I believe this bill is one of importance. As I have said, I believe it does justice to the people and the Government as well as to the railroad company. If any more perfect plan can be devised for the protection of the rights of the people than this bill I should be glad to support it; but I certainly think this House should not approve the amendment offered by the minority of the committee as a substitute—not for the whole bill, but for one section. As I have said the minority propose to compromise with the railroad company upon the basis of permitting them to make up the lands which may be lost under this classification, out of even-numbered as well as odd-numbered sections within the indemnity limits. It is said that if this be done the railroad company will be willing the bill should pass and will not make any objection to the classification proposed.

But, as I have said, the railroad company have received enough from this Government, and I do not believe they ought to have one acre more. The Government never intended to give them the mineral lands; these lands were not intended to be included in the grant; and certainly I think the company ought to be satisfied with what they have received, and the people of the United States, acting through this Congress, ought not to give them any more. I hope this bill will receive the approval of the House, because it is not only of importance to the people of the whole United States but of special importance to the mining communities—to people engaged in that great industry in the State of Idaho as well as in the State of Montana that I have the honor to represent here. With these remarks I submit the question to the House.

Mr. McRAE. I now yield ten minutes to the gentleman from Idaho [Mr. SWEET].

Mr. SWEET. Mr. Chairman, as has already been stated by the gentleman from Montana, the object both of the minority and the majority of the Committee on Public Lands is the same, to wit, to effect a settlement of this mineral-land question along the line of the Northern Pacific land grant. The original grant to the Northern Pacific Railroad Company provided that the company should have every alternate section of land for 40 miles on each side of its definitely located route. It also provided that the lands mineral in character should not pass to the company under the terms of the grant. Further, it provided that for all lands lost to the company because of their mineral character the company should be permitted to select other lands in lieu thereof.

Now, if the Northern Pacific Railway Company has forfeited the right to any of the grant from Bismarck to Puget Sound, then it is not entitled to one acre of the land, either mineral or of any other character. If the act is still in force and has not been forfeited by the company, then that company is entitled to every alternate section of land, unless the land be mineral in character, and wherever a mineral section is found, then it is entitled to other lands in lieu of it.

This question, Mr. Chairman, has already gone to the courts for adjudication. It has, so far as the people I have the honor to represent are concerned, assumed an alarming attitude. Judges Caldwell and Sawyer, two circuit judges of the United States, have held that the question involved was whether or not the lands were known to be mineral lands at the time the grant took effect. Two United States district judges, Judges Thomas and Sabin, concur, and one United States district judge, Judge Knowles, of Montana, dissents. If the Supreme Court of the United States shall confirm the views entertained by Judges Caldwell, Sawyer, Thomas, and Sabin, then the title to all the mineral lands discovered since the grant to this road took effect, located upon odd sections, vested in the company and are lost to our miners, who must negotiate for their mineral lands, not with the Government of the United States, but with the Northern Pacific Railroad Company.

The object and purpose of the substitute presented by the minority of the Committee on Public Lands—and it is a substitute I will say for only a portion of section 7 of Judge DIXON'S bill—is to permit the company to select lieu lands, at the same time requiring them to dismiss all litigation concerning the mineral lands, and allow the Commission appointed by the Government, as under the terms of this bill provided, to segregate the mineral lands from the entire grant and forever dismiss the question.

Now, I wish to say that not a single one of the great mines located in Northern Idaho was discovered, located, or found, prior to the time of the location of the route of the Northern Pacific Railroad. That being true, as I have said, if the Supreme Court shall sustain the decision of the circuit and district judges of the courts to which I have referred, then every mine located in Northern Idaho, which falls upon the odd sections of these lands, belongs to the Northern Pacific Railroad Company, and

our miners, I repeat, will be compelled to negotiate with this company and not with the Government for title to their mineral lands. The purpose of the substitute is to vest, if possible, title in the Government once more.

I understand that many members of the committee entertain the view that the Northern Pacific Company has in effect forfeited its entire grant. If so it is a consistent position to take, and the Government ought to commence proceedings at once and have the courts declare that the contract has been forfeited by the company. If, however, we admit that the grant is still good, and we expect the court to do equity to the people, we must come forward and be prepared to execute the terms of the contract as written in the existing law.

Mr. HENDERSON of Iowa. Will the gentleman permit me to ask what is the attitude of the Northern Pacific Railroad Company as to the proposed substitute?

Mr. SWEET. Mr. Villard and the attorney of the Company, Mr. McNaught, came before the Committee on Public Lands, and said that if we would permit them to select lieu lands (provided there was sufficient unoccupied land within the limits of the grant, and if not they would lose them), that they would accept the conclusions of the Commission, subject to an appeal to the Secretary of the Interior, as provided in the act and end litigation.

Mr. TOWNSEND. Does the substitute give the Northern Pacific any more lands than it would get under the operation of the decisions, assuming that they won in the suits or did not win?

Mr. SWEET. Why, if the decisions of the inferior courts are sustained by the Supreme Court, the Northern Pacific Railroad Company will not only get the agricultural lands, but they will also get the mineral lands.

Mr. TOWNSEND. In the event that it does not get the mineral lands, then it is entitled to get other lands in lieu, is it not?

Mr. SWEET. If that act is in force; if they have not forfeited the grants through Montana and Idaho, then they are entitled, under the terms of that act, to select lieu lands.

Mr. DIXON. Provided they can get them out of odd sections only.

Mr. SWEET. That is not stated in the act. It says that where mineral land is found within the limits of the grant, then they shall be permitted to select lieu lands. It is a very simple proviso and a very short one. Now, if there is any reason to suppose that the Supreme Court of the United States will reverse the circuit and district judges, and will allow us to segregate the mineral lands and deny the company the right to select lieu lands, then it is a clear gain on the part of the people.

Mr. LIND. This proposed legislation proceeds on the theory that the Supreme Court will affirm the decision of the courts below, does it not?

Mr. SWEET. Very largely, yes.

Mr. LIND. Would we jeopardize any more than we do now, by abiding that decision and finding out what the Supreme Court is going to do? You suggested a moment ago that the railroad company would be willing to accept this. Now, would not the company be just as willing to accept it then?

Mr. SWEET. Possibly it would. Possibly they would be glad to. The fact remains that no matter what we do to-day, no matter what bill we pass, or whether we pass any bill, I suppose the Supreme Court will decide the case in accordance with what it believes to be the law.

Mr. LIND. Oh, no.

Mr. SWEET. I assume that the Supreme Court will claim the right to interpret the statute.

Mr. LIND. But suppose the matter is compromised in the meantime.

Mr. SWEET. Then the company will dismiss these cases; but if they did not, under the provisions of the substitute, it would not take effect.

Mr. TOWNSEND. That can only be done under the substitute.

Mr. SWEET. It can be done under the substitute. This is all I care to say. I have said simply what I told the miners in my country I would say.

Mr. HENDERSON of Iowa. The miners favor the substitute, do they?

Mr. SWEET. They have not expressed any opinion that I know of as to that. Of course, they are very much troubled about it. This claim of the Northern Pacific Railroad to the title to lands located on odd sections stands in the way all the time. It sometimes stands in the way of the sale of mineral lands. If the bill of the gentleman from Montana [Mr. DIXON] will dispose of the question it is then just as satisfactory as the other. We want legislation, though, so that the question will be disposed of.

Mr. HEARD. You need legislation of some kind?

Mr. SWEET. We want legislation, so that titles may be made certain.

Mr. HERMANN. What is the necessity for this legislation if the cases are now pending in the courts of the United States?

Mr. SWEET. The case is pending in the Supreme Court of the United States, and as I have before stated, perhaps it would make no difference unless the substitute is adopted, and under its terms all the cases should be dismissed.

Mr. LIND. The cases have been argued, have they not, or set for argument?

Mr. SWEET. They were set for argument, but I do not think they have been heard yet. They were advanced on the docket, but I do not think there has been a hearing.

Mr. BUCHANAN of New Jersey. What is the effect of the original bill for which you offer the substitute?

Mr. SWEET. The original bill simply provides for a commission to segregate the mineral lands. That ought to be done anyway.

Mr. HENDERSON of Iowa. That does not interfere with the question of vested rights in anyway.

Mr. SWEET. Not at all, and we want that to pass in any event.

Mr. McRAE. I yield five minutes to the gentleman from Michigan [Mr. STOUT].

Mr. STOUT. Mr. Chairman, I do not rise to oppose this bill, but to call attention to the gravity of the situation. If this bill would determine fairly what we desire by it—namely, what lands are mineral, and as such reserved by the Government—I should have no objection to its passage. But it seems to me utterly inadequate. Here are appointed, by the terms of this bill, four commissioners for each of the districts to have charge of the whole matter as to determining whether or not certain lands are mineral lands. It seems to me that too much is involved to permit us to be hasty in our action here to-day. My friends have referred to the questions involved so far as the courts are concerned. Certain Western district judges have decided that no mineral lands were reserved from passing by the terms of the land-grant act of 1864 except such as were known to be mineral when the act passed; and not one acre in ten thousand had ever had a human foot upon it at that time. So it is utterly impossible for us to determine by the hasty examination of a commission what lands are mineral and what are not.

The decision of the lower court has gone to the Supreme Court, and the Northern Pacific Company expects a decision in its favor. I had occasion to confer with a banker in New York familiar with the affairs of the company, to get at the real expectations of the corporation in regard to the lands. The company is confident that the Supreme Court of the United States will declare that these mineral lands passed under the act of 1864, and that we have no claim whatever, except to lands actually known in 1864 to be mineral, although all the legislation of the country has been positive in the reservation of all lands that were mineral. It seems to me, Mr. Chairman, that a mere casual inspection can not be sufficient. It is not adequate to the emergency, and I hope that this House will delay final action upon this subject, although I appreciate the fact that something must be done.

Mr. McRAE. Mr. Chairman, both sides agree that something ought to be done to classify these mineral lands. There is a difference as to the construction of the grant. To yield the point insisted upon by those favoring the substitute, is to confess the contention made by the railroad company and the whole matter. There is no danger of doing worse than that. The majority of the committee feel that the bill reported by them should be adopted, and that the Government should secure, if possible, a reversal of the decision made by the circuit and district courts. Therefore I hope, as both sides are willing to come to a vote upon this question, that we will now close general debate, let this bill be reported to the House, take a vote upon the substitute, and, if it is rejected, pass the bill reported by the majority and as amended. Something ought to be done, and I hope that we will not be defeated by efforts to use up the time allowed for consideration.

Mr. OATES. Will the gentleman state the difference between the bill and the substitute?

Mr. McRAE. The difference between the bill and the substitute has been very clearly stated by the gentleman from Idaho.

Mr. OATES. But the gentleman from Idaho addressed the Chair, and was not heard back here.

Mr. McRAE. I will, subject to his correction, undertake to state it briefly. The minority proposes a substitute by which we are to compromise with the railroad company, and give them lieu lands on even sections for mineral lands that may be classified under the bill. The majority oppose the granting of lieu lands outside the limits of the grant and seek to confine them to the odd sections as in the original grant. That is the only difference, as to whether we will extend the grant so far as to make good any supposed loss. I do not think there will be any that can not be satisfied within the indemnity limits Both the companies and the settlers and all people interested, so far as I have heard, are pressing an adjustment of this matter. It

is a question that should be settled in some way, and I can not see why anyone who wishes to be fair should oppose it.

Mr. HENDERSON of Iowa. Will the gentleman allow me to ask him one question?

Mr. McRAE. Certainly.

Mr. HENDERSON of Iowa. I understood the gentleman to say that he desired to pass the bill in order to reverse the decision of the circuit and district courts?

Mr. McRAE. No, no. I said I did not agree to that construction. I believe that the Suprme Court will not affirm it. But if we pass the bill we will thereby adopt the construction and yield everything to the railroad company without taking the judgment of the Supreme Court as to the proper construction to be put upon the act.

Mr. HENDERSON of Iowa. The question that troubled me is this: I understood the statement of the gentleman to be that the decision of the court was based upon the question of vested rights. How can this legislation affect that in one way or another?

Mr. McRAE. It can not, if the Supreme Court should affirm it; but if we adopt the substitute the railroad will get all it wants, whether it is affirmed or not.

Mr. TERRY. You propose to give the people the benefit of the doubt?

Mr. McRAE. Yes, and we believe that the court was wrong in the construction placed upon the grant.

Mr. SWEET. If my friend will allow me, I desire to ask him a question.

Mr. McRAE. Certainly.

Mr. SWEET. Do you think the bill as reported by the majority (and really there is no difference, so far as this vote is concerned), do you think the bill recognizes the validity of the grant? If not, why not declare the entire grant forfeited?

Mr. McRAE. It does not affect the question of forfeiture. There is no attempt to interfere with that in the bill. All rights are reserved on that point. There is no difference between my friend from Idaho and myself upon that question. I ask consent, Mr. Chairman——

Mr. BUCHANAN of New Jersey. I would like to ask the gentleman whether that is the case—whether either the bill or the substitute is so carefully guarded as to prevent any interference with the rights of property?

Mr. McRAE. We have attempted to so draw it; and I think it does.

Mr. BUCHANAN of New Jersey. I have only received a copy of the bill.

Mr. McRAE. Look at the proviso to section 7:

Provided, That nothing contained in this act shall be taken or construed as recognizing or confirming any grant of land or the right to any land in the said Northern Pacific Railroad Company, or as waiving or in anywise affecting any right on the part of the United States against the said Northern Pacific Roallroad Company to claim a forfeiture of any land grant heretofore made to said company.

Now, Mr. Chairman, I ask unanimous consent that we consider general debate as closed, that we report the bill back to the House with a favorable recommendation, with an understanding however that we shall have a vote upon the substitute.

Mr. LIND. Mr. Chairman, I would like to ask the gentleman a question.

Mr. McRAE. Certainly.

Mr. LIND. No member of our side, or either side, has been able to get a print of the bill. Would it not be well to let the bill go over without prejudice and print the bill and substitute, with the explanation made, in the RECORD?

Mr. McRAE. I think that all sides are very anxious to have the matter disposed of without further delay, and I can not consent to that.

Mr. SWEET. I think we ought to have a vote.

Mr. HOLMAN. Mr. Chairman, I believe the substitute for section 7 has not been read yet.

Mr. McRAE. I think so.

The CHAIRMAN. The Chair will state the request of the gentleman from Arkansas.

Mr. HOLMAN. I think the substitute should be read first.

The CHAIRMAN. The gentleman from Arkansas asks unanimous consent that general debate be closed, that the bill be reported to the House with a favorable recommendation, and with the understanding that there shall be a vote taken upon the substitute. Is there objection?

Mr. BUCHANAN of New Jersey. I object to so much of the request as provides for the reporting of the bill to the House. We are entitled to have this bill considered by sections.

The CHAIRMAN (Mr. OUTHWAITE). Objection is heard.

Mr. BUCHANAN of New Jersey. I do not object to debate being closed.

Mr. McRAE. Then, Mr. Chairman, I ask unanimous consent that general debate be considered as closed.

Mr. HOLMAN. Mr. Chairman, this is a very important bill, and I hope the gentleman from Arkansas [Mr. McRAE] will let it take the regular course.

Mr. McRAE. Does the gentleman from Indiana object to closing the debate?

Mr. HOLMAN. I think the bill should take the usual course.

Mr. McRAE. Does the gentleman object to the closing of debate?

The CHAIRMAN. The Chair understood the remarks of the gentleman from Indiana to be equivalent to an objection. Does the gentleman from Indiana [Mr. HOLMAN] object to the closing of the debate?

Mr. HOLMAN. I have no objection to closing the general debate and allowing debate to proceed by sections.

Mr. McRAE. Very well. Let the Clerk read the bill by sections.

The Clerk read as follows:

SEC. 2. That for the purpose of making the examination herein provided for, there shall be appointed by the President of the United States, as soon as practicable after the passage of this act, three commissioners for each of the following land districts, to wit: The Bozeman, Helena, and Missoula land districts in the State of Montana, and the Coeur d'Alene land district in the State of Idaho, at least one of whom for each district shall be a practical miner and a resident of such district, and said persons so appointed for each district shall constitute a board of commissioners to perform within such district the duties herein prescribed. They shall each receive for their compensation such sum as may be allowed by the Secretary of the Interior, not exceeding their actual expenses, and in addition thereto such further sum, not exceeding $10, for each day they may be actually engaged in the performance of their duties, and their accounts shall be audited by the Secretary of the Interior and paid monthly. Before entering upon their duties each of said commissioners shall take an oath to faithfully perform the duties of his office. Said commissioners shall make examination of the lands herein mentioned within their respective districts, and may also take the testimony of witnesses as to the mineral or nonmineral character of any of said lands, and receive any other evidence relating to said matter, and shall have power to summon witnesses to appear before them, and to administer oaths; and they shall, immediately upon their appointment, proceed to examine and classify the lands herein mentioned within their respective districts, as provided in this act. The oath of office of said commissioners shall be filed by them in the office of the Commissioner of the General Land Office. All testimony taken by said commissioners shall be reduced to writing, subscribed by the witnesses, and filed with the report of the commissioners hereinafter required. The action or decision of a majority of said commissioners in each district shall control in all matters herein provided for. Not more than two of the commissioners in any one district shall be appointed from the same political party.

Mr. HOLMAN. Mr. Chairman, I am not sufficiently familiar with this measure to express any positive opinion as to the propriety of the provisions of this section; but inasmuch as the body of land to be examined in Montana and Idaho is not very large—from what I have heard at different times I judge that it does not exceed five or six million acres—it occurs to me that it is not desirable to appoint so many commissioners as this bill provides for. I should like to hear the gentleman from Arkansas [Mr. McREA] upon that point.

Mr. McRAE. I have nothing to say, Mr. Chairman. The bill explains itself.

Mr. HOLMAN. It seems to me that one commission would answer the purpose. Here are four sets of commissioners provided for in the four land districts enumerated in the bill.

Mr. McRAE. It will not cost any more for four than it would for one, the amount of work to be done being the same in either case, but four can do it quicker than one. We want it done as soon as possible.

Mr. HOLMAN. I think our experience is the other way.

Mr. SWEET. I suggest to the gentleman from Indiana that there is a vast amount of country to be gone over, and that there is always a great advantage in having men who are familiar with the special character of the mineral lands in the regions in which they respectively live.

Mr. HOLMAN. This bill provides for boards of commissioners in the land districts of Bozeman, Helena, and Missoula in Montana, and in the Cœur d'Alene land district in the State of Idaho. That seems to me to be unnecessary. I do not like to antagonize a bill reported by the Committee on Public Lands, but I must say that I sincerely regret the apparent necessity which exists to create these different sets of commissioners. These commissioners are to receive not only their expenses but compensation at the rate of $10 a day. Gentlemen should remember also that there is a possibility that all this expenditure may be for the benefit of the Northern Pacific Railroad corporation.

There never was but one safe mode of dealing with that land grant, and that was the mode provided for in the bill which passed this House over and over again, declaring a forfeiture of the grant from Bismarck to Puget Sound. That would have relieved the country from all embarrassment in the matter, and that is what ought to have been done, no matter what may be the ultimate interpretation placed by the Supreme Court upon the original grant. I have no doubt whatever about the power of Congress to declare all these mineral lands forfeited to the United States by reason of the violation on the part of the railroad company of the conditions on which the grant was made.

The House has so declared over and over again, but the Senate has taken a different view and refused to pass the House bill.

Another point, Mr. Chairman; I hardly think the committee should insist on paying these commissioners $10 a day and their expenses. That is quite a large compensation. Still, if the committee insist that the bill shall pass in its present form, I shall not specially antagonize it.

The Clerk read as follows:

SEC. 3. That all lands shall be classified and taken to be mineral lands under this act which, prior to the passage of this act, have been located or patented as mineral lands, or which have, or probably will have, a market value by reason of the minerals which they contain, or which show such indications of valuable mineral deposits as would induce a miner to spend his time or money upon them with the reasonable expectation of finding mineral in paying quantities; or which from their geological formation, or their situation or propinquity or relation to known mineral lands, are or probably will be valuable for the mineral therein; and all of these matters shall be considered by the commissioners in determining the mineral or nonmineral character of such lands and in classifying the same. The classification herein provided for shall be by sections where the lands have been surveyed, unless there are such differences in the situation or character of different parts of the same section as, in the opinion of the commissioners, to require its classification by quarter sections; and in no case shall any subdivision of less than a quarter section be made for classification upon surveyed lands. If the lands examined are not surveyed, classification shall be made by tracts of such extent, and designated by such natural or artificial boundaries to identify them, as the commissioners may determine. When mining locations have been heretofore made or patents issued for mining ground in any section of land, this shall be taken as prima facie evidence that the whole of such section is mineral land: *Provided*, That the word "mineral," where it occurs in this act, shall not be held to include iron or coal: *And provided further*, That the examination and classification of lands hereby authorized shall be made without reference or regard to any previous examination or report or classification thereof.

Mr. BUCHANAN of New Jersey. Mr. Chairman, I move to strike out the last word for the purpose of asking information. The proviso in the 27th, 28th, 29th lines says that "the word 'mineral,' where it occurs in this act, shall not be held to include iron or coal." I would like to know the reason of that provision, which seems to set up a new classification of "mineral lands."

Mr. DIXON. In the original grant coal and iron were excepted.

Mr. BUCHANAN of New Jersey. I withdraw the formal amendment.

The Clerk read section 5, concluding with the following:

Provided, That at such hearings the United States district attorney or his assistants for the judicial district in which the land is situated shall appear and defend the interests of the United States, and for such service he shall receive compensation not exceeding $25 per day, to be paid out of the fund provided for the examination and classification of said mineral lands.

Mr. HOLMAN. I ask the Committee of the Whole to observe that under the provision just read the district attorney, who in Montana and Idaho has an assistant, will receive in addition to the compensation provided by law $25 a day for attending these examinations. I believe this allowance of $25 a day in addition to the regular salary is much too large.

Mr. SWEET. The United States district attorney in Idaho has no assistant.

Mr. HOLMAN. My friend is aware that an appropriation of money is made every year for the employment of assistant district attorneys when necessary; and that provision is applicable as well to Idaho and Montana as elsewhere.

Mr. SWEET. But the Attorney-General has held that an assistant is not necessary in our State; there is no one drawing salary as assistant district attorney.

Mr. HOLMAN. In Montana and Idaho, as my friend is aware, there is very little business in the Federal courts requiring the attention of the district attorney. It is certainly not necessary to pay this officer an additional salary of $25 a day for the duty he is to perform under this bill.

Mr. SWEET. There is no additional salary, because there is no money now paid to any assistant.

Mr. HOLMAN. But the committee has proposed here to pay the district attorney himself $25 a day additional.

Mr. SWEET. Well, that officer has now all that he can do. He has asked for an assistant several times within my knowledge; but the Attorney General will not allow him one.

Mr. HOLMAN. Twenty-five dollars a day is a very extravagant salary. I move to strike out "twenty-five" and insert "ten."

Mr. SWEET. You can not get a good lawyer to perform this duty for $10 a day.

The question being taken on the amendment of Mr. HOLMAN, to strike out, in line 46, page 7, "25" and insert "10," the amendment was not agreed to, there being—ayes 17, noes 36.

The CHAIRMAN. The morning hour having expired pending the consideration of the bill in Committee of the Whole, the committee will now rise.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. OUTHWAITE reported that the Committee of the Whole on the state of the Union, having had under consideration the bill (H. R. 8796) to provide for the examination and classification of certain mineral lands in the States of Montana and Idaho, had come to no resolution thereon.

Mr. MCRAE. I ask consent that we continue the consideration of this bill for a few minutes in order to dispose of it.

Mr. BLOUNT. I shall have to object. There is a special order which might be defeated if the gentleman's proposition were agreed to.

LA ABRA MINING CLAIM.

The SPEAKER. The Clerk will report the special order.

The Clerk read as follows:

Resolved, That on Tuesday next, after the second morning hour, the House will proceed to the consideration of Senate bill 539 and Senate bill 606.

The SPEAKER. Which bill does the gentleman from Georgia [Mr. BLOUNT] call up first?

Mr. BLOUNT. I ask for the consideration first of Senate bill 539.

The bill was read, as follows:

A bill (S. 539) to amend and enlarge the act approved June 18, 1878, entitled "An act to provide for the distribution of the awards made under the convention between the United States of America and the Republic of Mexico, concluded on the 4th day of July, 1868."

Whereas the Secretary of State, after investigating the charge of fraud presented by the Mexican Government as to the case of La Abra Silver Mining Company, has heretofore reported that the "honor of the United States requires" that said case "should be further investigated by the United States, to ascertain whether this Government has been made the means of enforcing upon a friendly power claims of our citizens based upon or exaggerated by fraud," but that "the executive government is not furnished with the means of instituting and pursuing methods of investigation which can coerce the production of evidence or compel the examination of parties and witnesses," and that "the authority for such an investigation must proceed from Congress;" and

Whereas the President of the United States has transmitted to Congress the recommendation of the Secretary of State that said case "be referred to the Court of Claims, or such other court as may be deemed proper, in order that the charge of fraud made in relation to said claim may be fully investigated:" Therefore,

Be it enacted, etc., That in further execution of the purpose of said act the Attorney-General of the United States be, and he is hereby, authorized and directed to bring a suit or suits in the name of the United States in the Court of Claims against La Abra Silver Mining Company, its successors and assigns, and all persons making any claim to the award or any part thereof in this act mentioned, to determine whether the award made by the United States and Mexican Mixed Commission in respect to the claim of the said La Abra Silver Mining Company was obtained, as to the whole sum included therein or as to any part thereof, by fraud effectuated by means of false swearing or other false and fraudulent practices on the part of the said La Abra Silver Mining Company, or its agents, attorneys, or assigns, and, in case it be so determined, to bar and foreclose all claim in law or equity on the part of said La Abra Silver Mining Company, its legal representatives or assigns, to the money, or any such part thereof, received from the Republic of Mexico for or on account of such award; and any defendant to such suit who can not be found in the District of Columbia shall be notified and required to appear in such suit by publication as the court may direct, in accordance with law as applicable in cases of equity.

SEC. 2. That full jurisdiction is hereby conferred on the Court of Claims to hear and determine such suit and to make all interlocutory and final decrees therein, as the evidence may warrant, according to the principles of equity and justice, and to enforce the same by injunction or any proper final process, and in all respects to proceed in said cause according to law and the rules of said court, so far as the same are applicable. And the Secretary of State shall certify to the said court copies of all proofs admitted by the said Mixed Commission on the original trial of said claim, and the said court shall receive and consider the same in connection with such competent evidence as may be offered by either party to said suit.

SEC. 3. That an appeal from any final decision in such cause to the Supreme Court of the United States may be taken by either party within 90 days from the rendition of such final decree, under the rules of practice which govern appeals from said court; and the Supreme Court of the United States is hereby authorized to take jurisdiction thereof and decide the same.

SEC. 4. That in case it shall be finally adjudged in said cause that the award made by said Mixed Commission, so far as it relates to the claim of La Abra Silver Mining Company, was obtained through fraud effectuated by means of false swearing, or other false and fraudulent practices of said company or its assigns, or by their procurement, and that the said La Abra Silver Mining Company, its legal representatives or assigns, be barred and foreclosed of all claim to the money or any part thereof so paid by the Republic of Mexico for or on account of such award; the President of the United States is hereby authorized to return to said Government any money paid by the Government of Mexico on account of said award, remaining in the custody of the United States, that has not been heretofore distributed to said La Abra Mining Company or its successors and assigns, which such court shall decide that such persons are not entitled, in justice and equity, to receive out of said fund.

SEC. 5. That, during the pendency of said suit and until the same is decided, it shall not be lawful for the Secretary of State to make any further payments out of said fund, on account of said award, to La Abra Silver Mining Company, or its legal representatives, attorneys, or assigns; and in case it shall be finally adjudged in said cause either in the Court of Claims or in the Supreme Court of the United States that the award made by said Mixed Commission, so far as it relates to the claim of La Abra Silver Mining Company, or any definable and severable part thereof, was not obtained through fraud as aforesaid, then the Secretary of State shall proceed to distribute so much of the said award as shall be found not so obtained through fraud, or the proceeds thereof remaining for distribution, if any, to the persons entitled thereto.

Mr. BLOUNT. Mr. Speaker, as I understand that some gentleman desire to oppose this bill in debate, I should like to agree with them as to the time to be occupied. I wish to do this in the utmost fairness to the opposition and to the House. I trust we may agree upon such a limitation of time as will not defeat the object of the special order but allow the House to act on the measure. I believe the gentleman from New York [Mr. COVERT] desires to be heard.

Mr. COVERT. Has the gentleman made any proposition to limit debate?

Mr. BLOUNT. I have made no proposition; but I have invited the attention of the opponents of this measure to the propriety of agreeing on some limitation. Does the gentleman from New York desire to be heard?

Mr. COVERT. Mr. Speaker, I trust that at this time at all events there may be no resolution or agreement as to the limitation of discussion. The gentleman from Georgia is right in stating that I desire to be heard on this question. I do not know how many other gentlemen wish to be heard in opposition to the bill. But I suggest that the discussion be commenced without limitation and as it progresses it can best be determined what limitation should be adopted. For the time being I trust there will be no limit placed upon the discussion. This matter is one of importance to the Government of the United States, and to Mexico and to the citizens of our country who are interested.

Mr. BLOUNT. I wish to remind the gentleman from New York that for more than a dozen years successive Presidents of the United States, without regard to party—sometimes a Democratic President and sometimes a Republican President—have been urging upon Congress action upon the propositions contained in the Weil and La Abra awards. I wish to remind the gentleman further that we are now in the last session of this Congress, and that this bill has no privilege of being heard hereafter, the present order having been allowed simply by unanimous consent. The gentleman will therefore see how important it is that the committee should ask the House to limit the debate in order that Congress may make a proper response to the repeated suggestions of successive Presidents.

Therefore, in the utmost fairness toward the gentleman, and with a desire to be fair also toward the committee having charge of the measure, I must insist on the propriety of fixing some limit to the debate. If this can not be agreed upon, I shall, at what may seem to be a proper time, ask the previous question on the bill. I do not desire to do this if my friend wants to be heard. I should be glad, quite glad, to give him a chance. But I think the gentleman will understand the propriety of asking a limit under the circumstances.

Mr. COVERT. Mr. Speaker, the gentleman from Georgia is quite right in his statement that for a number of years past this particular matter, the La Abra claim, has occupied the attention of Congress. The gentleman, however, in his statement in this regard neglected to state that the Senate, by a large preponderating vote, determined on one occasion, when this matter was brought to their attention, against the advising of another international commission to adjust the matter. The gentleman neglected in his statement to advert to the fact that in the Forty-ninth Congress a bill, precisely, as I am instructed, in terms like that now before us, occupied the attention of this body, and there was an almost unanimous adverse report upon the matter from the very able Committee on Foreign Affairs in that particular Congress.

Now I mention this simply to show that there are at least two sides to this proposition, and that it is really an important matter, as this House will determine for itself and ascertain and know for itself as the debate progresses.

I do not ask that no limitation shall be established to the discussion. My suggestion is simply that no such action be taken now, but that the debate be permitted to proceed, and as it progresses, when it is ascertained how many gentlemen want to be heard on the question, then the proper limitation can be placed upon it.

Mr. BLOUNT. Mr. Speaker, I have sought to make an agreement with the gentleman from New York with regard to the limitation of debate, but I find that I am unable to do so.

I shall ask the House, after a given time for discussion, which I hope the gentleman from New York will take occasion to anticipate, to order the previous question and let the matter be acted upon. I shall at present make only a brief statement to the House in relation to the pending bill.

Two bills are covered by the special order, one what is known as the Benjamin Weil bill, and the other the La Abra Mining Company bill. In 1868 the Claims Commission organized under the convention between the United States and the Government of Mexico on July the 4th of that year, rendered awards in favor of certain citizens of the United States, the amounts of which and the names of the beneficiaries I will not now undertake to specify. The Commission failed to determine as to the mode of the distribution of the award. The then Secretary of State, Mr. Fish, invited Congress to supply the defect by providing a mode for its distribution.

In 1878, at the instance of Mr. Davis, of Illinois, a bill was reported which became law, being adopted by the two Houses in the usual form of legislation, providing for the distribution of the amounts awarded to the United States. At that time it was suggested that the awards were obtained by fraud. It was suggested that the evidence thereof had come to the knowledge of the Mexican Government; that the award had been made through fraud, and in pursuance of that suggestion the following proviso was added to the bill:

SEC. 5. And whereas the Government of Mexico has called the attention of the Government of the United States to the claims hereinafter named with a view to a rehearing, therefore be it enacted, that the President of the United States be, and he is hereby, requested to investigate any charges of fraud presented by the Mexican Government as to the cases hereinafter named, and if he shall be of the opinion that the honor of the United States, the principles of public law or considerations of justice and equity, require that the awards in the cases of Benjamin Weil and La Abra Silver Mining Company, or either of them, should be opened and the cases retried, it shall be lawful for him to withhold payment of said awards, or either of them, until such case or cases shall be retried and decided in such a manner as the Government of the United States and Mexico may agree, or until Congress shall otherwise direct. And in case of such retrial and decision, any moneys paid or to be paid by the Republic of Mexico in respect of said awards, respectively, shall be held to abide the event and shall be disposed of accordingly; and the said present awards shall be set aside, modified, or affirmed as may be determined on such retrial: *Provided*, That nothing herein shall be construed as an expression of any opinion of Congress in respect to the character of said claims, or either of them.

In accordance with the provisions of this section Mr. Hayes, then the President of the United States, directed the then Secretary of State, Mr. Evarts, to make the inquiry suggested in this bill. Mr. Evarts made a careful examination of the subject, and discovered evidence and submitted his conclusions on August 12, 1890, to the President, in the following words:

That the honor of the United States does require that these two cases should be further investigated by the United States, to ascertain whether this Government has been made the means of enforcing against a friendly power claims of our citizens based upon or exaggerated by fraud.

This was the opinion entertained by Mr. Evarts. Subsequently a similar view was entertained by Mr. Frelinghuysen and by Mr. Bayard, and during Mr. Bayard's incumbency a special message was sent by President Cleveland inviting the action of the Houses, and recommending the submission of these questions to the Court of Claims to be determined.

Now, Mr. Speaker, it is not my purpose at this time to go into the merits of the question, nor even to elaborate what will be proper to be stated here; for I shall be followed by other gentlemen who have had this matter specially in charge. But what I wish to say briefly is, that the Presidents of the United States, from Hayes until this hour, have by their action, through their State Departments, regarded these awards as so suspicious as to be continually inviting the Congress of the United States to take action thereupon, deeming that the honor of the United States was involved in this transaction.

There has been an effort on the part of the claimants through the courts to insist that the award was final and conclusive against Mexico. The highest court of this land, sometimes through the instrumentality of Chief Justice Waite, sometimes through the instrumentality of the present Chief Justice, has seen fit to enunciate in fervid and earnest language that it was not proper or legitimate or true that any citizen of the United States, asking the aid of the Government, should make that Government responsible for his own frauds upon other countries, and that it was perfectly competent for the Government at any time to say that it should not be an instrument for the purpose of consummating fraud.

So far, then, as the question of this matter having been adjudicated has been concerned, from every quarter except from counsel in the case has come the concession of the doctrine that the finality of the award was not binding upon the parties.

The testimony in part will be brought before you at a later date by other gentlemen; but whether that testimony shall be conclusive or not, it is in my judgment incumbent upon this body to have a review of these cases before the courts, from the very fact that the highest authorities in the Executive, the Senate, and the House of Representatives have at various times manifested their distrust of the good faith of these claims.

Mr. Speaker, in our dealings with the South American States, with the Central American States, with Mexico, with all these republics, let us observe in its broadest sense our relative position to them as the Great Republic. We have power, we have wealth, we have intelligence, we have a moral influence in the affairs of mankind. Let us, by justice, moderation, and fair and honorable dealings with these people, give to them and to the business world connected with them and us, the assurance that this Government intends to pursue a high and honorable policy worthy of the position which it occupies amongst the nations of the earth.

There is, sir, enough in the circumstances connected with these awards to justify us in asking for a reopening, a rehearing, and a submission of them to the courts. We may abstain from any declaration as to our opinion in relation thereto, but let us go forward with this hint as to the honor of our country, and resubmit them without reference to whether Mexico may or may not have a right thereto.

The gentleman from New York [Mr. COVERT] saw fit, a few moments ago, to say that I had dealt perhaps unfairly—not intentionally so, I take it—in omitting to say that the Senate of the United States on one occasion had rejected a treaty negotiated by Mr. Arthur for the purpose of resubmitting this whole matter to a joint commission. Now, if the gentleman will look at the facts in the case he will not conceive that there was any unfairness in that. Mr. Evarts, in the first position he took upon it, asserted the doctrine that Mexico should have nothing to do with this matter, that we should investigate it in our own way, that it was our domestic affair, and that we should do what was right in the matter.

When Mr. Arthur had sent in his treaty the Senate of the United States saw fit to reject it upon the very ground that Mr. Evarts placed it upon; and Mr. Bayard made a communication upon the subject to the President of the United States, Mr. Cleveland, afterward in a document which was sent to this House, which contained the declaration of a majority of the Committee on Foreign Affairs of that very Senate, taking the ground that while they were opposed to its being done by treaty, they were in favor of Congress taking some action of a domestic character. And at the very same time it was accompanied by declarations on the part of members of the House of Representatives that that was their attitude; and so the matter of any other joint commission was finally abandoned, and no effort has been made since then to deviate from the position taken by Mr. Evarts in the outset.

I concede that at one session of Congress there was a report made adverse to the rehearing of these claims; but there have been many the other way. There have been many communications of Secretaries of State. And even if the opinion of that committee of the House of Representatives, adverse to it, should be accepted as the finding of intelligent, honorable men, they were no more so than others, and we are left with the question still open, our own public men differing as to the propriety of the award; and we are forced to go forward, if we have proper regard for the honor of the country, and submit the case to the court anew, with the newly discovered evidence, and let that court declare under the terms of this bill whether or not that award shall stand or shall be set aside.

And when this shall have been done, I take it, that neither Mexico nor any citizen of this country will feel that we have done more or less than our duty in the premises.

Mr. Speaker, I reserve the balance of my time. I hope the gentleman from New York [Mr. COVERT] will see fit to proceed.

Mr. COVERT. Mr. Speaker, I sincerely regret that this bill should be urged upon its passage at this time, in the absence of gentlemen who desire to be heard in opposition to it. Among these is my friend from Missouri [Mr. HATCH], who while the bill was pending in committee made application for permission to be heard, and who for some reason was prevented from appearing before that body. He desired most earnestly to address the House in opposition to this measure. I regret that he is unavoidably absent to-day, and the duty of opposing this bill devolves in part at least upon myself.

From the examination I have been able to give to the testimony and facts in connection with this matter, I can not avoid the conviction that gross wrong and injustice will be done to a number of deserving American citizens if this bill shall pass. In order to make this reasonably clear to the House, a very brief history of the earlier conditions in connection with this matter becomes, it seems to me, of absolute necessity.

Some twenty-five years ago the Government of the Republic of Mexico awakened, seemingly, to the necessity of the development of the resources of the Republic, and one of the means taken to bring about this end was the issuance of a proclamation by the then President of the Republic, inviting American capitalists to cross the border and come into Mexico to develop mining and other industries, promising full immunity and governmental protection in the event of their coming over to the sister republic to engage in these business operations. These proclamations were published in the Mexican and in the American newspapers; and there may be gentlemen upon this floor who can recall the interest excited among enterprising American citizens by reason of the prospects spread out before them of industrial enterprises in the Republic of Mexico.

Relying upon the good faith of the Mexican Government, as pledged in this proclamation by its President, among other capitalists and enterprising business men, the promoters of what was known, and what is known, as the La Abra Mining Company, organized themselves together, having stockholders in New York, in West Virginia, in Pennsylvania, in Missouri, and in other sections of the Union. At very great expense they purchased mining lands in Mexico. At great expense they got together costly machinery and appliances for the working of their mines; and at great expense they transported this machinery and these appliances across the border and over the mountains to their field of operations.

Almost from the beginning of their attempt to develop the mines they had purchased there were acts of wrong, oppression, intimidation, and violence committed on and against the representatives of this company and the workmen in their employ.

The testimony taken before the commission—and I shall refer to the appointment of that commission a little later on—develops the fact that these American citizens, invited to Mexico by the glowing promises of protection at the hands of the Government, received nothing but wrong and injury at the hands of the governmental officers, and appeals taken to higher governmental authority met with no response. At length, so the testimony discloses, these people were absolutely forced to abandon their works, to abandon their property, and to leave the Republic of Mexico.

Now, so much in the direction of a brief history of the origin of this La Abra claim against the Mexican Government. Shortly thereafter, there having developed the fact that Mexico, or certain citizens of Mexico, had claims or claimed to have demands against our own country and its citizens, a number of citizens of this Republic having claims against the Republic of Mexico, by solemn treaty convention, entered into between the two powers, a commission was appointed—an international commission—for the purpose of adjusting all these various claims—first, the claims of the United States against Mexico, and second, the claims of the citizens of Mexico against the United States.

Two commissioners, one representing the United States and one representing the Republic of Mexico, were appointed, and an umpire, or third member of the commission, chosen in the person of Sir Edward Thornton, who was then the minister from England to this country.

Now, Mr. Speaker, that this House may understand just what this convention or treaty was, what its terms are, let me read a cardinal part of the stipulation or agreement as finally entered into between the two governments:

> The President of the United States of America and the President of the Mexican Republic hereby solemnly and sincerely engage to consider the decision of the commissioners conjointly, or of the umpire, as the case may be, as absolutely final and conclusive upon each claim decided by them or him respectively, nd to give full effect to such decision without any objection, evasion, or delay whatsoever.

Mr. BLOUNT. Will the gentleman from New York yield to a question there?

Mr. COVERT. Certainly; with pleasure.

Mr. BLOUNT. The question I desire to ask is, has not that very section that the gentleman has been referring to been passed upon by the Supreme Court of the United States twice, and the inference which he seeks to make contradicted by that court?

Mr. COVERT. Well, I do not know whether the gentleman from Georgia quite knows what inference I seek to draw from the clear and absolute covenant I have just read. I presume the Supreme Court of the United States, having passed upon some matters growing out of these claims, has taken cognizance of this treaty obligation. But this question is not before that august tribunal, the Supreme Court; it is before a tribunal to my mind just as important, just as dignified, and just as august as that body. Not the Supreme Court of the United States, but the House of Representatives is sitting to-day in solemn judgment upon this matter.

Mr. BOATNER. Will the gentleman yield for a question?

Mr. COVERT. Yes, sir.

Mr. BOATNER. I see by the report that an application was made by the Mexican Government to the umpire to reopen the case and grant a new trial. Was that application based upon the same charges of fraud and false swearing which are now urged in support of this bill?

Mr. COVERT. I understand that that is so; that it was urged before the umpire that they had newly discovered evidence involving the question of fraud in the presentation of this claim, and that a rehearing was asked upon substantially the same ground upon which this reopening is asked.

Now, Mr. Speaker, I have referred to this agreement, this solemn compact entered into between these two sovereign republics. If language can make anything more solemn or more binding than that compact I never yet have seen or heard that language. What were the after results. The commission met. They took testimony. Voluminous evidence was adduced, both oral and documentary, as I understand, the commission continuing its labors for nearly two years or certainly for a period of eighteen months, and as a resultant certain facts were proven to the satisfaction of, at all events, the majority of the commission; first, that these assurances of protection on the part of the Mexican Government to which I referred only a few moments back were really given by that Government in the most pronounced way possible, namely, by a proclamation of the President of the Republic.

The fact of the publication in the Mexican and in the American newspapers of these promises of immunity and protection was abundantly established before the commission. The fact that these American citizens, engaged in a legitimate business enterprise under the positive assurance of governmental protection, were molested, their people assaulted, their property taken from them, forced loans levied upon them by persons acting under authority of the Government of Mexico, all these facts were fully established.

The arrest and imprisonment of a superintendent of this company upon some flimsy pretext, his incarceration in a pesthouse on the order of a local justice or judge in the neighborhood where these mines were located was also established. The value of the property was abundantly proven before the commission, the price paid for these lands, the price paid for the machinery and appliances, the cost of the transportation of that machinery across the border and to the lands owned by the company—all these facts were established by proof. As a resultant, the umpire decided that the Government of Mexico should pay to the La Abra Mining Company, these American citizens who had been so wronged and outraged, the sum mentioned in the award.

Mexico promptly complied with the finding of this International Commission. She promptly paid over the money that the Commission adjudged should be paid to those American citizens whose rights had been outraged and whose property had been ruthlessly taken. That money was deposited with the Secretary of State of the United States, and a portion of it has been already distributed to these claimants. But now what does Mexico do; what does this Republic to which my friend from Georgia [Mr. BLOUNT] so feelingly refers as entitled to respectful consideration at the hands of the Government of the United States—what does this Republic of Mexico do after the bringing in of this award and after her own compliance with its terms and provisions by paying over this money to the authorities of the United States? Why, Mexico sends a communication to our Government authorities, in which her representatives say:

> The Mexican Government, in fulfillment of article 5 of the convention of July 4, 1868, considers the result of the proceedings of this Commission as a full, perfect, and final settlement of all claims referred to in said convention, reserving, nevertheless, the right to show, at some future time and before the proper authority of the United States, that the claims of Benjamin Weil, No. 447, and "La Abra Silver Mining Company," No. 489, both on the American docket, are fraudulent and based on affidavits of perjured witnesses; this with a view of appealing to the sentiments of justice and equity of the United States Government, in order that the awards made in favor of claimants should be set aside.

This appeal was made by Mexico to the well-known sense of chivalry possessed by the American people and by the Government of the United States. But, Mr. Speaker, what becomes of the solemn wording of this covenant by which the Republic of Mexico absolutely pledged itself to abide by the finding of this High Joint Commission without cavil and without objection? I submit, sir, that the sentiment wasted here upon the Republic of Mexico should play no figure in this matter where the rights and interests of American citizens are involved, and where those rights and those interests have been passed upon by a fair and impartial international commission.

What has been done? Why the Mexican Government, quite promptly after the termination of this hearing before the Commission, made a motion in the nature of a motion for a new trial upon the ground of newly discovered evidence. They presented this application to the Commission, the tribunal that had heard the testimony, that had seen the witnesses, those of them who had been examined orally and had observed their manner in testifying, before the very tribunal best qualified to pass upon a question of this character—to this Commission, of all bodies on earth the body best qualified to pass upon the testimony which had been brought before it, and of all the facts in the case, they made this application in October following the August when the rendition of judgment was made by Sir Edward Thornton—an application for a rehearing on the ground of newly discovered evidence. This application was overruled, and in my judgment was very properly overruled, by Sir Edward Thornton, as the umpire between the parties to the controversy.

Mr. BLOUNT. Do I understand the gentleman to say that Sir Edward Thornton overruled the motion for a new hearing on the merits of the case?

Mr. COVERT. I can not enter into the mental processes of another. I assume it was upon the merits of the case, upon a review of all the facts in connection with it.

Mr. BLOUNT. The gentleman's language was not clear. I simply wanted to understand what he meant to have the House believe.

Mr. COVERT. I do not wish to be unfair in comments or criticism upon this matter. I trust I have answered the gentleman satisfactorily.

Mr. BOATNER. There is one point upon which I would like to be advised. It is stated in the report that an application was made by the Mexican Government to the umpire of the Commission for a rehearing, but that this application was overruled by him October 20, 1876. I would like to know whether that application was overruled by the umpire after a proper investigation of the facts charged as the basis for a rehearing—an investigation of the charges made?

Mr. COVERT. I wish to say to the gentleman from Louisiana that I do not know what was in the mind of Sir Edward Thornton at the time of the making of this application to him or at the time of the rendition of his decision.

Mr. BOATNER. The gentleman does not understand me——

Mr. COVERT. I do, perfectly.

Mr. BOATNER. I wish to know whether the evidence referred to was considered by the Commission: and if it was, how we can grant a rehearing without casting discredit upon the umpire selected by this Government and Mexico to decide that dispute?

Mr. COVERT. The gentleman has anticipated a suggestion that I was about to make to the House. I do not know—I can only assume—that so eminent a publicist, so distinguished a jurist, so accomplished an international lawyer as Sir Edward Thornton, in hearing and passing upon this application, took into consideration all the facts and circumstances connected with the case. Certain it is that this application was made to him for a rehearing; certain it is that he refused to grant the application for the reopening of the case.

Now, all that I intended to argue from the fact of the making of this application to the Commission or to the umpire for a rehearing of the matter was simply this: If the representatives of the Mexican Government were honest and are honest in the claim they then made, and which they now make, of "newly discovered" testimony, that "newly discovered" testimony was in their possession certainly as early as October following the rendition of this decision, the decision having been rendered in the month of August.

The examination before this commission continued, as I have already stated, through a period of at least eighteen months. The testimony on the part of the claimant was the testimony first heard and received by this Commission. The testimony of the claimant's witnesses was perpetuated in writing. It was known of all men interested in this hearing. Communication between the United States and the Republic of Mexico was easy and convenient. Does any sane man pretend to claim, will any gentleman upon this floor argue, that if the testimony brought in to support this claim was false and fraudulent the Mexican Government could not be advised of it, and was not advised of it as this case progressed before the Commission during those eighteen months of time?

Why, Mr. Speaker, not the close rules that prevail in a court of law are the rules of practice that prevail before an international commission. Parties to the controversy are not tied down to a strict order of proof when they come before a high international body like this. There was absolutely nothing to prevent the Republic of Mexico or its representatives, as this case progressed, from bringing in their proof disproving, if they could, the allegations made by the claimant's witnesses. But the Mexican Republic stood mute. Not one word of evidence was brought in before that Commission for the purpose of impeaching or impugning the character of the witnesses for the claimant or the honesty of their testimony.

It was only after the Commission had closed its labors; it was only after this Republic, for which my distinguished friend from Georgia has invoked the sympathy of this House, found itself beaten, found that a perfectly fair, an absolutely impartial arbitrator, not an American citizen, not a Mexican citizen, but a distinguished citizen of England, had brought in an award against them, that they first commenced to ring the changes upon this question of fraud in the matter of the proof submitted by the claimants in this case.

Was there fraudulent testimony presented? Was this case, so far as the claimant's side of it was concerned, "honeycombed with fraud," as gentlemen on the other side would have us believe? Very fortunately, Mr. Speaker, we are not left to the record evidence taken and subscribed before this Joint High Commission. I summon to the bar of this House in this connection a very important witness, from whose lips can be established, and very clearly established, the condition of things existing in the Republic of Mexico at the time these American citizens, under this promise of protection given to them by Mexican authorities, sought to engage in legitimate business within the limits of the Republic of Mexico. I quote from the Hon. John W. Foster, who, at the time this matter was being examined before this high international commission, was minister of the United States to the Mexican Republic. He is the same gentleman who has figured extensively in this very La Abra

mining claim almost from the time it left the hands of this high Commission down to the present moment.

What does Mr. Foster say, speaking in his official capacity as the United States minister to Mexico?

American capitalists can not lose sight of the half century of disorder and revolution in Mexico, and there is a general conviction among them that they can not safely invest their money in a large railroad enterprise in this country unless the protection of the Government of the United States, by by some treaty stipulation or other convention, goes with it.

He says further on:

But the manufacturer and merchant of Chicago hope, in following suggestions made, to have not only this city but the whole Republic as a field of commercial enterprise. At the risk of subjecting myself to the serious charge referred to above, I feel it my duty to cite some facts which have come under my notice and which are well known in this country.

Not a single passenger train leaves this city or Vera Cruze the termini of the only completed railroad in the country, without being escorted by a company of soldiers to protect it from assault and robbery. The manufacturers of this city who own factories in the valley within sight of it, in sending out money to pay the weekly wages of the operatives, always accompany it with an armed guard; and it has repeatedly occurred during the past twelve mont hs that the street-railway cars from this city to the suburban villages have been seized by bands of robbers and the money of the manufacturers stolen. Every mining company which sends its metal to this city to be coined or shipped abroad always accompanies it by a strong guard of picked men, and the planters or others who send money or valuables out of the city do likewise.

But if these things occur within sight of the capital, it is natural to suppose that they are more frequent in distant parts of the Republic.

During the short time that I have been in charge of this legation I have been officially informed by the consuls of my Government residing in the different localities of the Republic of Mexico of the death of thirteen American citizens by violence and outrage, some of them murders of the most brutal character and revolting to our common civilization. In addition to these I have also received official intelligence of several brutal assaults and personal outrages upon American citizens not resulting in loss of life.

This, Mr. Speaker, is Mr. John W. Foster, then United States minister to Mexico, subsequently the counsel for the Mexican Government before the very committee that considered and reported this bill; and John W. Foster, minister to Mexico, speaking of these outrages on the part of Mexicans against citizens of the United States, is the same Mr. Foster who was the counsel for the Mexican Government before this committee, inciting or attempting to incite these sentiments of sympathy towards the poor Republic of Mexico which have been voiced on this floor by the distinguished gentleman from Georgia. "The honor of the United States is involved in this transaction," says the gentleman in charge of the bill.

Mr. Speaker, I submit that the honor of the United States is involved in this matter, but it is not to be maintained in the direction indicated by such a measure as this. Certainly not at this time. The honor of the United States might be best preserved and maintained, I respectfully submit, not by the passage of this measure at this time of all others. If enacted at all, its passage should at least be deferred until such time as the counsel of the Republic of Mexico ceases to be the Secretary of State of the United States of America. [Applause.]

Now, Mr. Speaker, upon this question of false and fraudulent proof which they say was adduced before the International Commission I quote the abstract testimony of Minister Foster. I might take a great deal of your time by quoting from the record the testimony of numerous others before this Commission, both American and Mexican citizens alike, detailing these outrages that were perpetrated upon the representatives of this company while they were attempting to transact their legitimate operations within the limits of the Mexican Republic. But time will not permit. They say the testimony was exaggerated; that the facts were overstated by the witnesses who appeared and gave their testimony.

Why, sir, in the hearings taken before this committee appeared official notifications coming from little local magistrates, officers having seemingly despotic power in the locality where these mines were located. One of these officers is called by the Mexicans the "Chief Political," and he issued his notice to the company, telling them what they should do, how they should pay their employés, when they should pay their men, and threatening, unless his instructions were immediately complied with, that they would be forced to abandon the works. These are facts in proof. There is testimony of a similar character coming from Mexican sources; it is the evidence taken by the Commission, which can not be impugned, which can not be impeached, which can not be overthrown, and it is evidence that is eloquent of the outrages which have been perpetrated on these people.

Now about the alleged newly discovered evidence and the steps taken by the Mexican Government on the basis of such evidence to overturn the decision of the Commission.

After subscribing to this formal, sacred covenant which I have read to this House, wherein and whereby the Mexican Government promise full and faithful compliance with the decree of the Commission, what did this Republic, for which my distinguished friend from Georgia [Mr. BLOUNT] asks the sympathy of this House, proceed to do? It entered into secret negotiations with a citizen of the United States, the nature and the object of which was the obtaining of testimony that should operate in the direction of setting aside this award or the reduction of its amount.

A contract was entered into with an American citizen named Slaughter—and I submit that he was appropriately named [laughter]—wherein this American citizen agreed to accept from the Government of Mexico a fixed, certain amount, for expenses in sending an agent down to Mexico to get the books and papers of the company, to gather what proof he could, and then, in the event of success, in the event that the pleas of my friend from Georgia [Mr. BLOUNT] and other gentlemen who may join with him in a plea for sympathy for the struggling and unfortunate Republic of Mexico should prevail, and this fund or any part of it be paid back to the Mexican Government, then this American citizen was to receive 10 per cent of the entire amount that should be refunded to the Government of Mexico. This agreement is in proof. It was introduced before the committee. This contingent fee is sought to be earned by this American citizen with the aid and consent of a majority of the Committee on Foreign Affairs of the House of Representatives of the United States.

Mr. BLOUNT. I do not understand the gentleman. Does he mean to say that the Committee on Foreign Affairs were assenting to and endeavoring to execute an immoral arrangement?

Mr. COVERT. Oh, my friend from Georgia [Mr. BLOUNT] knows me much too well to imagine that there is any necessity for that inquiry. Most certainly not; but I do say, and I repeat it, and I desire to repeat it with emphasis, that this contract involves a contingent fee, and that there is a contingent fee dependent upon the passage of this bill, that fee to be earned by an American citizen, if the interests of his fellow American citizens shall not be protected and if this fund or any part of it shall be paid back to the Republic of Mexico. That is what I mean to say and that statement I repeat.

Mr. BLOUNT. I do not object to that statement.

Mr. COVERT. Now, what did this man Slaughter do? He sent an agent, a person by the name of Green, down into Mexico. It would seem an unnecessary procedure, because when outrage was piled upon outrage, when these people found that they could no longer remain safely about their works and upon their mines, they left, as they were obliged to leave, according to the testimony, very hastily, and they left all the books and papers in connection with their business enterprise at the scene of operation at the mines. The testimony discloses the fact that before this, one of these local magistrates had already settled upon a part of the company's land and was treating it as his own.

The testimony further shows that as soon as the last one of these men left these mines another of these local judges proceeded to locate himself on the property and to work the mine in his own way. So that the representatives of the Mexican Government were supposedly in possession of these books and papers of La Abra Mining Company before Slaughter sent his agent down there to try to obtain possession of them. The agent went, and all that appears upon the surface as a result of his expedition there is a letter-press copy book containing some letters or copies of letters written by one of the company's superintendents to the home office in New York. Now, by these letters it would seem that this particular superintendent had to some extent been misrepresenting matters to the home people.

Mr. BLOUNT. There were letters from several superintendents.

Mr. COVERT. I am speaking more especially of the letters that are impugned, written by the superintendent, Exall. It would seem from some of these letters that this superintendent, in collusion with one of his fellow employés, an English subject down in Mexico, anticipating from these acts of violence that the company were suffering at the hands of the Mexican authorities that the work could not be continued very much longer, was coloring the condition of things to the home office, with a view of himself making a purchase of the interests of the company, in conjunction with this English subject, Griffiths.

Now, this, as I assume, is the important "newly discovered evidence" upon which the representatives of the Mexican Government ask for the reopening of this Commission and this case. Sufficient to say, Mr. Speaker, that the testimony of the agent, Slaughter, before the committee was full and explicit, that the covenant with the man Green and the instructions to him were to secure all the books and papers belonging to the company. Whatever the man Green did discover he did not bring back to this country, but turned over at once to the representatives of the Mexican Government, and the Mexican Government has brought to light, out of all the books and papers and vouchers of La Abra Mining Company, only this letter-press copy book which is relied upon as establishing a sufficient reason for the overturning of the decision found in this case. Where are the other books and papers? The only possible inference is that they are suppressed by the Mexican authorities. Now, for all answer to this

claim of the importance of this newly discovered testimony it is sufficient, in my humble judgment, to say this:

The decision of Sir Edward Thornton, the umpire in this matter, is based, not upon the testimony of the superintendent, Exall, whose testimony is sought to be impunged by the production of this press-letter copy book, but upon the testimony of other witnesses, whose character is unimpeached and unimpeachable, and who are sustained in reputation and in character by the testimony of some of the foremost men of the land. Sir Edward Thornton nowhere in the award he made places any stress or any reliance whatever upon the testimony which Superintendent Exall has given. He bases his finding upon the sworn value of the lands as they were purchased by this company, upon the value of the machinery as that value was proven to him by the testimony of unimpeached witnesses, and upon the cost of transportation; and he expressly says in the award made in the case, "not one dollar by way of prospective or speculative damages" is given. Not a dollar! And he gives the items going to make up the aggregate of the award made against the Government of Mexico.

Now, these are the facts, Mr. Speaker, as I have hastily given them; and I submit that there is absolutely nothing in connection with this whole case that calls for any particular degree of sympathy so far as struggling Mexico is concerned. I submit that there is absolutely nothing in this case that ought for a moment make the Congress of the United States discriminate against her own citizens, who have suffered loss and injury, in order that the Republic of Mexico may benefit by it.

And this is not all. Before this Commission, or joint court of inquiry, certain claims were presented by Mexico and of her citizens against the Republic of the United States, and very largely these claims were allowed, and Mexico has come up smiling and received, without demur, every single dollar of the award made by that Commission against our own country. Having accepted a part of the work of this Commission, I submit that the Republic of Mexico is foreclosed forever so far as the La Abra matter is concerned and can not come now and claim a rehearing of the work of that Commission, of which it has received the benefit.

These are the facts: A committee, and an intelligent committee, the gentlemen composing the Committee on Foreign Affairs in the Forty-ninth Congress, gave patient and careful attention to this matter. The thing was fresher then than it is now. They took testimony; they heard proof, and by an overwhelming majority that committee rejected this bill and reported it adversely.

The Senate of the United States has refused to open this matter by the appointment of a new commission. And these adverse acts are founded in justice and equity. Many of the claimant's witnesses have died in the intervening time and their testimony can not be used in rebuttal of any "newly discovered" evidence that may be submitted.

My friend from Georgia [Mr. BLOUNT] has said that three Secretaries of State have advocated governmental intervention, so far as this claim is concerned.

Why, Mr. Speaker, when this matter was brought first—when it was a great deal newer than it is now—to the attention of Mr. Secretary Fish, he rejected all attempts to open the matter, and refused to pass upon it. When the matter was brought to the attention of Mr. Secretary Evarts—I quote the substance of his statement, even if I do not quote the exact words, that able and accomplished jurist and supremely great statesman, said that if there was anything about the claim that was made, anything to support the claim for the reopening of this matter, it went only to the question of the amount of damages involved. Upon the abstract proposition of wrong, of gross wrong, inflicted by the governmental authorities of Mexico upon and against the citizens of the United States, Mr. Secretary Evarts seemed to think that there was absolutely no question. When the matter was followed up and was brought to the attention of Mr. Secretary Bayard, he adopted the reasoning and the conclusions reached by Mr. Secretary Evarts. He said that all that was involved in this case was a question of damages. There was no question seemingly in his mind as to the abstract proposition of the wrongs inflicted upon American citizens, wrongs for which full and ample redress should be made.

And that is not all. The accomplished chairman of the Senate Committee on Foreign Affairs of the present Congress [Senator SHERMAN] was not in the Senate when this bill was put upon its passage at the other side of the Capitol. But he wrote a letter in connection with this matter which has been printed somewhere and is part of these proceedings. This letter, which is very brief, I desire to read to this House:

SENATE CHAMBER, *Washington, April 8, 1889.*

GENTLEMEN: In answer to your note of the 6th, I have to advise you that I have not been able to read the minority report by Senator Brown in the matter of the La Abra award, as my time is so constantly occupied by pressing immediate duties. I have not been able to give to the subject-matter the consideration necessary to say whether I should approve either the majority or the minority report.

Only this I can say, that I have always regarded the arbitration of this case as final and conclusive, not to be reopened, and that it is better, in any aspect of the real facts in respect to the claim, that the award should be exactly carried out. I have thought, and still think, that it is more important to give force and effect to an award solemnly made than to scratch over the ashes to find imperfections or insufficiency of proof upon which the award was founded. Unless convinced otherwise, I will vote for insisting upon the award.

Very truly, yours,

JOHN SHERMAN.

And what Senator SHERMAN so tersely says in this letter I desire, in my own weak way, to repeat upon the floor of this House. The time, it had been hoped, was rapidly coming when through the agency of international conventions all disputes between nations should be forever and finally settled. It had been hoped that, so far as the Republic of America was concerned the echo of the last gun had been heard in deadly conflict. It had been hoped that the smoke of battle would never again be seen rising heavenward from any field of carnage in any warfare waged either by or against this Republic. It had been hoped that through the intervention of able and impartial men, representatives of other nations through the agency of international commissions, whatever disputes, whatever controversies, might arise, wars should forever cease so far as the Republic of America was concerned.

Mr. Speaker, if this bill shall pass, a blow, and a deadly blow, will be struck against the binding force of the work of international conventions; a blow the effect of which may be felt for a hundred years to come. In view of this fact, in view of the fact that the rights and interests of citizens of the United States are involved and deeply involved here, I respectfully submit that this bill should be voted down, and the solemn, deliberate judgment of an impartial international commission be upheld and sustained. [Applause.]

Mr. GEARY. Mr. Speaker, I agree fully with the gentleman who has just closed as to the necessity for this Government exercising a jealous care in protecting the rights of Americans in foreign countries. But while doing that it is just as important that we should exercise a jealous care in preventing American citizens from using this Government as a means of imposing frauds upon foreign governments. If the only question involved in this case was as to the amount of the damages awarded by the umpire, I would not be in favor of reviewing the decision; but, as my friend [Mr. COVERT] has said, this case was investigated by a joint commission consisting of one representative of Mexico and one representative of the United States, and they failing to agree, the matter was submitted to Sir Edward Thornton, who rendered a judgment in favor of this La Abra Company.

At the time that judgment was made neither the authorities of the United States nor the authorities of Mexico had any notice of the testimony now presented to our committee, and not until two years after the making of that award was the correspondence between the home company in New York and the manager of the mine in Mexico discovered by any of the parties outside of that company.

Now, this testimony, newly discovered and presented, does not go to the question of the amount of damages, but it shows that the entire claim was founded on fraud and was made out only by the rankest perjury. This testimony discloses the fact that instead of these people being compelled to abandon that mine by reason of the interference of the Mexican authorities, they had in fact abandoned it long before the time when they charge they were expelled—had abandoned it because they had no further money to invest. Mr. Garth, the treasurer of the mining company, testifying before the Senate committee last year, in answer to a question of the chairman of that committee, said:

As early as 1867 I made up my mind that we would not invest any more money in that mine, and we discovered that we had been imposed upon at the time we invested our original money.

The fact of the matter was that some gentlemen out West, knowing a great deal about mines, met some gentlemen from New York and Missouri who knew very little about mines, and the usual result followed. [Laughter.] The gentlemen from the West took in the money of the New York miners and left them "the experience." These men were sold a mine in Durango, Mexico, for $72,000. They sent down a gentleman named Garth, who had never seen a mine. He was taken into a room and shown some piles of silver bullion. It appears that he did not even ascertain whether it had come from this mine or not, but, carried away by the magnificent showing, he parted with his money and went home and organized his company. They raised $150,000, bought largely of machinery in San Francisco and had it hauled to the mine. They ran that mine for two years and took out one piece of silver valued at $300.

Never in their experience did they get from that mine one single cent's worth of silver beyond that first piece. In 1867 Garth notified the manager that he would not advance any more money,

and the correspondence of the manager with Garth, as contained in this record, is replete with instructions and advice that unless he would forward some more money to enable them to employ more help they would be compelled to abandon the mine entirely.

Mr. BOATNER. Will it interrupt the gentleman if I ask him a question?

Mr. GEARY. No, sir.

Mr. BOATNER. What suggestion does the Mexican Government make by way of explanation for not furnishing the evidence which the gentleman is now reciting to the Commission that investigated this subject?

Mr. GEARY. This is not a question between the Mexican Government and the United States. The finality of that award as between the two governments is not questioned, but the clear duty of this Government, when she discovers at any time that her citizens by perjury have entrapped her into the presentation of an unjust claim, is to try to do whatever is right in order to undo the evil she has done.

Mr. BOATNER. But if the fact be that this claim was pending before the Commission for eighteen months, and these men operated in the way you have stated, and that only $300 in silver had been taken out of the mine, what explanation does the Mexican Government give for the fact that this testimony was not furnished to the Commission that was called on to decide the question?

Mr. GEARY. When the matter was presented to the Commission, testimony was taken by deposition without the privilege of cross-examination. A great mass of testimony was gathered throughout the North in support of the claim; and on the other side the Mexican Government had the testimony of a few laborers and people living in the vicinity of the mines. Now, as a lawyer, supposing I present to you the affidavits of bankers and merchants of New York on the one side, and the affidavits of an equal number of poor "greasers" on the other, where would the verdict go?

Mr. MAGNER. Was not this testimony subsequently presented to Sir Edward Thornton, the umpire, when he was considering the motion for a rehearing?

Mr. GEARY. Yes, sir.

Mr. MAGNER. What were his reasons, then, for deciding as he did?

Mr. GEARY. He denied the rehearing because the convention provided that the judgment of the Commission should be final, and made no provision for a reëxamination; but in rendering his decision——

Mr. BLOUNT. Will the gentleman allow me a single remark?

Mr. GEARY. Yes, sir.

Mr. BLOUNT. As to the question raised by the gentleman from Louisiana [Mr. BOATNER] why this letter book was not introduced in the hearing——

Mr. BOATNER. No; my question was not as to the letter book; but why were not the facts which have been referred to—that the mine was an unproductive venture, producing nothing, and that it was abandoned—brought out by the Mexican Government? It seems to me that, according to all principles of law, the Government of Mexico ought to have established those facts before the tribunal authorized to determine the question.

Mr. BLOUNT. I was about to suggest that this letter book disclosed the condition of the business of the company, and contradicted the allegations and statements made on which the award was rendered; but the Mexican Government did not come into possession of this information for two years after the case was closed.

Mr. BOATNER. Is the letter book the only evidence by which the additional facts stated could have been established?

Mr. BLOUNT. I have not so stated; but the letter book does disclose the official action of the company; it is the record of its business transactions as carried on by correspondence, and it reveals facts which are utterly contradictory of the evidence on which that Commission acted.

Mr. MAGNER. Will the gentleman from California please repeat the statement he made as to the position taken by Sir Edward Thornton?

Mr. GEARY. Sir Edwin Thornton refused a new hearing because the convention under which the Commission was established made no provision for a rehearing, but contemplated that the finding of the Commission should be final. In rendering his opinion, however, he said:

In the case No. 477, "Benj. Weil *vs.* Mexico," the agent of Mexico has produced circumstantial evidence which, if not refuted by the claimant, would certainly contribute to the suspicion that perjury has been committed, and that the whole claim is a fraud. For the reason already given, it is not in the power of the umpire to take that evidence into consideration, but if perjury shall be proved hereafter no one would rejoice more than the umpire himself that his decision should be reversed, and that justice should be done.

* * * * * * *

"He (the umpire) doubts whether the Government of either country would insist upon the payment of claims founded upon perjury."

But because there was no provision for a rehearing, Sir Edward Thornton was obliged to refuse the review.

A MEMBER. He was *functus officio*.

Mr. GEARY. Yes, sir.

Now, as I was saying, in the original presentation of the case two men named Exall and Garth furnished depositions to establish the validity of the claim; and it was not until the letter book containing their correspondence was discovered that the Mexican authorities were in possession of the facts to rebut those depositions. These letters proved conclusively that in 1867 the parties contemplated the abandonment of the mine because there was not any ore in it; and yet Mr. Exall claimed that he was driven from the mine by the Mexican people.

We find here his own letter dated at Mazatlan in which he says he is on his way to New York because there is no longer any use of his remaining, there not being any means at his command to enable him to work the mine. And in every one of these letters is disclosed the uniform kindly and considerate treatment they had received from the Mexican Government and the Mexican people, and that no officer of the company resident within the Mexican Territory ever made any charge against any of the Mexican authorities that the company had been in any way interfered with in its management or property. Time and again they were compelled to ask favors from the Mexican authorities, and in no instance was there a refusal or a failure on the part of the Mexican people to accede to their wishes, and no talk anywhere of any impositions practiced upon the company by the authorities.

Now, the charge to establish this unfairness is, first, that a man named Grove, an employé of the mining company was assassinated because he was an American, and that the Mexican authorities refused to interfere for his protection or for the protection of the other employés of the mine. Mr. Bartholow, the original locater of the mine, the first superintendent, the gentleman who went to Mexico from Missouri in connection with the mine, says in his correspondence that Mr. Grove was killed not because he was an American citizen, but because of his own incautious action; that he went to the house of a man who was known to be a criminal and an outlaw, stopped there over night, and told him that he was possessed of a large sum of money, with which he was going to a neighboring village for the purpose of buying mules, and the next morning he was killed by this party presumably because of his declaration of the possession of this money, and the proof shows that thereafter when the matter was brought to the notice of the Mexican authorities the criminal was pursued, apprehended, and executed.

Mr. BLOUNT. If my friend from California will allow me, he was an employé of the company.

Mr. GEARY. He was in the employ of the company; and Mr. Bartholow, in his letter, copies of which are in the letter-press book, and admitted to be genuine by all parties, explained how he came to his death, and completely exonerates the Mexican Government from any liability whatever in connection with it. And yet, notwithstanding all of the testimony and the facts which have been established in reference to Grove's death, that matter has been built upon and made the foundation for a magnificent story of the intimidation of this company, the violation of its rights and the acts of violence to its employés.

Now, Mr. Speaker, in regard to the matter of the abandonment of this mine the facts are as I have already stated them. It was abandoned because of a want of money; and we poor old Californians are in evidence again, by this record, as victims of this same company. In 1867, after the treasurer in New York had refused to contribute another dollar to the working of the mine on the ground that it was a failure, the superintendent drew his draft on the New York company and had it cashed in the Bank of California in San Francisco. That draft went to protest, and from that day to this has never been paid by the company. At the same time proceedings were instituted in the city of New York and the company sued for $50,000 of debts, admitted to be insolvent, by the same claimants; and the reason given for their going out of business was because they got into a bad investment.

There was never a time when any superintendent of the company actually in charge of its property in Mexico had any reason to complain of the treatment of the Mexican people or authorities. But when the Commission was organized in 1868, after the abandonment of the mine, recognizing the desperate condition prevailing on the Mexican frontier, knowing the excitement and turmoil that the people had passed through for the purpose of maintaining a republican government, they took advantage of that situation, prepared this claim in fraud, and bolstered it up with perjury, imposed on the representatives of the United States, and the Government of the United States now merely asks that she shall have the right, not to cite Mexico to the Court of

Claims, but to bring in her own citizens and ask them, in the light of later evidence, whether the claim was right or wrong.

I do not think that any gentleman with any regard for the honor of this Republic, desiring this Government to maintain her proud position among the nations of the earth, and to command the respect of all of the other peoples of the world, ought to make objection to such action as is proposed in this case and allow this investigation. For if you can not trust your Government in your own tribunals to do right with you, what right have you to complain of the grievances visited upon you by the people of foreign governments? I believe the claim to be fraudulent, and I think it is only justice to ourselves that before we pay over the money we should remove every particle of doubt. If the claim is right and just, let these people establish it without possibility of contradiction.

Now, my friend says that this thing is final, that we can not go behind it. But we have gone behind claims like this in the past in our history under circumstances of a similar character. We have recognized the finality of the award as between us and a foreign nation; but we have always reserved the right to cite our citizens into the court whenever we had a suspicion of the case, in order that we might make them demonstrate the correctness of their position and claims.

After the act of 1878 was passed, providing for the distribution of these moneys, the Congress of the United States expressly excepted these two claims, La Abra and the Weil claims, from the operations of that law, and directed that the State Department should make investigation as to the correctness of the claims. Those moneys now remain in the hands of the Secretary of State undistributed. Afterward an appeal was made to the Supreme Court of the United States, asking that a writ of mandate run compelling the Secretary of State to pay this money to the claimant, and the opinion of that court, found in 110 U. S. and again in 139 U. S., the opinion of Chief Justice Fuller epitomizes as follows. Referring to the former opinion of Mr. Chief Justice Waite, Mr. Fuller says:

> It was there ruled, Mr. Chief Justice Waite delivering the opinion, that there was no doubt as to the conclusiveness of the awards under the convention of July 4, 1868, but that the language of the treaty was to be construed as used in a compact between two nations for the adjustment of the claims of the citizens of either against the other; that citizens of the United States having claims against Mexico were not parties to the convention—

And that the proposition that this matter is *res judicata* as between the claimant and this Government does not lie in this particular case. That—

> while the claims of individual citizens were to be considered by the commission in determining amounts, the whole purpose of the convention was to ascertain how much was due from one Government to the other on account of the demands of their respective citizens; that, as between the United States and Mexico, the awards were final and conclusive until set aside by agreement between the two Governments or otherwise; that each Government, when it entered into the compact under which the awards were made, relied on the honor and good faith of the other for protection, as far as possible, against frauds and impositions by the individual claimants; "and that where a fraudulent claim or false testimony was presented by a citizen for reference to the commission, this was an imposition on his own Government and it would be not only its right but its duty to repudiate the act, if it afterward discovered that it had in this way been made an instrument of wrong towards a friendly power." And the Chief Justice said: "International arbitration must always proceed on the highest principles of national honor and integrity. Claims presented and evidence submitted to such a tribunal must necessarily bear the impress of the entire good faith of the government from which they come, and it is not to be presumed that any government will for a moment allow itself knowingly to be made the instrument of wrong in any such proceeding. No technical rules of pleading, as applied in municipal courts, ought ever to be allowed to stand in the way of the national power to do what is right under all circumstances. Every citizen who asks the intervention of his own government against another for the redress of his personal grievances must necessarily subject himself and his claim to these requirements of international comity." And it was added that, "as between the United States and the claimants, the honesty of the claim is always open to inquiry for the purposes of fair dealing with the government against which, through the United States, a claim has been made."

The foregoing opinion of Chief Justice Waite of 1884, as cited, was unanimously affirmed by the Supreme Court in 1891, and, on the point under consideration, Chief Justice Fuller used this language:

> The principle of *res adjudicata* could not be invoked against the United States by individual claimants while the controversy raised as to them remained *in fieri*.
>
> In Frelinghuysen *vs.* Key, while conceding the essential value of international arbitration to be dependent upon the certainty and finality of the decision, the court adjudged that this Government need not, therefore, close its doors against an investigation into the question whether its influence had been lent in favor of a fraudulent claim. It was held that no applicable rule was so rigid as not to be sufficiently flexible to do justice, and that the extent and character of any obligation to individuals, growing out of a treaty, an award, and the receipt of money thereon, were necessarily subject to such modification as circumstances might require.

Now, we have four cases exactly like this in the history of this Government, opened up by the authorities of the United States; two resulting from the claims commission between this country and Venezuela, one with the Government of China, and one with the Government of Mexico, arising out of the first claims commission established. In one of these cases, even after all the money had been paid by the Government of the United States to the claimants, years afterward, the wrong was discovered and suit was brought by the Attorney-General of the United States and more than one-half of that money was reconverted into the Treasury of the United States and repaid to the foreign government from which it was wrongfully taken.

I think it is our duty, just as much for the Government as it would be the duty of an honorable man, when he found that by any act founded on fraud or crime he had been made the recipient of a benefit, if he was to maintain his standing as a man of honor, to reconvey the thing so wrongfully acquired to the innocent parties from whom it had been taken; and I think that same standard of honor that ought to prevail among men must prevail among nations, must be the rule of conduct for this Government, if we are at all times to command a respect of all other nationalities on earth.

If through imposition practiced on our commissioners, we have taken from the Republic of Mexico this sum of $600,000, which Mexico had no right to pay to us and would not have paid but for the fraud and criminal conduct of our citizens, we owe it to our own sense of honor to permit no kindly feeling for our own people, merely because they are Americans, to shut our eyes to the enormity of the crime and prevent us from doing full and ample justice to the other people. Let this case go to the Court of Claims, where our own Government will investigate your conduct; and if you are afraid to submit yourselves to that tribunal, then we have a right to argue that there must be something very bad in the claim you advocate. [Applause.]

Mr. BLOUNT. Mr. Speaker, I yield fifteen or twenty minutes to the gentleman from Illinois [Mr. HITT].

Mr. HITT. Mr. Speaker, this case of the La Abra claim on Mexico or these two La Abra and Weil cases—for they are twins, born about the same time and very akin in nature—is a fine illustration of how easy it is to make a great deal of money out of nothing or next to nothing when you have all the instrumentalities and agents that grow up around one of these international commissions in Washington. This suggestion will perhaps explain the reluctance of Mr. Evarts to have another mixed commission created to retry these claims. When the International Commission between the United States and Mexico, before which these two cases were presented, was held there were claims amounting to more than $500,000,000 presented, and nine-tenths of them—yes, far more than that—were exposed and rejected as worthless or false and fraudulent. Two of them, for vast sums of money, the Weil and La Abra claims, located far away, in time of confusion, when no official evidence existed, were most cunningly contrived, falsehood wonderfully pieced together, and succeeded in passing the Commission.

The Weil claim was as marvelous an invention as anything ever found in Dumas's novels. It was a claim on Mexico for 1,914 bales of cotton, captured by the Mexican Government troops from American citizens on the Mexican side of the Rio Grande at the exact moment of the greatest confusion, near the close of our war, and the subsidence of the tumults in Mexico after the French invasion. The adroit conspirators framed such a complete body of proofs that it deceived the very elect, and $487,000 was awarded for these 1,914 bales drawn by 119 six-mule teams, hauling this imaginary cotton. Not one bale of it ever existed. Weil lived in Ohio, never was there, nor any other of the pretended witnesses. It was all perjury and invention from first to last.

With the Weil claim, coupled under that statute of 1878, which first marked them out as fraudulent, was this La Abra claim. What is it? Some speculative adventurers came from Mexico to New York selling old mining claims.

Some of you gentlemen have heard of wondrous old mines from which the Spaniards had taken uncounted millions long ago to be reopened and for sale cheap in New York. They succeeded in this case in duping New York capitalists and selling them an old and worthless mine. The New York company sent machinery and men there and expended money, until it became evident that the ore was worthless; that the more of it they worked the more money they lost, and the company failed. After they had failed—after their money was all swallowed up, and long after the whole matter was abandoned—occurred the idea of getting up a claim against Mexico and putting it through the International Commission then organized. This came out only recently from their treasurer, when he was brought before a committee in this Capitol, and under oath was, for the first, subjected to the crucial test of cross-examination. After the venture was all over, and had ended in bankruptcy, and they had gladly left the mine to solitude, they contrived a claim to reimburse themselves. And they succeeded. It was sworn through with such skill and fullness that they got an award of $683,000.

Thus these two vast sums of money were compassed about. Was ever so neat, prompt, and complete a way seen of making a great deal of money out of nothing? The awards had been made: the treaty declared that they were final and absolutely binding

on Mexico; and Mexico did faithfully pay over to the United States Government the whole of the money, both claims, in all $1,170,000.

But falsehood is never secure. The publication of the awards brought out letters from Confederate, Union, and Mexican officers and citizens exposing the Weil romance. A letter-press book, left at La Abra, containing daily reports and letters of the superintendent, fell into hands that disclosed it, and all the truth came out. Then Mexico, still faithfully paying each installment as it fell due, in accordance with the treaty, accompanied it with evidence and solemnly called our Government's attention to the fact that it was made an instrument of fraud and perjury in collecting false claims.

Yet such is the sanctity of international agreement that Secretary after Secretary, as proof arose upon every hand exposing first the Weil and last the La Abra claim, still dared not depart from the strict letter of the awards, but paid installment after installment, as it came in from Mexico, to this corps of adventurers and plunderers. In the Weil claim the conspirators received $171,000 before Secretary Blaine, in 1881, set his foot down and stopped it. In the La Abra claim, in which their own treasurer has since sworn that the whole amount that had been invested was only $152,000, they had already, in 1881, been paid $240,000. But that is not all. Remember there was still $690,000 coming to them when a resolute Secretary determined to stop paying it over to them, believing that the awards might be binding on Mexico, but could not bind us to aid individuals to swindle another government. This view, which Secretary Blaine ventured upon on his own opinion of justice and duty, has since been confirmed and sustained by a unanimous decision of the Supreme Court.

Meantime, Mexico, that has been spoken of so harshly here to-day, has paid to the last cent the whole $1,170,000 of these shameful awards. You say the State Department knew that it was fraud. Yes, but it did not learn it, nor did the Mexican Government, until after the awards. Then suspicion arose. When the act was passed providing for the distribution of the awards generally, these two claims had already taken so dark and criminal a hue that Congress provided that the President should investigate them and see whether they should be retried; if retried, to hold up the payments. That was in 1878. And President Hayes did so. Secretary Evarts recommended that there should be a further investigation. The matter looked dark and disgraceful, but he did not recommend a new international commission. He might naturally hesitate to create an international commission, but he did not hesitate to recommend that deeper investigation be made. The Houses differed about the way of doing it; delay upon delay ensued. Powerful interests were working to prevent action by Congress that would keep them from the great pile of money lying at the State Department, paid in by Mexico, and for which they were panting. Eminent counsel and powerful friends were enlisted. There were 690,000 reasons for being opposed to having new light thrown upon this miserable and shameful business.

Then in 1888 Mr. Cleveland sent a message urging that these two cases be sent for investigation to the Court of Claims. That is just what this bill does. Mr. Bayard tried to have an investigation by the courts in 1888 under the law of March 3, 1887, but when he tried to get the consent of the claimants they of course declined. So we are no nearer to investigation to-day. Delay upon delay has succeeded.

It is easy to divine the influences. Why, when the subcommittee of the Committee on Foreign Affairs heard this case, I was one of the subcommittee, and we could not find any space for the public, so great was the swarm of counsel and distinguished people who were interested in the claims, and filled that large committee room.

Mr. WILLIAM A. STONE. Will the gentleman permit a question?

Mr. HITT. Certainly.

Mr. WILLIAM A. STONE. I understand that the money which was awarded to these claimants is in possession of this Government, and that this bill proposes to have an inquiry to determine whether the allegation of fraud is founded in fact. If it is proven to be founded in fact, the portion of the money that has not been paid over to the claimants is to be returned to the Mexican Government——

Mr. HITT. That is the bill.

Mr. WILLIAM A. STONE. But if the allegation proves not to be founded on fact, then the balance of the award is to be divided among the claimants in the proportions to which they are entitled?

Mr. HITT. Yes; all that they are entitled to they shall receive.

Mr. WILLIAM A. STONE. Then what objection is there to the passage of this bill, or to the proposed inquiry?

Mr. HITT. None, I think.

Mr. WILLIAM A. STONE. The money is now tied up, is it not?

Mr. HITT. It is.

Mr. WILLIAM A. STONE. Why, then, is not this bill equally as advantageous to the claimants as to the Government, and what is the reason the claimants object to it?

Mr. HITT. The hope of immediate possession by failure of legislation and fear of exposure if this goes to the court.

Mr. WILLIAM A. STONE. But can they get it without some legislation?

Mr. HITT. I am not Secretary of State. [Laughter.] Secretaries have differed. But I think they can not.

Mr. WILLIAM A. STONE. If you were it would not be necessary to pass this bill.

Mr. HITT. A Secretary of State, in view of the doubtful questions of law in these cases, allowed the first payments to be made and handed over to the claimants. Another Secretary of State, not yet justified by the memorable decision of the Supreme Court, stopped these payments. Subsequently the Supreme Court, by Chief-Justice Waite and still later by Chief-Justice Fuller, the court unanimously sustaining him, decided that while the award of the Commission was final and conclusive upon Mexico, as were its findings against us absolutely binding upon the United States, that did not tie up the United States Government in dealing with its own citizens, but if it appeared that this Government had been made the instrument of perpetrating a fraud upon a friendly power, it was not merely its right but its duty to repudiate that action and do what was right.

That was the decision as delivered by the Chief Justice of the Supreme Court.

This bill provides that these stained claims shall be investigated by a court, and if the stain is found to have been, as the gentleman from New York says, unjustly put upon them, it will all be cleared away, for the truth will be brought out, and these claimants will get their money; but if it be found true, as alleged by the Mexican Government, as shown by the testimony taken by the Senate committee, and as appears by the tell-tale press-book which came to light in such a strange, dramatic manner, disclosing all this fraud, and all this invention supplementing it—if it be found that these claims are baseless, then the claimants can not get any more of this money, and the gentlemen who invested $152,000 in the worthless La Abra mine will have to be content with the pitiful $240,000 that they have already "got away with." [Laughter.]

Mr. BOATNER. Is the gentleman able to account for the fact that the Mexican Government permitted a claim of six hundred and odd thousand dollars to be adjudged against them without discovering or putting in any of the evidence which is said to exist and upon which it is now asked that this claim be reopened?

Mr. HITT. That Government did not know of the evidence then. Anyone who is familiar with that Commission knows that it sat when the Mexican Government was in a state of embarrassment and poverty, and that its defenses were prepared with difficulty. On the other hand, the machinery by which these cases were put together was most ingenious. The Weil case was one of the most perfectly artistic structures ever invented by man, and the La Abra case was not negligently put together.

The representatives of the Mexican Government had to go far for testimony. They had to hunt here and there. They had but few counsel. They could not resist the powerful body of concerted and prepared "evidence" that was placed before the Commission. They had to get their counter evidence within a limited time. In the Weil case the clew came from statements made by the conspirators about each other after one died. In the La Abra case the letter book that exposed everything was not found till after the hearing. With reference to this case it was very imperfect, but they took it as soon as possible, on appeal, to Sir Edward Thornton, and he, convinced apparently but unwilling to state broadly that the claim was fraudulent (for he was the umpire), said that the new testimony was excluded by the rule that he could not consider anything that had not been before the Commission.

Mr. HENDERSON of Iowa. Allow me to ask a single question in order to reach an understanding of this matter. As I understand it, those who are in doubt as to the validity of these claims and who would like to have them analyzed and sifted will vote for this bill.

Mr. HITT. Yes, that was the intention of the committee—that there should be a fair and judicial examination of claims which the world believes, which all those who have examined the matter, including committees of both Houses, believe to be thoroughly suspicious, and most of us believe to be thoroughly wicked.

Mr. BLOUNT. Mr. Speaker, I propose in two or three minutes to ask the previous question.

Mr. COVERT. Will the gentleman yield in order to allow me

to submit and have pending an amendment by way of a substitute? I do not propose to occupy further time.

Mr. BLOUNT. I can not yield now.

Mr. Speaker, the gentleman from New York [Mr. COVERT] in his closing speech appealed to this House to stand by the award of this Commission because, as he urged, it is of the very highest importance to establish the principle that awards in such cases are to be regarded as fixed and final. Why, sir, the gentleman would ask us to reverse the whole history of the action of the Government in matters of this kind.

Cases after cases, awards after awards, where the language of the convention was just as strong as that in this case, and almost identical with it, have been attended with fraudulent incidents calculated to make this Republic blush and which induced Congress and the Executive and the courts to make haste to review the decision and correct the error. I trust the time will never come when there will obtain in the American Congress or among the American people a sentiment which will permit the Government of this country to be used by perjurers and robbers for the purpose of enforcing unfair claims against a sister republic.

Why, sir, this letter book which was discovered years after this award had been made and of which the Mexican minister has declared to the Secretary of State that the Mexican Government had no knowledge at the time of the hearing—this letter book, containing the correspondence between the superintendent of the mine and the treasurer and other officers of the company in New York, gives the lie to almost every statement upon which this award was claimed.

I have not time, the House has not time, to go into this question further. A committee of the United States Senate, which was authorized to examine and sift this whole question, brought out a record reeking with the shame of these claimants. It is in the light of this action, and with such testimony as we have before us, that I appeal in behalf of Mexico, in behalf of our own Government, in behalf of common decency and honor, that we shall let this matter go before our own court that the evidence may be examined, and that it may be determined whether this award ought to stand.

Mr. Speaker, I ask the previous question.

Mr. COVERT. I again ask my friend from Georgia to allow the introduction of the substitute which I hold in my hand. It is very brief; and there will be no discussion upon it.

Mr. BLOUNT. Mr. Speaker, desiring to treat my friend with perfect fairness, I consent to his proposition that the amendment be received.

The SPEAKER *pro tempore* (Mr. DOCKERY). The gentleman from Georgia, as the Chair understands, withdraws the demand for the previous question, and yields to the gentleman from New York [Mr. COVERT] for the offering of an amendment.

Mr. COVERT. I offer as a substitute for the pending bill the proposition which I send to the Clerk.

The Clerk read as follows:

Strike out all after the enacting clause and insert the following:

"That the question whether the Mexican Government in its representations to the Government of the United States has made such a case as, upon established principles of public law or equity, jurisprudence and practice, applicable to bills of review or suits to set aside decrees for fraud, requires that the award rendered in favor of La Abra Mining Company by the United States and Mexican Commission under the convention of July 4, 1868, between the United States and Mexico, should be reopened and the original claim reëxamined and decided anew, shall be referred to the Court of Claims of the United States; and all the so-called 'new evidence' submitted by the Mexican Government to the Department of State, together with the record of the claim under the said convention and the testimony taken in the years 1888-1889 by a subcommittee of the Senate Committee on Foreign Relations, as contained in Report No. 2705, parts 1 and 2, Senate, Fiftieth Congress, second session, shall be examined and considered by the said Court in deciding the said question.

"That, in case the said question shall be decided by the said Court in the affirmative, the President of the United States shall then take such proceedings in the matter as may seem to him proper for reopening the said award and reëxamining the original claim; and, in case the said question shall be decided by the said Court in the negative, the funds remaining undistributed to the credit of the said award shall be distributed among the persons entitled thereto."

Mr. BLOUNT. Mr. Speaker, I wish to say that the bill before the House, and for which this substitute is offered, has been most carefully prepared, has been passed by the Senate, and approved by the House Committee; it is almost identical in form with measures heretofore passed in similar cases, and if it be passed it will be a conclusion of this whole matter. I trust the substitute will not be adopted. I renew the demand for the previous question.

The previous question was ordered.

The question being taken on agreeing to the substitute submitted by Mr. COVERT, it was rejected.

The bill was then ordered to a third reading, read the third time, and passed.

On motion of Mr. BLOUNT, a motion to reconsider the last vote was laid on the table.

CLAIM OF BENJAMIN WEIL.

Mr. BLOUNT. I now call up the other bill included in the special order, Senate bill No. 606.

The bill was read as follows:

A bill (S. 606) to amend and enlarge the act approved June 18, 1878, entitled "An act to provide for the distribution of the awards made under the convention between the United States of America and the Republic of Mexico, concluded on the 4th day of July, 1868."

Whereas the Secretary of State, after investigating the charge of fraud presented by the Mexican Government as to the case of Benjamin Weil, has heretofore reported that the "honor of the United States requires" that said case "should be further investigated by the United States, to ascertain whether this Government has been made the means of enforcing upon a friendly power claims of our citizens based upon or exaggerated by fraud," but that "the executive government is not furnished with the means of instituting and pursuing methods of investigation which can coerce the production of evidence or compel the investigation of parties and witnesses," and that "the authority for such an examination must proceed from Congress:" Therefore,

Be it enacted, etc., That in further execution of the purpose of said act of June 18, 1878, the Attorney-General of the United States be, and he is hereby, authorized and directed to bring a suit or suits, in the name of the United States, in the Court of Claims, against Benjamin Weil, or his legal representatives or assigns, to determine whether the award made by the United States and Mexican Mixed Commission in respect to the claim of the said Benjamin Weil was obtained, as to the whole sum included therein or as to any part thereof, by fraud effectuated by means of false swearing, or other false and fraudulent practices on the part of said Benjamin Weil, or his agents, attorneys, or assigns; and, in case it be so determined, to bar and foreclose all claim in law or equity on the part of said Weil, his legal representatives or assigns, to the money, or any such part thereof, received from the Republic of Mexico for or on account of such award; and any defendant to such suit not served with process and who can not be found in the District of Columbia shall be notified and required to appear in such suit by such publication as the court may direct, in accordance with law, as applicable to cases in equity.

SEC. 2. That full jurisdiction is hereby conferred on the Court of Claims to hear and determine such suit, and to make all interlocutory and final decrees therein as the evidence may warrant, according to the principles of equity and justice, and to enforce the same by injunction or any proper final process, and in all respects to proceed in said cause according to law and the rules of said court, so far as the same are applicable. And the Secretary of State shall certify to the said court copies of all proofs admitted by the said Mixed Commission on the original trial of said claim, and the said court shall receive and consider the same in connection with such competent evidence as may be offered by either party to said suit.

SEC. 3. That an appeal from any final decision in such cause to the Supreme Court of the United States may be taken by either party, within ninety days from the rendition of such final decree, under the rules of practice which govern appeals from said court; and the Supreme Court of the United States is hereby authorized to take jurisdiction thereof and decide the same.

SEC. 4. That in case it shall be finally adjudged in said cause, either in the Court of Claims or in the Supreme Court of the United States, that the award made by said Mixed Commission, so far as it relates to the claim of Benjamin Weil, was effectuated by means of fraud, false swearing, or other false and fraudulent practices of said Benjamin Weil, or his assigns, or by their procurement, and that the said Weil, his legal representatives or assigns, be barred and foreclosed of all claim to the money or any part thereof so paid by the Republic of Mexico for or on account of such award, the President of the United States is hereby authorized to return to said Government any money paid by the Government of Mexico on account of said award remaining in the custody of the United States that has not been heretofore distributed to said Benjamin Weil, his legal representatives or assigns, which such court shall decide that such persons are not entitled, in justice and equity, to receive out of said fund.

SEC. 5. That during the pendency of said suit and until the same is decided it shall not be lawful for the Secretary of State to make any further payments out of said fund, on account of said award, to Benjamin Weil, or his legal representatives, attorneys, or assigns; and in case it shall be finally adjudged in said cause, either in the Court of Claims or in the Supreme Court of the United States, that the award made by said Mixed Commission, so far as it relates to the claim of Benjamin Weil, or any definable and severable part thereof, was not obtained through fraud as aforesaid, then the Secretary of State shall proceed to distribute so much of the said award as shall be found not so obtained through fraud, or the proceeds thereof remaining for distribution, if any, to the persons entitled thereto.

Mr. BLOUNT. I yield to the gentleman from California [Mr. GEARY] who reported this bill.

Mr. GEARY. Mr. Speaker, I do not think any argument is needed in support of this bill. This claim is worse than the other, because the testimony taken in the case shows that, while the claim was for a large quantity of cotton, the claimant never had any cotton at the time referred to; in other words, that the whole case was a fabrication. I move the previous question.

The previous question was ordered; and under the operation thereof the bill was ordered to a third reading, read the third time, and passed.

On motion of Mr. GEARY a motion to reconsider the last vote was laid on the table.

BRIDGE ACROSS THE HUDSON RIVER.

Mr. COVERT. Mr. Speaker, I ask unanimous consent to introduce at this time memorials from bankers, railroad presidents, and business men of New York, in relation to the construction of a bridge across the Hudson River, and also ask that the memorial be printed in the RECORD.

The SPEAKER *pro tempore* (Mr. DOCKERY). Is there objection to the request of the gentleman from New York?

Mr. BUCHANAN of New Jersey. Are the petitions long enough to reach across the river?

Mr. COVERT. No, sir; they are quite brief.

The SPEAKER *pro tempore*. Does the gentleman from New York desire to have the names printed with the petitions?

Mr. COVERT. Yes, sir.

The SPEAKER *pro tempore*. In the absence of objection the request of the gentleman from New York will be considered as granted.

There was no objection.

The petitions are as follows:

Memorial of bankers and presidents of railroads.

To the honorable Senate and House of Representatives of the United States:

GENTLEMEN: The undersigned, bankers and business men residing or doing business in the city of New York, respectfully represent that we are informed that there is pending before Congress a bill introduced in the Senate of the United States by the Hon. JOSEPH C. S. BLACKBURN, Senator from Kentucky, entitled "A bill to authorize the New York and New Jersey Bridge Companies to construct and maintain a bridge across the Hudson River between New York City and the State of New Jersey," being Senate bill No. 2626, and a bill introduced in the House of Representatives of the United States by the Hon. JAMES W. COVERT, of New York, entitled in the same manner, being House of Representatives bill No. 7585,

We are informed that the subject of these bills is to give the consent of Congress to the bridging of the Hudson River at New York City by the New York and New Jersey Bridge Companies of New York and New Jersey, corporations given full power to do so under the legislation of the States of New York and New Jersey.

The Legislatures of the two States having determined the propriety and necessity of such bridge over the waters separating them, all that is asked for is the exercise by Congress, as a matter of comity, of a power given under the Constitution, and which has been granted in over two hundred instances during the course of the Forty-ninth, Fiftieth, and Fifty-first Congresses.

To add a route or a railroad is to increase commerce.

The Brooklyn Bridge has been of incalculable benefit.

Millions of people annually cross the Hudson River, suffering and complaining under the annoyances and delays of ferry travel.

Freight to the amount of millions of tons annually moving from the North, West, and South to New York and New England is compelled to be towed on flatboats across the river or aroun i the island at a great disadvantage. This bridge will give unbroken wheel communication for this enormous volume of traffic to and from all parts of the country.

As business men of said city we consider the building of this bridge of the greatest importance and benefit not only to this section but to the whole country, and respectfully petition that said bill receive the approval of your honorable bodies. And your petitioners will ever pray.

George S. Coe, 128 Broadway; Arthur Leary, 90 Fifty avenue; Ebenezer W. Wright, 172 West Fifty-eighth street; George S. Hickock, 214 Broadway; Wm. Dowd, 25 Nassau street; Warner Van Norden, 25 Nassau street; Jas. T. Woodard, 11 Nassau street; James Stillman, 52 Wall street; Andrew Mills, 50 Wall street; Joseph F. Blout, 202 Fifth avenue; Eugene Dutilh, 49 Wall street; R. Bayles, 81 Fulton street; G. Montague, 190 Fifth avenue; F. M. Breese, Fourtenth street and Eighth avenue; A. E. Colson, 1232 Broadway; Jno. B. Woodard, 26 Nassau street; Jas. E. Granniss, 291 Broadway; C. G. Williams, 270 Broadway; Thos. C. Acton, Thirty-ninth street and Broadway; J. Edward Simmons, 14 Nassau street; F. D. Tappen, 36 Wall street; D. C. Hays, 40 Wall street; C. V. Banta, 42 Wall street; R. M. Galloway, 42 Wall street; E. W. Pullen, 2 Wall street; John McAnerney, 184 Broadway; Edmund D. Randolph, 7 Nassau street; Wm. H. Carter, 15 Nassau street; Geo. M. Hall, 192 Broadway; H. P. Doremus, 192 Broadway; John M. Fry, 48 Wall street; H. P. De Graff, 62 Bowery; C. W. Starkey, 122 Bowery; E. C. Shaefer, 115 Bowery; Robert Schell, 29 Union Square; Frederick Wagner, 8 Union Square; Francis L. Wine, 23 Astor Place; M. J. Adrian; G. G. Brinckerhoff, 124 Bowery; F. A. Palmer; A. S. Apgar, 257 Broadway; W. S. Strong, 320 Broadway; W. H. Oakley, 401 Broadway; Charles B. Fosdick, 88 Gold street; D. B. Halstead, 136 Chambers street; J. K. Cilley, 407 Broadway; Antonio Rasines, 206 Canal street; Charles Jenkins, 682 Broadway; William A. Darling, 760 Third avenue; E. C. Hinckley, 2007 Third avenue; Charles W. Bogart, 2771 Third avenue; Isaac Anderson, 153 East One hundred and twenty-fifth street; Jos. M. De Veau, 85 East One hundred and twenty-fifth street; David F. Porter, 143 West One hundred and twenty-first street; H. C. Copeland, 962 Eighth avenue; Walter Westervelt, 481 Eighth avenue; E. Stephenson, 303 West Forty-second street; John Loughran; Richard Kelley, 300 Third avenue; Samuel H. Rathbonne, 953 Third avenue; T. R. Manners, 489 Grand street; J. H. Rosenbaum, 296 Grand street; F. E. Pitkin, 87 Hudson street; Charles H. Paul, 356 West Fourteenth street; Jos. Fox, 501 Fifth avenue; A. S. Frissell, 530 Fifth avenue; Thomas P. Fowler, president New York, Ohio and Western Railroad Company, 56 Beaver street; John King, president New York, Lake Erie and Western Railroad Company; Samuel Sloan, Delaware, Lackawanna and Western Railroad Company; R. S. Hayes, president New York and Northern Railroad; F. K. Hain, 71 Broadway; Charles M. Vail, 168 Chambers street; Evan Thomas, president Produce Exchange, 426 Produce Exchange; A. E. Orr, Produce Exchange Building.

Memorial of merchants, bankers, and members of the Produce and Cotton Exchange.

To the honorable the Senate and House of Representatives of the United States:

GENTLEMEN: The undersigned, bankers and business men residing or doing business in the city of New York, respectfully represent that we are informed that there is pending before Congress a bill, introduced in the Senate of the United States by Hon. JOSEPH C. S. BLACKBURN, Senator from Kentucky, entitled "A bill to authorize the New York and New Jersey Bridge Companies to construct and maintain a bridge across the Hudson River between New York City and the State of New Jersey," being Senate bill No. 2626, and a bill introduced in the House of Representatives of the United States by the Hon. JAMES W. COVERT of New York, entitled in the same manner, being House of Representatives bill No. 7585.

We are informed that the object of these bills is to give the consent of Congress to the bridging of the Hudson River at New York City by the New York and New Jersey Bridge Companies, of New York and New Jersey, corporations given full power so to do under the legislation of the States of New York and New Jersey.

The Legislatures of the two States having determined the propriety and necessity of such bridge over the waters separating them, all that is asked for is the exercise by Congress, as a matter of comity, of a power given under the Constitution, and which has been granted in over two hundred instances during the course of the Forty-ninth, Fiftieth, and Fifty-first Congresses.

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Millions of people annually cross the Hudson River, suffering and complaining under the annoyances and delays of ferry travel.

Freight to the amount of millions of tons annually moving from the North, West, and South to New York and to New England is compelled to be towed on flatboats across the river or around the island at a great disadvantage. This bridge will give unbroken wheel communication for this enormous volume of traffic to and from all parts of the country.

As business men of said city we consider the building of this bridge of the greatest importance and benefit, not only to this section, but to the whole country, and respectfully petition that said bill receive the approval of your honorable bodies. And your petitioners will ever pray.

Evan Thomas, Produce Exchange; A. H. Kepper, 426 Produce Exchange; Jas. H. Gibney, New York Produce Exchange; Wetthire B. Thomas, New York Produce Exchange; A. J. Ahern, 20 South street; Jas. W. Raynor, 419 Produce Exchange; Ernest M. Munn, 412–414 Produce Exchange; Wm. L. Watson, 410 Produce Exchange; Fredk. F. Lockwood, 460 Produce Exchange; Francis E. Pinto, 459 Produce Exchange; Louis Strauss, Produce Exchange; E. L. Gridley, 454 Produce Exchange; Wells Finch, 505 Produce Exchange; Grenville Perrin, 457 Produce Exchange; E. S. Whitman, 202 Produce Exchange; J. B. Carberry, 220 Produce Exchange; J. H. Pratty, attorney, 322 Produce Exchange; P. R. Robinson, 322 Produce Exchange; S. A. Wadiet, 323 Produce Exchange; G. M. Popham, 323 Produce Exchange; Geo. L. Lyon, 323 Produce Exchange; Chas. F. Buxton, 329 Produce Exchange; Chas. C. Fuller, 337 Produce Exchange; S. B. Low, 342 Produce Exchange; Wm. Jarot, 342 Produce Exchange; Wm. S. Hallett, 342 Produce Exchange; Valentine Bros., 345 Produce Exchange; Paul Worth, 350 Produce Exchange; W. W. Mott, 350 Produce Exchange; Edwd. W. Hickcox, 350 Produce Exchange; Janvier Le Due, 351 Produce Exchange; Jas. S. Wood, 351 Produce Exchange; Walter Brad, 351 Produce Exchange; Henry Fisher, 359 Produce Exchange; J. L. Roe, 360 Produce Exchange; Otto Newstadt, 358 Produce Exchange; G. T. Van Duzen, 356 Produce Exchange; Jno. M. McIntyre, 216 Produce Exchange; Consider Parrish, Produce Exchange; James H. Welch & Co., Produce Exchange; C. E. Bennett, Produce Exchange; J. O. Wade, Produce Exchange; George W. Smith, Produce Exchange; Geo. W. Collord, Produce Exchange; F. Woodruff, 218 Produce Exchange; W. P. Callaghan, 219 Produce Exchange; Wm. Knight, 219 Produce Exchange; Dan'l T. Wade, 220 Produce Exchange; C. S. Hallett, 220 Produce Exchange; H. T. Finch, 221 Produce Exchange; James R. Turner, 222 Produce Exchange; James M. Martin, 223 Produce Exchange; John B. Nayton, 223 Produce Exchange; Edwin L. Adams, 212 Produce Exchange; S. Taylor, jr., 212 Produce Exchange; McIntyre Wardwell, 212 Produce Exchange; John Duryea, 225 Produce Exchange; F. K. Fox, 225 Produce Exchange; S. K. Lauer, 225 Produce Exchange; T. M. Hyatt, 225 Produce Exchange; Jno. F. Shaw, 225 Produce Exchange; R. L. Dicks, 225 Produce Exchange; Wm. P. Cook, 226 Produce Exchange; L. W. Forbell, 227 Produce Exchange; Perkins & Co., 228 Produce Exchange.

Franklin Edson, 433 Produce Exchange; John T. Truesnet, 427 Produce Exchange; F. Alcott, 430 Produce Exchange; David S. White, 428 Produce Exchange; Benjamin Logan, 124 Produce Exchange; W. T Irwin, 124 Produce Exchange; Wm. E. Fergueson, 127 Produce Exchange; Edw. M. Timmins, 127 Produce Exchange; Wm. W. Avery, 127 Produce Exchange; Robert Bantry, 127 Produce Exchange; Fred L. Herbert, 117 Produce Exchange; F. M. Carney, 116 Produce Exchange; I. W. Nightengale, 110 Produce Exchange; I. H. Emanuel, 111 Produce Exchange; J. J. Gantzer, 111 Produce Exchange; R. L. Scoles, 111 Produce Exchange; F. E. Knuland, 104 Produce Exchange; W. J. Finn, 103 Produce Exchange; Geo. D. Puffer, 101 Produce Exchange; Wm. Underwood, 101 Produce Exchange; E. G. Burgess, 101 Produce Exchange; F. T. Eldridge, 101 Produce Exchange; Jas. E. Hayneb, 127 Produce Exchange; Franklin Quinby, 114 Produce Exchange; Edwd. C. Rice, 114 Produce Exchange; Edwd. Bailey, 114 Produce Exchange; Reuben Anderson, jr., 115 Produce Exchange; Edwd. Broughan, 120 Produce Exchange; J. F. Fenby, 120 Produce Exchange; Geo. L. Stebbins, 150 Produce Exchange; R. T. Murray, 349 Produce Exchange; C. G. Schofield, 354 Produce Exchange; W. Hamilton, 357 Produce Exchange; E. Meyers, 436 Produce Exchange; R. H. Parks, 435 Produce Exchange; Pistehard M. Zouskey, 435 Produce Exchange; A. D. Fisse, 502 Produce Exchange; N. H. Wolfe, 1 State street; Wm. H. Freeman, 501 Produce Exchange; Jas. M. Benham, 445 Produce Exchange; Joseph C. Willetts, 69 Cotton Exchange; Edward Hincken, 3 William street; J. W. Ahles, 284 Stone street; Louis I. Van Alstyne, 52 Produce Exchange; Samuel Goodhue, 2-4 Stone street; L. B. Howe, Produce Exchange; R. O. Sherwood, 333 Produce Exchange; W. C. Hawk, Jas. B. Mount, 126 Franklin street; J. H. Moore, Produce Exchange; H. H. Moore, Produce Exchange; D. S. Jones, 15 Whitehall street; Geo. W. Copeland, 44 Water street; L. E. Roberts, 416 Produce Exchange; A. L. Holmes, 90 Broad street; Wm. Cochran, 45 Front street; W. H. Jones, 95 Broad street; D. A. Eldredge, 95 Broad street; S. B. Joseph, 434 Produce Exchange; John C. Klatzi, 11 Moore street; Milton B. Phillips, 15 Whitehall street; Warren H. Houghton, 29 Moore street; A. R. Bradley, 71 Murray street; John Magor, sr., 408 Produce Exchange; M. R. Halladay, 337 Produce Exchange; F. J. Conorer, 48 Pearl street; W. R. Clarkson, 5 South street; T. E. Stanley, 19 Whitehall street; E. R. Freeman, 24 State street; Jas. L. James, 511 West Twentieth street; Chas. A. Barner, 2-4 Stone street; E. B. Freman, jr., 46 Front street; J. E. Davidson, 46 Front street; Wilbur Baker, Produce Exchange; A. F. Roberts, 21 State street; Chas. Muns, 55 North Moore street; Charles L. Weeks, 4 State street; W. H. Fleeman, Brooklyn and New York; E. B. Houghton, 95 Broad street; Chas. A. Morse, Produce Exchange; Chas. F. Berg, 118 Kemble Building.

Wm. H. Donaldson, 104 Kemble Building; J. M. Hawkins, Produce Exchange; Isaac T. Frost, 305 Madison avenue, New York; Jacob C. Ott, 229 East Fourteenth street, New York; C. C. Sweet, Produce Exchange; John R. Doscher, 163 West street, New York; J. Lathrop, jr., 15 Whitehall street; F. L. Youmans, 67 Broad street; A. G. Foomly, 95 Broad street; Samuel Bauer, 55 Front street; W. O. Meyer, 65 Dey street; W. Wallace, jr., 48 Pearl street; G. P. Moller, 95 Broad street; W. M. Ellsworth, 20 South street; W. B. Shotwell, 29 Whitehall street; G. B.

Morrison, Mount Clair, N. J.; G. C. Halstead, 75 Pearl street; W. H. Bromley, 224 Produce Exchange; A. P. Donovan, 25 Whitehall street; Sweeting Miles, 54 West street; A. H. Cropsey, 88 Kent avenue, Brooklyn; Daniel B. Smith, 74 Warren street; W. H. Smith, 110 Pavonia avenue; W. M. Manwaring, 248-250 Front street; P. Leneret & Bro., 306 West street; J. L. Crams, 78-80 Beech street; E. B. Robinson, 38 Water street; W. Straus, 4 South street; Horace Ingersoll, 640 West Thirty-fourth street; Henry Dusenbery, 90 West street; Jesse B. Young, Thirty-fourth street and Eleventh avenue; John Ferguson, New York Produce Exchange; C. E. McLauren, New York Produce Exchange; D. B. Mangam & Co., 93 Broad street; A. P. Rutay, 108 West One hundred and third street; P. C. Bloom, 74 Cortland street; W. C. Meyer, 91 West street; F. A. McKoom, 4 South street; David W. Manwaring, 248-250 Front street; Andrew Spence, jr., 137 Reade street; W. Will Merrill, 419 Produce Exchange; J. S. Brewster, 74 Beaver street; John Goggin, 437 Produce Exchange; Bernard Cockee, 411 Produce Exchange; Wm. Bell, commission merchant, Produce Exchange; H. R. Tifft, commission merchant, Produce Exchange; A. H. Tifft, commission merchant, Produce Exchange; I. F. Whipple, New York; M. R. Couley, New York; W. A. Stagg, New York; Richard Sim, New York; Chas. H. Clayton, New York; Geo. F. Nesbitt & Co., New York; Charles W. Beebee, New York; Schroeder H. Bunn, New York; William G. Moffett, New York; S. Berendwher, New York; N. A. Boynton, New York; Barclay & Co., New York; Abm. Allard, jr., Brooklyn; J. A. Boylan, Orange; Thomas A. Perkins, Brooklyn; B. Mumm, Brooklyn; James F. Wenman, New York; Edward R. Powers, New York; Phd. Liedenburg, New York; Otto Magner, New York; James O. Bloss, New York; J. S. Gwathnay, New York; R. P. McDougal, New York; George W. Bailey, New York; Henry Hunter & Co., New York; A. Norden & Co., New York; C. Mayhoff; Frank I. Speck, New York; A. H. Papa, New York; S. F. Russell, jr., New York; John F. Black, New York; William W. Wendler, New York.

Peter Hodge, New York; D. Lehman, New York; William E. Smith, New York; R. H. Rountree & Co., Cotton Exchange; Frederick H. Wills, Cotton Exchange; Thos. Halbert, Cotton Exchange; K. Mcissuce, Cotton Exchange; J. M. Kimbland, Cotton Exchange; Fred. J. Stokes, Cotton Exchange; Ambrose F. McCabe, Cotton Exchange; Oscar F. Heath, 97-99 Water street; Oscar F. Morton, Cotton Exchange; Alfred B. Shepperson, Cotton Exchange; Lorenzo & Cello, Cotton Exchange; Herman E. Ruebsame, Cotton Exchange; Kenneth Hugh Ferguson, Cotton Exchange; J. Campbell Thompson, Cotton Exchange; A. P. Ketchum, Cotton Exchange; Mumfehy & McCormack, Cotton Exchange; P. Catchin & Co., Delmonico Building; E. O. Gavette, 61 Broadway, New York; E. H. Ebbets, 61 Broadway, New York; Leggatt Bros., 81 Chambers street; John Gulitte & Bro., 75 Chambers street; H. S. Dewey & Askew, 98 Reade street; Kearney, Foot & Co, 100-102 Reade street; A. D. Rohrer, 106-108 Reade street.

E. H. Kidder, 10 Warren street; O. H. Wilmarth, 40 Nassau street; C. A. Sturia, 81 New street; Geo. Farquhar & Sons, 31 New street; Geo. K. Heyl, 26 Broadway; John F. Gibbons, 26 Broadway; Wm. E. Fisk, 26 Broadway; Anderson E. Barr, 439 Produce Exchange; Isaac B. Mills, 19 Whitehall street; Charles H. Gastle, 48 Broad street; Wm. Capleas, 15 Whitehall street; John G. Robbins, 15 Whitehall street; S. F. Jenkins, 74 Wall street; W. S. Benson, 12 Broadway; A. D. Burton, 12 Broadway; Sam. F. Brown, 12 Broadway; J. Tenkuile, 33 Broadway; Hugo C. Menzel, jr., 54 Beaver street; Saml. St. Dollard, Exchange Place, Post B; G. E. Sathelo, 195 Broadway; Wm. M. Washington, 145 Broadway; Chas. E. Clarke, 145 Broadway; J. J. Maguire, 145 Broadway; Wm. H. Mallon, 145 Broadway; Albert Cromwell, 52 Broadway; J. C. Saxton, 52 Broadway; L. L. Ellsworth, 52 Broadway.

P. S. Swain, 52 Broadway; Michl. Egolf, 61 Broadway; N. L. Newcomb, 61 Broadway; Geo. F. Holton, 61 Broadway; John W. Russell, 200 Broadway; Dennison Manufacturing Company, 198 Broadway; H. Cotter, 198 Broadway; H. H. Todd, 198 Broadway; D. Tomkins, 198 Broadway; E. H. Bouton, 198 Broadway; W. B. Woberemachn, 198 Broadway; D. W. Sayre, 198 Broadway; E. W. Ketcham, 198 Broadway; J. W. Ackerman, 198 Broadway; Thos. Greason, 198 Broadway; Jas. J. Davis, 198 Broadway; H. J. Hildebrand, 198 Broadway; Frank O. Benerman, 198 Broadway; Geo. A. Schaeffer, 198 Broadway; B. F. Snow, 198 Broadway; E. L. Hayes, 198 Broadway; Hegeman & Co., 198 Broadway; Humphrey Medical Company, 111-113 William street; John W. Carter, New York; George Mellett, 81 New street, New York; Henry Dawson, 54 New street, New York; William T. Meredith, Dowd Building.

Hatch & Foot, 7 Pine street; Sidney Gale, 11 Pine street; Cammams & Co., 11 Pine street; Donald Mackay, 16-18 Nassau street; L. A. Fish, 16 Nassau street; H. Amyer, 31 Nassau street; Henry Clews & Co., 15 Broad street; Boody, McLellan & Co., 57 Broadway; A. S. Hatch, 15 Cortland street; Henry Plugger, 15 Whitehall street; C. C. Abel, 15 Whitehall street; Louis Monjo, 15 Whitehall street; W. H. Wand, 15 Whitehall street; S. W. Shone, 15 Whitehall street; C. J. Bradist, 15 Whitehall street.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCOOK, its Secretary, announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 1549) providing for the public printing and binding and the distribution of public documents, had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. MANDERSON, Mr. HAWLEY, and Mr. GORMAN as the conferees on the part of the Senate.

It also announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 2625) to provide for the punishment of offenses on the high seas; and

A bill (S. 3184) to provide for allotments to Indians on White Earth Reservation, in Minnesota.

ENROLLED BILLS SIGNED.

Mr. SCOTT, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 139) terminating the reduction in the numbers of the Engineer Corps of the Navy;

A bill (S. 1940) for the relief of R. B. Woodson; and

A bill (S. 2612) granting a pension to Tendoy, chief of the Bannocks, Shoshones, and Sheepeaters tribe of Indians.

SUPPLEMENTAL REPORT, TIMBER-CULTURE ACT.

The SPEAKER *pro tempore*. The gentleman from South Dakota [Mr. PICKLER] asks unanimous consent that the Committee of the Whole House on the state of the Union be discharged from the further consideration of the supplemental report on the bill (H. R. 7691) to amend an act entitled "An act to repeal the timber-culture laws," and that the same be referred to the House Calendar. If there be no objection, the order will be made.

There was no objection.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. COWLES, indefinitely, on account of important business.

And then, on motion of Mr. KILGORE (at 3 o'clock and 46 minutes p. m.), the House adjourned.

BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. CAMPBELL: A bill (H. R. 9850) regulating the sale of intoxicating liquors in the District of Columbia—to the Committee on the District of Columbia.

By Mr. PEEL: A bill (H. R. 9851) to exempt the counties of Benton, Boone, Carroll, Newton, Washington, Marion, Baxter, Izard, and Fulton, in the State of Arkansas, from quarantine regulations—to the Committee on Agriculture.

By Mr. HERMANN (by request): A bill (H. R. 9852) to provide for a final settlement with the Nehalem band of the Tillamook tribe of Indians of Oregon, in accordance with a certain agreement between the United States and the said Indians, dated the 6th day of August, 1851—to the Committee on Indian Affairs.

By Mr. HARTER: A joint resolution (H. Res. 169) extending the powers of the United States Government Exhibit Board—to the Select Committee on the Columbian Exposition.

By Mr. BULLOCK: A concurrent resolution calling on the Secretary of War to ascertain and report the present condition of Fernandina Harbor, Florida—to the Committee on Rivers and Harbors.

By Mr. CULBERSON: A resolution to fix a day for the consideration of bills reported from the Committee on the Judiciary—to the Committee on Rules.

By Mr. BRECKINRIDGE of Arkansas: A resolution directing the Committee on Ways and Means and the Committee on Appropriations to inquire into the condition of the Treasury and the form of debt statement—to the Committee on Rules.

By Mr. ENLOE: A resolution setting apart Tuesday, December 20, 1892, for the consideration of the report from the Special Committee on Management of the Pension Bureau—to the Committee on Rules.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XII, private bills of the following titles were presented and referred as indicated below:

By Mr. BARWIG: A bill (H. R. 9853) for the relief of Elmina A. Dewry, widow of Warren H. Dewry, formerly private in Company B, First Regiment Mounted Riflemen, United States Army—to the Committee on Pensions.

By Mr. BELTZHOOVER: A bill (H. R. 9854) granting a pension to William O. Lyman—to the Committee on Invalid Pensions.

By Mr. CARUTH: A bill (H. R. 9855) for the allowance of certain claims for stores and supplies, etc.—to the Committee on War Claims.

By Mr. COX of Tennessee: A bill (H. R. 9856) for the relief of William M. Anderson—to the Committee on Military Affairs.

By Mr. CROSBY: A bill (H. R. 9857) for the relief of Josiah Pickett—to the Committee on the Post-Office and Post-Roads.

By Mr. ENOCHS: A bill (H. R. 9858) for the relief of John McMahan for services in the Mexican war as a volunteer from Ohio in that war—to the Committee on Pensions.

By Mr. GEARY: A bill (H. R. 9859) granting a pension to John York, of the California Volunteers, in the war with Mexico—to the Committee on Pensions.

Also, a bill (H. R. 9860) for the relief of James Joyes, late

lieutenant, United States Army—to the Committee on Military Affairs.

By Mr. GROUT: A bill (H. R. 9861) granting a pension to Pasiphae J. Howe—to the Committee on Invalid Pensions.

By Mr. HENDERSON of Iowa: A bill (H. R. 9862) for the relief of George W. Jones—to the Committee on Foreign Affairs.

By Mr. O'NEILL of Pennsylvania: A bill (H. R. 9863) for the relief of Merrick & Son—to the Committee on War Claims.

By Mr. PAGE: A bill (H. R. 9864) granting a pension to Margaret McTighe, mother of Michael McTighe, alias John Smith, late boatswain's mate on the United States ship C. P. Williams—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9865) granting a pension to Isabella Powers, widow of William Powers, late of Company C, Seventh Regiment Massachusetts Infantry Volunteers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9866) to correct the military record of John M. Knowles, Company D, First Rhode Island Cavalry—to the Committee on Military Affairs.

By Mr. SCOTT: A bill (H. R. 9867) for the relief of Moses M. Longley—to the Committee on Military Affairs.

By Mr. STUMP: A bill (H. R. 9868) for the relief of Thomas Buckingham—to the Committee on Invalid Pensions.

By Mr. STORER: A bill (H. R. 9869) to remove the charge of desertion from the record of Nelson Barrett—to the Committee on Military Affairs.

By Mr. STONE of Kentucky: A bill (H. R. 9870) for the relief of Mrs. Artilla Hoppers—to the Committee on Pensions.

By Mr. TERRY: A bill (H. R. 9871) to grant a pension to Ira Tritt, teamster, Quartermaster's Department, United States Army, 1846—to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk, and referred as follows:

By Mr. BURROWS: Petition of William Trumble, for honorable discharge—to the Committee on Military Affairs.

By Mr. BUCHANAN of New Jersey: Resolution of the New Jersey Christian Endeavor Union, in favor of closing the World's Fair on the Sabbath—to the Select Committee on the Columbian Exposition.

Also, petition of the Synod of New Jersey Presbyterian Church, in favor of Sunday closing of the World's Exposition—to the Select Committee on the Columbian Exposition.

Also, petition of Democratic voters of Summit, N. J., against free silver—to the Committee on Coinage, Weights, and Measures.

By Mr. CLARK of Wyoming: Protest of A. A. McGuire, Mrs. H. Rogers, and 7 others, protesting against Sunday legislation in connection with the World's Columbian Exposition—to the Select Committee on the Columbian Exposition.

By Mr. DALZELL: Protest of the Referee Bureau and of the American Sabbath Union of Pittsburg, Pa., against opening the World's Fair on the Sabbath—to the Select Committee on the Columbian Exposition.

Also, protest of the Sunday school class of Eighth Street Reformed Presbyterian Church of Pittsburg, Pa., against opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. ENOCHS: Petition of Charles B. Taylor and others, against the repeal of the law closing the World's Fair on Sundays—to the Select Committee on the Columbian Exposition.

By Mr. FELLOWS: Petition of the Young People's Society of Christian Endeavor, to continue in force the law to close the World's Columbian Exposition on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. GEARY: Petition of James Joyes, asking to be placed on the retired list as first lieutenant—to the Committee on Military Affairs.

By Mr. HARTER: Petition of Dr. Theodore Sterling and others, for the adoption of the metric system—to the Committee on Coinage, Weights, and Measures.

By Mr. JOHNSON of Indiana: Petition of W. E. Driscott and other physicians of Muncie, Delaware County, Ind., asking Congress to make appropriations for the Pan-American Medical Congress—to the Committee on Appropriations.

By Mr. KEM: Papers to accompany bill granting a pension to I. D. Gregg, of St. Paul, Nebr.—to the Committee on Invalid Pensions.

By Mr. MORSE: Memorial of the Boston Chamber of Commerce against the passage of the Hatch antioption bill—to the Committee on Agriculture.

By Mr. O'FERRALL: Petition of Norfolk and Portsmouth Cotton Exchange, against the passage of the Hatch antioption bill—to the Committee on Agriculture.

By Mr. PEEL: Memorial of the Choctaw Nation through the delegate for an appropriation of arrears of interest on Choctaw orphan reservation fund—to the Committee on Indian Affairs.

By Mr. SIPE: Resolutions of the Young People's Christian Union of Taylorstown, Pa., commending Congress for closing the Columbian Exposition on Sunday, and for the passage of the anti-lottery law, etc.—to the Committee on the Post-Office and Post-Roads.

By Mr. CHARLES W. STONE: Petition of Waterloo Grange, No. 448, of Pennsylvania, in favor of free-mail delivery in rural districts—to the Committee on the Post-Office and Post-Roads.

By Mr. STORER: Petition of T. K. Galloway and sundry citizens of Montgomery, Ohio, for restriction of immigration, closing the Columbian Exposition on Sunday, and other objects—to the Select Committee on the Columbian Exposition.

By Mr. TERRY (by request): Petition of colored citizens of Little Rock, Ark., asking that the Board of Managers of the World's Columbian Exposition collect and compile statistics pertaining to the moral, industrial, and intellectual development of colored people from January, 1863, to January, 1893—to the Select Committee on the Columbian Exposition.

By Mr. TOWNSEND: Evidence and papers in claim of Edward Bell, late Company L, Tenth Regiment Illinois Cavalry Volunteers—to the Committee on Invalid Pensions.

By Mr. WARNER: Petition of certain citizens of New York for repeal of the Geary bill, etc.—to the Select Committee on Immigration and Naturalization.

By Mr. WHEELER of Michigan: Petition of the survivors of the First Regiment of Michigan Sharpshooters, in reference to Confederate flag of Thirty-fifth Regiment of North Carolina Infantry—to the Committee on Military Affairs.

Also, petition of L. W. Willett and others, concerning the pension claim of Franklin Wright and Joseph L. Ashalter—to the Committee on Invalid Pensions.

Also, petition of Henry Wittie Post, Grand Army Republic, concerning the pension claim of Franklin Wright and Joseph L. Ashalter—to the Committee on Invalid Pensions.

SENATE.

WEDNESDAY, *December 14, 1892.*

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

PRESIDENTIAL ELECTORS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of State, transmitting, in pursuance of the provisions of the act of Congress approved February 3, 1887, a certified copy of the final ascertainment of the electors for President and Vice-President appointed in the State of Florida at the election held therein on the 8th of November, 1892, as certified to him by the governor of that State; which, with the accompanying papers, was ordered to lie on the table.

SCHOOLS OF THE DISTRICT OF COLUMBIA.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, in accordance with law, a report of the Commissioner of Education on the schools of the District of Columbia as respects their organization, efficiency, methods, and cost, etc.; which was read.

Mr. COCKRELL. I move that the communication, with the accompanying papers, be printed, and referred to the Committee on Appropriations. I think the provision of law referred to was inserted in an appropriation bill.

The motion was agreed to.

INTRODUCTION OF CHOLERA.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the Senate of the 12th instant, a copy of a communication made to the Philadelphia Board of Health, concerning the suspension of immigration during the existence of cholera in Europe, by the port physician at Philadelphia, Pa., December 5, 1892; which, with the accompanying papers, was referred to the Committee on Immigration, and ordered to be printed.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented memorials of the New York Mercantile Exchange and of T. B. Stewart, jr., of Campobello, S. C., remonstrating against the passage of the Washburn-Hatch antioption bill; which were ordered to lie on the table.

Mr. HARRIS presented the petition of Napoleon Hill and other cotton factors and merchants of Memphis, Tenn., praying for the passage of the Washburn-Hatch antioption bill; which was ordered to lie on the table.

Mr. WILSON presented a petition of the Board of Managers of the National Temperance Association, praying that the sale of intoxicating liquors be prohibited on the grounds of the World's Columbian Exposition; which was referred to the Committee on the Quadro-Centennial (Select).

Mr. PADDOCK presented the petition of John J. Mitchell, of New York City, praying for the speedy passage of the bill limiting to $100 the amount of wearing apparel that may be imported free of duty; which was referred to the Committee on Finance.

He also presented a petition of the National Grange, Patrons of Husbandry, of Washington, D. C., praying for the speedy passage of the Washburn-Hatch antioption bill; which was ordered to lie on the table.

He also presented the petition of William O. McDowell, of Newark, N. J., praying for the passage of such legislation as will so amend the election laws as to extend the franchise to those 18 years of age and older; which was referred to the Committee on Privileges and Elections.

Mr. JONES of Arkansas presented the memorial of R. A. Little and other citizens of Little Rock, Ark., remonstrating against the passage of the Washburn-Hatch antioption bill; which was ordered to lie on the table.

Mr. HAWLEY presented petitions of the Journeymen Tailors' Unions of New Haven, Danbury, and Hartford, all in the State of Connecticut, praying for the passage of House bill 8535, limiting the free entry of wearing apparel of foreign manufacture; which were referred to the Committee on Finance.

REPORTS OF COMMITTEES.

Mr. VILAS. I am directed by the Committee on Claims, to whom was referred the bill (H. R. 3804) to confer jurisdiction upon the Court of Claims to hear and determine the claim of David Ryan against the United States, to submit an adverse report thereon.

Mr. COCKRELL. Let the bill go on the Calendar until we can have an opportunity to look at it.

The VICE-PRESIDENT. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. DAWES, from the Committee on Indian Affairs, to whom was referred the bill (S. 3146) authorizing the removal of the Indians of the Papago or Gila Bend Reservation in Maricopa County, Ariz., to the Papago Reservation in Pima County, or to one of the Pima and Maricopa Reservations known as the Gila River and Salt River Indian Reservations, reported it with amendments.

Mr. McPHERSON, from the Committee on Naval Affairs, to whom was referred the bill (H. R. 8760) to provide for the sale of navy-yard lands in the city of Brooklyn, reported it without amendment.

BILL RECOMMITTED.

Mr. PEFFER. A week ago to-day, by direction of the Committee on Claims, I presented an adverse report on the bill (S. 1447) for the relief of Secor & Co., Perine, Secor & Co., and the executors of Zeno Secor. The bill was placed on the Calendar with the adverse report. Upon further consideration I ask that the report, the bill, and the accompanying papers may be recommitted to the committee for further consideration.

The VICE-PRESIDENT. The bill will be recommitted if there be no objection. The Chair hears none.

BILLS INTRODUCED.

Mr. VEST introduced a bill (S. 3582) for the relief of Robert McGee; which was read twice by its title, and, with the accompanying papers, referred to the Select Committee on Indian Depredations.

Mr. PADDOCK introduced a bill (S. 3583) to place John F. Adams on the pension roll; which was read twice by its title, and referred to the Committee on Pensions.

Mr. GALLINGER introduced a bill (S. 3584) to prohibit the interment of bodies in Graceland Cemetery, in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. PERKINS introduced a bill (S. 3585) to amend and modify section 3480 of the Revised Statutes of the United States; which was read twice by its title.

Mr. PERKINS. I am not quite sure whether the bill should be referred to the Committee on Pensions or the Judiciary Committee. It proposes to amend a section of the statutes which confers certain rights upon the soldiers of the Indian and Mexican wars in regard to bounty-land warrants. I think perhaps it should be referred to the Judiciary Committee.

The VICE-PRESIDENT. The bill will be referred to the Committee on the Judiciary.

Mr. HANSBROUGH introduced a bill (S. 3586) to establish a military post at or near the city of Grand Forks, in Grand Forks County, in the State of North Dakota; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. PADDOCK introduced a bill (S. 3587) to amend section 1514 of the Revised Statutes of the United States, in relation to the appointment of cadets at the Naval Academy at Annapolis, in the State of Maryland; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. CHANDLER introduced a bill (S. 3588) to amend an act entitled "An act to perfect the quarantine service of the United States;" which was read twice by its title, and referred to the Committee on Epidemic Diseases.

Mr. McMILLAN introduced a bill (S. 3589) to amend an act entitled "An act to regulate commerce," approved February 4, 1887; which was read twice by its title, and referred to the Committee on Interstate Commerce.

MRS. DORA MARSHALL.

Mr. DAWES submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay out of the miscellaneous items of the contingent fund of the Senate to Mrs. Dora Marshall, widow of James H. Marshall, deceased, late a messenger of the United States Senate, the sum of $720, being an amount equal to six months' salary at the rate per annum allowed by law to the messenger aforesaid, said sum to be considered as including the funeral expenses and all allowances.

SAFETY OF METZEROTT HALL.

Mr. HAWLEY. I submit a resolution which I wish to have adopted now. I think when it is read there will be no objection to it.

The resolution was read, considered by unanimous consent, and agreed to, as follows:

Whereas many complaints have been publicly made concerning the safety of Metzerott Hall:

Resolved, That the Committee on the District of Columbia be, and it hereby is, instructed to report to the Senate whatever information it may have received relating to that subject.

COMMITTEE ON IMMIGRATION.

Mr. CHANDLER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Immigration be authorized to continue during the present session the inquiries directed by resolution of the Senate of July 16, 1892, with all the powers conferred by said resolution.

COMMITTEE ON FAILED NATIONAL BANKS.

Mr. CHANDLER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Failed National Banks be authorized to continue during the present session the inquiries directed by resolutions of the Senate of June 2, 1892, and July 19, 1892, with all the powers conferred by said resolutions.

CIVIL-SERVICE POSITIONS.

Mr. DANIEL. Yesterday I submitted a resolution calling for information from the Civil Service Commission, and requested that it might lay on the table. I ask now that the resolution be taken up and passed. I will state that I have consulted the chairman of the committee on the subject and he said he does not desire to have the resolution referred, and has no objection to it.

The VICE-PRESIDENT. The resolution will be read.

The resolution was read, and agreed to, as follows:

Resolved, That the Civil Service Commission be, and it is hereby, requested to furnish the Senate with a succinct statement of the positions in the Government service now embraced under civil-service regulations, including their number and kind and of the methods and application and examination; the said statement also to specify the quota of each State, whether filled or vacant, and what positions in number and kind are open to appointment outside of civil-service regulations, with their number and kind, the design of this resolution being to procure in a compact form information for the use of those desiring to enter the service of the Government.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had passed the following bills:

A bill (S. 539) to amend and enlarge the act approved June 18, 1878, entitled "An act to provide for the distribution of the awards made under the convention between the United States of America and the Republic of Mexico, concluded on the 4th day of July, 1868;" and

A bill (S. 606) to amend and enlarge the act approved June 18, 1878, entitled "An act to provide for the distribution of the awards made under the convention between the United States of America and the Republic of Mexico, concluded on the 4th day of July, 1868."

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (S. 139) terminating the reduction in the numbers of the Engineer Corps of the Navy;

A bill (S. 1940) for the relief of R. B. Woodson; and

A bill (S. 2612) granting a pension to Tendoy, chief of the Bannocks, Shoshones, and Sheepeaters tribe of Indians.

WILLIAM M'GARRAHAN—VETO MESSAGE.

The VICE-PRESIDENT. Is there further morning business? If not, that order is closed.

Mr. TELLER. I ask that the special order be laid before the Senate.

The VICE-PRESIDENT. The special order will be stated.

The CHIEF CLERK. A bill (S. 1958) to submit to the Court of Private Land Claims, established by an act of Congress approved March 3, 1891, the title of William McGarrahan to the Rancho Panoche Grande, in the State of California, and for other purposes.

The VICE-PRESIDENT. The question is, Shall the bill pass, the objections of the President of the United States to the contrary notwithstanding? Is the Senate ready for the question? [A pause.] The roll will be called by the Secretary.

The Secretary proceeded to call the roll.

Mr. McPHERSON. Let the bill be read.

Mr. PASCO. What is the question before the Senate?

Mr. SANDERS. I should like to inquire what bill is being voted upon.

The VICE-PRESIDENT. The title of the bill will be read.

The title of the bill was again read.

Mr. HOAR. I think the bill on its passage should be read.

Mr. SANDERS. I should like to have the bill explained.

Mr. PLATT. Let the Senator ask unanimous consent. The roll call was commenced, but that may be waived for the present.

The VICE-PRESIDENT. No response had been made. The Senator from Montana is entitled to the floor.

Mr. SANDERS. Mr. President, the bill involves liability for a large sum of money, and I think that before voting upon it, if it is not too late, somebody in charge of it ought to state on what grounds of public justice or liability the bill stands. I do not myself know enough about it to justify me in voting for it, and there are some circumstances connected with it that seem to me to make it improper that a bill which probably will visit upon the United States a liability for a number of million dollars should be passed without some explanation that will satisfy the public judgment.

The bill was passed, I believe, at the last session of the Senate without observation by anybody, without any calling of yeas and nays, and the message of the President may very appropriately be entitled to such consideration as to call for a statement of the reasons upon which the liability of the Government stands for so considerable a sum of money. If anybody in charge of the bill or familiar with the circumstances can give us any explanation I shall be glad.

I understand that the bill contemplates a grant of public lands, practically a new grant of public lands never before made; and that it provides by legislation for vesting, so far as there is authority in the United States to so vest it, a very valuable mine in the beneficiary of the bill; but inasmuch as that mine has heretofore been granted away under laws of the United States to persons entitled to it by virtue of the laws of the United States, and therefore as the United States can not fulfill the obligations which the bill imposes, the United States proposes to step in and give to the beneficiary of the bill an amount equal to the proceeds of that mine taken out of it by the owners heretofore, or liable to be taken out of it by the owners of it hereafter.

I understand, as I read the bill, that it is an attempt legislatively to assert a liability of the United States for a tort and to compensate in damages for that tort; that the United States shall legislatively respond in damages for the tort so committed; and the worst of the proposition is the character of the tort alleged. It is, that coördinate and coequal branches of the Government, not subordinate to the legislative department, but its equal, have perpetrated a wrong upon this beneficiary; that the Supreme Court of the United States has made a decision with reference to the disposition of certain property and with reference to the ascertainment of certain rights which is wrong; that the executive department of the Government has granted the title to this property to individuals not entitled to it, and therefore it is proposed by this legislation to place upon the Supreme Court of the United States and upon the executive department of the Government the imputation of wrongdoing and to respond legislatively in damages therefor. If I comprehend the significance of the bill it has no foundation that is not based upon that abstract proposition of liability.

For one I am unwilling in any official vote cast to place upon either one of those Departments of the Government an imputation so grave as that. I do not pretend that in the administration of human affairs divine and absolute justice can always be done; but everybody must submit to those tribunals and authorities that the wit and wisdom of man have devised for the determination of individual rights.

But I have another objection to the bill, if I understand it rightly. The foundation upon which it is based (and I do not stop to inquire whether that foundation is a fact or not) is a petition filed by a former citizen of Mexico, resident in Alta California, then a province of Mexico, for a grant of land, to the end that he might pursue "the beautiful industry of agriculture;" and all subsequent events upon which this pyramid of literature and this struggle are based rest upon that application and the events and circumstances that followed with reference to it.

If it be true that that petition was filed, of which I suppose there is no doubt, and that grant was made, of which I suppose there is doubt, I want to submit a proposition which no person can deny, that by virtue of that grant no right under any combination of circumstances vested in that grantee the ownership of mines or the right to pursue the exploitation of mining upon the premises granted. It had been decided in Mexico, and in all civilized countries, for that matter, I think I may say, at the time that this circumstance occurred, and it has been decided by the Supreme Court of the United States time and time again, once in the case of the United States *vs.* Castillero, 2 Black's Reports, page 17, and in a dozen cases, I believe, of our State courts, following this most well-considered opinion, that a grant of Mexican lands by Mexico did not carry with it a right to the mines thereon, but that two titles were recognized in the lands, one a mining title and the other an agricultural title; that the mining title could not be obtained except upon specific and definite application therefor, and that a grant of lands for agricultural uses, or without specifying for what use they were granted, did not carry with it a grant of the land for the purpose of mining nor any interest in the mines thereon.

The question as to the validity of this grant occupies the literature of our executive, judicial, and legislative departments, I think it is no exaggeration to say, to the extent of 5,000 pages. Many years ago, in this Capitol, my attention was called to it as then a very remarkable case, and I have followed it only casually and as a matter of public interest from that time to this.

I was somewhat surprised that when this bill came up nobody arose to explain its provisions or vindicate the justice of the enactment. At least on two occasions, by the Supreme Court of the United States, by a unanimous decision in each case, this grant has been declared to be invalid. Imputations of the gravest character upon the integrity of the original claim and upon the processes by which it was sought to be confirmed are found in every page of its history. I do not desire myself to recite them; indeed, I am not sufficiently familiar with them to give, with the exactness that I could desire, every detail, if it were useful so to do.

But I rest this case upon the proposition that, having been examined by the executive department it has been rejected, and having been examined by the judicial department it has been declared invalid and fraudulent: and that if both of those departments should have declared it to be a valid grant it still would not have formed the remotest justification for such legislation as is provided in the bill now before the Senate.

I think, therefore, we should be grateful to the President that he has recalled our attention to this legislation, that we may proceed to inquire why if that grant had been originally a valid one and had conveyed the three or four leagues of land involved to the grantee or his assigns, what right or authority it would have vested in him to this most remarkable and phenomenal mine that exists upon it, and why as a matter of fact the United States should respond in damages for a tort perpetrated by the Supreme Court and by the executive department of the Government, why the Congress of the United States should put the stain of infidelity or ignorance upon those two great tribunals of our Government, coequal with us, and who in respect of those matters have given it a more painstaking investigation, with better facilities for ascertaining the truth than we can hope to have before us, for if that patent had been issued for this piece of ground there would have remained in the United States the mine thereon; and it would have been just as competent for the United States to have granted that mine to some other person in fee simple under our law of 1866 as it was to grant it when, by virtue of the decision of the Supreme Court, the land involved in this bill became a part of the public domain and was entered by various parties.

Now, I say that this legislation is not unprecedented, so far as the mere proposition is concerned to refer it to the Court of Claims. Further than that, it is an imputation upon the Supreme Court and upon the executive department, it has embarrassed and annoyed public officers and delayed the public business since 1855, and that it prescribes arbitrary rules of evidence there could be no objection, but these are adequate.

I say this case has been before the Supreme Court, and is re-

ported in 23 Howard, page 356; in 1 Wallace, 690; in 3 Wallace, 752; in 9 Wallace, 298; in 6 Otto, 316, and in 28 Cal. Reports, page 75. In a majority of those cases there is a consensus of opinion and decision that the claim itself has no lawful foundation upon which to stand.

Wiping out, then, from under the feet of it the claim itself, we propose here and now, by specific and definite legislation, to create and make a new claim and provide that that claim shall not only include all that the former claim would have included, but provide that it shall carry with it what is ninety-nine one-hundredths of the value of the claim itself, namely, the mine it would not have included provided this grant had been originally confirmed. But inasmuch as the United States has sold that mine under its laws in conformity to legislation of the two Houses of Congress, we propose here, because the Supreme Court had not the sagacity or the wisdom rightly to determine it, to hold ourselves responsible in damages to the individuals who they found were not entitled to the mine, and to provide that they may go to the Treasury of the United States and there indemnify themselves for the proceeds of a mine which they would not have owned if their grant had been given to them.

I should like to inquire where legislation of this character is going to lead us? Is the Congress of the United States to go around and wherever importunity shall induce it to believe that a coequal and coördinate branch of this Government has wrongly decided as to the administration of our laws, and under them, as it has administered them, has awarded property to individuals not entitled to it, whose ownership of that property by reason of that award becomes absolute and impregnable—that to those who failed in their litigation and are yet eager and hungry we shall toss into the whirlpool the Treasury of the United States and give to the contestant who is defeated an amount equal to what he would have obtained had the decision been the other way? That is with precision a statement of what this law proposes to do. You will have such swarms of clamoring and importunate claimants in this city as that you can not walk these streets if that proposition of law is to be laid down deliberately by Congress.

What kind of an example are you setting to the coördinate and coequal branches of the Government that are just exactly as competent to judge of our fidelity to public trusts and of our capacity and purpose to execute them as we are of theirs, and whose constitutional right to so judge is reciprocal? If it shall be laid down as a proposition of law that whenever in the opinion of the United States Congress the Supreme Court has not appropriately decided a case we shall legislate so as to make up to the defeated litigant what he would have had if he had succeeded, I submit that we thereby justify the Supreme Court of the United States in saying, "Inasmuch as the Congress of the United States has not passed a law for the benefit of an individual who, in our opinion, stands upon principles of public justice, by a decision of ours we can do justice to the person whose rights are thus denied;" and the Executive Department of the Government will be justified in saying, "Inasmuch as Congress has been negligent and unmindful of its duty in passing appropriate legislation, the Executive Department of the Government may make up for its shortcomings by muscularly taking out, not of the statutes of the country, but out of our views of public justice, such property and such transactions as will right the wrong that by its action or nonaction in our judgment Congress has perpetrated."

Mr. PEFFER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Kansas?

Mr. SANDERS. Certainly.

Mr. PEFFER. I should like to ask the Senator from Montana, as he appears to have examined this bill carefully, what would be the status of the land involved in case the President's veto should be sustained?

Mr. SANDERS. A large portion of the land has been patented by the United States. I will say that in 1851 a law was passed whereby it was provided that there should be commissioners appointed to examine into, and pass upon, the validity of alleged pretended and actual Mexican grants in the State of California, or in that portion of the United States that was known as California and was brought into the United States as a part of it by the treaty of Guadalupe-Hidalgo. That law provided that there might be an appeal from those commissioners to the district court of the United States for the district in which the land was situated and a further appeal, if either party should desire it, from the district court to the Supreme Court. It was provided in that law that if the United States Supreme Court should find that the land so claimed was not rightly claimed, was not granted by the Mexican authorities according to Mexican law, upon such an adjudication the land should become the public domain of the United States and subject to the law of the United States with reference to the public domain.

An appeal in this case from the decision of the commissioners adverse to the claim was taken to the district court of the United States, and after perambulating from one district to another finally, upon the application of a lawyer who seems to have represented himself and the United States—I will not say that it is absolutely so, but anybody who is desirous of getting at the literature of this case can read the decisions of the Supreme Court of the United States upon that subject—upon the application of a lawyer living in the district and by the express consent of the United States district attorney, the decision of the land commissioners was reversed and the district court, by his consent, affirmed the validity of this grant.

Mr. TELLER. The statement as made by the Senator may lead to a misunderstanding. I wish to ask him if that reversal was not on the ruling of the Supreme Court, made *ad interim*, that the land commission decided that Mr. Gomez did not have possession of the land and that that was essential to maintain his title. After that decision the Supreme Court of the United States decided that that was not necessary to title; and thereupon the district court reversed the action of the commission.

Mr. SANDERS. The question addressed to me by the Senator from Colorado is not an inappropriate one, but I wish to say that it has been answered, in my view, amply and satisfactorily by reports of one or the other of the Houses of Congress in the negative. It is true that in the case involving Gen. Frémont's grant in the State of California it was decided that absolute possession of the lands granted was not essential to the validity of the claim, which, I believe, was the ground upon which the commissioners rejected it; but in one of the reports of the committee it is stated that that case stood upon grounds peculiar to itself, there being an abounding number of decisions that under Mexican law one of the grounds upon which the validity of the grant must stand was the possession by the applicant or grantee. So that I am not satisfied that the reversal by the district court of the findings of the commissioners was actually based upon that proposition, and I wish to say right here that the attorney of the United States for that district in the State of California subsequently did aver, and possibly even then stated, that that was the ground why he withdrew his opposition to the confirmation of the grant, but the testimony shows conclusively that at that time he himself was a half owner of this grant, that he had simulated a representative of himself and his coöwners as applicants for the confirmation of the grant, and being the owner of one-half of the property, he arose in court and may have made the statement suggested by the Senator from Colorado. I am not satisfied from the reading of that case that if furnishes the basis for the pretended change of front, but I have here before me the reports.

In one of these reports the suggestion of the Senator from Colorado is answered at length. On the 28th day of March, 1884, in the House of Representatives, Mr. Tucker, from the Committee on the Judiciary, submitted the report of a majority of that committee, somewhat exhaustive in its character, and I believe it is in that report the answer to the Senator's question is made. Asking the question if the terms and conditions of the grant "require possession to perfect title or approval of the departmental assembly" the Committee on the Judiciary of the House of Representatives says:

> It is true that in Frémont *vs.* The United States (17 How., 542) not taking possession was held not to forfeit the grant. But that case was peculiar. The grant was for services, not for colonization only, and the court relied on it in its interpretation of the grant, and said that, "taking the conditions all together," there was nothing which would justify a decree of forfeiture.
>
> In this case there is nothing to show the grant was for meritorious services, nor what the conditions were.
>
> In the absence of all proof of the contents of the grant, the proof of its existence would not necessarily sustain the claim.

But the question addressed to me by the Senator from Colorado has already had an answer, and it had an answer in the tribunal in which the circumstance itself occurred. The reversal of the findings of the Commissioners was in the judicial department of this Government, and it was obtained by a United States attorney who owned one-half of the ground that, by virtue of the confirmation, was to be granted to himself, and from court to court that action was traced, exposed, and annulled. The Supreme Court of the United States has set aside that confirmation and has declared with reference to it that upon a decree so obtained such a confirmation ought not, in the interests of the integrity of judicial proceedings, to be permitted to stand.

Mr. TELLER. The Senator will allow me to ask him a question, as he is now assailing the memory of the United States attorney. I ask if it is not a fact that the records of the country show that the gentleman who was the United States attorney reported to the Attorney-General that he had an interest in the grant, that he declined to have anything to do with the case, and asked the Attorney-General to appoint somebody to look after it, which the Attorney-General declined to do, leaving the matter to the Commission?

Mr. SANDERS. I believe the attorney of the United States for the southern district of California at that time is now living, and *de mortuis nil nisi bonum* will not really apply. I have no disposition to say anything further than what appears of record, but I can not say all that appears of record in the time which I prescribed to myself.

Mr. TELLER. Does the Senator deny the statement that I make?

Mr. SANDERS. He certainly subsequently stated that he did so report; and I am not certain but that the records of the United States show that he did so report.

But mind, Mr. President, this was back in the year 1855, when California was more remote from the seat of Government than is the remotest corner of Alaska to-day, and the United States Attorney-General, confronted with a great many things and having very little information of affairs in the State of California, and who was then Hon. Jeremiah S. Black, known to us all in his lifetime, had sent to the State of California as his assistant, Hon. Edwin M. Stanton, who I believe at that time was on his way there, or immediately after that time, and possibly as a result of the information which he obtained from the United States attorney had been appointed to go there and look into these matters; and to the end either that no right of the United States might be lost or to the end that the rights of the United States might be foreclosed—one of the two, and I will not undertake to suggest which—the United States attorney filed a motion in the court for an appeal. The court took that motion under advisement and the attorney for the United States wrote out an order for an appeal, which he seems to have left somewhere, so that it subsequently was found among the papers of the case, although I believe not signed by the judge or by the clerk.

In that condition of affairs Mr. Stanton was in the State of California, and ascertaining that the United States attorney upon whose consent this grant had been confirmed and the decision of the commissioners reversed, he filed a motion to set the decree aside; and he came from the State of California here leaving that motion pending. The grantee in the case obtained a transcript of the record and it contained a copy of the order allowing an appeal. He came from California to Washington, and in the subsequent year he presented the transcript of the case in the Supreme Court of the United States and obtained an order from the court dismissing the appeal, which made the adjudication of the district court *res adjudicata*. The mandate of the Supreme Court went to the district court of Southern California, directing it to proceed in that case as if no appeal had been taken, and when it came there the judge who had taken under advisement the question whether he would allow an appeal, who had not granted the appeal, refused to allow the mandate to be filed and refused to obey the mandate. He said the appeal had not been allowed and that he yet had it under advisement.

This excited a large controversy. Applications to the Supreme Court of the United States for mandate after mandate of one kind and character were made by the claimant. But the appeal was finally allowed. The Attorney-General appeared here, and, as a result of it all, after great tribulation, by the memory of officers of the court, or by some process or other, copies of papers in the case sufficient were obtained and certified to by the district attorney to make up what the Supreme Court of the United States was willing to accept as a transcript of the record; and they proceeded to set aside their mandate, and withdrew their order dismissing the appeal, which had never been taken. They finally heard the case on its merits.

It is reported in 23 Howard, and the opinion is I believe by Mr. Justice Wayne. Subsequently the case came before the Supreme Court again in another shape. I presume that these cases are almost as familiar to the Senate as they are to me. A list of them can be obtained. I wish to call the names of the judges who have passed upon the validity of this claim. Justices Taney, Wayne, Catron, Nelson, Grier, Clifford, Miller, Davis, and Field, and again Chief Justice Chase, Justices Wayne, Nelson, Clifford, Miller, Davis, and Field. Still earlier that case was in the court before Justices Davis, Miller, or Field were on the Supreme Bench. There have been fourteen of the most eminent justices of the Supreme Court who have passed upon the validity of this claim, and there has not been a solitary dissent from the proposition that the claim itself was invalid.

Mr. PEFFER. Mr. President——

The PRESIDING OFFICER (Mr. HARRIS in the chair). Does the Senator from Montana yield to the Senator from Kansas?

Mr. SANDERS. Certainly.

Mr. PEFFER. When I submitted a question a few minutes ago to the Senator he set out to answer it, but his attention was called away from the gist of my question. I wish to suggest to him that what I desire to know of him is, who would own the land, where would the ownership be, and who would be entitled to control it in future in case the message of the President of the United States should be sustained?

Mr. SANDERS. I must beg pardon of the Senator from Kansas. The interrogatory addressed to me by the Senator from Colorado presented to me the question whether it was impolite to discontinue my answer to him or to answer at once the Senator from Colorado. I probably made a mistake. If the message of the President of the United States shall be sustained the ownership of the land will remain as it now is. In eighteen hundred and the fifties somewhere it became public domain. Some portions of it were entered by citizens of the United States as mines and some portion of it under other laws of the United States, I can not state what laws, whereby divers and sundry settlers, if I am rightly advised, have become the owners of it; and a very considerable portion of it still remains, if I understand it rightly, public domain of the United States.

Not long after the application for this grant by the grantor of the present beneficiary upon a portion of the public domain said by the beneficiary himself, and probably by his grantor and others interested with him, to be upon the grant applied for, and said by others with equal positiveness and with official indorsement to have been upon another piece of ground, a mine was discovered of very considerable value. I do not know but that it might be said to have been as valuable a mine as has been found in the United States. It was applied for as a mine, or rather possession of the ground was taken in the the first instance by divers and sundry parties; but it was finally applied for as a mine.

There is no occasion to discuss that question, however, for this substantial reason: The grant to Gomez, which was the name of the original grantee, if grantee there was, would not have conveyed to him the mine. That ends that matter. It would have been just as competent for those citizens of the United States to have gone to that mine and to have obtained the possession of it, and to have obtained a patent for it, if the grant were valid as if it were invalid. No question can arise about that. I took occasion in the Senate a couple of years ago to show by decisions of the Supreme Court of the United States the clear exception arising out of Mexican and Spanish law of all mines within the limits of grants, and that the only way by those laws to obtain possession or a right to enter a mine was by applying for it as a mine, and obtaining a right to it upon terms such as the Mexican Government granted mines to be worked by its citizens. That controversy is settled.

If the veto of the President of the United States shall be sustained here the land will remain as it was. If it shall be overruled and the bill shall be passed, the objections of the President to the contrary notwithstanding, the mine will remain the property of the persons who possess and work it, who have taken out of it a large amount of mineral and divided it among their stockholders, and no liability in any shape or form on the part of any one of them, either for that which they have heretofore taken out or that which they shall hereafter take out, will or can under any combination of circumstances arise.

Mr. PEFFER. I will inquire further of the Senator whether all the land involved is now occupied or claimed by settlers, or whatever class they may be?

Mr. SANDERS. I was at the mine but once and I can not answer as to the ownership of it. I did not suppose that there was land in that part of the State of California which was not owned by somebody, but there is in the vicinity, and I presume upon the 4 leagues mentioned, a large amount of ground at least unoccupied. I have understood (but the Senator's sources of information are as good as mine) that there is some portion of this ground that is still public domain, and by the terms of the bill any such portion of it would be vested in the beneficiary of the bill. But that is wholly immaterial. That is not a tithe, a thousandth part of what is involved in the bill.

The bill assumes, in the first place, to foreclose several controversies. The first controversy is whether there was a grant or not, and after a half dozen decisions of the Supreme Court of the United States that there never was, the bill proposes to affirm it as a grant, to throw into the teeth of the Supreme Court of the United States the fact that they decided that question wrongfully. Then it undertakes to reverse the action of the Interior Department in refusing this grant. Then it undertakes legislatively to set aside the rule of the law that obtains in Mexico, Spain, Germany, and in the United States, and that I trust will obtain resolutely and forever, that in places where there are mines of gold and silver and cinnabar, until somebody shall go and apply for them as mines under laws providing for the granting of mines they shall remain the property and possession of the Government. We have that question in a conspicuous form before the Supreme Court of the United States to-day, and there is more involved in it than gentlemen seem to imagine.

Now, by a sheer act of inconsiderate legislation with reference to this claim, we propose to reverse that wise principle of law, born of the experience of all civilized nations and of all ages, and to legislate that this grant thus stamped under the feet of the Supreme Court is not only valid but shall carry with

it what no grant ever before could carry that was based upon such an application as it is alleged this one was. And inasmuch as we have, under well defined principles of law and under statutes which have been passed by Congress, conveyed away those mines and have taken pay for them at the rate of $2.50 an acre, or some other petty sum, the United States proposes to put into the breach the Treasury of the United States and allow it to be looted to the extent of giving to the grantees of the mines what they have taken out of them, because they got their title under forms of law and by processes that make them the owners of that land impregnably, and to give to those who contested for those lands also a sum of money equal to their value.

I do not know how many men contested for that mine aside from the beneficiary of the bill. I can only say that if the bill shall pass they will be clamoring at the doors of the Congress of the United States for their reward, for the Treasury must not be held for the relief and use of favorites. We are laying down abstract principles of governmental liability, and if the Treasury is to be looted it must be opened to all persons in like manner bringing like situations to the attention of Congress. It will involve the necessity of our going up and down the land and examining the proceedings of every judicial tribunal created by our authority. It will make the Congress of the United States a court of review of executive and judicial wrongs wherever the cupidity of litigants shall be able to make a showing *ex parte* or *prima facie*, with testimony of events and circumstances going back thirty-five years at least, and where the Government can not hope to stand as to procuring evidence on equal terms, and shall always be required to vindicate the integrity of past judicial transactions.

It will involve the necessity of our making up to the defeated litigants the amount of money that they would have obtained from other persons if the wrong which was perpetrated upon them by the courts had not been so perpetrated. It will involve the necessity of our going into our Executive Departments and inquiring whether, under all the circumstances of the case, decisions that have been made there were not made wrongfully; and if they have put the United States beyond the power of redress in specific articles or property then to open the doors of the Treasury and make up in money the amount of damages to our applicants, our litigants, our contestants, our citizens. In other words, it creates a liability that, being abstractly stated, is that the United States is responsible as for a tort for every wrong decision that its wisest and highest and most honorable tribunals may render.

Now, when our fathers formed this Government they did not assume that it was perfect. They did not undertake to contract that those who administered it should be beyond the reach of errors of judgment. They did not even agree as a matter of contract that they should be men of integrity. They simply said, "human affairs at most are infirm; we will give you such a framework of government as that to the extent that human foresight and wisdom can extort just decisions you shall have the opportunity to extort them; we do not doubt but that wrongs will now and then be done; they must be abided by and accepted as the inevitable consequence of living in this world and not having our justice administered by the Divine Mind."

The former committee of this body examining this question, after summoning everybody who was interested in it and listening to testimony, setting aside other business that was pressing in the Senate, and allowing the most eminent gentlemen of the country connected with the profession of the law to argue it in every aspect in which it was viewed, and having witnesses before them and all the original testimony, unanimously came to a conclusion adverse to this grant. Mr. Oglesby was chairman of that committee. Mr. PADDOCK, yet happily a member of this body, was also a member. Mr. Booth, of California, was another member. Mr. Chaffee, of Colorado, was another; Mr. Plumb, of Kansas, was another; Mr. McDonald, who made the report, was another; Mr. Jones, of Florida, Mr. Grover, of Oregon, and Mr. Garland, of Arkansas, were the remaining members of the committee. I have their report before me, and I do not think it improper if, without reading it, I shall ask it be made a part of my speech. I ask the consent of the Senate that it be inserted in my remarks. I do not wish to delay the Senate to read it.

The PRESIDING OFFICER. It will be so ordered if there be no objection.

The report, submitted by Mr. McDonald, from the Committee on Public Lands of the United States Senate, January 15, 1879, is as follows:

On the 28th of January, 1878, the following memorial was referred to the Committee on Public Lands:

"Memorial of William McGarrahan, praying the passage of a law to authorize the perfecting of a patent issued to him by the United States for certain lands in California.

To the Senate and House of Representatives of the United States of America in Congress assembled:

The memorial of William McGarrahan respectfully showeth:

That the United States, by its letters patent duly executed and recorded in the office of the Commissioner of the General Land Office March 14, 1863, conveyed to your memorialist, as the assignee of Vicente P. Gomez, that certain grant of land known as the rancho "Panoche Grande," in the State of California.

That, as said record shows, the said grant was by the courts of the United States finally confirmed; and, after said final confirmation, a survey of said grant was made and approved by the surveyor-general of the United States for California, and the same was duly forwarded to and received and filed by the Commissioner of the General Land Office; which proceedings were the bases for a patent.

The said patent is of record in the office of the Commissioner of the General Land Office, on pages 312 to 321, inclusive, of volume 4 of confirmed California Mexican land grants, and a copy thereof is hereto annexed, marked Exhibit A, and made part of this memorial.

That the then Commissioner of the General Land Office refused to issue the patent, and an appeal was taken from his decision to Hon. Caleb B. Smith, who was at that time Secretary of the Interior, and who, having heard full arguments, on the 29th December, 1862, decided that the said patent should issue to your memorialist, and directed the said Commissioner to that effect. A copy of that decision is hereto affixed, and marked Exhibit B.

That within a few days thereafter Secretary Smith resigned his office, and the Commissioner refused to obey his decision.

That the case was brought before the Hon. John P. Usher, who succeeded Hon. Caleb B. Smith as Secretary of the Interior, and Secretary Usher, after full arguments, affirmed the decision of Secretary Smith, and ordered said patent to issue. A copy of Secretary Usher's decision is hereto annexed, marked Exhibit C. That, in compliance with those decisions of two Secretaries of the Interior, the said patent was duly executed and recorded as aforesaid, with the President's name, the seal of said General Land Office, and the official mark "Ex'd," showing it had been compared with the parchment patent and found correct, all appearing in said record, but the copyist omitted the name of the recorder therefrom.

That in a recent decision of the Supreme Court of the United States, in a cause wherein the sufficiency or legality of said patent was involved, that court held that although the signatures of the President and his secretary for signing land patents appear thereon, together with the seal of the General Land Office, yet because of the clerical omission aforesaid to insert the name of the recorder in the record, the said record was fatally defective, notwithstanding the act of 1843, 5 Statutes at Large, page 627, enacts as follows:

"That literal exemplifications of any such records which have been or may be granted in virtue of the provisions of the seventh section of the act approved on the 4th day of July, 1836, entitled 'An act to reorganize the General Land Office,' shall be deemed and held to be of the same validity in all proceedings, whether at law or in equity, wherein such exemplifications are adduced in evidence, as if the names of the officers signing and countersigning the same had been fully inserted in such record." See also section 891 and section 2470 of the Revised Statutes of the United States.

A copy of said decision is hereto annexed, marked "Exhibit D."

That your memorialist has thereby suffered great wrong and injustice, and, as it appears, from the said decision of the Supreme Court of the United States, solely by reason of a mere clerical omission in a copyist in the General Land Office.

That said grant and no part thereof has been granted or conveyed by the United States to any one except your memorialist.

In consideration of the premises, your memorialist respectfully prays your honorable bodies, by act or otherwise, to direct that said record be perfected, or that the record, or an exemplification thereof, be received in all courts and places as evidence of title in your memorialist, with the same effect as though said omission had not been made, or that your memorialist will have such other or further relief in the premises as the wisdom of Congress may suggest, to remedy the wrong and injustice aforesaid.

And your memorialist will ever pray, etc.

Meantime I have to respectfully ask of your honorable committee that you will request the honorable Secretary of the Interior to allow no action to be taken in his Department that will in any way affect the title to the land embraced in said patent until Congress has finally disposed of the case

Respectfully,

WILLIAM McGARRAHAN.

The committee have given the subjects embraced in the memorial a very full consideration, even to the postponement of other important business before them.

Understanding that adverse interests existed, the parties supposed to represent those interests were notified of the pendency of the case before the committee, and appeared by counsel, so that the case assumed the character of an adversary proceeding.

The testimony taken and submitted, both documentary and oral, has already been printed, and forms miscellaneous document No. 85, second session Forty-fifth Congress, making nearly one thousand pages of printed matter.

It will be seen by the memorial that the memorialist, William McGarrahan, claims to be the assignee and owner of a Mexican grant of four leagues of land in the State of California, which it is alleged the courts of the United States had affirmed to Vicente P. Gomez, his grantor.

The first and most important question for the examination of the committee, therefore, was the legal history of the claim, and if it should appear that the courts of the United States had confirmed it, then any want of formality in the title ought to be cured; but on examination it did not so appear. On the contrary, the judicial proceedings in the case terminated in the final rejection of the claim by the Supreme Court of the United States.

Gomez was a Mexican citizen and claimed to have received a grant in 1844 of the land in question from Micheltorena, the then governor of Upper California, which grant it was claimed had been made under the authority of the Mexican colonization decree of August 23, 1824, and in pursuance of the regulations of November 21, 1828, and the right of property as acquired by him, it was claimed, is protected and secured by the treaty of Guadalupe Hidalgo, ratified May 30, 1848. All rights of property of Mexican citizens held or acquired before the Territory came under the dominion of the United States were fully guaranteed by the treaty, and the faith of the United States pledged for their protection.

On the 3d of March, 1851 (pursuant to said treaty), Congress passed an act entitled "An act to ascertain and settle private land claims in California." This act was amended August 3, 1852, as to the manner of taking appeals to the circuit courts of the United States for the proper districts, and also authorizing such courts to take further testimony.

Under these acts Gomez, by his attorney Pacificus Ord, filed his petition before the board of land commissioners provided for in them, in which he claimed that some time in the year 1844, Micheltorena, then governor of Upper California, granted to him (Gomez) a certain tract of land called Panoche Grande, to the extent of four leagues, lying and being in the then county of San Joaquin, and bounded as follows; "On the south by the lands of Francisco Arias, on the north by the lands of Julian Ursua and the low hills, and on the west by the barren hills, as explained by the map annexed" to the said petition. The map referred to was produced and attached to the petition, and will be found in the printed testimony at page 568, with date of its filing. This was all the paper proof of title whatever produced: all

other papers and records pertaining to it, it was claimed, had been lost or destroyed. But this paper, the petitioner states, had been obtained by him from the proper officers, and is averred to be the map which accompanied the original expediente.

The testimony taken and filed before the board of land commissioners was all oral, and consisted of the depositions of James L. Ord, José Castro, J Abrigo, and Oscar De Grand Barque. The testimony of Ord related simply to the probable loss of part of the Mexican archives. The testimony of the other three witnesses was intended to supply the place of missing papers. The map or deseño filed with the petition was made an exhibit in the deposition of Castro, and is referred to in the deposition of Abrigo as the map seen by him in the possession of Gomez. Before the final decision of the case by the land commissioners a certified copy of a petition signed by Vicente Gomez, with the official indorsement thereon, was filed with the land commissioners. That certified copy is as follows:

English translation of expediente.

Seal fourth, two reals.

Provided provisonally for the maritime custom-house of the port of Monterey, in the Department of the Californias, for the year 1844 and 1845.

PABLO DE LA GUERRA.

MICHELTORENA:

[SEAL.] Vicente Gomez, a Mexican by birth, and a resident of this capital, before your excellency and in due form of law, represents that, desiring to dedicate himself to the beautiful branch of agriculture, which is so vital in this department, solicits of the goodness of your excellency that he may be pleased to grant him ownership in the place known by the name of "Panoche Grande," bounded on the north by Don Julian Ursua, on the south by the ridge of hills, on the east by the valley of the Tulares, and on the west by Don Francisco Arias, which land is of the extent of three square leagues, a little more or less, accordingly as explained by the map,* which, in a reasonable time, I will present more correctly than the one which now accompanies the petition.

Wherefore, I pray your excellency may be pleased to take into consideration my present petition, so that by this means I may obtain the necessary means of support for my growing family.

Wherefore, I humbly supplicate that your excellency may grant what I have indicated, hoping to receive grace and mercy, swearing what is necessary, etc.

VICENTE GOMEZ.

MONTEREY, *March 14, 1844.*

Let the secretary of state report, making the necessary investigations.

MICHELTORENA.

MONTEREY, *March* 14, 1844.

As ordered by the most excellent governor, let the preceding instance pass to the first judge of San Juan, in order that he may report what may be just, and return this to the secretary's office for its approbation.

MAN'L JIMENO.

MONTEREY, *March* 14, 1844.

In compliance with the superior order of your excellency, in which you ask me for information whether the land solicited in this instance is vacant, I report that it is vacant, and there is no reason why it should not be granted. San Juan, March 20, 1844.

JOSÉ ANTO. RODIG'Z.

OFFICE OF THE SURVEYOR-GENERAL
of the United States for California:

I, John C. Hayes, surveyor-general of the United States for the State of California, and, as such, having in my office and in my charge and custody a portion of the archives of the former Spanish and Mexican territory, or department of Upper California, by virtue of the power vested in me by law, do hereby certify that the four preceding and hereunto annexed pages of tracing paper, numbered from 1 to 4 inclusive, entitled a true and accurate copy of a certain document now on file and forming a portion of the said archives in this office, the same being the only documents in the archives in relation to the tract called "Panoche Grande," petitioned by Vicente Gomez.

In testimony whereof I have hereunto signed my name officially and caused my seal of office to be affixed, at the city of San Francisco, this 31st day of October, 1853.

JOHN C. HAYES,
United States Surveyor-General, California.

Filed in office November 3, 1863.

GEORGE FISHER, *Secretary.*

The map found in this incomplete expediente, as shown by the testimony of R. C. Hopkins, keeper of the Mexican archives, and printed on pages 578 and 579 of the testimony, formed no part of the expediente. It was not identified by Gomez or any of his witnesses as belonging to him, and had evidently been placed in the papers containing his petition by mistake. There was evidence given tending directly to show that it was the borrador or rough draft of a diseño accompanying the application or petition of Bernardo Yorba, and described lands lying some two hundred miles south of the lands petitioned for by Gomez.

On the 6th of March, 1855, the board of land commissioners passed a decree rejecting the claim, and certified their proceedings to the district court of the United States for the northern district of California, on the supposition that the lands thereby adjudicated were situated in that district.

The following are the proceedings and decree of the board of land commissioners in the premises:

Extract from transcript.—Opinion of the board of land commissioners.

V. Gomez *vs.* The United States. Number 569.

Claim for a place called Panoche Grande, containing four square leagues, situated in the county of Monterey.

The petitioner in this case states in his petition that he had a grant for the above-named place, issued in the year A. D. 1844, by Governor Micheltorena, and that the grant was among the archives of state in Monterey at the time that the archives fell into the hands of the Americans in July, 1846, and that it was either lost or destroyed.

He has also given satisfactory proof of the existence and loss of the grant, but has failed entirely to offer any proof whatever going to ho that he ever occupied, improved, or cultivated any part of the land, or that anyone ever did for him, or that he ever saw the land. We are therefore of the opinion that the claim is invalid, and a decree rejecting the same will be entered.

Rejected.

Filed in office March 6, 1855.

GEO. FISHER, *Secretary.*

Recorded in Record of Decisions, No. 2, p. 552.

GEO. FISHER, *Secretary.*

* Note by printer: The map here alluded to will be found facing page 578 of S. Mis. Doc. No. 85, second session Forty-fifth Congress.

Decree.

V. Gomez *vs.* United States. Number 559.

In this case, on hearing the proofs and allegations, it is adjudged by the commissioners that the claim of the petitioner is not valid, and it is therefore decreed that his application for a confirmation thereof be denied.

ALPHEUS FELCH,
R. AUG. THOMPSON,
S. B. FARWELL,
Commissioners.

Filed in office March 6, 1855.

GEORGE FISHER, *Secretary.*

Recorded in Record of Decisions, vol. 2, p. 553.

GEORGE FISHER, *Secretary.*

And it appearing to the satisfaction of the board that the land hereby adjudicated is situated in the northern district of California, it is hereby ordered that the transcript of the proceedings and of the decisions in this case, and of the papers and evidence upon which the same was founded, be made out and duly certified to by the secretary, one of which transcripts shall be filed with the clerk of the United States district court of the northern district of California, and the other transmitted to the Attorney-General of the United States.

OFFICE OF THE BOARD OF COMMISSIONERS
TO ASCERTAIN AND SETTLE THE PRIVATE LAND CLAIMS
IN THE STATE OF CALIFORNIA.

I, George Fisher, secretary of the board of commissioners to ascertain and settle the private land claims in the State of California, do hereby certify the foregoing 20 pages, numbered from 1 to 20, to the inclusives, to contain a true, correct, and full transcript of the record of the proceedings and of the decision of said board, of the documentary evidence, and of the testimony of the witnesses upon which the same is founded, on file in this office, in case No. 569, on the docket of the said board, wherein Vicente Gomez is the claimant against the United States for the place known by the name of Panoche Grande.

In testimony whereof I hereunto set my hand and affix my private seal (not having a seal of office), at San Francisco, Cal., this 21st day of August, A. D. 1855, and of the Independence of the United States of America the eightieth.

GEORGE FISHER, *Secretary.*

It afterwards appearing that the lands were in the southern district of California, on the 9th March, 1857, on the application of Gomez, by E. W. F. Sloan, acting as his attorney, it was ordered that the clerk of the said court for the northern district transmit to the clerk of the court for the southern district of California the transcript and proceedings in said cause, Gomez having given notice of his intention of prosecuting an appeal from the decision of the land commissioners; and on the 4th of June, 1857, the transcript was accordingly filed in the southern district; and on the next day a petition for confirmation of the grant having been filed on behalf of Gomez, signed by Sloan & Hartman as attorneys, the following order was entered:

Decision of confirmation.—(Record.)

United States district court, southern district California. Regular June term, A. D. 1857. Hon. Isaac S. K. Ogier, judge. June 5, A. D. 1857.

Vicente Gomez, appellant, *vs.* The United States, appellee. No. 393.

Now, on this day, this cause coming on to be heard, the parties appearing by their respective attorneys, the appellant by Sloan and Hartman, esqrs., and the appellee by P. Ord, United States district attorney, and after argument of counsel aforesaid, the same is submitted to the court for final adjudication.

Whereupon the court, being fully advised in the premises, delivered its opinion, confirming the claim of the appellant to the extent called for in the transcript and papers, three leagues or sitios de ganado mayor, and a decree was ordered to be entered up in conformity to said opinion.

But no formal decree was entered at that time. January 7, 1858, the following formal decree was enrolled and signed by the judge:

Decree filed January 7, 1858, as of June 5, 1857.

In the district court of the United States, southern district of California.

Vicente P. Gomez, appellant, *vs.* The United States, appellee. Case No. 393. "Panoche Grande." Trans. 569.

This cause coming on to be heard, on appeal from the decision of the United States board of land commissioners to ascertain and settle the private land claims in the State of California, under the act of Congress approved March 3, 1851, on a transcript of the decision and proceedings of said board, and the papers and evidence upon which said decision was founded, and the other evidence adduced by the appellant before this court, and it appearing to the court that said transcript and the notice of appeal have been duly filed according to law, and counsel for respective parties having been heard, it is ordered, adjudged, and decreed that the decision of said board of land commissioners be, and the same is hereby, reversed, and that the claim of appellant is good and valid, and the same is hereby confirmed to him as follows, to wit: Three leagues of land, more or less, situate in the county of Monterey, State of California, bounded on the north by lands of Julian Ursua, on the south by the hills, on the east by the valley of the Tulares, and on the west by the lands of Francisco Arias, as is more fully set forth and described by the title issued for the same, and the diseño accompanying the same.

And it appearing to the court that on the 5th day of June, A. D. 1857, the lands in this case described had been confirmed by the court to said claimant and appellant, and it having been omitted to sign and enter a decree therefor at the date last aforesaid, it is ordered that the same be done now for then.

ISAAC S. K. OGIER,
U. S. District Judge.

Filed this 7th day of January, A. D. 1858, *nunc pro tunc* 5th June A. D. 1857.

C. SIMS, *Clerk.*
Per J. H. COLEMAN, *Deputy.*

And February 5, of the same year, as appears, on the motion of Sloan and Hartman, a second formal decree, as substitute for the last above quoted, was entered, as follows:

Order to amend and sub. decree.—(Record.)

United States district court, southern district of California.—Regular December term, 1857.—Hon. Isaac S. K. Ogier, judge.—February 4, 1858.

Vicente Gomez, appellant, *vs.* The United States, appellees. No. 393—"Panoche Grande."

On motion of Sloan and Hartman it is ordered that the appellant have leave to amend the decree filed in this case by substituting another in its stead.

In the district court of the United States, southern district of California.

Decree filed February 5, 1858, as of June 5, 1857.

Vicente P. Gomez, appellant, *vs.* The United States, appellees. Case No. 393—"Panoche Grande." Transcript No. 569.

This cause came on to be heard on appeal from the decision of the United States board of land commissioners to ascertain and settle the private land

claims in the State of California, under an act of Congress approved March 3, 1851, on a transcript of the decision and proceedings of said board, and the papers and evidence upon which said decision was made, and the other evidence adduced by the appellant before this court; and it appearing to the court that said transcript and notice of intention to appeal have been duly filed according to law, and counsel for the respective parties having been heard, it is ordered, adjudged, and decreed that decision of said board of land commissioners be, and the same is hereby, reversed, and that the claim of said appellant is good and valid, and the same is hereby confirmed to him as follows, to wit: The tract of land situate in the county of Fresno, State of California, known by the name of "Panoche Grande," bounded northerly by the lands of Don Julian Ursua; southerly by the hills; easterly by the valley of the Tulares, and westerly by the lands of Don Francisco Arias, containing 4 square leagues of land and no more, provided that quantity is contained within the boundaries aforesaid; that confirmation of such less quantity is hereby made to said claimant, and for a more particular description of which said land reference is hereby made to the map contained in the transcript in this case; and it also appearing to this court that heretofore, to wit, on the 5th day of June, A. D. 1857, at a regular term of this court holden in the town of Monterey, State of California, the claim of the appellant in this case had been confirmed by this court, but that it had been omitted by the court to sign the decree of confirmation at the time the same was made, it is therefore further ordered by this court that the same be signed now as for then.

Given under my hand in open court, 5th day of February, A. D. 1858.

ISAAC S. K. OGIER,
U. S. District Judge for the Southern District of California.

Filed this 5th February, 1858, for the 5th June, 1858.

C. SIMS, *Clerk.*
Per J. H. COLEMAN, *Deputy.*

Before these proceedings took place in the courts Pacificus Ord had been appointed district attorney for the United States for the southern district of California, and was acting as such at the time those proceedings were entered. It also appeared in testimony that on the 24th day of November, 1856, Vicente Gomez had conveyed to Ord all his right, title, and interest, in law and in equity, in and to the undivided one-half of the property embraced in his claim; which deed, however, was not placed on record until November 26, 1857, and was unknown to the court at the time said decrees of confirmation were entered. At the time they were entered Ord still retained his interest and employment as counsel for Gomez and at the same time represented and was the only representative of the interests of the United States, as will appear from the following extract from his testimony taken before the committee:

"By Senator MCDONALD:

"Q. In this case there was no one represented the United States but yourself?

"A. No, sir.

"Q. At that time did you understand that you were retaining your interest as attorney for Gomez?

"A. Yes, sir; I certainly did.

"Q. At that time and in that case you were representing both sides?

"A. No, sir, not wholly; I was representing a half for the United States. I was half interested, as before stated.

"Q. Do I understand you to say tnat you regarded yourself as retaining your interest as attorney under your original employment for Gomez at the time of the confirmation?

"A. Yes, sir.

"Q. And you at the same time represented the United States?

"A. Simply for the purpose of passing the matter to the Supreme Court."

After the order of confirmation, but before any decree had been entered, on the 22d of December, 1857, Gomez conveyed his remaining interest in the property in controversy to the present claimant, William McGarrahan, by a deed which recited the former conveyance to Ord, and from that time forth the memorialist has been connected with the history of the case.

A protracted contest ensued between the claimant and the officers representing the United States, in which the claimant endeavored to establish and maintain the decree last entered as the final decree in the case, and the attorneys representing the Government were seeking to procure its vacation in the court below or its review in the Supreme Court by appeal, which finally terminated in an appeal being filed and perfected in the Supreme Court, and the case docketed in February, 1864.

At the same term of the Supreme Court a motion was made by the counsel of Gomez to dismiss the case, and after a very full argument the court overruled the motion to dismiss in an opinion that will be found in 23 Howard, page 326.

Afterward, in December, 1865, the court entered a final decree in the case reversing the decree of the district court confirming the grant, and ordered the case to be remanded to that court with direction to dismiss the petition.

The opinion delivered in that case was by Justice Clifford, and as it gives a brief history of the case in its progress through the Supreme Court, as well as a clear statement of the grounds upon which the decree of the district court was reversed, we incorporate it at length in this report. (3 Wallace, page 733.)

Mr. Justice Clifford delivered the opinion of the court:

"Claim of the appellee, as described in his petition to the land commissioners, was for a tract of land situated in California, called Panoche Grande, of the extent of 4 square leagues, and he alleged that the tract was granted to him, in the year 1844, by Governor Manuel Micheltorena. Unable to exhibit his title-papers, as required by the act of Congress upon the subject, he relied upon parol proof to show their existence, loss, and contents. Commissioners rejected the claim, and the claimant appealed to the district court, where the claim for the whole tract was confirmed. Final decree, as amended, was entered on the 5th day of February, 1858; and on the 25th day of August, 1862, the appeal of the United States was allowed.

"1. Appellants insist that the claim is utterly without merit, and that the decree of the district court should be reversed. On the other hand, the claimant denies that this court has jurisdiction of the cause, and contends that the appeal should be dismissed. Principal difficulty in this case grows out of certain proceedings in the cause, which have taken place since it first made its appearance in this court. Docket entries for the December term, 1858, show that the case was first presented here at that term by the claimant, as an appeal not prosecuted, and that it was, on the production of the record, on his motion dismissed in conformity to the rules of the court for the want of prosecution. Mandate of the court dismissing the appeal was, on the 18th day of March following, delivered to the assignee of the claimant.

"2. Nothing further was done in the cause in this court until the December term, 1859, when the Attorney-General filed a motion to rescind the decree dismissing the cause and to revoke the mandate, basing the motion upon ground that the decree and mandate had both been procured by misrepresentation and fraud. Minutes of the clerk also show that he filed his motion on the 27th day of January, 1860, and that the claimant, on the 2d day of March following, filed three other motions. First motion of the claimant was for mandamus to the district court, to compel the judge to file the mandate and permit the execution of the decree confirming the claim. Second motion was for mandamus to compel the district court to dismiss an application before it to open the decree and grant a rehearing. Third motion was for a mandamus to compel the surveyor-general to survey the land confirmed by the decree. All those motions were heard at the same time, and the court overruled the several motions of the claimant, and entered a decree rescinding the decree dismissing the appeal, and revoked and canceled the mandate as moved by the Attorney-General. (United States *vs.* Gomez, 23 Howard, 326.) Affidavits offered show that no appeal had been taken by the United States, and that the statement that such an order had been made as was exhibited in the transcript and filed in the case was false. They showed not only that the United States had not appealed, but that a motion filed by their special counsel for a rehearing was still pending in the district court. Decision of the court, therefore, was, that the appeal was not before the court when the cause was docketed and dismissed.

"3. Next appearance of the cause here was at the December term, 1863, which is the appeal now before the court. Record was filed, and the cause docketed on the 29th day of February, 1864, and on the 31st day of March following the claimant filed a motion to dismiss the appeal, because, as therein alleged, this court had no jurisdiction 'to hear and determine the same.' 1. Because the five years within which an appeal can be taken had expired before the appeal was claimed and allowed. 2. Because the entry of the appeal was made without authority, and had been set aside. 3. Because there was no citation. 4. Because the appeal was not seasonably prosecuted. 5. Because the transcript of the record was incomplete. Parties were heard upon that motion, and on the 18th day of April of the same year it was unanimously overruled. (United States *vs.* Gomez, 1 Wallace, 698.)

"4. Coming to the present term of court, the docket entries show that the motion under consideration was filed by the claimant on the 9th day of February last. He moved the court to strike out certain matters printed in the record, and requested the court to determine the fourth cause assigned in the motion of the preceding term for the dismissal of the cause, which, as he alleges, was not noticed, considered, or decided when the motion was overruled and denied. Both branches of the motion were subsequently argued by counsel, and on the 26th day of February last the motion was overruled; but the Chief Justice, in announcing the result, remarked that the question of jurisdiction would be open when the cause should be argued upon the merits.

"Since that time the cause has been reached in the regular call of the docket, and has been fully argued on both sides. Claimant still denies the jurisdiction of the court, and the counsel have reargued all the questions of jurisdiction presented for decision in the original motion to dismiss.

"5. Three of those questions, to wit, the first, third, and fifth, were carefully examined and decided by this court during the same term in which the motion was filed, and it is only necessary to refer to that decision as the final determination of the court. (United States *vs.* Gomez, 1 Wallace, 698.) Special mention was not made of the second question presented in the motion, because what was said by the court in disposing of the first question rendered any further remarks upon that subject unnecessary. Express statement of the opinion is that the appeal to this court was allowed on the day therein specified. But the suggestion is that the court did not decide the fourth question presented for decision, and the suggestion, so far as it applies to the opinion of the court, is certainly well founded.

"Fourth objection to the jurisdiction of the court was, that the appeal, even if legally taken and allowed, became null and void for the want of seasonable prosecution. General rule, as established by repeated decisions, undoubtedly is, that the transcript must be filed here, and the case docketed at the term next succeeding the appeal, in order to give this court jurisdiction. (Steamer Virginia *vs.* West, 19 Howard, 182.) Argument upon that subject is unnecessary, as the rule has been reaffirmed at this term in an opinion delivered by the Chief Justice. (Castro *vs.* The United States, *supra*, page 46, 3 Wallace.) Unless the case, therefore, falls within some exception to the general rule of practice, as derived from the act of Congress allowing appeals, the motion of the claimant must prevail.

"6. Certain exceptions to that general rule are recognized and allowed, which are as well established as the rule itself. They are admitted as indispensable limitations to guard against fraud and circumvention, and to prevent a failure of justice. Where the appellant, having seasonably procured the allowance of the appeal, is prevented from obtaining the transcript by the fraud of the other party, or by the order of the court, or by the contumacy of the clerk, the rule does not apply, provided it appears that the appellant was guilty of no laches or want of diligence in his efforts to prosecute the appeal. (United States *vs.* Booth, 21 Howard, 512.) Order allowing the appeal in this case was entered on the 25th day of August, 1862, but on the 6th day of October following a stipulation was entered in the minutes that the transcript should be withheld until the next term of that court, in order to give the claimant an opportunity to move the court to set aside the order of appeal. Such a motion was accordingly made by the claimant on the 1st day of the succeeding December, and on the 4th day of the same month the court directed that the order allowing the appeal should be vacated and set aside. Reason for vacating the appeal as assigned was that the five years had expired before it was allowed, which is directly contrary to the decision of this court and consequently must be considered as overruled. (United States *vs.* Gomez, 1 Wallace, 699.) Although the decision of the court was erroneous, still, the proceedings under the motion had the effect to prevent the appellants in the mean time from obtaining a copy of the transcript.

"Session of this court for that term commenced four days before the order of the district court was announced, vacating the appeal. Suppose the explanatory facts stopped here it might well be assumed that it was the conduct of the claimant and the action of the court which prevented the appellants from seasonably perfecting the appeal; but they do not, by any means, stop at that point. Appellants demanded the transcript on the 10th day of October next after the appeal was allowed, and the clerk agreed that it should be prepared and delivered. Failing to obtain it they, on the 2d day of December following, again demanded it, and then, for the first time, were informed by the clerk that he would not furnish the document. Present claimant, on the 6th day of April, 1863, instituted a proceeding in the district court to enjoin the clerk and district attorney from making out and certifying the transcript of the record, upon the ground that the order allowing the appeal was entered without authority of law, and that the appeal had been properly revoked and set aside. Result was that the judge refused to grant the injunction; but he reiterated his opinion that no appeal was pending, and remarked that the procuring copies for the United States, in such a case, was a fraud upon the Government, and was not to be tolerated.

"Six times the demand was made of the clerk for the transcript, and the request, as often as it was made, was refused. Such demand was made by the special counsel of the United States, and by the district attorney, and by the Attorney-General. Throughout the clerk refused to furnish the transcript; but finally consented to furnish the Attorney-General a copy of each paper in the case; and those separate papers, it is understood, were appended together and duly certified by the district attorney, as appears in the record. (12 Statutes at Large, 320.)

"7. Assuming the facts to be as stated, it is obvious that the case falls within the exception to the general rule, as recognized and established in the case of United States *vs.* Booth, to which reference has already been

made. Writ of error in that case was returnable at the December term, 1855, and it was accompanied by a citation requiring the defendant to appear on the first day of that term. No return, however, was made at that time, and on the 1st day of February following, the Attorney-General filed affidavits, showing that the writ of error and citation had been duly served, and that the State court had directed the clerk to make no return. Whereupon this court passed an order commanding the clerk of the State court to make the required return, and the cause was continued; but none such was ever made. Unable to procure any such return, the Attorney-General was allowed, on the 27th day of February, 1857, to file the copy of the record produced when the application was made for the writ of error, and on the 6th day of March following, the court ordered that it should have the same effect as if it had been regularly filed by the clerk. Evidently the power to retain jurisdiction in the case before the court is even better supported than it was in that case, because the transcript in this case is duly certified under a new provision in a subsequent act of Congress. (12 Statutes at Large, 320.)

"8. Mandamus, unquestionably, is the proper remedy where the appeal is refused, and it is an appropriate remedy to compel the production of the transcript. Strong doubts are entertained, however, whether it would have been an adequate remedy in this case, because it is more than probable that, if the motion had been made, the affidavits showing the refusal of the clerk to furnish a copy would have been met by counter-affidavits, showing that the appeal had been vacated; and in that state of the case it would have been difficult for the court to have decided what was right and proper between the parties, without the opportunity of inspecting the record.

"Grant, however, that the appellants might have had an adequate remedy in a motion to this court for a mandamus, still it is clear that they had a right, under the circumstances of this case, to invoke the benefit of the special provision of the act of Congress referred to as a cumulative means of securing their rights Application was accordingly made to the district attorney, and he, without delay, made the certificate exhibited in the record. Conclusion, therefore, is that the case, in either point of view, is regularly before the court, and all the motions to dismiss are overruled.

"9. Regarding the case as regularly before the court, it becomes necessary to examine the merits of the claim. Some suspicion attaches to the claim because it is made for four leagues of land, whereas the only document introduced in support of it which is of the least probative force, represents the original claimant as having asked for but three leagues. Document referred to purports to be the petition of the claimant to the governor, and there is appended to it the usual *informe*, but there is no concession or grant, nor is there any satisfactory evidence that any title of any kind was ever issued by the governor to the claimant. He states in his petition to the land commissioners that he obtained the map in the record from the proper officers of the department; but the alleged fact is not satisfactorily proved. Four witnesses were examined by the claimant before the land commissioners, but only one of the number pretended that he had ever seen the grant, and his statements are quite too indefinite to be received as satisfactory proof.

"Instead of proving possession under the grant, it is satisfactorily shown that he never occupied it at all; and it is doubtful if he ever saw the premises during the Mexican rule. Land commissioners rejected the claim, but before it came up for a hearing in the district court, his attorney had been appointed district attorney of the United States; and the proofs show that he conveyed two leagues of the land to the district attorney. Circumstances of the confirmation of the claim in the district court are fully stated in the opinion of this court given when the mandate was revoked and recalled (United States *v.* Gomez, 23 Howard, 339). Comment upon those circumstances is unnecessary, except to say that the confirmation was fraudulently obtained.

"Although the decree was fraudulently obtained, still, inasmuch as it is correct in form, it is sufficient to sustain the appeal for the purpose of correcting the error. Party who procured it can not be allowed to object to its validity as a means of perpetuating the fraud, especially as he did not appeal from the decree.

"The decree of the district court is therefore reversed, and the cause remanded, with directions to dismiss the petition."

It will be seen from this opinion that the Supreme Court reversed the decree of confirmation on the ground that there is not sufficient evidence that any concession or grant was ever made by the Mexican authorities to Gomez. The language of the Supreme Court upon that point is as follows:

"Document referred to purports to be the petition of the claimant to the governor, and there is appended to it the usual *informe*, but there is no concession or grant, nor is there any satisfactory evidence that any title of any kind was ever issued by the governor to the claimant."

This would seem to put an end to this case, as by the acts of March 3, 1851, and August 3, 1852, above referred to, a patent could only be issued upon the final order or decree of confirmation.

It has been contended before this committee that the Supreme Court took jurisdiction of this appeal after the time limited for appeals had expired, and that the case of the claimant had been prejudiced by the misconduct of Ord and others in securing the confirmatory order of the circuit court for the southern district of California, to which misconduct he had been in no manner a party, and ought not to have been injuriously affected by it; and that if the claimant could have an opportunity he could still show, notwithstanding the decision of the Supreme Court, that his grantor, Gomez, had obtained the grant which the proceedings referred to by the committee resulted in failing to establish. And, therefore, to give the memorialist the fullest opportunity of making good his claim, the committee, upon the motion of Senator Garland, adopted the following resolution:

"*Resolved*, The committee having received the testimony relating to all the judicial proceedings in this cause, in the form of records submitted, that the testimony hereafter be limited to such proofs as may be offered touching the questions of a grant claimed to have been made by the Mexican Government to Vincent P. Gomez, and testimony in rebuttal thereof; and also evidence that may be submitted touching the execution or issuance of a patent by the United States to said Gomez or his assigns."

The additional proofs in support of the claim of Gomez will be found on pages 201, 202, 203, 204, 205, 214, 215, 216, and 217 of the printed testimony, consisting of certificates of the official character of Gomez, and the *ex parte* affidavits of W. A. T. Maddox, Mauricio Gonzales, Gabriel De La Torre, Joaq'n S. Escamilla, J. Mar'no Bonilla, José Antonio Alviso, José Fernandez, and Nicanor Castillo; also R. C. Hopkins, keeper of the Spanish archives, as to the nature and character of the archives and records relating to land titles in California.

This additional testimony, so far as it relates to the grant, is very much of the same character of that taken and submitted to the land commissioners, and embraced in the record passed upon by the Supreme Court, but does not, in the opinion of the committee, remove the difficulties in the way of establishing the grant so pointedly commented upon by the Supreme Court in its decision.

It is unquestionably the duty of the United States, when passing upon the rights or claimed rights of property of Mexican citizens under the treaty of Guadalupe Hidalgo, to consider them in the light of the broadest principles of equity, being governed by the law of nations and laws, usages, and customs of the government from which the claim is derived, applying to them such rules of property as the Supreme Court of the United States may have established with respect to them. And the committee have endeavored in this investigation to be governed by those principles.

Looking to the rules established by the Supreme Court in such cases, we find that the usages and customs of the Mexican Government, as ascertained by the Supreme Court, with respect to such grants, vested in the governor the sole power to grant lands, subject to the approval of the departmental assembly or, finally, of the supreme government on appeal; that the power of the governor to make such grants was not unlimited, but that he could only make them where certain formalities were complied with; that these formalities consisted of a petition by the party seeking the grant, and reference of the petition to some proper magistrate to ascertain whether the land was subject to grant, and whether the party petitioning was an acceptable and proper person to receive it. The report or *informe* of the officer to whom this reference was made, the concession or decree of the governor granting the land, and the formal grant drawn out reciting the proceedings which led to the grant were attached to the papers termed the *expediente*, and were filed in the archives of the department. A *título* or title paper, being a copy of these proceedings, was then made out and delivered to the grantor, and constituted his patent for the lands.

The regulations above referred to required that there should be a record kept of these grants, and for a time this seems to have been complied with; but in later years of the Mexican supremacy in California the record of grants consisted of an entry in a record book entitled "Toma de Razon," with the additional record evidence furnished by the secretary in an index book, styled "Jimeno Index," in which latter book was entered simply a memorandum of the *expediente*, closing usually with a statement that it had been conceded or rejected.

These last-named books, covering the period within which it is claimed this grant was made, are still extant and in possession of the United States, under the custody of the surveyor-general of the United States for the State of California, and neither of them make any mention of the claim of Gomez. The certificate of the surveyor-general attached to the copy of the petition of Gomez, heretofore incorporated in this report, states the same to be the only documents in the archives relating to said tract called "Panoche Grande."

In the United States against Garcia, reported in 22 Howard, page 274, the Supreme Court decided that a petition to the governor for a grant, referred to the alcalde or proper officer, together with the *informe*, or report, of that officer favoring the grant, does not constitute any interest or title in the property petitioned for; but that to give any title or claim there must be a decree of concession or formal grant made.

So that it will be seen in this case that the documentary evidence offered in support of the claim falls short of establishing any claim or interest in favor of the claimant in the property.

In cases of this kind it has been repeatedly held by the Supreme Court that, before secondary evidence can be given in support of the title, it must appear by the clearest proof that a concession or grant had actually been made and the record of it had been lost or destroyed. The testimony submitted to your committee upon this point certainly falls very far short of these requirements.

The committee is not inclined to question the authenticity of the papers filed with the land commissioners showing the petition and preliminary proceedings in behalf of Gomez, and it may be said that there does not appear to be any particular reason why the governor might not have made the grant to him which he sought. On the other hand, it may be said with equal fairness that if such a grant had been in point of fact made, it would have been found attached to the papers to which it properly belonged. It is difficult to see why the preliminary papers were preserved and the more important part (being the grant itself) should have been lost.

Again, the petition of Gomez is for a tract containing 3 leagues, a little more or less, while his petition to the land commissioners, and parol proof submitted by him in support of it, claims a grant for 4 leagues. The petition to Micheltorena bounded it "on the north by Don Julian Ursua, on the south with the hills, on the east by the valley of the Tulares, and on the west by Don Francisco Arias," as explained by the map which he attaches to his petition, being the same that is afterwards identified by Abrigo as the map seen by him in the possession of Gomez; while in his petition to the land commissioners he says that the lands claimed by him are bounded "on the south by the land of Francisco Arias, on the north by the lands of Julian Ursua and the low hills, and to the west by the barren hills, as explained by the map hereto annexed," being undoubtedly the same map referred to in his petition for the grant.

The papers found among the Mexican archives and certified to the board of land commissioners, with the map attached to the petition of Gomez, constituted an incomplete expediente, and as such should have been noted in the Jimeno index; but unless a grant had actually been issued, no notice of it was necessary in the "Toma de Razon," but its nonappearance in either register, together with the fact that when these papers were found no order of concession or grant was attached to them, certainly raises a strong presumption that no grant had been made. This presumption should be overcome by very clear proof before any tribunal would be at liberty to receive secondary proof, and the secondary proof offered ought to be of the most satisfactory kind.

These are the elemental rules of evidence in cases of this class, and have been repeatedly applied by the Supreme Court with respect to Mexican titles in California. As a noted case of this kind, the committee cites the United States *vs.* Teschmaker (22 Howard), opinion by Justice Nelson (page 401). In this case no satisfactory evidence was given of the grant. The documentary evidence, which is certainly the most to be relied on, as far as it goes, being the petition of Gomez to the governor of California and the official indorsements upon it, shows an application for 3 leagues of land, a little more or less, within certain outlying boundaries, circumscribed by certain calls, while the petition filed by Gomez before the land commission and the parol proof given in support of it, claim 4 leagues of land, with boundaries quite different from those named in the unfinished expediente; and yet both the petition and the expediente refer to the same map in support of the boundaries claimed in each. In the first decree confirmatory of the title, enrolled by the district court, the amount of land confirmed was 3 leagues, and in the second it was 4 leagues. This fact caused the Supreme Court to say, in the opinion quoted at length by the committee:

"Some suspicion attaches to the claim, because it is made for 4 leagues of land, whereas the only document introduced in support of it, which is of the least probative force, represents the original claimant as asking for but 3 leagues."

When, however, you add to this the change of calls and outlying boundaries, as shown above, the suspicion grows stronger, and the unsatisfactory character of the parol evidence, which proves, if it proves anything, that a grant was made of a different quantity than the quantity petitioned for, and with different boundaries, is made quite manifest. In commenting on the testimony in the record, which contained all of the evidence submitted to the land commissioners, the Supreme Court say:

"Document referred to purports to be the petition of the claimant to the governor, and there is appended to it the usual *informe*, but there is no concession or grant, nor any satisfactory evidence that any title of any kind was ever issued by the governor to the claimant."

After a full review of the same evidence, together with the affidavits that have been filed as containing additional evidence, we can say no less than the Supreme Court has said. The probative force of the testimony in support of the grant ends with the documentary evidence, and that terminated with the *informe*. This only laid the foundation for a grant, but furnishes no proof that in point of fact the grant was made.

But it is claimed by the memorialist that, pursuant to the decision of Secretary of the Interior Caleb B. Smith, reaffirmed by his successor, Mr. Usher, a patent was issued to him as the assignee of Gomez, duly executed, of the date of March 14, 1863, and that said patent was recorded in the records of the office of the General Land Office of the United States, except that by mistake the name of the recorder of the Land Office was omitted in the record of the patent. And while, if such patent had actually issued, its legal effect would, in the opinion of the committee, have been annulled by the final decree of the Supreme Court of the United States, entered in the case after the date of the alleged patent, yet, as the claim of the memorialist for relief rested mainly on the ground that such a patent had in point of fact been issued, and that its probative force had been denied by the Supreme Court because of the omission aforesaid, the committee, as indicated in the resolution adopted to govern its action in hearing the case, received and considered all of the testimony submitted to it bearing on this question.

The certified copy of the record of the alleged patent, made an exhibit in the memorial of the claimant, was presented to and inspected by the committee. It had all of the signatures attached which the law requires, except the signature of the recorder. It was dated, as will be seen by the copy attached to the memorial, on the 14th day of March, 1863. The committee also examined the record and found that it corresponded with the copy, except that the date and signatures appear to have been erased by drawing red lines across them. This the testimony showed had been done some time subsequent to the making of the record.

There was evidence taken tending to show that President Lincoln, or his clerk Stoddard, had signed the instrument from which this record was made. There was no evidence that the recorder or acting recorder of the Land Office had signed it. An instrument purporting to be an incomplete patent was produced from the files of the General Land Office, and upon examination proved to be an exact copy of the certified copy of the record attached to the memorial, except that there were no signatures to it and it was without date. It is not claimed that that instrument, or that any instrument of the kind had ever been delivered to the claimant McGarrahan or to any authorized agent, but it was claimed that the last sheets of the completed patent signed by the President, by his countersigning clerk, and dated of the date of the record, had been surreptitiously removed and another sheet without date or signature substituted in its stead. The committee have examined with great care the proof submitted and do not find that it supports the charge. On the contrary, the committee is of opinion that the instrument is now in the exact condition it was when the order of Acting Secretary of the Interior, Mr. Otto, suspended the issuance of the patent. This order bears date the 14th day of March, 1863, being the same date that is written in the record of the patent.

It seems that, on the 29th of December, 1862, the Secretary of the Interior, Mr. Smith, had held that the decree of confirmation of the circuit court of the United States for the southern district of California had become final, and, in the opinion of the Secretary, no appeal could then be prosecuted from it to the Supreme Court, as more than five years had elapsed since the entry of the decretal order of said circuit court, being the order of June 5, 1857, although the decree under which the memorialist claimed was not entered until February 5, 1858. Yet, as this decree was entered under a *nunc pro tunc* order of the court, it was held by the Secretary that it related back for all purposes to the date of the decretal order of June 5, 1857. Thus reasoning, he ordered a patent to be issued. This order was affirmed by his successor, Mr. Usher, but some delay took place in executing these orders.

It turned out that both Mr. Smith and Mr. Usher had been misinformed as to the facts, and that an appeal had been allowed on the 25th of August, 1862, which was afterward perfected in the Supreme Court, as shown by the decision of that court hereinbefore quoted at length. It is true that the judge who allowed the appeal, taking the same view of the question stated in the decision of Mr. Smith as to the effect of the *nunc pro tunc* order on the right of appeal, attempted at a subsequent time to vacate the order allowing the appeal, but as the Supreme Court disregarded the vacating order of the judge, it can not be claimed that the decision of the Secretary on the point is of any higher authority than the void order of the judge. Indeed, it seems strange that any one having even a moderate knowledge of the law should so hold.

No appeal could by any possibility have been prayed until after the decree had been entered, and the first degree was not entered until the 7th of January, 1858. The decree under which the memorialist claims was not entered until February 5, 1858, and if by saying "now for then" the court could make the right of appeal relate back to the 5th of June, 1857, when the court intended to enter the decree, but did not, so as to make the statute of limitations on the right of appeal begin to run, the committee does not see but that if the claimant had quietly waited until after five years had expired from the date of the decretal order and then had a decree enrolled *nunc pro tunc*, he could have cut off the right of appeal entirely.

But as this question was put at rest by the action of the Supreme Court in taking cognizance of the appeal, it is only necessary to refer to it as one of the strange phases of this strange case. Before the orders of the Secretaries had been carried into effect, the then Attorney-General, Mr. Bates, perceiving that a patent was about to issue, sent a written request, dated March 12, 1863, to the Secretary of the Interior to withhold the patent. This came to the Acting Secretary, Mr. Otto, and on the 14th of the same month, having first sent a clerk to the Commissioner of the Land Office with a verbal request to withhold the patent, he, in writing, countermanded the order for its issuance, and thus ended the question of the patent.

The letters of Attorney-General Bates and Acting Secretary of the Interior Otto will be found on pages 736 and 737 of the printed record, and are as follows:

"ATTORNEY-GENERAL'S OFFICE,
"*Washington, March 12, 1863.*

"SIR: I have been informed that an application has been made to the Commissioner of the General Land Office for the issue of a patent for a tract of land in the State of California, called Panoche Grande, claimed by Vicente P. Gomez.

"I have the honor to request that you will forbid the issuing of a patent for this tract of land for the following reasons:

"The claim of Gomez to this tract of land was rejected by the board of land commissioners, and, having been removed from the district court of the northern district of California to that of the southern district, a decree of confirmation was obtained from that court under circumstances which exhibit strong evidence of collusion and fraud, as will be seen by the history of the case, as reported in 23d How., 326. The judge from whom that decree was obtained, having reason to believe that imposition had been practiced on him, and that the decree was improvidently made, entertained a motion for a rehearing of the case, which motion was continued from time to time.

"Having been informed that the successor of that judge had overruled that motion, I wrote to the United States district attorney for that district calling his attention to the general order to obtain an appeal in all land cases decided against the United States, and directing him to appeal this case to the Supreme Court of the United States. For some unexplained reason this appeal, if taken, has not yet reached that court. But I desire and intend to have the case brought before the Supreme Court for review. I understand that the claim is alleged to cover a most valuable mine of quicksilver. It is also alleged to be utterly fraudulent and invalid. It ought to be adjudicated by the Supreme Court, so that the United States may have what it has not yet had, a fair chance to test its validity. Under these circumstances it is hardly necessary to say that to grant the claimants a patent before the Government has had that chance would be improper. I therefore beg to ask that you will make known these facts to the Commissioner of the General Land Office, to the end that the application of the claimant or his assignees may not be granted.

"I am, sir, very respectfully, your obedient servant,
"EDW. BATES, *Attorney-General.*

"Hon. J. P. USHER,
"*Secretary of the Interior.*"

"DEPARTMENT OF THE INTERIOR,
"*Washington, March 14, 1863.*

"SIR: I have the honor to acknowledge the receipt of your letter of the 12th instant, requesting me to forbid the issuing of a patent for the tract of land in California called Panoche Grande, claimed by Vicente P. Gomez: and to inform you that, in accordance with your desire, I have directed the Commissioner of the General Land Office to suspend the issuing of a patent until further advised on the subject.

"I am, sir, very respectfully, your obedient servant,
"W. T. OTTO, *Acting Secretary.*

"Hon. EDWARD BATES,
"*Attorney-General of the United States.*"

This transaction is fully explained by Mr. Otto in his testimony found on pages 611 and 612 of the testimony:

"By Mr. ELLIOT:

"Q. State whether you took any action after you received that letter.

"A. I received the letter the day after it bears date.

"It was the 13th.

"I directed one of the clerks of the Department, and I believe it was Mr. Henry Beard, who then had charge of the land desk of the Department of the Interior, immediately to go to the Land Office and ascertain whether the patent referred to in the letter had been issued, and if not, to delay the issuing of the patent, and I would send a formal order directing the suspension of the issuing of the patent until the Commissioner of the General Land Office should be further advised by the Secretary of the Interior. Mr. Beard, or the clerk to whom I gave the order, took the letter of the Attorney-General with him, and went to the Commissioner of the General Land Office or started to go there. He returned shortly afterward and informed me that the patent had not been executed, and thereupon I addressed, as Acting Secretary of the Interior, an official communication upon the subject to the Commissioner of the General Land Office."

The testimony of the clerk who prepared the patent and the clerk who recorded it fully explain the apparent discrepancy between the record and the instrument recorded, and although much testimony was taken in the effort to throw doubt upon the genuineness of the instrument now on the files of the General Land Office, the committee take pleasure in saying the testimony falls far short of proving that so bold a forgery as the alleged alteration of it suggests has taken place in one of the most important bureaus of the Government: the most important so far as private rights are concerned.

The conclusion to which the committee has come on the question of the patent, therefore, is, that it did not in fact issue; and that, therefore, the claimant never had any such evidence of title as its issuance would have furnished to him even for the brief time that intervened between its alleged date and the decrees of the Supreme Court, by which a final end was put to all claim on the part of the memorialist to the lands in question.

There was much testimony submitted to the committee that was wholly foreign to the inquiries before it, but so intermingled with that which was deemed to be relevant as to make it difficult for the committee to exclude it. The only office that it performed was to lay the foundation for crimination and recrimination between the claimant and his adversaries, the New Idria Mining Company. In the review of the testimony the committee have studiously left out of view all of this irrelevant matter, and have sought to consider the questions submitted on their merits.

If the claim of the memorialist is just, and such as the Government ought to protect, no misconduct on his part in the manner of prosecuting it, if any such occurred, ought to debar him of the proper relief; and if the claim is one that can not be sustained on its merits, then no belief of the claimant as to its justness should compel a decision in his favor.

Nor can the claimant occupy the position of an innocent purchaser of an apparently good title without notice of its defects. He bought his first interest in it *pendente lite*, and before any decree had been enrolled. He took a deed from Pacificus Ord for the remaining interest after he had fully connected himself with the litigation pending to establish the title. He took such title as his grantors had and no other or better title, and by such title he must stand or fall. As to the truth of these propositions there can be no question.

In conclusion, the committee find:

First. That there was no patent from the United States to Vicente P. Gomez prepared and duly signed by the President, or his secretary acting for him, and complete in all its parts excepting only the attesting signature of the recorder of the General Land Office.

Second. That there was no grant made by Micheltorena, the Mexican governor of California, to Vicente P. Gomez, of the land known as the Rancho Panoche Grande.

Third. That the memorialist is entitled to no further relief.

Mr. SANDERS. In the House of Representatives the validity of this claim was referred to the Committee on the Judiciary, a very eminent committee. The name of John Randolph Tucker is an appropriate and formal introduction of that committee to this body. They gave to it there the same supreme consideration that our committee did in this body. They set aside other business, they listened to these pitiful and plaintive appeals, they went over all these thousands of pages of literature, that I have avoided because they are the most nauseous chapter in our legislative history, and a majority of that committee, not the whole of it, come to the conclusion that there was no merit in this case.

The minority of the committee, however, which consisted of Mr. Patrick A. Collins, of Massachusetts, and Messrs. Maybury and Bisbee, arrived at a conclusion not that the bill ought to pass, not that any such bill as this ought to pass—such a proposition as this is an anomaly in all of our legislative history—but they recognize the fact that the United States in respect to this piece of ground was a trustee, if this claim was good for anything, and that the only duty that that trustee was charged with was the duty of seeing that it again was examined on a correct basis and determined intelligently. At that time the ground had not been patented so far as I know to these citizens of the United States who were striving to obtain a patent to it.

I speak of the mine. The majority of that committee said that the duties of the United States as a trustee had been fully and completely and honorably performed, and that as a result of that performance no right or title in any shape or form vested in this beneficiary, and that all his suggestions of reason based upon the infidelity of coördinate and coequal tribunals to the trusts confided to them formed no sufficient excuse why it should be again examined and again be subjected to the determination of these tribunals. The passage of that bill would not have been vicious like this; it would not have been an anomaly like this; it would not have been fraught with consequences so grave as those that would follow the passage of this bill. It would not have been an example so flagitious as this.

I must say that so far as this bill is concerned I think the President wisely refused to yield to it his assent when it was presented to him, without the amplest opportunity to investigate all the circumstances of it. I must say that in my judgment if he had examined it he would have arrived at a conclusion that under no circumstances could the Treasury of the United States be approached for indemnity for wrongs done to this beneficiary by the Supreme Court of the United States or by the former officers of the Executive Departments; that he would have ascertained that the approaches to our tribunals of justice in behalf of this claim have been through the sewers instead of boldly in the face of day; that the claim itself was covered by processes of action and suggestions of motives that stamped it as one not entitled to occupy the attention of Congress longer; and that he would have been able to convince every gentleman upon this floor that every right of this beneficiary, with the most painstaking and conscientious intelligence, had been examined and annihilated by men whose names for all that they have done, and particularly for this great service, will be renowned in the annals of the Republic so long as claims against the Treasury endure.

Mr. TELLER. Mr. President, this claim has been before Congress and before the Departments for very many years and there is no excuse for any man in public life not thoroughly understanding the question. It has been presented to Congress a great number of times. There have been fifteen reports made by either the House of Representatives or the Senate recognizing the validity and the equity of this claim. There have been some, a very much less number, made in favor of the rejection of the claim. The claim was before the Interior Department for many years before it came here. It was fully recognized in the Department by at least two Secretaries of the Interior as a valid and legal claim. It had the recognition of the President of the United States, who signed a patent, which by some fraudulent contrivance (of which I am not at liberty to speak and which is not necessary for our consideration) was concealed and kept from the knowledge of the petitioner in this case until very many years after it could have done him any good. The fact that such a patent was signed by Mr. Lincoln is not denied, I believe, to-day by anybody, or if anybody does deny it he denies it in the face of unquestioned evidence.

In the first place, the Senator from Montana has either not read the bill or he does not deal fairly with the Senate. He lays down the proposition that Mr. McGarrahan, if entitled to the land, is not entitled to the mineral. That is one of the questions submitted to the court in express language, so that the Senator can have no possible excuse for rejecting the bill on that ground. The bill provides that if in law or equity (and it is a pure question of law, a question of law, as the Senator said, that is still pending, and pending now in the United States Supreme Court) it shall be found that the petitioner is entitled to the mineral, then the court shall find accordingly. So there are two questions——

Mr. McPHERSON. Will the Senator from Colorado permit me to ask him a question in order to throw a little light on this subject?

Mr. TELLER. Certainly.

Mr. McPHERSON. I understood the Senator to say that the patent had been signed by Mr. Lincoln when President of the United States. Will the Senator inform me what the practice of the Government is with respect to such patents? Does the title vest in the claimant before the patent is delivered to him, and, if not, what is the reason why the patent was not delivered after having been signed by the President of the United States?

Mr. TELLER. The Supreme Court of the United States has held within the last fifteen years that the signing of a patent by the President without the delivery created a title in the patentee.

Mr. SANDERS. Has it not been decided by the Supreme Court of the United States that what is requisite is not the signing of a patent by the President or his secretary, but the recording of it and the signing of it by the recorder?

Mr. TELLER. Perhaps technically that is correct. In this case the record was made, as was positively proved, and it is not disputed. It subsequently disappeared from the record by a mutilation of the files of the Interior Department.

Mr. SANDERS. Do I understand the Senator to say it is not disputed that the recorder signed the record of the patent or the patent?

Mr. TELLER. I do not think it can be disputed, although I can see that anything may be disputed. The proof is clear, I think—it was clear to my mind both when I examined the case as a Senator and when I examined it in another capacity—that it had been accepted by the recorder and approved and entered of record, and a patent is never entered of record until it is approved by the recorder. That it was entered of record I say can not be disputed, and that knowledge was concealed from Mr. McGarrahan and his friends until 1870. If he had had that knowledge when he went into the court there would have been an end of this controversy.

It may be, Mr. President, that our action in passing the bill would be a reflection upon one department of the Government or another. The facts will justify us in that reflection. This case was first before the land commission. The land commission decided that Mr. Gomez was entitled to the land under all the proof except that he had not entered into actual possession. The land commission, a commission created by the Government of the United States, its own tribunal, decided everything in his favor except a question of law which they decided against him. Subsequently the Supreme Court declared in a case that is not distinguished from this, and which has been the law of the case ever since, that it was not necessary that there should be possession. An appeal had been taken by Mr. Gomez, as he might under the law, to the district court. Thereupon the district court for the southern district of California reversed the action of the commissioners and sent the case back, and the commissioners confirmed their action, and practically and legally adjudicated the title to be in Mr. McGarrahan.

Now, I wish to touch upon the question of the action of the United States attorney. I do not know whether he is still living, but I do not think it is fair to leave the impression the Senator from Montana intended the Senate should get, that this man had by corrupt practices accepted this title when it was not a proper title. He notified the Attorney-General that he was a partner in this property and asked that somebody should be appointed to look after the interests of the United States. If nobody was appointed it is no reflection upon him. Nobody was appointed.

The question of facts before the commissioners has never been disputed that I know of, neither have many of the points. It was determined that Mr. Gomez was the owner. Then Mr. McGarrahan's connection comes into this case. Not until after the tribunals of the United States created for the purpose of determining the title had determined that Mr. Gomez, the original grantee from the Mexican Government, was the owner did Mr. McGarrahan buy. He bought then as any citizen of the United States had a right to buy. He bought when, I say as a lawyer, in my judgment, the case had become final against the United States. An examination of the report made by Senator WILSON of this body in 1868, as chairman of the Judiciary Committee of the other House, will, I think, convince any one that I have not made a misstatement with reference thereto.

This being the case, Mr. McGarrahan having come into the property, it having become final, apparently, before the Commission in accordance with the then practice and in accordance with the law, he came to the Department of the Interior for his patent. Caleb B. Smith, who was Mr. Lincoln's Secretary of the Interior, declared (and it is in the report which has been made and is on the files of the Department) that under the law Mr. McGarrahan was entitled to the patent. The patent was not issued during Mr. Smith's administration; and when John P. Usher came in he again examined the matter and affirmed what Mr. Smith had declared. Thereupon Mr. Lincoln issued the patent, after, I think it will be shown by an examination of the report and the record, an examination of the case himself. How much examination the President could give the case under those circumstances of course I do not know, but the evidence warrants me in stating that Mr. Lincoln himself did give some personal attention to this case and the patent was issued.

Why the patent was not delivered nobody can tell, except the

fact is known that about or before this time there came into existence a great, strong, financial corporation known as the New Idria Mining Company, a company mining quicksilver on this particular grant. The New Idria Mining Company became the real legal contestant, not the Government of the United States.

The Senator from Montana spoke of this case as a nauseating case. Mr. President, I think a careful examination of the records of the case will show that it is a nauseating case, but not a nauseating case on the part of the petitioner here. It is a nauseating case owing to the conduct of many men who were in official position in those days.

The case is too voluminous for me to go over it in detail. First, the Commission charged with this duty practically decided in favor of the grantee, but refused to give the certificate on a question of law, which the Supreme Court declared was erroneous. Then the district court reversed the action of the commissioners, and the commissioners acquiesed in the decision of the court, because the question of fact they had found in his favor. Subsequently, in an irregular manner an appeal was taken, undoubtedly at the instigation of this corporation, not by the United States, to the Supreme Court of the United States. On a proper representation to the then Attorney-General, Jeremiah S. Black, the appeal was ordered to be dismissed, and the appeal was dismissed. A mandate went from the Supreme Court of the United States to the district court of California that the case should be affirmed, and it was affirmed.

Long after, by some jugglery, by some proceedings that neither I nor any other man has ever been able to understand, there was an erasure of the records in the district court of Southern California. The case then got again into the Supreme Court of the United States, long after the term for which the mandate had been issued had expired. The Supreme Court of the United States then took it upon itself to reverse its own mandate, and in that way took jurisdiction of the case.

If there is any one principle of law settled better than another in this country amongst lawyers it is that a court has no power after the term has adjourned, unless a statute gives the power to it, to interfere with its records; they become final and complete. The Supreme Court of the United States is on record in a great number of cases, cases that I need not cite to a body of lawyers, to the effect that that was a finality, and that they could not reverse and review their own decision unless there was a statute authorizing them so to do. Nobody claims that there was such a statute in this case. Upon that action there was a finding in 1866 against the petitioner in this case, and that is the finding we seek to remove.

Now, what is sought here? Is it anything very strange? We say that this land court shall try first the question, was there a legal grant to Mr. Gomez? That is the first question that this court is to find, and not, as the Senator from Montana suggests, that it is accepted as a fact. That is to be proved. First the inquiry is, was there a valid grant made to Gomez by the Mexican Government? If they decide that there was, then that settles the question as to the right of McGarrahan to the land that is still in the possession of the United States; and that is all it settles. Then the next inquiry *ex industria* in the bill is that the court shall then determine whether in law or in equity he is entitled to compensation for the minerals. If the law is as the Senator from Montana says it is, that quicksilver is a royal mineral and does not go with the grant, the court will so find. Then all this bill carries is simply the few dozen acres of valueless land for which he has been contending for many years from the State of California.

Mr. WHITE. Will the Senator allow me to ask him a question? Will it disturb him if I do?

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Louisiana?

Mr. TELLER. Certainly.

Mr. WHITE. I call the Senator's attention to section 4 of the proposed act. I ask the Senator whether, under section 4 of the bill, there is any submission to the court of the legal question of McGarrahan's right to compensation from the United States for use and occupation, and whether the bill does not simply submit to the court the amount of the use and occupation.

Mr. TELLER. The third section provides:

> That if said court shall find and adjudge that the said grant from the said Governor Manuel Micheltorena to said Vicente P. Gomez was valid and protected under and by virtue of the treaty, etc.—

then they shall give to him the land. The fourth section says:

> That if the court shall adjudge in favor of said William McGarrahan as provided in section 3, the United States shall indemnify the said William McGarrahan for such portion of land as may have been heretofore and may hereafter be disposed of.

It is to be taken as a matter of course that if it was his land and the Government has disposed of it the Government shall compensate him for it. I suppose he will get the magnificent sum of $5 an acre, for which this mine was sold by the United States, and a dollar and a quarter an acre for the remainder of the land that the Government has sold.

The other point, which is the great objection of the Senator from Montana to the bill, is that there will be a great claim made against the United States. These are the words of the bill—

> and for any mineral or valuable substance whatever extracted from said lands by any person or corporation other than the said William McGarrahan, and if the said court shall find that the said William McGarrahan is or was entitled in law or equity to the minerals or valuable substances, etc.

I say it does not make any difference what the amount is if the Government of the United States has by its strong hand taken away from him that which is his. It ill becomes this body or any member of it to stand here and say we will not do justice in this case because the magnitude is too great. Small justice we will mete out to citizens of the United States, but not adequate and complete justice. If it is a little affair we will do what is right, but if it is a big affair we will not do it.

Mr. FAULKNER. Will the Senator from Colorado permit me to interrupt him?

Mr. TELLER. Certainly.

Mr. FAULKNER. In reading the ninth line on page 6, if I caught the words of the Senator correctly, he left out the word "and" after the word "McGarrahan." How would he construe the clause in the fourth section commencing on line 6, "and for any mineral or valuable substance," down to "lands" in line 12, by the use of the words "and if" after the word "McGarrahan," following the clause as to mineral or valuable substance?

Mr. TELLER. The whole of it must be construed together. There can be no question about that. The question is left to the court to determine whether he was entitled to it under the law. If he was entitled to it under the law, if the patent of the United States would have given him property in that mineral, then the United States is to compensate him for it, otherwise not.

Mr. WHITE. I beg the Senator's pardon. The question which I asked him was about the use and occupation. He has answered by referring to the clause in the bill as to minerals.

Mr. TELLER. "Use" and "occupation" are terms that might have been left out. Everybody knows that the use and occupation of the land would amount to practically nothing. The real question here, and what this party seeks, there is no use in disguising. He seeks to recover from the United States, if he has been wrongfully deprived of it by the United States, something more than simply the small amount of rental for the occupation of the land by somebody, or more than the $1.25, or the $2.50, or the $5 an acre for which the land may have been sold.

Mr. FAULKNER. If the Senator will permit me, I wish to see whether he construes the words "and if" in line 9 as though it read "provided?"

Mr. TELLER. I do.

Mr. FAULKNER. That is what I wanted to understand.

Mr. TELLER. Otherwise the words are absolutely meaningless.

Mr. President, I am not going into the details of this transaction, because the Senator from Iowa [Mr. WILSON], who has been more connected with the examination of it than I have, although I have had considerable to do with it, desires, I believe, to be heard on the question. I do not want to take up too much time.

Mr. FRYE. Will the Senator from Colorado pardon me a moment?

Mr. TELLER. Certainly.

Mr. FRYE. I see the President in his message makes the point that if it is found by the court that the title is in Gomez, the court is not required to find that he made any assignment to McGarrahan.

Mr. TELLER. I will speak of that. It was not put in the bill because there never has been any controversy as to the assignment by Mr. Gomez to Mr. McGarrahan. That has everywhere and always gone as a matter of course. There would have been no objection if such a clause had been put in the bill.

Mr. MITCHELL. It was shown in the courts that the assignment had been made.

Mr. TELLER. That was shown in the courts and repeatedly in the controversies which have arisen, and no question has been raised on that point. The question was the bona fide title of Gomez himself, and that is the very first question that is submitted by the bill to the court.

It is a case simply where the United States has had a verdict against a man under circumstances that we believe to be inequitable and unjust, and the bill simply remits the whole question to a tribunal created by the United States itself, to be defended by United States agents and attorneys, with the right of examination not only by this court but by the court of appeals and the Supreme Court of the United States. If there is no title in this man, as the Senator from Montana insists, neither he nor

anybody need be afraid to submit this question to a court of that kind. In the first place, if there is no title, this court, created for the purpose of adjudicating land titles in the United States between the Government of the United States and its citizens, will determine that question properly. If they fail to determine it properly, the Supreme Court of the United States has an opportunity to determine it.

Mr. President, the objection to this bill does not lie there. The objection that is being made to the bill, whether Senators are brave enough to own it or not, is that they think the United States may be compelled to pay for the misconduct of its officials more than they think they can afford to pay to do justice between the Government of the United States and one of its citizens.

Mr. President, this case has attracted national attention, and if in the annals of legislation and judicial inquiry where the English language is spoken or written there is a case that calls for more severe condemnation and criticism than this I have never seen it. I think that I will be borne out in that statement by nearly everybody who has gone to the bottom of this case.

If the Senate of the United States and the people of the United States are not willing to do justice, let them say that it is too big a sum of money and they can not afford to do it. How much will it be? Whatever the court shall declare it to be, and whatever this body and the other House of Congress are willing, after the declaration, to appropriate money for. When the decision has been rendered and the amount has been calculated and found, it still has to come before the legislative department of the country for the appropriation. I do not think that anybody need to be afraid of it. It has been a standing scandal for twenty-five years, and if we can get it off of our record and have the people of the United States say at last the Government of the United States is willing to do justice to one of its citizens who has been wronged through the official agency and machinery of the Government, I think it will redound to the interest of good government everywhere and strengthen the people in their attachment to this Government of ours.

If Senators will take the report made by Mr. WILSON in 1868, and practically followed by me in my report on behalf of the committee in the present Congress, they will see that injustice has been done: and the only question is now whether we are willing to submit to our own tribunals, including the court that did have this case before it once, an opportunity to say now, Did you or did you not wrong this individual?

Mr. President, our plighted faith went out when we made the treaty of Guadalupe Hidalgo that we would maintain intact all the titles that the Mexican Government had given to its citizens. When our own tribunal had declared, after several years of examination and attention, that the title was in this Mexican grantee, then and only then a citizen of the United States became the purchaser of the land in good faith, as he had a right. The bill does not open the door to any improper conduct here, unless the Senator from Montana believes that it is improper for the Government of the United States to do justice to the humblest citizen as well as to its greatest.

Mr. HUNTON. Mr. President, before I enter upon the subject-matter of discussion I desire to make a statement somewhat personal to myself. For a good many years I was counsel for the claimant in this case, but I will state that never in my life have I received one dollar of compensation for my services. I will state further that before the present session began, the relations between Mr. McGarrahan and myself as client and attorney were entirely severed, and I stand on the floor to-day having no more interest in the claim of William McGarrahan to the Panoche Grande than any other Senator here. But I have examined this case time and again. I am probably more familiar with the details of it than almost any other member of this body, and I beg the pardon of the Senate while I go somewhat more into details than the Senators who have preceded me.

The claim of William McGarrahan to the Panoche Grande arises under the treaty of Guadalupe Hidalgo between the United States on the one part and Mexico on the other. One stipulation in that treaty was that all the rights of Mexicans to any property in the lands ceded by the Government of Mexico to the United States should be protected by the United States and guaranteed to the parties who had rights under the Mexican Government.

In obedience to that treaty obligation of the United States a land court was appointed in 1851, consisting of three very distinguished lawyers of the United States. The act organizing the court was passed by the Congress of the United States on the 3d of February, 1851. That court was charged with the duty of carrying out the provisions of the treaty of Guadalupe Hidalgo and confirming the grants made by the Government of Mexico to any Mexicans before the treaty of peace was concluded.

This land commission assembled in the State of California, and among other claims brought before that court was that of the applicant assignor, Vicente P. Gomez. At that time, by reason of the fact that the American arms had taken possession of the archives of the government of California and the papers were all scattered in every direction, when Gomez filed his petition to the land court he was unable to file with it any of the papers connected with the grant, except one. It turned out that in the progress of the investigation of this case the court sent to examine all the archives. Frémont had taken possession of Monterey, where the archives of that government were located, and had turned them over pell mell to some custodian in the State of California. The land court directed that those papers should be examined to see if any of the papers connected with the grant to Gomez were still in existence. They fortunately found a good many. They found every paper connected with the grant of the governor of California, Micheltorena by name, to Gomez, except the grant itself, which, in the progress of war between the United States and Mexico, was unfortunately destroyed.

When the case came up before the land commissioners there was no grant, but there was proof before the commission that the grant had been given by Governor Micheltorena to Vicente P. Gomez, and upon that evidence, documentary and oral, the land commission found that Gomez had obtained a grant. The grant was proven to the satisfaction of the commission, but there was no proof that Gomez had ever occupied the place, and for that reason the commission found against Gomez.

The PRESIDING OFFICER. The Senator from Virginia will please suspend. The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business, which is the bill (H. R. 7845) defining "options" and "futures," imposing special taxes on dealers therein, and requiring such dealers and persons engaged in selling certain products to obtain license, and for other purposes.

Mr. TELLER. The Senator from Minnesota [Mr. WASHBURN], who has the unfinished business in charge, is not quite willing that we shall go on with the pending bill. I ask that it may go over and come up again after the routine business to-morrow morning, and that the Senator from Virginia [Mr. HUNTON] may have the floor when its consideration is resumed.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Colorado? The Chair hears none.

PUYALLUP INDIAN RESERVATION LANDS.

Mr. ALLEN. I wish to make an inquiry of the Chair. The bill (S. 3056) giving consent of Congress to the removal by the Legislature of the State of Washington of the restrictions upon the power of alienation of a portion of the lands in the Puyallup Indian Reservation, upon certain conditions therein contained, was made the special order for 2 o'clock to-day. Other matters having been specially assigned and occupying the attention of the Senate, I wish to inquire whether that bill will retain its place on the Calendar of Special Orders and be heard after the cases before it have been disposed of?

The PRESIDING OFFICER. The unfinished business takes precedence of all special orders; and special orders, in respect to which the time for which they were set has passed, will hereafter take precedence of each other in the order in which they were made special. The bill indicated by the Senator from Washington will remain a special order and will take precedence of other special orders made a subsequent date.

PRINTING AND DISTRIBUTING OF DOCUMENTS.

Mr. COCKRELL. I notice that what is known as the printing bill was not ordered to be printed yesterday as it was passed by the House of Representatives. I ask that the bill may be printed as it was passed by the House.

The PRESIDING OFFICER. An order will be made to print the bill (S. 1549) providing for the public printing and binding and distribution of public documents if there be no objection. The Chair hears none, and it is so ordered.

COMMITTEE SERVICE.

Mr. MORGAN. I desire to be relieved from further service upon the Committee on Public Lands.

The PRESIDING OFFICER. The Senator from Alabama asks to be excused from further service on the Committee on Public Lands. Is there objection? The Chair hears none. The Senator from Alabama is excused, and the Senator from Wisconsin [Mr. VILAS] is appointed to fill the vacancy.

ABANDONED MILITARY RESERVATIONS IN WYOMING.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 2093) to provide for the disposal of certain abandoned military reservations in the State of Wyoming.

The amendments of the House of Representatives were: On page 1, line 15, to strike out the words "either of the;" and on page 1, line 15, after the word "laws" to insert "if qualified."

Mr. CAREY. As the amendments are simply corrections of clerical errors, I move that the Senate concur in them.

The motion was agreed to.

DEALING IN "OPTIONS" AND "FUTURES."

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7845) defining "options" and "futures," imposing special taxes on dealers therein, and requiring such dealers and persons engaged in selling certain products to obtain license, and for other purposes; the pending question being on the amendment of Mr. DANIEL, to strike out section 10.

The PRESIDING OFFICER. The Senator from Mississippi [Mr. GEORGE] is entitled to the floor.

Mr. GEORGE. Mr. President, my purpose this morning is to continue the discussion of the bill to prevent dealings in "futures" and "options;" and I think it a proper preliminary remark to say that I see it stated in the New York papers that because the Senate yesterday dared to exercise and to perform its constitutional function and duty of considering this bill, cotton was made to fall two or three or four or five points, thereby undertaking to force this body to cease the performance of a grave, constitutional duty. To show that this action on the part of the New York Cotton Exchange and the speculators therein was purely factitious, purely in the spirit of bravado, I have but to call the attention of the Senate to the fact that whilst cotton goes down because the Senate dares to consider this bill, corn and provisions, also embraced in this bill, in the city of Chicago go up. I take it that Senators will treat such threats, such menaces, with that proper degree of contempt to which they are entitled.

I was speaking yesterday evening when I gave up the floor of the character of the New York Cotton Exchange. I called the very remarkable provisions of the charter and by-laws of that exchange to the attention of the Senate. This morning I desire to make another observation or two upon that subject.

It was shown yesterday—and I desire to call the attention of Senators to it—that that exchange, through one of its organs, assumes to be the controlling market of the world on cotton, that it assumes to have the power, and actually exercises it, of fixing the price of cotton to suit its own views of what is right and proper. I have shown that it had extraordinary powers, legislative and executive, and now I desire to call the attention of the Senate to the fact that it is really an *imperium in imperio;* it also has judicial powers. Let me explain to the Senate, so that we may know with what sort of an institution we are dealing.

By the provisions of the charter granted by the Legislature of the State of New York the judicial power is granted to the New York Cotton Exchange of summoning witnesses, a thing unheard of before, except by a regularly organized court. Bear that in mind; then bear in mind, Mr. President, that all this immense trading in futures, amounting during the last year to 40,000,000 bales of cotton on the floor of the exchange of the city of New York, can only be transacted by members of that exchange. No producer of cotton, no citizen of the United States who is not a member of the exchange, which fixes the price of its membership at $10,000, can go on the floor of that exchange and deal in the agricultural products whose prices that exchange assumes to fix.

How is it done? How are outsiders to deal with this thing? Everybody knows that outsiders do deal in futures. How do they do it? Their names are never known on the records of the cotton exchange. There are certain men who are members of that exchange, and who are on that account amenable to its jurisdiction, who are called "future brokers," and a man who is not a member of the exchange is obliged to employ them. The contracts are made not in the name of the outsider who gives the order. I want the Senate to understand that, because this is a very important point. A citizen of Mississippi desires to make a purchase or a sale of futures; he is not a member of the New York Exchange; he gives his order to Mr. A, who is a member. Mr. A makes that contract of purchase or sale in his own name with Mr. B, who is also a broker of that exchange, and he also always contracts in his own name. The Mississippian is never known except upon the books of the broker. That produces this state of facts, that that contract, however valuable it may be to the outsider, to the Mississippian, is absolutely subject to the jurisdiction of the New York Cotton Exchange. There is a provision in the by-laws which I will read, so that Senators may understand with what they are dealing. Section 19 of article 2 of the rules and by-laws of the New York Cotton Exchange reads as follows:

> SEC. 19. All claims, disputes, differences, and controversies between members of the exchange, arising out of any transactions in cotton or print cloths—

But that may be left out on the present occasion—

> unless such transactions shall have been negotiated through a broker or brokers not members of the exchange—

And then it could not have been negotiated upon the floor of the exchange and would not be noticed in the report of the exchange.

> Shall be subjects of and determined by arbitration as hereinafter provided, if notice in writing of such claim, dispute, difference, or controversy, and of the intention to demand an arbitration thereon, be served by either party upon the opposite party or parties thereto within thirty days from the discovery thereof, but not otherwise.
>
> SEC. 20. Either party to such claim, dispute, difference, or controversy, or if there be apparently more than two members of the exchange interested therein, any two of the parties thereto shall have the right to demand an arbitration thereon, if notice thereof be given as required in the last preceding section.

So that every contract involved in the purchase and sale of 40,000,000 bales of cotton, every dispute concerning it can only be adjudicated by the arbitration committee of the exchange. The members of the exchange are subject to its jurisdiction, and they allow no man who is not a member of the exchange, be he a broker or otherwise, to trade in the exchange except in the name of a broker or member of the exchange. So that the New York Cotton Exchange as to all the immense transactions passing through it is as fully exempt from the operation of a writ emanating from the State courts of New York or the United States courts sitting in New York as if the exchange and its members were located in the city of Liverpool. In other words, these men have created in that exchange the right of sanctuary, by which and through which every transaction connected with the immense business of that exchange is taken away from the courts of the country and left to the determination of the exchange itself.

Taking in view what I said yesterday, its immense powers, the enormous number of contracts made, the effects which the contracts have upon the cotton trade of this country, and then, Mr. President, you see that this exchange really dominates that trade not only in its transactions but in the settlement of all disputes connected with them. More than that, by the terms of the charter the award of the arbitration committee can be filed in the supreme court of New York, and *ipso facto* upon its filing it becomes the judgment of the court and the court is bound to enforce it.

Something was said yesterday about the membership of the exchange. It was claimed that the farmers of the country were represented in it.

Now, sir, I desire to read to the Senate some information on that subject which I did not present yesterday. I do not regard that as a very material point, and am only reading it for the purpose of showing that I was substantially right last session when I spoke on this subject. I read to the Senate yesterday and commented upon the report made by the superintendent of the exchange, in which he gave a list of all the members and their occupations, and nobody was put down as a planter or a farmer. Then I called the attention of the Senate to the supplementary report, in which I believe sixteen men were reported as cotton-planters.

I addressed this letter to a gentleman living in the city of New York, of fine character, and who has such relations with the Cotton Exchange of that city that he is authorized to communicate with its officers. I said this:

> I see it is claimed by Latham, Alexander & Co. in their reply to me that there are several planters or raisers of cotton among the membership of the Cotton Exchange of New York. I do not doubt their statement; but I suspect that it is true only in the sense that some persons (like Mr. Latham), engaged principally as bankers or in some other mercantile pursuit, have an interest in planting cotton.
>
> I want to get a list of all the members of the Cotton Exchange of New York, with their residence and occupation; I want as to those stated to be planters of cotton, the following:—

To which I call the attention of the Senate—

> 1. The extent of the business of each in some other occupation; 2. the place where they spend most of their time, whether on their farms or somewhere else, and, if elsewhere, the place; 3, the location of their plantations, etc.

The gentleman to whom this letter was addressed, Mr. A. B. Shepperson, writes that he read that letter to Mr. Bloss, the president of the Cotton Exchange, and asked for the information therein requested. In the reply I got a list of men, with their residences, who are said to be cotton-planters, without a single statement as to the very important and essential fact what other business they are engaged in, where do they principally stay, and to what business do they principally give their attention. All that important matter is wholly omitted, because it would have turned out, as I stated yesterday, that these farmers were mere amateurs.

Mr. HARRIS. Does it give the residences of the farmers?

Mr. GEORGE. It gives the residences.

Mr. HARRIS. Do they live upon their farms?

Mr. GEORGE. Not one of them. I will tell the Senator where they are. They all live in New York with the exception of two who live in Memphis, one in Galveston, and one in New Orleans, none living on plantations, and none stated in this report to be engaged in any other business except farming, which was the very point I made in the inquiry.

I propose now to consider somewhat the performances of that exchange with reference to cotton, and now I wish to state while it controls the cotton market of the country and, as claimed by Latham, Alexander & Co., the price of cotton throughout the world, New York only received in the last commercial year, 1891–'92, the amount of 165,576 bales of cotton. It received about the same in the year before, upon which I commented in my speech made at the last session of Congress. I was replied to by the statement that I knew nothing about the business of the great city of New York, that over 784,000 bales of cotton were exported from the city of New York to Europe, and those 784,000 bales of cotton were added up as a part of the business of New York in cotton. I quote from their paper:

The following are the official figures showing business done in New York for the cotton year of 1890–'91:

Cotton exported to Europe	bales..	784,058
Cotton sold from table	bales..	146,805
Actual cotton delivered on contract	bales..	144,703
Total	bales..	1,075,566

This does not include the large receipts of cotton that pass through this city and remain unsold in this market.

To show that I was right and that the representatives of the Cotton Exchange of New York have made a very serious mistake as to the importance of New York as a cotton market, I propose to read something to the Senate, which I presume will not be controverted. In the first place I will read the "report of the board of managers, treasurer, executive committee, warehouse and delivery committee, and trustees of the gratuity fund" of the New York Cotton Exchange, an official paper sent out to the world as containing a truthful account of the transactions in cotton in the city of New York. On page 5 of that report I find the following:

The reported sales of spot cotton, compared with the two previous seasons, are as follows—

I am not going to make the comparison now, but I am merely going to show that I was right as to the last one—

1891, for export, 96,666 bales; spinning, 99,956 bales; speculation—

I ask Senators to keep this in mind, as it will be very important before I get through—

1,026 bales.

Not a word said about the 784,000 bales of cotton which these men, representatives of the New York Cotton Exchange, claim to be a part of the cotton business of New York.

I addressed a letter to the same gentleman to whom I have referred, Mr. Shepperson, who was introduced to me by the Senator from Louisiana [Mr. WHITE] as being a very reliable gentleman. He is the highest cotton authority in the United States; he annually publishes a book on cotton, which is recognized in all cotton circles as high authority. I called his attention to the large claim made by these parties as a part of the commerce of New York, and he says:

Of the 784,058 bales of cotton exported from New York in 1890–'91, by far the greatest part was shipped from the South upon through bills of lading to Europe via New York, and no cotton merchant or broker or sampler had anything to do with it. Doubtless some of it was shipped from the South upon orders sent from New York. No one can tell how much this was, but it is safe to say it was a very small proportion of the quantity exported.

Exports to Europe of cotton shipped from the South upon through bills of lading via New York can not properly be claimed as any part of the business of the New York Cotton Exchange. Exports of cotton were made through New York before the New York Cotton Exchange was established, and their volume would not be diminished if the exchange should go out of existence to-morrow.

So I have established by their own report that the business of the Cotton Exchange of New York, in reference to exports, amounts to ninety-nine thousand and some hundred bales, and then I have established by this authority that the claim set up of 784,000 bales exported from New York as being part of the business of New York is wholly unfounded.

Now I want to call the attention of the Senate to another very important fact, and that is, as the sales of futures increase in quantity the real transactions in real cotton in New York decrease in quantity, I read from their own report submitted by the New York Cotton Exchange:

In 1889 there were 218,429 bales of cotton sold for export; in 1890, 163,932; in 1891—

The very figures which I gave—

96,666 bales.

The New York Cotton Exchange have become so enamored with trading in "futures" that year by year they pay less and less attention to real transactions. Now let us examine as to spinning.

In 1889, 200,550 bales were sold for spinning; in 1890, 151,938; in 1891, the amount for spinning was 99,956 bales.

Then, "for speculation." Before I get through I shall have something to say about speculation, but it is as well to read that part of it here. "In 1889, 9,045 bales of spot cotton"—real cotton, genuine cotton—were sold for speculation in New York. In 1890 the enormous sum of 573 bales was sold; in 1891, 1,026 bales were sold for speculation. Now let us see how the "futures" ran in those years. Here it is in their own book:

The transactions of cotton for future delivery have aggregated 26,389,500 bales—

That is for the year 1890–'91—

against 21,084,100 bales last year, and 20,184,400 bales in 1889.

So that as the transactions in "futures" go up the transactions in real cotton go down.

Mr. MCPHERSON. Will the Senator please inform the Senate——

Mr. GEORGE. I will inform the Senator of anything I know.

Mr. MCPHERSON. In what manner does that affect the price of cotton?

Mr. GEORGE. If the Senator will wait I will show him. I do not wish to be drawn off from the line of my argument, but I will give all the information the Senator desires before I get through.

I have authority for the statement that for the year ending August 31 last, the future sales in the Cotton Exchange in New York amounted to 40,000,000 bales. Let me tell the Senator from New Jersey another thing. It not only happens that as the future sales go up the number of the transactions in real cotton go down in number, but it also happens that as the future sales go up in number the price of cotton goes down.

Mr. MCPHERSON. If the Senator will bear with me, and if I am not interfering with him——

Mr. GEORGE. I trust the Senator will let me get through with the argument on the point I am making. If the Senator does not understand my views upon it, then he may interrupt me.

The PRESIDING OFFICER (Mr. PADDOCK in the chair). The Senator from Mississippi declines to yield.

Mr. MCPHERSON. Very well.

Mr. GEORGE. I am perfectly willing to be interrupted at any point, but I do not wish at this stage of the proceeding to have my attention attracted to something else. I wish to make my speech in an orderly way.

Mr. MCPHERSON. It was exactly on that point I wished to interrogate the Senator.

Mr. GEORGE. What is the question?

Mr. MCPHERSON. The inquiry which I wish to make of the Senator, which he says he will answer later in his remarks, is simply this: I ask in what way fictitious sales of cotton in New York affect the cotton market, if at all? As I take into consideration the exports of cotton, I find that 5,600,000 bales of cotton were exported—sent away. I find that about 2,500,000 bales of cotton are consumed in this country——

Mr. GEORGE. I do not give way for the Senator to make a speech. I will answer his question before I get through.

Mr. MCPHERSON. Just one sentence to complete it.

Mr. GEORGE. I do not wish to be interrupted by that kind of a statement. I will answer the Senator's question; I will show him how the price of cotton is affected, and I will show him what is more important than that, that the price of cotton is affected.

Mr. MCPHERSON. I shall be glad to hear it.

Mr. GEORGE. Now, I am going to tell the Senator. While I am on this future-delivery question I have some very recent information concerning it. Everybody who has paid any attention to the cotton statistics of the present year knows that the crop is disastrously short. The best and most conservative estimates are that it will not exceed 6,500,000 bales, while the consumption is over 8,000,000 bales; in other words, the crop is 1,500,000 bales short. The natural effect of that would be to raise the price of cotton, and it has raised it. It ran up as much, I believe, as 3 cents a pound; but that did not suit the speculators; it did not suit the members of the New York Cotton Exchange; and they did exactly what Latham, Alexander & Co. said they could do. If Memphis, Galveston, and other little towns had exchanges as New Orleans has, and they undertook to sell cotton above the New York quotations, New York had an unlimited supply of money and of cotton; the New York Cotton Exchange was not limited to the 165,000 bales which were received in New York, not limited to the 9,000,000 bales of cotton raised last year in the United States and this year to the 6,500,000 bales raised in the United States; their only limit was their insatiate greed. They would sell and pour out on this market 40,000,000 bales of cotton as they did, with what effect? They said they could sell it down, and they did.

Now, let us see what they did when they broke cotton down; when they made it fall a cent or a cent and a half a pound; I do not recollect the amount now. I hold in my hand a telegram from the city of New York dated December 13, addressed to Mr. C. Wood Davis, who handed it to me, giving the future sales in New York.

Future sales last week were 1,938,800.

One million nine hundred and thirty-eight thousand eight hundred bales in one week! If there had been an average of that sort for fifty-two weeks in the year it would have been about 100,000,000. What was the effect? Cotton fell. What Latham, Alexander & Co., said could be done was done. Drawing on an illimitable supply of phantom, fictitious, inexhaustible cotton, they sold cotton down. How many "spot" sales of cotton, that is, real transactions in this great cotton market exporting 784,000 bales of cotton, falsely claimed to be a part of the commerce of New York, were there in that week? Four thousand and forty bales. Mr. Davis has made a calculation here of how that thing went along, which I will read to the Senate:

The attached telegram, this moment received, shows that the sales of actual bales during the last week upon the same exchange were 4,040, while the sales of phantom bales reached an aggregate of 1,938,800, the ratio being as 1 is to 480. As to the regular rates for buying and selling—12½ cents per bale each way—the brokerage on the sham contracts would have been $484,500 The value of the real cotton at the current price would be but $198,000.

The brokerage on phantom sales $484,000; the total of actual sales $198,000, about 2½ to 1. I shall speak about this a little more here after, but I put in the idea now, so that Senators who have not given as much attention to this matter as I have may think of it.

The value of the real cotton at the current price would be $198,000; the brokerage on the fiat bales being two and one-half times the value of all the cotton marketed.

Mr. Davis asked a question, which I shall read so that the Senator from New Jersey, who seems to be in love with this kind of trading, may at his leisure revolve it in his mind and give an answer to the Senate and to the country. Here is the question:

Is not the community paying too high a price for distributing cotton through the instrumentality of futures when it takes the gross value of two and one-half bales to market one?

That is what it cost in the Cotton Exchange of New York, the great regulator of prices for this country.

And yet, sir, we are told by these dear lovers of the farmers that if the Senate dares, in the exercise of its constitutional powers, to touch one hair of the head of this New York Cotton Exchange cotton shall go down to nothing, or to use a phrase of the Memphis Cotton Exchange "threatening cotton production with utter annihilation." They have put it down, and have created a sort of panic throughout the South by their dealings, with a view of preventing action by the Senate. I get telegrams every day from home asking me not to vote against a bill to suppress futures, because they believe such suppression to be right, but to postpone action, so that the helpless farmers may market their cotton before the dreaded blow shall fall upon them which these men have threatened.

Mr. President, right on that point I desire to say, so that my constituents in Mississippi who have telegraphed to me upon that subject may understand my position, that it is impossible to postpone action on this bill without giving up all chance to pass a bill suppressing "futures." I have already seen an editorial from a leading paper sent to me in which dilatory tactics were suggested as a means of defeating the bill during this short session. Another reason why I oppose postponement is, which is a blessing in disguise, the short crop with which Providence has afflicted the Southern people. That blessing is this, that whilst gamblers and speculators in cotton may temporarily depress it, yet at last there is a deficiency for consumption, and the consumers will be obliged to come forward and to take it at proper prices. So this of all times is the time when we can pass a bill to suppress "futures" with a better prospect of escaping the damnation which the speculators threaten us with if we undertake to pass it.

Now, I begin to get on the territory to which the Senator from New Jersey called my attention, and I think by the time he has traveled with me over this territory he will begin to see that speculations in "futures" depress the prices of agricultural products in which the speculations take place.

Recurring to a thought which has been expressed by the advocates of this future dealing, emphasized over and over again, and to a thought which they are endeavoring now every day to express in disastrous action to the cotton farmer—that thought being that by the agencies of these exchanges the trading, the marketing of the cotton crop has become so interlocked and interwoven with the future system, that if you touch the future system you disorganize the real business of the country—recurring to that, I want to put this proposition to the Senate, I want to put it to the country, I want to put it to every thoughtful man.

If it is part of the cotton trade, if you can not carry on the cotton trade, if it is not carried on except through the intervention of futures, then what follows? If these interloping middlemen have made the traffic in 40,000,000 bales of cotton a year a necessary and essential part of marketing six or eight million bales of actual cotton, need I argue to the Senate that the actual cotton must pay the expenses of the marketing? If the actual cotton does not pay the expenses of the marketing, who does? The expense must be paid. These men do not live on air; they do not trade on air; they come and say, and I fear with some plausibility, too, as things now stand, that we can not market our six million bales of cotton or our eight million bales of cotton without the future system.

If that be so, and, as they claim, it is a part of the necessary agency of marketing the cotton, is that necessary agency furnished to us free? Are these men great philanthropists, and do they propose, having already by trade or other means, which I will not say are otherwise than proper and legal, acquired immense fortunes, to give up not only the fortunes which they have acquired, but their time and talents free of interest for the money involved, free of charge for the services rendered, and devote all this to enabling the cotton-planter to market his crop? I suppose nobody will assert that proposition; and yet that must be asserted unless we apply the ordinary rules of political economy to the trading in "futures." That being an agency actually used for the purpose of marketing the crop, that crop must pay the expenses of the use of this agency. If there is any answer to that I should like to know what it is.

When the Senator from New Jersey comes to reply, as I have no doubt he will, enamored as he is with the beautiful system by which 40,000,000 bales of phantom cotton are transferred hither and thither, from this man to that man, at a brokerage of 12½ cents, at margins of from $1 to $5 a bale—with all that, when he comes to reply, I should like him to tell the Senate how all that is paid for if it does not come out of the cotton crop.

I read to the Senate at the last session what Mr. Bloss said about the commissions. He is president of the New York Cotton Exchange. Mr. MOSES, who is a member of Congress from the State of Georgia, representing a cotton constituency, and who has an idea as I have, and as I think most men have, that all the expenses of these sales of phantom cotton come out of the crop, asked Mr. Bloss this question:

Now, ultimately all these commissions—

He was only talking about commissions—

for these wind sales come out of the crop; the world pays them out to these brokers to carry on the cotton business, do they not?

What did Mr. Bloss say? He said:

Yes, they are obliged to.

A pretty good reason for paying them; they could not help it; but Mr. Bloss thought that would not do. When he was asked if the poor cotton farmer, bound hand and foot, paid these commissions, he thought it would not do to turn him loose under a statement of that sort, that he is obliged to pay them, and so he amended his statement, and that emendation was this:

But they do it of their own free will.

Then he thought that would not do, and then he put in another, and that was that they not only did it of their own free will, when they were obliged to do it, but they had become so enamored of the low prices of cotton created, as I shall show before I get through, by the action of these future brokers, that, to use the language of Mr. Bloss, "they desired to do it." They were anxious, hungry, waiting, pushing to pay out of their little earnings on the low price of cotton the commission on these wind sales. If anybody can tell me why the commission should come out of the cotton crop, and why all the other expenses attendant on the future business shall come from somewhere else, I should like to hear the explanation.

Let us stop and think about that a little. The New York Cotton Exchange and its little sister, the New Orleans Cotton Exchange, are composed of men engaged every day in mercantile pursuits for the purpose of bettering their fortunes; of increasing their store and provision for old age. Is it a fact that these men, every one of them coming here and saying that it will ruin the poor farmer if we touch the business in which they are engaged, only want the commissions? What do they put up the margins for? According to the New York Cotton Exchange they are to put up from $1 to $5 a bale. Are they to put the margins up just for the fun of seeing the money pass out of their hands and go into a trust company for deposit?

Do they build a magnificent temple, as they have done both in New Orleans and in New York, to Mammon, and dub it "The Cotton Exchange," just for the poor privilege of doing this business to the amount of 40,000,000 of bales of cotton a year in order to enable the poor farmer to market his crops? Have they done all that just out of a pure spirit of charity and philanthropy? Do they fix in their by-laws that the initiation fee to this eleemosynary society shall be $10,000 just out of pure love of doing good, to prevent other persons from interfering with their monopoly of charity? Oh, sir, it seems to me if these men were doing all this business from a pure love of the poor farmer they would have thrown wide open the doors of the exchanges and said, "Come, come, every one of you who wants to enlist under the banner of charity and benevolence and let us help the farmer."

Oh, no; they do not do that. They charge a person $10,000 to get

in, and then he must also be elected. The applicant's name must go before a committee or a board of managers for examination, and I suppose when they get it before them, according to the theory which I am now combating, the first questions they will ask of the applicant are: How much money have you given away to the farmers during the last twelve months? How much time have you spent in concocting schemes and carrying them out to elevate the American farmer? How much money have you got now which you are willing to devote to the advancement of the welfare of the American farmer?

Those would seem to be the questions they would ask according to the theory under which they were working; but they do not ask those questions. They claim they want to find out whether the applicant is a man of fair financial standing; that is, whether he pays up his bets on the price of cotton, etc. That excuse will not do.

These exchanges are what other business associations are. They are associations to make money. I do not blame them if they want to make money, provided they make it in a legitimate way, but I blame them when they are trying to persuade the American people, the American Senate, not to touch this unhallowed traffic, which they pretend is all for charity, all for the love of the farmer.

Mr. President, I suppose that nobody doubts that this scheme of marketing the crops, the scheme of future dealing, is just like transportation, just like storage, just like insurance, brokerage, and interest, charges to be reimbursed. Can anybody tell me how they are to be reimbursed and kept up from year to year unless they are reimbursed out of the crop? These people must have somebody to pay these charges. I heard a wise man once say that if it were not for the greenhorns, men who worked and labored part of their time and then for amusement occasionally engaged in the delectable and profitable business of gaming, the whole gambling fraternity would freeze out or starve out in a very short time. They must have some producer to refill the coffers which are being continually emptied by their extravagance and wasteful living.

Let us see what the commissions are. Here I find again that the representatives of the New York Cotton Exchange are disingenuous or ignorant of their own rules. When I made a calculation upon that subject to show how much commission was paid and had to be paid on these wind and phantom sales, I was replied to by the statement of the alleged fact that the brokerage is not charged both ways. I said if there were 35,000,000 or 36,000,000 bales of cotton sold there was 10 cents charged for the selling and 10 cents for the buying. They disputed that. Let us see how that stands. Here is the book, the charter, rules, and by-laws of the New York Cotton Exchange, and I shall read it:

COMMISSIONS ON COTTON CONTRACTS.

Commission shall be charged and paid—

Notice the next three words—

under all circumstances—

Upon what?—

both upon the purchase and sale of contracts for future delivery of cotton,—

Now, mark—

and where a turn involves two transactions,—

I did not know what "turn" meant, but they have defined what it does mean here—

viz: A purchase and sale, a commission must be charged on both, this rule being equally applicable to extension or transfer of contracts from one month to another.

You see that the New York Exchange, through its representatives who undertook to reply to me, and had their reply published, paying for it, in the leading papers in every cotton State of the country, made a slight mistake, or else they have solemnly published to the world a falsehood.

The rates of commission shall be as follows:

Twelve and a half cents per bale for each and every bale bought or sold, when the transaction is made for any party not a member of this exchange.

Oh, Mr. President, this charitable and eleemosynary society, these 454 gentlemen who have associated themselves together in the New York Cotton Exchange for charitable purposes in order that the poor farmers of this country shall not be sacrificed in the way of depressed prices of cotton, when it is all benevolence, all charity, all love for the human race, would you think that a society which was thus organized and carried on to do business for the good of the public would make a distinction between the poor outsider who did not have $10,000 to pay the initiation fee, the poor cotton farmer or the little merchant or the small business man in any sort of business—do you think they would make a distinction between them and the members of the exchange? Sad it is, but it is true. They charge all outsiders who have not the $10,000 to pay for going in 12½ cents commission each way. See what they charge somebody else:

Seven and one-half cents per bale for each and every bale bought or sold, when the transaction is made for any member of the exchange.

But they do not even stop there. They make a distinction between the resident members, and those who are farmers living in South Carolina and Texas and Tennessee, and they do it in the nicest way in the world. Let us see how they do it:

Seven and one-half cents per bale for each and every bale bought or sold, when the transaction is made for any member of the exchange who has not a permanent office established in the city of New York within half a mile of the exchange, as prescribed by article VIII, section 108 of these by-laws.

If a man lives within half a mile from the exchange he then begins to tread upon sacred ground. The temple erected, worth over a million dollars, as shown by their report, for the transaction of this business, casts its beneficent and saving influences for half a mile around. All within that charmed and sacred circle can get their cotton bought and sold for 2½ cents; but if he is outside of it, although he may be a member of the exchange, he must pay 7½ cents, and if he be a man who has not the character to enable him to get into this exchange, and the money, $10,000, he has to pay 12½ cents. It does not seem as if there was very much philanthrophy in that.

I should like to read something as to the margins, but I have taken so much time of the Senate that I shall not detain it, but will state that the by-laws require the margin to be from one to five dollars a bale, and then more money if there should be any greater rise or fall requiring more money to make the margin good. I will average these margins, I will be liberal; I will assume there is not much variation in prices, although I will show that there is a great variation before I get through. I will assume that only half of the highest sum is charged, that is, two and one-half dollars a bale each way. That would be $130,000,000 on 26,000,000 of bales; but now they have got it up to 40,000,000 bales, which is about a third more, and so you will have to add one-third to the $130,000,000 of margins. Interest must be paid for the use of this money.

Let us see what is the cost of running this eleemosynary institution called the New York Cotton Exchange. I take my figures from the report made, to which I have called the attention of the Senate before. I find the inspection bureau in one year cost $54,143; the expenses of the building, although they own it, were $48,000; other expenses, on page 13, $25,950; fixed charges, see page 16, $36,311. This is the expense of running the exchange, without anything about margins, or brokerage, or anything of that sort, and it amounts to $165,204.34, which comes out of the cotton crop, and amounts to $1 per bale for all the real cotton received and sold in New York.

What else? Then there are the profits. There is the money which these middlemen have reaped by their interloping and intermeddling between the producer and the consumer. How much? I do not know; no man knows; but there are some indicia, indefinite it is true, which point to the fact that there are enormous profits. Would men pay $10,000 a year, as fixed by the rules of the Cotton Exchange, for an initiation fee into a society where they can not make any money or can make but very little money? Will men put up $130,000,000, add a third to it, about one hundred and sixty or one hundred and eighty million dollars in the way of margins, just for fun? Will they do all these things when no profit, no reward is expected? That question answers itself, Mr. President. Jerome Hill, of St. Louis, one of the most extensive and intelligent cotton factors in the United States, estimates the loss of the farmer by these future dealings at $100,000,000 a year.

Where does all that come from? The profits of the middleman, as these men have made themselves in this case, must come from the article in which he deals. That is a clear proposition. That on general principles looks like cotton is taxed for the benefit of these middlemen. But all the men who insist on the perpetuation of this system of future dealing explain, as they think, how it is beneficial. Of course with these great institutions in New Orleans and New York, with the millions and millions of dollars which are made out of them, when all that money comes out of the cotton crop, the men who insist that this thing shall go on must furnish a pretext for it, and what is that pretext? They all fall on the same thing, though they work it out in different ways, as you will see if you will give me your attention. They say the crop is marketed by the system called hedging, and I will read what the protest of the New York Cotton Exchange, or the substance of it, is on that subject.

This is the *modus operandi* of hedging: Exporters in the early season contract for large quantities of cotton to be delivered later in Europe. They make contracts based upon future prices in New York for the month of delivery, plus freight and charges; that is, they contract to deliver in Europe so much cotton, say in the future month of April, to take that month, at a price which they determine in this way: They look at the quotations of the Cotton Exchange of New York and see what the prices of "futures" are for April. They charge that for the cotton. Then they charge freight, commissions, profits, etc.

That is a sale. They make the sale, but they are not satisfied

with that and are unwilling to risk that the price of cotton in April next will be what the figures of the New York Cotton Exchange say it will be, although it is claimed by this paper from which I have read so often that you can always ascertain the value of cotton by inspecting the quotation marks of the Cotton Exchange of New York. They are not willing to risk that. So the man who wants to sell cotton in Europe wants to hedge; he is afraid that cotton may be higher in April than he has contracted to deliver it for; so he makes a purchase of "futures" for April; but this purchase of "futures" does not give him any cotton. He has a contract to deliver so many bales of middling, or good middling, or middling fair, or any other grade of cotton.

When he makes a purchase in the Cotton Exchange of New York he may get anything of thirty grades—I counted them over this morning—he may get all the cotton in any one of thirty grades or he may get a part of it in one grade and a part of it in another, not as he chooses, but as the seller chooses to deliver. So when he makes his future purchase he can not rely on that to fill his contract in Europe. Then, what does he do? He has made two contracts. He has sold cotton in Europe deliverable in April, and he has bought "futures" in New York. I will not call it deliverable in April, because it is not to be delivered but to be settled for in April. If they were to deliver the cotton to him he would be ruined, because he could not send it to Europe to his purchaser and so he wants to settle and everybody else wants to settle without a delivery. The man who sells it has not got the cotton, and the man who buys it would not know what to do with it if he got it. So he is not any nearer now to the end than he was when he first started.

I am following the New York Cotton Exchange in their protest against this bill. After a while, along about March, just in time to get his cotton delivered in Europe in April, he wants to buy real cotton of a specified grade. He buys it. Then, what? He is not satisfied with that. That would seem to end the transaction, but, no, he goes after buying the cotton, according to the New York Exchange, and sells a similar quantity deliverable at the same time. That is settled for. What have you got? You have got two real contracts, one by which the exporter acquires the cotton in the country, one by which he binds himself to deliver that cotton in Europe, and you have two sham contracts, as I have explained to you. As he does not want and probably could not pay for the future cotton which he purchased, he has to sell that.

He has to pay his 12½ cents a bale on the contract which he made to hedge first, and then on the contract which he made to hedge second, and then on the disposition of the cotton which he bought and did not want. That is three brokerages.

How will that work out? Suppose that he has sold 1,000 bales of cotton in Europe and that cotton is worth $50 a bale. He will get $50,000. That is a real contract. Then he has to buy 1,000 bales of cotton in order to hedge, and has to put up his margin on that; he does not put up the money on that, but he puts up his margins. He has to pay 12½ cents commission on that. That is $125. He then buys the actual cotton in the South. He may buy that himself and not pay any brokerage. That is a legitimate transaction, not charging him anything for brokerage. To hedge against that he sells 1,000 bales of cotton and pays 12½ cents on that.

That is another $125. He does not want the 1,000 bales of cotton "futures" he bought, and he must sell, and he pays according to the New York Cotton Exchange $125 for selling that. He puts up his margin; he has got to do that at, say, the highest allowed, viz, $5 on each side. He puts his up and the other fellow puts up his. That is $5,000. He puts up his $5,000 and the other fellow puts up his. The interest on that $10,000 is $600. Then add the brokerage, $375, and you get $975 for dealing in "futures," in hedging, while there is not a bale of cotton ever seen or ever delivered. He pays $975 or 97½ cents a bale for marketing that. The crop last year was about 9,000,000 bales. This they say is marketed by futures in the way suggested. If you add to the 97½ cents per bale the contingent losses, say 2½ cents a bale, it will take $1 per bale for the 9,000,000 bales, or $9,000,000. Then add the brokerage each way on the 40,000,000 bales, we would have $10,000,000 more. Who pays that? I should like to know when the Senator from New Jersey comes to reply to me, as I hope he will, because I do not want to be deceived about this matter myself, and if this thing is to go on, I should like to know that it is right. If it is right and best for the people of the South I do not want to interfere with it. I should like the Senator to tell me who pays that $19,000,000. Of course that is paid, as they all say now, in order to market the crops, and the Memphis Exchange really called it insurance, as I shall explain when I get to that remarkable production. Who pays the insurance on cotton and on everything? Is it not a tax upon the product marketed? So is this.

Then there is another tax. I will deal with this rather on the idea they suggest themselves, yet I will modify it so as to bring it within reasonable proportions. They claim now, and every one of the witnesses who was examined before the committee of which my friend, the Senator from Alabama [Mr. PUGH] was a member, swore to it, that all this cotton was to be delivered, that every contract was made upon the idea that the cotton would be delivered. Of course that is not so; we know that is not so; but these speculators are compelled to have a small lot of cotton in New York and in New Orleans, so that if they should happen to deal with a man who should insist upon the terms of his contract and demand a delivery, they could make a delivery.

I will now read from the letter of Atwood, Violett & Co., of New Orleans, dated November 22, in which they say:

The dealings in contracts are larger now than they have been at any time for ten years—

Yes, and the farmer grows poorer as the cords of financial disaster are drawn tighter and tighter around his limbs—

So large a short interest—

This firm are "future" brokers, and have written more than any other firm I know of against this antioption bill—

So large a short interest as is represented to-day in the three future markets requires, therefore, a corresponding increase of stock in those markets to protect that interest.

* * * * * * *

The stock of America in Liverpool last Friday was 1,096,000; in New York to-day it is 319,000; and in New Orleans to-day it is 193,000 bales, an aggregate of 1,518,000 bales.

They are arguing to show, which I will repel directly, that this stock is an actual benefit to the producer.

These stocks might as well be at the North Pole, so far as there being a pressure or weight on the market, because we show that in New York and Liverpool it practically is not for sale.

Let us see. They must hold a million of bales of cotton. That, at $50 a bale, would be $50,000,000 worth of cotton. These writers, are, as I understand, a very respectable firm of "future" brokers in New Orleans, who are earnestly urging not only upon the American Congress but upon the American people the benefit of the "future" system. This million bales of cotton has to be bought, and might as well be stored away at the North Pole, as these men say, so far as its going on the market is concerned. The interest on the $50,000,000 invested in this cotton, and, more, the risk of the falling in the price that they paid has to be paid for. The interest would be $3,000,000. What they would charge for the risk of a fall in the price of cotton I do not know.

Taking all these charges and countercharges, these hedgings and counterhedgings, this insurance against loss, this newfangled invention by which men can go into the marts of the world and speculate on the farmers' crop without a single chance of losing a dollar, being guaranteed by the "future" system, and all that is done, and who pays the expense? It has to come out of the cotton.

Mr. President, I think I have made an argument that can not be answered as to who pays these expenses. Now, I want to set forth one fact, not an argument but a fact, and then I will give way for an executive session.

This is the actual working. These are figures, and these figures condemn the "future" system. I wish to make a statement of fact, and I am sorry the Senator from New Jersey [Mr. MCPHERSON] is not here, because I want it answered. I state the fact that in New York, without a single exception (I have the prices here for every day for three months), that the price of "futures" sold on the basis of middling cotton on any named day is from one-tenth to one-half a cent lower than spots on the same day.

To make myself understood, if the quotation in New York for spots, say on the 10th day of November, was 10 cents (I am not certain it was 10 cents, but I will assume it was), then the price of futures deliverable in the month of November will be 9.50, 9.60, or 9.70 cents. They are never at the same price. I have a table here, which will show the difference on the 1st, the 15th, and the 28th days of the month. I took the days at random without knowing how they were going to work out. I took the first of the month, the middle of the month, and the last of the month for September, October, and November, and noted the difference between spots and futures on the same day, the futures being deliverable in the same month.

On the 1st of September there were 30 points, or about one-third of a cent, difference; that is, futures deliverable in September were that much lower than spots. On the 15th it was 33 points, just about a third of a cent. On the 28th it was 8 points. That is, in September. In October, on the 1st it was 13 points; on the 15th it was 36 points; on the 28th it was 34 points, over a third of a cent. In November, on the 1st day it was 44 points; that is, forty-four one-hundredths of a cent. On the 15th it was 35 points. On the 29th—I took that instead of the 28th—it was 48 points, the difference being as stated. These differences all

relate to the price on the days named in a particular month and future contracts for the same month.

Mr. President, I say that where the system of selling down cotton prevails like this it lowers the price of cotton; and why? You go to the city of New York on the 1st day of a month or the 15th day of a month. You want to speculate; you do not want the cotton for consumption, and the choice is left to you whether you will buy spot cotton or futures. The market offers you futures of the same grade deliverable in the same month without any money to put up except $1 to $5 margin. It offers it to you for 35 points, or one-half a cent lower than you can buy spot cotton for.

Now, what are you going to do? If you want to consume the cotton you will not go to the exchange at all, because you can not buy what you want. If you want to speculate, what will you do? Will you pay out $50 a bale for spot cotton and then pay interest and storage and all that sort of thing until you want to sell it, or will you buy a contract one-third to one-fourth of a cent cheaper than you can buy the spot? Why, to ask the question is to answer it. I want Senators to bear in mind that the system of dealing in futures prevents speculators—men who buy and sell again—from investing in spots. It leaves the business only to the consumer.

Now, to prove that fact I will go back to something I read a little while ago and which probably escaped the attention of the Senate because it was not applied. I say that this continual, universal system, without a single break, in the city of New York of selling futures at from one-tenth to one-half a cent lower than spots of the same quality can be bought for, prevents the marketing of the cotton crop to anybody except to consumers. Let us see whether that is true or not. I read from a report of the New York Cotton Exchange made for the year 1891.

Let us see how much cotton was sold in New York in that year and for what purposes. I read it to you before. Ninety-six thousand six hundred and sixty-six bales of cotton were sold for export. That was for consumption in Europe. Ninety-nine thousand nine hundred and fifty-six bales were sold to spinners, actual consumers. How much was sold to speculators? I wish I had the time to go through it all this evening. Do they, induced and fortified and hedged by the future system, invest their money in cotton on speculation? Ninety-six thousand bales for export, 99,000 bales for spinning, and 1,026 bales for speculation. That is the way it works out; and everybody knows it is obliged to result that way. These speculators will not buy, and if it is left to consumers, I should like to know how, even with the enormous tax which the future system imposes upon the cotton crop, a partial benefit can be derived in the way of marketing the cotton crop. There is no answer to that.

Mr. SAWYER. I ask the Senator from Mississippi to yield for an executive session.

Mr. GEORGE. I see that my friend from Wisconsin is impatient. I yield to him, with the understanding that I am to have the floor at 2 o'clock to-morrow.

EXECUTIVE SESSION.

Mr. SAWYER. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After eight minutes spent in executive session the doors were reopened, and (at 4 o'clock and 20 minutes p. m.) the Senate adjourned until to-morrow, Thursday, December 15, 1892, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate December 14, 1892.

PROMOTIONS IN THE ARMY.

Quartermaster's Department.

Lieut. Col. John G. Chandler, Deputy Quartermaster-General, to be Assistant Quartermaster-General with the rank of colonel, December 11, 1892, vice Perry, retired from active service.

Maj. James G. C. Lee, quartermaster, to be Deputy Quartermaster-General with the rank of lieutenant-colonel, December 11, 1892, vice Chandler, promoted.

Capt. Charles F. Humphrey, assistant quartermaster, to be quartermaster with the rank of major, December 11, 1892, vice Lee, promoted.

Medical Department.

Capt. Louis M. Maus, assistant surgeon, to be surgeon with the rank of major, December 4, 1892, vice Hartsuff, promoted.

TRANSFERS IN THE NAVY.

Ensign Walter S. Burke, of the Navy, to be an assistant engineer in the Navy from the 12th of December, 1892, to take rank next after Assistant Engineer William W. Bush, United States Navy.

Assistant Engineer Victor Blue, of the Navy, to be an ensign in the Navy from the 12th of December, 1892, to take rank next after Guy H. Burrage, United States Navy.

CONFIRMATIONS.

Executive nominations confirmed by the Senate December 14, 1892.

CONSUL.

John H. Drake, of Aberdeen, S. Dak., to be consul of the United States at Kehl.

INDIAN AGENT.

Edwin Eells, of Tacoma, Wash., to be agent for the Indians of the Puyallup Agency (consolidated) in Washington.

POSTMASTERS.

George H. Bell, to be postmaster at Carson City, in the county of Ormsby and State of Nevada.

Charles E. Slate, to be postmaster at Winchester, in the county of Cheshire and State of New Hampshire.

Nathaniel S. Lane, to be postmaster at North St. Paul, in the county of Ramsey and State of Minnesota.

Gustave A. Schulze, to be postmaster at Two Harbors, in the county of Lake and State of Minnesota.

Frederick C. Walther, to be postmaster at Minto, in the county of Walsh and State of North Dakota.

James S. Hart, to be postmaster at Saltsburg, in the county of Indiana and State of Pennsylvania.

George Pfaff, to be postmaster at Boulder Valley, in the county of Jefferson and State of Montana.

Mrs. Nettie J. Van Inwegen, to be postmaster at Ortonville, in the county of Big Stone and State of Minnesota.

William E. Mills, to be postmaster at Rose Hill, in the county of Onondaga and State of New York.

Frank Cunningham, jr., to be postmaster at Forest City, in the county of Susquehanna and State of Pennsylvania.

Jacob B. Gable, to be postmaster at Lititz, in the county of Lancaster and State of Pennsylvania.

Mrs. Julia A. Caney, to be postmaster at Amsterdam, in the county of Montgomery and State of New York.

William H. Stickles, to be postmaster at Philmont, in the county of Columbia and State of New York.

William B. Barker, to be postmaster at Fredonia, in the county of Chautauqua and State of New York.

Leman D. Herrick, to be postmaster at Scranton, in the county of Jackson and State of Mississippi.

Emmett C. Grant, to be postmaster at Farmer, in the county of Seneca and State of New York.

Jacob Schmahl, to be postmaster at Woodhaven, in the county of Queens and State of New York.

William T. Greemann, to be postmaster at Batesville, in the county of Ripley and State of Indiana.

Henry A. Snepp, to be postmaster at Bourbon, in the county of Marshall and State of Indiana.

Anna Durham, to be postmaster at Clarksdale, in the county of Coahoma and State of Mississippi.

William H. Rich, to be postmaster at Berwick, in the county of York and State of Maine.

Albert L. Norris, to be postmaster at North Bend, in the county of Dodge and State of Nebraska.

Jesse M. Littleton, to be postmaster at Winchester, in the county of Franklin and State of Tennessee.

Mrs. Mary P. Dixon, to be postmaster at West Point, in the county of Troup and State of Georgia.

Martha E. Cowgill, to be postmaster at Baldwin, in the county of Douglas and State of Kansas.

William E. Cropper, to be postmaster at Midway, in the county of Woodford and State of Kentucky.

James W. Samphier, to be postmaster at Omro, in the county of Winnebago and State of Wisconsin.

Jacob Shaul, to be postmaster at Marianna, in the county of Lee and State of Arkansas.

Asa Crocker, to be postmaster at Suisun City, in the county of Solano and State of California.

Hugh L. Witcher, to be postmaster at Rockdale, in the county of Milam and State of Texas.

Albert H. Nash, to be postmaster at Salt Lake City, in the county of Salt Lake and Territory of Utah.

Byron Fairbanks, to be postmaster at West Bend, in the county of Washington and State of Wisconsin.

Franklin L. Cleaves, to be postmaster at Gainesville, in the county of Cooke and State of Texas.

Alonzo L. Steele, to be postmaster at Groesbeck, in the county of Limestone and State of Texas.

William M. Ward, to be postmaster at Oak Cliff, in the county of Dallas and State of Texas.

Ruben R. Hickox, to be postmaster at El Reno, in the county of Canadian and Territory of Oklahoma.

Robert H. Hayes, to be postmaster at Lewisburg, in the county of Marshall and State of Tennessee.

George W. Ashton, to be postmaster at Iowa Park, in the county of Wichita and State of Texas.

Mary J. Cun Iffe, to be postmaster at Las Cruces, in the county of Donna Ana and Territory of New Mexico.

Lemuel P. Bissell, to be postmaster at Louisville, in the county of Stark and State of Ohio.

Henry J. Saxton, to be postmaster at Madison, in the county of Lake and State of Ohio.

Pitt W. Kent, to be postmaster at Weir, in the county of Cherokee and State of Kansas.

Samuel Atkinson, to be postmaster at Cozad, in the county of Dawson and State of Nebraska.

James L. McDonald, to be postmaster at Atkinson, in the county of Holt and State of Nebraska.

Pete H. Norris, to be postmaster at Metropolis City, in the county of Massac and State of Illinois.

Charles Voris, to be postmaster at Windsor, in the county of Shelby and State of Illinois.

Wallace H. Johnson, to be postmaster at Salina, in the county of Saline and State of Kansas.

William E. Goodman, to be postmaster at South Evanston, in the county of Cook and State of Illinois.

Samuel S. Gray, to be postmaster at Hamilton, in the county of Hancock and State of Illinois.

Henry E. Kingsland, to be postmaster at Central Park, in the county of Cook and State of Illinois.

John R. Nease, to be postmaster at Humansville, in the county of Polk and State of Missouri.

Watson S. Menefee, to be postmaster at Union Springs, in the county of Bullock and State of Alabama.

John G. Pritchard, to be postmaster at Bisbee, in the county of Cochise and Territory of Arizona.

George B. Faxon, to be postmaster at Ovid, in the county of Clinton and State of Michigan.

Solomon D. Hollister, jr., to be postmaster at Crystal Falls, in the county of Iron and State of Michigan.

Green B. Atterbury, to be postmaster at Maysville, in the county of Dekalb and State of Missouri.

Leonard H. Mohr, to be postmaster at Troy, in the county of Lincoln and State of Missouri.

William F. Schuler, to be postmaster at Woodbine, in the county of Harrison and State of Iowa.

William Thero, to be postmaster at Farmington, in the county of Van Buren and State of Iowa.

Lyna Whited, to be postmaster at Belmond, in the county of Wright and State of Iowa.

Oscar Cramer, to be postmaster at Cape Girardeau, in the county of Cape Girardeau and State of Missouri.

David P. Dobyns, to be postmaster at Oregon, in the county of Holt and State of Missouri.

James B. Parsons, to be postmaster at Attleboro Falls, in the county of Bristol and State of Massachusetts.

Joseph Pettee, jr., to be postmaster at South Abington Station, in the county of Plymouth and State of Massachusetts.

Winfred A. Torrey, to be postmaster at South Braintree, in the county of Norfolk and State of Massachusetts.

Almon K. Goodwin, to be postmaster at Pawtucket, in the county of Providence and State of Rhode Island.

Hubert Carpenter, to be postmaster at East Hampton, in the county of Middlesex and State of Connecticut.

James C. Cooper, to be postmaster at Chester, in the county of Hampden and State of Massachusetts.

Charles H. Riley, to be postmaster at Dedham, in the county of Norfolk and State of Massachusetts.

Velette P. Townsend, to be postmaster at Quinsigamond, county of Worcester and State of Massachusetts.

Charles N. Brown, to be postmaster at Woonsocket, in the county of Providence and State of Rhode Island.

Bennett C. Atwood, to be postmaster at Watertown, in the county of Lichfield and State of Connecticut.

William C. Hinman, to be postmaster at Great Barrington, in the county of Berkshire and State of Massachusetts.

Henry H. Johnson, to be postmaster at Haverhill, in the county of Essex and State of Massachusetts.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *December 14, 1892.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of yesterday was read and approved.

REPORT COMMISSIONER OF EDUCATION.

The SPEAKER laid before the House a letter from the Secretary of the Interior, transmitting a special report from the Commissioner of Education.

Mr. DOCKERY. Mr. Speaker, the report just transmitted is a special report, and should go to the Committee on Appropriations.

The SPEAKER. The report will be so referred.

FINDINGS, COURT OF CLAIMS.

The SPEAKER also laid before the House communications from the Court of Claims, transmitting the findings of the court in the following cases: I. T. Leneave, deceased, *vs.* The United States; and in the case of Dent S. Pash *vs.* The United States; which were severally referred to the Committee on War Claims.

ANNUAL REPORT, SECRETARY OF THE NAVY.

The SPEAKER also laid before the House the annual report of the Secretary of the Navy for the year 1892; which was referred to the Committee on Naval Affairs.

PURCHASES, QUARTERMASTER'S DEPARTMENT.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting report submitted by the Quartermaster-General of the Army, showing purchases made by the Quartermaster's Department during the fiscal year ending June 30, 1892; which was referred to the Committee on Expenditures in the War Department.

IMPROVEMENT LYNCH RIVER, SOUTH CAROLINA.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a communication from the Chief of Engineers, together with report of examination and survey of Lynch River, in South Carolina; which was referred to the Committee on Rivers and Harbors.

ELECTORAL VOTE OF FLORIDA.

The SPEAKER also laid before the House a certificate, forwarded by the Secretary of State, showing the ascertainment of the electoral vote in the State of Florida; which was laid on the table.

PUBLIC PRINTING AND BINDING.

The SPEAKER also laid before the House the bill (S. 1549) providing for the public printing and binding and the distribution of public documents.

The SPEAKER. This Senate bill was amended by the House, and the Senate nonconcur in the amendment and ask for a conference on the disagreeing votes thereon.

Mr. RICHARDSON. I move that the House insist upon its amendment, and agree to the conference asked by the Senate.

The motion was agreed to.

The SPEAKER announced the appointment of Mr. RICHARDSON, Mr. MCKAIG, and Mr. BRODERICK as conferees on the part of the House.

REFERENCE OF SENATE BILLS.

The SPEAKER also laid before the House bills of the Senate of the following titles; which were referred as indicated, namely:

The bill (S. 2625) to provide for the punishment of offenses on the high seas—to the Committee on the Judiciary; and

The bill (S. 3184) to provide for allotment to Indians on the White Earth Reservation in Minnesota—to the Committee on Indian Affairs.

SECOND LIEUT. GILMAN L. JOHNSON.

Mr. HAYES of Iowa. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 3184) correcting the muster of Second Lieut. Gilman L. Johnson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and is hereby, authorized and directed to correct the record of Lieut. Gilman L. Johnson, late of the One hundred and forty-second Regiment of New York Infantry, so as to make his muster as said lieutenant date from the date of his enlistment in said regiment and that he have all rights and emoluments due him thereby or by reason thereof.

The SPEAKER. The gentleman from Iowa [Mr. HAYES] asks unanimous consent for the present consideration of this bill. Is there objection?

Mr. MCMILLIN. Let us have the report read.

Mr. HAYES of Iowa. The report is quite long. It may be read, or I can state the facts.

Mr. MCMILLIN. Very well, if the gentleman will make a statement, that will be satisfactory. I will direct the gentleman's attention to the fact that this bill provides for emoluments to flow from the reinstatement. What is the reason for that?

Mr. HAYES of Iowa. The facts are simply these: Lieut. Johnson had a commission as second lieutenant in one of the New York regiments, but could not be mustered by reason of the roll of the company being below the minimum. He immediately enlisted as a private, at the suggestion of Gen. CURTIS, who is now a member of this House, and upon whose staff he was; but performed the duties of a commissioned officer from the very date of his enlistment, and while performing those duties he lost an arm in the service. When the company got to the proper num-

ber he was commissioned. This is simply to put his commission from the date of his enlistment and from the date of his actual service.

This is not one of those cases that the Military Committee in the House have sometimes refused to act upon, where there was a commission but no service. He served as a second lieutenant from the very day of the issuance of his commission, so that there is no reason for refusing to grant the relief asked.

Mr. McMILLIN. What increase does this make in his pension?

Mr. HAYES of Iowa. I do not know about the pension, but the increase is very slight, so far as the compensation is concerned.

Mr. McMILLIN. I understand as to the compensation, but it has not been the custom of the House to pass private pension claims that carried arrears of pensions.

Mr. HAYES of Iowa. Oh, no; it is not for that purpose. It is for the purpose of correcting his muster.

Mr. McMILLIN. The gentleman, then, would not object to a proviso in the bill that it should not entitle him to arrears of pensions?

Mr. HAYES of Iowa. Oh, certainly; I should have no objection to that amendment.

Mr. McMILLIN. I move that amendment:

Provided, That this act shall not carry the right to arrears of pension.

Mr. HAYES of Iowa. That is entirely satisfactory.

Mr. McMILLIN. That has been so long the custom of the House that I think it is eminently proper that that action should be taken.

Mr. HAYES of Iowa. That is entirely satisfactory. The bill was not introduced with any such intention.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. There is a committee amendment which will first be submitted.

The amendment was read, as follows:

In line 4, after the word "of," insert the word "second."

The amendment was agreed to.

The SPEAKER. The amendment submitted by the gentleman from Tennessee [Mr. McMILLIN] will now be read.

The Clerk read as follows:

In line 9, after the word "thereof," insert: "*Provided*, That this bill shall not carry the right to arrears of pension."

Mr. McMILLIN. I move the adoption of that amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read the third time; and being engrossed, was accordingly read the third time, and passed.

On motion of Mr. HAYES of Iowa, a motion to reconsider the last vote was laid upon the table.

The SPEAKER. Without objection the title will be amended so as to conform with the body of the bill, so as to read "Correcting the muster of Second Lieut. Gilman L. Johnson."

There was no objection, and it was so ordered.

THE BARGE SEA BIRD.

Mr. GEISSENHAINER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the Clerk's desk, being the bill (S. 869) to provide an American register for the barge Sea Bird, of Perth Amboy, N. J.

The bill was read, as follows:

Be it enacted, etc., That the Commissioner of Navigation is hereby authorized and directed to cause the wrecked barge Sea Bird, purchased and rebuilt by John Scully, a citizen of the United States at the port of Perth Amboy, N. J., to be registered as a vessel of the United States under the name of the barge Canary.

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

The bill was ordered to a third reading, and was accordingly read the third time, and passed.

On motion of Mr. GEISSENHAINER, a motion to reconsider the last vote was laid on the table.

Mr. KILGORE. Mr. Speaker, I ask for the regular order.

PRINTING THE PRESIDENT'S MESSAGE.

Mr. RICHARDSON. Mr. Speaker, I desire to submit a privileged report.

The SPEAKER. The gentleman from Tennessee [Mr. RICHARDSON] presents a privileged report, which the Clerk will read.

The Clerk read as follows:

Resolved, That there be printed for the use of the House —— copies of the annual message of the President, second session Fifty-second Congress.

With an amendment, as follows:

Amend by filling the blank with the words "ten thousand."

Mr. RICHARDSON. I ask for the reading of the report.

The Clerk read as follows:

Mr. RICHARDSON, from the Committee on Printing, submitted the following report:

The committee have considered the House resolution to print extra copies of the annual message of the President of the United States, and direct me to report the same with the recommendation that it do pass, with an amendment filling the blank therein with the words "ten thousand," so that it will read, "that there be printed ten thousand copies," etc.

The estimate cost of same is $200.

The amendment recommended by the committee was agreed to.

The resolution as amended was agreed to.

CHANGE OF REFERENCE.

The SPEAKER. The Chair will state that on the 5th instant an estimate in relation to the expense of the Pan-American Medical Congress, 1893, in the District of Columbia, was referred by mistake to the Committee on the District of Columbia. That Committee will be discharged from the further consideration of the matter, and it will be referred to the Committee on Appropriations.

CALL OF STANDING AND SELECT COMMITTEES.

The SPEAKER. The Clerk will now proceed to call the standing and select committees for reports.

BUSINESS OF COMMITTEE ON WAR CLAIMS.

Mr. BELTZHOOVER. Mr. Speaker, I am directed by the Committee on War Claims to report the following resolution; and for the better consideration of it, I ask unanimous consent that it be read and printed in the Record.

The resolution was read, as follows:

Resolved, That Thursday, Friday, and Saturday, the 12th, 13th, and 14th of January, 1893, be set apart for the consideration of bills on the Private Calendar. During said days, after the reading of the Journal, the roll of the House shall be called in alphabetical order, and each member, as his name is called, shall have the right to call up any bill on said Calendar, authorizing the sending of a claim to the Court of Claims or making an appropriation not exceeding $5,000.

Mr. BELTZHOOVER. I ask unanimous consent that that resolution be printed in the RECORD.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that this resolution be printed in the RECORD. Is there objection? [After a pause.] The Chair hears none.

The call of the committees for reports was resumed and concluded.

The SPEAKER. The morning hour begins at nineteen minutes past 12.

ORDER OF BUSINESS.

Mr. WISE. Mr. Speaker, I ask that the Speaker return to the Committee on Interstate and Foreign Commerce in the call of committees.

The SPEAKER. The gentleman from Virginia asks that the Committee on Interstate and Foreign Commerce be called. It was passed over without prejudice, and the Chair will call the Committee on Interstate and Foreign Commerce.

BRIDGE ACROSS THE ALABAMA RIVER.

Mr. WISE. Mr. Speaker, I call up the bill (H. R. 5752) to amend an act approved August 6, 1888, entitled "An act to authorize the construction of a bridge across the Alabama River."

The bill was read at length.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

SQUAN INLET LIGHT STATION, NEW JERSEY.

Mr. WISE. I now call up for consideration the bill (S. 2451) authorizing the Secretary of the Treasury to reconvey to Lucius U. Maltby and Louise W. Maltby, his wife, Margaret Elizabeth Lucas, and the Sea Girt Land Improvement Company a piece of land selected as a site for the Squan Inlet light station, New Jersey, but found to be unsuitable for the purpose of said station.

The bill was read at length.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

BRIDGE ACROSS THE WARRIOR RIVER.

Mr. WISE. I now call up for consideration the bill (H. R. 6798) to authorize the construction of a bridge across the Warrior River by the Montgomery, Tuscaloosa and Memphis Railway Company.

The bill was read at length.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

PUNTA GORDA A SUBPORT OF ENTRY.

Mr. WISE. I now call up for consideration the bill (S. 1956) to make Punta Gorda a subport of entry.

The bill was read at length.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

BRIDGE ACROSS THE MOBILE RIVER.

Mr. WISE. I now call up for consideration the bill (H. R. 8602) to authorize the construction of a bridge across the Mobile River by the Chicago, Mobile and Gulf Ports Railroad Company.

The Clerk proceeded to read the bill.

During the reading of the bill

Mr. LIND said: Mr. Speaker, I ask unanimous consent to dispense with the further reading of the bill. It is in the usual form, properly guarded.

The SPEAKER. The gentleman from Minnesota asks unanimous consent to dispense with the further reading of the bill. Is there objection?

Mr. WILLIAM A. STONE. I object. [After further reading of the bill.] I withdraw my objection.

Mr. HOLMAN. I think the bill had better be read.

The SPEAKER. The gentleman from Indiana objects.

Mr. HOLMAN (after further reading of the bill). I withdraw my objection.

Mr. DUNPHY. I object.

After further reading of the bill

Mr. WISE said: I ask unanimous consent to dispense with the further reading of the bill.

The SPEAKER. The gentleman from Virginia asks unanimous consent to dispense with the further reading of this bridge bill. Is there objection? [After a pause.] The Chair hears none.

Mr. WISE. Mr. Speaker, there are some committee amendments. The committee moved to strike out the whole of section 9, and to renumber the succeeding sections accordingly.

The amendment was agreed to.

The SPEAKER. The renumbering will be done by the Clerk.

Mr. WISE. The next amendment offered by the committee is in section 13, line 5, after the word "Congress," insert the words "or the Secretary of War."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

TRANSPORTATION OF DUTIABLE GOODS, DULUTH.

Mr. LIND. Mr. Speaker, I call up the bill (S. 3188) to extend to Duluth, Minn., the privileges of the first section of an act entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," approved June 10, 1888.

The bill was read, as follows:

Be it enacted, etc., That the provisions of the first section of an act entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880, be, and the same are hereby, extended to the port of Duluth, Minn.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

In accordance with the recommendation of the Committee on Interstate and Foreign Commerce the title of the bill was amended so as to read: "An act to extend to Duluth, Minn., the privileges of the first section of an act entitled 'An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes,' approved June 10, 1880."

Mr. LIND moved to reconsider the vote by which the bill was passed, and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BRIDGE ACROSS RED RIVER, LOUISIANA.

Mr. WISE. Mr. Speaker, I call up the bill (H. R. 9488) to amend an act approved March 2, 1891, authorizing the construction of a bridge across the Red River, Louisiana, by the Rapides Bridge Company, limited.

The bill was read, as follows:

Be it enacted, etc., That the act approved March 2, 1891, entitled "An act authorizing the Rapides Bridge Company, limited, to construct and maintain a bridge across the Red River at or near Alexandria, La.," be, and is hereby, amended so that the time within which the actual construction of said bridge may be commenced is hereby extended for the period of one year from the date of the approval of this act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. WISE moved to reconsider the vote by which the bill was passed, and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BRIDGE ACROSS CANE RIVER, LOUISIANA.

Mr. WISE. Mr. Speaker, I call up the bill (H. R. 9487) to amend an act approved April 22, 1890, authorizing the Natchitoches Cane River Bridge Company to construct and maintain a bridge across Cane River, in Louisiana.

The bill was read, as follows:

Be it enacted, etc., That the act approved April 22, 1890, entitled "An act to authorize the Natchitoches Cane River Bridge Company to construct and maintain a bridge across Cane River, in Louisiana," be, and is hereby, amended so that the time within which the actual construction of said bridge may be commenced is hereby extended for the period of one year from the date of the approval of this act.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. WISE moved to reconsider the vote by which the bill was passed, and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BRIDGE ACROSS TALLAPOOSA AND COOSA RIVERS.

Mr. WISE. Mr. Speaker, I call up the bill (S. 1647) to authorize the Alabama and Grand Trunk Railroad Company to bridge across the Tallapoosa and Coosa Rivers.

The Clerk proceeded to read the bill.

Mr. WISE. Mr. Speaker, this bill is somewhat long, and I ask unanimous consent that its further reading be dispensed with.

Mr. TRACEY. I think the bill ought to be read once, Mr. Speaker.

The Clerk resumed and completed the reading of the bill.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. WISE moved to reconsider the vote by which the bill was passed, and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

COMMON CARRIERS.

Mr. LIND. Mr. Speaker, I call up the bill (H. R. 9176) relating to contracts of common carriers and to certain obligations, duties and rights in connection with the carriage of property.

The bill was read as follows:

Be it enacted, etc., That it shall not be lawful for any common carrier or manager, agent, master, or owner of any common carrier, whether by land or water, to insert in any bill of lading or shipping document any clause, covenant, or agreement whereby it, he, or they shall be relieved from liability for loss or damage arising from negligence, fault, or failure in proper loading, stowage, custody, care in transport, or proper delivery of any and all lawful merchandise or property committed to its or their charge, nor shall it be lawful to limit its or their liability to less than a full indemnity to the legal claimant for any loss or damage therefrom, and any and all words or clauses of such import inserted in bills of lading or shipping receipts shall be null and void and of no effect.

SEC. 2. That it shall not be lawful for any vessel transporting merchandise or property from or between ports of the United States of America and foreign ports, her owner, master, agent, or manager, to insert in any bill of lading or shipping document any covenant or agreement whereby the obligations of the owner or owners of said vessel to properly equip, man, provision, and outfit said vessel, and make said vessel seaworthy and capable of performing her intended voyage, or any convenant or agreement whereby the obligations of the master, officers, agents, or servants to carefully handle and stow her cargo and to care for and properly deliver same, shall in any wise be lessened, weakened, or avoided.

SEC. 3. That if any vessel transporting merchandise or property between ports in the United States of America and foreign ports shall, on starting on her voyage, be in all respects seaworthy and properly manned, equipped, and supplied, neither the vessel, her owner or owners, agent, or master shall become or be held responsible for damage or loss resulting from error of judgment in navigation or in the management of said vessel, if navigated with ordinary skill and care, from the time of her leaving her usual place of loading on her intended voyage until her arrival at the usual place of discharge at her port of delivery, nor shall the owner or owners, the vessel, or master be held liable for losses arising from dangers of the sea, acts of God, or public enemies, or in saving life, and it may be stipulated in bills of lading and shipping receipts that the vessel may render services to property in distress afloat and tow same to the nearest and most convenient port of safety without incurring penalties from deviation in rendering such service.

SEC. 4. That it shall be the duty of the owner or owners, agent, manager, or other authorized person to issue to shippers of any lawful merchandise a bill of lading or shipping document stating the marks, packages, or quantity and apparent condition of such merchandise or property delivered to and received by the owner, master, or agent of the vessel for transportation, and the voyage, or ports at which such vessel is intended to touch, and such document shall be evidence of the responsibility of the vessel for the merchandise therein described.

SEC. 5. That it shall be the duty of the collector of the port in which the vessel is lying to refuse clearance to a vessel from said port if he is informed and is satisfied that the owner, master, agent, or other person representing such vessel has issued bills of lading for merchandise or property containing clauses that are declared not lawful by section 1 or section 2 of this act, or if he is informed and is satisfied that the owner, agent, master, or other person representing such vessel will not issue bills of lading, as required by section 4 of this act, for merchandise or property delivered to and received by the vessel for transportation; and the said collector shall withhold clearance papers to said vessel until bills of lading or shipping documents are issued to conform to the said first, second, and fourth sections of this act, or if documents have been previously issued until they are modified to conform to the requirements of said sections.

SEC. 6. That this act shall be subservient to sections 4281, 4282, and 4283 of the Revised Statutes of the United States of America, and that said sections of the Revised Statutes af the United States shall not be modified or changed by this act.

SEC. 7. That this act shall take effect from and after the 1st day of September, 1892.

The following amendments recommended by the Committee on Interstate and Foreign Commerce were agreed to:

Section 1, lines 4 and 5, strike out the words "common carrier whether

by land or water" and insert "vessel transporting merchandise or property from or between ports of the United States and foreign ports."

Page 3, section 5, after the word "agent" insert the words "connecting carrier," so as to make the provision read: "That it shall be the duty of the collector of the port in which the vessel is lying to refuse clearance to a vessel from said port if he is informed and is satisfied that the owner, master, agent, connecting carrier, or other person," etc.

Page 4, section 6, line 1, strike out the words "be subservient to sections 4281, 4282, and 4283 of the Revised Statutes of the United States of America, and that said sections of the Revised Statutes of the United States shall not be modified or changed by this act," and insert "not be held to modify or repeal sections 4281, 4282, and 4283 of the Revised Statutes of the United States."

Mr. TAYLOR of Illinois. Mr. Speaker, is there a report upon this bill?

Mr. LIND. There is a report, but it is somewhat long. The bill simply relates to vessels engaged in the foreign trade and does not in any manner concern or touch inland or coastwise commerce.

Mr. DINGLEY. It relates to a very important matter if it relates to all vessels engaged in the foreign trade.

Mr. LIND. Yes, sir. I can state very briefly what the import of the bill is.

Mr. DINGLEY. Is it the intention to have debate upon this bill?

Mr. LIND. I do not think that when gentlemen understand what the purpose of the bill is they will desire debate.

Mr. DINGLEY. Can we understand it without debate?

Mr. LIND. I have not moved the previous question. I will state briefly the purpose of the bill.

As the gentleman is aware nearly all the carrying of flour and other Western commodities from this country to Europe is done by foreign steamships. These steamship companies have in recent years exacted the most unreasonable bills of lading that can be imagined—bills of lading in which they exempt themselves, not only from risk of every character incident to transportation, but from every liability on account of their own negligence. More than that, they stipulate in their bills of lading that the American shipper shall have his rights or his claims whatever they may be, adjudicated according to the laws of Great Britain and only in the courts of that country. This bill simply provides that it shall not be lawful for vessels engaged in foreign commerce to exact bills of lading of that character.

Mr. BOUTELLE. How far do you propose to regulate that?

Mr. LIND. Only to the extent of providing that these shipping companies shall not exact such bills of lading; further than that the bill does not go. I will ask the reading of the report which explains the bill fully.

Mr. REED. How is it possible for those shipping companies to enforce such bills of lading?

Mr. LIND. By refusing to carry.

Mr. BOUTELLE. Let me ask a question. Suppose it is proposed by an American shipper to put on board a vessel for transportation across the ocean some goods which are packed, we will say, in bottles, and the bottles in baskets or barrels. Does the gentleman mean to say that Congress is asked to pass a law which shall prevent the owners of a vessel in such a case from putting in their bill of lading a clause providing that they shall not be responsible for leakage, breakage, etc.?

Mr. LIND. Not at all. It is simply provided that they shall not exempt themselves from the results of their own negligence.

Mr. REED. How can they exempt themselves from the results of their own negligence?

Mr. LIND. They so provide in the bill of lading.

Mr. REED. But they can not exempt themselves when the matter comes before a court of law.

Mr. LIND. The courts have held all over the country that if a shipper in a bill of lading releases the railroad company or vessel or other common carrier from all responsibility on account of negligence it is his contract, and he is bound by it.

Mr. DALZELL. What court ever held that?

Mr. LIND. The courts of our State and of many of the States and of England have so held.

Mr. DALZELL. I never knew of any such decision.

Mr. LIND. I wish to say in answer to the gentleman from Maine——

Mr. BOUTELLE. Let me put my inquiry a little more distinctly. Does the bill propose to deny to shippers the right to make different conditions in regard to the shipment of different classes of goods.

Mr. LIND. Not at all.

Mr. BOUTELLE. Then I do not understand the bill.

Mr. LIND. Let me call the gentleman's attention to this state of facts: In one case a miller shipped a quantity of flour abroad. This flour was stowed next to a lot of kerosene. As a matter of course the natural evaporation and leakage of the kerosene damaged the flour so as to make it utterly valueless. In that case the courts of Great Britain, where this man was compelled to go under his bill of lading for a remedy, held that inasmuch as he had released the carrying company from liability on account of their own negligence he had no claim for this, I might say, maliciously negligent destruction of his property.

The bill is not designed to hamper commerce; it is not designed to interfere with the shipment of any commodities to Europe; but it seeks to give our citizens some protection as against foreign shipowners, so long as we have not vessels of our own to carry on this traffic.

Mr. BOUTELLE. The protection it seems to me which your people ought to get is the protection which they secure to themselves in the contracts they make when they ship their goods.

Mr. LIND. But the gentleman will understand that these steamships have an absolute monopoly of this business; there are no steam vessels of our own carrying these commodities; so that these foreign shipowners are enabled to say, "You must carry with us on our terms or go without transportation."

The SPEAKER. The morning hour has expired; and this bill will go over until the next morning hour.

Mr. LIND. I ask that the report accompanying this bill be printed in the RECORD.

There was no objection.

The report (by Mr. LIND) is as follows:

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 9176) relating to contracts of common carriers and to certain obligations, duties, and rights in connection with the carriage of property submit the following report:

Our exports of domestic grain and flour during the fiscal year ending June 30, 1892, were as follows:

Articles.	Quantity.	Value.
Barley ..... bushels..	2,800,075	$1,751,445
Corn ..... do....	75,449,849	41,590,460
Cornmeal ..... barrels..	287,607	919,961
Oats ..... bushels..	9,435,078	3,842,559
Oatmeal ..... pounds..	20,907,662	555,957
Rye ..... bushels..	12,040,716	11,433,160
Rye flour ..... barrels..	4,543	22,461
Wheat ..... bushels..	157,280,351	161,399,132
Wheat flour ..... barrels..	15,196,869	75,362,283
Total	.....	296,877,418

Constituting, as it does, our great staple of export by the side of cotton, an imperative duty rests upon Congress to pass such legislation as may be necessary to remove from this trade all unnecessary burdens and restrictions. In former times grain and flour were carried by sailing vessels, the masters of which never refused to grant bills of lading acknowledging that the goods intrusted to them for transportation were received in good order and condition, if such was the case, and undertaking to deliver them at the port of destination in the like condition unless prevented from so doing by losses arising from dangers of the sea, acts of God, or public enemies. Such exceptions are fair and reasonable, and can not be complained of.

But latterly almost the entire carrying of grain and flour from the United States to Europe has been absorbed by steam vessels belonging to a few large and powerful corporations, and it is not overstating the facts when we say that these steamship companies have now as complete a monopoly of this trade—at least from the Atlantic seaboard—as if there were no other craft afloat.

The manner in which they impose upon our shippers and the unreasonable conditions which the companies compel them to agree to are so tersely and graphically set out in a petition recently addressed by the Glasgow Corn Trade Association to the Marquis of Salisbury that we quote from it as follows:

"That, taking advantage of this practical monopoly, the owners of the steamship lines combined to adopt clauses in their bills of lading very seriously and unduly limiting their obligations as carriers of the goods, and refused to accept consignments for carriage on any other terms than those dictated by themselves.

"That this policy has been gradually extended by the steamship owners, until at the present time their bills of lading are so unreasonable and unjust in their terms as to exempt them from almost every conceivable risk and responsibility as carriers of goods.

"For example, many of these bills of lading provide, in addition to the usual and reasonable exceptions, that the carriers shall not be liable for loss or damage occasioned by negligence of the master, pilot, stevedores, crew, or others in their employment; nor for bad stowage; nor for defect or insufficiency of the hull, machinery, or fittings of a vessel, whether occurring before or after receiving the goods on board; nor for the admission of water into the vessel by any cause, and whether for the purpose of extinguishing fire or for any other purpose, and whether occurring previously or subsequently to the vessel's sailing; nor for the differences between the quality, marks, or brands of flour or other goods shipped and those of the goods actually found to be on board of the steamer (the marks, numbers, or description in the bill of lading notwithstanding); nor for loss of weight; nor for detention, delay, or deviation.

"Such bills of lading also frequently exempt the carrier from any claim not intimated before delivery of the goods, and at the same time provide that the master porterage of the goods on arrival of the steamer shall be done by the steamship owners or their agents at the expense and risk of the receivers, so that the receivers have no opportunity before the delivery of their goods of ascertaining whether they are damaged or not, or how or in what part of the hold of the vessel they may have been stowed.

"That bills of lading have thus become so lengthened, complex, and involved that in the ordinary course of business it is almost impossible for shippers of goods to read or check their various conditions, even if objections would be listened to, and the hardship is aggravated by the fact that new and more stringent conditions are constantly being added by the shipowners to provide for new questions or claims that may have arisen.

"That a striking illustration of this is the fact that recently a clause has been added to certain steamship forms of bill of lading actually giving the ship owners a right of lien over, and the right to sell the goods entrusted to them for carriage, not only for the freight upon the goods themselves, but for all debts due, either by the shippers or the consignees of such goods, to the carriers or their agents, though these debts may have arisen on contracts unconnected with the carriage of such goods. The effect of this clause is to

render the bill of lading, which has been of such essential service on account of its negotiable character in promoting the commercial prosperity of Great Britain, a document unfit for negotiation, as bankers, merchants, and others can not safely rely upon it as a clear title to the goods; and, in consequence, your memoralists are daily finding themselves more and more hampered in the conduct of their business."

In addition to the exactions referred to above, we call attention to others so humiliating to an American citizen that the mere mention of them ought to be sufficient ground for the passage of this act: For instance, the Erie Despatch Company issues a bill of lading containing a clause as follows:

"XVI. Also, in case of property carried by any vessel destined to a British port, or to any other port by a British vessel, this contract shall be governed, so far as regards the responsibility of the transoceanic vessel and her owners, by the law of England, with reference to which law this part of the contract is made."

The International Navigation Company general agents, Philadelphia, appearing for the American line and others, submitted to the writer of this an argument in opposition to the passage of this bill, to which is attached a blank bill of lading to show the form of those issued by them. It contains the following provision:

"The liability of the carrier, under this bill of lading, shall be governed by the law of England, with reference to which law this contract is made."

To instance the hardships and losses which shippers have to submit to without remedy, we call attention to the statement made by one of the leading exporters of flour. That in one instance the master of an English Atlantic steamer had caused kerosene to be loaded next to a quantity of flour in such a careless manner that all the flour was utterly ruined. The English courts held that under the provisions of the bill of lading which the shipper had signed he had no remedy.

The bill herewith reported is extremely liberal in its provisions. It permits carriers to insert in bills of lading all the reasonable exemptions from liability that they can justly demand. But it prohibits them from inserting provisions such as those cited and others equally onerous.

The committee recommend the following amendments:

In lines 4 and 5, on page 1, strike out the words "common carriers whether by land or water," and insert in lieu thereof the following: "Vessels transporting merchandise or property from or between ports of the United States and foreign ports."

Amend in line 4, on page 3, by inserting after the word "agent," the following: "Connecting carrier."

Strike out all of section 6 and insert in lieu thereof:

"SEC. 6. This act shall not be held to modify or repeal the provisions of sections 4281, 4282, and 4283 of the Revised Statutes of the United States."

As thus amended the bill relates solely to cargoes of vessels in the foreign trade, and the committee recommends its passage.

ARMY APPROPRIATION BILL.

Mr. OUTHWAITE. I move that the House resolve itself into Committee of the Whole for the consideration of general appropriation bills.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union (Mr. DEARMOND in the chair); and proceeded to the consideration of the bill (H. R. 9825) making appropriation for the support of the Army for the fiscal year ending June 30, 1894, and for other purposes.

Mr. OUTHWAITE. I ask unanimous consent that the first reading of this bill be dispensed with.

There being no objection, it was ordered accordingly.

Mr. OUTHWAITE. Mr. Chairman, before proceeding to the second reading of the bill I will submit a brief statement concerning the appropriations it contains.

It will be observed that the estimates for the fiscal year ending June 30, 1894, amount to $25,922,955.42. This bill proposes to appropriate the sum of $24,202,739.78; that is, $1,720,215.64 less than the estimates of the War Department. It carries $85,760.04 less than the appropriation for the year ending June 30, 1893, the current appropriation bill. It carries less than the average of the appropriations of bills for the military establishment during each of the fiscal years for the last six years. There is but one year, within the six years preceding this, in which the appropriation is less than that carried by the pending bill; that was made up by an increase in the appropriation in subsequent years, however.

The amount carried in this bill is $410,789.41 less than was appropriated in the Army bill for 1892. For pay of the Army this bill appropriates $13,256,889.78, while the law for the present year provides for $13,299,149.82 for the same purpose. Increases arise in the pay of the Army from what may be termed natural reasons or rather legal reasons. That is to say in the pay of officers on the active and retired list, for length of service and from the expected increases in the number of officers on the retired list or who will be placed there during the current year and also from the increased numbers of enlisted men on the retired list, or who will be placed thereon within a year. These numbers have been increasing right along since these two retired lists were established.

We have not yet reached the maximum, but it is quite probable that within a year or two we shall have reached the maximum expenditure required for this purpose. There is also an increase in the pay of the Hospital Corps. This corps was established but a few years ago—in fact, this organization has grown up within the last six years, and it has about reached the maximum of cost. The increase for the pay of retired enlisted men is $33,611.79, and that for the Hospital Corps $25,000. For the mileage of officers when traveling on duty without troops, there is an increase of $5,000. To this item I will address myself for a few minutes later on.

The chief reduction in this part of the bill, that is the part pertaining to the pay of the Army proper, as compared with the law of 1893, is in the item for pay of officers of the line $25,000, and for pay of officers in the Pay Department $13,250. For pay of officers for length of service the reduction is $67,330. Taking the increases and the decreases, the amount given in this part of the bill shows a net reduction of $42,260.04.

Let me call the attention of the committee to the fact that this is not, in truth, a saving of that amount. The only actual saving in the reductions is that of $13,250 in the Pay Department, where there has been, on account of an amendment of the law made at the last session of Congress, a reduction in the officers of the Pay Department. The other apparent reductions in the pay are reductions simply as to the amount appropriated, the committee believing that there was sufficient margin in the balances heretofore allowed the Pay Department for these items to admit of this reduction.

There is at the close of the report a comparison between the items in the law of 1891–'92 and in this bill. It gives in one column the amounts appropriated in the year 1891–'92, in another column the amounts of this bill, in another the increases, and in another the decrease of appropriations.

Mr. KILGORE. Will the gentleman permit me to interrupt him to inquire if there is any appropriation in this bill that is not authorized by law; any new legislation, new items?

Mr. OUTHWAITE. There may be some items, and to these I will call the attention of the gentleman or of the committee as we reach them. They are small, very small items. They can not be said to be insignificant or they would not be in the bill.

The first five items of decreases in the column to which I have just referred, and to which I now call the attention of the committee, are decreases of the character I have just been mentioning, not really decreases, but reductions of the amount appropriated for the Pay Department. Then there are certain increases and decreases in the pay of the officers of the different departments. These items result chiefly from increased rank of some officers in instances where there is an increase, or from an increase in the length of service of the officers, and in the other the death of some of the officers, or the general average of the increased pay being less.

There are several items which are pure decreases from the amounts appropriated in 1892, to which I wish to call attention. The first is allowance for travel for officers traveling without troops. This item has been reduced $24,104.87.

In the item of the subsistence of the Army there has been a reduction of $45,000.

In the Quartermaster's Department, for regular supplies for that Department, there is a reduction of $153,000.

For incidental expenses there is a reduction of $25,000.

For horses for cavalry there is a reduction of $15,000, and for army transportation a reduction of $150,000.

For barracks and quarters there is a reduction of $25,000.

For purchases of buildings there is a reduction of $50,000.

For construction and repairs of hospitals there is a reduction of $25,000, and for quarters for hospital stewards there is a reduction of $45,000.

The largest increase in this bill will be found in the appropriation for the Ordnance Department.

In the manufacture of metallic ammunition for small arms there is an increase of $30,000.

For the purchase of ordnance, stores, etc., there is an increase of $15,000, and for infantry, cavalry, and artillery equipment there is an increase of $90,000.

Accompanying the report is a statement of Gen. Flagler, Chief of the Ordnance Department, showing the necessity for these increases. He states the purposes for which these appropriations are required, and then he gives substantial reasons for an increase in such appropriations of this kind. He mentions this fact in one part of his statement, speaking of the increase required for the purchase and manufacture of ordnance stores, etc.:

The appropriation for the last four years has been $100,000 for each year. Now, to show you some of the troubles I labor under in regard to that item in not being able to supply what is called for: Our fortifications are getting ready to place our new armament, are making requisitions for what they require, that is, for machinery to mount the guns.

It is well known to this House that great appropriations have been made to construct large guns of the latest patterns and models, at great expense. These guns have been provided for our fortifications, and yet no appropriation has been made for machinery suitable to place these guns in position. Requisitions are being made upon the Ordnance Department for that kind of machinery. Continuing, Gen. Flagler says:

That one item for handling and mounting guns itself calls for more than one hundred items.

In addition to the machinery they require for executing mechanical maneuvers, there are fifteen posts mentioned by the engineering department where provisions must be made for mounting guns and gun carriages on the various emplacements now being prepared; such emplacements as at Port-

land, Me., Boston, Mass., Long Island Head, N. Y., Fort Hamilton, Fort Tompkins, Fort Barrancas, Fort Rankin, etc. Now we have but one complete set of machines for mounting and handling guns, I mean one complete set in San Francisco Harbor and two in New York Harbor, whereas we should be prepared to issue next year nine complete sets of these machines, one to each harbor and one to each post, and one in addition. A complete set of these machines costs $879.90. It consists of a gin, a gun-lifting sling, and many smaller items. The fifteen sets required would cost $13,198.50, and extra parts for keeping them in order $500, making a total of $13,698.50. This is one of the items I can not do anything with, with the amount that is now appropriated. I make this statement to illustrate one of the things that give us trouble.

In another part of his statement the Chief of Ordnance says:

We had left over in the artillery department after the war a large amount of material, which, although not of regulation pattern and which could not be used by the Army in the condition in which it was found, was available for working over and saving very considerable amounts in the cost of manufacturing our supplies. I mention one important item under this—saddletrees. We had enough saddletrees, so that we were not compelled to purchase any until about a year and a half ago. We were able to work over our large stock of artillery harness and utilize considerable portions of it. Small-arm ammunition we had enough left over so that it enabled us to save cost, and so with many similar items. These supplies are entirely exhausted, and this saving is no longer possible. Under most of the items I find it impossible to supply the Army with what law and regulation require. We have almost none of these supplies on hand. We are compelled to manufacture in small lots as they are called for from time to time, which is not as economical as it would be if we could manufacture in large quantities and hold supplies over from year to year.

Now concerning the item as to the manufacture of metallic ammunition for small arms, manufacture of and reloading cartridges and tools for the same, he says:

I find under that head that the amount that has been appropriated for the last two or three years was not sufficient to furnish all the ammunition required by the Army. The War Department requires the expenditure for target practice, cartridges, and reloading materials of $4 per man per annum, and about $1.93 per man per annum for gallery practice. This makes $5.93 per man per annum, and about 23,000 men receive this, making $136,400 for the one item of target practice alone.

Now that is required of him, and yet he was not able during the last year to comply with the requisition. He has been able to do so when he could use up this other material left over from the war supply.

He goes on to say:

Not only does law and regulation require me to expend this amount, but every military man is agreed upon the necessity of it. If, then, the whole amount, $200,000, asked for is appropriated, it will leave $63,600 for providing ammunition for hostile purposes, blanks for drills, etc., and for the accumulation of a small stock to meet emergencies which may arise at any moment, and is a very small allowance for these purposes.

To that extent the committee did not go. They have recommended an appropriation of $180,000, instead of the $200,000 asked for in the estimates submitted.

In the examination of this gentleman before the committee, he was asked as to the balances that he had over of the money appropriated for some of these purposes, and his reply was that it would not exceed $5. I examined the report and found that there were two or three of those items in which the balances he had then on hand were so closely used up, that all three together in his hands did not reach $50. It is not so in some other departments of the Government, and some other bureaus of the War Department. They have larger balances—sometimes $200,000 or $300,000—and that has enabled us to make some of these cuts we have suggested.

Now, I desire to call the attention of the House a few moments to the Quartermaster's Department. The appropriation for regular supplies is $50,000 less than it is for the current year, and $103,000 less than it is for each of the three preceding years. It is $191,479.42 less than the estimate. The amount in the bill for incidental expenses is the same as that for the current year. For the purchase of horses for cavalry, artillery, and other army uses, there is no reduction of the amount, but there is a reduction below the estimates of $46,625.46

Mr. LONG. Forty-eight.

Mr. OUTHWAITE. I thank the gentleman, $48,625.46. The letter of estimate contains this note—

The amount called for is $46,025.46—

That is an error. It should be $48,625.46—

in excess of the sum appropriated for the current fiscal year. This increase is required to supply horses for mounting the hospital corps of the Army, the act of July 16, 1892, having provided that the same should be borne from the appropriations for the Quartermaster's Department.—R. N. Batchelder, Quartermaster-General.

The committee did not take that view of the situation. The committee have limited the number of horses which shall be purchased, so that they shall not exceed the number of enlisted men and Indian scouts in the mounted service, believing for the present the Hospital Corps can be supplied with horses, so far as there may be necessity for their immediate use, from the horses purchased under this general supply.

For army transportation the bill provides $2,600,000, which is believed will be ample for that purpose. The improved facilities of travel should enable those having control of the troops and supplies to make a considerable reduction in this large item, and there can not be the same necessity for moving troops as there was before some of the remote posts were abandoned a few years ago, and when Indian troubles were more frequent than they are now.

The amount estimated for is $2,750,000. The reduction from this item in the bill amounts to $100,000 below the appropriations for the current year, and $150,000 below the estimates, believing that greater economy can be exercised in this direction.

There is another item to which I will call the attention of this committee when we come to that part of the bill in considering it by paragraphs.

Unless some gentleman wishes to speak in general debate, I will ask unanimous consent that general debate be closed upon the bill. No gentleman has signified a wish to debate the bill.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent that all general debate on the bill shall be closed, and that the bill be now read by paragraphs for amendment.

There was no objection, and it was so ordered.

The Clerk read as follows:

For pay of not exceeding thirty-five paymasters' clerks, at $1,400 each; not exceeding thirty paymasters' messengers, and traveling expenses of paymasters' clerks and expert accountant of the Inspector-General's Department, $84,200: *Provided*, That hereafter the number of paymasters' clerks shall be reduced one for every paymaster reduced under the operations of this act: *Provided further*, That hereafter the maximum sum to be allowed paymasters' clerks and the expert accountant of the Inspector-General's Department, when traveling on duty, shall be 4 cents per mile, and in addition thereto, when transportation can not be furnished by the Quartermaster's Department, the cost of the same actually paid by them, exclusive of parlor-car or sleeping-car fare and transfers.

Mr. OUTHWAITE. I desire at this point to call the attention of the gentleman from Texas [Mr. KILGORE] to the new legislation in the bill. There is in this paragraph the insertion of the word "hereafter" in two instances in the provisos to the paragraph.

Mr. KILGORE. Which paragraph is that?

Mr. OUTHWAITE. It is the paragraph at the bottom of page 6.

Mr. KILGORE. The effect of that would be to make this a permanent appropriation.

Mr. OUTHWAITE. No; not to make it a permanent appropriation. This proviso makes it a permanent law:

Provided, That hereafter the number of paymasters' clerks shall be reduced one for every paymaster reduced under the operations of this act.

In the paragraph above the gentleman will see that there is a proviso:

That hereafter no appointment shall be made to the grade of major in the Pay Department of the Army until the number is reduced below twenty-five.

And instead of repeating that in the annual appropriation bills we put the word "hereafter" in. That occurs again at the bottom of the page and paragraph. I suppose there is no objection to that.

Mr. KILGORE. None at all.

The Clerk read as follows:

For pay of the enlisted men of the Army on the retired list, $320,000.

Mr. ANTONY. Mr. Chairman, I offer the amendment which I send to the desk.

The amendment was read, as follows:

Amend by inserting at the end of line 11, page 6: "*Provided*, That before any retired officer or retired enlisted man shall be paid any part of his pay as such retired officer or retired enlisted man the Secretary of War shall ascertain if such person receives pay from the Government of the United States in any other official capacity, and if such is the case, he shall not receive any pay under this act."

Mr. ANTONY. I offer this amendment, Mr. Chairman, because it has been understood for a long time and is generally regarded as a fact, that the postmaster at Austin, Tex., is receiving pay as a retired colonel of the Army, while at the same time he is holding the position of postmaster and enjoying the emoluments of that office. Only a few years ago he was elected mayor of the city of Austin while he was receiving pay as a retired colonel. The case was investigated by the courts, and he was removed from the office of mayor because he was a retired Army colonel and could not, under the Constitution, hold both offices at the same time. I do not think it right that the money of the United States should be squandered in any such way.

If a gentleman is receiving pay as a retired colonel of the Army, thus holding one do-nothing office under the Government of the United States, he ought not to receive pay for performing the duties of any other Government office, nor ought he to be permitted to hold the two offices at the same time. There are enough people in the United States to fill all the offices under the Government, without any one of them holding two at a time, and if any man does hold two offices I think his pay for the one or the other ought to be stopped.

Mr. BUCHANAN of New Jersey. Will the gentleman permit a question?

Mr. ANTONY. Yes, sir.

Mr. BUCHANAN of New Jersey. Does not the gentleman know that in the ordinary course of human events that post-

master is likely to go out of office pretty soon, so that a Democratic member of Congress on the retired list of the Army can come in? [Laughter.]

Mr. ANTONY. It does not make any difference, Mr. Chairman, whether a gentleman is a Democrat or a Republican. It is dishonest, in my opinion, and ought not to be permitted.

Mr. BUCHANAN of New Jersey. I hope you will tell the colonel so.

Mr. BINGHAM. Mr. Chairman, a position on the retired list of the Army comes, as I understand it, either by virtue of the statute by the officer reaching a certain age, or by a certain length of continuous service, or by incapacity for military service.

The fact of a man being able to fill a local office satisfactorily should not, in my opinion, in anywise detract from a military service which has been honorable and distinguished, and which, under the statutes of the United States, entitles the officer to recognition and consideration. Gen. Sickles is elected to the next American Congress, and is fully able to perform, as a representative of his people, the duties of that great public service in this body, yet he stands distinguished upon the retired list of the Army, not because he is incapacitated for civil administration, but because by reason of years, as well as by the loss of a limb in the service, he is incapacitated for the command of troops.

Gen. Rosecrans to-day is in a like situation. There is no comparison, no relation, between the two kinds of service. There is nothing in the fact that a man is holding a local or a state office that should in anywise detract from that which is due to him under the statutes for the services which he has rendered to the Government of the United States. I do not think the gentleman's proposition is fair to the individual. My record in the service perhaps may entitle me to recognition under the law. My fitness for civil employment may be such as to excite the admiration of a constituency who may elect and send me to the place where they think I can be most useful. I do not think the gentleman's proposition is a consistent one, for usefulness in the Army and fitness for a place upon the retired list are defined by statute, but when a man is called to fill a civil office he is called by the people, who are the best judges of his fitness for that office.

Mr. ANTONY. I do not think the gentleman's remarks apply to this question in anywise. The case is that of a gentleman who is receiving pay as a retired officer of the Army. If he sees fit to abandon the position for which the Government may be holding him in readiness in the capacity of a retired officer, or if the Government sees fit to pension him by reason of his having become old or unfit for service, or if he were retired with honor on account of age, that is no reason why we should donate to him the amount he is receiving in that capacity, if he is also receiving as a representative of the people on this floor as much as any of the rest of us. That is an unfair distribution of the patronage of the Government among the people. More than that, it is a fraud upon the people's rights; it is a robbery of them by taking their money for purposes not justified by the Constitution and by our system of government. Here is an appropriation of $1,750,000 for this purpose. Shall the retired officer receive as much more in other capacities from the same source? Mr. Chairman, let us stop this fraud upon our people. Let us protect their rights.

Mr. OUTHWAITE. Mr. Chairman, this amendment is rather too far-reaching, it seems to me, to be adopted as an amendment to a provision in the Army bill. It goes considerably further than it would appear to go at the first blush. If it is the purpose of Congress to say that hereafter no army officer upon the retired list, and no army officer or private soldier receiving a pension, shall be permitted to hold civil employment at the hands of the Government, it presents a question which should be referred for consideration to some committee having such matters in charge. There should be a distinct understanding as to how far we are to go in that direction.

I, for one, am willing to go somewhat in that direction, but I am not willing that so sweeping a clause should be inserted in the Army bill without an opportunity to consider how far it reaches, whom it strikes, what officers of the Government it may affect. The general principle of the gentleman's proposition is certainly a good one, the principle that officers on the retired list should not be permitted to hold other offices under the General Government. It is a principle embodied generally in the law. In the case which the gentleman mentions, as I understand, as soon as the matter was brought to the attention of the proper authorities the man was removed. Am I mistaken about that?

Mr. ANTONY. He was removed from the position of mayor of the city of Austin by the State authorities; but he is at present holding the office of postmaster while drawing pay as a retired colonel, as I understand. There are doubtless many other cases equally as bad.

Mr. OUTHWAITE. Then, in order to reach such a case as that, if it be necessary, if the present law is not sufficient to cover such a case, there should be an amendment attached to the Post-Office appropriation bill, not to the Army bill. There are certain cases in which it may be advisable and wise that officers upon the retired list should be employed in matters pertaining to the National Government; but we have not had time to consider carefully in what instance an exception should be made. This provision is so sweeping that it makes no exception whatever. Therefore I hope that the Committee of the Whole will vote it down, and let the subject go in some shape or other to a proper committee. The question presented by the gentleman from Texas ought to go to the Post-Office Committee; it ought not to go to the Committee on Military Affairs.

Mr. ANTONY. Mr. Chairman, I disagree with the gentleman from Ohio [Mr. OUTHWAITE] on this proposition. I think the time to settle this question is now while we have it before us. This amendment simply provides that the Secretary of War in cases of this kind shall make investigation to ascertain the facts, and if it be true that the man is receiving from the Government pay in any other capacity than as a retired officer, that then he shall receive no pay as such retired officer. Of course the man may exercise his choice; he may decide to remain on the retired list, or, if he prefer it, he may exercise his right as an American citizen and hold any office under the Government which he may be able to get. But let him not be permitted to hold two offices at once. I hope Democrats will begin reform now and here—begin at once. I trust the committee will adopt the amendment in the interest of economy and Democratic reform. As it is, it is legalized plunder of the people.

Mr. BUCHANAN of New Jersey. I ask that the amendment of the gentleman from Texas be again read.

The Clerk again read the amendment of Mr. ANTONY.

Mr. BUCHANAN of New Jersey. Mr. Chairman, it seems to me that this amendment, whatever may be its motive, is defective in construction. As I understand, these salaries are paid monthly, and if this amendment were adopted it would be necessary for the War Department to inquire each month before the warrants are sent out whether any gentleman on the retired pay roll is receiving other pay from the United States. This could be determined, I suppose, by trusting to the honor of the incumbents for proper answer, or by sending out missives to every other department of the United States Government.

Whatever may be the motive of the amendment, I think the amendment itself impossible of execution without great additional expense. I myself rather favor the principle of one man for one office. One of the leading Democrats in my State holds somewhere about a dozen separate and distinct offices, and it is not because we have not Democrats enough to go around either. Two of the most lucrative offices in my county and city are held by one gentleman, and two of the next in point of salary are held by another gentleman. There seems to be a process of doubling up going on among the Democracy there which I should like to see rebuked by the Democracy in the House of Representatives. We do not seem to be able to have it rebuked at home.

Mr. OUTHWAITE. A word further, Mr. Chairman, before the vote is taken upon the amendment.

This is a very sweeping proposition, as I stated at the beginning; but now, upon hearing it read the second time, I believe it contains a provision that the gentleman himself would hardly be inclined to press when his attention is called to it. It is provided that no retired enlisted man or retired officer shall be permitted to receive pay for services rendered to the Government in any other direction while drawing such enlisted pay.

A retired enlisted man receives, probably, $12 per month, and this amendment, if adopted, would prevent his acting as a janitor, sweeper, doorkeeper, or anything else, no matter how menial the capacity, in any Department of the Government, or in any post office of the country, or in any place whatever where the General Government may be willing to employ him. He may have a family to support; he may have reached that age at which he would be no longer available for service in the Army; he has been retired from the service and receives his retired pay for long, faithful, patriotic services to the Government, and gets this pittance of $12 or $15 per month. If this provision is enacted he could not be hired by the Government to perform any other labor or receive any compensation to assist him in supporting his family.

Mr. DAVIS. Ought not the same rule to apply to those persons receiving pensions?

Mr. ANTONY. The proposition, if the gentleman will permit me, is not to prevent a retired man from receiving compensation from the Government, but to require him to surrender the $12 a month if he receives any other employment from the Government which is more profitable or pays him better.

Mr. OUTHWAITE. But the wages he may receive might be

based on the fact that he is getting this monthly compensation on the retired list—this stipend from the Government; and besides that he may be incapacitated to such an extent as to unfit him to earn as much as an able-bodied man, and therefore he would not get the same compensation. The amendment ought to be rejected.

I ask for a vote.

The question being taken on the amendment of Mr. ANTONY, the committee divided; and there were—ayes 17, noes 60.

Mr. ANTONY. Mr. Chairman, I make the point that no quorum has voted.

The Chairman appointed Mr. ANTONY and Mr. OUTHWAITE as tellers.

The committee proceeded to divide. Before the result was announced

Mr. ANTONY said: I withdraw the point of order.

So (no further count being demanded) the amendment was rejected.

The Clerk read as follows:

For the purchase of horses for the cavalry and artillery, and for the Indian scouts, and for such infantry and members of the Hospital Corps as may be mounted, and the expenses incident thereto, $135,000: *Provided*, that the number of horses purchased under the appropriation, added to the number on hand, shall not at any time exceed the number of enlisted men and Indian scouts in the mounted service; and that no part of this appropriation shall be paid out for horses not purchased by contract, after competition duly invited by the Quartermaster's Department, and an inspection by such department, all under the direction and authority of the Secretary of War.

Mr. SIMPSON. Mr. Chairman, I offer the amendment I send to the desk.

The Clerk read as follows:

Amend, on page 14, line 6, by striking out "35" and inserting "25;" so that it will read "$125,000."

Mr. SIMPSON. Mr. Chairman, it seems to me that this appropriation for the purchase of horses for the cavalry and artillery of the Army is excessively large, in view of the fact that the claim has been made that the purpose of this large appropriation of money to buy cavalry horses is to fit out Indian scouts and to equip the Army largely in case of Indian wars in the West. Many members present will doubtless remember that at the last session of Congress a number of new military posts were established under the plea that there was no more necessity for the troops being held in the Western territory, the reason assigned being the fact that there would be no more Indian outbreaks.

Another reason for the reduction proposed here is that I understand this appropriation is made on the basis of the price paid for horses several years ago. Now, it is a well known fact that the price of horses, along with other agricultural products, has declined in this country at least 30 per cent. The horses to be bought for the military services will be largely taken from the Western States. In Colorado, in Oregon and Kansas are the fields where they will be mainly bought for the cavalry service. The best horses are raised in Kansas that can be found in any other State in the Union for this particular purpose, and to my personal knowledge horses can be purchased there fit for this service at least 30 per cent cheaper than they could have been bought a year or two ago.

I believe that this reduction of $10,000 is necessary for that reason as well as for others. The members present will remember another thing, that the Army appropriation and the Navy appropriation, and the expense of conducting the Pension Department, run up in the aggregate to an enormous sum that reaches one-half of the total expenditures of this Government; and I think we ought to be, wherever the chance is found, careful in doing all in our power to cut down the expenses and the cost of these numerous establishments to our people. We have no need in fact for an Army to-day; but inasmuch as we have one and want to equip it, let us go about it in a careful, painstaking manner, in a way to prevent any extravagant expenditures in its equipment, and in a way that will commend itself to the business judgment of men who consider the matter.

It is well known that in every government where there are large appropriations for such purposes temptation is afforded for lavish expenditures; but it is our duty, the duty of every member here, to see that everything possible is done to prevent lavish or wasteful expenditures of the money of the people in the equipment of the Army or Navy or in any other branch of the public service.

Therefore I think the amendment ought to prevail.

Mr. OUTHWAITE. Mr. Chairman, the estimate for this item is $183,625.46. There was a reduction made by the committee, as I mentioned in my remarks awhile ago, of about $48,000, resulting from the fact that the committee concluded it was not wise or necessary at this time to make an appropriation sufficient to purchase horses for all of the Hospital Corps. Since this appropriation was reported to the House I have had a conversation with the Quartermaster-General, and from what he stated to me I can safely accept this amendment. In fact, I thought of offering an amendment to reduce the amount $5,000. If the gentleman from Kansas [Mr. SIMPSON] will modify his amendment so as to reduce the amount $5,000 there will be no question about it.

Mr. SIMPSON. Mr. Chairman, I will agree to that modification, making the reduction $5,000 instead of $10,000, on condition that that is accepted.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, on page 14, line 6, by striking out the word "thirty-five" and inserting the word "thirty;" so that it will read "$130,000."

The amendment was agreed to.

The Clerk read as follows:

Barracks and quarters: For barracks and quarters for troops, storehouses for the safe-keeping of military stores, for offices, and for the hire of buildings and grounds for summer cantonments, and for temporary buildings at frontier stations, for the construction of temporary buildings and stables and for repairing public buildings at established posts, $700,000: *Provided*, That hereafter no expenditures exceeding $500 shall be made upon any building or military post, or grounds about the same, without the approval of the Secretary of War for the same, upon detailed estimates by the Quartermaster's Department; and the erection, construction, and repair of all buildings and other public structures in the Quartermaster's Department shall, as far may be practicable, be made by contract, after due legal advertisement.

Mr. OUTHWAITE. Mr. Chairman, on page 17, line 16, I wish to make a verbal correction. The word "as" is omitted at the beginning of line 16, and I move to amend by inserting the word "as" before the word "may," in that line.

The amendment was agreed to.

The Clerk read as follows:

For the purchase of needful material to be used in the art of teaching cookery to the enlisted men in the two companies of the Hospital Corps, $500.

Mr. OUTHWAITE. Mr. Chairman, I promised to call the attention of the Committee to the items in this bill which contained appropriations not authorized by law. This is one of these items, an appropriation of $500 to permit the Medical Department to purchase materials and supplies with which to teach the men in the Hospital Corps the art of cooking, or the method of cooking, so far as it may be necessary for them to do so, in taking care of the sick. The amount is only $500.

The Clerk resumed and completed the reading of the bill.

Mr. OUTHWAITE. I move that the committee do now rise and report the bill with amendments to the House, with a favorable recommendation.

The motion was agreed to.

Mr. ANTONY. Mr. Chairman, I have a resolution to present.

The CHAIRMAN. It will be read for information. The Chair does not know what it is.

The Clerk read as follows:

Resolved, That the pending bill (H. R. 9825) be recommitted, with instructions to investigate the question of "retired officers" and "retired enlisted men" receiving pay in capacities other than such "retired" officers or men, and to make such provision as may be necessary to prevent any such person receiving pay from the Government while he is also receiving pay in any other capacity; under such restrictions and limitations as shall be deemed just.

Mr. OUTHWAITE. I make the point of order that this comes too late, the motion for the committee to rise and report the bill to the House with a favorable recommendation having been agreed to.

The CHAIRMAN. The Chair thinks that the proposition offered by the gentleman from Texas [Mr. ANTONY] is one which can only be properly offered in the House, and not in Committee of the Whole.

Mr. OUTHWAITE. I make that point of order also.

The committee then rose; and the Speaker having resumed the chair, Mr. DE ARMOND, chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 9825) making appropriations for the support of the Army for the fiscal year ending June 30, 1894, and for other purposes, and had instructed him to report the same back to the House with sundry amendments and with the recommendation that, as amended, it do pass.

Mr. ANTONY. Mr. Speaker, I have a resolution on the desk I should like to submit.

The SPEAKER. The Chair will indicate to the gentleman when that point comes up a little later on in the proceedings.

Mr. OUTHWAITE. I move the previous question on the bill and pending amendments to the engrossment and third reading.

The previous question was ordered.

The SPEAKER. If a separate vote is not desired on the amendments, the Chair will take the vote upon them as a whole.

The amendments were agreed to in gross.

The bill, as amended, was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time.

The SPEAKER. The gentleman from Texas presents a motion to recommit

The Clerk read as follows:

Resolved, That the pending bill (H. R. 9825) be recommitted, with instructions to investigate the question of "retired officers" and "retired enlisted men" receiving pay in capacities other than such "retired officers or men," and to make such provision as may be necessary to prevent any such person receiving pay from the Government while he is also receiving pay in any other capacity, under such restrictions and limitations as shall be deemed just.

The SPEAKER. The Chair supposes that the gentleman means to recommit the bill to the Committee on Military Affairs?

Mr. ANTONY. Yes, sir.

The question was taken on the motion to recommit; and it was rejected.

The bill was then passed.

On motion of Mr. OUTHWAITE, a motion to reconsider the vote by which the bill was passed was laid on the table.

FRANCISCO ALCANTARA.

Mr. OUTHWAITE. Mr. Speaker, I ask unanimous consent to consider a resolution, coming from the Committee on Military Affairs, to permit a citizen of Venezuela to enter the Military Academy. It costs nothing.

The resolution was read, as follows:

A joint resolution (S. R. 73) authorizing the Secretary of War to receive for instruction at the Military Academy at West Point Francisco Alcantara, of Venezuela.

Resolved by the Senate, etc., That the Secretary of War be, and he hereby is, authorized to permit Francisco Alcantara, of Venezuela, to receive instructions at the Military Academy at West Point: *Provided*, That no expense shall be caused to the United States thereby: *And provided further*, That in the case of the said Alcantara the provisions of sections 1320 and 1321 of the Revised Statutes shall be suspended.

The SPEAKER. Is there objection to the present consideration of the joint resolution? [After a pause.] The Chair hears none.

The resolution was ordered to a third reading; and it was accordingly read the third time, and passed.

ENROLLED BILLS SIGNED.

Mr. SCOTT, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 2275) for the relief of purchasers of timber and stone lands under the act of June 3, 1878; and

A bill (S. 3418) making Saturday a half holiday for banking and trust company purposes in the District of Columbia.

LEAVE TO PRINT.

The SPEAKER. The gentleman from New York [Mr. FITCH], chairman of the Special Committee to Investigate the Operation of the Federal Election Laws, asks that an order be made to have printed the testimony taken. Without objection the order will be made.

There was no objection, and it was so ordered.

Mr. OUTHWAITE. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 2 o'clock and 42 minutes p. m.) the House adjourned.

REPORTS OF COMMITTEES.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. COBB of Missouri, from the Committee on War Claims:

The bill (H. R. 9875) for the relief of Henry J. Hewitt, in lieu of the bill (H. R. 4096) of the same title. (Report No. 2157.)

The bill (H. R. 9798) for the relief of the heirs of the late Mrs. Mary Ann Randolph Custis Lee, of Fairfax County, Virginia. (Report No. 2155.)

By Mr. WINN, from the same committee: The bill (H. R. 3334) for the relief of Mrs. Sarah H. Wood. (Report No. 2156.)

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committee was discharged from the consideration of the following bills; which were referred as follows:

The bill (H. R. 9842) for the correction of the record of James A. Smith, deceased—the Committee on Invalid Pensions discharged, and referred to the Committee on Military Affairs.

The bill (S. 2042) granting an increase of pension to Mrs. Helen G. Heiner—the Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills and a resolution of the following titles were introduced and severally referred, as follows:

By Mr. McALEER: A bill (H. R. 9872) to authorize the sale to the Schuylkill River East Side Railroad Company of a lot of ground belonging to the United States Naval Asylum, in the city of Philadelphia, Pa.—to the Committee on Naval Affairs.

By Mr. HEMPHILL: A bill (H. R. 9873) to create a board of charities, etc., in the District of Columbia—to the Committee on the District of Columbia.

Also, a bill (H. R. 9874) to prohibit the interment of bodies in Graceland Cemetery—to the Committee on the District of Columbia.

By Mr. HENDERSON of North Carolina: A bill (H. R. 9877) to amend the proviso to be found in connection with the free-delivery service, page 569, 24th volume Statutes at Large—to the Committee on the Post-Office and Post-Roads.

By Mr. BELTZHOOVER: A resolution requesting that Thursday, Friday, and Saturday, the 12th, 13th, and 14th days of January, 1893, be set apart for the consideration of bills on the Private Calendar—to the Committee on Rules.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as indicated below:

By Mr. ARNOLD (by request): A bill (H. R. 9878) for the relief Washington A. McMinn, of Bollinger County, Mo.—to the Committee on War Claims.

Also (by request), a bill (H. R. 9879) for the relief of John S. Yount, of Bollinger County, Mo.—to the Committee on War Claims.

Also (by request), a bill (H. R. 9880) for the relief of Elizabeth Baker, widow of Joseph Baker, late of Bollinger County, Mo.—to the Committee on War Claims.

By Mr. ATKINSON (by request): A bill (H. R. 9881) for the relief of Abby J. Decker—to the Committee on Invalid Pensions.

Also (by request), a bill (H. R. 9882) for the relief of Almon Springsteen—to the Committee on Military Affairs.

By Mr. BELKNAP: A bill (H. R. 9883) restoring Elmira B. Rice to the pension roll—to the Committee on Invalid Pensions.

By Mr. BYNUM (by request): A bill (H. R. 9884) to increase the pension of Mary E. Bentley—to the Committee on Invalid Pensions.

By Mr. COVERT: A bill (H. R. 9885) granting a pension to Mrs. M. Belle Houk—to the Committee on Invalid Pensions.

By Mr. ENOCHS: A bill (H. R. 9886) granting an honorable discharge to John Herrity—to the Committee on Military Affairs.

Also, a bill (H. R. 9887) for the relief of William H. Sprinkle—to the Committee on Claims.

Also, a bill (H. R. 9888) authorizing and directing the Secretary of the Treasury to pay the city of Portsmouth the cost of constructing pavements around the public building owned by the United States Government in said city—to the Committee on Claims.

By Mr. TOWNSEND: A bill (H. R. 9889) to remove the charge of desertion against Frank A. Land, late of Company C, Third Maryland Regiment—to the Committee on Military Affairs.

By Mr. MARTIN: A bill (H. R. 9890) to restore the pension of Cynthia Redding—to the Committee on Invalid Pensions.

By Mr. RUSK: A bill (H. R. 9891) granting a pension to Mrs. Elizabeth Wooden—to the Committee on Invalid Pensions.

By Mr. SIMPSON: A bill (H. R. 9892) to increase the pension of Mrs. Sarah M. Hadly—to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Illinois: A bill (H. R. 9893) for the relief of William H. Blades—to the Committee on War Claims.

Also, a bill (H. R. 9894) for the relief of James C. McQuay—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALDERSON: Eight petitions of citizens of West Virginia, as follows: Of P. O. Caldwell, administrator of Joseph Caldwell, deceased, late of Raleigh County; of Charles Walker, of the same county; of Hiram Johnson, of Fayette County; of Owen Snuffer, of Raleigh County; of M. J. Jones, of Fayette County; of John Rogers, of the same county; of John J. Lilly and Christopher Lilly, heirs of Pleasant Lilly, deceased, late of Raleigh County, and Alexander Cavendish, of Nicholas County, each praying that his war claim be referred to the Court of Claims under the provisions of the Bowman act—to the Committee on War Claims.

By Mr. BELTZHOOVER: Petition of 3,641 citizens of Carlisle and other portions of Cumberland and York Counties, Pa., earnestly protesting against opening the Columbian Exposition on Sunday—to the Select Committee on the Columbian Exposition.

Also, papers to accompany House bill 9854 in the matter of William O. Lyman—to the Committee on Invalid Pensions.

By Mr. CUMMINGS: Petition of Thomas J. Murrey for relief—to the Committee on Accounts.

By Mr. ENGLISH: Petition of the Presbyterian Synod of New Jersey, inclosing a resolution against the opening of the World's Exposition on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. ENOCHS: Resolutions of members of the medical profession of the city of Portsmouth, Ohio, urging the appropriation of $43,983, to assist in paying the expenses of the Pan-American Medical Congress—to the Committee on Appropriations.

Also, petition of citizens of Rutland, Meigs County, Ohio, against the repeal of the law closing the gates of the Columbian Exposition on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. GEARY: Petition of John York for pension for services in the Mexican war—to the Committee on Pensions.

By Mr. HENDERSON of Illinois: Petition of the Rt. Rev. Bishop Hennessy, priests, and students of theology, in behalf of George W. Jones, of Dubuque, Iowa—to the Committee on Claims.

By Mr. HENDERSON of Iowa: Paper from Wilbur F. Crafts, corresponding secretary of the Reformed Bureau of Pittsburg, urging that the World's Fair be closed on Sunday—to the Select Committee on the Columbian Exposition.

Also, paper from S. F. Smith, of Davenport, Iowa, urging that a day be fixed by the Committee on Rules for considering the bankrupt bill—to the Committee on Rules.

Also, paper from D. B. Nash, of Davenport, Iowa, urging the passage of the Torrey bankrupt bill—to the Committee on the Judiciary.

By Mr. MARTIN: Petition of citizens of Montpelier, Ind., gainst selling intoxicating liquor on the grounds of the World's Fair and against opening said grounds on Sunday—to the Select Committee on the Columbian Exposition.

Also, affidavits and letters to accompany House bill to restore the pension of Cynthia Redding—to the Committee on Invalid Pensions.

By Mr. OHLIGER: Seven petitions of citizens of Ohio, as follows: Of citizens of Canton, of the Reformed Church of Orrville, of citizens of Wooster, and of four petitions of citizens of Fredericksburg; all against the repeal of the Sunday-closing law for the Columbian Exposition—to the Select Committee on the Columbian Exposition.

By Mr. PARRETT: Petition of Abraham M. Owen and other physicians of Evansville, Vanderburg County, Ind., asking Congress to make an appropriation for the Pan-American Medical Congress—to the Committee on Appropriations.

By Mr. REED: Petition of ex-Governor Frederick Robie, Judge Symonds, and others, citizens of Portland, for the opening of the Chicago Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. SCOTT: Petition of Moses M. Longley, of Bloomington, McLean County, Ill., for relief—to the Committee on Military Affairs.

By Mr. STAHLNECKER: Three petitions of citizens of New York, as follows: Of residents of Westchester County; of residents of Mount Vernon; of A. B. Tetaz and others, residents of Mount Vernon, all favoring the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, three petitions of citizens of New York, as follows: Of parents, teachers, and physicians of Steuben County; of parents, teachers, and physicians of Delhi, Delaware County, and of the Woman's Christian Temperance Union of Olean, Cattaraugus County, all asking for the passage of a law prohibiting the sale, manufacture, or importation of cigarettes in the United States—to the Committee on Ways and Means.

Also, eight petitions of citizens of Yonkers, N. Y., as follows: Of Ancient Order of Hibernians No. 2; of Division 3, Ancient Order of Hibernians; of citizens of Yonkers; of Montgomery Club; of Palisade Hose Company No. 4; of Iroquois Club; of Enterprise Pleasure Club, and of building laborers, all requesting that action be taken in regard to the release of Dr. Thomas Gallagher, imprisoned in London—to the Committee on Foreign Affairs.

By Mr. STUMP: Petition of George S. Browning and Alphonso Gibbs, clerks in the folding room, for relief—to the Committee on Accounts.

By Mr. EZRA B. TAYLOR: Petition of Prof. George. H. Colton and others of the faculty of Hiram College, Ohio, in favor of the metric system of weights and measures—to the Committee on Coinage, Weights, and Measures.

By Mr. TOWNSEND: Petition to accompany bill to remove the charge of desertion against Frank A. Sand—to the Committee on Military Affairs.

Also, affidavits accompanying bill to remove the charge of desertion against Frank A. Sand—to the Committee on Military Affairs.

By Mr. TUCKER: Petition of Rev. John McVerry and others, relative to the World's Fair—to the Select Committee on the Columbian Exposition.

By Mr. WILLIAMS of Illinois: Affidavits of John W. Todd and Lewis F. Flater, in the matter of the removal of the charge of desertion from the record of John A. Jack—to the Committee on Military Affairs.

Also, petition of physicians of Marion County, Ill., for an appropriation to pay the expenses of the Pan-American Medical Congress to be held in Washington, September, 1893—to the Committee on Appropriations.

CHANGE OF REFERENCE.

Calculations as to the expense of the Pan-American Congress—Committee on the District of Columbia discharged, and referred to the Committee on Appropriations.

Copy of evidence on file in the War Department in the application of Frank Bruno for an honorable discharge—Committee on Invalid Pensions discharged and referred to the Committee on Military Affairs.

Petition of William S. Pierce, of Frenchburg, Ky., for increase of pension—Committee on Invalid Pensions discharged and referred to the Committee on Pensions.

SENATE.

THURSDAY, *December 15, 1892.*

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

PRESIDENTIAL ELECTORS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of State, transmitting, in pursuance of the provisions of the act of Congress approved February 3, 1887, a certified copy of the final ascertainment of the electors for President and Vice-President appointed in the State of Delaware at the election held therein on the 8th of November, 1892, as certified to him by the governor of that State; which, with the accompanying papers, was ordered to lie on the table.

WAR CLAIM OF BALTIMORE.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of State, transmitting, in response to a resolution of the 8th instant, copies of correspondence between the Third Auditor of the Treasury and the mayor of Baltimore, Md., relative to the claim of the city of Baltimore for advances in the war of 1812, between the United States and Great Britain; which was read.

Mr. COCKRELL. That is in response to a resolution introduced by the Senator from Maryland [Mr. GORMAN], who is not in the Chamber at this moment. I move that the communication, with the accompanying papers, be referred to the Committee on Claims, and printed.

The motion was agreed to.

PETITIONS AND MEMORIALS.

Mr. COCKRELL. I present the petition of J. C. Todd and 23 other citizens of Platte County, Mo., praying for the appointment of a Senate committee to investigate the combine formed to depreciate the price of grain, and now existing between elevators, millers, and railroads at Minneapolis, Minn., and St. Louis, Mo., and asking for the postponement of the Washburn-Hatch antioption bill until that committee reports.

I also present a like petition from Dr. E McD. Coffey and 19 other citizens of Platte County, Mo., praying for the same object.

I move that the petitions be referred to the Committee on Agriculture and Forestry.

The motion was agreed to.

Mr. COCKRELL presented the memorial of Robert Gibb and other members of the Seventh-Day Adventist Church of Armstrong and Fayette, Howard County, Mo., remonstrating against Congress committing the United States to a union of religion and the state in the passage of any bill to close the World's Columbian Exposition on Sunday, etc.; which was referred to the Committee on the Quadro-Centennial (Select).

He also presented a memorial of citizens of various churches of Centerview, Johnson County, Mo., remonstrating against any modification of the law in regard to the closing of the World's Fair at Chicago on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

Mr. COCKRELL. I present a resolution unanimously adopted by a large union meeting of the people of Tarkio, Mo., at the Presbyterian Church on Thanksgiving Day, November 24, 1892, resolving that they "rejoice and thank God and our President and Congress for the Sabbath closing of the World's Fair," and remonstrating against any change in the law. This resolution is signed by Rev. J. A. Thompson, president of the Tarkio Col-

lege, and W. P. McNary, pastor of the Union Presbyterian Church at that place. I move that the memorial be referred to the Select Committee on the Quadro-Centennial.

The motion was agreed to.

Mr. COCKRELL. I also present a petition of the Interstate Convention of Cattlemen, praying for the establishment of a bureau of information and statistics in live stock, with an explanation of the proposed system, and letters of indorsement from over thirty States. I apprehend that the petition should be referred to the select committee of which my colleague [Mr. VEST] is chairman.

Mr. VEST. Yes, a bill on the subject is pending.

Mr. COCKRELL. I move that the petition be referred to the Select Committee on the Transportation and Sale of Meat Products.

The motion was agreed to.

Mr. VEST presented a petition of citizens of Tarkio, Mo., praying for the passage of legislation closing the World's Columbian Exposition on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

Mr. QUAY presented petitions of the United Presbyterian and Methodist Episcopal Churches of Prospect, Pa., and of the United Presbyterian Church of Mount Nebo, Pa., praying for legislation to close the World's Columbian Exposition on Sunday, to prohibit the sale of intoxicating liquors thereat, for the passage of the Washburn-Hatch antioption bill, for the restriction of immigration, and for the submission of the proposed sixteenth amendment to the Constitution of the United States; which were referred to the Committee on the Quadro-Centennial (Select).

Mr. PADDOCK presented the petition of J. A. Cosby and other citizens of Benkleman, Nebr., and of 100 members of the United Presbyterian Church of Parks, Nebr., praying for the passage of the Washburn-Hatch antioption bill, and for adequate legislation restricting immigration, etc.; which was ordered to lie on the table.

He also presented a petition of the Federation of Labor Unions of Washington, D. C., praying for the passage of House bill 8537, providing for an effective eight-hour law for workingmen; which was referred to the Committee on Education and Labor.

Mr. SANDERS presented a petition of the Journeymen Tailors' Union, of Great Falls, Mont., praying for the passage of House bill 8535, prohibiting smuggling into the United States under the guise of wearing apparel; which was referred to the Committee on Finance.

Mr. HISCOCK presented a memorial of the New York Mercantile Exchange, remonstrating against the passage of the Washburn-Hatch antioption bill; which was ordered to lie on the table.

He also presented the petition of Thomas B. Keel and 58 other citizens of New York, praying for the passage of legislation authorizing the publication of certain statistics relating to the labor product and intellectual development of people of African descent residing in the United States; which was referred to the Committee on Education and Labor.

Mr. HISCOCK. I present three memorials of citizens of New York, bankers and business men of New York City, remonstrating against the passage of Senate bill 2626, providing for the construction of a bridge across the Hudson River between that city and the State of New Jersey, and I ask that the memorials be printed in the RECORD. I make this request because a petition on the same question was printed in the RECORD a few days ago.

The VICE-PRESIDENT. Is there objection to the request made by the Senator from New York?

Mr. HARRIS. There is.

Mr. HISCOCK. I state that I ask to have the memorials printed in the RECORD for the reason that a petition on the other side of the question was allowed to be printed in the RECORD.

Mr. PLATT. I thought the petition to which the Senator refers was not allowed to be printed in the RECORD.

Mr. HARRIS. I know of none of those general petitions that have been allowed to be printed in the RECORD, and certainly none of them would have been allowed if my attention had been called to it. I object to encumbering the RECORD with petitions on any subject.

Mr. HISCOCK. I withdraw the request.

The VICE-PRESIDENT. The petition to which the Senator from New York refers was not printed in the RECORD. Objection was made to that, and it was ordered printed as a document.

Mr. HISCOCK. Very well; let the memorials be printed as a document.

The VICE-PRESIDENT. The memorials will lie on the table and be printed as a document.

Mr. SHERMAN presented a petition of the First Presbyterian Church of Toledo, Ohio, and a petition of 285 citizens of Ohio, praying Congress not to repeal the law closing the World's Columbian Fair on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

Mr. ALLEN presented the petition of O. O. Wright and 60 other citizens of Douglass County, Wash., praying for the passage of the Washburn-Hatch antioption bill; which was ordered to lie on the table.

Mr. CULLOM presented a petition of the Ladies' Missionary Society of the United Presbyterian Congregation of Henderson, Ill., praying for the passage of legislation closing the World's Columbian Exposition on Sunday, and that the sale of intoxicating liquors be prohibited thereat; which was referred to the Committee on the Quadro-Centennial (Select).

Mr. FRYE presented a petition of 23 citizens of Piscataquis County, Me., praying for the passage of the Washburn-Hatch antioption bill; which was ordered to lie on the table.

Mr. BATE presented a memorial of the Memphis (Tenn.) Cotton Exchange, remonstrating against the action taken by that exchange on the 26th of November, in opposition to the Washburn-Hatch antioption bill, and praying for the passage of that or some similar measure; which was ordered to lie on the table.

Mr. BRICE presented a petition of the State Grange of Delaware, Ohio, and a petition of the Farmers' Institute of Leetonia, Ohio, praying for the passage of the Washburn-Hatch antioption bill; which were ordered to lie on the table.

He also presented a petition of the Journeymen Tailors' Unions of Tiffin, Findlay, Youngstown, Delaware, Zanesville, and Toledo, all in the State of Ohio, praying for the passage of House bill 8535, limiting the free entry of wearing apparel of foreign manufacture; which was referred to the Committee on Finance.

He also presented memorials of the Preachers' Union of Toledo, Ohio; of L. M. Hoffman and 30 other citizens of Newton Falls, Ohio; of W. F. McCauley and other members of the Christian Endeavor Union and of the Ministerial Association of Findlay, Ohio, remonstrating against the passage of any legislation authorizing the opening of the World's Columbian Exposition on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

He also presented a memorial of citizens of Hamilton County, Ohio, remonstrating against the passage of any legislation authorizing the opening of the World's Columbian Exposition on Sunday: the sale of intoxicating liquors thereat; praying for the passage of the Washburn-Hatch antioption bill, and advocating the submission of the proposed sixteenth amendment to unite church and state; which was referred to the Committee on the Quadro-Centennial (Select).

Mr. TELLER presented a petition of the Journeymen Tailors' Union of Colorado Springs, Colo., praying for the passage of House bill 8535, limiting the free entry of wearing apparel of foreign manufacture; which was referred to the Committee on Finance.

Mr. MORRILL presented the petition of Willis Roberts, of Strafford, Vt., praying to be allowed a pension as a dependent father; which was referred to the Committee on Pensions.

Mr. PERKINS presented a petition of the heirs of Miguel Salinas, deceased, of Kansas, praying to be reimbursed for rents and houses and other property appropriated by the Government for the use of the United States Army; which was referred to the Committee on Pensions.

Mr. JONES of Arkansas presented a memorial of citizens of Monticello, Ark., remonstrating against any further consideration of the Washburn-Hatch antioption bill; which was ordered to lie on the table.

Mr. WHITE presented a petition of members of the city council and various commercial bodies of the city of New Orleans, La., praying for the passage of legislation placing the Nicaragua Canal solely and exclusively under the control of the Government; which was referred to the Committee on Foreign Relations.

Mr. HARRIS presented a petition of citizens of Shelby County, Tenn., praying for the passage of the Washburn-Hatch antioption bill; which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. TURPIE, from the Committee on Pensions, to whom was referred the bill (H. R. 6737) granting a pension to Delzell R. Bradford, Twenty-fourth Michigan Volunteers, reported it without amendment, and submitted a report thereon.

Mr. FRYE, from the Committee on Commerce, to whom was referred the bill (S. 3533) to amend sections 4488 and 4489, Revised Statutes, for the greater safety to navigation, reported adversely thereon, and the bill was postponed indefinitely.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment:

A bill (H. R. 8956) establishing a fog signal at Tibbets Point, Lake Ontario, New York; and

A bill (S. 3510) to amend section 4347 of the Revised Statutes of the United States.

Mr. VOORHEES, from the Committee on the Library, to whom was referred the bill (S. 2089) to purchase the portrait of Daniel D. Tompkins, late Vice-President of the United States, painted by Jarvis in 1812, reported it without amendment, and submitted a report thereon.

Mr. MCPHERSON, from the Committee on Naval Affairs, submitted a report to accompany the bill (H. R. 8760) providing for the sale of navy-yard lands in the city of Brooklyn, heretofore reported by him.

WILLIAM H. TAYLOR.

Mr. TURPIE. I am directed by the Committee on Pensions, to whom was referred the bill (H. R. 6024) for the relief of William H. Taylor, to report it without amendment. The bill is one of great merit, and as there is a present emergency for its passage, I ask the courtesy of the Senate for its present consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll, at the rate of $12 per month, the name of William H. Taylor, a crippled and dependent son of Uriah Taylor, deceased, late a member of Company A, Forty-ninth Regiment Indiana Volunteer Infantry, during the late civil war, and who died from disease contracted in said war while in line of duty soon after the close of the war in 1865.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EULOGIES ON THE LATE REPRESENTATIVE SPINOLA.

Mr. MANDERSON, from the Committee on Printing, to whom was referred the following concurrent resolution of the House of Representatives, reported it without amendment, and it was considered by unanimous consent, and agreed to:

Resolved by the House of Representatives (the Senate concurring), That there be printed of the eulogies delivered in Congress upon the Hon. Francis B. Spinola, late a Representative from the State of New York; 8,000 copies, which shall include 50 copies to be bound in full morocco, to be delivered to the family of the deceased; and of those remaining, 2,600 copies shall be for the use of the Senate and 5,350 copies for the use of the House of Representatives; and the Secretary of the Treasury is directed to have engraved and printed a portrait of the said Francis B. Spinola to accompany said eulogies.

CIVIL SERVICE COMMISSION REPORT.

Mr. MANDERSON. I am directed by the Committee on Printing, to whom was referred a concurrent resolution of the Senate to print copies of the ninth annual report of the United States Civil Service Commission, to report it without amendment; and I ask for its present consideration.

The Senate, by unanimous consent, proceeded to consider the concurrent resolution; which was read, as follows:

Resolved by the Senate (the House of Representatives concurring), That 23,000 copies of the ninth annual report of the United States Civil Service Commission with appendices be printed, of which 1,000 copies shall be for the use of the Senate, 2,000 copies for the use of the House of Representatives, and 20,000 copies for the use of the United States Civil Service Commission.

Mr. COCKRELL. Let the resolution be read again.

Mr. MANDERSON. The resolution is exactly as it was introduced by the Senator from Missouri. There is no change proposed by the committee and the number is the same as is provided for in the general printing bill.

Mr. COCKRELL. Very well.

The resolution was agreed to.

REPORT ON IMMIGRATION.

Mr. MANDERSON, from the Committee on Printing, to whom was referred the following concurrent resolution, submitted by Mr. CHANDLER on the 12th instant, reported it without amendment, and it was considered by unanimous consent, and agreed to:

Resolved by the Senate (the House of Representatives concurring), That the Public Printer be, and he is hereby, directed to print, with a title page, 12,000 additional copies of the report of Immigrant Commissioner H. J. Schulteis, contained in Part I, House Executive Document No. 235, first session Fifty-first Congress, pages 263 to 323, inclusive; 2,000 to be for the use of the Treasury Department, 2,000 for the use of the House Committee on Immigration, 2,000 for the use of the Senate Committee on Immigration, 2,000 for the use of the Senate, and 4,000 for the use of the House.

MRS. DORA MARSHALL.

Mr. PADDOCK, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the following resolution, submitted yesterday by Mr. DAWES, reported it without amendment, and it was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay out of the miscellaneous items of the contingent fund of the Senate to Mrs. Dora Marshall, widow of James H. Marshall, deceased, late a messenger of the United States Senate, the sum of $720, being an amount equal to six months' salary at the rate per annum allowed by law to the messenger aforesaid, said sum to be considered as including the funeral expenses and all allowances.

BILLS INTRODUCED.

Mr. CARLISLE introduced a bill (S. 3590) for the benefit of Mrs. Anna C. Supplee, of Harrison, Ohio; which was read twice by its title, and referred to the Committee on Patents.

Mr. CAMERON introduced a bill (S. 3591) to authorize the allowance of commutation for quarters to officers of the Navy on shore duty; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. QUAY introduced a bill (S. 3592) to provide an American register for the steamer Oceano, of Philadelphia, Pa.; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 3593) granting a pension to Veronica McGuire; which was read twice by its title, and, referred to the Committee on Pensions.

Mr. MCMILLAN (by request) introduced a bill (S. 3594) to confirm title to lots 13 and 14, in square 959, in Washington, D. C.; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. CASEY introduced a bill (S. 3595) to amend an act entitled "An act for the relief of settlers upon certain lands in the States of North Dakota and South Dakota," approved August 5, 1882; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. POWER introduced a bill (S. 3596) to provide for the examination and classification of certain mineral lands in the States of Montana and Idaho; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. PROCTOR introduced a bill (S. 3597) to establish companies of the Hospital Corps, United States Army, and for other purposes; which was read twice by its title, and referred to the Committee on Military Affairs.

He also (by request) introduced a bill (S. 3598) to discontinue the Signal Corps and devolve the duties thereof upon other branches of the Army; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. PUGH (by request) introduced a bill (S. 3599) for the relief of John A. Rollings, and James Gilfillan; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. TELLER introduced a bill (S. 3600) granting an honorable discharge to Cyrus Payne; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. PERKINS introduced a bill (S. 3601) granting to the Chicago, Rock Island and Pacific Railway Company the use of certain lands at Chickasha Station, in the Indian Territory; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 3602) granting to the Chicago, Rock Island and Pacific Railway Company a right of way through the Indian Territory, and for other purposes; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. HISCOCK introduced a bill (S. 3603) for the relief of B. J. Van Vleck, administrator of Henry Van Vleck, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3604) authorizing the Secretary of the Treasury to adjust and settle the account of the heirs of Alfred G. Benson with the United States; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3605) in relation to refunding certain sums to port wardens; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3606) for the relief of Ira Doane; which was read twice by its title, and, referred to the Committee on Pensions.

Mr. CULLOM introduced a bill (S. 3607) granting a pension to Mrs. Johanna Cashman; which was read twice by its title, and referred to the Committee on Pensions.

Mr. COCKRELL (by request) introduced a bill (S. 3608) granting a pension to Herbert Vanderberg; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SAWYER introduced a bill (S. 3609) to punish robbery upon or wrecking of trains engaged in interstate commerce; which was read twice by its title, and referred to the Committee on Interstate Commerce.

Mr. PUGH (by request) introduced a bill (S. 3610) regulating the sale of paints, white lead, colors, and linseed oil; which was read twice by its title, and referred to the Committee on Manufactures.

Mr. HUNTON introduced a joint resolution (S. R. 121) author-

izing payment, under act of August 30, 1890, to the State of Virginia, upon the assent of the governor, heretofore given, till adjournment of next session of the Legislature thereof; which was read twice by its title, and referred to the Committee on Education and Labor.

He also introduced a joint resolution (S. R. 122) to receive drawback certificates in payment of arrears of general taxes under act of June 2, 1890; which was read twice by its title, and referred to the Committee on the District of Columbia.

AMENDMENT TO ANTIOPTION BILL.

Mr. POWER submitted an amendment intended to be proposed by him to the bill (H. R. 7845) defining "options" and "futures," imposing special taxes on dealers therein, and requiring such dealers and persons engaged in selling certain products to obtain license, and for other purposes; which was ordered to lie on the table and be printed.

INDIAN TRUST FUNDS.

Mr. PLATT. I submit a resolution, and ask for its adoption. The resolution was read, as follows:

Resolved, That the Secretary of the Interior be, and he is hereby, directed to inform the Senate:

First. Of the amounts of the different funds held in trust by the United States for the benefit of the Indian tribes.

Second. Of the amount of Indian depredation claims which has hitherto received the approval of the Department of the Interior.

Third. If within his knowledge, the whole amount of Indian depredation claims which have been presented to the Court of Claims.

Fourth. Whether any judgments rendered by the Court of Claims against Indian tribes for depredations have yet been paid out of funds held in trust by the United States for the benefit of Indian tribes.

Fifth. To what extent the funds held in trust for Indian tribes by the United States are likely to be depleted by the payment of judgments rendered or to be rendered by the Court of Claims for Indian depredations.

Mr. FAULKNER. I should like to have the resolution go over until to-morrow. There is an amendment to it which I will suggest to the Senator from Connecticut. It may be that later in the day he can call it up.

Mr. PLATT. Let the resolution be printed.

Mr. FAULKNER. I will suggest the amendment to the Senator, and the resolution can then be acted upon with the amendment.

The VICE-PRESIDENT. The resolution will go over.

REPORT ON FOREIGN STREETS AND HIGHWAYS.

Mr. MANDERSON submitted the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That there be printed —— thousand copies of the special consular report relating to streets and highways in foreign countries, heretofore published by the Department of State; of which —— thousand copies shall be for the use of the Senate and —— thousand copies for the use of the House of Representatives.

ADJOURNMENT TO MONDAY.

Mr. CAMERON. I move that when the Senate adjourns to-day it be to meet on Monday next.

Mr. WASHBURN. I hope that motion will not prevail.

Mr. PLATT. It is not debatable.

Mr. WASHBURN. I call for the yeas and nays.

The VICE-PRESIDENT. The Senator from Pennsylvania moves that when the Senate adjourns to-day it be to meet on Monday next, on which the yeas and nays are demanded.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CULLOM (when his name was called). I have a general pair with the Senator from Delaware [Mr. GRAY]. As he is not present, I withhold my vote.

Mr. HANSBROUGH (when his name was called). I am paired with the Senator from Illinois [Mr. PALMER]. Were he present, I should vote "nay."

Mr. TURPIE (when his name was called). I am paired with the Senator from Minnesota [Mr. DAVIS].

Mr. WILSON (when his name was called). I have a general pair with the Senator from Georgia [Mr. COLQUITT]. Not knowing how he would vote, I withhold my vote.

The roll call having been concluded, the result was announced—yeas 27, nays 27; as follows:

YEAS—27.

Blackburn,	Gordon,	McMillan,	Vance,
Blodgett,	Gorman,	Manderson,	Vest,
Cameron,	Harris,	Mills,	Vilas,
Carlisle,	Hawley,	Morrill,	Voorhees,
Dixon,	Hiscock,	Pasco,	White,
Dolph,	Hoar,	Platt,	Wolcott.
Faulkner,	Jones, Ark.	Quay,	

NAYS—27.

Allen,	Coke,	Peffer,	Sawyer,
Bate,	Dawes,	Perkins,	Sherman,
Berry,	Gallinger,	Pettigrew,	Teller,
Butler,	George,	Power,	Walthall,
Call,	Hunton,	Proctor,	Warren,
Carey,	Kyle,	Pugh,	Washburn.
Casey,	Paddock,	Sanders,	

NOT VOTING—34.

Aldrich,	Dubois,	Hill,	Shoup,
Allison,	Felton,	Irby,	Squire,
Brice,	Frye,	Jones, Nev.	Stanford,
Chandler,	Gibson, La.	Kenna,	Stewart,
Cockrell,	Gibson, Md.	McPherson,	Stockbridge,
Colquitt,	Gray,	Mitchell,	Turpie,
Cullom,	Hale,	Morgan,	Wilson.
Daniel,	Hansbrough,	Palmer,	
Davis,	Higgins,	Ransom,	

The VICE-PRESIDENT. The Senate being evenly divided, the Vice-President votes "yea," and the motion of the Senator from Pennsylvania is agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House insisted upon its amendments to the bill (S. 1549) providing for the public printing and binding and the distribution of public documents; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. RICHARDSON, Mr. MCKAIG, and Mr. BRODERICK managers at the conference on the part of the House.

The message also announced that the House had passed the following bills and joint resolution:

A bill (S. 869) to provide an American register for the barge Sea Bird, of Perth Amboy, N. J.;

A bill (S. 1647) to authorize the Alabama Grand Trunk Railroad Company to bridge across the Tallapoosa and Coosa Rivers;

A bill (S. 1956) to make Punta Gorda a subport of entry;

A bill (S. 2451) authorizing the Secretary of the Treasury to reconvey to Lucius U. Maltby and Louise W. Maltby, his wife, Margaret Elizabeth Lucus, and the Sea Girt Land Improvement Company a piece of land selected as a site for the Squan Inlet light-station, New Jersey, but found to be unsuitable for the purposes of said station; and

A joint resolution (S. R. 73) authorizing the Secretary of War to receive for instruction at the Military Academy at West Point, Francisco Alcantara, of Venezuela.

The message also announced that the House had passed the bill (S. 3188) to extend to Duluth, Minn., the privileges of the first section of an act entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," approved June 10, 1888, with an amendment to the title; in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. 3184) correcting the muster of Second Lieut. Gilman L. Johnson;

A bill (H. R. 5752) to amend an act approved August 6, 1888, entitled "An act to authorize the construction of a bridge across the Alabama River;"

A bill (H. R. 8602) to authorize the construction of a bridge across the Mobile River by the Chicago, Mobile and Gulf Ports Railroad Company;

A bill (H. R. 9487) to amend an act approved April 22, 1890, authorizing the Natchitoches Cane River Bridge Company to construct and maintain a bridge across Cane River, in Louisiana;

A bill (H. R. 9488) to amend an act approved March 2, 1891, authorizing the construction of a bridge across the Red River, Louisiana, by the Rapides Bridge Company, limited; and

A joint resolution (H. Res. 170) to pay the officers and employés of the Senate and House of Representatives their respective salaries for the month of December, 1892, on the 21st day of said month.

The message also announced that the House had passed a concurrent resolution providing that when the two Houses adjourn on Thursday, December 22, they shall stand adjourned until Wednesday, January 4, 1893; in which the concurrence of the Senate was requested.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (S. 2275) for the relief of purchasers of timber and stone lands under the act of June 3, 1878; and

A bill (S. 3418) making Saturday a half holiday for banking and trust company purposes in the District of Columbia.

WILLIAM M'GARRAHAN—VETO MESSAGE.

The VICE-PRESIDENT. If there is no further morning business that order is closed, and the Senate resumes the consideration of the special order, which will be stated.

The CHIEF CLERK. A bill (S. 1958) to submit to the Court of Private Land Claims, established by an act of Congress approved March 3, 1891, the title of William McGarrahan to the

Rancho Panoche Grande, in the State of California, and for other purposes.

The VICE-PRESIDENT. The question is, Shall the bill pass, the objections of the President of the United States to the contrary notwithstanding? On which the Senator from Virginia [Mr. HUNTON] is entitled to the floor.

Mr. HUNTON. Mr. President, when my remarks were suspended yesterday by the expiration of the morning hour, I had gotten in the discussion of the bill under consideration as far as the finding of the court of land claims in the State of California. The finding of that court was that they were satisfied from the evidence that the grant to Gomez by Governor Micheltorena had been given and was lost in the accidents of war, but that there was no evidence before that court to show that Gomez had ever taken possession of this land under the grant. For that reason they found against the grant and dismissed the petition of Gomez. As the law provided, Gomez took his case to the district court of California on appeal.

Before that case was reached on the docket of the district court, the Supreme Court of the United States had decided the Frémont case, and in that decision laid down the doctrine that possession of a grant was not necessary to its validity, that it was a condition subsequent to the grant, and therefore a noncompliance with that subsequent condition did not invalidate the grant. After this decision of the Supreme Court of the United States in the Frémont case, which was followed in all other cases before that court, the district court for the southern district of California had this case up by appeal from the land commissioners in the State of California. As that land court had found that there was satisfactory evidence that a grant had been made, and only found against the grant by reason of failure to prove possession, the Supreme Court having decided that point adverse to the opinion of the land court, there was nothing left for the district court but to confirm the grant of Gomez to the Rancho Panoche Grande.

I beg to say here that there has been no case which has been before that district court in which has not been adopted the ruling of the Supreme Court in that case, that possession under a Mexican grant was a condition subsequent, and failure to comply with that condition did not invalidate the grant. So that the decision of the district court upon that point followed the decision of the Supreme Court in the Frémont case.

After this decision was made confirming the grant of Gomez, the claimant here, Mr. McGarrahan, bought the title of Gomez to that property; bought it for a valuable consideration, and obtained from Gomez a deed, the original of which I have in my possession. Mr. McGarrahan had every reason on earth to believe that the title of Gomez had been confirmed and was good, and he purchased in good faith the title of Gomez to the Rancho Panoche Grande.

Before the land court Pacificus Ord had been the attorney for the grantee, Gomez, upon a contingent fee in case of success. By the time this case was reached in the district court Pacificus Ord had been made district attorney for that district. When the case came up he reported that fact to the Attorney-General in the city of Washington, and requested that somebody else might be appointed to represent the Government in that and several other cases in which he was similarly situated. No attention was paid to that request in the city of Washington, and when this case came up the attorney who had been employed by Gomez in the case after it reached the district court moved, in accordance with the decision in the Frémont case, that the grant to Gomez should be confirmed, Pacificus Ord saying that the land court had found that a grant had been given, that it was lost in the exigencies of the war, and the Supreme Court having decided the question of possession, he saw no reason against its confirmation. Thereupon, on the 5th day of June, 1857, the district court of California reversed the decision of the land court and confirmed the grant to Gomez. That decision of the court, although rendered by the judge and signed by him, was not entered upon the records of that court. So that it was a decision rendered but not entered upon its records.

Mr. COCKRELL. What was the cause of the failure to enter it?

Mr. HUNTON. It was just an accidental failure on the part of the clerk to enter the decree. The claimant, finding that this omission had occurred, on the 5th day of February, 1858, brought to the attention of the court the fact that the decree had not been entered, and on that day in 1858 a decree was entered *nunc pro tunc*, dating back to the original date of the 5th of June, 1857, when the judgment of the court was rendered in the case. From that decree Pacificus Ord appealed to the Supreme Court of the United States.

A good deal has been said about Pacificus Ord in this case; but I beg to say that the conduct of Pacificus Ord in the case was in every respect fair, in every respect bona fide, because when this claim, in which he had had a contingent interest, was confirmed, instead of allowing that judgment of the court to stand, he took an appeal to the Supreme Court of the United States.

Upon that point a good deal depends in this case, and I beg the attention of the Senate to it for a moment. That order granting an appeal in the Gomez case was in an order of the same court entered on the same motion in six other cases, 20, 153, 187, 231, 274, 288, and 393—393 being the case of Gomez. When that appeal was taken the transcript was sent to the city of Washington and docketed in the office of the Attorney-General of the United States.

Mr. WHITE. Will it disturb the Senator if I ask him a question?

Mr. HUNTON. Not at all.

Mr. WHITE. Before that transcript was made out is it true that a motion to review that opinion had been filed in that court in chambers by the special counsel of the United States?

Mr. HUNTON. No, sir; it was done long afterwards.

Mr. WHITE. On what day was that motion filed?

Mr. HUNTON. I do not know that I can give the Senator the date, but it was long afterwards.

Mr. WHITE. I can give the Senator the date.

Mr. HUNTON. What is it?

Mr. WHITE. Is there not a letter from the clerk in the record saying that when he made up the transcript he was directed by Mr. Ord not to include the motion which was filed in chambers in the transcript?

Mr. HUNTON. I should be glad to see it if it is in the record.

Mr. WHITE. I ask the Senator that question.

Mr. HUNTON. I do not recollect it.

When the appeals were taken in these seven cases from the decision of the district court in California, those appeals were sent to the city of Washington, docketed in the office of the Attorney-General of the United States, and the transcript of the record was in the course of human events brought up to the Attorney-General. When that transcript was brought here, an appearance on the part of McGarrahan by counsel was made before the Attorney-General, who was then Jeremiah S. Black, of the State of Pennsylvania. The case was argued, and he was asked to enter the appeal upon the dockets of the Supreme Court of the United States and dismiss the appeal. After hearing argument Mr. Black declined to go into court and make the motion, but authorized the counsel for McGarrahan to appear in that court and make that motion. Thereupon this transcript of the record was filed in the court, McGarrahan's counsel moved to dismiss the appeal, and the Supreme Court of the United States granted the petition. Thereupon a mandate was sent down from the Supreme Court of the United States, which I have before me at this moment, stating that that appeal had been dismissed and directing the court below to carry out its original decree.

About this time there appeared in this case a company known as the New Idria Mining Company, which had its origin in connection with some squatters upon this land, and that New Idria Mining Company finally ousted the squatters with whom they had united, and took possession of a portion of this grant to Gomez. From that day down to the present time, as far as I know, the fight of McGarrahan has not been continued with the United States, but with that New Idria Mining Company, which was coining quicksilver out of his own mines, converting it into money, and with that money fighting McGarrahan through the courts and through the Congress of the United States.

Mr. President, a good deal depends upon the fact whether this appeal was taken, because if it was taken and the appeal was dismissed by the Supreme Court of the United States and a mandate sent down in the term of December, 1859, there is not a lawyer upon this floor who will not admit that when that term ended the Supreme Court was as powerless over that case as any Senator on this floor.

Mr. FAULKNER. Would it interrupt the Senator if I should ask him a question?

Mr. HUNTON. Not at all.

Mr. FAULKNER. Has not the entire legal question to which the Senator is now directing his argument been passed upon unanimously by the Supreme Court at a subsequent term as between the United States and McGarrahan?

Mr. HUNTON. I beg to inform my friend from West Virginia that I never undertake to pass a bridge until I get to it. I shall endeavor, before I close my remarks, to address myself to that question; but it is not in order at this time, and I hope he will excuse me.

Mr. FAULKNER. If the Senator will permit me, I understood him to say that the question depended upon whether that appeal had been properly granted and a mandate had been sent down by the court.

Mr. HUNTON. Yes, sir.

Mr. FAULKNER. I understand, if I am correct in my recol-

lection, that that question was argued, submitted to, and decided by the court.

Mr. HUNTON. Very well, sir, suppose it was; yet I say if it was argued and decided by the Supreme Court forty times, if the court had no jurisdiction, it is not worth any more than blank paper.

Mr. FAULKNER. Then I will ask the Senator for information, if he will permit me, whether or not a court of last resort, such as the Supreme Court of the United States, had the jurisdiction it assumed in passing upon that question, is not its action conclusive on the question of jurisdiction so far as the Congress of the United States is concerned?

Mr. HUNTON. I beg pardon. It is a principle of law too well understood by my learned friend to need authority on the subject, that when a court acts without jurisdiction the lowest court in the land can assail it, whether the court assuming such jurisdiction be the highest in the land or not. If it acts without jurisdiction the action of the court amounts to a mere nullity, and any court or any tribunal may disregard it at its pleasure. That is law, sir.

Mr. WHITE. Will the Senator allow me to ask a question?

Mr. HUNTON. These repeated interruptions destroy the line of my argument.

Mr. WHITE. I beg the Senator's pardon.

Mr. HUNTON. I am desirous of proceeding in an orderly way.

Mr. WHITE. I desire to ask upon a question of fact.

Mr. HUNTON. Will the Senator state it?

Mr. WHITE. I find that the motion to review the judgment, which the Senator says was filed long afterward, was filed on the 7th day of July, 1858, and I find in the transcript this letter of the clerk addressed to the Attorney-General:

The above motion—

Speaking of this motion—

at the request of the party who applied for the transcript in the said case—

And the proof in this transcript is that Mr. Ord applied for it—

was omitted. But having since been informed that the said transcript has been forwarded to Washington to be filed in the Supreme Court, I deem it my duty to inform you of the above facts.

The question I should like the Senator to meet in his argument is this: A judgment was rendered in favor of Mr. Gomez. Mr. Ord was a party in interest. He owned one-half of the claim, and therefore it was a judgment in his favor. Now, being an interested party, he steps in and takes an appeal. After he has taken that appeal, he not being able to move in the matter because he was a party in interest, the United States sends a special counsel there, who files a motion before the transcript was made for a review of the judgment.

Mr. HUNTON. I do not know——

Mr. WHITE. That is stated here, and it was made on the 7th day of July, 1858.

Mr. HUNTON. Not before the appeal was granted.

Mr. WHITE. Not before the appeal, because the United States did not have a chance, he being an interested party. Now, here comes the motion for an appeal. He is an interested party, owning a part of the claim. That cuts off, according to the Senator's view, the motion for a new trial. The United States sends its special counsel there and files a motion for a new trial. Then Mr. Ord, this interested party, makes up a transcript for the Supreme Court of the United States, as the clerk certifies, and orders him to leave out from that transcript, so that the Supreme Court of the United States can not see it, the motion for a new trial pending.

Mr. HUNTON. It is very true that the motion for a new trial was made, and the district attorney for the United States, in a letter to the Attorney-General, which is on file in the evidence before me (he having become the attorney of the New Idria Mining Company), stating that "I make a suggestion to Judge Ogier (who was then the district judge in California), by which he of his own motion will set aside that judgment and grant a new trial." What the suggestion was I leave my friends on the other side to find out; but it was upon a suggestion, which the counsel there for the New Idria Mining Company said he would make to the judge, that the judge of his own motion set aside the judgment that he rendered and granted a new trial.

In the mean time an appeal had been taken to the Supreme Court of the United States, and I beg the attention of the Senate one moment to the fact of these appeals. As I stated awhile ago, there were seven appeals in the same order. It was not for the interest of Pacificus Ord to appeal that judgment; but as the district attorney, acting in good faith to the United States, he felt bound to do it, and he did appeal that case with six others of a like character. You will find by an examination of the records of the court that all seven of those cases—the six others as well as the Gomez case—were passed upon and disposed of by the Supreme Court of the United States upon the appeal taken at the moment and under the same circumstances in which the Gomez appeal was taken by Pacificus Ord.

It will be found that in No. 153, which was one of the seven cases appealed, the Supreme Court of the United States affirmed the decision of the court below; in the next case it dismissed the appeal on the motion of the Attorney-General; in the next case the decree of the district court was affirmed: in the next case the cause was dismissed on motion of Attorney-General Bates, and in the next case the cause was also dismissed on motion of Attorney-General Bates. All these cases in which the appeal was taken by Pacificus Ord in the very same motion and in the very same way, went on the docket of the Supreme Court of the United States and were disposed of in the manner I have just stated.

If the appeal in these cases was properly taken, I beg Senators to state why the appeal in the Gomez case was not as well taken as the appeal in the case of the others? The others were all well taken, and they appeared upon the docket of the Attorney-General of the United States in the city of Washington. I beg to say here that I state no fact that is not proved in the history of this cause, if I am aware of it. Mr. Hudson examined that docket, and the appeal of the United States against the decision of the district court in California was one of the seven cases in which appeals had been taken at the same time and noted upon the docket of the Attorney-General in the city of Washington.

Now, how can it be maintained that there was no appeal taken in the Gomez case, when six other cases in very like condition, situated identically as the Gomez case was situated, were at the same time and under identically the same circumstances taken jurisdiction of by the Supreme Court here in the city of Washington and disposed of just as the McGarrahan or Gomez case was disposed of? Some of them were affirmed, some dismissed, and this is one of the seven cases which were docketed and dismissed by the consent and approbation of the Attorney-General after hearing argument upon it. He heard both sides. When he had heard argument upon the case, finding that this *nunc pro tunc* decree was entered in 1857 and there was nothing in the judgment of the district court of California, Judge Black agreed, according to the testimony in this case, that the appeal from the district court of California might be docketed and dismissed.

Now, I ask my friend from West Virginia [Mr. FAULKNER], if this be true—and it is shown by the record, because the record of the district court in California, the docket of the Attorney-General of the United States, and the action of the Supreme Court in the city of Washington all confirm the fact that this appeal taken by Pacificus Ord from the decision of the district court was passed upon by the Supreme Court and the appeal dismissed—if that be so (and there is no escape from it according to my mind), then, when that term of the Supreme Court ended the court was as thoroughly *functus officio* in regard to that appeal as any gentleman on the floor of this Chamber, because it is settled by I do not know how many decisions that the Supreme Court has no more power than a justice of the peace who sits in your county to interfere with the judgment of that court except to correct errors apparent on the record.

I say, therefore, Mr. President, that when this appeal was taken, when it was docketed and dismissed in the Supreme Court, just as the other six cases were docketed and dismissed or affirmed, the title of McGarrahan, as the assignee of Gomez, was as perfect as the court could make it.

After this occurrence the mandate was sent down to the court below, in which Judge Ogier presided. He had received a "suggestion" from the district attorney, who had become the attorney of the New Idria Mining Company. What was that suggestion? He had received "a suggestion" that he wanted him to set aside the judgment he had rendered in this case, and when the mandate of the court went down to that judge it was entered as a mandate from the Supreme Court of the United States, and an order rendered by Judge Ogier before the "suggestion" was made that the original judgment of that court should be carried into execution. Will anybody suppose that there was the slightest room to doubt the bona fides and the perfection of the title of Gomez to that tract of land after that had occurred? If there was, I can not see it, and I think I have studied this case very carefully.

When this mandate from the Supreme Court of the United States reached the court of the judge in California, the "suggestion" had been made by Mr. Goold. The New Idria Mining Company had a meeting and they determined to fight McGarrahan. Subsequently they determined that they would abandon the fight and try to compromise, but they could not compromise with Mr. McGarrahan. Mr. McGarrahan is a man who if he believes he is honestly entitled to a piece of property must have that property or lose it. This mandate went down there and was entered up as a judgment of the court, received by the court, and eight months afterwards the clerk of that court, a man by the

name of Sims, erased the order. Why was that order of the court erased? There was no order of that court authorizing its erasure; but without authority from any quarter whatever that man Sims, the clerk of that court, erased the order from the Supreme Court of the United States of his own motion, and entered the mandate upon the order book of that court. Had he received "a suggestion"? It looked very much as though, like the judge, he had received "a suggestion."

Then came in Judge Ogier—I believe nearly four years after his original decree, at any rate it was several years after the original decree of Ogier confirming this grant to Gomez—upon suggestion from this Attorney Goold, upon his motion, without any evidence, without any motion of counsel, and he set aside the order which he had rendered in June, 1857, and gave a new trial. Just at that period Judge Ogier died and was succeeded by Judge Haight. When he came upon the bench a motion was made by the attorney of McGarrahan, who then owned the claim, to vacate that order as a nullity, because you know, and everybody whom I am addressing here to-day knows, that when Judge Ogier entered up that judgment, affirming the grant and four years had elapsed he was as powerless to change that judgment as a tramp who walks the streets of the city of Washington, and yet he did it. When he came upon the bench he had received no "suggestion," and I thank the Lord the evidence shows that he was above any "suggestion" from Mr. Goold, and he said "this order of Judge Ogier is a nullity" and set it aside. When that order of Judge Ogier was set aside, the case stood as a case decided by the district court of California carried to the Supreme Court of the United States, where the case was docketed and dismissed, and a mandate sent down to put in execution the original decree of the district court of California.

I beg to ask any Senator here when this thing had occurred if it was not absolutely certain in the mind of any man who examined that record that the title of Gomez and his assignee, McGarrahan, was as perfect as litigation and decision could make it?

Acting upon that idea, Mr. McGarrahan asked for a survey, which was necessary in order that he might get a patent from the Land Department here in Washington. The survey was made; it was reported here to the Land Department, and approved by that Department as a correct survey of the Rancho Ponoche Grande, that had been the subject of this litigation about which I have been speaking.

Some persons have said, and I believe the Senator from Montana [Mr. SANDERS] said yesterday, that there was doubt whether this was the location of the original grant; but upon that subject the evidence in the cause shows that the Commissioner of the General Land Office, Mr. S. S. Burdett, who afterwards became counsel for the New Idria Mining Company, sent a special agent to the State of California to know whether this was the land embraced in the grant to Gomez. His report constitutes one of the documents of this body, and in that report the agent states that it was the location; and I supposed forever and ever the question of boundary and location was settled.

Mr. FAULKNER. If the Senator will permit me——

The PRESIDING OFFICER (Mr. HARRIS in the chair). Does the Senator from Virginia yield to the Senator from West Virginia?

Mr. HUNTON. Yes, sir.

Mr. FAULKNER. I wish to ask the Senator whether or not that survey of the surveyor-general of California, which has been a subject of dispute between the contending parties ever since this case has been before Congress, was a binding survey upon the Government?

Mr. HUNTON. I answer with a great deal of pleasure, and with all the candor I can command, and that ought to be satisfactory. When I first had knowledge of this case it was argued by me on the one side and by Mr. S. S. Burdett, formerly a member of Congress from the State of Missouri on the other. Mr. Burdett then raised the question of location in his argument, and I drew upon him his own document, according to which he sent an agent out to determine the question of location, and I never heard a word from him in argument afterwards about the proper location of that land. From that day to this, so far as I know, there has been no dispute that the land claimed and surveyed by Gen. Beale, who was surveyor-general of the State of California, is the true land patented to Gomez and confirmed to him by the court in California.

Mr. FAULKNER. The Senator does not seem to catch my point. My way of presenting it may have been such as not to enable him to see the point to which I wished to call his attention. I wish to know whether it has not been a disputed proposition as to whether or not this survey was a public survey binding upon all the parties and upon the Government, and whether it has not been decided judicially that this survey was merely a private survey not binding upon the Government?

Mr. HUNTON. I am perfectly able to answer my friend on that subject. Up to the time of the decision of this court in California, the view of my friend from West Virginia was correct, but about that time a law was passed by the Congress of the United States authorizing these claimants to have a survey by the surveyor-general of the State where the land was located, and that survey took the place of a survey made by the surveyor-general at the command of the land department. That is a full answer.

A little mud was thrown at my excellent friend, Mr. McGarrahan, by saying that he had procured the passage of that law for his own private purposes. It turned out by the testimony of a gentleman that at the session of Congress when that law was passed Mr. McGarrahan was in the State of California, and that he, the affiant, procured the passage of that law. I thank the Lord that wherever any slur has been attempted to be put upon this honest man, Mr. McGarrahan, he has met it and come out always with flying colors. If you knew him as well as I do, you would know that.

Mr. FAULKNER. I wish to say that no one could be further than I from throwing any aspersions upon Mr. McGarrahan. I know him well, and appreciate his sterling qualities as much as the Senator from Virginia; but I should like to ask further, whether the survey referred to in this bill is not the survey involved in the suit in California of McGarrahan *vs.* Mitchell, I think, which was passed upon, the court declaring it to be a private survey?

Mr. HUNTON. I can not answer that; but I do not think so. I know, however, that when the survey of Gen. Beale, the surveyor-general of California was returned to the Land Department here in Washington, it was approved and adopted by it. I care not what occurred before, it is a survey of this land, adopted by the Land Department here as a true survey of the Rancho Panoche Grande.

When that survey came to the Land Department and was approved by the Secretary of the Interior, Mr. McGarrahan said, "I want my patent." It is a curious piece of history, but it is nevertheless as true as it is curious, that every person about that time who occupied a position high or low in the Land Department seemed to be utterly opposed to any step being taken by which McGarrahan or Gomez was to get a title to this grant, which had been confirmed by the district court of California and by the Supreme Court of the United States. Whether they had received any "suggestion" or not I can not say; but so it is. We know the fact that the Attorney-General's Office became hostile to McGarrahan, the Land Department became hostile to McGarrahan, and many persons employed in the two Departments left them to become counsel for the New Idria Mining Company. The offices of those two Departments would seem to be a training school for counsel for the New Idria Mining Company.

When this case came up the Land Department would not issue the patent, and McGarrahan went to the Secretary of the Interior at the time, who was Mr. Caleb B. Smith, himself a lawyer of the very highest distinction. The case was elaborately argued by counsel on both sides before this Secretary of the Interior. He gave an opinion in the case, from which I quote the following:

> My conclusion is that the decree of the district court of the southern district of California, confirming the grant, has become final. The United States has no longer any interest in the controversy. No claim of third parties has been interposed. The suggestion of fraud in the grant, or in the manner of procuring its confirmation, are *res adjudicata*, and I am unable to discover any reason why a patent should not be issued in conformity with the decree of the court and the survey.
>
> You will therefore issue a patent for the land in accordance with the survey as reported by the surveyor-general.

That is the second time that McGarrahan's title to this property had been confirmed, once when the Supreme Court of the United States decided, and then when Caleb B. Smith, at the head of the Department of the Interior, decided that McGarrahan or Gomez was entitled to it.

Just here allow me to say to my friend from West Virginia—and he will not dispute the truth of the proposition—that when the head of a Department, authorized to act in the premises, decides a question like this, it is as binding upon courts and everybody else as a decision of the Supreme Court of the United States; and the Supreme Court of the United States has said so. So when Caleb B. Smith, after full argument, decided that Gomez was entitled to his patent, it was a decision of that Executive Department as binding upon the people of the country and all the courts thereof as if it had been a judgment of the Supreme Court of the United States.

Mr. Smith ordered the patent issued. It went to the Land Department, but some "suggestion" may have been made, and the Land Department did not issue the patent. Mr. Smith went out of office very soon, and Mr. Usher succeeded him. The fight was made again before Usher. The case was fully argued on both sides, and Mr. Usher decided the case just as Caleb B.

Smith had decided it, and ordered a patent to issue. There was another decision that was binding upon everybody and another confirmation of the title to this land, as high and as potent as if it had been decided by the Supreme Court of the United States; but still the Land Department would not issue the patent. The "suggestion" must have been very strong. They would not issue the patent, and then the counsel of McGarrahan determined on an appeal to the President of the United States, Mr. Lincoln.

Mr. Lincoln had his hands full. We people down South were bothering him at that time very much. War was raging, and Mr. Lincoln did not want to take up anything of that sort, but he said to Mr. Thad. Stevens on one occasion that they were bothering him very much on both sides of this question, and he did not know what to do. Mr. Stevens said: "Mr. Lincoln, satisfy yourself that the claim is right and sign the damned thing and get it out of the way." In a few days Mr. Lincoln sent word to Mr. Stevens that "the damned thing was signed." You hardly want any better evidence of the signature of the patent by the President of the United States than that.

But I do not stop there. We have examined five or six witnesses, whose testimony is all in a Senate document here, and they prove beyond peradventure that the patent granting this land to Vicente Gomez was signed by the President of the United States, through his private secretary to sign land patents, and communicated to the Land Department. We took the testimony of the private secretary himself, and he testified that he, as the secretary for that particular duty, did sign the patent which perfected the title of Gomez to the Rancho Panoche Grande. I state here to my friends on both sides of the Chamber that the testimony is perfectly overwhelming and complete that that patent was signed by the President of the United States and by the private secretary and transmitted to the Land Department.

That is not all. We prove by parties from the General Land Office that it was the invariable custom of the Department when a patent was made out to go to the President that it should be put upon the record and a space left for the date of the patent, the signature of the President, the seal of the General Land Office, and the counter signature of the Recorder of that office. When we examined these experts we asked: "What occurs after the patent is signed?" They said: "It is brought back to the General Land Office, the patent is issued, and the skeleton as put upon the record is filled out. Then it is marked in red ink 'ex'd,' meaning examined, and that marking of that patent on the record invariably signifies a perfect copy of a perfect patent."

It was in 1863 that the President of the United States signed this patent and sent it back for execution. We could not find any evidence in the Land Department that Mr. Lincoln had sent this patent to the Interior Department. We asked how that was known; what sort of a communication the Secretary of the Interior made to the Department when he received the patent signed by the President, and the answer was that he wrote a letter, stating substantially, "I inclose herewith a patent for the Rancho Panoche Grande, signed by the President."

Where are those letters? There comes in another suggestion, and the proof is that the drawer, in which were the letters for the nine months embracing the period of 1863, when this patent was sent by Abraham Lincoln to the Interior Department, had been broken open, and the letters stolen. Who received the "suggestion" there, and exactly what that suggestion was I do not know and am not able to tell the Senate, but the fact is that the evidence that Mr. Lincoln had signed the patent, that the Secretary of the Interior had signed it and had sent it to the Land Department to be issued to the party, is destroyed by somebody who broke the lock and took from the drawer the letters for that period.

Mr. FAULKNER. It is sometime since I have examined this case fully, but am I correct in stating that at the time of the claim of the signature of the patent by the President the appeal, which was finally decided by the Supreme Court, was pending before that court?

Mr. HUNTON. I can not tell the Senator.

Mr. FAULKNER. Was the appeal not taken in 1862?

Mr. HUNTON. I believe it was.

Mr. FAULKNER. This patent was claimed to have been signed in 1863?

Mr. HUNTON. Yes, sir.

Mr. FAULKNER. Is it not a fact that the President had no power or authority whatever, provided the court had jurisdiction to determine that question, to sign a patent for lands until a final adjudication of the question by the court before which it was pending?

Mr. HUNTON. I think President Abraham Lincoln was as good a lawyer as the Senator or myself.

Mr. FAULKNER. I know that, but I ask the Senator what his opinion is.

Mr. HUNTON. I am going to tell you what Abraham Lincoln said. The case was argued before him by counsel for the New Idria Mining Company and by counsel for McGarrahan. It was not done in the dark, and we have a right to suppose, and must suppose, that all these questions came up before the President, and the President was lawyer enough to know that if there was an appeal pending in the Supreme Court at that moment it was nothing more than a blank piece of paper.

Mr. TELLER. If the Senator from Virginia will allow me to interrupt him, an examination of the record will show that the appeal was not pending at that time. The testimony shows that Mr. Lincoln stated to Gen. Sickles that he had signed the patent, and that was before the appeal was taken.

Mr. HUNTON. I am obliged to the Senator.

Mr. FAULKNER. I ask the Senator from Colorado whether an appeal was not taken in 1862?

Mr. TELLER. It is a little difficult to tell when that appeal was taken, if taken at all, but it was not taken until December, 1863, if it can be called an appeal.

Mr. FAULKNER. My recollection is the reverse; but I desire the Senator to answer my question, and not to try to strengthen his case by bringing in the memory of our deceased President. The question I ask is whether it is not a settled principle of law that the Executive has not the authority to sign a patent binding upon the Government and settling title as to lands while the subject is pending and undecided in the courts?

Mr. HUNTON. I will answer with entire candor. If I had looked into that case or if the Senator had looked into that case—I speak for myself and venture to speak for him—he and I would have said that that appeal, not having reached the Supreme Court—the second appeal I am talking about—it was not in the power of the United States to take an appeal; and it was not.

Mr. TELLER. The Senator from Virginia will allow me to call the attention of the Senator from West Virginia to the fact that during the discussion of this case by the two Secretaries of the Interior, Mr. Smith and Mr. Usher, there is no allusion to an appeal, and there could have been no appeal pending at that time. The testimony shows that the transcript upon which the appeal was taken was gotten up in December, 1863. The patent was signed before the 22d day of August, 1863.

Mr. HUNTON. The Senator from Colorado might have gone a step further and stated that both of these Secretaries said it was too late for an appeal.

Mr. TELLER. They both stated it.

Mr. HUNTON. They both stated it, and they stated it because the decree was rendered in this case on the 5th of June, 1857, and five years had elapsed before there was any protest and a second appeal taken.

Now, there is some difficulty attempted to be raised by my friends on the other side just at that point by ignoring the fact that this was a *nunc pro tunc* decree; that it related back to the 5th of June, 1857, when the decree was rendered by Judge Ogier; and that when in 1858 he ordered a decree entered the order was to be entered as a *nunc pro tunc* decree.

My friend from West Virginia is too good a lawyer not to know that when a court enters a decree *nunc pro tunc* the judge has a right to do it, it is within his discretion to do it, and that discretion is not revisable by a higher court; but when he enters a decree *nunc pro tunc* it is that the decree now entered shall date back to the time when the decree was rendered by him, on the 5th of June, 1857. That fact is not noticed by Judge Clifford in his last decision of the case, I believe.

The books are full of authorities upon the subject of a *nunc pro tunc* decree. If I am right in that, then in the opinion of everybody the time had elapsed when an appeal could be taken, and these two Secretaries and the President of the United States, after full authority, so decided and determined that the patent should issue.

I ask Senators if that was not the fourth confirmation of the title of William McGarrahan to the Rancho Panoche Grande; first by the Supreme Court docketing and dismissing the appeal, second by Caleb B. Smith, third by Mr. Usher, both of them good lawyers, and the fourth time by the President of the United States, who after full argument decided that a patent should issue, and that there was nothing to gainsay the right of William McGarrahan to a patent. Four times over the title of McGarrahan had been passed upon by persons authorized by law to pass upon it, and each time the parties authorized by law to pass upon patents decided that the patent should issue to Gomez as the assignor of McGarrahan.

But somebody had received a suggestion, and that suggestion seems to be potent all the way through this case. Another effort was made by the New Idria Mining Company after they had failed to compromise this case with Mr. McGarrahan, and they determined to try something else. I will come to that presently. I shall first pursue the line of argument that I was on just now.

When that patent went to the Department of the Interior and was sent down to the Land Office, Gen. Sickles, who was the counsel of William McGarrahan, was at that moment ordered to his command, which was doing a good deal of hard fighting down South, and no human being knew until long afterwards that the President of the United States had signed the patent and ordered it to be issued to William McGarrahan as the assignee of Gomez, and not until 1870 did Mr. McGarrahan ever hear that the President of the United States had signed his patent. McGarrahan was in California; war was raging; communication was cut off, and he did not hear it; and it was more due to the distinguished Senator from Iowa [Mr. WILSON] than to any other gentleman connected with this case that the facts about the suppression of the patent were unearthed.

What occurred then? They called upon the Secretary of the Interior to furnish the patent, and he sent up a skeleton, with no signature of the President, no date, no seal. That skeleton of a patent came before the committee of which the distinguished Senator from Iowa was chairman in the House of Representatives, and it became so apparent that nobody dared doubt it, that two leaves of the original patent had been taken off and two others inserted in their place, and that the signature of the President was left off, and the seal of the Department. Sir, it was so apparent that nobody could controvert it. Up to the last two leaves the patent had thirty-eight lines. Upon the last two leaves it had thirty-one. There were punctures upon the regular patent that did not appear upon the last two leaves.

The two leaves added did not appear to be exactly like the other leaves; it was the outside of the patent; and Mr. Stoddard, the private secretary of the President, who signed the land patent, said the words "Panoche Grande" written on that patent are not like the words "Panoche Grande" written on the patent I signed. So it became apparent, and nobody can read the evidence without coming to the conclusion, absolutely certain in regard to it, that when the patent was called for the last two leaves of the patent were taken from it and two others placed upon it without the signature of the President and the seal of the Department.

That is borne out by the fact that all the experts in the Land Office swear, and the testimony is here in a Senate document open to the inspection of everybody, that whenever "e'x'd." in red ink is put upon the record of a patent its only meaning is that it is the perfect record of a perfect patent, with the signature of the President, the seal, the date, and the signature of the recording officer.

Mr. FAULKNER. That was in California?

Mr. HUNTON. I believe it was in California, probably here; and the court there decided that because the proof was not satisfactory about the recorder signing it, they could not regard it as a perfect patent. That is my recollection of it, although I may be wrong.

Mr. President, this is the way Mr. McGarrahan has been treated in the Attorney-General's office and in the Land Department. When he was knocking at the doors of the two Houses of Congress, if he had only known it, his title had been made perfect and complete by the patent signed by the President and recorded in the Land Department as a perfect copy of a perfect patent.

Now, somebody must have had a suggestion there. Who it was I do not know, but when this record was called for—I believe I am right in this statement, and if I am wrong I shall be glad to be corrected—it was sent up as a mutilated copy, and the testimony shows that the Secretary of the Interior ordered it to be issued, and the parties who made the mutilation made it and he did not know anything about it.

I say four times this grant had been before parties authorized to pass upon it, as much so as the Supreme Court of the United States in their particular sphere, and four times over the title of McGarrahan, or Gomez, was confirmed. But it was kept there in the Land Department. Sickles had gone to the war; McGarrahan was in California; Lincoln was assassinated; and no human being knew of the existence of that patent signed by the President until it was unearthed by the Senator from Iowa in the Land Department. I believe Mr. McGarrahan had a good deal to do with unearthing it, because where his rights are concerned he is one of the most vigilant and diligent prosecutors of a claim I ever knew. Senators will agree to that.

I might stop here and say that the title of McGarrahan was so perfect to the Rancho Panoche Grande that the man who runs might read the perfection of his title. But the New Idria Mining Company were not ready to give up yet. They went before Judge Ogier, in California, and got him, upon a suggestion of proof, to set aside his former decree confirming the title on his own motion, nearly four years after the final record of it had been entered up by the same judge. I say it shows a depravity on the part of the judge if he did it knowingly, and an ignorance on his part if he did it ignorantly, that is disgraceful to the judicial history of this country.

On his own motion, on the suggestion of Goold, he set aside his order made four years before and ordered a new trial. Providence removed him hence just at that particular moment and Judge Haight was appointed in his place. Judge Haight went there and looked at the case, and found that it was confirmed by his predecessor, taken to the Supreme Court of the United States, and the appeal docketed and dismissed and the mandate sent down to his predecessor, and the mandate entered upon the orders of the court; and though the entry was erased eight months after it was made, Judge Haight said that that was the end of the litigation in that appeal.

Well, they wanted an appeal from Judge Haight's decision. He set aside Ogier's judgment as a nullity. It was given without any authority, without any jurisdiction in the case, and he set it aside as a perfect nullity. Then they asked Judge Haight for an appeal. The motion was made against the provisions of a stipulation entered into by the counsel on both sides that no step was to be taken except in the presence of the counsel on both sides. In the absence of McGarrahan and his counsel a motion was made to Judge Haight to allow an appeal. Judge Haight, without considering the matter, granted the appeal. As soon as McGarrahan's counsel heard of it the judge was reminded of the stipulation. He agreed to hear counsel upon the subject. Both sides argued it, and Judge Haight set aside his order granting the appeal, and he denied the right of the United States to any appeal from that decision.

Now, I want my friends on the other side, who appear to be very well posted in this case, to understand that that was the decision of Judge Haight. If it was an appeal from that decision, it was an appeal from his order setting aside the order of Judge Ogier opening the case, was it not? There can not be any two opinions about that. If it was an appeal from that, then all that came to the Supreme Court of the United States under that appeal was whether Judge Haight did right or wrong in setting aside Judge Ogier's order. If the court had to decide that he did wrong, all they had to do would be to send it back, and that would leave the order of Judge Ogier for a new trial in full force and the new trial would be had.

But the United States Government, or rather the New Idria Mining Company, because the United States Government was not a party in this matter—it has been the New Idria Mining Company all the way through—the New Idria Mining Company chose to treat that as an appeal from the judgment originally rendered by Judge Ogier in 1857 and a *nunc pro tunc* decree in 1858 entered as an appeal at that time from Judge Haight's decision. How an appeal at that time from Judge Haight's decision could carry the original decision of Judge Ogier made five years and more before the decision of Judge Haight passes my comprehension. But the Supreme Court of the United States treated it as an appeal from the decision of the case by Judge Ogier, confirming the grant to Gomez. We will consider the question in that light for a moment and see what the result ought to have been.

The distinguished Senator from Colorado [Mr. TELLER] reminds me that Judge Usher testifies in the case that the patent was not issued because the Attorney-General intervened. He made no point that there was an appeal pending, but asked that the patent should not be issued at that moment. That is conclusive testimony to prove that at the moment when Usher and Smith and the President of the United States decided that a patent should issue there was no appeal to the Supreme Court of the United States.

As I was about to say, this appeal which they said they took from Judge Haight's opinion, and which Judge Haight overruled himself at the same term of the court and denied all appeal, they chose to take as an appeal from the decision originally rendered by Judge Ogier in 1857 and entered *nunc pro tunc* in 1858. How could that be done? If it was an appeal from Judge Haight's opinion, then if it was reversed all the effect of it was to send the case back and reopen the judgment which Judge Ogier had made upon a suggestion. But the New Idria Mining Company did not want that, because if there had been a new trial McGarrahan could have satisfied the court, as he did in the first instance, that his title was as complete and honest as anybody's. So they took the original opinion up.

The opinion of Judge Ogier confirming the title in McGarrahan, or in Gomez, was rendered, we say, in 1857. Judge Clifford puts it in 1858, and takes great pains not to allude to the *nunc pro tunc* character of the decree of 1858. The appeal goes up. Now, what is the result of that? It was a decree that had been rendered, according to their own statement, more than four years, according to our understanding more than five years. If we are right, then the time had elapsed in which an appeal could be taken. If they were right as to the period of 1858 then a citation was necessary, because it was not taken at the term of the court in which the decision was rendered, and whenever that is the case a citation is absolutely necessary. I need not trouble

the Senate with authorities upon that subject, because they are multitudinous. Whenever an appeal is taken, unless the party is present in court when taken at the term at which the decree is entered, there must be a citation issued; and unless the citation is issued the Supreme Court, in a hundred cases, for just that defect have dismissed the appeal.

The PRESIDING OFFICER. The Senator from Virginia will please suspend. The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business, which is the bill (H. R. 7845) defining "options" and "futures," imposing special taxes on dealers therein, and requiring such dealers and persons engaged in selling certain products to obtain license, and for other purposes, upon which the Senator from Mississippi [Mr. GEORGE] is entitled to the floor.

Mr. TELLER. I ask that the bill which has been pending may be continued to-morrow morning after the regular routine business.

Mr. SANDERS. To-morrow we do not meet.

Mr. TELLER. Monday morning.

The PRESIDING OFFICER. The next legislative day.

Mr. TELLER. The next legislative day.

The PRESIDING OFFICER. The Senator from Colorado asks unanimous consent that the consideration of the McGarrahan bill, so called, be continued immediately after the routine morning business upon the next legislative day. Is there objection? The Chair hears none, and it is so ordered.

SUPERVISORS AND SPECIAL DEPUTIES OF ELECTIONS.

Mr. BATE. I wish to give notice that on Tuesday morning, after the conclusion of the morning business, I shall ask permission of the Senate to call up a bill introduced by me, the bill (S. 3504) to repeal all statutes relating to supervisors of elections and special deputies, for the purpose of submitting some remarks upon it.

The PRESIDING OFFICER. The notice of the Senator from Tennessee will be noted in the RECORD, which is the usual course.

DEALING IN "OPTIONS" AND "FUTURES."

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7845) defining "options" and "futures," imposing special taxes on dealers therein, and requiring such dealers and persons engaged in selling certain products to obtain license, and for other purposes, the pending question being on the amendment of Mr. DANIEL to strike out section 10.

Mr. GEORGE. Mr. President, I feel a satisfaction in announcing that notwithstanding the Hatch bill caused a decline in cotton day before yesterday it failed to have that effect yesterday; though it was a little disastrous to wheat and provisions in Chicago.

When I yielded the floor yesterday I was on the point that uniformly in the market of New York cotton futures were sold from one-tenth to one-half of a cent per pound lower than spots on the same day; that is, spots were sold, say, on the 15th day of November at a certain price; futures deliverable in November, in the same month, within the next fifteen days, would sell in many instances for about one-half a cent per pound less than spots.

I wish to mention here a very remarkable instance of the effect of the transactions of dealers in futures on the price of cotton. On the 29th day of November last, in the city of New York, futures deliverable in November, which was on the very next day, the 30th, that being the last day of the month, were sold at the rate of $2.40 per bale lower than the price for spots on the 29th day of November.

I desire to call the attention of the Senate to the remarkable fact that whilst future sales were uniformly lower than the spot sales on the same day, it took several months, according to the course of the market of the New York Cotton Exchange, for futures to catch up with the prices of spots. I will read some memoranda on this subject.

On the 1st day of September last in New York spots were worth 7.12 cents. In September futures were worth 7.08 cents, and in November only did futures catch up with the price of spots on the 1st day of September. On the 15th day of September spots were worth 7.19 cents. They reached 7.13 in November, and only got even with the price of spots in December following. For September 28 spots were worth 7.63 cents. They reached 7.65 cents in November in New York. I have taken the 1st, 15th, and 28th of each month and they represent fairly the business for the whole month. On the 1st day of October spot cotton in New York was worth 7.69 cents. Futures reached 7.63 cents in November and 7.75 cents in December.

On October 15 it was worth 8 cents in New York. It reached 8.02 cents in February, about four months afterwards. October 28 spots in New York were worth 8.63 They were as low as 8.38 cents in February, and reached 8.63 cents only in March. November 1, spot cotton was 8.31. It reached 8.19 cents in January, three months afterwards. November 15 spots were worth 9 cents in New York. It reached 8.91 cents only in January, 9.11 cents in March, and so on. It is thus shown, by reference to the account of sales of cotton of spots and futures in New York, that uniformly, without a single exception in the city of New York, futures ranged from one-tenth to one-half a cent lower for the same day of the same month, and reached a parity with that day only from two to three months afterwards. As I explained yesterday evening, the effect of that was that persons who bought for speculation would not buy spot cotton, but would buy future cotton alone on account of its being lower in price.

Mr. President, I have shown the facts with reference to these sales. I have shown, first, that the necessary result of transactions in futures is to depress the price. I have shown, second, that by the market quotations in New York they did depress the price. I wish to show from the admission of friends of the future system that future selling does depress the prices, and I will read a few evidences of that to the Senate. I read from the report of the New York Herald of July 14, 1892:

Liverpool moved up and New York followed. The spot demand at Liverpool was larger. Later on Liverpool lost part of the improvement, doubtless owing to long liquidation and this together with European and local selling caused a reaction and the early advance was lost.

Long selling, for the information of those who are not acquainted with the technique and appellatives of the Cotton Exchange, I will state is a sale by men who have bought cotton futures and when they get tired of holding it they put the futures on the market, which they frequently do in such quantities as to produce the result which I have read from the New York Herald.

I read now from a letter of Atwood, Violett & Co. to the Memphis Commercial, dated September 28. Atwood, Violett & Co. are reputable cotton-future brokers in the city of New Orleans and write a daily letter to the Memphis papers, also to the papers in the city of Jackson, in the State of Mississippi, and probably in other places. They say, referring to Liverpool:

Our cables say there was very large selling by the long interest. The spot business there has improved; sales, 14,000 bales. We think the decline there yesterday and in New York, as well as here, was premeditated and done to shake out the long interest by influential parties.

There is where the result was accomplished by the predetermined action of speculators in futures. I quote again from the Memphis Commercial:

NEW YORK, *September 27.*

Schwartz, Dupee & McCormick furnish the following review of the New York cotton market: "The market declined on account of nearly all the outside interest being on the long side and the short interest covered up. There has not been sufficient new buying at the advance to cause a further rise."

I read again from the market report of September 30, in the Memphis Commercial:

The weakness in the several domestic markets occurred late in the day, and was due—

I have been talking about longs; they had caused the depression—

was due to shorts realizing and an expected increase in receipts close ahead.

So it goes down by the action of the longs or by the action of the shorts, just as each one sees proper to depress the market.

I read now from the market report of Hubbard, Price & Co., of New York, who are reputable dealers in cotton:

Liverpool advices this morning were not regarded as a satisfactory response to the advance in New York yesterday, and the result was many realizing orders. Under the liquidation the market eased away 3 to 5 points.

From the same parties, to the Memphis Avalanche and Appeal on October 8:

Our market opened at 10 points decline for the immediate and 5 to 6 points for the more distant positions, caused entirely by the selling of the local long interest.

I read again from Atwood, Violett & Co., strong opponents of this bill:

The decline to-day of 20 points from last night's closing, from which there was a recovery of 4, indicates a heavy realizing by the longs, and selling on stop orders.

From the same parties, New Orleans, October 14:

The long interest closing out to-day at the opening on stop orders and otherwise caused a drop of 8 points here, January selling at 55. Later on, after reports of rain at a number of points in Texas, there was a recovery of 15, January advancing to 71, but selling orders again came on and January closed at 62.

From Hubbard, Price & Co. again, the New York men:

A liquidation ensued, causing large sales by holders as stop orders were reached, and with only slight reaction the market declined 14 points by 1 o'clock.

From Atwood, Violett & Co. again, October 27:

As long as the idea prevails that there is an interest in the market that will be forced to liquidate on a declining market, just so long will there be timidity about increasing the long interest.

That is, by persons buying.

From the same parties, on October 27:

The situation seems to be about as follows: The bears in all three markets

have for the last week been endeavoring to create the impression that by holding off and feeding the market with short sales slowly—

Slowly!

and feeding the market with short sales slowly the longs would be gradually forced to cover and all that the shorts had to do was to wait. Liverpool has been flooded with information about expected large increase in movement. Frost news has been discredited, although the Government has given its official indorsement as follows for yesterday morning: Atlanta district, minimum temperature, 26°; Augusta, 33°; Charleston, 38°; Little Rock, 34°; Memphis, 32°; Mobile, 34°; Montgomery, 36°; New Orleans, 36°; Vicksburg, 36°. Whether this low temperature has a beneficial effect upon the cotton crop those bearishly inclined must decide. Our own impression is that the market will be one-half cent higher inside of thirty days. Whether it will go lower in the mean time depends upon the influence we have mentioned as to what extent present cotton labors in England will be carried.

Now I read from another very reputable firm in New Orleans, cotton brokers:

We attribute the weakness almost entirely to the fact of the selling out of long cotton and not to any other cause.

I read from Hubbard, Price & Co., again:

The New York market opened firm at 13 to 14 points advance, and became easy under continued realizing. On the decline the South and West came into the market as large buyers and the decline was recovered, January touching 9.01, though freely offered at 9 when the sale was made. During the afternoon the supply proved too much for prices, breaking the market to 8.86 for January.

All these quotations are from persons who are the enemies of this bill, who are reputable cotton brokers, regularly reporting the condition of the markets in New Orleans and New York.

Now, I read from a firm that is on the other side, The Jerome Hill Cotton Company. I am authorized to say with reference to that firm that it has handled within the last twenty-five years in the Southern markets, Memphis and St. Louis, more cotton than any other factoring house in the country. They close up by saying:

While the situation really is growing stronger each day by reduction of the surplus and bad reports from the crop, cotton is being forced down by illegal methods.

Now, Mr. President, we have the facts. We have the declaration of the representatives of the New York Cotton Exchange, Latham, Alexander & Co., that this can be done. We have the further fact that they uniformly in New York sell futures for from one-tenth to one-half cent lower than spots. We have the declaration of these men, which I have read in the hearing of the Senate, showing that on certain days the market was depressed solely by the action of the dealers in futures. Now, what more do you want? First, we have the actual transactions of the market continued through three months without a single exception on any day to the fact that there was a continual selling of futures against the spot market and lower than the spot market. Then we have the declaration of these parties above quoted that on certain days, without reference to anything else, the market was depressed by the action of future dealers.

Mr. President, I now approach another part of this controversy. I have shown the natural, usual, ordinary effect of these sales upon the spot market. I now go to another point and show that falsehood, chicanery, trickery are used by the members of the Cotton Exchange and all the other exchanges in New York for the purpose of influencing the price of cotton, wheat, etc. The Senate will be astonished when I read what I am going to read, a most remarkable concession made in the testimony of one of the representatives of the Produce Exchange of the city of New York, given before the Senate committee of which my friend who sits behind me, the Senator from Alabama [Mr. PUGH], was a member. Mr. Kneeland, a prominent member of the Produce Exchange of the city of New York (so prominent that he was sent by that exchange to the city of Washington to represent it in the hearing before the subcommittee to which I have just alluded in opposition to this bill) was asked the following question:

Mr. YOUMANS. Now, in these various transactions of the kind you have just explained, do not these men in making these transactions make an effort to depress the market of the actual grain?

Mr. KNEELAND. No more than the men who buy it make an effort to put it up. It is opposing and contending forces all the time.

Now, I wish to call the attention of the Senate to the next sentence. Mr. Kneeland says:

They can not get up a bear lie that I can not get up a bull lie equal to it.

So there is the confession of this prominent member of the New York Produce Exchange that lies are used on both sides for the purpose of raising and depressing prices. I have some examples of that to show you that this man was not mistaken on that subject.

Mr. GRAY. Honors seem to be easy between the high and low prices.

Mr. GEORGE. It is affected by lies, however.

Mr. GRAY. Yes, but it does not affect the price.

Mr. GEORGE. It does affect the price.

Mr. GRAY. No, not according to your statement.

Mr. GEORGE. I have made no statement so far. Now, I am going to make a statement. I have only read the statement of Mr. Kneeland. I read what Hubbard, Price & Co. say October 29:

In Liverpool the arrival market declined 2 to 3 points. This decline exceeded the anticipation of the trade and our market opened barely steady under heavy selling by local operators. After these offerings were absorbed it became known that the decline in Liverpool was accentuated by a rumor that Neill Bros. had issued an estimate of a crop of 8,000,000 bales. This was afterward denied from New Orleans.

It turned out to be false. Mr. Kneeland would call it a lie. Mr. Neill, it seems, is a gentleman who has great character for being an accurate calculator as to the amount of a crop before it is gathered. On that occasion a decline was forced in the market by a falsehood as to his statement as to the extent of the crop. October 13 they dealt with him again:

Our Liverpool cable of this morning said there was an uneasy feeling in that market and large selling, which latter, we ascertained, was attributable to a rumor, so our correspondent there informs us, that Neill had issued an estimate of 8,250,000 bales for this crop.

That turned out to be a mistake, and there was a decline in the market. They use Mr. Neill again, and there was another decline in the market. That was in the same month. Then comes a very remarkable statement, which I might as well bring in here as I have it before me. It did not affect the market at all, but it was one of those untruths or rather nontruths which were circulated, not for the purpose of affecting the market exactly, but to affect men here. There was a decline in Liverpool July 5 of several points. At that time the pending antioption bill was before the Senate and was being considered. There was an attempt to manufacture a sentiment against it. There was an attempt to prejudice in the public mind the public men who were advocating it, and so this firm of Atwood, Violett & Co., in reporting the decline in Liverpool, say:

We think the weakness in Liverpool after 12 o'clock was due to the amended antioption bill to be introduced by Senator GEORGE, of Mississippi.

A most remarkable circumstance, Mr. President, that the price of cotton in Liverpool should be affected adversely by an amendment not offered, but proposed to be offered, by so humble an individual as I am! Of course that was a mistake, a nontruth, intended simply to prejudice the minds of the people of Mississippi against me and my action. That was published in the leading Democratic paper in the State of Mississippi, July 6.

Then comes another very remarkable thing among the capacities of these people, according to Mr. Kneeland, to make representations. This is from Hubbard, Price & Co.'s circular of November 17, New York:

During the afternoon January declined to 17, closing easy at 18 and 19. The principal cause of the decline is a dispatch from Chicago, reporting an interview with Senator WASHBURN, in which he said that the antioption bill will certainly pass the Senate as soon as it has been convened, unless there should prove to be a great change of sentiment.

Yet whilst cotton declined in New York, or these traders in New York forced a decline, upon the reported interview from Chicago with the Senator from Minnesota [Mr. WASHBURN], it appears that all the other articles embraced in the bill, and which are principally dealt with in Chicago, were not effected by the declaration that the bill would pass. I thought when I ascertained that fact that my friend from Minnesota had invented a kind of machine which would have the effect of destroying the interests of the people of the South, and not affecting the interests of the people of the West; but upon further investigation I find it frequently happens that when reports go into the markets with reference to the passage or the nonpassage of the pending bill in the Senate sometimes cotton goes up when the bill is reported as being about to pass, or having a good chance to pass, and wheat goes down. So I take it that there is nothing in that except that as these speculators desire to affect Representatives and Senators from one section or the other they report these alleged effects upon the market. As they have got up a considerable agitation against the antioption bill down South, when they want to increase that agitation they report that the Hatch bill is destroying cotton, and when they want to perform a similar operation in the West, they report that it is destroying corn, wheat, and provisions.

The next point to which I desire to call the attention of the Senate is one of the alleged benefits to come from the pending bill. It is claimed all along that it steadies operations; that we do not have under the operation of the future dealing violent fluctuations. Now, I want to call the attention of the Senate to a little of the proceedings of the market upon that point. Cotton has risen and fallen, as everybody knows, since the 1st of September. I wish to quote from the market in New Orleans, which is the principal spot market in this country. There is very little spot business done in New York, as we have seen.

On September 1 the spots in New Orleans were worth 7 cents; on the 12th it fell to 6 5/8 cents; on the 13th it went back to 7 cents; on the 14th it went back to 6 7/8 cents; on the 21st it went up to 7 1/16; on the 23d to 7 1/8; on the 26th to 7 1/16; or, in other words, in

the month of September there was a variation of one-half cent per pound from the highest to the lowest. Take October. October 1 cotton in New Orleans was worth 7 7/16 cents; on the 3d it was worth 7 9/16; on the 4th, 7 9/16; on the 6th, 7 11/16; on the 12th, 7 11/16; on the 13th, 7 11/16; on the 14th, 7 9/16; on the 19th, 7 11/16; on the 21st, 7 11/16; on the 22d, 7 13/16; on the 26th, back to 7 13/16 cents; on the 28th, up again to 7 13/16; on the 29th, back to 7 11/16; and on the 31st, 7 11/16. There was a variation in the price nearly every day, and the variation in that month was ten-sixteenths of a cent, over half a cent.

Take the month of November at New Orleans. On the 1st day of November cotton was worth 7 11/16 cents; on the 2d it was worth 7 13/16; on the 5th it was worth 7 13/16; on the 7th it was worth 7 15/16; on the 9th it was worth 8 1/16; on the 10th, 8 1/16; on the 11th, 8 1/16; on the 12th, 8 1/16; on the 14th, 8 1/16; on the 15th, 9 cents; on the 16th, 9 1/16; on the 17th, 9 1/16, a fall again; on the 18th, 9 1/16; on the 19th, 9 1/16; on the 21st, 9 1/16; on the 22d, 9 1/16; on the 25th, 9 1/16; on the 26th, 9 1/16; on the 29th, 9 1/16, there being a variation during the month of 2 3/16 cents. So I do not see much steadiness in the market occasioned by future delay.

Now, I will make some quotations. Atwood, Violett & Co., to whom I have just alluded as prominent cotton men in New Orleans, in their letter to the Memphis Commercial of October 26, say:

Liverpool vacillated considerably to-day.

I, E. Glenny & Co., in the Appeal-Avalanche, November 12, say:

New York opened 13 points higher and closed 4 points higher, with sales of 514,100 bales. New Orleans opened irregular, 13 to 18 points higher, declined 16 to 17 points, and closed 8 points higher than yesterday; sales 174,000 bales.

There were four or five variations on the same day, and large variations up and down. The same letter goes on to say:

We have had another day of very large business and considerable fluctuations. The advance in Liverpool had to a certain extent been discounted yesterday, but it nevertheless brought in large buying orders for the opening of the market, which was at about the highest of the day. We fluctuated frequently and sharply, at one time being very weak, with sales of January as low as 8.60.

I read from the New York Herald of September 26:

Cotton was more active than on any day for a long time, and the fluctuations were feverish and within a wide range of prices. Early in the day there was an advance of 15 points. Later on a part of this was lost. Still later the market ran back to the best prices of the day, November and December showing a net rise of 16 points compared with Saturday closing figures. Still later there was a reaction, and the final prices were about 10 points higher than the closing official quotations on Saturday.

That looks like a steady market, when there are four or five rises and falls during the same day! I quote now from the letter of I. E. Glenny & Co., who are prominent cotton men of New Orleans, to the Memphis Appeal-Avalanche in November:

New York opened 2 points lower and closed 14 points higher. New Orleans opened 1 point lower, declined 2 points, advanced, closing 12 points higher.

That looks like being steady. In the same article the same men say:

But we nevertheless opened easy, and after the first call the market looked rather weak, sales being made at 2 to 3 points decline. The further advance of 1/64d. at the close in Liverpool and the predictions of lighter receipts at our ports to-morrow imparted greater confidence and led to considerable buying, the market improving steadily as the day advanced, until January was sold as high as 8.20. From this we reacted, and sales were made as low as 8.12, but it improved again toward the close, the last sales being at 8.17 to 8.18.

Hubbard, Price & Co. report from New York October 15 as follows:

Market unsettled and erratic.

Atwood, Violett & Co., New Orleans, November 26, say:

There must have been very considerable excitement in Liverpool to-day, where the market opened 1/64d. to 1/32d. higher than yesterday and closed 1/64 lower.

A difference of seven sixty-fourths.

Our cables say there was large dealing by longs.

Now I wish to read from the commercial article of the New York Herald on the 9th day of the present month:

Cotton advanced 1 to 2 points, lost this and declined 5 to 6 points, recovered this and in some cases advanced 1 point over last night's prices, lost this and declined 10 to 11 points, recovered this and advanced 1 point, and then lost this and fell 18 to 19 points, this being the net decline for the day, closing barely steady, with sales of 352,300 bales.

The article goes on further to say:

There were six movements of prices distinctly noticeable in to-day's fluctuations—first an advance, owing to an unexpected rise in Liverpool, then a decline on long selling and a fall in Liverpool, then a rally on light arrivals at a few interior towns, then a decline on an estimate that New Orleans would receive 15,000 bales to-morrow, and actual receipts at Baltimore to-day of 7,557 bales; then a rally, owing to a reduction in the New Orleans estimated arrivals to-morrow to 10,000 bales, and then a final and precipitate decline, owing to unexpectedly large receipts at the ports and interior towns and an increase in interior stocks, as well as a report that the Hatch bill will come up in Congress.

Mr. President, with these facts before the Senate, I think the claim is not made out, and can not be made out, that we have any steadier market now than we had before; so that that alleged benefit of trading in futures is not made out.

I come now to the great benefit, that which they all rely upon as the great good thing to come to the Southern planter from dealing in futures, that it consumes the surplus and markets the crops. Right here I wish to read the protest of the Memphis Cotton Exchange against the passage of the pending bill and to make some comments upon it; and when I have done that, I believe I will have discharged my duty as I understand it in the discussion of the bill before the Senate. The Memphis Cotton Exchange, I understand—I appeal to my friend who sits behind me [Mr. BATE] whether I am correct or not—joined with some other exchange some time ago in petitioning the New Orleans Cotton Exchange and the New York Cotton Exchange to change the grades of cotton which they were to receive on future contracts, and that exchange declined. I ask either of the Senators from Tennessee to answer whether they remember such action to have been taken?

Mr. HARRIS. In respect to the changing of grades?

Mr. GEORGE. Yes, which were to be delivered on cotton contract.

Mr. HARRIS. I do not remember that any action was taken.

Mr. GEORGE. Very well; my recollection is a little defective, and I will not make that assertion. The point to which I desire to call the attention of the Senate, and they all go upon that, is that if it was not for the speculators buying cotton there would be a congested market and the prices would fall; that there would be a large portion of the time when there would be no sale for cotton, and that future dealings prevent that. Now, let us see. I answered that at the last session of Congress. It came then in one shape, and I wish to call the attention of the Senate to the different shape in which it appears now.

Mr. Bloss, the vice-president of the New York Cotton Exchange, alleged in his testimony before the Senate committee that capital must take care of the surplus, and he reasoned out that future dealing was a good thing for the farmers of the country in this way, that it induced capitalists to purchase cotton. Mr. Bloss said, speaking of futures:

How is it that it prevents this extreme depression? It is prevented because human nature is always hopeful. Human nature is disposed the world over to be "bullish," notwithstanding the fact that it is widely claimed that there are more "bears" than "bulls." The result of it is that after the article has made a moderate decline there are scores of people who believe that it is time for an advance. These men constitute a buying power. They come into the various markets and buy these articles for future delivery at a price that enables the capitalist to make the contract with them and buy the actual stuff and hold it against the day of maturity.

At that time the plea of the men who advocated future dealing was that capital was timid; that it would not buy spot cotton unless a market was fixed for it by the future dealings of other persons. I exposed that then, and I said that I intended to expose it so effectually that I would never hear of it again. So now it comes in a new shape, not less absurd than that. It comes in the protest of the Memphis Cotton Exchange, which altogether is a very remarkable document.

The Memphis Cotton Exchange, constituted of merchants and planters—

They always put "planters" in. How many planters are in it is not stated. I guess they are about the same sort of planters that we found out upon investigation to be members of the New York and of the New Orleans Cotton Exchanges. But, however that may be, I have made no investigation as to Memphis—

begs leave herewith to protest against the passage of the antioption bill when it comes up for consideration by the United States Senate, in December next, and earnestly requests every member of the Senate that has the best interest of the planting and commercial element at heart to vote against it.

The next proposition is as follows:

We believe, indeed we know, that the passage of the bill would not only hamper and restrict trade, but would largely curtail the business of the whole country, and tend especially to the detriment and disadvantage of the grain and cotton growers of the United States.

Mr. President, of course I like confidence. I like men who really have the courage of their convictions. These men do not stand on a mere belief; they say, "We know it will be injurious." Now, let us see how they work it out.

The passage of the bill would simply mean the commercial ostracism of the dealers of the world and the monopoly of its products by manufacturers and actual consumers.

Mr. President, who are the dealers of the world? They say it will ruin the producer and benefit only the consumer. You might say that a farmer is a dealer in cotton to some extent; that is, he raises cotton and sells it. The manufacturer is a dealer in cotton to some extent; he buys cotton and manufactures it and sells the cloth. But these men are excluded by the terms of the proposition from the meaning of the word "dealer." Dealer must here mean trader in cotton, who is neither a raiser of cotton nor a manufacturer of cotton, and who is he? As he is neither a producer nor a consumer he must be a person who stands between the producer and consumer and buys cotton.

What does he buy cotton for? He must buy to sell again. Certainly men do not buy for the mere purposes of preventing

a glut in the market. They buy in order to sell again, and what do they buy to sell again for except to make a profit? We well understand that. No man invests his money in cotton or any other article for speculation or to sell again without the hope, without the expectation of making a profit. That is settled. I presume there will be no dispute about that. Let us see what the protest says. They say:

In order to illustrate our position and to emphasize the facts herein stated we beg leave to cite a point in case for your consideration.

On February the 26th, 1892, the visible supply of American cotton in the world amounted to the enormous total of 4,248,372 bales. Of this amount Liverpool held 1,445,000, the continent 475,000; the amount afloat for Europe was 553,000; the stock at New York was 403,000, making the large sum of 2,876,000 out of the total visible supply, which was practically owned by dealers.

They had taken, according to the statement of this paper, 2,876,000 bales and held it. What did they hold it for? They held it for higher prices. They held it for speculation. They held it in order to sell for a profit. Now, let us go on and see what they say further:

And which had been hedged by the sale of future contracts. Should we add to this amount that portion of the New Orleans stock held against contracts it would give at least 3,000,000 bales held by dealers at that time, who, through the agency of future sales, had been enabled to relieve the producers of the South of that enormous amount of cotton and to lighten the load, which was even then depressing price and threatening cotton production with utter annihilation.

Let us analyze that statement and see how much of real force there is in it. Recollect that these dealers are not consumers. They are speculators; they have bought simply for the purpose of making a profit on their money, as they had a right to do. The Memphis Cotton Exchange allege that they would not have bought unless they had hedged on their contract by the sale or purchase of "futures."

What is "hedging?" Let us see. A man buys, for instance, a thousand bales of cotton; he pays the money for it, and, as I explained and as they all explain here, as I have read in the hearing of the Senate, for fear that cotton will rise or fall if he is a purchaser he buys a future contract for that, whereby he hedges. So, as they all say, if cotton rises when he sells his contract will rise when he buys. Therefore, there will be neither gain nor loss when the two transactions are put together. It is exactly like a man betting $500 on horse A, and for fear he will lose his money betting $500 more on the opposing horse. The result is when the race is run he is bound to lose one bet, but he is bound to win the other; and so he comes out even. So with this hedging all the way through.

These men have bought 3,000,000 bales of cotton, according to the statement of the Memphis Cotton Exchange, and have hedged against it, not hedged afterward upon seeing some change in the market which made them fearful that they might lose, but hedged as a condition of purchase. What does that mean? Here are speculators investing their money in cotton, buying 3,000,000 of bales of cotton which, at $40 a bale, would make $120,000,000—investing $120,000,000 on a speculation, holding the cotton from the market, preventing the glut which would depress, as they say, annihilate cotton. What do they do? At the very same time they make the purchase they go and hedge by selling 3,000,000 bales of cotton at the same price. That is the argument of the Memphis Cotton Exchange.

I say such a transaction as that never occurred; I say no man ever did a thing of that sort; I say that when speculators buy cotton they do not hedge, because, if they hedge, they will pay just as much as they would receive, and the transaction would end just where it commenced, except the risk that the speculator takes in his cotton being burned up and the insurance company not being able to pay, and other accidents of that sort. But, supposing everything to go on all right and smooth, it ends exactly where it commences, the purchaser pays out so much and receives so much.

Mr. HARRIS. He loses all the commission he pays, does he not?

Mr. GEORGE. Exactly, but would that be any inducement, I ask my learned friend, for him to invest in 3,000,000 bales of cotton?

Mr. HARRIS. I do not think so, but I think it strengthens the Senator's argument very much if he will emphasize it.

Mr. GEORGE. I do emphasize it. I am very glad of the suggestion. They lose the commission, as suggested by my friend, of 12½ cents a bale, and all for what? It is a very singular argument. I suppose the members of the Memphis Cotton Exchange are very reputable people; certainly I have no complaint to make against them. Memphis is a very nice town, and it has the good fortune, as I believe, to be located within 12 miles of the line of the State of Mississippi. I think that is a considerable advantage to the town.

Mr. HARRIS. Or to Mississippi.

Mr. GEORGE. But how these men, sensible men, men who conduct the cotton business, could come to the Senate of the United States and appeal, in their own earnest language, to "every member of the Senate who has the best interests of the planting and commercial element at heart to vote against the bill," and then suggest to us, as a reason why we should do it, that if this bill passes the future business would be broken down and there would be no purchase of the 3,000,000 bales of cotton, which heretofore have been purchased and held for speculation, and purchased because they could be hedged against and were hedged against, and sold by being hedged against, they not being able to make a single dollar out of the transaction, but, as my friend from Tennessee very properly suggested to me, which I was about to forget, would lose 12½ cents on every bale in the operation. Now we are expected to surrender our judgment on an absurdity of that sort.

Our Memphis friends have not kept up with the literature on this subject. A year ago the cotton-exchange men came before us with the proposition that the speculators in cotton would not themselves hedge, but they would wait until men without capital and without means should establish a future market by buying and selling futures, and on the strength of the market created by men without capital these men with capital would invest. That, absurd as it was, was less absurd than the proposition which they have put before the American Senate.

I should like to call the attention of the Senate to that again. They say that "these 3,000,000 bales are practically owned by dealers, and had been hedged against by the sale of future contracts." Suppose, for instance, the antioption bill had been in effect at that time, what would be the result?

The dealers would have been unable to sell contracts against purchases—

Of course, because it was prohibited by the bill—

hence could not and would not have bought the cotton.

That is the argument which the Memphis Exchange presents to the American Senate. I wish it understood that it is not a change of opinion by a man who had already bought actual cotton upon some change in the market with certain loss to him, and then going into the "future" market and undertaking to make purchases in order to lessen the loss that might happen. I might buy a thousand bales, intending to hold it for six months; cotton might commence to go down, and I might get scared. I might then go into the "future" market and hedge against it in order to lessen my loss.

But that is not the case put by the Memphis Cotton Exchange. They say that it was hedged, and if they could not have hedged they would not have purchased. Yet that is the kind of argument upon which we are expected to vote against this bill, provided always we happen, in the language of the Memphis Cotton Exchange, to "have the best interests of the planting and commercial element at heart."

I do not know that I should have noticed that argument, as it is so plainly absurd, if I had not heard a gentleman of intelligence, upon a casual reading of it, suggest that the petition of the Memphis Cotton Exchange had rather unsettled his mind in reference to the propriety of passing a bill to suppress dealing in futures.

Mr. President, I believe I have about discharged my duty as best I could in reference to the question of future dealing in cotton. I will not recapitulate what I have said. I have taken already more of the time of the Senate than I wished, and I will close, merely adding that if the Memphis Cotton Exchange expects men to buy cotton on speculation in order that there shall be no glut in the market, I want to call the attention of that body of men to the report made, which I read yesterday to the Senate, from the Cotton Exchange of the City of New York, where, out of 197,648 bales of cotton disposed of in one year, only 1,026 bales were taken by speculators and over 26,000,000 of futures were sold.

The truth is, as I showed yesterday, that the dealings in "futures" prevent men from taking spot cotton for speculation. "Future" cotton is offered to speculators at prices always lower than "spots." There is no inducement for a man to buy "spots" when he wants to speculate, and when he can get the cotton generally half a cent cheaper on contracts for "futures" than he can get "spots." The truth is, that the whole system prevents speculators from buying. They have got it fixed, they leave it alone to the consumer, and nobody buys except consumers or persons acting for consumers, and who have already made contracts to deliver to consumers.

But, Mr. President, if this were even wrong and men would buy spot cotton for speculation at a higher price than they can buy futures, and then go to the expense of hedging against their purchases, it would not have the effect supposed by the Memphis exchange. The temporary withdrawing from market of even a considerable quantity of cotton could have but little effect. The cotton is not consumed nor destroyed; it is still held for sale, to be put on the market at any moment that the owner deems proper. It still constitutes part of the crop yet to be marketed—

yet to be paid for by the money devoted by commerce for the final marketing of the cotton crop.

Just one more word before I conclude. The cotton-raisers of this country, the wheat-raisers of this country, the corn-raisers of this country are entitled to some consideration at the hands of the American Senate. They have complained in their conventions, in their public meetings, in their granges, in their lodges, and in every mode in which good citizens may make complaint, of what they conceive to be evils which ought to be remedied by legislation. They have complained of the "future" system. They feel it; the truth is, there is no concealing this great fact; they know, they feel that there has been great depression, that there has been a great lowering of prices; they know, they feel that their business has not only become unprofitable, but that it is prosecuted positively at a loss; the mortgage is on the homestead; debt is pressing; they have tried again and again to emancipate themselves from the shackles of this system; they find their cotton going lower and lower; they find that the dealers in these two exchanges are increasing year by year their purchases of "futures" and decreasing their purchases of real cotton. I think their voice ought to be potential with us. I think if the American people are to be considered as fit for self-government, and if they are to be considered as fit to determine what they want, we ought to conclude that this measure is a proper one for them, and we ought to give it them.

With these remarks, I submit the argument so far as I am concerned.

HOLIDAY RECESS.

Mr. HAWLEY. I move that the Senate proceed to the consideration of executive business.

The VICE-PRESIDENT. Will the Senator withdraw the motion to enable the Chair to lay certain matters before the Senate?

Mr. HAWLEY. Certainly.

The VICE-PRESIDENT. The Chair lays before the Senate a concurrent resolution from the House of Representatives; which will be read:

The Chief Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That when the two Houses adjourn on Thursday, December 22, they will stand adjourned until Wednesday, January 4, 1893.

Mr. HALE. I move that the resolution be referred to the Committee on Appropriations.

The motion was agreed to.

PORT OF DULUTH, MINN.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 3183) to extend to Duluth, Minn., the privileges of the first section of an act entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," approved June 10, 1888, which was to amend the title by striking out the date "1888" and inserting "1880."

The amendment was concurred in.

HOUSE BILLS REFERRED.

The bill (H. R. 3184) correcting the muster of Second Lieut. Gilman L. Johnson, was read twice by its title, and referred to the Committee on Military Affairs.

The following bills were severally read twice by their titles, and referred to the Committee on Commerce:

A bill (H. R. 5752) to amend an act approved August 6, 1888, entitled "An act to authorize the construction of a bridge across the Alabama River;"

A bill (H. R. 8602) to authorize the construction of a bridge across the Mobile River by the Chicago, Mobile and Gulf Ports Railroad Company;

A bill (H. R. 9487) to amend an act approved April 22, 1890, authorizing the Natchitoches Cane River Bridge Company to construct and maintain a bridge across Cane River, in Louisiana; and

A bill (H. R. 9488) to amend an act approved March 2, 1891, authorizing the construction of a bridge across the Red River, Louisiana, by the Rapides Bridge Company (limited).

The joint resolution (H. Res. 170) to pay the officers and employés of the Senate and House of Representatives their respective salaries for the month of December, 1892, on the 21st day of said month, was read twice by its title, and referred to the Committee on Appropriations.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had passed the following bill and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. 9825) making appropriations for the support of the Army for the fiscal year ending June 30, 1894, and for other purposes; and

A joint resolution (H. Res. 166) to authorize the Secretary of the Treasury to cover back into the Treasury $48,800 of the appropriation to Choctaw and Chikcasaw Indians.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (S. 539) to amend and enlarge the act approved June 18, 1878, entitled "An act to provide for the distribution of the awards made under the convention between the United States of America and the Republic of Mexico, concluded on the 4th day of July, 1868;"

A bill (S. 606) to amend and enlarge the act approved June 18, 1878, entitled "An act to provide for the distribution of the awards made under the convention between the United States of America and the Republic of Mexico, concluded on the 4th day of July, 1868;" and

A bill (S. 2093) to provide for the disposal of certain abandoned military reservations in the State of Wyoming.

ORDER OF BUSINESS.

Mr. WASHBURN. Mr. President, unless other Senators desire to submit remarks on the antioption bill, I suggest that we now proceed to vote on the bill and amendments.

Mr. WOLCOTT. I rise to a question of order. I understood that a motion was made by the Senator from Connecticut [Mr. HAWLEY] that the Senate now proceed to the consideration of executive business, and that that motion was withdrawn for a moment at the request of the President of the Senate in order that certain business might be laid before the Senate. I suppose on the disposition of that business the question recurs on the motion of the Senator from Connecticut. I ask the Chair if that is not so?

The VICE-PRESIDENT. The Chair so understood.

Mr. WASHBURN. I understood the Senator from Connecticut to withdraw his motion.

Mr. WOLCOTT. I did not so understand.

The VICE-PRESIDENT. The Chair understood the Senator from Connecticut to withdraw the motion for the purpose stated by the Senator from Colorado.

Mr. WOLCOTT. And that business having been completed, I submit that the question now is on the motion of the Senator from Connecticut.

Mr. WASHBURN. I understand the Senator from Connecticut did not withdraw his motion with any such intention.

Mr. WOLCOTT. I am asking what was the understanding of the Chair?

The VICE-PRESIDENT. That was the understanding of the Chair.

Mr. HAWLEY. I think I did withdraw the motion. I understood there was some casual business to be transacted. I only wish the Senate to go into executive session before adjourning.

Mr. WASHBURN. That we can do without difficulty. There is an unusually full Senate now present, and it seems to me that this is a good opportunity to proceed, if there is to be further discussion of the bill, and, if not, that we should proceed to vote on the bill and amendments, as we shall adjourn over for two days and a holiday recess is proposed. It seems to me that no more time should be lost in connection with the consideration of this bill.

Mr. WHITE. The Senator from New York [Mr. HISCOCK], who was in the Chamber a few moments ago, told me that he desired to speak on the bill. I desire to reply to the Senator from Mississippi [Mr. GEORGE], but I do not wish to do so until I have an opportunity to see his remarks in the RECORD. I understand that there are other Senators who desire to speak on the bill, and therefore I object to a motion fixing a time for the vote. If I am obliged to, of course, in the unprepared state in which I am, I shall take the floor now in reply to the Senator from Mississippi; but I say that I am anxious to examine his remarks critically in the RECORD, where they have not yet appeared.

Mr. PALMER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Louisiana yield to the Senator from Illinois?

Mr. WHITE. Certainly.

Mr. PALMER. I shall ask the Senate, before the final vote is taken, to listen to me for a very short time on the pending bill.

Mr. WASHBURN. If Senators who desire to speak will agree upon some time next week when we shall vote on the bill and amendments I shall have no objection.

Mr. HARRIS. No time can be agreed upon to-day for this week or next week at which the vote shall be taken.

Mr. WASHBURN. I suppose that some time in the future may be agreed upon.

Mr. HARRIS. At some time in the future, I take it for

granted, the vote will be taken; but the time when it shall be taken can not be agreed upon to-day.

Mr. WASHBURN. Of course not, except by unanimous consent. I understand that.

Mr. HARRIS. Of course that can not be obtained.

Mr. BUTLER. Mr. President, can not a vote of the Senate be taken and a day designated notwithstanding one objection? A majority of the Senate can settle any question, it seems to me. If the Senator from Minnesota [Mr. WASHBURN] desires to make a test, I submit he has the right to do it notwithstanding the objection. There is no rule against that of which I have knowledge.

Mr. VILAS. I desire to say that at some time before the vote is taken I shall ask the indulgence of the Senate to make some observations in respect to the bill.

Mr. HARRIS. I shall want ten minutes myself.

Mr. WOLCOTT. Pending this discussion, I move that the Senate proceed to the consideration of executive business.

The VICE-PRESIDENT. The question is on the motion of the Senator from Colorado, that the Senate proceed to the consideration of executive business.

Mr. WASHBURN. As no other Senator seems prepared to go on with the discussion, I shall interpose no objection to the motion of the Senator from Colorado.

The VICE-PRESIDENT. Debate is not in order. The question is on the motion of the Senator from Colorado [Mr. WOLCOTT].

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were reopened, and (at 3 o'clock and 40 minutes p. m.) the Senate adjourned until Monday, December 19, 1892, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate December 15, 1892.

PENSION AGENT.

Charles A. Orr, of Buffalo, N. Y., to be pension agent at Buffalo, N. Y., vice Jacob Schenkelberger, term expired.

POSTMASTERS.

James W. Garrison, to be postmaster at Sac City, in the county of Sac and State of Iowa, in the place of James N. Miller, resigned.

Mrs. Elizabeth W. Smart, to be postmaster at Merrimac, in the county of Essex and State of Massachusetts, in the place of Alexander Smart, deceased.

Richard H. Fesperman, to be postmaster at Seneca, in the county of Newton and State of Missouri, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1892.

Mrs. Jennie T. Mister, to be postmaster at Grenada, in the county of Grenada and State of Mississippi, in the place of Matthew K. Mister, deceased.

Michael J. Mulrihill, to be postmaster at Vicksburg, in the county of Warren and State of Mississippi, in the place of William Groome, whose commission expired February 28, 1891; James Hill, who was appointed by the President April 2, 1891, and subsequently nominated to the Senate, not having been confirmed.

Hiram Lewis, to be postmaster at Genoa, in the county of Nance and State of Nebraska, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1892.

Augusta B. Berard, to be postmaster at West Point, in the county of Orange and State of New York, in the place of Augusta B. Berard, whose commission expires December 19, 1892.

Frank P. Emmons, to be postmaster at Manlius, in the county of Onondaga and State of New York, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1892.

William H. Merten, to be postmaster at Guthrie, in the county of Logan and Territory of Oklahoma, in the place of Dennis T. Flynn, resigned.

John B. Tobias, to be postmaster at Everett, in the county of Bedford and State of Pennsylvania, in the place of Simon States, whose commission expired August 22, 1892.

McDonald Campbell, to be postmaster at Jefferson, in the county of Marion and State of Texas, in the place of Levin Perry, whose commission expired July 18, 1892.

William Drawe, to be postmaster at Cuero, in the county of De Witt and State of Texas, in the place of John C. Woodworth, whose commission expired June 25, 1892.

Edward A. Robertson, to be postmaster at Taylor, in the county of Williamson and State of Texas, in the place of John H. Hutchinson, deceased.

William F. Washburn, to be postmaster at Sturgeon Bay, in the county of Door and State of Wisconsin, in the place of Joseph Harris, jr., removed.

CONFIRMATIONS.

Executive nominations confirmed by the Senate, December 15, 1892.

INTERSTATE COMMERCE COMMISSIONER.

James W. McDill, of Iowa, to be an Interstate Commerce Commissioner.

APPOINTMENTS IN THE ARMY.

Medical Department.

To be assistant surgeons with the rank of first lieutenant.
Henry R. Stiles, of Connecticut.
Harry M. Hallock, of New Jersey.
George J. Newgarden, of Pennsylvania.
Paul F. Straub, of Iowa.

PROMOTIONS IN THE ARMY.

Medical Department.

Lieut. Col. Charles H. Alden, deputy surgeon-general, to be assistant surgeon-general, with the rank of colonel.

Maj. Albert Hartsuff, deputy surgeon-general, to be assistant surgeon-general, with the rank of lieutenant-colonel.

Quartermaster's Department.

Lieut. Col. John G. Chandler, deputy quartermaster-general, to be assistant quartermaster-general, with the rank of colonel.

Maj. James G. C. Lee, quartermaster, to be deputy quartermaster-general, with the rank of lieutenant-colonel.

Capt. Charles F. Humphrey, assistant quartermaster, to be quartermaster with the rank of major.

Medical Department.

Capt. Louis M. Maus, assistant surgeon, to be surgeon with the rank of major.

To be professor at the Military Academy.

Capt. Edward E. Wood, Eighth Cavalry, to be professor of modern languages.

Cavalry arm.

Second Lieut. George W. Kirkpatrick, Tenth Infantry, to be second lieutenant.

Second Lieut. Gordon Voorhies, Twenth-fifth Infantry, to be second lieutenant.

First Sergt. Cornelius C. Smith, Troop K, Sixth Cavalry, to be second lieutentant.

Corpl. Joseph E. Cusack, Troop C, Fifth Cavalry, to be second lieutenant.

Infantry arm.

Sergt. Maj. James Ronayne, Tenth Infantry, to be second lieutenant.

Sergt. William J. Lutz, Battery F, First Artillery, to be second lieutenant.

Sergt. Henry L. Kinnison, Company B, Seventh Infantry, to be second lieutenant.

Sergt. Warren B. Fox, Company A, Twentieth Infantry, to be second lieutenant.

Sergt. Guy G. Palmer, Company H, Eighth Infantry, to be second lieutenant.

Corpl. Williamson Markland, Company B, Ninth Infantry, to be second lieutenant.

Corps of Engineers.

Capt. Clinton B. Sears, to be major.
First Lieut. John Millis, to be captain.
First Lieut. John Biddle, to be captain.
Second Lieut. James J. Meyler, to be first lieutenant.
Second Lieut. Charles H. McKinstry, to be first lieutenant.

Cavalry arm.

Lieut. Col. Anson Mills, Fourth Cavalry, to be colonel.

Maj. Samuel B. M. Young, Third Cavalry, to be lieutenant-colonel.

Maj. George A. Purington, Third Cavalry, to be lieutenant-colonel.

Capt. Henry W. Wessells, jr., Third Cavalry, to be major.
Capt. Alexander S. B. Keyes, Tenth Cavalry, to be major.
First Lieut. James N. Allison, Second Cavalry, to be captain.
First Lieut. William D. Beach, Third Cavalry, to be captain.
First Lieut. William A. Shunk, Eighth Cavalry, to be captain.
First Lieut. George H. Evans, Tenth Cavalry, to be captain.
Second Lieut. Floyd W. Harris, Fourth Cavalry, to be first lieutenant.
Second Lieut. John T. Nance, Second Cavalry, to be first lieutenant.

Second Lieut. Charles C. Walcutt, jr., Eighth Cavalry, to be first lieutenant.
Second Lieut. William H. Bean, Second Cavalry, to be first lieutenant.
Second Lieut. John J. Pershing, Sixth Cavalry, to be first lieutenant.

Artillery arm.

Maj. Alexander C. M. Pennington, Fourth Artillery, to be lieutenant-colonel.
Capt. George B. Rodney, Fourth Artillery, to be major.
First Lieut. Elbridge R. Hills, Fifth Artillery, to be captain.
First Lieut. James E. Eastman, Second Artillery, to be captain.
First Lieut. Sydney W. Taylor, Fourth Artillery, to be captain.
Second Lieut. John A. Towers, First Artillery, to be first lieutenant.
Second Lieut. Lucien G. Berry, Fourth Artillery, to be first lieutenant.
Second Lieut. John E. McMahon, Fourth Artillery, to be first lieutenant.
Second Lieut. Avery D. Andrews, Fifth Artillery, to be first lieutenant.

Infantry arm.

Lieut. Col. Simon Snyder, Tenth Infantry, to be colonel.
Major Edgar R. Kellogg, Eighth Infantry, to be lieutenant-colonel.
Major Edward W. Whittemore, Tenth Infantry, to be lieutenant-colonel.
Capt. Francis E. Lacey, Tenth Infantry, to be major.
Capt. Augustus H. Bainbridge, Fourteenth Infantry, to be major.
First Lieut. John J. O'Brien, regimental quartermaster, Fourth Infantry, to be captain.
First Lieut. William Paulding, Tenth Infantry, to be captain.
First Lieut. George Andrews, Twenty-fifth Infantry, to be captain.
First Lieut. George T. T. Patterson, Fourteenth Infantry, to be captain.
First Lieut. Lorenzo W. Cooke, Third Infantry, to be captain.
First Lieut Oliver B. Warwick, Eighteenth Infantry, to be captain.
First Lieut. Theodore H. Eckerson, Nineteenth Infantry, to be captain.
Second Lieut. Benjamin A. Poore, Twelfth Infantry, to be first lieutenant.
Second Lieut. Edward W. McCaskey, Twenty-first Infantry, to be first lieutenant.
Second Lieut. Chauncey B. Baker, Seventh Infantry, to be first lieutenant.
Second Lieut. James H. McRae, Third Infantry, to be first lieutenant.
Second Lieut. Amos B. Shattuck, Sixth Infantry, to be first lieutenant.
Second Lieut. William M. Swaine, Twenty-second Infantry, to be first lieutenant.
Second Lieut. Walter H. Gordon, Twelfth Infantry, to be first lieutenant.
Second Lieut. James L. Druien, Seventeenth Infantry, to be first lieutenant.

PROMOTIONS IN THE NAVY.

Assistant Engineer Edward H. Scribner, to be a passed assistant engineer in the Navy.
Assistant Engineer Andrew M. Hunt, to be a passed assistant engineer in the Navy.
Assistant Engineer Frank M. Bennett, to be a passed assistant engineer in the Navy.
Passed Assistant Engineer Robert W. Mulligan, to be a chief engineer in the Navy.
Passed Assistant Engineer George W. Baird, to be a chief engineer in the Navy.
Passed Assistant Engineer Richard Inch, to be a chief engineer in the Navy.
Passed Assistant Engineer Harrie Webster, to be a chief engineer in the Navy.
First Lieut. Otway C. Berryman, United States Marine Corps, to be a captain.
Second Lieut. Bertram S. Newmann, United States Marine Corps, to be a first lieutenant.
Capt. Robert L. Meade, United States Marine Corps, to be a major in that Corps.
First Lieut. William F. Spicer, United States Marine Corps, to be a captain.
Second Lieut. Charles G. Long, United States Marine Corps, to be a first lieutenant.
Passed Assistant Surgeon William R. Du Bose, to be a surgeon.
John Miller Moore, a resident of South Carolina, to be an assistant surgeon.
Lieut. (junior grade) Thomas M. Brumby, to be a lieutenant.
Lieut. Commander Andrew J. Iverson, to be a commander.
Lieut. William H. Reeder, to be a lieutenant-commander.

HOUSE OF REPRESENTATIVES.

THURSDAY, *December 15, 1892.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of yesterday was read and approved.

DEFICIENCIES IN THE POSTAL SERVICE.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting estimate of deficiencies in the appropriations on account of the postal service; which was referred to the Committee on Appropriations, and ordered to be printed.

CLAIMS ALLOWED BY THE ACCOUNTING OFFICERS OF THE TREASURY.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting a list of the claims allowed by the accounting officers of the Treasury for the fiscal year ending June 30, 1892; which was referred to the Committee on Appropriations, and ordered to be printed.

ELECTORAL VOTE OF DELAWARE.

The SPEAKER also laid before the House a certificate, forwarded by the Secretary of State, showing the ascertainment of the electoral vote in the State of Delaware; which was laid on the table.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted to Mr. HOOKER of Mississippi, for two days, on account of important business.

CHRISTMAS HOLIDAYS.

Mr. SPRINGER. Mr. Speaker, the Committee on Ways and Means have requested me to submit the following resolution, and ask for its immediate consideration.

The Clerk read as follows:

House Resolution 170.

Resolved by the House of Representatives (the Senate concurring), That when the two Houses adjourn on Thursday, December 22, they shall stand adjourned until Wednesday, January 4, 1893.

The resolution was agreed to.

On motion of Mr. SPRINGER, a motion to reconsider the vote by which the concurrent resolution was passed was laid on the table.

EXPENSES INCURRED BY NEBRASKA IN REPELLING THREATENED INDIAN INVASION.

Mr. BRYAN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the Clerk's desk.

The SPEAKER. The bill will be read, after which the Chair will ask if there be objection.

The bill was read, as follows:

A bill (S. 2476) to reimburse the State of Nebraska the expenses incurred by that State in repelling a threatened invasion and raid by the Sioux in 1890 and 1891.

Be it enacted, etc., That the Secretary of the Treasury is hereby directed, through the proper accounting officers of the Treasury, to audit and pay the actual and necessary expenses incurred by and for the National Guard of the State of Nebraska, called into the service of that State by Governor Thayer in the year 1890 and 1891, to repel a threatened invasion and raid, then imminent, by the Sioux, on presentation by the governor or other proper authorities of said State of statements of the actual and necessary expenses incurred by said State for said purpose, accompanied, so far as possible, with the proper vouchers and satisfactory proof of the correctness thereof; and that the sum of $42,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, or so much thereof as may be necessary, to carry out the provisions of this act: *Provided*, That the pay and allowances to the officers and enlisted men of said National Guard shall not exceed the pay and allowances of the Army of the United States.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. FITHIAN. I would like to have the bill explained.

Mr. BRYAN. About two years ago there was an Indian outbreak in Southern Dakota and on the northern borders of Nebraska. The State militia was called out to assist in suppressing the outbreak, and this is to refund the amount that was advanced by the State for that purpose. The bill has already passed the Senate and has been unanimously reported by the Committee on Claims. The money is to be paid only upon vouchers to be furnished to the Treasury Department.

Mr. FITHIAN. What is the amount that the State paid out?

Mr. BRYAN. About $42,000.
Mr. FITHIAN. How much does the bill carry?
Mr. BRYAN. Forty-two thousand dollars.
Mr. FITHIAN. Do you know how much the State actually paid?
Mr. BRYAN. The State appropriated $38,000, but that did not quite cover the amount.
Mr. FITHIAN. Then why do you want to appropriate $42,000?
Mr. BRYAN. Because the $38,000 was not sufficient. The State advanced that much by an appropriation, but it was not enough. The Adjutant-General has prepared the vouchers, and the money can only be drawn on vouchers furnished to the Treasury.
Mr. FITHIAN. Has there been a report from a committee of the House?
Mr. BRYAN. Yes, sir. Here is the report. There is no question at all about the merits of the bill.
Mr. KILGORE. Will the gentleman from Nebraska permit me to ask him a question before unanimous consent is given?
Mr. BRYAN. Certainly.
Mr. KILGORE. Is it not a fact that these Indians have a large fund in the hands of the Government out of which they are supported?
Mr. BRYAN. I do not know as to that.
Mr. KILGORE. There is no provision in this bill to tax that fund with this amount?
Mr. BRYAN. No, sir.
Mr. KILGORE. Do you not think there ought to be?
Mr. BRYAN. I do not think so. This comes under the same head as the expenses of the War Department incurred in putting down Indian outbreaks.
Mr. KILGORE. But these Indians were on a reservation and they revolted and committed these depredations, and if they have got this fund I think they ought to be made pay for what they have done.
Mr. BRYAN. That may be true, but I think the Indians have not been taxed with the expenses of the Federal Government in the suppression of Indian outbreaks.
Mr. PICKLER. The States could not get the money out of the Indians, anyway.
Mr. BRYAN. No; the State has nothing to do with the question raised by the gentleman from Texas.
Mr. KILGORE. But the State has paid the bill, it seems.
Mr. BRYAN. The State simply advanced the money for the General Government.
The SPEAKER. Is there objection to the present consideration of this bill?
Mr. BELTZHOOVER. Mr. Speaker, I think we had better have the regular order.
The SPEAKER. The gentleman from Pennsylvania calls for the regular order, which is equivalent to an objection.

ORDER OF BUSINESS.

Mr. CATCHINGS. Mr. Speaker, I desire to present a report from the Committee on Rules for present consideration.
The report was read, as follows:

The Committee on Rules, to whom were referred resolutions Nos. 70, 112, 80, and 65, report the same back with the accompanying resolutions as a substitute therefor, with the recommendation that the said substitute be adopted:
Resolved, That Thursday, the 15th instant, beginning after the second morning hour, be set apart for the consideration of such business as may be called up by the Committee on Indian Affairs.
Resolved, That Saturday, the 17th instant, beginning after the second morning hour, be set apart for the consideration of Senate bill (S. 1391) to authorize the Secretary of the Treasury to settle the account stated between the General Government and the State of Florida, etc.
Resolved, That Tuesday, the 20th instant, commencing after the second morning hour, be set apart for the consideration of such business as may be called up by the Committee on Public Lands.
Resolved, That Wednesday, the 21st instant, beginning after the second morning hour, be set apart for the consideration of such business as may be called up by the Committee on Interstate and Foreign Commerce.
Nothing in this order to interfere with the right to consider revenue and appropriation bills.

Mr. BUCHANAN of New Jersey. Mr. Speaker, this report embraces a number of propositions. I shall call for a division of the question on the resolution with reference to the account of the State of Florida. I desire a separate vote on that if the question is divisible.
The SPEAKER. The Chair thinks the report may be divided.
Mr. REED. It seems to me the proper way to get at that would be by amendment.
The SPEAKER. The gentleman from New Jersey, as the Chair understands, asks for a separate vote on the proposition he has indicated.
Mr. BUCHANAN of New Jersey. I do.
Mr. HOLMAN. These propositions are, I believe, divisible in such a way as to have a separate vote on each; are they not?
The SPEAKER. They are.
Mr. HOLMAN. I call for a division of the question in that way.
The SPEAKER. A division of the question is called for, and the question will first be taken on the first resolution, which the Clerk will read.
The Clerk read as follows:

Resolved, That Thursday, the 15th instant, beginning immediately after the second morning hour, be set apart for the consideration of such business as may be called up by the Committee on Indian Affairs.

The resolution was agreed to.
The next resolution was read, as follows:

Resolved, That Saturday, the 17th instant, beginning after the second morning hour, be set apart for the consideration of Senate bill No. 1391, to authorize the Secretary of the Treasury to settle the account stated between the General Government and the State of Florida, etc.

Mr. DINGLEY. Before the question on this resolution is put I would like the gentleman from Mississippi to explain the nature of this claim.
Mr. CATCHINGS. My friend from Maine I think must fully understand what this claim of the State of Florida is. It is hardly necessary for me to go into that at all.
Mr. DINGLEY. I do not understand it.
Mr. CATCHINGS. It has been repeatedly considered by previous Congresses. The resolution simply provides for its consideration by the House on the day named.
Mr. DINGLEY. Is it a claim arising out of the Indian war?
Mr. CATCHINGS. Yes, sir. As I have just stated, it has been repeatedly considered heretofore. At times the measure has been passed by the House and at times by the Senate.
The SPEAKER (having put the question). The ayes seem to have it.
Mr. BUCHANAN of New Jersey. I call for a division.
The question being again taken, there were—ayes 70, noes 9.
So the resolution was agreed to.
The next resolution was read, as follows:

Resolved, That Tuesday, the 20th instant, beginning after the second morning hour, be set apart for the considerati on of such business as may be called up by the Committee on Public Lands.

The resolution was adopted.
The next resolution was read, as follows:

Resolved, That Wednesday, the 21st instant, beginning after the second morning hour, be set apart for the consideration of such business as may be called up by the Committee on Interstate and Foreign Commerce; nothing in this order to interfere with the right to consider revenue and appropriation bills.

The SPEAKER (having put the question). The ayes seem to have it.
Mr. COCKRAN. I call for a division.
The question being again taken, there were—ayes 99, noes 6.
Mr. COCKRAN. No quorum.
Tellers were ordered; and Mr. COCKRAN and Mr. CATCHINGS were appointed.
Mr. COCKRAN (before the count by tellers was concluded). Mr. Speaker, in view of explanations made to me by the chairman of the committee I withdraw the point of no quorum.
The SPEAKER. The point of no quorum being withdrawn, the resolution is agreed to.

CHANGE OF REFERENCE.

The SPEAKER. A communication from the Secretary of the Treasury in reference to the purchase of Virginia military land-warrants was erroneously referred to the Committee on Military Affairs. That reference will be corrected, if there be no objection, and the communication will be referred to the Committee on Appropriations.
There was no objection, and it was ordered accordingly.

PAY OF CONGRESSIONAL EMPLOYÉS FOR THE MONTH OF DECEMBER.

Mr. MCMILLIN. I ask unanimous consent for the present consideration of the joint resolution which I send to the desk.
The Clerk read as follows:

Resolved by the Senate and House of Representatives, etc., That the Secretary of the Senate and the Clerk of the House of Representatives be, and they are hereby, authorized and instructed to pay the officers and employés of the Senate and House of Representatives, including the Capitol police, their respective salaries for the month of December, 1892, on the 21st day of said month.

Mr. MCMILLIN. This resolution is in the customary form. It does not provide for any increased expenditure, but simply contemplates, in view of the holidays, paying to Congressional employés their salaries for the present month at an earlier day than the close of the month.
There being no objection, the House proceeded to consider the joint resolution (H. Res. 170) to pay the officers and employés of the Senate and House of Representatives their respective salaries for December, 1892, on the 21st day of said month; which was read three times, and passed.

PROPOSED ADJOURNMENT TO SATURDAY.

Mr. WILLIAM A. STONE. I offer the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That when the House adjourns to-day it shall be until Saturday, December 17, 1892, at 12 o'clock.

The question being taken, the resolution was rejected.

REFERENCE OF THE PRESIDENT'S MESSAGE.

Mr. McMILLIN. I am instructed by the Committee on Ways and Means to report the resolution which I send to the desk relative to distributing to the appropriate committees the various subjects embraced in the President's message.

The SPEAKER. The resolution will be read.

Mr. McMILLIN. I do not think that the reading is necessary at this time unless some gentleman demands it, as it is the purpose of the committee to have the resolution referred to the Committee of the Whole, to which the message has been referred, and to ask the consideration of the resolution in Committee of the Whole at once.

The SPEAKER. In the absence of objection, the resolution will be referred to the Committee of the Whole on the state of the Union, and ordered to be printed.

There was no objection, and it was ordered accordingly.

Mr. McMILLIN. I move that the House resolve itself into the Committee of the Whole on the state of the Union, for the consideration of the resolution just reported, for the distribution of the President's message.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. DOCKERY in the chair.

The CHAIRMAN. The House is now in Committee of the Whole to consider the resolution reported from the Committee on Ways and Means.

Mr. McMILLIN. I ask that the resolution be read, Mr. Chairman.

The resolution was read, as follows:

Resolved, That so much of the annual message of the President of the United States to the two Houses of Congress at the present session as relates to our foreign relations, together with the accompanying correspondence and documents, to the International Monetary Conference, to the controversy as to tolls on the Welland Canal, and to the improvement of the harbor of Pearl River, in the Hawaiian Islands, be referred to the Committee on Foreign Affairs.

That so much as relates to the national finances, the public debt, and the public revenues, to treaties with foreign countries relating to revenue questions, and to the wants and conditions of the Treasury, be referred to the Committee on Ways and Means.

That so much as relates to the appropriation of the public revenue for the support of the Government, as herein provided, namely, for the legislative, executive, and judicial expenses, for sundry civil expenses, for fortifications and coast defenses, for pensions, for the District of Columbia, and for all deficiencies, be referred to the Committee on Appropriations.

That so much as relates to the judiciary of the United States, to international copyright, to the administration of justice, and the organization of courts, be referred to the Committee on the Judiciary.

That so much as relates to the mints of the United States and to the purchase and coinage of gold and silver bullion be referred to the Committee on Coinage, Weights, and Measures.

That so much as relates to the merchant marine and fisheries and to tonnage dues be referred to the Committee on Merchant Marine and Fisheries.

That so much as relates to the commerce of the United States, domestic and foreign; intercolonial railways, and to the Nicaragua Canal, be referred to the Committee on Interstate and Foreign Commerce.

That so much as relates to agriculture and forestry, to the destruction and eradication of diseases of domestic animals, and to the inspection of cattle and pork products intended for shipment to foreign countries, be referred to the Committee on Agriculture.

That so much as relates to the military establishment be referred to the Committee on Military Affairs.

That so much as relates to the naval establishment and to the construction of additional vessels for the Navy be referred to the Committee on Naval Affairs.

That so much as relates to the post-offices and post-roads, and to the carrying of the foreign mails, be referred to the Committee on Post-Offices and Post-Roads.

That so much as relates to the public domain be referred to the Committee on Public Lands.

That so much as relates to the relations of the United States with the Indian tribes be referred to the Committee on Indian Affairs.

That so much as relates to the civil service be referred to the Committee on Civil Service.

That so much as relates to pensions for service in the civil war be referred to the Committee on Invalid Pensions.

That so much as relates to Federal elections be referred to the Committee on the Election of the President and Vice-President and Representatives in Congress.

That so much as relates to the manufacturing industries of the United States be referred to the Committee on Manufactures.

That so much as relates to the District of Columbia, other than appropriations therefor, be referred to the Committee on the District of Columbia.

That so much as relates to the Pacific railroads be referred to the Committee on the Pacific Railroads.

That so much as relates to the Territories be referred to the Committee on the Territories.

That so much as relates to the census be referred to the Committee on the Eleventh Census.

That so much as relates to the protection of life on railways be referred to the Committee on Railways and Canals.

That so much as relates to quarantine regulations and foreign immigration be referred to the Committee on Immigration and Naturalization.

Mr. McMILLIN. This provides for the distribution that is usually made of the various matters treated of in the message of the President; and unless some gentleman wishes to occupy time in discussion I will ask the committee to rise and report the resolution favorably to the House.

The motion of Mr. McMILLIN was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. DOCKERY reported that the Committee of the Whole House on the state of the Union, having had under consideration the resolution providing for the distribution of the President's message to the committees of the House, had directed him to report the same with favorable recommendation.

Mr. McMILLIN. I ask the previous question on the adoption of the resolution.

The previous question was ordered, under the operation of which the resolution was adopted.

On motion of Mr. McMILLIN, a motion to reconsider the last vote was laid on the table.

COMMON CARRIERS.

The SPEAKER. The Clerk will call the standing and select committees for reports.

The committees were called at length, no reports being submitted.

The SPEAKER. The morning hour begins at 12 o'clock and 35 minutes p. m., and the Clerk will report the title of the bill coming over from yesterday.

The Clerk read as follows:

A bill (H. R. 1976) relating to contracts of common carriers, and to certain obligations, duties, and rights in connection with the carriage of property.

Mr. LIND. Mr. Speaker, I desire to yield ten minutes to the gentleman from New York [Mr. COOMBS].

Mr. COOMBS. Mr. Speaker, the remarks that I make upon this bill will be confined to that portion of the question which relates to ocean carriers, or the bills of lading which are issued by them to shippers of merchandise. I shall not refer to the first section of the bill which relates to land carriers, for the reason that I am not as familiar with that branch of the subject as others who are present.

Mr. LIND. If the gentleman will permit me, this bill as amended by the committee relates only to vessels engaged in foreign trade.

Mr. COOMBS. Everyone engaged in foreign commerce is aware of the important part that bills of lading play in all business operations.

When the merchant has shipped his goods to a foreign port he receives from the agent of the vessel a bill of lading. That document is his evidence of ownership, and his only evidence. He uses it as a basis of his exchange, attached to his bills of exchange. It serves as a guarantee of their payment. It passes from hand to hand as the representative of property.

In olden times they were simple in form and easily understood. The shipper and the shipowner alike understood that the property having been received on board was to be delivered at the foreign port in like good order and condition, with certain well understood exceptions which the shipper could cover at his underwriter's. Within the last few years these exceptions have been increased in number until to-day a modern bill of lading is so complicated that the ordinary merchant can not construe it, and when it is construed he finds that he is virtually without any security.

This evil has grown to such proportions that there are loud complaints from shippers on both sides of the ocean. I have had communications from English shippers and bankers, as well as from bankers in our own country, praying that some action may be taken by Congress whereby a bill of lading shall entail some responsibility on the part of the vessel. I will point to one of the exceptions now embodied in many, if not all of the modern bills, that in which they disclaim any responsibility for damage arising from defective stowage of cargo. The shipper does not stow the cargo or have anything to do with it—neither as to the manner of stowing it, or its position in the vessel, he can not influence or direct it, but it is done by the employé of the owner of the vessel, and he certainly should shoulder the responsibility and not evade it by forcing the acceptance of a bill of lading whereby he is relieved of penalty for any error that he may make.

I find in carefully reading over this bill that the list of exceptions which the carrier is allowed to make on the bill of lading that he can issue are ample, and cover everything that should be excepted. These exceptions being plain and well understood can be covered by the shipper at his underwriters, so when he delivers his bill of lading or insurance policy to his bankers he has made a complete and satisfactory conveyance, and is relieved of responsibility.

There is one provision which shipowners have of late insisted upon inserting in their bills of lading that is very unjust and should appeal to every American citizen, namely, they have found some difficulty in construing their clauses in the courts of this country and have added another whereby they provide that any claim under the instrument must be prosecuted before English courts. We certainly must rebel against this overriding of our laws.

I am convinced, Mr. Speaker, that this bill does not do any injustice to shipowners, it simply recalls them to their old-time responsibility, while to the shipper and banker it brings a needed relief. I am sure, sir, that all interests will be considered by the passage of this bill.

Mr. LIND. Mr. Speaker, I yield ten minutes to the gentleman from Ohio [Mr. HARTER].

Mr. HARTER. Mr. Speaker, the bill before the House is in no sense a partisan measure, nor does it carry any appropriation with it. It is a measure which deprives nobody of any right, but which will by its operation deprive some foreign steamship companies of certain privileges which for many years they have exercised, to the great disadvantage of American commerce. That is all there is in it. It does not affect one one-hundredth of 1 per cent of American shipping. Sailing vessels and craft of that kind are always willing to give any reasonable form of bill of lading which the consignor may demand; but, on the contrary, the great steamship companies, almost universally controlled by Englishmen, invariably force the consignor to take the form of bill of lading which they desire; and as time is the great element in shipment, we are compelled to accept what they give us or ship by slower lines, which means the loss of part of our foreign customers.

This is a bill which wrongs nobody, but which conserves the rights, not only of the millers here, but, through the millers, the interests of all of the farmers in the country; and it goes much farther than the millers. It affects every manufacturer in America who is seeking a foreign market, and through the manufacturer it affects those who work for him and those who supply him with his raw material. It would be a difficult thing indeed to discover where in the whole of the United States there is a single important element which is not interested in the passage of this bill.

If it only affected the right of a solitary American citizen it would be a proper thing to pass it; but as it affects the rights of sixty-three millions of American citizens, there are no less than sixty-three millions of reasons why this bill ought to become law, and every one a good and sufficient reason, too.

Those living in Europe who receive their goods from us over these steamship lines, and who are the coadjutors, the helpers, and aids of our American export trade, are a unit with us. The Boards of Trade of Glasgow, the Chambers of Commerce of London and Liverpool, unite with the American shipper and exporter in the demand that this bill shall become law; and it would have long ago become the law in Great Britain had it not been for the opposition sitting on the benches of Parliament, an opposition controlled by British manufacturers, by British millers, and by British farmers, who look with jealousy upon every encroachment of America upon their market.

Mr. DINGLEY. That is a good protection speech.

Mr. HARTER. It is an excellent protection speech for the American farmer, the American manufacturer, and the American merchant, because it gives him bona fide protection without taxing any American or foreign interest either to the extent of a penny. The trouble is simply this: most of these bills of lading expressly provide that they shall be interpreted, if cases are brought, under the English law; and under such circumstances the American shipper is helpless, and the man who stands on this floor, and who is in favor of his country where his country is right, will have to rack his brain a long while before he can find a single reason, however weak, for opposing this bill.

And at this time, gentlemen, when gold is going out of the country by every steamer, and every man here engaged in commercial life is shaking in his boots, so to speak, because he hears that $2,900,000 of gold went to-day and another million goes to-morrow, and so (etc.) on, no delay should be allowed in altering bills of lading so as to insure larger exports of our productions. Immediate action is necessary. If you make it difficult for foreign consignees to secure the goods that we ship them, in good order, they in turn will prefer to buy over there. They will naturally buy of almost any foreign country rather than of the American producer. The existence of the present unreasonable form of bill of lading, therefore, is a continual stab at American interests, and we are asking this legislation for the whole people of the country as well as for those people in Europe who are friendly to American interests. As we are asking no appropriation and no special privileges, but simply and only the rights guaranteed to all domestic commerce by our American common law, it seems to me opposition to the bill will come with very poor grace from either side of this House. A measure at once so reasonable, so necessary, so important as this should receive every vote on this floor.

Mr. BOUTELLE. I understood the gentleman to say that these onerous provisions which he mentioned tend to the purchase of certain kinds of goods elsewhere than at home?

Mr. HARTER. You entirely misunderstood me. I said that unless there was such security afforded in the bills of lading as would be an inducement for our foreign customer to buy, he ceases to buy American goods, and purchases foreign goods in preference to ours.

Mr. BOUTELLE. You think it is desirable that there should be some inducement for foreign purchasers of our goods?

Mr. HARTER. I do.

Mr. BOUTELLE. How is that with our own citizens?

Mr. HARTER. I think that when our citizens are able to buy as well here as elsewhere that they should and will buy here instead of buying in the foreign market. But we must pass no law that forces an American citizen to buy in any particular market.

Mr. BOUTELLE. That is exactly the point I was making.

Mr. JOSEPH D. TAYLOR. How does that affect American vessels engaged in the foreign trade?

Mr. HARTER. We have no American vessels that it affects. It affects the steamship lines altogether. So far as the American vessels are concerned you can go to the American shipowners, that is, the owners of any of the wooden vessels made in the State which my friend from Maine represents, and dictate a bill of lading that you want him to sign. American shipping interests are not unfavorably affected, for they are already under control of one common law which we very properly seek to extend to foreign shipping. It is the great British shipping interests which will be affected. Let me make another suggestion. When it comes to giving British merchants a bill of lading they frequently give him a cheaper and more just bill of lading.

Mr. BOUTELLE. I want to ask the gentleman about one other matter. I see it stated, either in one section of the bill or in the report—and I am not sure whether it is incorporated in the bill, but presume it is—a complaint is made that the bills of lading provides that the vessel shall not be liable "for the difference between the qualities, marks, or brands of flour, or other goods shipped than those of the goods actually found to be on board of the steamer." Now, does the gentleman propose by this bill to prohibit vessel-owners from providing that they shall not be held responsible for the quality of the goods that are inclosed in packages?

Mr. HARTER. Oh, no.

Mr. BOUTELLE. Because that has been the universal custom. When the common carrier takes a package, he does not assume any responsibility for the character of the goods.

Mr. HARTER. This is what I mean to say: That if the gentleman from Maine should ship ottar of roses to Liverpool, this bill would prevent them from turning over phosphate as a fulfillment of the contract.

Mr. BOUTELLE. The law is, that if they are put in inclosed packages the vessel shall be made to assume the responsibility that that package shall be delivered, and delivered unbroken.

Mr. WISE. That is exactly what this does.

Mr. LIND. I demand the previous question on the bill and pending amendments.

Mr. BUCHANAN of New Jersey. Mr. Speaker, I submit that the bill has not been read by sections.

The SPEAKER. The Chair will state to the gentleman from New Jersey that the bill is in the House, and not in Committee of the Whole.

Mr. DINGLEY. It carries no appropriation.

Mr. O'NEILL of Pennsylvania. Mr. Speaker, I would like to submit a parliamentary inquiry. When does this hour expire?

The SPEAKER. The hour expires at 1 o'clock and 35 minutes, the Chair is informed.

Mr. O'NEILL of Pennsylvania. I should like to say something about the provisions of this bill.

Mr. LIND. We must finish this bill in the hour.

Mr. O'NEILL of Pennsylvania. Very well.

Mr. LIND. Mr. Speaker, I must insist upon the motion.

The question was taken, and the previous question was ordered; and under the operation thereof the amendments recommended by the committee were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

Mr. BUCHANAN of New Jersey. Mr. Speaker, I understand the gentleman who has charge of the bill has no objection to my offering an amendment by which the bill shall be limited simply to vessels propelled wholly or in part by steam.

The SPEAKER. That can only be done by unanimous consent.

Mr. COCKRAN. Just one moment, Mr. Speaker.

The SPEAKER. The gentleman from New Jersey asks unanimous consent to offer an amendment.

Mr. COCKRAN and Mr. PATTERSON of Tennessee. I object.

The SPEAKER. Of course, the previous question having been ordered, an amendment can not be offered except by unanimous consent.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. LIND, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. LIND. Mr. Speaker, I ask unanimous consent that members of the committee may be permitted to print remarks upon this bill in the RECORD.

The SPEAKER. The gentleman from Minnesota asks unanimous consent that members of the committee may be allowed to print remarks on this bill in the RECORD. Is there objection?

Mr. BURROWS. Mr. Speaker, I do not think that ought to be done.

Mr. LIND. The gentleman from Pennsylvania [Mr. O'NEILL] desired to speak when the previous question was moved. I ask unanimous consent that he be permitted to print remarks on the bill?

Mr. O'NEILL of Pennsylvania. Mr. Speaker, the gentleman from Minnesota (my colleague on the Committee on Interstate and Foreign Commerce) need not on my account get the leave of the House for members to print such remarks upon the bill as they may desire to present. That is not my way of doing, Mr. Speaker. When I present my views I choose to do it by word of mouth. And on this occasion I only wished to state my doubts, I differing from my colleague on the committee as to the propriety of such legislation, the enactment of this law being in my opinion a restriction upon shipping and commercial transactions which may be regretted. Other legislation upon bills of lading more against business interests may follow this;

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had passed without amendment the bill (H. R. 6024) for the relief of William H. Taylor.

It also announced that the Senate had passed the following concurrent resolutions:

Resolved by the Senate (the House of Representatives concurring), That there be printed 20,000 copies of the Statistical Abstract of the United States for the year 1892, prepared by the Bureau of Statistics, Treasury Department; 6,000 copies for the use of the members of the Senate, 12,000 copies for the use of the members of the House of Representatives, and 2,000 for the use of the Bureau of Statistics, Treasury Department.

Resolved by the Senate (the House of Representatives concurring), That the Public Printer be, and he is hereby, directed to print, with a title page, 12,000 additional copies of the report of the immigrant commissioner, H. J. Schulteis, contained in part 1, House Executive Document No. 235, first session Fifty-second Congress, pages 263 to 323, inclusive; 2,000 to be for the use of the Treasury Department, 2,000 for the use of the House Committee on Immigration, 2,000 for the use of the Senate Committee on Immigration, 2,000 for the use of the Senate, and 4,000 for the use of the House.

Resolved by the Senate (the House of Representatives concurring), That 23,000 copies of the ninth annual report of the United States Civil Service Commission, with appendices, be printed; of which 1,000 copies shall be for the use of the Senate, 2,000 copies for the use of the House of Representatives, and 20,000 copies for the use of the United States Civil Service Commission.

It also announced that the Senate had agreed to the resolution relative to printing copies of eulogies delivered in Congress upon the Hon. Francis B. Spinola, late a Representative from the State of New York.

It also announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 2093) to provide for the disposal of certain abandoned military reservations in the State of Wyoming.

ENROLLED BILLS SIGNED.

Mr. SCOTT, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 539) to amend and enlarge the act approved June 18, 1878, entitled "An act to provide for the distribution of the awards made under the convention between the United States of America and the Republic of Mexico, concluded on the 4th day of July, 1868;

A bill (S. 606) to amend and enlarge the act approved June 18, 1878, entitled "An act to provide for the distribution of the awards made under the convention between the United States of America and the Republic of Mexico, concluded on the 4th day of July, 1868;" and

A bill (S. 2093) to provide for the disposal of certain abandoned military reservations in the State of Wyoming.

ORDER OF BUSINESS.

Mr. PEEL. Mr. Speaker, I demand the regular order.

The SPEAKER. The regular call rests with the Committee on Indian Affairs. One or two other committees have been passed over without prejudice, and unless some of them desire to occupy the time, the Chair will call the Committee on Indian Affairs.

Mr. PEEL. Mr. Speaker, I understood that some of the other committees that have been passed over would occupy the balance of this morning hour. If none of them desire to do so, I do not care to enter upon the fragment of the hour that remains, and therefore I will ask unanimous consent that the morning hour be considered as exhausted.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection, and it was so ordered.

LEAVE OF ABSENCE.

By unanimous consent, Mr. LAGAN obtained indefinite leave of absence, on account of sickness in his family.

ORDER OF BUSINESS.

The SPEAKER. The Clerk will read the special order.

The Clerk read as follows:

Resolved, That Thursday, the 15th instant, beginning after the second morning hour, be set apart for the consideration of such business as may be called up by the Committee on Indian Affairs.

REFUND OF APPROPRIATION TO CHOCTAWS AND CHICKASAWS.

Mr. PEEL. Mr. Speaker, I am directed by the committee to call up for present consideration the joint resolution (H. Res. 166) to authorize the Secretary of the Treasury to cover back into the Treasury $48,800 of the appropriation to Choctaw and Chickasaw Indians.

The joint resolution was read, as follows:

Resolved by the Senate and House of Representatives, etc., That the Secretary of the Treasury be, and he is hereby, directed to retain and cover back into the Treasury $48,800 of the appropriation made by Congress to pay the Choctaw and Chickasaw tribes of Indians for their interest in lands of the Cheyenne and Arapaho Reservation, dated March 3, 1891; which amount has been ascertained, by a recount of the allottees of said Cheyennes and Arapahoes, to be by that amount more than is due the said Choctaws and Chickasaws upon the purchase and settlement for their said interest.

The joint resolution was ordered to be engrossed and read a third time; and it was accordingly read the third time.

Mr. KILGORE. Mr. Speaker, never before within my knowledge has there been any disposition shown here to put any money back into the Treasury [laughter], and I would like to have this case explained by the gentleman from Arkansas.

Mr. PEEL. I supposed that the gentleman understood it.

Mr. KILGORE. How does it happen that there is this surplus?

Mr. PEEL. It occurred in this way: In making the appropriation to pay the Choctaw and Chickasaw Indians for their interest in the lands of the Cheyennes and Arapahoes, which we desired for the purpose of opening them to settlement, the basis was obtained from the agent; but after the law was passed, it appeared that the delegates of the Choctaws and Chickasaws claimed that some persons living on the north bank of the Canadian River, not upon these lands, crossed over and took their allotments there.

The joint resolution was passed.

Mr. PEEL moved to reconsider the vote by which the joint resolution was passed, and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PAYMENT TO CHOCTAWS AND CHICKASAWS.

Mr. PEEL. Mr. Speaker, I am instructed by the committee to ask for the present consideration of the House resolution which I send to the desk.

The resolution was read, as follows:

Resolved, That for reasons set forth in the report of the Committee on Indian Affairs upon the President's message of February 17, 1892, upon the appropriation of March 3, 1891, for payment to the Choctaw and Chickasaw Nations for their interest in the Cheyenne and Arapaho Reservation, submitted with this resolution, it is the opinion of the House of Representatives that there is no sufficient reason for interference in the due execution of the law referred to.

Mr. PEEL. Unless some gentleman desires to ask a question I do not think it necessary to say anything about the resolution. It passed the Senate at the last session after full debate.

The SPEAKER. Is this a Senate resolution?

Mr. PEEL. It is an exact copy of the Senate resolution.

Mr. MCMILLIN. Mr. Speaker, there was some confusion when the resolution was read, and I ask that the Clerk again report it.

The Clerk again read the resolution.

Mr. HOLMAN. Mr. Speaker, I raise the question of order, whether this resolution should not be first considered in Committee of the Whole. It applies to an appropriation already made, but it makes it effective.

Mr. PEEL. It is already effective.

The SPEAKER. The Chair will ask the gentleman from Indiana [Mr. HOLMAN] to indicate how this resolution comes under the rule to which he refers.

Mr. HOLMAN. Well, the money has not been paid. It has been only appropriated, and this resolution makes the appropriation effectual by providing for the payment of the money. If the resolution is of any value whatever it is simply to make effectual an appropriation already made.

Mr. PEEL. It does not interfere with the appropriation at all. It simply lets it alone.

Mr. BLAND. Mr. Speaker, this is a matter affecting an appropriation of money from the Treasury, and also affecting the property of the Government, and therefore I think it comes under both clauses of the rule. As I understand the rule, every proposition in relation to the disposition of the property of the Government or making a charge upon the Treasury must receive its first consideration in Committee of the Whole.

Mr. BURROWS. But, Mr. Speaker, this resolution does not make an appropriation; it is simply a declaration as to the meaning of the statute.

Mr. WILSON of Washington. What does the resolution do?

Mr. McRAE. It removes executive doubts.

The SPEAKER. This resolution expresses the opinion of the House that there is no sufficient reason for failing to execute an existing law. Now, the Chair would be glad to have the gentleman from Indiana explain how that affects any question of appropriation.

Mr HOLMAN. As the Chair is aware, the President has declined to proceed with the execution of this provision of law and has invited an expression of opinion by Congress on the subject. The effect of this resolution would be practically to direct the payment of the money.

The SPEAKER. If the effect of the resolution was such as to direct the President to pay money, of course it would touch an appropriation; but the House has no authority to direct the President to pay money. As the Chair understands, there has been a request from the President for an expression of opinion on the part of the House, or rather an expression on the part of Congress has been invited as to whether this law should be executed.

Mr. BLAND. I call the attention of the Chair to clause 3, of Rule XXIII, which provides—

All motions or propositions involving a tax or charge upon the people—

This certainly involves a charge upon the people—

The SPEAKER. How?

Mr. BLAND (continuing the reading)—

All proceedings touching appropriations of money—

This is certainly a proceeding touching an appropriation of money already made.

Mr. PEEL. I will ask the gentleman from Missouri how a House resolution can appropriate money?

Mr. BLAND. We may practically appropriate millions of dollars by a House resolution.

Mr. HOLMAN. Mr. Speaker, this subject is already on the Union Calendar. It has already been referred to the Committee of the Whole on the state of the Union.

The SPEAKER. The Chair will state that this is a House resolution, not a joint resolution, not a concurrent resolution; and it is well understood that a House resolution can not appropriate money.

Mr. McMILLIN. But, Mr. Speaker, if an expression of opinion on the part of the House has been sought by the President, the result of which would be to take money from the Treasury which otherwise would not be paid, does not the proposition come under the third paragraph of Rule XXIII?

Mr. BLAND. If the gentleman from Tennessee will permit me, I will read the language of the rule.

All motions or propositions involving a tax or charge upon the people; all proceedings touching appropriations of money, or bills making appropriations of money or property, or requiring such appropriations to be made, or authorizing payments out of appropriations already made, or releasing any liability to the United States for money or property, shall be first considered in a Committee of the Whole.

Mr. PEEL. My friend from Missouri entirely misunderstands, I think, the scope of the resolution.

Mr. BLAND. Well, the effect of the resolution, as I understand it, is to authorize the President to pay money already appropriated; and the clause of the rule which I have read covers the case.

Mr. PEEL. There is nothing in this resolution about paying money—not a word; it has nothing to do with that subject.

Mr. BLAND. As I understand, the President has refused to pay certain money until the two Houses of Congress shall, by resolution, authorize or direct such payment or express some opinion upon the subject. Now, the rule provides that all propositions relating to the payment of money out of appropriations already made shall go to the Committee of the Whole. Certainly that language covers a proposition of this kind.

Mr. PEEL. This does not authorize any such thing.

The SPEAKER. It does not appear that this resolution involves any charge upon the Treasury at all. The House can not by simple resolution appropriate money.

Mr. PEEL. Of course not.

The SPEAKER. As the Chair understands the situation it is this: A certain provision in an act passed by the Fifty-first Congress remains unexecuted for reasons which the President has stated in a special message to Congress. Now, this resolution proposes to declare that in the opinion of the House there is no sufficient reason for interfering in the due execution of the law referred to.

Mr. BLAND. The provision of the third clause of Rule XXIII is that all motions, propositions, or proceedings touching appropriations already made must be considered in Committee of the Whole. This is a proposition that has reference to an appropriation heretofore made; and it is, it seems to me, within the very language of the rule, which is not confined to a joint resolution or any act of the two Houses, but applies to all motions or propositions touching or relating to a charge upon the Treasury or to appropriations already made. That language certainly covers this case.

I would like to read this rule, Mr. Speaker, if the Chair has any doubt upon the question:

All motions—

Now this is undoubtedly a motion with reference to an appropriation, or a proposition to appropriate money—

or propositions involving a tax or charge upon the people; all proceedings touching appropriations of money—

This certainly touches an appropriation of money—

or bills making appropriations of money or property, or requiring such appropriation to be made, or authorizing payments out of appropriations already made, or releasing any liability to the United States for money or property, shall be first considered in the Committee of the Whole.

That seems to contemplate that any motion and proposition or proceeding whatever of any character relating to appropriations of money or relating to the releasing of any property of the United States Government, or referring to appropriations which have been already made, as well as appropriations which are proposed to be made, shall be first considered in the Committee of the Whole.

I do not see, Mr. Speaker, how this motion or proposition, answering, as it does, the President's message touching an appropriation of money, can, under the terms of the rule, be considered otherwise than in the Committee of the Whole when the point is made, as in this case.

Mr. HOLMAN. And if the Speaker will permit me, if he will examine the message of the President, it will be obvious that that is the mode of procedure, as suggested by the gentleman from Missouri. The President declines to spend the money, except in the exent that there shall be an express opinion on the part of Congress to that effect.

Mr. DINGLEY. This resolution, Mr. Speaker, if the Chair will permit an additional word, appears to have been reported last July, and by an indorsement upon the resolution itself seems to have been sent to the Calendar of the Committee of the Whole on the state of the Union, and is now in Committee of the Whole, if the indorsement is correct upon the resolution. Therefore, that question appears to have been determined and this matter sent to the committee at the time it was presented.

Mr. PEEL. In order that gentlemen may understand the point more clearly, if they will give me their attention for a moment, and as it may have a bearing on the point of order suggested by the gentleman from Indiana, I wish to state that if they will go back it will be found that a law was enacted, which is referred to in the resolution, appropriating a certain amount of money to pay the interest of the Choctaw and Chickasaw Nation of Indians for their interest in the Cheyenne and Arapaho lands, the law providing that the money should be paid to them whenever the tribes executed a deed of conveyance relinquishing all right, title, claim, and interest in the lands embraced in said reservation, which said deed should be satisfactory to the President of the United States.

Nothing was remitted to the President save and except to pass on the sufficiency of the conveyance made by the Indians. For some reason set out in the message of the President he declines to approve the deed which was executed. He does not raise any question except to the sufficiency of the conveyance itself, but sends a special message to Congress stating that he has not approved of the deed and calls the attention of Congress to that fact. The Senate took up the message and reported a resolution of a similar character, precisely like this in all respects, reported from its Committee on Indian Affairs unanimously I think, and after a long discussion, consuming twelve hours it passed that body by an almost unanimous vote. I do not see any reason, therefore, for the gentleman insisting on the point of order at this time. It would not have any effect upon the main question presented. It does not appropriate any money,

but simply says that we see no reason to interfere with the former legislation.

The SPEAKER. The Chair is ready to rule upon the question presented by the gentleman from Indiana.

The rule on this subject, clause 3 of Rule XXIII, seems to be very broad and to have been designed to provide for the consideration in Committee of the Whole of any matter that is directly an appropriation, or any proceeding touching an appropriation of the public money. And while this seems to the Chair to be a somewhat anomalous proceeding, based perhaps on an anomalous condition of affairs, still it is a proceeding touching the appropriation of money.

Mr. PEEL. But this is an appropriation already made.

The SPEAKER. The Chair understands that; but the same principle applies, and the rule provides further:

Bills making appropriations of money or property, or requiring such appropriation to be made, or authorizing payments out of appropriations already made, or releasing any liability to the United States for money or property—

shall have their first consideration in a Committee of the Whole. The purpose and scope of the rule seems to be that any question that directly involves a charge on the Treasury, or, as expressed in the rule—

touching appropriations of money—

shall be considered in a Committee of the Whole.

This resolution, as the Chair understands it, is an expression of opinion by the House that the reasons given by the President in his special message for failing to pay out certain moneys in accordance with law are insufficient in the judgment of the House. To that extent the Chair thinks that the resolution is one touching the appropriation of money.

The Chair will hold, therefore, that the resolution must be considered in Committee of the Whole House on the state of the Union.

Mr. PEEL. I move that the House resolve itself into Committee of the Whole to consider the resolution reported from the Committee on Indian Affairs.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. OUTHWAITE in the chair.

The CHAIRMAN. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, That for reasons set forth in the report of the Committee on Indian Affairs upon the President's message of February 17, 1892, upon the appropriation of March 3, 1891, for payment to the Choctaw and Chickasaw nations for their interest in the Cheyenne and Arapaho Reservation, submitted with this resolution, it is the opinion of the House of Representatives that there is no sufficient reason for interference in the due execution of the law referred to.

Mr. PEEL. Mr. Chairman, if the gentleman from Indiana [Mr. HOLMAN] desires to debate this matter, I would like to come to an agreement as to the amount of time to be consumed?

Mr. DOLLIVER. I would like to ask the gentleman from Arkansas [Mr. PEEL] to state what reasons the President gave in his message?

Mr. PEEL. I will do so as soon as the order of debate is arranged.

Mr. BOUTELLE. I will suggest to the gentleman that he have the message of the President read. I believe it is a short document.

Mr. PEEL. My suggestion was, that if gentlemen desire to go into a debate upon this resolution, I would like to have an understanding as to time. I do not think it is necessary to debate it very long.

Mr. HOLMAN. I hope there will be time enough to read the President's message, to begin with, and those statutes bearing upon the subject.

Mr. PEEL. I suppose the gentleman means the part of the message relating to this matter? He does not want the whole message read, I suppose?

Mr. HOLMAN. I mean that part relating to this matter.

Mr. PEEL. That can be done in the time of gentlemen on the other side.

Mr. HOLMAN. I suppose two hours ought to be allowed.

Mr. PEEL. I do not think it is necessary to take two hours. I should think an hour ought to be sufficient. It has been thoroughly discussed in the Senate, and the proceedings are all in the RECORD. If gentlemen have given the matter any attention, they have read it there. It was thoroughly exhausted in the Senate. I think thirty minutes on a side ought to be satisfactory.

Mr. HOLMAN. There are some $3,000,000 involved, and I think two hours would be a very moderate time.

Mr. PEEL. But the resolution does not affect the $3,000,000 very much.

Mr. HOLMAN. This money will not be expended unless Congress expresses an opinion upon the subject?

Mr. PEEL. It will be paid some time, if the law is executed, whether Congress expresses an opinion or not. The law is not affected by the resolution one way or the other. I will suggest to the gentleman from Indiana [Mr. HOLMAN] that we occupy three-quarters of an hour on a side.

Mr. HOLMAN. Well, then, an hour and a half—forty-five minutes on a side.

Mr. PEEL. Then I ask unanimous consent that debate be limited to forty-five minutes on a side.

The CHAIRMAN. The gentleman from Arkansas [Mr. PEEL] asks that all debate on this resolution be limited to an hour and a half.

Mr. HOLMAN. The time to be equally divided.

The CHAIRMAN. The time to be equally divided between those in favor of the resolution and those against it. Is there objection?

There was no objection.

Mr. PEEL. Now, Mr. Chairman, I desire, if I can get attention, to make a brief statement about this matter.

Mr. HOLMAN. Before my friend proceeds, I think that the message of the President ought to be read.

Mr. PEEL. You can have the message read in your own time. We will not have time, I think, to have the whole message read.

Mr. HOLMAN. I think an hour and a half ought to be allowed in addition to the time consumed in reading the message.

Mr. PEEL. I can not afford to have it read in my time. It has been published in the RECORD. Mr. Chairman, if the committee will give me attention, I think I can make this reasonably clear to the minds of all.

During the last session of Congress there was a contract pending between the Government of the United States and the Cheyenne and Arapaho Indians for a reservation which they occupied in the Territory of Oklahoma. It was an executive reservation, the title coming from the Choctaw and Chickasaw Nations in a former treaty.

There were a series of treaties made with the five tribes conveying all their surplus lands in trust to the Government for the purpose of putting other Indians upon those lands. The policy of the Government was changed, and therefore they negotiated with these five civilized tribes to take allotments on these executive-order reservations and open the balance to settlement to the people of the United States. Under these treaties we have heretofore paid the Creeks and Seminoles for their interest in what is known as Oklahoma. In this last contract I referred to, in the last Congress, it was negotiated with the Cheyennes and Arapahoes that they should take allotments on their part and surrender the balance to the Government.

In that bill—which was ratified upon the Indian appropriation bill, along with various other contracts which were ratified by unanimous consent upon that bill—some compensation was given by Congress to pay the Choctaws and Chickasaws for their interests in the surplus land that grew out of this contract. That land has since been opened to settlement to the white people under the homestead law at one dollar and a half an acre. So the land for which this appropriation is made has already been appropriated by the Government, and is in the hands of settlers, and they are to pay to the Government a dollar and a half an acre, which is far more money than we have agreed to give the Choctaws and Chickasaws for their title.

That appropriation simply recited that it appropriates this money, and that it should be paid to the Choctaw and Chickasaw Nations in their respective proportions according to their respective interests when they execute a release; in other words, a deed of conveyance of all their right, title, and claim in this country to the Government satisfactory to the President. Therefore, there was nothing remitted to the President but to pass upon the legal effect of the title that they tendered him. They proceeded under the law to prepare their release and tendered it to the President in two or three different forms.

Old members who were members of the then House, and members of this House will remember that the President and the Secretary of the Interior differed with the Senate and the House as to the extent of the title of the Choctaws and Chickasaws (and he opposed the appropriation). The President has seen proper, very correctly, no doubt, from his standpoint, and I have no criticism to offer upon that, to withhold his approval upon this deed until he could submit this matter back to this Congress for their consideration, to say whether or not there was any reason why this matter should be reopened and reinvestigated.

Now, members of the last House will remember that this whole subject-matter of the title as well as other points was most exhaustively discussed in the Senate when the appropriation was made, because it was started in the Senate, and by a very decisive vote was decided by a large majority of the Senate that their title was good, and they ought to be paid this money. The matter came to the House, and we reinvestigated and thoroughly ex-

hausted the subject, argument being indulged by very distinguished gentlemen, then members of this House, and by a very decisive vote they agreed with the Senate.

Now, when this special message reached this Congress, the subject-matter was referred to the Committee on Indian Affairs of the Senate and of the House, and we thought it was just to the President that the Senate should take it up first as the Senate had first taken up the question. The Senate Committee reported exactly this same resolution, with only this difference, that after a thorough investigation they found no good reason why the appropriation made by the former Congress, under the law created by them, should be changed. That was reported to the Senate in the first session of this Congress, and discussed very extensively. Gentlemen will find it in the RECORD, and will see that the debate was participated in by several very distinguished Senators, some of the best lawyers in the Senate, and when the vote was taken there were but 13 votes against it in that august body.

The Committee on Indian Affairs of the House took up the same subject-matter then, and we adopted the Senate report, and this is the result.

We do not now believe, as we have always believed, that there was any reason given in that message that would justify Congress in changing a law that had been so thoroughly discussed, and passed after due and deliberate consideration.

The title is the main question. That, Mr. Chairman, was passed on soon after this treaty was made by three different Secretaries of the Interior—Mr. Secretary Schurz, Mr. Secretary Kirkwood, and Mr. Secretary Teller. It has been passed on by several Commissioners of Indian Affairs, passed upon by several Commissioners of the General Land Office, and by Judge Parker of the Federal court at Fort Smith, all of whom, in an unbroken line of decisions, without a single exception, held that we held those lands in trust for the purpose of putting Indians upon it, and nothing else. Therefore, if we open it to white settlement we must pay for it.

Mr. HEARD. I desire to ask the gentleman if the report made by the House committee, after the action had been taken in the Senate, was a unanimous report?

Mr. PEEL. Yes, sir; it was a unanimous report.

Now, that is the substance of the whole question; and if gentlemen will go back to the discussion in the Senate and take up the very able report made by the Senate committee on this resolution, they will find the subject thoroughly exhausted, including every single solitary item suggested in the President's special message. I am satisfied, though I am not speaking from any authority for the President, for I have not conferred with him on the subject, but I undertake to say that if he had at the time investigated the matter as thoroughly as the Senate and House have investigated it, there never would have been any question about it.

I reserve the balance of my time.

Mr. HOLMAN. Mr. Chairman, I will occupy but a few minutes, except I shall request that the message of the President be read.

The whole of this trouble grows out of a misapprehension, I think, by a former Secretary of the Interior, Mr. Schurz, in regard to the nature of this treaty of 1866. I concede that he is one of the ablest gentlemen who ever occupied that office. He filled it with very distinguished ability, but he certainly misapprehended the effect of this treaty of 1866. There were quite a number of treaties made with the Indian tribes in the Indian Territory in 1866; and it will be observed that all the treaties—notably the treaty with the Creek and Seminole Indians—contained a provision that the land ceded to the United States should be for the purpose of settling friendly Indians upon it, under the old policy.

All those treaties contain that provision except the treaty now in question. All the other treaties of that year contain the same clause except this. We therefore have always agreed that those lands acquired under the other treaties came to us from the Indians upon those specific terms as to Indian settlement, and were not absolutely ours except for a single purpose, for the occupation of friendly Indians. Accordingly we have paid the Creeks and Seminoles for the absolute title to their lands, ceded to us in 1866, so that we might open them to white settlement.

But this particular treaty of 1866 with the Choctaws and Chickasaws contains no such provision, for the United States already had exactly that right; that is to say, the right to settle friendly Indians upon the land west of the ninety-eighth degree of west longitude, and in fact friendly Indians were already settled upon those lands. I call special attention to the language of the first treaty, that of 1855, from which gentlemen will see that the right there conferred upon the United States was exactly the same as that which was conferred in 1866 by the Creeks and Seminoles to their lands upon which we desired to settle friendly Indians.

The Choctaw Indians do hereby absolutely and forever quitclaim and relinquish to the United States all their right, title, and interest in and to any and all lands west of the one-hundredth degree of west longitude (the western boundary of the Indian Territory), and the Choctaws and Chickasaws do hereby lease to the United States all that portion of their common country west of the ninety-eighth degree of west longitude for the permanent settlement of the Wichita and such other tribes or bands of Indians as the Government may desire to locate therein.

That is the treaty of 1855.

Mr. PEEL. Will the gentleman please read the remainder of it?

Mr. HOLMAN. It is too long. I have read all that is pertinent to this discussion.

Mr. PEEL. They reserve the right to locate their own Indians on those lands.

Mr. HOLMAN. I know that. Now, Mr. Speaker, that was the lease, a perpetual lease, for which $800,000 was paid to those two tribes for the purpose of getting lands to settle friendly Indians upon. That was the first step. Then comes the treaty of 1866 in which it is provided that—

ART. 3. The Choctaws and Chickasaws, in consideration of the sum of $300,000, hereby cede to the United States the territory west of the ninety-eighth degree of west longitude known as the "leased district," provided, etc.

So, in the first place, here was an absolute lease made in 1855 of these lands to the United States for the purpose of settling friendly Indians upon them, and also their own Indians for Indian purposes, consideration $800,000. Then comes the absolute cession of the lands in consideration of the payment of $300,000 by the treaty of 1866. Yet now it is proposed to pay these Indians very nearly $3,000,000 more for the very lands which we have already acquired twice, the first time for a specific object and the second for general purposes.

Now, Mr. Speaker, having stated this much of the history of this matter and desiring to have read the President's special message on this subject, I ask that it be read in my time, and I hope gentlemen will give strict attention to the reading, because the message is a very strong document. It presents this subject very ably and absolutely conclusive.

The CHAIRMAN (Mr. OUTHWAITE). Does the gentleman from Indiana desire to have the whole of the message read?

Mr. HOLMAN. Yes, sir.

Mr. BLANCHARD. Let me suggest to the gentleman from Indiana that he does not desire to have the provision from the Indian appropriation bill which is incorporated in the message.

Mr. HOLMAN. No; that is quite long, and the Clerk may omit it, but I desire to have the rest of the message read.

The Clerk read as follows:

To the Senate and House of Representatives:

The Indian appropriation bill, which was approved March 3, 1891, contains the following provision:

"And the sum of $2,951,450 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to pay the Choctaw and Chickasaw Nations of Indians for all the right, title, interest, and claim which said nations of Indians may have in and to certain lands now occupied by the Cheyenne and Arapaho Indians under executive order, said lands lying south of the Canadian River, and now occupied by the said Cheyenne and Arapaho Indians; said lands have been ceded in trust by article 3 of the treaty between the United States and said Choctaw and Chickasaw Nations of Indians, which was concluded April 28, 1866, and proclaimed on the 10th day of August of the same year, and whereof there remains, after deducting allotments, as provided by said agreement, a residue ascertained by survey to contain 2,393,160 acres; three-fourths of this appropriation to be paid to such person or persons as are or shall be duly authorized by the laws of said Choctaw Nation to receive the same, at such time and in such sums as directed and required by the legislative authority of said Choctaw Nation, and one-fourth of this appropriation to be paid to such person or persons as are or shall be duly authorized by the laws of said Chickasaw Nation to receive the same, at such times and in such sums as directed and required by the legislative authority of said Chickasaw Nation. This appropriation to be immediately available and to become operative upon the execution, by the duly appointed delegates of said respective nations specially authorized thereto by law, of releases and conveyances to the United States of all the right, title, interest, and claim of said respective nations of Indians in and to said land (not including Grier County, which is now in dispute), in manner and form satisfactory to the President of the United States; and said releases and conveyances, when fully executed and delivered, shall operate to extinguish all claim of every kind and character of said Choctaw and Chickasaw Nations of Indians in and to the tract of country to which said releases and conveyances shall apply."

If this section had been submitted to me as a separate measure, especially during the closing hours of the session, I should have disapproved it; but as the Congress was then in its last hours a disapproval of the general Indian appropriation bill of which it was a part would have resulted in consequences so far-reaching and disastrous that I felt it my duty to approve the bill. But as a duty was devolved upon me by the section quoted, viz, the acceptance and approval of the conveyances provided for, I have felt bound to look into the whole matter, and, in view of the facts which I shall presently mention, to postpone any executive action until these facts could be submitted to Congress.

Very soon after the passage of the law it came to my knowledge that the Choctaw Legislature had entered into an agreement with three citizens of that tribe to pay to them as compensation for procuring this legislation 25 per cent of any appropriation that might be made by Congress. The amount to be secured by these three agents, under this agreement, out of the three-fourths interest in the appropriation of the Choctaw Nation, is $560,896. I have information that a contract was made by the Chickasaws to pay about 10 per cent of their one-fourth interest to the agents and attorneys who represented them.

Within a month after the passage of the law, R. J. Ward, one of the agents who was to divide with his two associates the enormous sum to be paid by the Choctaws, presented to me an affidavit dated April 4, 1891, which is here-

with submitted. It appears from his statement that the action of the Choctaw council in this matter was corruptly influenced by the execution of certain notes signed by Ward for himself and his associates in sums varying from $2,500 to $15,000. His associates deny any knowledge of this, but the giving and existence of these notes is not refuted. The statement of the two associates of Ward, denying any knowledge of or participation in this fraud, are also submitted, together with other papers relating to the matter.

Whatever may be the fact as to the use or nonuse of corrupt methods to secure this legislation from the Choctaw council, I do not think the Congress of the United States should so legislate upon this matter as to give effect to such a contract, which I am sure must have been unnoticed when the measure was pending. If the relations of these Indians to the United States are those of a ward, Congress should protect them from such extortionate exactions. We can not assume that the expenses and services of a committee of three persons to represent this claim before Congress could justly assume such proportions. The making of such a contract seems to convey implications which, I am sure, are wholly unjust.

After the passage of the appropriation bill, legislation was had by the Choctaw Nation looking to the completion of the contract made with their delegates as to the payment of this money, but subsequently, when it was supposed that this extraordinary arrangement might require me to bring the matter to the attention of Congress, an act was passed by the Choctaw general council, approved October 19, 1891, declaring all contracts made by the Choctaw delegates with any attorneys in connection with this appropriation void and of no effect. A copy of this law will be found with the papers submitted. There has also been submitted to me an unofficial copy of the opinion of the attorney-general of the Choctaw Nation holding that this last legislation is unconstitutional and void. I am of the opinion that, if this appropriation is to stand, provision should be made for protecting these tribes against extortionate claims for compensation in procuring action by Congress.

Copies of the several laws passed by the Choctaw Nation with reference to this matter will be found in the accompanying papers. It will be noticed that the distribution proposed is limited to Choctaws by blood, excluding the freedmen and the white men who have been given full citizenship from any participation. A protest against this method of distribution has been filed by a white citizen of the tribe, and also a representation by Hon. Thomas C. Fletcher, their attorney, on behalf of the freedmen. In view of the fact that the stipulations of the treaty of 1866, in behalf of the freedmen of these tribes, have not, especially in the case of the Chickasaws, been complied with, it would seem that the United States should, in a distribution of this money, have made suitable provision in their behalf. The Chickasaws have steadfastly refused to admit the freedmen to citizenship, as they stipulated to do in the treaty referred to, and their condition in that tribe, and in a lesser degree in the other, strongly calls for the protective intervention of Congress.

After a somewhat careful examination of the question, I do not believe that the lands for which this money is to be paid were, to quote the language of section 15 of the Indian appropriation bill, already set out, "ceded in trust by article 3 of the treaty between the United States and said Choctaw and Chickasaw Nations of Indians, which was concluded April 28, 1866," etc. It is agreed that that treaty contained no express limitation upon the uses to which the United States might put the territory known as the leased district. The lands were ceded by terms sufficiently comprehensive to have passed the full title of the Indians. The limitation upon the use to which the Government might put them is sought to be found in a provision of the treaty by which the United States undertook to exclude white settlers, and in the expressions found in the treaties made at the same time with the Creeks and other tribes of the purpose of the United States to use the lands ceded by those tribes for the settlement of friendly Indians.

The stipulation as to the exclusion of white settlers might well have reference solely to the national lands retained by the Choctaw and Chickasaw tribes, and the reason for the nonincorporation in the treaty with them of a statement of the purpose of the Government in connection with the use of the lands is well accounted for by the fact that as to these lands the Government had already, under the treaty of 1855, secured the right to use them perpetually for the settlement of friendly Indians. This was not true as to the lands of the other tribes referred to. The United States paid to the Choctaws and Chickasaws $300,000, and the failure to insert the words that are called words of limitation in this treaty points, I think, clearly to the conclusion that the commissioners on the part of the Government, and the Indians themselves, must have understood that this Government was acquiring something more than a mere right to settle friendly Indians, which is already possessed, and something more than the mere release of the right which the Choctaws and Chickasaws had under the treaty of 1855 to select locations on these lands if they chose.

Undoubtedly it was the policy of this Government for the time to hold these and the adjacent lands as Indian country, and many of the expressions in the proclamations of my predecessors and in the reports of the Indian Bureau and of the Secretary of the Interior mean this and nothing more. This is quite different from a conditional title which limits the grant to a particular use and works a reinvestment of full title in the Indian grantors when that use ceases. But those who hold most strictly that a use for Indian purposes, where it is expressed, is a limitation of title seem to agree that the United States might pass a fee absolute to other Indian tribes in the lands ceded for their occupancy. Certainly it was not intended that in settling friendly Indians upon these lands the Government was to be restrained in its policy of allotment and individual ownership. If, for an adequate consideration by treaty, the United States placed upon these lands other Indian tribes, it was competent to give them patents in fee for a certain and agreed reservation. This being so, when the policy of allotment is put into force the compensation for the unused lands should certainly go to the occupying tribe, which, in the case supposed, had paid a full consideration for the whole reservation.

It will hardly be contended that in such case this Government should pay twice for the lands. In the appropriation under discussion this principle is in part recognized, for no claim is made by the Choctaws and Chickasaws for the lands allotted to the Cheyennes and Arapahoes. The claim is for unallotted or surplus lands. The case of the Cheyennes and Arapahoes is this: In consideration of other lands the Government gave them a treaty reservation in the Cherokee Outlet, but never perfected it by paying the Cherokees the stipulated price and placing these Indians upon it. The Cheyennes and Arapahoes declined to go upon the strip and located themselves further south, where they now are.

The Government subsequently recognized their right to remain there, and set apart the lands now being allotted to members of that tribe, and the lands for which payment is now claimed by the Choctaws and Chickasaws, as the Cheyenne and Arapaho Reservation. I think the United States must be held to have assented to the substitution of these lands for the treaty lands in the Cherokee Strip, and that being true, when the reservation is broken up, as now, by allotments, it would seem that the Cheyennes and Arapahoes were entitled to be compensated for these surplus lands. In fact, a commission which has been dealing with the tribes in the Indian Territory has concluded an arrangement with them by which the Government pays $1,500,000 for these surplus lands and for the release of any claim to the Cherokee Strip, so that, in fact, in this agreement with the Cheyennes and Arapahoes, the Government has paid for the lands for which payment is now claimed by the Choctaws and Chickasaws.

It should not be forgotten, also, that the allotment to the Cheyennes and Arapahoes is still incomplete. The method of calculation which resulted in stating the claim of the Choctaws and Chickasaws at $2,991,460 is explained by a letter of Mr. J. S. Standley, one of the Choctaw delegates, dated April 6, 1891. The agent for the Cheyennes and Arapahoes wrote Mr. Standley that there were 600 Indians residing upon the lands south of the Canadian River, and who it was supposed would take allotments there, and upon this statement the legislation was based. Now, it must be borne in mind that the Cheyennes and Arapahoes have the right to locate anywhere within their reservation, and that instead of 600, double that number might have taken their allotments south of the Canadian River upon these lands. This is not probable, but a later report indicates that the number will certainly be in excess of 600. If the sum to be paid to the Choctaws and Chickasaws depended upon a knowledge of the number of acres of unallotted land south of the Canadian River, it would seem to have been reasonable that the appropriation should have been delayed until the exact number of acres taken for allotment had been officially ascertained. This has not yet been done.

It is right also, I think, that Congress in dealing with this matter should have the whole question before it; for the declaration of Indian title contained in this item of appropriation extends to a very large body of land and will involve very large future appropriations. The Choctaw and Chickasaw leased district, embracing the lands in the Indian Territory between the ninety-eighth and one hundredth degrees of west longitude and extending north and south from the main Canadian River to the Red River, including Greer County, contains, according to the public surveys, 7,713,239 acres, or, excluding Greer County, 6,201,663 acres. This leased district is occupied as follows: Greer County, by white citizens of Texas, 1,511,576 acres. The United States is now prosecuting a case in the courts to obtain a judicial declaration that this county is part of the Indian country. If a decision should be rendered in its favor, the claim of the Choctaws and Chickasaws to be paid for these lands at the rate named in this appropriation would at once be presented.

The Wichita Reservation is also upon the leased lands and is occupied by the Wichitas, Caddoes, Delawares, and remnants of other tribes, by Department orders made to depend upon the treaty with the Delawares in 1866 and some other unratified agreements with tribes or fragments of tribes in 1872. This reservation contains 743,610 acres.

The Kiowa, Comanche, and Apache Reservation is occupied by those Indians under a treaty proclaimed August 25, 1868, which provides that said district of country "shall be, and the same is hereby, set apart for the absolute and undisturbed use and occupation of the tribes herein named, and for such friendly tribes or individual Indians as from time to time they may be willing (with the consent of the United States) to admit among them." This reservation contains 2,968,893 acres.

The Cheyennes and Arapahoes, whose surplus lands are to be paid for by this appropriation, have occupied the country between the Washita and Canadian Rivers extending west to the one hundredth degree of longitude. This reservation contains 2,489,160 acres.

I have stated these facts in order that it may be seen what further appropriations are involved in a settlement for all these lands upon the basis which Congress has adopted. It does not seem to me to be a wise policy to deal with this question piecemeal. It would have been better, if a remnant of title remains in the Choctaws and Chickasaws to the lands in the leased district to have settled the whole matter at once. Under the treaty of 1855 the Choctaws and Chickasaws quitclaimed any supposed interest of theirs in the lands west of the one hundredth degree. The boundary between the Louisiana purchase and the Spanish possessions by our treaty of 1819 with Spain was as to these lands fixed upon the one hundredth degree of west longitude.

Our treaty with the Choctaws and Chickasaws, made in 1820, extended their grant to the limit of our possessions. It followed, of course, that these lands were included within the boundaries of the State of Texas when that State was admitted to the Union, and the release of the Choctaws and Chickasaws, whatever it was worth, operated for the benefit of the State of Texas and not of the United States. The lands became public lands of that State. For the release of this claim and for the lease of the lands west of the ninety-eighth degree the Government of the United States paid the sum of $800,000. In the calculations which have been made to arrive at the basis of the appropriation under discussion, no part of this sum is treated as having been paid for the lease. I do not think that is just to the United States.

It seems probable that a very considerable part of this consideration must have related to the leased lands, because these were the lands in which the Indian title was recognized and the treaty gave to the United States a permanent right of occupation by friendly Indians. The sum of $300,000, paid under the treaty of 1866, is deducted, as I understand, in arriving at the sum appropriated. It seems to me that a considerable proportion of the sum of $800,000 previously paid should have been deducted, in the same manner.

I have felt it to be my duty to bring these matters to the attention of Congress for such action as may be thought advisable.

BENJ. HARRISON.

EXECUTIVE MANSION,
February 17, 1892.

Mr. HOLMAN. Mr. Chairman, I wish simply to call attention to three facts, and for one I thank the President of the United States for bringing this subject again to the attention of Congress, whatever may be the action of the House upon it. Of these three facts to which I wish to call attention the first is of the least importance, and yet it is of sufficient importance to call upon this House to stop until this matter is thoroughly understood. I refer to the fact stated by the President in the following paragraph:

> Very soon after the passage of the law it came to my knowledge that the Choctaw Legislature had entered into an agreement with three citizens of that tribe to pay to them as compensation for procuring this legislation 25 per cent of any appropriation that might be made by Congress. The amount to be secured by these three agents, under this agreement, out of the three-fourths interest in the appropriation of the Choctaw Nation, is $560,895. I have information that a contract was made by the Chickasaws to pay about 10 per cent of their one-fourth interest to the agents and attorneys who represented them—

Making in all 35 per cent of this enormous sum of nearly $3,000,000.

Having called attention to that matter, which does not go to the root of the controversy at all, as I admit, but which this House certainly should consider, I desire to call attention again to the

clear manner in which the President presents the facts; for, as I have sought to show, the whole of this controversy grew out of an incidental remark made by Hon. Carl Shcurz when holding the office of Secretary of the Interior, that this treaty was intended to be upon the same footing as the treaty with the Seminoles and the Creeks.

The President shows clearly that that interpretation could not possibly be correct for the reason that we had already exactly the same right to the land west of the ninety-eighth parallel as to those acquired from the Seminoles and the Creeks—the right to the land for the purpose of settling friendly Indians upon it. Then we made the treaty of 1866, by which we acquired the land absolutely, in fee simple, and paid for it without any reference whatever to its use. Yet as the President points out we are deliberately proposing now to pay $3,000,000 more for lands which we have already purchased without any limitation or condition whatever.

There is another matter to which I wish to call the attention of the committee. Even if this were possibly a just claim it would be a drain upon our Treasury which at this hour we may well hesitate to make. It is barely possible that your revenues may be sufficient to meet your expenditures up to the 30th of June next, but there will be scarcely anything in addition. I only mention this last matter and the first as going to the question of the expediency of acting upon this matter now. But the other point I press strongly upon the attention of the committee, that having first leased this land for a given purpose, that of settling friendly Indians upon it, we then purchased it outright and paid for it, and now it is proposed to pay $3,000,000 more.

Mr. Chairman, I reserve the remainder of my time.

Mr. PEEL. Mr. Chairman, there are some things which the gentleman from Indiana [Mr. HOLMAN] has said which I can not afford to leave unanswered. He has made statements as to matters which he formerly examined himself and as to which he held a different opinion from what he has expressed to-day. I challenge him or any other man to put his finger upon a single word of the treaty of 1855 under which these Indians received a solitary cent for these lands. In that treaty we paid them $800,000 for their interest in the lands west of the one hundredth meridian, embracing over 6,000,000 acres; and the lease he speaks of was given in the treaty of 1855 without any objection, in order that we might put upon those lands the Wichitas and other specified Indians, excluding all other Indians, and reserving the right to the Indians themselves to settle their own people upon it. In the Senate report will be found the proposition specifically laid down by the chairman of the commission that made the contract.

The then Commissioner of Indian Affairs, Mr. Cooley, in convention with these Indians, said to them that the land was wanted for no other purpose than to put friendly Indians upon it; and upon that basis the treaty was made. And not one cent did the Government give for that cession. The $300,000 that the gentleman speaks of was given in consideration of the agreement that the Choctaws and Chickasaws would incorporate into their communities as citizens the three thousand ex-slaves that they had among them, giving to each 40 acres as a home tract, and giving them also the right of suffrage. Two years were allowed to those Indians in which to do this, and if they failed to do it the negroes were to receive $100 apiece if they would voluntarily go into a different part of the country, and if they did not want to go, the last dollar of the money was to go back to the Government. And in point of fact the Choctaws and Chickasaws never received one cent from the Government for these lands. At no time have they ever received one single cent for this purpose, and to-day the lands, for the payment of which this appropriation was made in the last Congress, are being sold to the settlers of this country at $1.50 an acre, or 25 cents more than the amount appropriated to pay for them.

These people have been kept out of their money for two years. Oh, but they are Indians! it does not matter about them! Take their money out of the Treasury and do as you please with it, but do not pay them anything! Is it possible that a great government like this will stand, after a law that has been thoroughly discussed and considered by both Houses and the money appropriated, on a subterfuge of this kind and let them lie out of their money for years longer without interest! Why, they have already lost, if you but allow them the same rate of interest that is paid to other Indians of this country on their trust funds, about $300,000.

How much longer do you propose to keep them out of it? I do think it would be an outrage perpetrated on these helpless people to further withhold their money; and if gentlemen will examine the last message of the President of the United States, which I now hold in my hand, and read his language on this subject, they will find that the only objection he makes is to this excess of $48,800—which he puts in round numbers at $50,000—an excess arising because of the fact that the appropriation was necessarily changed because the allotments took more than was expected; and this very fund has been covered back into the Treasury by the resolution just passed.

Mr. HEARD. If I understand the statement of the gentleman from Arkansas, the lands acquired by this purchase from the Indians are to be disposed of for cash?

Mr. PEEL. That is the provision of the law.

Mr. HEARD. And that the proceeds will more than reimburse the amount appropriated from the Treasury?

Mr. PEEL. Yes, sir; 25 cents an acre more than it costs the Government.

Now, I know it is a great scarecrow to talk of these outside contracts with people for doing services of this character. I would like the gentleman to tell us why it was, after this matter was sifted to the very bottom by the Senate committee, and by the Senate itself, when this whole matter was thoroughly examined in the Senate of the United States, they found no such provision as the gentleman from Indiana refers to except contracts between the Choctaws and their own people, which were made openly and fairly and without corruption. It has been thoroughly purged and settled as far as that question is concerned, and the President's annual message of a few days ago never intimates such a thing as the gentleman from Indiana suggests. The evidence filed with the Department, and all the investigations covering the transaction, show that it was a fair and square business. It may be a large contract, but I ask the gentleman from Indiana what the Congress of the United States has to do with the contracts that these people choose to make?

We passed a law in the Fiftieth Congress remitting to the various States of the Union the direct taxes which had been paid by them. Agents were paid by these various States, in almost every one of them, a large percentage of the money collected from the Government. Who objected to that payment on the part of the General Government because the States agreed to pay out a part of it to their own agents?

I would like to know what authority we have for dealing with the funds of the five civilized tribes in the manner the gentleman from Indiana would deal with them. Here is a people thoroughly organized, as far as a government is concerned. They have had a local government for fifty years, with a governor, a Legislature, senate and house, lower courts and supreme court, attorney-general, and treasurer; as perfect as the organization of the State of Indiana. They have been carrying on their own local affairs all these years, and I repeat now that we are bound, under our treaties with them, to allow them local self-government, and to control matters belonging to their own community in their own way. It is their own money, and if they saw proper to throw every single dollar of it into the Arkansas River the next day after they received it, Congress has nothing to say in opposition to it. The contract that they made with their own people with regard to this matter is a subject with which they alone have a right to deal. We pay the money, in the language of the appropriation, and that is the end of it as far as Congress is concerned. They may do just what they please with it.

I repeat, Mr. Chairman, the Senate discussed this matter in every phase of the question. Is it to be believed by this committee that that great body, with able men on both sides of its Chamber, made a mistake when they took up this matter in the last session, and with the special message of the President before them, just read by the Clerk of this House, after an intelligent and exhaustive discussion of twelve hours, almost unanimously adopted this identical resolution and thereby set up their judgment that there was nothing in the message warranting Congress to change the law? I say, after that was done can it be claimed, as is claimed by the gentleman from Indiana, that there was wrong and fraud back of it, and that Congress should retrace its steps?

I will yield five minutes of my time to my colleague, Mr. BRECKINRIDGE.

Mr. BRECKINRIDGE of Arkansas. Mr. Chairman, the gentleman from Indiana [Mr. HOLMAN], in speaking of the amount of the payment that the tribes agreed to make to their special agents for prosecuting their claim through Congress, said it was 25 per cent and 10 per cent, making a total of 35 per cent of the total amount of the award. I call the attention of the committee to that as a striking inaccuracy on the part of the gentleman from Indiana. There is, according to the agreement, 25 per cent to be paid out of one portion and 10 per cent out of the other portion.

Mr. HOLMAN. That is true.

Mr. BRECKINRIDGE of Arkansas. Then your other statement was inaccurate.

Mr. HOLMAN. My attention was engaged at the time and I made an error in the figures. I see the President states it as 25 per cent out of three-quarters of the sum and 10 per cent out of the other quarter.

Mr. BRECKINRIDGE of Arkansas. That corrects the statement of the gentleman, and consequently that will end what I have to say upon that point, because the gentleman now ceases his contention in that regard. The gentleman states that we acquired an absolute title to this property at the time that the Government paid $800,000 to these Indians.

Mr. HOLMAN. No, $300,000. The other was only a lease. The perpetual lease was for $800,000 and the $300,000 was for the final title.

Mr. BRECKINRIDGE of Arkansas. Then it stands in this form, that we consider land worth a rental of $800,000, and that it is proper for us to buy outright for $300,000. That is rather an extraordinary proposition, Mr. Chairman, that property that will rent for $800,000, renting fairly and equitably, nobody charging any unfairness, can yet be fairly disposed of outright for $300,000. Why, as a matter of course any one can tell, in looking at a proposition of that sort, that there is a serious infirmity in it somewhere.

What was that $300,000 given for? The gentleman does not read from the treaty. He has some time left, and I wish he would read that portion of the treaty.

Mr. HOLMAN. I did read section 3 of the treaty.

Mr. BRECKINRIDGE of Arkansas. I will read something out of the treaty.

Mr. HOLMAN. It is the third article of the treaty of 1866. I will furnish the gentleman with the treaty itself if he wishes it.

Mr. BRECKINRIDGE of Arkansas. I have an extract here that I used on a former occasion. Unless I have the marked copy that I then used I could not refer to it readily. This is the language of the treaty:

Until the Legislatures of the Choctaw and Chickasaw Nations, respectively, shall have made such laws, rules, and regulations as may be necessary to give all persons of African descent, resident in the said nations at the date of the treaty of Fort Smith and their descendants, heretofore held in slavery among said nations, all the rights, privileges, and immunities, including the right of suffrage, of citizens of said nations, except in the annuities, moneys, and public domain claimed by or belonging to said nations respectively, and also to give to such persons who were residents as aforesaid and their descendants 40 acres each of the land of said nations on the same terms as the Choctaws and Chickasaws and Kansas Indians have made their selections, as herein provided.

It was to pay these nations for parting with 40 acres of land to each one of their former slaves. That was the purpose.

Mr. HOLMAN. Read the third section.

Mr. BRECKINRIDGE of Arkansas. I will read some more directly, and the gentleman, in his own time can read all he wishes. These nations were to part with a portion of their land for the benefit and for the individual ownership of people of African descent who had formerly been their slaves, and the Government of the United States was paying them for those respective parcels of 40 acres of land.

Now, suppose they did not give these 40-acre tracts of land, what then was to be done with this $300,000? First, if they do it, then says the treaty:

And immediately on the enactment of such laws, rules, and regulations the said sum of $300,000 shall be paid to the said Choctaw and Chickasaw Nations in the proportion of three-fourths to the former and one-fourth to the latter.

And if they do not give these 40-acre tracts of land, then, says the treaty:

It shall be held for the use and benefit of such persons of African descent as the United States shall remove from the said territory in such manner as the United States shall deem proper.

The pending resolution does not relate to the 40-acre tracts of land which were bought for the former slaves of the Indian tribes, but it relates to the other part of this land. And the Government here shows that it could not acquire even 40 acres of it without paying for it. It was not embraced under that allotment.

Now I trust the gentleman will try to substantiate anything to the contrary out of that treaty.

Mr. PEEL. Mr. Chairman, I will yield five minutes to the gentleman from Michigan [Mr. BURROWS] if he is present, and if not, I will yield five minutes to the gentleman from Texas [Mr. CULBERSON], or ten minutes if he wishes that much time.

Mr. CULBERSON. Mr. Chairman, when this measure was before the last Congress I made a slight investigation of the facts and the law as I understood it, and I came to the conclusion that this cession by the Choctaw Indians to the Government of the United States ought to be construed along with and in reference to the proposition submitted by the officers of the United States Government when this treaty was made.

Now, if I recollect aright, and I have not had an opportunity to gather up the facts in the case, there were seven propositions submitted to the council which negotiated this treaty. The seventh proposition made to the council by the officers of the Government of the United States was to the effect that all the lands acquired by the United States from the Indians by virtue of these treaties which were then to be made, should be used and held in trust by the Government of the United States for the purpose of settling friendly Indians upon it. Now, it is true, Mr. Chairman, that all the treaties made at that time with reference to the cession of lands carry along with them in express terms this trust, except the treaty made by the Choctaw tribes. But this proposition was distinctly made to the representatives of the Choctaw Nation, and by reference to the report of the Commissioner who negotiated this treaty for the Government of the United States it will be seen, if I recollect correctly, that he expressly notifies the Government that this treaty was made by the representatives of the Choctaw Nation upon the terms of these seven propositions.

Now, every officer of the Government, from 1866 down to a year or so ago, when this controversy arose, has construed this treaty in that way. Not a single Secretary of the Interior, not a single Commissioner of the Land Office, has ever construed this treaty except as carrying along with it this implied trust; and the Supreme Court of the United States, in declaring upon the effect of treaties made with the Indians, have declared that these treaties are to be construed, and must be construed, not with reference to the literal language of the treaty, but with reference to the propositions and assurances given the Indians when these treaties were made.

Now, Mr. Chairman, no less a distinguished Secretary than Mr. Schurz first made a construction of this treaty, and he held plainly that the Government was certainly bound by the implied trust not to settle any persons upon this Territory except friendly Indians, and in accordance with the terms of the treaty. That construction has been acquiesced in ever since that time, and the Government of the United States has uniformly declared that it had no power, no authority, nor any right whatever to settle any other persons upon these lands except friendly Indians and freedmen; and it has never been considered a part of the public domain subject to settlement under the homestead act, or otherwise to open the Territory; but they expressly refused to open or admit these lands to settlement under the homestead act.

Again, Mr. Chairman, if I may be permitted, the consideration of $300,000 mentioned in this treaty forms no consideration whatever, as I understand it, for the cession of this land. The $300,000 was agreed to be paid by the Government for the purpose of facilitating the removal of the freedmen out of the national lands of the Choctaw Nation into the leased lands, and to provide them with homes. Now, these people had received $800,000 for the land in 1855 from the Government of the United States in consideration of a lease for an indefinite time, in order that the Government of the United States might settle friendly Indians upon this territory.

Mr. BRECKINRIDGE of Arkansas. If the gentleman will permit me, I desire to state that it was not that, but only for certain friendly Indians, and a very limited number?

Mr. CULBERSON. I have not time to specify the friendly Indians who were to be settled on it, but "friendly Indians" covers the suggestion of the gentleman.

When this treaty was made with the Indians, they were expressly assured that the only object the Government had for this land was to carry out its Indian policy. If gentlemen will get the seventh proposition submitted to the council, they will see exactly what was intended.

Mr. PEEL. The fifth, sixth, and seventh.

Mr. CULBERSON. Now, Mr. Chairman, the $300,000 was never paid for the purchase and in consideration for these lands, and only $800,000 has been received by these people for it. I think, on the whole, the United States is making a very good bargain with these people in getting these lands for the price agreed upon.

Mr. PEEL. Mr. Chairman, I will ask the Clerk to read the fifth, sixth, and seventh propositions, which the gentleman from Texas alluded to, in order to show the object and purpose of the Government; and I will further ask the Clerk to read that portion of the decision of Secretary Schurz to which the gentleman from Indiana [Mr. HOLMAN] has alluded as a mere incidental remark. It is an official decision.

The Clerk read as follows:

Fifth. A part of the Indian country to be set apart to be purchased for the use of such Indians from Kansas and elsewhere as the Government may desire to colonize therein.

Sixth. That the policy of the Government to unite all the tribes of this region into one consolidated government should be accepted.

Seventh. No white person, except officers, agents, and employés of the Government, or of any internal improvement company authorized by the Government, will be permitted to reside in the Territory unless formally incorporated with some tribe according to the usage of the band.

The Secretary of the Interior, in an official communication to the Secretary of War, dated May 1, 1879, said:

"The lands ceded by the Choctaws and Chickasaws were, by article 9 of the treaty of June 22, 1855, leased to the United States for the permanent settlement of the Wichitas, and such other tribes or bands of Indians as the Government may desire to locate therein. The treaty of 1866 substituted a direct purchase for the lease, but did not extinguish or alter the trust."

Mr. PEEL. Now, Mr. Chairman, if no other gentleman desires to take part in the debate, I shall move that the committee rise.

Mr. HOLMAN. I believe I have a few minutes left.

Mr. PEEL. I did not know whether the gentleman desired to occupy the time he had left.

Mr. HOLMAN. I believe I have thirteen minutes left.

The CHAIRMAN. The gentleman from Indiana has thirteen minutes left.

Mr. HOLMAN. I yield four minutes to the gentleman from Illinois [Mr. SMITH].

Mr. SMITH of Illinois. Mr. Chairman, I think there is enough involved in this case to demand a careful consideration from this House.

One reason assigned why we should adopt the resolution offered by the gentleman from Arkansas is that after a long and labored debate in the Senate that body agreed that this ought to be done. While I have great respect for the opinion of the gentlemen at the other end of this Capitol, I am not disposed always to accept their decisions in every matter, and especially do I feel in this case that we ought to give the pending question a little more consideration than has been given to it. In addition to the suggestions offered by the gentleman from Indiana [Mr. HOLMAN] in opposition to this resolution, I desire to call the attention of the House to a reference made to the same subject by the President in his last annual message, which I think we ought to consider in connection with this resolution. The President says:

In a special message to this Congress at the last session I stated the reasons why I had not approved the deed for the release to the United States by the Choctaws and Chickasaws of the lands formerly embraced in the Cheyenne and Arapaho Reservation and remaining after allotments to that tribe. A resolution of the Senate expressing the opinion of that body that, notwithstanding the facts stated in my special message, the deed should be approved and the money, $2,991,450, paid over, was presented to me May 10, 1892. My special message was intended to call the attention of Congress to the subject, and in view of the fact that it is conceded that the appropriation proceeded upon a false basis as to the amount of lands to be paid for, and is by $50,000 in excess of the amount they are entitled to (even if their claim to the land is given full recognition at the rate agreed upon), I have not felt willing to approve the deed, and shall not do so, at least until both Houses of Congress have acted upon the subject. It has been informally proposed by the claimants to release this sum of $50,000, but I have no power to demand or accept such a release, and such an agreement would be without consideration and void.

Now, Mr. Chairman, if these are the facts and if the amount appropriated is $50,000 in excess of what ought to be paid to these Indians, even if their title is good, it certainly seems to me that we ought to take time to properly consider this matter before acting upon it finally.

Mr. PEEL. Is my friend aware that we have already this morning passed a joint resolution covering that excess into the Treasury?

Mr. SMITH of Illinois. I was not aware of that, although I have been in the House nearly all the morning. But even if that be the case, yet, from the discussion here this morning, as well as on the passage of the appropriation bill, and from the discussion in the Senate, it seems that there is a wide difference of opinion among members of the House as to the rights of these Indians in this matter, and therefore I think the subject should be fully considered before we act finally upon it.

Mr. HOLMAN. Mr. Speaker, I wish to occupy a few moments more. My friend from Arkansas [Mr. PEEL] made the statement, I think, that even the $300,000 had not been paid. Now, the President says in distinct terms:

The United States paid to the Choctaws and Chickasaws, $300,000.

Mr. PEEL. Mr. Speaker, I did not make the statement which my friend attributes to me. I said that no part of that money went for the land.

Mr. HOLMAN. Now, Mr. Speaker, I admit the plausibility of the argument of my friend from Texas [Mr. CULBERSON]—he always argues well—but I must insist that the preliminary proposition made to the Indians or by the Indians can not properly be considered in this matter. It is the final treaty that must govern, and I do not think the House should go back of that treaty. I hope there will be no misunderstanding about this matter. The first treaty is too clear to talk about. It says:

The Choctaw Indians do hereby absolutely and forever quitclaim and relinquish to the United States all their right, title, and interest in and to any and all lands west of the one hundredth degree of west longitude, and the Choctaws and Chickasaws do hereby lease to the United States all that portion of their common territory west of the ninety-eighth degree of west longitude for the permanent settlement of the Wichitas and such other tribes or bands of Indians as the Government may desire to locate thereon

What could be more specific than that? We acquired this lease, as expressly declared here, for the purpose of settling upon these lands the Wichitas and such other tribes as the United States might think proper to settle there.

Mr. BRECKINRIDGE of Arkansas. But there is a further limitation, if the gentleman will read on—such other tribes within certain limits.

Mr. HOLMAN. My friend ought to have read this in his own time. Here is a clear lease of these lands for the purpose of settling friendly Indians upon them, yet gentlemen are now claiming that the subsequent treaty of 1866 had exactly the same object in view, namely, to provide for the settlement of friendly Indians upon these lands, and now we are called upon to pay nearly $3,000,000 more for a right which we had absolutely acquired by the treaty of 1866.

Notwithstanding the plausible argument of my friend from Texas this treaty of 1866 could not possibly have any meaning if it was designed to confirm a right we had already acquired. The President of the United States in his special message has stated this matter very well.

I understand my friend from Arkansas to state in regard to the $800,000 payment under the treaty of 1855 that the Indians did not get that money for the land. Now, let me refer to the language of article 10 of that treaty.

In consideration of the foregoing relinquishment and lease and as soon as practicable after the ratification of this convention, the United States shall pay to the Choctaws the sum of $600,000, and to the Chickasaws the sum of $200,000, in such manner as their general councils shall respectively direct.

We paid $800,000 for the lease of the land upon which to settle friendly Indians; and subsequently, according to the statement of the President in his message, and according to the terms of the treaty, we paid the $300,000 for the absolute property in the land.

Mr. JOSEPH D. TAYLOR. Does the provision which the gentleman has just read relate to this same land?

Mr. HOLMAN. Of course it does.

Mr. JOSEPH D. TAYLOR. Lands west of the one hundredth meridian?

Mr. HOLMAN. There were no Indian lands west of the one hundredth meridian; they were claiming certain rights which were never conceded. The land involved was between the ninety-eighth meridian and the one hundredth. We leased the land in the first place for the purpose of settling friendly Indians upon it; then we extinguished the title of the Indian absolutely; and now it is proposed that we pay $3,000,000 more for this land which is already ours.

I am content, Mr. Speaker, to leave the matter right here. I hope this Committee of the Whole will sustain the message of the President, and not take action which will operate to direct the payment of this money.

Mr. PEEL. Mr. Chairman, I have no doubt the gentleman would be glad to let the matter rest right here if he could induce this Committee of the Whole to accept his statement as correct. I do not mean to imply that he has intentionally misstated the facts. But with the provision right before his eyes declaring that the $800,000 paid under that treaty of 1855 was in consideration of the relinquishment of all right, title, and claim of the Choctaws and Chickasaws to lands west of the one hundredth meridian, he says, in reply to the gentleman from Ohio [Mr. JOSEPH D. TAYLOR], that we did not have any such lands. Why, sir, we had over 6,000,000 acres, and the sum named was not 6 cents an acre.

Mr. HOLMAN. Will my friend allow me a moment?

Mr. PEEL. I ask my friend to wait and not speak in my time.

Mr. HOLMAN. I ask the gentleman to read the tenth article of the treaty, so that the House may not be misled.

Mr. PEEL. If we did not have any land west of the one hundredth meridian, we had covenanted with those Indians on that basis; we had issued to them patents for that land; and I presume that when a man makes a deed for certain land which he does not own he is answerable as if he had owned it?

Mr. HOLMAN. Did we not have the land?

Mr. PEEL. I say we did, and the gentleman says we did not. I now say that it does not make any difference whether we did or did not have the land. We had, in 1820, executed the treaty with these Indians providing for a conveyance to them of 6,000,000 acres of land west of the one hundredth meridian. If we did not have the land, then the Indians were to that extent the losers, and I presume we ought to make good their loss. But we did have the land. As I have said, the $800,000 mentioned in that treaty was absolutely not 6 cents an acre for the 6,000,000 acres. And now the gentleman from Indiana wants to make this Committee of the Whole believe that the money paid under that treaty was a part of the consideration for the lease of the district west of the ninety-eighth meridian.

Mr. HOLMAN. I refer the gentleman to what the treaty says.

Mr. PEEL. The lease was with the object of putting certain specified Indians on the lands, reserving to the Indians making the lease the right to put their own people there also. As Secretary Schurz has said, the cession of 1866 superseded the lease which was made in 1855, but the purpose of the Government continued the same; the trust was not changed. The official report made by the Secretary of the Interior on this subject a few years after the making of the treaty has been read by the Clerk.

I am surprised to hear gentlemen who have investigated this question make here such statements as have been made. I challenge any gentleman to establish the contrary of what I have stated. I have investigated this question from beginning to end, and it has been investigated by men far the superiors of my friend from Indiana or myself in legal ability. Judge Parker, of the Federal court at Fort Smith, has gone over this whole question in a judicial judgment and has declared from the bench that these lands were held in trust by the Government, every single foot of them, under the treaty of 1866. Secretary Schurz, as the gentleman from Texas has said, decided this question officially.

Secretary Kirkwood followed in his footsteps, and decided the same way. Secretary Teller followed in the same line and gave identically the same decision. And as the gentleman from Texas has said, no officer of this Government, judicial or otherwise, ever questioned that decision until this matter arose in the last Congress.

Mr. Chairman, how much time have I remaining?

The CHAIRMAN. Five minutes.

Mr. PEEL. If the gentleman from Indiana [Mr. HOLMAN] has anything more to say, I reserve the balance of my time.

The CHAIRMAN. The gentleman from Indiana has four minutes.

Mr. HOLMAN. Mr. Chairman, I wish to read again the tenth article of the treaty of 1855, and to call the attention of my friend from Arkansas again to the misapprehension into which he has fallen:

In consideration of the foregoing relinquishment—

That is the relinquishment of lands west of the one hundredth meridian—

In consideration of the foregoing relinquishment and lease—

Lease of what? Lease of lands west of the ninety-eighth meridian.

And as soon as practicable after the ratification of this convention the United States shall pay to the Choctaws the sum of $600,000, and to the Chickasaws the sum of $200,000, in such manner as their general councils shall respectively direct.

In consideration of the foregoing relinquishment and lease—

And yet my friend from Arkansas thinks we never paid for this land at all.

I reserve the remainder of my time.

Mr. PEEL. Well, I do not care to conclude until the gentleman exhausts the time on his side. I think I have the closing. If the gentleman does not choose to continue his remarks, I will close the debate. [Cries of "Vote!" "Vote!"]

Mr. HOLMAN. I shall not occupy further time.

Mr. PEEL. I will only say that if the gentleman would carefully examine the matter he will find that so far as the cession of land west of the one hundredth meridian was concerned it came from the Choctaws alone.

Mr. HOLMAN. Why, then, were the Chickasaws paid $200,000?

Mr. PEEL. Why were they paid that sum? Why, because we got over 6,000,000 acres of land for the $800,000, and conceded that much to the Chickasaws.

I move now that the committee rise and report the resolution favorably to the House.

Mr. DINGLEY. I desire, Mr. Chairman, to take the floor for a few minutes.

The CHAIRMAN. There remains but two minutes on the side of the gentleman from Indiana, which the Chair understood was relinquished, and three on the other side.

Mr. DINGLEY. I would like about five minutes.

Mr. HOLMAN. I hope the gentleman from Maine will be allowed that time.

Mr. PEEL. I think the debate, Mr. Chairman, has been ample. We have agreed as to the time, and I do not want to reopen this discussion.

Mr. DINGLEY. But I understood the time had not expired.

Mr. PEEL. I believe the gentleman from Indiana has two minutes remaining.

Mr. HOLMAN. I will yield that to the gentleman if it will be of any service to him.

Mr. DINGLEY. It would be hardly worth while to undertake to say anything in that time.

The CHAIRMAN. The question then is on the motion of the gentleman from Arkansas, that the committee rise and report the resolution favorably to the House.

The question was taken; and on a division there were—ayes 98, noes 18.

Mr. HOLMAN. There is no quorum; but with the understanding that there may be a yea-and-nay vote in the House that point will not be insisted upon.

Mr. PEEL. The gentleman from Indiana has a right to ask for the yeas and nays in the House.

Mr. HOLMAN. I know; but I want it to be agreed in committee——

Mr. KILGORE. I make the point that no quorum has voted.

The CHAIRMAN. The Chair will appoint as tellers the gentleman from Texas [Mr. KILGORE] and the gentleman from Arkansas [Mr. PEEL].

Mr. PEEL. I have no objection, Mr. Chairman, to agreeing that there shall be a yea-and-nay vote in the House.

Mr. KILGORE. But that does not meet the proposition.

Mr. PEEL. I agree to his request for a yea-and-nay vote.

Mr. KILGORE. Mr. Chairman, as that was the proposition of the gentleman from Indiana, I will be content with that understanding myself and withdraw the point.

Mr. HOLMAN. Let it be agreed that there shall be a yea-and-nay vote in the House.

The CHAIRMAN. Of course such an agreement does not bind the House.

Mr. HOLMAN. Certainly not, but it binds the honor of gentlemen.

Mr. PEEL. There will be no doubt about that in the House.

Mr. HOLMAN. If the gentleman himself will favor it——

Mr. PEEL. Certainly.

Mr. HOLMAN. Then of course it will be carried out in good faith.

Mr. KILGORE. I withdraw the point of order.

So (no further count being demanded) the motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. OUTHWAITE reported that the Committee of the Whole House on the state of the Union, having had under consideration a resolution relating to the awards of the Choctaw and Chickasaw Indians, had directed him to report the same to the House with a favorable recommendation.

Mr. PEEL. I ask the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the adoption of the resolution just reported from the Committee of the Whole.

Mr. HOLMAN. On that it was understood that the yeas and nays were to be taken.

Mr. PEEL. That was the agreement.

The yeas and nays were ordered.

The question was taken; and there were—yeas 163, nays 47, not voting 119; as follows:

YEAS—163.

Alderson,	Clark, Wyo.	Houk, Tenn.	Pierce,
Alexander,	Clover,	Johnson, Ind.	Post,
Allen,	Cobb, Mo.	Johnson, N. Dak.	Powers,
Amerman,	Coburn,	Jolley,	Price,
Andrew,	Cockran,	Kem,	Randall,
Antony,	Coolidge,	Kribbs,	Reyburn,
Arnold,	Cooper,	Lagan,	Richardson,
Atkinson,	Covert,	Lanham,	Robertson, La.
Babbitt,	Cox, N. Y.	Lapham,	Rockwell,
Barwig,	Crosby,	Lawson, Va.	Scott,
Belden,	Culberson,	Lawson, Ga.	Scull,
Belknap,	Cummings,	Layton,	Seerley,
Bentley,	Cutting,	Long,	Shonk,
Boatner,	Daniell,	Loud,	Simpson,
Bowers,	De Armond,	Lynch,	Sperry,
Bowman,	Dixon,	Mallory,	Springer,
Branch,	Doan,	McKaig,	Stewart, Tex.
Brawley,	Dockery,	McKeighan,	Stockdale,
Breckinridge, Ark.	Donovan,	McKinney,	Stone, C. W.
Breckinridge, Ky.	Durborow,	McLaurin,	Stone, Ky.
Bretz,	English,	McRae,	Stump,
Brickner,	Enloe,	Meyer,	Tarsney,
Broderick,	Enochs,	Miller	Taylor, J. D.
Brookshire,	Epes,	Mitchell,	Taylor, V. A.
Brown, Ind.	Everett,	Moore,	Terry,
Brunner,	Forman,	Mutchler,	Tillman,
Buchanan, Va.	Funston,	Newberry,	Townsend,
Bullock,	Fyan,	Oates,	Tracey,
Burrows,	Gantz,	O'Ferrall,	Tucker,
Busey,	Geary,	Ohliger,	Turpin,
Byrns,	Geissenhainer,	O'Neill, Pa.	Van Horn,
Cable,	Gillespie,	Otis,	Warner,
Campbell,	Gorman,	Outhwaite,	Wheeler, Ala.
Caruth,	Grady,	Owens,	White,
Castle,	Greenleaf,	Page,	Wike,
Catchings,	Haynes, Ohio	Parrett,	Williams, N. C.
Cate,	Heard,	Pattison, Ohio	Wilson, Wash.
Causey,	Hilborn,	Peel,	Wilson, Mo.
Cheatham,	Hoar,	Pendleton,	Wilson, W. Va.
Chipman,	Hooker, N. Y.	Perkins,	Winn.
Clancy,	Houk, Ohio	Pickler,	

NAYS—47.

Abbott,	Capehart,	Halvorson,	Pearson,
Bacon,	Cobb, Ala.	Hamilton,	Robinson, Pa.
Bankhead,	Cox, Tenn.	Hare,	Smith,
Beltzhoover,	Crawford,	Harries,	Snodgrass,
Bergen,	Davis,	Henderson, N. C.	Snow,
Blanchard,	Dingley,	Holman,	Stephenson,
Bland,	Dunphy,	Kilgore,	Steward, Ill.
Blount,	Elliott,	Kyle,	Stone, W. A.
Broslus,	Fitch,	Lane,	Stout,
Buchanan, N. J.	Forney,	Mansur,	Turner,
Butler,	Griswold,	O'Donnell,	Williams, Ill.
Bynum,	Hall,	Patton,	

NOT VOTING—119.

Bailey,	Flick,	Little,	Russell,
Baker,	Fowler,	Livingston,	Sanford,
Bartine,	Goodnight,	Lockwood,	Sayers,
Beeman,	Grout,	Lodge,	Shell,
Bingham,	Hallowell,	Magner,	Shively,
Boutelle,	Harmer,	Martin,	Sipe,
Brown, Md.	Harter,	McAleer,	Stahlnecker,
Bryan,	Hatch,	McClellan,	Stevens,
Bunn,	Haugen,	McCreary,	Storer,
Bunting,	Hayes, Iowa	McGann,	Sweet,
Bushnell,	Hemphill,	McMillin,	Taylor, Ill.
Cadmus,	Henderson, Iowa	Meredith,	Taylor, Tenn.
Caldwell,	Henderson, Ill.	Milliken,	Taylor, E. B.
Caminetti,	Herbert,	Montgomery,	Wadsworth,
Clarke, Ala.	Hermann,	Morse,	Walker,
Cogswell,	Hitt,	Moses,	Washington,
Compton,	Hooker, Miss.	Norton,	Watson,
Coombs,	Hopkins, Pa.	O'Neil, Mass.	Waugh,
Cowles,	Hopkins, Ill.	O'Neill, Mo.	Weadock,
Crain,	Huff,	Patterson, Tenn.	Wever,
Curtis,	Hull,	Payne,	Wheeler, Mich.
Dalzell,	Johnson, Ohio	Paynter,	Whiting,
De Forest,	Johnstone, S. C.	Quackenbush,	Willcox,
Dickerson,	Jones,	Raines,	Williams, Mass.
Dolliver,	Kendall,	Ray,	Wilson, Ky.
Dungan,	Ketcham,	Rayner,	Wise,
Edmunds,	Lester, Ga.	Reed,	Wolverton,
Ellis,	Lester, Va.	Reilly,	Wright,
Fellows,	Lewis,	Rife,	Youmans.
Fithian,	Lind,	Rusk,	

So the resolution was agreed to.

The Clerk announced the following pairs:

Until further notice:

Mr. MCCREARY with Mr. MORSE.

Mr. PAYNTER with Mr. MILLIKEN.

Mr. GOODNIGHT with Mr. KETCHAM.

Mr. MONTGOMERY with Mr. WEVER.

Mr. ELLIS with Mr. HUFF.

Mr. HATCH with Mr. HARMER.

Mr. WILLCOX with Mr. RUSSELL.

Mr. WASHINGTON with Mr. SANFORD.

Mr. FITHIAN with Mr. TAYLOR of Tennessee.

Mr. LESTER of Georgia with Mr. LODGE.

Mr. CLARKE of Alabama with Mr. HOPKINS of Illinois.

For this day:

Mr. DICKERSON with Mr. QUACKENBUSH.

Mr. SAYERS with Mr. BINGHAM.

Mr. MCMILLIN with Mr. COGSWELL.

Mr. CRAIN with Mr. TAYLOR of Illinois.

Mr. HOOKER of Mississippi with Mr. FLICK.

Mr. MOSES with Mr. HENDERSON of Iowa.

Mr. REILLY with Mr. PAYNE.

Mr. HERBERT with Mr. HERMANN.

Mr. JOHNSTONE of South Carolina with Mr. RIFE.

Mr. NORTON with Mr. RAY.

Mr. LIVINGSTON with Mr. GROUT.

Mr. CAMINETTI with Mr. SWEET.

Mr. BRYAN. Mr. Speaker, I would like to vote.

The SPEAKER. Was the gentleman in his seat and listening, and did he fail to hear his name?

Mr. BRYAN. I was in during the roll call, but not when my name was passed.

The SPEAKER. Not until it was passed?

Mr. BRYAN. Not until it was passed.

The SPEAKER. The Chair does not think he can entertain the request.

The result of the vote was then announced as above recorded.

On motion of Mr. PEEL, a motion to reconsider the last vote was laid on the table.

CHANGE OF REFERENCE.

The SPEAKER. The resolution the title of which the Clerk will report was referred to the Committee on Rules.

The Clerk read as follows:

Resolution to investigate certain rulings and practices in the Post-Office Department.

The SPEAKER. The Committee on Rules ask to be discharged from the further consideration of the resolution, and that it be referred to the Committee on the Post-Office and Post-Roads. Without objection it will be so referred.

There was no objection.

AGREEMENT WITH THE KICKAPOO INDIANS.

Mr. PEEL. Mr. Speaker, I call up the bill (H. R. 7633) to ratify and confirm an agreement with the Kickapoo Indians in the Oklahoma Territory, and to make appropriations for carrying the same into effect.

The SPEAKER. The Chair will call the attention of the gentleman from Arkansas [Mr. PEEL] to the fact that this bill is on the Union Calendar and must first be considered in the Committee of the Whole.

Mr. PEEL. I move that the House resolve itself into the Committee of the Whole on the state of the Union for the purpose of considering this bill.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole House on the state of the Union for the purpose of considering the bill H. R. 7633, with Mr. OUTHWAITE in the chair.

The CHAIRMAN. The Clerk will proceed with the reading of the bill.

The Clerk read as follows:

Whereas David H. Jerome, Alfred M. Wilson, and Warren G. Sayre, duly appointed commissioners on the part of the United States, did, on the 9th day of September, 1891, conclude an agreement with the Kickapoo Indians in Oklahoma Territory, formerly a part of the Indian Territory, which said agreement is as follows:

"Articles of agreement made and entered into on the Kickapoo Reservation, in the Indian Territory, on the 21st day of June, A. D. 1891, by and between David H. Jerome, Alfred M. Wilson, and Warren G. Sayre, commissioners on the part of the United States, and the Kickapoo tribe of Indians, in the Indian Territory, and completed at the city of Washington, D. C., on this 9th day of September, 1891.

"ARTICLE I.

"The said Kickapoo tribe of Indians in the Indian Territory hereby cede, convey, transfer, and relinquish, forever and absolutely, without any reservation whatever, all their claim, title, and interest of every kind and character in and to the lands embraced in the following-described tract of country in the Indian Territory, to wit:

"Commencing at the southwest corner of the Sac and Fox Reservation; thence north along the western boundary of said reservation to the Deep Fork of the Canadian River; thence up said Deep Fork to the point where it intersects the Indian meridian; thence south along said Indian meridian to the North Fork of the Canadian River; thence down said river to the place of beginning.

"ARTICLE II.

"In consideration of the cession recited in the foregoing article, the United States agrees that in said tract of country there shall be allotted to each and every member, native and adopted, of said Kickapoo tribe of Indians in the Indian Territory, 80 acres of land, to conform in boundary to the legal surveys of said land. Each and every member of said tribe of Indians over the age of 18 years shall have the right to select for himself or herself 80 acres of land, to be held and owned in severalty; and that the father, or, if he be dead, the mother shall have the right to select a like amount of land, under the same restrictions, for each of his or her children under the age of 18 years; and that the Commissioner of Indian Affairs, or someone appointed by him for the purpose, shall select a like amount of land, under the same restrictions, for each orphan child belonging to said tribe under the age of 18 years.

"It is hereby further expressly agreed that no person shall have the right to make his or her selection of land in any part of said tract of country that is now used or occupied, or that has, or may hereafter be, set apart for military, agency school, school farm, religious, town site, or other public uses, or in sections sixteen (16) and thirty-six (36) in each Congressional township; provided, in cases where any member of said tribe of Indians has heretofore made improvements upon, and now occupies and uses, a part of said sections sixteen (16) and thirty-six (36), such person may make his or her selection, according to the legal subdivisions, so as to include his or her improvements. It is further agreed that wherever, in said tract of country, any one of said Indians has made improvements, and now uses and occupies the land embracing such improvements, such Indian shall have the undisputed right to make his or her selection, to conform to legal subdivisions, however, so as to include such improvements.

"ARTICLE III.

"All allotments hereunder shall be selected within ninety days from the ratification of this agreement by the Congress of the United States, provided the Secretary of the Interior in his discretion may extend the time for making such selections; and should any Indian entitled to allotment hereunder fail or refuse to make his or her selection of land in such time, then the allotting agent in charge of said work of making such allotments, shall, within the next thirty (30) days after said time, make allotments to such Indians, which shall have the same force and effect as if the selections had been made by the Indians themselves.

"ARTICLE IV.

"When said allotments of land shall have been selected and taken as aforesaid, and approved by the Secretary of the Interior, the titles thereto shall be held in trust for the benefit of the allottees, respectively, for a period of twenty-five (25) years, in the manner and to the extent provided for in the act of Congress entitled 'An act to provide for the allotment of land in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and Territories over the Indians, and for other purposes.' Approved February 8, 1887.

"And at the expiration of the said twenty-five (25) years the title thereto shall be conveyed in fee simple to the allottees or their heirs free from all incumbrances, provided the President may at the end of said period extend the time the land shall be so held, in accordance with the provisions of the above-recited act.

"ARTICLE V.

"In addition to the allotments above provided for and the other benefits to be received under the preceding articles, and as the only further consideration to be paid for the cession and relinquishment of title above recited, the United States agrees to pay the said Kickapoo Indians, to be distributed among them per capita under the direction of the Commissioner of Indian Affairs, for the improvement of their said allotments and for other purposes for their benefit, the sum of $64,650; provided, that the number of allotments of land provided for shall not exceed 300. But if the number of allotments shall exceed 300, then there shall be deducted from the said sum of $64,650 the sum of $50 for each allotment in excess of the 300; provided, however, that should the Kickapoos elect to have any or all of said money in the Treasury of the United States it shall bear interest at the rate of 5 per cent per annum after the ratification by Congress of this contract.

"ARTICLE VI.

"It is hereby further agreed that wherever, in this reservation, any religious society or other organization is now occupying any portion of said reservation for religious or educational work among the Indians the land so occupied may be allotted and confirmed to such society or organization, not however to exceed one hundred and sixty (160) acres of land to any one society or organization, so long as the same shall be so occupied and used, and such land not be subject to homestead entry.

"ARTICLE VII.

"This agreement shall have effect whenever it shall be ratified by the Congress of the United States.

"In witness whereof the said commissioners on the part of the United States have hereunto set their hands and the undersigned, members of the said tribe of Kickapoo Indians in the Indian Territory, have set their hands the day and year first above written.

"DAVID H. JEROME,
"ALFRED M. WILSON,
"WARREN G. SAYRE,
"Commissioners on the part of the United States."

"KICKAPOO VILLAGE, *August 16, 1891.*

At a special council called to elect delegates to send to Washington to make deals with the Government about our homes, we give Oc qua Noc a Sey and Kee Soc cau mee waw, and John T. Hill full power and authority to deal with the Government or Commission, and they have full power to settle with them or the Government of the United States of America.

During the reading

Mr. PEEL said: Mr. Chairman, this contract is very long, and it will be taken up by sections anyway. I ask unanimous consent to dispense with the first reading. Then we can go on and take the bill up by sections.

Mr. HOLMAN. I think we should have it read through.

The Clerk resumed and completed the reading as above stated.

Mr. PEEL. I ask unanimous consent that the Clerk omit the names signed to this agreement. There are a lot of Indian names, and of course it is not necessary to read them.

The CHAIRMAN. If there is no objection, it will be so ordered.

The Chair hears no objection.

Mr. PEEL. I now hope the gentleman from Indiana [Mr. HOLMAN] will accept my suggestion as to the first reading of the bill. I want to say in justice to the Committee on Indian Affairs that the contract with the Cherokees is the most important measure we have. I should have called up that bill in preference to this, but this is unfinished business coming over from the last session, and I am directed by the committee to call up this bill. Therefore I am compelled to do so, but I hope to get through with it and to reach the contract with the Cherokees.

Mr. HOLMAN. I hope my friend will not take up the Cherokee contract to-day.

Mr. PEEL. I thought we might get through with this small matter and then we could reach the Cherokee bill and get it in the RECORD.

Mr. HOLMAN. Very few of us have had an opportunity to examine this bill.

Mr. PEEL. The Cherokee bill can be printed in the RECORD.

Mr. HOLMAN. I was not aware that the Committee on Indian Affairs were to have to-day.

Mr. PEEL. It was made a special order for to-day. We want to get the Cherokee bill before the people, and then, when it comes up on another day, gentlemen will be familiar with it.

Mr. HOLMAN. I will consent to waive the first reading of this bill now under consideration, of course with the understanding that it will be read by sections for amendment.

The CHAIRMAN. If there is no objection the first formal reading of the bill will be dispensed with.

There was no objection.

The CHAIRMAN. The Clerk will now read the bill by sections.

The Clerk read as follows:

SEC. 3. That whenever any of the lands acquired by this agreement shall, by operation of law or proclamation of the President of the United States, be open to settlement or entry, they shall be disposed of (except sections 16 and 36 in each township thereof) to actual settlers only, under the provisions of the homestead and town-site laws (except section 2301 of the Revised Statutes of the United States, which shall not apply): *Provided, however*, That each settler on said lands shall, before making a final proof and receiving a certificate of entry, pay to the United States for the land so taken by him, in addition to the fees provided by law, and within five years from the date of the first original entry, the sum of $1.50 cents an acre; but the rights of honorably discharged Union soldiers and sailors, as defined and described in sections 2304 and 2305 of the Revised Statutes of the United States, shall not be abridged, except as to the sum to be paid as aforesaid, and such person, having complied with all the laws relating to such homestead settlement, may, at his option, receive a patent therefor at the expiration of twelve months from date of settlement upon said homestead; and any person otherwise qualified who has attempted to, but for any cause failed to, secure a title in fee to a homestead under existing law shall be qualified to make a homestead entry upon said lands.

Mr. HOLMAN. Mr. Chairman, I wish to call the attention of my friend from Arkansas to what seems to be an inconsistency in this section. It reads as follows:

SEC. 3. That whenever any of the lands acquired by this agreement shall, by operation of law or proclamation of the President of the United States, be open to settlement or entry, they shall be disposed of (except sections 16 and 36 in each township thereof) to actual settlers only, under the provisions of the homestead and town-site laws (except section 2301 of the Revised Statutes of the United States, which shall not apply).

Now, that is a pure homestead provision; but further on down there is a further modification of the homestead law proposed, which I hope my friend will not insist upon. That the rights of honorably discharged Union soldiers and sailors—

shall not be abridged, except as to the sum to be paid as aforesaid, and such person, having complied with all the laws relating to such homestead settlement, may, at his option, receive a patent therefor at the expiration of twelve months from date of settlement upon said homestead.

Mr. PEEL. I will ask my friend if that is not already the law?

Mr. HOLMAN. It is not the law except as to one lot of land. When the original Oklahoma bill was passed there was a provision which was afterwards modified so as to change the period, I believe.

Mr. HARVEY. To twelve months.

Mr. HOLMAN. Now, at the time when that occurred special attention was not called to it, and my observation was, that when that land was opened, and the land still farther west, a large number of persons took advantage of that provision, went there, and settled upon the land simply for the purpose of speculation. This Kickapoo land is one of the best bodies of land in the Indian Territory. It is on the North Fork of the Canadian River, is well watered, heavily timbered, and is very valuable for agricultural purposes. Now, I submit to my friend that the period in which commutation could be made under the homestead law ought not to be cut down.

Mr. HARVEY. It is the same as it is now. They can commute after fourteen months' residence.

Mr. HOLMAN. We repealed the preëmption law, so that if that section 2301 of the Revised Statutes does not apply it would be just as well to leave it there; but since that was put in the original bill we have repealed the preëmption law.

Mr. PICKLER. Anybody can commute after fourteen months' residence under the general homestead law——

Mr. HOLMAN. Oh, no.

Mr. PICKLER. At $1.25 per acre. Under the old law the soldier who served four years must at least have resided one year on the land, as this provides.

Mr. HOLMAN. Do you mean the act of March 3, 1891, provided that?

Mr. PICKLER. Yes, sir. It reduces the commutation to any person to fourteen months' residence and $1.25 per acre. This compels the soldier to live on the land twelve months.

Mr. HOLMAN. My recollection was that that only applied to the land we got from the Sioux Indians.

Mr. PICKLER. That is general with homestead land.

Mr. HOLMAN. Then, Mr. Chairman, I suggest that this be put on the same basis of fourteen months. I think that this is one of the bad features of that bill. When Oklahoma was opened there were hundreds of persons who went into that Territory just simply for the purpose of speculation. I move to strike out the words "twelve months" and insert "fourteen months." And, gentlemen, I think you should, in spite of the precedent which has been set, be more restrictive in this matter, because there is very little land remaining that is subject to homestead settlement; and I warn you that you are opening this land to speculation, in spite even of this limitation of fourteen months.

Mr. HARVEY. This is not for speculation. Farm meets farm, and there is no danger of its not being occupied. We want to make the land taxable as rapidly as possible.

Mr. HOLMAN. It would all be taxed, but it would all be occupied if you apply the homestead law to it. Hundreds of persons would settle on these lands for speculative purposes, remain there fourteen months, and sell them, and then return to their original homes in different States, so that very few actual settlers would have the benefit of it. I move to strike out "twelve" and insert "fourteen," in line 21.

Mr. PEEL. I am perfectly willing to accept that amendment.

Mr. HOLMAN. I am exceedingly reluctant to see the lands thus thrown open to settlement.

Mr. PICKLER. Now, the gentleman from Indiana would not require a different law or change the homestead law in that section of the country and not change it generally?

Mr. HOLMAN. No, sir.

Mr. PICKLER. The general law allows commutation after fourteen months' residence.

Mr. HOLMAN. But the gentleman will remember that we had to get it through in some form or other so as to get a repeal of the preëmption and timber-culture laws.

The question was taken on the amendment, and it was agreed to.

The CHAIRMAN. Will the chairman of the committee suggest what shall be done with the bill?

Mr. MANSUR. The amendments recommended by the committee have not yet been agreed to.

The Clerk read as follows:

On page 13, strike out all after the words "fifty dollars," in line 5, to the end of the section.

The amendment was agreed to.

The Clerk read as follows:

In section 3, after the word "that," inline 1, insert: "$55,000, to be deposited in the Treasury of the United States, and to bear interest at the rate of 5

per cent per annum, said interest to be expended annually for the benefit of said Indians in such manner as provided in said agreement. Five thousand one hundred and seventy-two dollars shall be paid to John T. Hill, for services rendered said Indians under contract approved by the Secretary of the Interior, and $4,478 shall be paid to said Indians per capita, under the direction of the Secretary of the Interior."

The amendment was agreed to.

New sections 4, 5, 6, 7, and 8, recommended by the committee, which are as follows, were severally agreed to, to wit:

SEC. 4. That within ninety days after the approval of this act the President of the United States shall, by proclamation, declare the lands ceded in said contract, except the allotments provided for of said agreement, to be part of the public domain of the United States and open to settlement by actual settlers and citizens of the United States under the homestead laws of the United States only as hereinafter provided.

SEC. 5. That the Secretary of the Interior is authorized and directed to issue a patent to Samuel Eliza Deweese for the northwest quarter of section 14, township 14, range 10 east, upon his paying all fees provided by law, and $1.50 per acre for said land.

SEC. 6. That no person who is the owner, in his or her own right, of 160 acres of land, or who shall be the owner of real estate in any city or town of the United States the aggregate value of which shall exceed $3,000, shall be allowed to enter or hold any of said lands.

SEC. 7. That no person who has had the benefit of the homestead laws of the United States to the extent of procuring title to as much as 160 acres shall be allowed to take or enter any of the lands embraced in the agreement ratified by this act: *Provided*, That persons who have homesteaded and procured title to less than 160 acres of land shall be allowed to homestead enough of the lands in said agreement to equal 160 acres.

SEC. 8. That no person who has heretofore made homestead entry of any Indian lands heretofore opened to settlement within the limits of the Territory of Oklahoma or who has occupied or set up claim to any of such lands shall be allowed to homestead or otherwise hold any of the lands embraced in the agreement ratified by this act unless he or she, as the case may be, has lost the same by due process of law upon contest or otherwise.

The Clerk read as follows:

SEC. 9. That all homestead entries of the lands embraced in the agreement ratified by this act shall be initiated by actual location and going upon the land in person by the entryman and commencing substantial and lasting improvements thereon, and the occupant shall file formal application in proper land office, under this act, within four months after date of entry by occupancy.

Mr. SIMPSON. Mr. Chairman, I desire to offer an amendment, which I send to the desk.

The amendment was read, as follows:

Section 9, line 3, insert after the word "land" the words "and living on same three months."

The amendment was agreed to.

The amendment as amended was adopted.

Section 10 of the committee amendments was read, as follows:

SEC. 10. That the President shall give at least thirty days' notice before said lands shall be thrown open to settlement; he shall fix the time for entering upon said lands for settlement under this act, which time shall be at least thirty days before the date named for persons to enter; and persons entering upon any of said lands before the time fixed in the President's proclamation shall not only forfeit all rights in and to any of said lands, but shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum not less than $200 nor more than $1,000: *Provided*, That persons entering under authority of law shall be exempt from the fine prescribed in this section.

Mr. MANSUR. Mr. Chairman, I move to amend by striking out the words "at least thirty days," so as to make the provision read that "the President shall give notice before said lands shall be thrown open to settlement." Let the President issue his proclamation opening the lands to settlement, and let every one be free to go in from that moment. This thirty days' notice, as has been demonstrated, simply draws unscrupulous speculators from every State in the Union, who rush in to get title to tracts of land and then sell their claims within a day, or a week, or a month.

The effect of that provision is to concentrate too many people there for speculative purposes, men who go there simply for speculation and with no intention or desire to make homes. There are thousands of people all through that country who have a sincere and honest desire to take up and settle these lands in good faith, but they are generally people with limited means of locomotion, so that when they go in they must go with an ox team or a slow horse team, while these speculators rush in on fast horses and get the best claims.

I think that gentlemen who are familiar with the location of lands in that region will agree with me that of those who first take possession of locations not one-half remain at the end of thirty days, and my idea is that it would be better to simply authorize the President to declare by proclamation the opening of the lands to settlement on and after a certain date and leave him free to give one day's notice or three days' notice as he sees fit. This thirty days' notice seems in practice simply to put a premium on speculation and rascality.

Mr. DINGLEY. Would not the effect of the gentleman's amendment be to deprive every person who did not reside in the immediate neighborhood of an opportunity to take these lands?

Mr. MANSUR. In a certain sense it would have the effect of depriving some persons of that opportunity; but, as I have suggested, the President may give three days' notice if he sees fit. That ought to be enough. Thirty days' notice enables people to come from California, and from Maine, and from the remotest parts of the country.

Mr. DINGLEY. And why should not a poor citizen of Maine who desires to take up a homestead on these lands be permitted to do so?

Mr. MANSUR. I agree with the gentleman that such persons should be permitted to do so, but it is the speculators I object to.

Mr. DINGLEY. Ah, but you assume that all those who come from these distant States are not honest settlers.

Mr. MANSUR. It is not an assumption. We know by actual observation that the great majority of those who come from these distant States come to make money by speculating in these lands.

Mr. PEEL. Mr. Chairman, I hope the committee will not agree to the amendment of the gentleman from Missouri. My experience is, and I suppose that his will agree with mine, that when lands have been opened for settlement without due notice the effect has been to give an unfair advantage to those living in the immediate neighborhood, and many of whom are there, I may say professionally, for the purpose of taking up these lands to the exclusion of people from a distance who wish to acquire homesteads. If the gentleman will examine the other provision of this bill he will find that these professional land speculators are excluded.

Mr. MANSUR. Not wholly.

Mr. PEEL. Whereas if we require the President to give at least thirty days' notice, every man in the remotest part of the country will know what is going on just as well as the men who live in the neighborhood.

Mr. MANSUR. But suppose the President should give three days' or ten days' notice? The amendment does not prescribe how much notice he shall give.

Mr. PEEL. The bill provides that he shall give not less than thirty days' notice.

Mr. MANSUR. I know it does, but I do not think it ought to.

The amendment was rejected—ayes 5, noes 50.

The Clerk read the committee's amendment, new section 11, as follows:

SEC. 11. That every person who may enter upon and set up claim to any lands embraced in the agreement ratified by this act, knowing that he or she, as the case may be, is not entitled to take and hold the same under this act, shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum not less than $200 nor more than $1,000 and be imprisoned not less than six months for each offense.

Mr. PICKLER. Mr. Chairman, I desire to offer an amendment to this section, by adding at the close the following:

Provided, That no person who shall be upon said lands within twenty-four hours previous to the time of the opening of said lands to settlement by the President's proclamation shall acquire title to any such lands.

The amendment was adopted.

The section as amended was agreed to.

Section 12 of the committee's amendment was read, as follows:

SEC. 12. That it shall be unlawful for any person, for himself or for any other person or persons, company, association, or corporation, to directly or indirectly procure any other person or persons, company, association, or corporation to settle upon any of the lands opened to settlement under this act with intent of acquiring the title thereto, and any title so procured shall be absolutely void, and all parties, their agents or attorneys, connected in any way, either directly or indirectly, in such fraudulent and unlawful transaction shall be deemed guilty of a misdemeanor, and upon conviction shall be fined separately and severally in any sum not less than $200 nor more than $1,000, and imprisoned for any period not less than six nor more than twelve months.

The amendment was adopted.

The next section was read and agreed to, as follows:

SEC. 13. That sections numbered 16 and 36 in each township of the lands by this act opened to settlement shall be, and the same are hereby, reserved for the purpose of being applied to the schools, under the provisions of section 18 of the act of Congress entitled "An act to provide a temporary government of the Territory of Oklahoma, to enlarge the jurisdiction of the United States court in the Indian Territory, and for other purposes," approved May 2, 1890.

The Clerk read the following:

SEC. 14. That all lands embraced in the agreement ratified by this act shall be entered under the homestead laws of the United States only: *Provided*, That each settler shall pay to the United States, as hereinafter provided, in addition to the usual local office fees, $1.50 per acre for each acre: *Provided*, That the settler in each case may be allowed to pay for the same as follows: One-half of the purchase price at the end of two years from date of entry; the remainder at the end of four years from date of entry: *Provided*, That in no case shall patent issue until all the purchase money is fully paid.

Mr. HOLMAN. I observe that this provision does not contemplate the payment of any interest.

Mr. PEEL. I do not think we should charge the settler interest. We are charging him more for these lands than the Government pays for them.

The section was agreed to.

Mr. PEEL. I move that the committee rise and report the bill as amended to the House with a favorable recommendation.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. OUTHWAITE reported that the Committee of the Whole on the state of the Union having had under con-

sideration the bill (H. R. 7633) to ratify and confirm an agreement with the Kickapoo Indians in Oklahoma Territory, and to make appropriation for carrying the same into effect, had directed him to report the same with amendments, and with the recommendation that it be passed as amended.

Mr. PEEL. I ask the previous question upon the amendments and upon the bill to the engrossment and third reading.

The previous question was ordered.

The question being taken upon agreeing to the amendments (no separate vote being demanded), they were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. PEEL, a motion to reconsider the last vote was laid on the table.

AGREEMENT WITH CHEROKEE INDIANS.

Mr. PEEL. I now call up the bill (H. R. 9190) to ratify and confirm an agreement with the Cherokee Nation of Indians of the Indian Territory, to make appropriation for carrying out the same, and for other purposes.

The SPEAKER. This bill is in the Committee of the Whole on the state of the Union.

Mr. PEEL. I move that the House resolve itself into Committee of the Whole for the consideration of the bill.

ADJOURNMENT TILL SATURDAY.

Mr. HOLMAN. Before the question is taken on the motion of the gentleman from Arkansas [Mr. PEEL], I desire to submit a motion that when the House adjourns to-day it adjourn to meet on Saturday next.

Mr. PEEL. I have not yielded the floor.

The SPEAKER. The motion of the gentleman from Indiana [Mr. HOLMAN] is a privileged motion.

The question was put.

The SPEAKER. The ayes seem to have it.

Mr. BOATNER. I call for a division.

The question being again taken, there were—ayes 88, noes 36.

Mr. BOATNER. No quorum.

Tellers were ordered; and Mr. HOLMAN and Mr. BOATNER were appointed.

Mr. SPRINGER. Let us have the yeas and nays.

Mr. PEEL. I hope the gentleman will not insist on that demand. I am anxious that we shall go into Committee of the Whole on the bill which I have called up, and at least have the bill read.

Mr. SPRINGER. We can not get a quorum except by a call of the yeas and nays.

The yeas and nays were ordered, 57 voting in favor thereof.

The question was taken; and there were—yeas 104, nays 66, not voting 159; as follows:

YEAS—104

Alderson,	Cummings,	Kilgore,	Powers,
Allen,	De Armond,	Kribbs,	Price,
Antony,	Dingley,	Lawson, Ga.	Reed,
Babbitt,	Dockery,	Lind,	Reyburn,
Bankhead,	Dolliver,	Livingston,	Robertson, La.
Barwig,	Dunphy,	Long,	Rockwell,
Belden,	Durborow,	Lynch,	Scott,
Belknap,	Forman,	Mallory,	Seerley,
Bentley,	Forney,	McKeighan,	Simpson,
Bland,	Geary,	Miller,	Sipe,
Blount,	Griswold,	Moses,	Smith,
Boatner,	Hallowell,	Newberry,	Springer,
Boutelle,	Halvorson,	O'Donnell,	Stephenson,
Brosius,	Hamilton,	O'Ferrall,	Stockdale,
Bryan,	Harries,	Ohliger,	Stone, C. W.
Bullock,	Harter,	O'Neill, Pa.	Stump,
Burrows,	Hayes, Iowa	Otis,	Tarsney,
Bynum,	Heard,	Outhwaite,	Tracey,
Cable,	Henderson, Ill.	Owens,	Turner,
Cadmus,	Holman,	Patterson, Tenn.	Turpin,
Campbell,	Hooker, N. Y.	Pattison, Ohio	Warner,
Capehart,	Houk, Ohio	Pearson,	Waugh,
Caruth,	Houk, Tenn.	Pendleton,	Wheeler, Ala.
Catchings,	Hull,	Perkins,	White,
Cate,	Johnson, Ind.	Pickler,	Wike,
Coombs,	Jolley,	Post,	Wilson, Wash.

NAYS—66.

Abbott,	Coolidge,	Grady,	Oates,
Alexander,	Cooper,	Hilborn,	Patton,
Amerman,	Covert,	Johnson, N. Dak.	Peel,
Andrew,	Cox, N. Y.	Jones,	Snow,
Atkinson,	Cox, Tenn.	Kem,	Steward, Ill.
Branch,	Crawford,	Kyle,	Stewart, Tex.
Brawley,	Crosby,	Lagan,	Stone, Ky.
Breckinridge, Ky.	Daniell,	Lanham,	Stout,
Bretz,	Davis,	Lapham,	Terry,
Brookshire,	Dixon,	Lawson, Va.	Tillman,
Brunner,	Doan,	Layton,	Tucker,
Busey,	Elliott,	Loud,	Williams, Ill.
Butler,	Enloe,	Mansur,	Wilson, Mo.
Byrns,	Epes,	McKaig,	Winn,
Clark, Wyo.	Everett,	McLaurl	Wise.
Clover,	Gantz,	McRae,	
Cobb, Ala.	Gorman,	Meyer,	

NOT VOTING—159.

Arnold,	Dalzell,	Kendall,	Robinson, Pa.
Bacon,	DeForest,	Ketcham,	Rusk,
Bailey,	Dickerson,	Lane,	Russell,
Baker,	Donovan,	Lester, Va.	Sanford,
Bartine,	Dungan,	Lester, Ga.	Sayers,
Beeman,	Edmunds,	Lewis,	Scull,
Beltzhoover,	Ellis,	Little,	Shell,
Bergen,	English,	Lockwood,	Shively,
Bingham,	Enochs,	Lodge,	Shonk,
Blanchard,	Fellows,	Magner,	Snodgrass,
Bowers,	Fitch,	Martin,	Sperry,
Bowman,	Fithian,	McAleer,	Stahlnecker,
Breckinridge, Ark.	Flick,	McClellan,	Stevens,
Brickner,	Fowler,	McCreary,	Stone, W. A.
Broderick,	Funston,	McGann,	Storer,
Brown, Ind.	Fyan,	McKinney,	Sweet,
Brown, Md.	Geissenhainer,	McMillin,	Taylor, Ill.
Buchanan, N. J.	Gillespie,	Meredith,	Taylor, Tenn.
Buchanan, Va.	Goodnight,	Milliken,	Taylor, E. B.
Bunn,	Greenleaf,	Mitchell,	Taylor, J. D.
Bunting,	Grout,	Montgomery,	Taylor, V. A.
Bushnell,	Hall,	Moore,	Townsend,
Caldwell,	Hare,	Morse,	Van Horn,
Caminetti,	Harmer,	Mutchler,	Wadsworth,
Castle,	Hatch,	Norton,	Walker,
Causey,	Haugen,	O'Neil, Mass.	Washington,
Cheatham,	Haynes, Ohio	O'Neill, Mo.	Watson,
Chipman,	Hemphill,	Page,	Weadock,
Clancy,	Henderson, Iowa	Parrett,	Wever,
Clarke, Ala.	Henderson, N. C.	Payne,	Wheeler, Mich.
Cobb, Mo.	Herbert,	Paynter,	Whiting,
Coburn,	Hermann,	Pierce,	Willcox,
Cockran,	Hitt,	Quackenbush,	Williams, Mass.
Cogswell,	Hoar,	Raines,	Williams, N. C.
Compton,	Hooker, Miss.	Randall,	Wilson, Ky.
Cowles,	Hopkins, Pa.	Ray,	Wilson, W. Va.
Crain, Tex.	Hopkins, Ill.	Rayner,	Wolverton,
Culberson,	Huff,	Reilly,	Wright,
Curtis,	Johnson, Ohio	Richardson,	Youmans.
Cutting,	Johnstone, S. C.	Rife,	

So the motion was agreed to.

The following additional pairs were announced:

Mr. GEISSENHAINER with Mr. BERGEN, until further notice.

Mr. O'NEIL of Massachusetts, with Mr. CURTIS.

Mr. MOORE with Mr. HITT.

Mr. HENDERSON of North Carolina, with Mr. BARTINE.

Mr. STEVENS with Mr. RANDALL, for the rest of this day.

Mr. BOATNER (before the result of the vote was announced). Mr. Speaker, I wish to change my vote from "no" to "aye."

The result of the vote was then announced as above recorded.

Mr. WILSON of West Virginia. I ask to have my name recorded.

The SPEAKER. The Chair can not entertain the request at this time under the rule.

Mr. BOATNER. I move to reconsider the vote by which the resolution was agreed to.

Mr. SPRINGER. I move to lay that motion on the table.

The question was taken; and on a division (demanded by Mr. BOATNER) there were—ayes 119, noes 9.

So the motion was laid on the table.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted, as follows:

To Mr. BAILEY, indefinitely, on account of sickness in his family.

To Mr. MOSES, indefinitely, on account of sickness in his family.

To Mr. LESTER of Virginia, for the rest of the week, on account of important business.

To Mr. CHEATHAM, indefinitely, on account of sickness.

AGREEMENT WITH THE CHEROKEE INDIANS.

Mr. SPRINGER. I move that the House do now adjourn.

Mr. PEEL. I hope the gentleman will withdraw that for a moment, as I want to go into Committee of the Whole on the Cherokee bill.

Mr. SPRINGER. Very well.

Mr. PEEL. I want to have the bill printed in the RECORD, and then will move that the committee rise, so that the House can adjourn.

Mr. HOLMAN. I ask unanimous consent to have it printed in the RECORD now.

Mr. PEEL. Then I ask unanimous consent that the bill I sent up recently be printed in the RECORD, and also that the first reading be dispensed with.

Mr. HOLMAN. I think the first reading ought not to be dispensed with; but I do not object to printing the bill in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas that the bill be printed in the RECORD?

There was no objection.

The bill is as follows:

A bill (H. R. 9190) to ratify and confirm an agreement with the Cherokee Nation of Indians of the Indian Territory, to make appropriation for carrying out the same, and for other purposes.

Whereas David H. Jerome, Alfred M. Wilson, and Warren G. Sayre, duly appointed commissioners on the part of the United States, did, on the 19th

day of December, 1891, conclude an agreement with Elias C. Boudinot, Joseph A. Scales, George Downing, Roach Young, Thomas Smith, William Triplett, and Joseph Smallwood, duly appointed commissioners on the part of the Cherokee Nation of Indians in the Indian Territory; and

Whereas the Cherokee national council did, by an act approved by the principal chief of the said nation on the 4th day of January, 1892, accept, ratify, and confirm said agreement on behalf of the said Cherokee Nation, which said act of the said national council of the Cherokee Nation is in words and figures as follows, to wit:

An act to ratify and confirm certain articles of agreement by and between the United States and the Cherokee Nation of Indians, in the Indian Territory.

Whereas it is provided by section 14 of the act of Congress entitled "An act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1889, and for other purposes," approved March 2, 1889, that—

"SEC. 14. The President is hereby authorized to appoint three commissioners, not more than two of whom shall be members of the same political party, to negotiate with the Cherokee Indians and with all other Indians owning or claiming lands lying west of the ninety-sixth degree of longitude in the Indian Territory, for the cession to the United States of all their title, claim, or interest of every kind or character in and to said lands, and any and all agreements resulting from such negotiation, shall be reported to the President and by him to Congress at its next session, and to the council or councils of the nation or nations, tribe or tribes, agreeing to the same, for ratification, and for this purpose the sum of $25,000, or so much thereof as may be necessary, is hereby appropriated, to be immediately available: *Provided*, That said commission is further authorized to submit to the Cherokee Nation the proposition that said nation shall cede to the United States, in the manner and with the effect afore-said, all the rights of said nation in said lands upon the same terms as to payment as is provided in the agreement made with the Creek Indians of date January 19, 1889, and ratified by the present Congress; and if said Cherokee Nation shall accept and, by act of its legislative authority duly passed, ratify the same, the said lands shall thereupon become a part of the public domain for the purpose of such disposition as is herein provided, and the President is authorized, as soon thereafter as he may deem advisable, by proclamation, to open said lands to settlement in the same manner and to the same effect as in this act provided concerning the lands acquired from said Creek Indians; but until said lands are opened for settlement by proclamation of the President no person shall be permitted to enter upon and occupy the same, and no person violating this provision shall be permitted to enter any of said lands or acquire any right thereto."

And whereas David H. Jerome, Alfred M. Wilson, and Warren G. Sayre have been duly appointed, qualified, and commissioned as such commissioners; and

Whereas, by an act of the Cherokee national council, approved November 16, 1891, among other things, it is provided:

"That the principal chief is hereby authorized, by and with the advice and consent of the Senate, to appoint a commission of seven persons, with authority to meet and enter into negotiations with the above-named commission, appointed by the President of the United States, for the cession of the lands of the Cherokee Nation west of the ninety-sixth degree of west longitude, and for the final adjustment of all questions of interest between the United States and the Cherokee Nation which are now unsettled; and it shall be the duty of said commission on the part of the Cherokee Nation to report their proceedings in full to the national council for their approval and ratification, and that of the Cherokee people, in such manner as the national council may decide to be necessary, before the same shall be obligatory and binding on the Cherokee Nation."

And whereas Elias C. Boudinot, Joseph A. Scales, Roach Young, William Triplett, Thomas Smith, Joseph Smallwood, and George Downing have been duly appointed and qualified as such commissioners; and

Whereas said commissioners, so representing the United States upon the one part and the Cherokee Nation upon the other part, have made, concluded, and signed certain articles of agreement in the words and figures following, to wit:

Articles of agreement made and concluded at Tahlequah, in the Indian Territory, on the 19th day of December, A. D. 1891, by and between David H. Jerome, Alfred M. Wilson, and Warren G. Sayre, commissioners on the part of the United States, and Elias C. Boudinot, Joseph A. Scales, George Downing, Roach Young, Thomas Smith, William Triplett, and Joseph Smallwood, commissioners on the part of the Cherokee Nation.

ARTICLE I.

The Cherokee Nation, by act duly passed, shall cede and relinquish all its title, claim, and interest of every kind and character in and to that part of the Indian Territory bounded on the west by the one hundredth degree of west longitude; on the north by the State of Kansas; on the east by the ninety-sixth degree of west longitude, and on the south by the Creek Nation, the Territory of Oklahoma, and the Cheyenne and Arapaho Reservation, created or defined by Executive order dated August 10, 1869. The tract of land embraced within the above boundaries containing 8,144,682.91 acres more or less.

ARTICLE II.

For and in consideration of the above cession and relinquishment the United States agrees:

First. That all persons now residents, or who may hereafter become residents, in the Cherokee Nation, and who are not recognized as citizens of the Cherokee Nation by the constituted authorities thereof, and who are not in the employment of the Cherokee Nation, or in the employment of citizens of the Cherokee Nation, in conformity with the laws thereof, or in the employment of the United States Government, and all citizens of the United States who are not resident in the Cherokee Nation under the provisions of treaty or acts of Congress, shall be deemed and held to be intruders and unauthorized persons within the intent and meaning of section 6 of the treaty of 1835, and sections 26 and 27 of the treaty of July 19, 1866, and shall, together with their personal effects, be removed without delay from the limits of said nation by the United States, as trespassers, upon the demand of the principal chief of the Cherokee Nation. In such removal no houses, barns, outbuildings, fences, orchards, growing crops, or other chattels real, being attached to the soil and belonging to the Cherokee Nation, the owner of the land shall be removed, damaged, or destroyed, unless it shall become necessary in order to effect the removal of such trespassers: *Provided always*, That nothing in this section shall be so construed as to affect in any manner the rights of any persons in the Cherokee Nation under the ninth article of the treaty of July 19, 1866.

Second. That article 15 of the treaty of July 19, 1866, by and between the United States and the Cherokee Nation, shall be abrogated and held for naught from and after the day that Congress may ratify this agreement providing for such cession and relinquishment of title: *Provided*, That the rights of any person or persons heretofore acquired under and by virtue of said article 15 shall in no manner, and to no extent whatever, be affected by such abrogation.

Third. The judicial tribunals of the Cherokee Nation shall have exclusive jurisdiction in all civil and criminal cases arising in the Cherokee country, in which members of the Cherokee Nation, by nativity or adoption, shall be the only parties.

Fourth. The United States shall, without delay, render to the Cherokee Nation, through any agent appointed by authority of the national council, a complete account of moneys due the Cherokee Nation under any of the treaties ratified in the years 1817, 1819, 1825, 1828, 1833, 1835-'36, 1846, 1866, and 1868, and any laws passed by the Congress of the United States for the purpose of carrying said treaties, or any of them, into effect; and upon such accounting should the Cherokee Nation, by its national council, conclude and determine that such accounting is incorrect or unjust, then the Cherokee Nation shall have the right within twelve months to enter suit against the United States in the Court of Claims, with the right of appeal to the Supreme Court of the United States by either party, for any alleged or declared amount of money promised but withheld by the United States from the Cherokee Nation, under any of said treaties or laws, which may be claimed to be omitted from, or improperly or unjustly or illegally adjusted in said accounting; and the Congress of the United States shall, at its next session after such case shall be finally decided and certified to Congress according to law, appropriate a sufficient sum of money to pay such judgment to the Cherokee Nation should judgment be rendered in her favor; or if it shall be found upon such accounting that any sum of money has been so withheld, the amount shall be duly appropriated by Congress, payable to the Cherokee Nation, upon the order of its national council, such appropriation to be made by Congress if then in session, and if not, then at the session immediately following such accounting.

Fifth. That any citizen of the Cherokee Nation, who, prior to the 1st day of November, 1891, was a bona fide resident upon and further had, as a farmer and for farming purposes, made permanent and valuable improvements upon any part of the land herein ceded and who has not disposed of the same, but desires to occupy the particular lands so improved as a homestead and for farming purposes, shall have the right to select one-eighth of a section of land, to conform however to the United States surveys; such selection to embrace, as far as the above limitation will admit, such improvements. The wife and children of any such citizen shall have the same right of selection that is above given to the citizen, and they shall have the preference in making selections to take any lands improved by the husband and father that he can not take—until all of his improved land shall be taken.

That any citizen of the Cherokee Nation not a resident within the land herein ceded, who, prior to the 1st day of November, 1891, had for farming purposes made valuable and permanent improvements upon any of the land herein ceded, shall have to select one-eighth of a section of land to conform to the United States surveys; such selection to embrace, as far as the above limitation will admit, such improvements.

It is further agreed and understood that the number of such allotments shall not exceed seventy in number, and the land allotted shall not exceed 5,600 acres; that such allotments shall be made and confirmed under such rules and regulations as shall be prescribed by the Secretary of the Interior, and when so made and confirmed shall be conveyed to the allottees respectively by the United States in fee simple.

It is further agreed that from the price to be paid to the Cherokee Nation for the cession herein provided for there shall be deducted the sum of $1.40 for each acre so taken in allotment.

Sixth. That in addition to the foregoing enumerated considerations for the cession and relinquishment of title to the lands hereinbefore provided, the United States shall pay to the Cherokee Nation at such time and in such manner as the Cherokee national council shall determine the sum of $8,595,736.12, in excess of the sum of $728,389.46, the aggregate of amounts heretofore appropriated by Congress and charged against the lands of the Cherokees west of the Arkansas River, and also in excess of the amount heretofore paid by the Osage Indians for their reservation. So long as the money, or any part of it, shall remain in the Treasury of the United States after this agreement shall have become effective, such sum so left in the Treasury of the United States shall bear interest at the rate of 5 per cent per annum, payable semiannually.

Provided, That the United States may at any time pay to said Cherokee Nation the whole or any part of said sum, and thereupon terminate the obligation of the United States in respect to so much thereof as shall be so paid, and in respect to any further interest upon the same: *Provided further*, That should the Cherokee Nation determine to distribute said money or any part thereof, principal or interest, to any of its citizens per capita, and should the classes of persons provided for in the ninth and fifteenth articles of the treaty of July 19, 1866, claim that in such distribution they have been unjustly or illegally discriminated against, then, on complaint made by such persons, Congress shall by law authorize a suit in a proper court by and between such classes of persons and the United States and the Cherokee Nation to determine that question, giving to any party thereto the right of appeal to the Supreme Court of the United States, and providing that such suit or suits may in proper manner be advanced upon the dockets of such courts to secure a speedy hearing of the same; and the United States shall retain a sufficient sum of such money under its control to adjust and relieve such discrimination, should it be adjudged that such discrimination has been made. It is expressly understood that this agreement ceding and relinquishing the title to the lands herein described shall not be effective for any purpose whatever until it shall in its entirety be ratified by Congress, and the amount of money herein agreed to be paid to the Cherokee Nation for such cession and relinquishment shall have been appropriated by Congress and placed in the Treasury of the United States, subject to the order of the Cherokee national council: *Provided further*, That nothing contained in this agreement shall have the effect to limit or impair any rights whatever the Cherokee Nation has in or to or over the lands herein ceded until it shall be so ratified by Congress; and

Provided further, That if this agreement shall not be ratified by Congress and the appropriation of money, as herein provided for, made on or before March 4, 1893, it shall be utterly void.

In witness whereof we have hereunto set our hands, the day and year first above written.

DAVID H. JEROME,
ALFRED M. WILSON,
WARREN G. SAYRE,
Commissioners on the part of the United States.

ELIAS C. BOUDINOT,
JOSEPH A. SCALES,
ROACH YOUNG,
WILLIAM TRIPLETT,
THOMAS SMITH,
JOSEPH SMALLWOOD,
GEORGE DOWNING.
Commissioners on the part of the Cherokee Nation.

In presence of—

CHAS. S. KING,
W. P. BOUDINOT.

Therefore, be it enacted by the national council, that said agreement be, and the same is hereby, accepted, ratified, and confirmed on the part of the Cherokee Nation, and that the cession and relinquishment of claim, title, and interest recited in the first article of said agreement is hereby made, declared, and enacted to take and have effect in the manner, and at the time, and in accordance with the terms recited in said agreement; and the Cherokee Nation hereby gives its consent that such lands when so ceded and relinquished may be included within the territorial limits and jurisdiction of any State or Territory directed or authorized by Congress of the United Stated: *Provided*, That the sum of $112 shall be deducted from the per capita share of money of each and every person who may take an allotment of land according to the provisions of said agreement.

Passed the senate January 2, 1892.

T. M. BUFFINGTON,
President of the Senate.

J. L. THOMPSON,
Clerk of Senate.

Concurred in by the council January 4, 1892.

J. B. COBB,
Speaker pro tempore of Council.

W. G. FIELDS,
Clerk of Council.

Approved January 4, 1892.

C. J. HARRIS, *Principal Chief.*

CHEROKEE NATION, *Indian Territory, ss:*

I, the undersigned, principal chief of the Cherokee Nation, hereby certify that the foregoing is a full, true, and complete copy of the act of the national council, approved the 4th day of January, 1892, by me as principal chief, as the same appears and remains of record in my office; and I further certify that by the laws of the Cherokee Nation I am the proper person to make such certificate.

In witness whereof I have hereunto set my hand and caused to be affixed hereto the great seal of the Cherokee Nation, this 7th day of January, 1892.

[SEAL.]

C. J. HARRIS,
Principal Chief, Cherokee Nation.

J. A. SCALES,
Chief Executive Clerk.

Therefore,

Be it enacted, etc., That the agreement recited, accepted, ratified, and confirmed on behalf of the Cherokee Nation in the said act of the national council of that nation be, and the same is hereby, accepted, ratified, and confirmed, subject to the Constitution of the United States.

SEC. 2. That to enable the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior, to effect the removal of intruders from within the territory of the Cherokee Nation, as required by the first subdivision of article 2 of said agreement, the sum of $3,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated, out of any moneys in the Treasury not otherwise appropriated.

SEC. 3. That to enable the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior, to employ such expert person or persons and assistants as may be necessary to properly render a complete account to the Cherokee Nation of moneys due said nation, as required in the fourth subdivision of article 2 of said agreement, the sum of $5,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated, out of any moneys in the Treasury not otherwise appropriated.

SEC. 4. That for the purpose of making the compensation provided for in said agreement the sum of $8,595,736.12 be, and the same is hereby, appropriated, out of any moneys in the Treasury not otherwise appropriated, to be paid in the manner provided for in article 2 of said agreement.

SEC. 5. That within ninety days after the approval of this act the President of the United States shall, by proclamation, declare the lands ceded in said contract, except the allotments provided for in the fifth article of said agreement, to be part of the public domain of the United States and open to settlement by actual settlers and citizens of the United States under the homestead laws of the United States only, as hereinafter provided.

SEC. 6. That no person who is the owner, in his or her own right, of 160 acres of land, or who shall be the owner of real estate in any city or town of the United States the aggregate value of which shall exceed $3,000, shall be allowed to enter or hold any of said lands.

SEC. 7. That no person who has had the benefit of the homestead laws of the United States to the extent of procuring title to as much as 160 acres shall be allowed to take or enter any of the lands embraced in the agreement ratified by this act: *Provided*, That persons who have homesteaded and procured title to less than 160 acres of land shall be allowed to homestead enough of the lands in said agreement to equal 160 acres.

SEC. 8. That no person who has heretofore made homestead entry of any Indian lands heretofore opened to settlement within the limits of the Territory of Oklahoma or who has occupied or set up claim to any such lands shall be allowed to homestead or otherwise hold any of the lands embraced in the agreement ratified by this act unless he or she, as the case may be, has lost the same by due process of law upon contest or otherwise.

SEC. 9. That all homestead entries of the lands embraced in the agreement ratified by this act shall be initiated by actual location and going upon the land in person by the entryman and commencing substantial and lasting improvements thereon, and the occupant shall file formal application in proper land office, under this act, within four months after date of entry by occupancy.

SEC. 10. That the President shall give at least thirty day's notice before said lands shall be thrown open to settlement; he shall fix the time for entering upon said lands for settlement under this act, which time shall be at least thirty days before the date named for persons to enter; and persons entering upon any of said lands before the time fixed in the President's proclamation shall not only forfeit all rights in and to any of said lands, but shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum not less than two hundred nor more than one thousand dollars: *Provided*, That persons entering under authority of law shall be exempt from the fine prescribed in this section.

SEC. 11. That every person who may enter upon and set up claim to any lands embraced in the agreement ratified by this act, knowing that he or she, as the case may be, is not entitled to take and hold the same under this act, shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum not less than $200 nor more than $1,000 and be imprisoned not less than six months for each offense.

SEC. 12. That it shall be unlawful for any person, for himself or for any other person or persons, company, association, or corporation, to directly or indirectly procure any other person or persons, company, association, or corporation to settle upon any of the lands opened to settlement under this act with the intent of acquiring the title thereto, and any title so procured shall be absolutely void, and all parties, their agents or attorneys, connected in any way, either directly or indirectly, in such fraudulent and unlawful transaction shall be deemed guilty of a misdemeanor, and upon conviction shall be fined separately and severally in any sum not less than $200 nor more than $1,000, and imprisoned for any period not less than six nor more than twelve months.

SEC. 13. That sections numbered 16 and 36 in each township of the lands by this act opened to settlement shall be, and the same are hereby, reserved for the purpose of being applied to the schools, under the provisions of section 18 of the act of Congress entitled "An act to provide a temporary government for the Territory of Oklahoma, to enlarge the jurisdiction of the United States court in the Indian Territory, and for other purposes," approved May 2, 1890.

SEC. 14. That all lands embraced in the agreement ratified by this act shall be entered under the homestead laws of the United States only: *Provided*, That each settler shall pay to the United States, as hereinafter provided, in addition to the usual local office fees, for all lands lying east of 97½° west longitude, double minimum or $2.50 for each acre; for all lands west of 97½° west longitude and east of 98½° west longitude at $1.50 for each acre; the remainder at $1 for each acre: *Provided*, That the settler in each case may be allowed to pay for the same as follows: One-half of the purchase price at the end of two years from date of entry; the remainder at the end of four years from date of entry: *Provided*, That in no case shall patent issue until all the purchase money is fully paid.

SEC. 15. That the money appropriated for the purchase of the lands embraced in this act shall be paid as stipulated in said contract, except a sufficient amount to pay the Delawares their per capita share, which amount shall remain in the Treasury of the United States until the status of said Delaware Indians shall be determined by the courts of the United States before whom their suit is now pending.

SEC. 16. That before the President shall open the lands herein ceded to settlement as provided by this act he shall appoint a commission composed of three competent persons, not more than two of whom shall belong to the same political party, who, after taking usual oath of office, shall, as soon as practicable, lay off said lands into counties, to be numbered 1, 2, 3, etc., said counties not to be less than 20 by 25 miles square, and said counties to be named by the Legislature of the Territory of Oklahoma. When said counties are surveyed and laid off, said commissioners shall proceed to locate a county seat for each county, and when so located the Secretary of the Interior shall direct the amount of lands to be reserved for such county seat, and, when so designated, said commission shall cause said county seat to be surveyed into squares, blocks, lots, streets, and alleys, with such parks as they may think proper, reserving sufficient grounds for the usual county buildings; said commission shall appraise all blocks and lots intended to be sold, and after giving twenty days' notice shall sell the same at public auction to the highest bidder for one-third cash, the remainder on four and eight months' credit, and when all the purchase money has been paid the Secretary of the Interior shall cause patents to issue to the person legally entitled to the same. After all expenses are paid for appraisement and sale of said lots, the remainder shall be paid to the treasurer of the Territory of Oklahoma to the credit of the school fund of the county in which the lots sold are located. In no case shall any town lot be sold for less than the appraised value. The compensation of said commissioners shall be fixed by the Secretary of the Interior.

And then, on motion of Mr. BLAND (at 4 o'clock and 25 minutes p. m.), the House adjourned until Saturday.

REPORTS OF COMMITTEES.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. MOSES, from the Committee on Pensions: A bill (S. 3253) granting a pension to Martha R. Hitchcock. (Report No. 2159.)

By Mr. STONE of Kentucky, from the Committee on War Claims:

A resolution referring the bill (H. R. 4762) for the relief of Adele L. Du Bose, of Hale County, Ala., to the Court of Claims. (Report No. 2160.)

A bill (H. R. 7749) for the relief of Mrs. Margaret Martin. (Report No. 2161.)

A bill (H. R. 9784) for the relief of Joseph W. Parish. (Report No. 2162.)

BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills and resolutions of the following titles were introduced, and severally referred as follows:

By Mr. ANTONY: A bill (H. R. 9895) repealing chapter 634, Statutes at Large, on pages 182 and 183, approved June 27, 1890, granting pensions to soldiers and sailors, and to widows, minor children, and dependent parents of soldiers and sailors—to the Committee on Invalid Pensions.

By Mr. OUTHWAITE: A bill (H. R. 9896) to reduce the number of officers in and the expenses of the Signal Corps of the Army—to the Committee on Military Affairs.

By Mr. SIPE: A bill (H. R. 9897) authorizing the construction of a bridge over the Monongahela River at the foot of Main street, in the borough of Belle Vernon, in the State of Pennsylvania—to the Committee on Interstate and Foreign Commerce.

By Mr. DE ARMOND: A bill (H. R. 9898) to appoint a different day for the annual assembling of Congress and to prohibit its meeting or sitting (unless when called in extra session) after the first Monday in November next before the expiration of the term of its members, except to count the vote for President and Vice-President—to the Committee on the Judiciary.

By Mr. BROSIUS: A bill (H. R. 9899) to provide for the improvement of the Federal quarantine service and for the temporary suspension of immigration—to the Select Committee on Immigration and Naturalization.

By Mr. RAYNER: A joint resolution (H. Res. 171) that all drawback certificates outstanding issued by the Commissioners of the District of Columbia under the act of June 2, 1890, shall be receivable for all arrears of general taxes due and unpaid to June 30, 1892—to the Committee on the District of Columbia.

By Mr. DE ARMOND: A joint resolution (H. Res. 172) proposing an amendment to the Constitution for the election of President and Vice-President by the people of the several States, and providing for a judicial determination of Presidential election contest—to the Select Committee on Election of President and Vice-President and Representatives in Congress.

By Mr. BELTZHOOVER: A resolution calling upon the Public Printer for a full and detailed statement of the work of the department, and of names, number, and occupation of all employés therein—to the Committee on Printing.

By Mr. HERBERT: A concurrent resolution to investigate the subject of rank, pay, and other matters relating to the *personnel* of the United States Navy—to the Committee on Naval Affairs.

Also, a resolution to set a day for the consideration of business from the Committee on Naval Affairs—to the Committee on Rules.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as indicated below:

By Mr. ANTONY: A bill (H. R. 9900) for the relief of D. P. Gray, M.D.—to the Committee on Pensions.

By Mr. ARNOLD (by request): A bill (H. R. 9901) for the relief of Sarah C. Shell, widow of Philip B. Shell, late of Bollinger County, Mo.—to the Committee on War Claims.

Also (by request): A bill (H. R. 9902) for the relief of Christian Stamm, of Bollinger County, Mo.—to the Committee on War Claims.

Also (by request), a bill (H. R. 9903) for the relief of F. M. and Emanuel Hartel, administrators of estate of Jesse Hartel, late of Bollinger County, Mo.—to the Committee on War Claims.

Also (by request), a bill (H. R. 9904) for the relief of Frank M. Wells, administrator of estate of Joel Bollinger, Bollinger County, Mo.—to the Committee on War Claims.

Also (by request), a bill (H. R. 9905) for the relief of Millington N. Kinder, of Bollinger County, Mo.—to the Committee on War Claims.

Also, a bill (H. R. 9906) for the relief of Napoleon B. Roseann and Augustus Cook, heirs of Jacob L. Cook, late of Bollinger County, Mo.—to the Committee on War Claims.

Also (by request), a bill (H. R. 9907) for the relief of Jacob M. Kinder, administrator of estate of Israel Kinder, late of Bollinger County, Mo.—to the Committee on War Claims.

Also (by request), a bill (H. R. 9908) for the relief of William Way, of Stoddard County, Mo.—to the Committee on War Claims.

By Mr. CLANCY: A bill (H. R. 9909) granting increase of pension to Charles F. McFarland, of the United States Navy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9910) for the relief of Robert Swan—to the Committee on Naval Affairs.

By Mr. COMPTON: A bill (H. R. 9911) for the relief of Lemuel J. Mitchell—to the Committee on Invalid Pensions.

By Mr. COX of Tennessee: A bill (H. R. 9912) for the benefit of the estate of I. T. Leneave, deceased—to the Committee on War Claims.

By Mr. CHIPMAN: A bill (H. R. 9913) to remove the charge of desertion against Franklin Benham—to the Committee on Military Affairs.

By Mr. CRAWFORD: A bill (H. R. 9914) for the relief Samuel M. Tow, of Asheville, N. C.—to the Committee on War Claims.

By Mr. GROUT: A bill (H. R. 9915) to correct the military record of Ira Holmes—to the Committee on Military Affairs.

Also, a bill (H. R. 9916) granting a pension to Jesse Webb—to the Committee on Invalid Pensions.

By Mr. LODGE: A bill (H. R. 9917) to relieve John Hughes of the charge of desertion—to the Committee on Military Affairs.

By Mr. OHLIGER: A bill (H. R. 9918) granting a pension to Rebecca L. English—to the Committee on Invalid Pensions.

By Mr. PAYNE: A bill H. R. (9919) granting a pension to Ira Doane—to the Committee on Invalid Pensions.

By Mr. ROCKWELL: A bill (H. R. 9920) for the relief of Isaac Samuels—to the Committee on Military Affairs.

By Mr. STEPHENSON: A bill (H. R. 9921) for the relief of Phillip Shell—to the Committee on Naval Affairs.

By Mr. TERRY (by request): A bill (H. R. 9922) authorizing the Secretary of War to place the name of Robert Logan upon the muster rolls of Company K, Second Arkansas Cavalry, and issue an honorable discharge—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BABBITT: Petition of Rock County (Wis.) Sunday schools, remonstrating against Congress reconsidering its action relative to the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. BELTZHOOVER: Resolutions of the Trades' League of Philadelphia, in favor of the enactment of a law encouraging the reciprocal relations and promoting a close commercial union between the United States and other countries—to the Committee on Ways and Means.

By Mr. BERGEN: Petition of the Synod of New Jersey, representing 313 Presbyterian churches, 400 ministers, and 62,000 church members, that Congress will refuse to reverse its action closing the World's Columbian Exposition on Sundays—to the Select Committee on the Columbian Exposition.

By Mr. BLANCHARD: Resolutions adopted by the Crescent City Marine Engineers' Beneficial Association, No. 15, of New Orleans, and the Crescent Harbor, No. 18, American Brotherhood of Steamboat Pilots, opposing legislation admitting foreign vessels to American registration—to the Committee on Interstate and Foreign Commerce.

By Mr. BUCHANAN of New Jersey: Petition of citizens of Trenton, N. J., in favor of an exhibit at the Columbian Centennial of the products of the industry and skill of American citizens of African descent—to the Select Committee on the Columbian Exposition.

Also, petition of physicians residing at Atlantic City, N. J., in favor of an appropriation to pay the expenses of the Pan-American Congress—to the Committee on Appropriations.

By Mr. BULLOCK: An appeal of the Chamber of Commerce of the port of Fernandina, Fla., for an emergency appropriation to protect the north jetty at the entrance to said port from destruction—to the Committee on Rivers and Harbors.

By Mr. CHIPMAN: Papers to accompany House bill to remove the charge of desertion against Franklin Benham—to the Committee on Military Affairs.

By Mr. CURTIS: Resolutions adopted at the union Thanksgiving service of the Protestant churches in Rensselaer Falls, rendering thanks to God and Congress for the Sabbath closing of the World's Fair—to the Select Committee on the Columbian Exposition.

By Mr. DOLLIVER: Memorial of the Methodist Episcopal Preachers' Meeting of Chicago, against the repeal of the law of Congress requiring the gates of the World's Columbian Exposition to remain closed on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of B. A. Plummer and others, of Forest City, Iowa, in favor of repealing the act closing the World's Columbian Exposition on Sundays—to the Select Committee on the Columbian Exposition.

By Mr. ENOCHS: Two petitions, one of T. A. Copland and others, and the other of John Rickitt; both against the repeal of the law closing the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. FITCH: Petition of William F. Meehan, for an honorable discharge—to the Committee on Military Affairs.

By Mr. GROUT: Papers in the case of Sarah M. Hadley, to accompany House bill 5777—to the Committee on Invalid Pensions.

Also, statement of the War Department, relative to the case of Private Ira Holmes—to the Committee on Military Affairs.

Also, papers in pension claim of Jesse Webb—to the Committee on Invalid Pensions.

By Mr. HARTER: Petition of the faculty and students of Otterbein University of Ohio, asking for the closing of the Chicago Exposition on the Sabbath—to the Select Committee on the Columbian Exposition.

Also, petition of Rilla Craig and other citizens of the Fourteenth Ohio Congressional district, asking to have the World's Fair kept closed on the Sabbath—to the Select Committee on the Columbian Exposition.

By Mr. HAYNES of Ohio: Remonstrance of the First Presbyterian Church of Toledo, Ohio, numbering 375 communicants, against the repeal or modification of the action of Congress requiring the gates of the World's Columbian Exposition to be closed on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. HENDERSON of Iowa: Resolutions by the Presbyterian Synod of Iowa, protesting against opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. LYNCH: Petition of H. W. Dufrane, L. M. Nash, and 60 other residents of Wisconsin, praying for the opening of the

World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. McCLELLAN: Resolution of Tamarack Lodge, No. 39, of the International Association of Machinists of Garrett, Ind., condemning the action of the officers in charge of the Government works of West Troy, N. Y., in discharging a machinist for refusing to run two lathes at the same time, in violation of one of the cardinal principles of the Order—to the Committee on Labor.

By Mr. MARTIN: Petition of 101 citizens of Jay County, Ind., to accompany House bill for the relief of E. D. Pierce—to the Committee on War Claims.

By Mr. OHLIGER: Petition of Rebecca L. English, widow of Lieut. Samuel A. English, One hundred and twentieth Regiment, Ohio Volunteer Infantry, asking for a pension—to the Committee on Invalid Pensions.

By Mr. PATTISON of Ohio: Petition of the Rev. R. E. Smith and 62 other citizens of Milford, Ohio, against the repeal of the law closing the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. PAYNE: Petition of L. R. Muzzy and others, for a life-saving station at the mouth of Salmon River, on Lake Ontario, N. Y.—to the Committee on Commerce.

By Mr. RANDALL: Petition of Wm. H. Carney and others, of New Bedford, Mass., asking that the Board of Management of the Government exhibit at the World's Fair be allowed to publish certain parts pertaining to labor products—to the Select Committee on the Columbian Exposition.

By Mr. SCOTT: Petition of citizens of Bloomington, Ill., for an appropriation to assist in defraying the expenses of the Pan-American Medical Congress—to the Committee on Appropriations.

By Mr. WHEELER of Alabama: Six papers in reference to war claims of citizens of Alabama, as follows: of Cyrus Jones, of Madison County; Susan B. Garner, administratrix of William F. Garner, deceased; of Benjamin Carter, of Madison County; of F. P. Ward, executor of the estate of William Powers, deceased, of Madison County, and of Rhoda Lawler, executrix of the estate of Benjamin Lawler, deceased—to the Committee on War Claims.

By Mr. WILSON of West Virginia: Petition of Bryson Hamilton, of Randolph County, W. Va., praying that his war claim be referred to the Court of Claims, under the provisions of the Bowman act—to the Committee on War Claims.

Also, petition of the heirs of J. A. Hatton, deceased, late of Randolph County, W. Va., praying that his war claim be referred to the Court of Claims, under the Bowman act—to the Committee on War Claims.

HOUSE OF REPRESENTATIVES.

SATURDAY, *December 17, 1892.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of Thursday was read and approved.

STATE AND TERRITORIAL SOLDIERS' HOMES.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting estimate of deficiency in the appropriation for State or Territorial homes for disabled soldiers and sailors for fiscal year ending June 30, 1892, submitted by the Secretary of War; which was referred to the Committee on Appropriations.

QUARANTINE SERVICE DEFICIENCY.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting estimate of deficiency in the appropriation for quarantine service for the fiscal year ending June 30, 1892; which was referred to the Committee on Appropriations.

OFFICERS' QUARTERS, PORT ROYAL, S. C.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting copy of communication from the Secretary of the Navy, relating to the necessity of an additional appropriation for construction of officers' quarters at Port Royal, S. C.; which was referred to the Committee on Naval Affairs.

DRY DOCK, PUGET SOUND, WASHINGTON.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting an estimate of appropriation for construction of the dry dock, Puget Sound, Washington, submitted by the Secretary of the Navy; which was referred to the Committee on Naval Affairs.

G. T. LARKIN.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting communication from the Attorney-General in reference to the expenses of G. T. Larkin, late deputy marshal, eastern district of Tennessee; which was referred to the Committee on Claims.

ASSOCIATE PROFESSOR OF MATHEMATICS, WEST POINT.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting extract from the proceedings of the Academic Board, United States Military Academy, concerning the appointment of associate professor of mathematics at that institution; which was referred to the Committee on Military Affairs.

ST. MARYS FALLS CANAL, MICHIGAN.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting copy of the report of Col. O. M. Poe, Corps of Engineers, relating to commerce passing St. Marys Falls Canal, Michigan; which was referred to the Committee on Interstate and Foreign Commerce.

FRENCH SPOLIATION CLAIM.

The SPEAKER also laid before the House communication from the Court of Claims, transmitting copy of the findings of the court in the French spoliation claim arising out of the seizure of the brig Horatio; which was referred to the Committee on Claims.

D. K. TENNY.

The SPEAKER also laid before the House communication from the Court of Claims, transmitting copy of the findings of the court in the case of D. K. Tinny *vs.* The United States; which was referred to the Committee on War Claims.

SENATE RESOLUTIONS REFERRED.

The SPEAKER also laid before the House resolutions of the Senate providing for the printing of 23,000 copies of the ninth annual report of the United States Civil Service Commission and 12,000 additional copies of the report of Immigrant Commissioner H. J. Schulteis; which were severally referred to the Committee on Printing.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted, as follows:

To Mr. WASHINGTON, indefinitely, on account of important business.

To Mr. COOLIDGE, until the 22d instant, on account of important business.

ENROLLED BILLS SIGNED.

Mr. SCOTT, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolution of the following titles; when the Speaker signed the same:

A bill (S. 869) to provide an American register for the barge Sea Bird, of Perth Amboy, N. J.;

A bill (S. 1647) to authorize the Alabama Grand Trunk Railroad Company to bridge across the Tallapoosa and Coosa Rivers;

A bill (S. 1956) to make Punta Gorda a subport of entry;

A bill (S. 2451) authorizing the Secretary of the Treasury to reconvey to Lucius U. Maltby and Louise W. Maltby, his wife, Margaret Elizabeth Lucas, and the Sea Girt Land Improvement Company a piece of land selected as a site for the Squan Inlet light station, New Jersey, but found to be unsuitable for the purpose of said station;

A bill (S. 3188) to extend to Duluth, Minn., the privileges of the first section of an act entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880;

A bill (H. R. 6024) for the relief of William H. Taylor; and

Joint resolution (S. R. 73) authorizing the Secretary of War to receive for instruction at the Military Academy at West Point Francisco Alcantara, of Venezuela.

MRS. MARTHA STIFF.

Mr. FORNEY. Mr. Speaker, I ask unanimous consent to take from the Private Calendar a resolution agreed to by the Committee on War Claims.

The resolution was read, as follows:

Resolved, That the bill (H. R. 8430) for the relief of Mrs. Martha Stiff, of Cherokee County, Ala., now pending in the House, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act approved March 3, 1887, entitled "An act to provide for the bringing of suits against the Government of the United States," to find and report to the House the facts bearing upon the merits of the claim and all other facts contemplated by the provisions of said act.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. BURROWS. Mr. Speaker, I think that would better come up in the regular way.

Mr. FORNEY. It is simply a resolution to refer the matter to the Court of Claims. There is no money in it.

Mr. BURROWS. I understand that.

The SPEAKER. The gentleman from Michigan objects.

NIMROD J. SMITH.

Mr. CRAWFORD. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 6753) for the relief of Nimrod J. Smith, ex-chief of the Eastern Band of Cherokee Indians.

The bill was read, as follows:

Whereas Nimrod J. Smith was duly elected principal chief of the Eastern Band of Cherokee Indians on the 8th day of July, 1880, in accordance with the constitution of the general council of said Eastern Band of Cherokee Indians; and

Whereas the said Nimrod J. Smith duly qualified and entered upon the duties of the principal chief on the 8th day of July, 1880, and served in that capacity until the 5th day of October, 1891; and

Whereas the constitution and by-laws of the general council of the said Eastern Band of Cherokee Indians fixes the salary of principal chief at $500 per annum; and

Whereas the general council in October, 1886, passed upon and allowed the claim of the said Nimrod J. Smith for six years' service as principal chief, amounting to $3,000, and authorized the same to be paid out of any funds placed to the credit of said Eastern Band of Cherokee Indians in the Treasury of the United States: Therefore,

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed to pay Nimrod J. Smith $3,000, out of any funds in the Treasury, or otherwise available, set apart for the use and benefit of the Eastern Band of Cherokee Indians, in compensation for six years' service as principal chief of said Eastern Band of Cherokee Indians.

With an amendment as follows:

Provided, nevertheless, That said Nimrod J. Smith, on payment of the sum so appropriated, shall execute a release in full of all claims whatsoever against said band of Cherokee Indians up to the date of the passage of this act.

The SPEAKER. Is there objection to the present consideration of this date?

Mr. KILGORE. Mr. Speaker, I would like to inquire why it is that the Cherokee Indians can not settle their own matters with this gentleman, if he was their principal chief, and why the salary can not be paid to him by the consent of the Cherokee Indians?

Mr. CRAWFORD. That is just what we propose to do—to take the amount out of their own funds.

Mr. KILGORE. Why do not they agree to it without coming to Congress?

Mr. CRAWFORD. They have no control of the fund except by an order of Congress. It is entirely under the control of Congress.

Mr. KILGORE. Does this relate to the North Carolina Cherokee Indians?

Mr. CRAWFORD. Entirely. This is a trust fund set apart and placed to the credit of these Indians in the Treasury of the United States.

Mr. KILGORE. Do they consent to this legislation?

Mr. CRAWFORD. Certainly, by an act of their council.

Mr. KILGORE. Then I do not object to it.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, was accordingly read the third time, and passed.

On motion of Mr. CRAWFORD, a motion to reconsider the last vote was laid on the table.

TIMBER-CULTURE LAWS.

Mr. PICKLER. Mr. Speaker, I ask for the immediate consideration of the bill (H. R. 7691) to amend an act entitled "An act to repeal timber-culture laws, and for other purposes."

The bill was read for information.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. OUTHWAITE. Has that bill been reported favorably by any committee of the House.

Mr. PICKLER. Yes.

Mr. AMERMAN. Mr. Speaker, I object.

FORTIFICATIONS APPROPRIATION BILL.

Mr. BRECKINRIDGE of Kentucky, from the Committee on Appropriations, reported a bill (H. R. 9923) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes; which was read a first and second time, and, with the accompanying report, ordered to be printed, and referred to the Committee of the Whole House on the state of the Union.

Mr. BRECKINRIDGE of Kentucky. Mr. Speaker, I desire to give notice that I will call that bill up on the 5th day of January.

Mr. BURROWS. Mr. Speaker, if it is necessary, I wish to reserve all points of order.

The SPEAKER. The gentleman from Michigan [Mr. BURROWS] reserves all points of order on the bill.

INCOME TAX.

Mr. OTIS. Mr. Speaker, I desire to offer the resolution which I send to the Clerk's desk, and I ask unanimous consent for its present consideration.

The resolution was read, as follows:

Resolved, That the Committee on Ways and Means are hereby instructed to consider and report back to the House at an early date House bill 7200, referred to said committee March 14, 1892, being "A bill to equalize the burdens of taxation by creating graduated income tax."

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. SPRINGER. I object to it.

The SPEAKER. The Clerk will call the committees for reports.

DISTINGUISHING FLAGS AND SYMBOLS ON UNITED STATES VESSELS.

Mr. COOMBS, from the Committee on Interstate and Foreign Commerce, reported back with an amendment the bill (H. R. 9803) for the protection of distinguishing flags and symbols used on vessels of the United States; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

BOARD OF WATER COMMISSIONERS OF ERIE, PA.

Mr. AMERMAN, from the Committee on the Public Lands, reported back with an amendment the bill (H. R. 9826) granting rights and privileges to the board of water commissioners of the city of Erie, Pa.; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

LOCATION OF LAND SCRIP BY ACTUAL SETTLERS.

Mr. MCRAE, from the Committee on the Public Lands, reported back favorably the bill (H. R. 5111) supplementary to the act of Congress approved January 28, 1879, entitled "An act defining the manner in which certain land scrip may be assigned and located or applied by actual settlers, and providing for the issue of patents in the name of the locator or his legal representatives;" which was referred to the Union Calendar, and, with the accompanying report, ordered to be printed.

FINAL ADJUSTMENT AND SETTLEMENT OF CLAIMS OF ARKANSAS AND OTHER STATES.

Mr. MCRAE, from the Committee on the Public Lands, reported back with amendments the bill (H. R. 9072) to finally adjust and settle the claims of Arkansas and other States under the swamp-land grants, and for other purposes.

The bill and amendments were ordered to be printed.

BRIDGE ACROSS THE ST. LAWRENCE RIVER.

Mr. GEARY, from the Committee on Interstate and Foreign Commerce, reported back, as a substitute for the bill H. R. 9005, a bill (H. R. 9930) for the construction and maintenance of a bridge accross the St. Lawrence River; which was ordered to be printed.

MASONIC MUTUAL RELIEF ASSOCIATION OF THE DISTRICT OF COLUMBIA.

Mr. HEARD, from the Committee on the District of Columbia, reported back with an amendment the bill (S. 2946) to amend an act entitled "An act to incorporate the Masonic Mutual Relief Association of the District of Columbia," approved March 3, 1869; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

CAPITOL, NORTH O STREET AND SOUTH WASHINGTON RAILWAY COMPANY.

Mr. HEARD, from the Committee on the District of Columbia, reported back with an amendment the bill (S. 2852) to change the name of the Capitol, North O Street and South Washington Railway Company; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

The call of committees for reports was concluded.

ORDER OF BUSINESS.

The SPEAKER. The morning hour begins at twenty-two minutes past 12 o'clock.

APPOINTMENTS, RESIGNATIONS, ETC., IN THE CENSUS OFFICE.

Mr. ALDERSON. Mr. Speaker, I rise to a privileged question. I desire to call up a resolution, which is entitled to consideration. It is a resolution introduced by myself on June 6.

The SPEAKER. The gentleman will send up the resolution.

Mr. ALDERSON. It was referred to the Committee on the Eleventh Census, and has not yet been reported back.

The resolution was read, as follows:

Resolved, That the Secretary of the Interior be requested to furnish to this House a statement, showing—

First. The names of all persons who have resigned from service in the Eleventh Census since and before November 4, 1890; the place of residence of each of such persons; when appointed as claimed by him or her; the compensation paid to each while in service; how long each of such persons was in service; when the service began and ended in each case, and who recommended the appointment in each case.

Second. Also a statement showing same facts as to persons discharged from said Bureau before and since November 4, 1890, and the cause of such discharge in each case.

Third. Also a statement showing names of all persons appointed to office or employment in the Census Bureau before and since November 4, 1890; the place of residence of each of such persons when appointed as claimed by him or her; the compensation paid to each; when the appointment was made in each case; upon whose recommendation; which of the appointees are still in service, and the cause of any discharge made of appointee.

The SPEAKER. The gentleman from West Virginia calls up this resolution.

Mr. ALDERSON. Mr. Speaker, I am informed by the chairman of the subcommittee investigating the Census Office that the information called for in that resolution is desired by the subcommittee, and I hope the House will adopt the resolution.

Mr. DINGLEY. Is unanimous consent asked for the consideration of this resolution?

The SPEAKER. The Chair understands that this is a resolution of inquiry to a head of a Department which had been referred to a committee—at what date?

Mr. ALDERSON. On June 6.

The SPEAKER. And it is called up because the committee failed to report it within a week under the rule. Clause 4 of Rule XXII provides:

4. All resolutions of inquiry addressed to the heads of Executive Departments shall be reported to the House within one week after presentation.

Mr. DINGLEY. And more than a week has elapsed.

The SPEAKER. The gentleman suggests that the resolution was introduced on the 6th of June.

Mr. ALDERSON. I again desire to say, Mr. Speaker, that I am informed by the gentleman from Illinois [Mr. FITHIAN], chairman of the subcommittee having in charge the investigation of the Census Office, that the information called for in that resolution is desired by that subcommittee, and that it is really necessary it should be had.

The resolution was agreed to.

ORDER OF BUSINESS.

The SPEAKER. The morning hour begins at twenty-six minutes past 12 o'clock, and the Clerk will call the Committee on Indian Affairs.

Mr. OUTHWAITE. Mr. Speaker, the Committee on Military Affairs comes before the Committee on Indian Affairs, and I desire to call up the business of that committee.

The SPEAKER. The Committee on Military Affairs was passed over without prejudice, and the gentleman from Ohio has the right to call up business of that committee, if he desires to do so.

DRILL REGULATIONS.

Mr. OUTHWAITE. Mr. Speaker, I call up Senate joint resolution No. 112, to print and bind 1,000 copies each of the Drill Regulations for Infantry, Cavalry, and Artillery.

The joint resolution was read, as follows:

Resolved, by the Senate and House of Representatives, etc., That the Public Printer be, and he is hereby, authorized and directed to print from the stereotype plates and bind 1,000 extra copies each of the Drill Regulations for Infantry, Cavalry, and Artillery, and sell the same at the cost price thereof to such persons connected with the militia or National Guard of the States and others as may require their use.

Mr. OUTHWAITE. Mr. Speaker, this joint resolution is made necessary by the great demand coming up from officers of the militia and of the National Guard for copies of these regulations. We have printed a sufficient number for the use of the Army, but not enough to supply the demand coming from the officers of the militia and the National Guard of the several States. They are adopting the tactics of the regular Army, and it is necessary for them to have these books. The joint resolution provides simply for printing the books from the plates already in existence so that they may be sold to these officers. The House committee have thought proper to recommend that the number be increased to 2,000 copies of each, and I offer that amendment.

The amendment was agreed to.

The Senate joint resolution as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

The title was amended so as to conform to the amendment.

MILITARY POST, FORT WAYNE, MICH.

Mr. OUTHWAITE. Mr. Speaker, I call up Senate bill No. 985, to provide for the enlargement of the military post at Fort Wayne, Mich. The bill is on the House Calendar.

The bill was read, as follows:

Be it enacted, etc., That to enable the Secretary of War to enlarge the military post at Fort Wayne, Mich., he is hereby authorized to accept, free of cost to the United States, such tract of land adjoining the post of Fort Wayne as in his judgment shall be well adapted and in all respects suitable for military purposes: *Provided*, That the title shall have been declared valid by the Attorney-General of the United States.

SEC. 2. That in acquiring land for the enlargement of the military post of Fort Wayne, the Secretary of War is authorized to proceed as provided in acquiring land for the enlargement of the military post at Plattsburg, N. Y., by act approved March 3, 1891.

Mr. OUTHWAITE. This bill explains itself. It proposes to acquire without cost to the Government a tract of land adjacent to the Fort Wayne Post, near Detroit. Certain public-spirited citizens propose to donate land for this purpose, and in order that no expense to the Government may be incurred, I think the amendment which I send to the desk should be added to the second section of the bill.

The amendment was read, as follows:

Add to line 6, on page 2, the following:

"*Provided*, That said lands shall be acquired without cost to the United States."

Mr. BLAND. Mr. Speaker, I would like to ask the gentleman what is the object of enlarging this military post, and how can it be done without cost to the Government ultimately?

Mr. OUTHWAITE. As I stated before, this bill is simply to accept certain lands adjacent to the Fort Wayne Post, which some public-spirited gentlemen propose to donate, so that in future if the Government desires to enlarge that post it can do so without cost.

The bill does not carry, either directly or indirectly, any appropriation in this Congress.

Mr. BLAND. There is another section of the bill relating to a post in New York, I understand.

Mr. OUTHWAITE: That relates to the method of proceeding by condemnation to acquire certain lands. There happens to be a small piece of land there which would probably interfere with the post, and the bill provides for proceeding by condemnation, but the condemnation money is to be paid by these citizens.

The amendment offered by Mr. OUTHWAITE was agreed to.

The Senate bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

FORT BROWN, TEX.

Mr. OUTHWAITE. Mr. Speaker, I call up the bill (H. R. 9649) to provide for the purchase of Fort Brown, Tex.

The bill was read, as follows:

Be it enacted, etc., That the sum of $50,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to enable the Secretary of War to acquire good and valid title for the United States to the Fort Brown reservation, Texas, and to pay and extinguish all claims for the use and occupancy of said reservation: *Provided*, That no part of this sum shall be paid until a perfect title is vested in the United States; and the full amount of the price, including rent, shall be paid directly to the owners of the property: *Provided further*, That the owners of said property shall convey a perfect title of the same to the United States, and also relinquish all claims for the use and occupation of said reservation within ninety days after the passage of this act.

SEC. 2. That all acts or parts of acts in anywise conflicting with or contravening the provisions of this act are hereby repealed.

The SPEAKER. This bill is in Committee of the Whole.

Mr. OUTHWAITE. I ask unanimous consent that the bill be considered in the House as in Committee of the Whole. While upon its face it makes an appropriation, the effect of the bill is really to reduce a former appropriation from $160,000 to $50,000.

Mr. OATES. Is there a unanimous report to the committee in favor of this bill?

Mr. OUTHWAITE. There is no minority report.

Mr. LANHAM. Mr. Speaker, this relates to a military post in the Congressional district of my colleague, Mr. CRAIN, and I wish to ask the gentleman from Ohio whether the bill meets the approval of my colleague?

Mr. OUTHWAITE. I can not answer that. I do not know that the gentleman's colleague appeared before the committee in relation to it. I have an indistinct recollection that he did say that he had no objection to the bill, but I do not like to undertake to speak for him.

Mr. LANHAM. What is the purport of the bill?

Mr. OUTHWAITE. The purpose of the bill is to reduce an appropriation made some years ago to pay the claimants $160,000 for this property, which appropriation has been held up. The report of the committee shows the reasons for proposing at this time to reduce the amount to $50,000. Not only is this bill reported by the present committee, but the Committees on Military Affairs in two previous Congresses reported in favor of reducing the amount to $50,000.

Mr. LANHAM. Well, I do not know whether my colleague would be willing to have the bill considered in his absence.

Mr. OUTHWAITE. I do not know as to that. The bill did not emanate from him, and he never gave the subject any attention before the committee that I am aware of, but I know of no objection on his part to this bill.

The SPEAKER. Is there objection to the request of the gentleman from Ohio that this bill be considered in the House as in Committee of the Whole?

There was no objection, and it was so ordered.

Mr. OUTHWAITE. I yield five minutes to the gentleman from Indiana [Mr. HOLMAN].

Mr. HOLMAN. Mr. Speaker, I hardly think I ought to occupy much time on this question, for my memory is not very fresh in regard to the facts of the transaction. But I may state that some years ago there was made on an appropriation bill—perhaps the sundry civil bill, and perhaps it was in the Forty-eighth Congress, though I am not certain as to that—an appropriation of $160,000 to pay for the lands occupied by the Government at Fort Brown, Tex. It was late in the session when the measure passed, and it was not carefully examined; indeed, it underwent no examination at all at the time it passed the House. I was then a member of the Committee on Appropriations. Soon afterward my attention was called to the fact that it was obvious the appropriation was unreasonably large; that the property was worth a comparatively small sum, and that $40,000 or $50,000 would be fully up to the value of the property and the amount due for occupation from 1847.

Accordingly, at the very next session of Congress, after the making of that appropriation of $160,000, an investigation was set on foot. I believe that in three successive Congresses the subject has been investigated, and that the Committee on Military Affairs in each Congress has uniformly reached the conclusion that an appropriation of the amount I have just stated was entirely unwarranted and unjustifiable; that an appropriation of $50,000, including the amount due for occupation of the ground since the time of the Mexican war, would be very ample.

As I have said, there have been three reports to this effect by the Committee on Military Affairs in three different Congresses. I myself examined the subject very carefully some years ago and reached the conclusion that the amount which should be paid was comparatively small. The bill proposing to appropriate $50,000, and annulling the balance of the judgment was originally reported, I believe, three Congresses ago. I think this bill is a proper one and ought to become a law.

I wish to state further the very important fact that the Secretary of War has not paid out this money. It is very true that the title of the land was in dispute for some two or three years; but since the title has been adjusted the Secretary of War has declined to order the payment of this money—I presume upon the grounds expressed in the reports heretofore made, although I am not certain about that fact. At any rate the money has never been paid, although the appropriation was made many years ago.

Mr. OUTHWAITE. I move the previous question.

Mr. CULBERSON. Before the gentleman presses the demand for the previous question I wish to ask him whether this bill covers the claims of the owners of the land for use and occupation.

Mr. OUTHWAITE. This bill is intended to make full payment for the title of the land, if the parties can give a good title, and also for the occupation.

Mr. CULBERSON. My understanding was that the claim for use and occupation was more than $50,000, the ground having been occupied ever since the Mexican war.

Mr. OUTHWAITE. Well, the bill, as I have said, covers the claim for occupation as well as compensation for the title. The language is—

That the sum of $50,000 be appropriated out of any money in the Treasury, etc., to enable the Secretary of War to obtain a good and valid title and extinguish all claims for the use and occupancy of said reservation.

The previous question was ordered; and under the operation thereof the bill was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. OUTHWAITE, a motion to reconsider the last vote was laid on the table.

NUMBER AND EXPENSES OF SIGNAL CORPS.

Mr. OUTHWAITE. The bill (H. R. 9896) to reduce the number of officers in and the expenses of the Signal Corps of the Army has not been reported from the committee; but I ask unanimous consent that I be now permitted to report it and call it up for action.

The SPEAKER. After the bill has been read the gentleman's request will be put to the House.

The bill was read.

Mr. PICKLER. I object.

The SPEAKER. This bill, not having been heretofore reported, can not be considered now without unanimous consent; and the gentleman from South Dakota [Mr. PICKLER] objects.

MUSTER AND PAY OF OFFICERS AND ENLISTED MEN.

Mr. OUTHWAITE. I call up the bill (H. R. 6649) to extend the provisions of an act to provide for the muster and pay of certain officers and enlisted men of the volunteer forces.

The SPEAKER. This bill is on the Union Calendar.

Mr. OUTHWAITE. I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

Mr. KILGORE. I object.

Mr. OUTHWAITE. I move, then, that the House resolve itself into Committee of the Whole on the state of the Union for the consideration of the bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. O'NEIL of Massachusetts in the chair, and proceeded to the consideration of the bill (H. R. 6649) to extend the provisions of an act to provide for the muster and pay of certain officers and enlisted men of the volunteer forces.

The bill was read, as follows:

Be it enacted, etc., That the provisions of an act to provide for the muster and pay of certain officers and enlisted men of the volunteer forces, approved June 4, 1884, as amended by an act approved February 5, 1887, be, and the same are hereby, revived and extended for a period of three years from the 3d day of June, 1892.

Mr. OUTHWAITE. Mr. Speaker, this bill is designed simply to extend the limitations of an act passed heretofore, and which was in force for a period of five years, I believe. On the 3d of February, 1887, an act to provide for the muster out and pay of certain officers and enlisted men of the volunteer forces was approved. The first section of said act was amended on the 3d of February, 1887. The second section of that act remains as follows:

That the heirs or legal representatives of any officer whose muster into the service has been or shall be amended hereby shall be entitled to receive the arrears of pay due such officer, and the pension, if any, authorized by law, for the grade into which such officer is mustered under the provisions of this act.

The fourth section remains as follows:

That the pay and allowances of a rank or grade paid to and received by any military or naval officer in good faith for services actually performed by such officer in such rank or grade during the war of the rebellion shall not be charged to or recovered back from any such officer because of any defect in the title of such officer to the office, rank, or grade in which such services were actually so performed.

The act expired by limitation on the 3d day of June, 1892; and it appears that there are still outstanding many claims as just as are those which have been already adjudicated and in many instances have been paid under the law cited. This arises from the fact that persons interested had not heard of the existence of the law giving them relief. Applications are now being made and presented to the Department for its action by those who have recently become acquainted with these conditions.

The claims yet to be presented are as just and meritorious as those which have been already passed upon, and for that reason the committee are of opinion that the act should be extended and the Government not take advantage of the statute of limitations as to this portion of the officers, when it has already recognized claims similar to these and adjudicated and paid them to other officers.

Mr. LIVINGSTON. Does the gentleman state that that is the only thing the extension will cover? Is that all that is in it?

Mr. OUTHWAITE. That is all that is in it. It is simply to extend these provisions of that law.

Unless some gentlemen wishes to discuss the bill I will ask unanimous consent to close debate upon it.

There was no objection.

Mr. OUTHWAITE. I move that the committee rise and report the bill to the House with a favorable recommendation.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. O'NEIL of Massachusetts reported that the Committee of the Whole House on the state of the Union having had under consideration the bill (H. R. 6649) had directed him to report it back with a favorable recommendation.

Mr. LIVINGSTON. Let us have the report read.

Mr. OUTHWAITE. I had intended calling the previous question; but I have no objection to the report being read if the gentleman wishes it.

The report (by Mr. ROCKWELL) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 6649) to extend the provisions of an act to provide for the muster and pay of certain officers and enlisted men of the volunteer forces, submit the following:

On February 3, 1887, an act to provide for the muster out and pay of certain officers and enlisted men of the volunteer forces was approved.

The first section of said act was amended February 3, 1887. The second section remains as follows:

"That the heirs or legal representatives of any officer whose muster into the service has been or shall be amended hereby, shall be entitled to receive the arrears of pay due such officer, and the pension, if any, authorized by law for the grade into which such officer is mustered under the provisions of this act."

The fourth section remains as follows:

"That the pay and allowance of a rank or grade paid to and received by any

military or naval officer in good faith for services actually performed by such officer in such rank or grade during the war of the rebellion, shall not be charged to or recovered back from any such officer because of any defect in the title of such officer to the office, rank, or grade in which such services were actually so performed."

The first section, as amended February 3, 1887, as above stated, is as follows:

"That section 1 of an act to provide for the muster and pay of certain officers and enlisted men of the volunteer forces, approved June 3, 1884, be, and is hereby, amended so as to read as follows:

"That the joint resolution approved July 11, 1870, entitled 'Joint resolution amendatory of joint resolution for the relief of certain officers of the Army,' approved July 26, 1866, (1) is hereby so amended and shall be so construed that in all cases arising under the same any person who was duly appointed and commissioned, whether his commission was actually received by him or not, shall be considered as commissioned to the grade therein named from the date from which he was to take rank under and by the terms of his said commission, and shall be entitled to all pay and emoluments as if actually mustered at that date:

"*Provided*, That at the date from which he was to take rank by the terms of his commission there was a vacancy to which he could be so commissioned, and that he was actually performing the duties of the grade to which he was so commissioned, or, if not so performing such duties, then from such time after the date of his commission as he may have actually entered upon such duties:

"*And provided further*, That any person held as a prisoner of war, or who may have been absent by reason of wounds, or in hospital by reason of disability received in the service in line of duty, at the date of his commission, if a vacancy existed for him in the grade to which so commissioned, shall be entitled to the same pay and emoluments as if actually performing the duties of the grade to which he was commissioned and actually mustered at such date:

"*And provided further*, That this act and the resolution hereby amended shall be construed to apply only in those cases where the commission bears date prior to June 20, 1863, or after that date when their commands were not below the minimum number required by existing laws and regulations:

"*And provided further*, That the pay and allowances actually received shall be deducted from the sums to be paid under this act."

This act expires by limitation on the 3d day of June, 1892, by virtue of an act approved August 13, 1888, wherein the date was extended for filing such claims for muster and pay to that date.

It appears that there are still outstanding many just claims under this law for the reason that those interested have not learned of the provisions of the law giving them relief. Applications are now being presented to the Department for its action by those who have but recently become acquainted with its provisions. The claims yet to be presented are equally as just and meritorious as those already passed upon. The committee are of the opinion that the United States Government should not take advantage of a statute of limitation against one portion of a class of just claims when another portion is pending and another portion still has been properly adjusted; and believing the proposed legislation to be both equitable and just, recommend that the bill do pass.

WAR DEPARTMENT, *Washington City, March 11, 1892.*

SIR: I have the honor to acknowledge the receipt of your letter of the 10th instant, requesting "the views and recommendations" of this Department on H. R. bill No. 6659, entitled "A bill to extend the provisions of an act to provide for the muster and pay of certain officers and enlisted men of the volunteer forces."

The act "to provide for the muster and pay of certain officers and enlisted men of the volunteer forces," approved June 3, 1884, amended by an act approved February 3, 1887 (not February 5, as stated in the pending bill), provided that all claims arising thereunder should be "presented to and filed within the proper Department" within three years from and after its passage, and that "all such claims not so presented and filed within said three years" should be forever barred and "no allowance ever made thereon."

By an act approved August 13, 1888, the provisions of the acts of 1884 and 1887 were revised and extended for a period of five years from the 3d day of June, 1887.

In the bill now under consideration it is proposed to again revive the provisions of the acts referred to and extend the same for a period of three years from the 3d day of June, 1892.

In view of the fact that numerous applications are now being presented to the Department for its action under the law by those who have but recently become acquainted with its provisions, it is evident that there are many claims yet to be presented equally as meritorious as those already passed upon.

The proposed legislation appears to be both equitable and just.

Very respectfully,

L. A. GRANT,
Assistant Secretary of War.

The CHAIRMAN OF THE COMMITTEE ON MILITARY AFFAIRS,
House of Representatives.

Mr. OUTHWAITE. I now ask the previous question on the engrossment and third reading of the bill.

The previous question was ordered, under the operation of which the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

The question being on the passage of the bill,

Mr. LONG said: Mr. Speaker, on a bill of such importance as this I think we ought to have a fuller vote; and I call for a division.

The House accordingly divided; and there were—ayes 70, noes 5.

Mr. LONG. No quorum has voted.

The SPEAKER appointed Mr. LONG and Mr. OUTHWAITE as tellers.

The House proceeded to divide.

Mr. OUTHWAITE (one of the tellers). Mr Speaker it appears that there is not a quorum present, and I ask unanimous consent that this bill go over until the 6th day of January, to be voted upon immediately after the first morning hour.

The SPEAKER. Is there objection to the request of the gentleman from Ohio that the consideration of the pending bill go over until the 6th day of January, immediately after the first morning hour?

There was no objection.

REDUCTION OF SIGNAL CORPS.

Mr. OUTHWAITE. Mr. Speaker, the gentleman from South Dakota has withdrawn his objection to the consideration of the bill (H. R. 9896) to reduce the number of officers in and the expenses of the Signal Corps of the Army, and I ask to call it up now for consideration.

The bill was read, as follows:

Be it enacted, etc., That whenever the present Chief Signal Officer of the Army shall vacate his office there shall thereafter be a Chief Signal Officer of the Army with the rank, pay, and allowances of a colonel, who shall be selected from the officers of the Signal Corps, and an assistant chief signal officer, with the rank, pay, and allowances of a lieutenant-colonel, which office shall be filled by regular promotion in the Signal Corps: *Provided*, That thereafter the two offices of first lieutenant in the Signal Corps thus made vacant shall be abolished and discontinued.

The SPEAKER. This bill has not been reported by the committee, and can only be considered by unanimous consent.

Mr. OUTHWAITE. A brief statement as to the purposes of the bill before that question is submitted.

The SPEAKER. The gentleman, without objection, will be permitted to proceed, after which the Chair will submit the question to the House.

Mr. McMILLIN. Mr. Speaker, I reserve the right to make the point that this bill must receive its first consideration in the Committee of the Whole.

Mr. OUTHWAITE. Certainly. The bill is properly entitled "A bill to reduce the numbers in and the expense of the Signal Corps of the Army." It provides that when the present Chief Signal Officer of the Army shall vacate his office, for any reason whatever, that there shall be thereafter no brigadier-generalship in this department of the Army, but that there shall be a colonel as Chief of the Signal Office, and a lieutenant-colonel to be his assistant. It also abolishes two first lieutenancies. It is recommended by the Chief Signal Officer. I have a statement of the reduction which it will make in the expenses of the Army. It will reduce the expenses of the Army $3,127.92. This is a reduction of about 10 per cent of the salaries of this branch of the Army, and therefore I ask unanimous consent to consider it.

Mr. McMILLIN. What is the present organization? The gentleman being chairman of the committee undoubtedly knows.

Mr. OUTHWAITE. The present organization is a brigadier-general and a major, four captains, and four first lieutenants. It makes the change of reducing the rank of the Chief Signal Officer from a brigadier-general; that is, taking away the generalship and making it a colonelcy, and changing the major from major to lieutenant-colonel, and doing away with two first lieutenants. That is about the change.

Mr. McMILLIN. It gives, instead of a major and a general, a lieutenant-colonel and a colonel, as I understand it?

Mr. OUTHWAITE. That is it exactly, and cutting off two first lieutenants.

Mr. McMILLIN. And the net saving is $3,000 a year.

Mr. OUTHWAITE. It is over $3,000.

Mr. McMILLIN. And there is no expense anywhere else that makes up for that.

Mr. OUTHWAITE. None whatever. It is a net saving of $3,127.22, according to the statement submitted to me by an officer of the Signal Corps.

Mr. McMILLIN. One other question: Do these promotions of a major to a colonelcy and the provision for a lieutenand-colonelcy take effect at the same time that the law takes effect doing away with the generalship?

Mr. OUTHWAITE. Not until that time—not until that vacancy shall occur, and at the same time the two first lieutenants are dispensed with.

Mr. SIMPSON. I would like to ask the gentleman a question. If I understand this bill, under the present law a major-general is appointed to fill that position.

Mr. OUTHWAITE. The Chief Signal Officer holds the rank of brigadier-general.

Mr. SIMPSON. Under this law you can appoint a colonel to this position.

Mr. OUTHWAITE. Under the bill the chief of the Signal Office is to be a colonel after the vacation of the office by the present incumbent.

Mr. SIMPSON. It does not make him a colonel because he holds that position, but you merely appoint a colonel of the Army to the position instead of a general?

Mr. OUTHWAITE. That is not it exactly.

Mr. SIMPSON. I wanted to understand if you were making any new colonels.

Mr. OUTHWAITE. Oh, no.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. HOLMAN. My friend from Ohio [Mr. OUTHWAITE] has not yet stated the object of this.

Mr. OUTHWAITE. The object, so far as I have any object, is to reduce expenditures in the Army, whenever a vacancy occurs in the office of Chief Signal Officer——

Mr. HOLMAN. And the measure is recommended by the War Department, is it?

Mr. OUTHWAITE. I stated that it is recommended by the Chief Signal Officer in his report.

Mr. HOLMAN. And the only object is to reduce expenditures?

Mr. OUTHWAITE. This is the only object I have. I do not know of any other and can not conceive of any other.

Mr. LIVINGSTON. What reasons were given by the Chief Signal Officer?

Mr. OUTHWAITE. That it was simply to reduce expenditures, as I understand it; but I have no copy of his report here to refer to. There may be other good reasons.

Mr. LIVINGSTON. They do not often make suggestions of that kind.

The SPEAKER. The morning hour has expired. The Clerk will report the special order.

The Clerk read as follows:

Resolved, That Saturday, the 17th instant, beginning after the second morning hour, be set apart for the consideration of S. 1391 to authorize the Secretary of the Treasury to settle the account stated between the General Government and the State of Florida, etc.

The SPEAKER. This bill is in Committee of the Whole.

BRIDGE ACROSS THE ST. LAWRENCE RIVER.

Mr. BYNUM. I would like to ask my friend to yield for a moment before calling up that bill. I would like to ask unanimous consent to take up a bridge bill.

The SPEAKER. The gentleman from Indiana [Mr. BYNUM] asks unanimous consent for the present consideration of a bridge bill. Does the gentleman from Florida [Mr. BULLOCK] yield?

Mr. BULLOCK. With the understanding that it is simply for that purpose, I will yield.

Mr. CURTIS. I have a substitute to offer for the bill.

Mr. BYNUM. I ask unanimous consent to dispense with the reading of the substitute. The parties who are in favor of this bridge, as well as those who are opposed to its construction, have agreed to this substitute. I would state that this is an ordinary bridge bill, with all the usual safeguards, and I hope the substitute will be passed.

Mr. BURROWS. It better be read, Mr. Speaker.

The substitute was read.

The SPEAKER. Is there objection to the present consideration of the bill which has just been read? [After a pause.] The Chair hears none. Without objection the substitute will be considered in lieu of House bill No. 9005. [After a pause.] The Chair hears no objection.

The substitute was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. BYNUM, a motion to reconsider the vote by which the bill was passed, was laid on the table.

ORDER OF BUSINESS.

The SPEAKER. The Clerk will report the special order.

The Clerk read as follows:

Resolved, That Saturday, the 17th instant, beginning after the second morning hour, be set apart for the consideration of Senate bill No. 1391, to authorize the Secretary of the Treasury to settle the account stated between the General Government and the State of Florida, etc.

The SPEAKER. This bill is in Committee of the Whole on the state of the Union.

Mr. BULLOCK. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering Senate bill 1391, now upon the Speaker's table.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. BURROWS. Mr. Speaker, this matter involves a little over half a million dollars, and I think a quorum should be present. I demand a division.

The House divided; and there were—ayes 80, noes 2.

Mr. BURROWS. No quorum.

The SPEAKER. The gentleman from Michigan [Mr. BURROWS] makes the point that no quorum has voted. The Chair will appoint the gentleman from Florida [Mr. BULLOCK] and the gentleman from Michigan [Mr. BURROWS] to act as tellers.

After some time spent in the count,

Mr. BURROWS said: Mr. Speaker, I understand the gentleman from Florida desires to make some remarks upon this bill, and I will withdraw the point of order; but it is understood that we go into committee for debate only, the bill not to be reported back to the House to-day.

The SPEAKER. The point of no quorum having been withdrawn, the ayes have it, and the motion is agreed to.

The House accordingly resolved itself into Committee of the Whole House on state of the Union, Mr. CHIPMAN in the Chair.

The CHAIRMAN. The House is in Committee of the Whole on Senate bill 1391 under the special order.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to settle the account stated between the United States and the State of Florida, under the authority of section 5 of the act approved March 2, 1889, entitled "An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1889, and for prior years, and for other purposes;" and in making such settlement he is hereby authorized to set off what is found to be due by the State to the day of settlement, on account of principal and interest upon the bonds of the State, in which a portion of the Indian trust funds has been invested, against what is found to be due the State to the same date for moneys expended by her during the Indian hostilities of 1849 and 1856 and 1857, and to surrender such bonds and the coupons thereto to the governor of said State upon making such settlement. And in making the settlement the Secretary is directed to follow the statement of the account as made under the authority of said act, as found in the letter from the Secretary of the Treasury dated December 16, 1889, published as Executive Document No. 68, House of Representatives, Fifty-first Congress, and to adopt the first mode of settlement proposed near the foot of page 3 of said document, containing the computation of interest upon the principal on both sides at the date of settlement. And such sum of money is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, as is necessary to make such settlement.

Mr. BULLOCK. Mr. Chairman, the claim of the State of Florida for reimbursement for the funds expended by that State in the suppression of Indian hostilities in 1855, 1856, and 1857 has been before Congress for a number of years. It has received the most thorough investigation, and it has passed both branches of Congress on several occasions, and is now here before the House on a bill which has passed the Senate, a similar bill having been unanimously reported by the Committee on Claims of the House this session.

I will briefly state the history connected with this claim, and I think that the facts are so plain and the demand is so just that no gentleman who may now be harboring a suspicion that anything improper is designed to be gotten through this House will at once abandon that idea and become a warm and enthusiastic supporter of this claim on its merits. We rely for the success of this claim upon its intrinsic merits; and I am anxious that it should be fully discussed and that no gentleman should be asked to vote upon it who does not thoroughly understand it.

The mutual accounts between the State of Florida and the United States which the Senate bill now under consideration proposes to adjust and settle have been carefully investigated by the War Department by authority of a resolution introduced by Senator Plumb in 1881 and agreed to by both Houses, also by the Treasury Department upon a similar resolution in the deficiency bill of 1889, by committees of the House, and passed by the House; by committees of the Senate, and which also recommended a bill which passed the Senate and is now before the House for final settlement of these advances made by the State to suppress Indian hostilities in Florida during the years 1855, 1856, and 1857.

A similar bill has been unanimously favorably reported during this Congress from the Committee on Claims of the House and is now on the Calendar. There is no contention that the money was not expended by the State of Florida. The two Executive Departments of the General Government have ascertained and reported the amounts due by the Government of the United States to the State of Florida, a full statement of which is found in Executive Document No. 68, Fifty-first Congress, first session, being the reports of the Secretary of War and of the Secretary of the Treasury.

The only question that has ever been raised as to the validity of this claim is—was this Indian war of such character and magnitude as to bring the claim of the State for the suppression of hostilities within the principle and meaning of the Constitution that makes it obligatory upon the United States to protect the States against invasion; and was there such an invasion or threatened invasion by the Indians as to justify the governor in calling into service the State troops to protect the State and its citizens against invasion. That is the emergency question. The War Department having settled the question as to the necessity of the State in calling out her troops as well as having itself sent United States troops to the scene of action there can be no question at this late day as to that emergency existing at that time. In the report of the Secretary of War, which I hold in my hand, will be found all the data relating to the hostilities. From that report I quote:

The Adjutant-General of the United States (see page 3) writes to the commanding officer that "the services of these volunteers having been recognized and approved by the President, the Secretary of War directs that you cause one of the officers of your command to muster into and out of the service" the volunteers. That was an official recognition of the emergency and removes from our consideration all that part of the question, because "the question of authority on the part of the President in such cases is no

longer an open one, but has been decided by the Supreme Court in Luther *vs.* Borden (7 Howard, 43) that the President was the sole and exclusive judge of the fact as to when an emergency calling for Federal aid to repel invasion had arisen and that the State itself must determine what degree of force the crisis demands.

The same was also held in Martin *vs.* Mott (12 Wheaton, 29). In the case of Florida the State did determine that the employment of the State troops was necessary, and the Secretary of War, whose official acts are those of the President (Wilcox *vs.* McConnell, 13 Peters, 513), did decide in May, 1858, that the State troops maintained and paid by Florida were essential to the security of the State, and approved and adopted their service and ordered that they be "mustered in and out of the United States service" that they might be paid.

According to these authorities quoted above, the decision of the President was final and conclusive upon all parties, and can not be disturbed or inquired into by Congress or the courts.

The President decided that an emergency had arisen calling for Federal aid to protect Florida. The governor decided that additional force was needed and the President approved his decision, and these troops were employed and paid by the State.

The order of the President approved the calling out of volunteers as well as directed the Secretary of War to muster them in and out of the service of the United States. If there could be any doubt that there was such an emergency as to justify the governor in retaining these troops in the service and the recognition of their services by the Secretary of War, that doubt will be removed by reference to the action of Gen. Harney, who in 1857 was sent to Florida with full authority to overlook the situation and to report such action to the Government as in his judgment of the military operations then going on should be adopted by the Government for the speedy removal of these Indians.

After Gen. Harney had fully acquainted himself with the situation (being one of the most thoroughly acquainted men with the Indian character and their mode of warfare in Florida) he not only approved of the action of the governor in retaining these troops in the service of the State, but at once earnestly recommended to the Government that the force in Florida should be greatly augmented and strengthened. And in addition to the State troops and the regular Army troops then in service that the volunteer State force should be reorganized and increased to a mounted regiment of ten companies, to be commanded by a volunteer officer elected by the volunteers, and also recommending the addition of five foot companies, thus increasing the volunteer force from about 600 to 1,500 men.

Thus it will be seen that the United States Government not only recognized the emergency as grave and urgent, but took prudent steps to investigate the situation, and its officer, Gen. Harney, not only approved the employment of these troops but recommended their increase.

The measure of the emergency is not the number of killed and wounded, nor even the number of Indians engaged in the war. The proper criterion of emergency is the consternation produced in the exposed districts; the alarm and abandonment of homes and settlements; the devastation and destruction of property, and the contempt and derision brought upon the Federal authority by its impotency to protect and guard the people from the unknown number of Indians that remained in the State. That was Gen. Zach. Taylor's idea, who regarded "thirty or forty thousand" troops, and the subdivision of the State into "military districts of twenty square miles," and "in the center of each, or at the most eligible point, a post to be established and occupied by twenty or thirty men, a part of the number mounted," as the best and safest way of protecting the people. (Sprague's History of Florida War.)

Now, gentlemen, if you will recall the fact that the Indian war in Florida, which commenced in 1835, was protracted until 1842, and held at open defiance for seven long years the Government of the United States with its armies and all the volunteers that could be mustered into service, can you question for one moment the alarm and consternation that prevailed in our country when a large portion of these Indians, who had been located temporarily in the southern part of the Territory, opened hostilities and declared the war which commenced in 1855? There was not a citizen in the State of Florida, not a man, woman, or child that did not with nervous alarm and anxiety apply to the executive of the State for protection.

How was this war inaugurated in 1855? Not, as is frequently charged, by citizens upon the frontier provoking unnecessary collisions by trespasses upon the rights of the Indians. There never was a population in any State or upon any frontier who had more at heart the preservation of peace, good will, and kindness with the Indians than the people of Florida.

These Indians occupied the southern territory of Florida, under a temporary arrangement made with them by Gen. Worth in 1842. By treaty stipulation made at Paines Landing these Indians had agreed to remove, and the Government of the United States had assumed the responsibility that these Indians should be removed to their reservation in the then Territory of Kansas. The State of Florida came into existence as a State with the distinct undersianding that these Indians would soon be removed to the place provided for them.

Apprehensive that these Indians would make an outbreak and stop the prosperity and settlement of Florida, our executive was constantly urging upon the Government that these Indians should be removed. Our people were admonished to give no occasion or provocation which would offer to the Indians an excuse for renewing hostilities.

We all felt our exposed and helpless condition. I live in that portion of the country myself, and well do I remember the scenes of suffering and alarm when the women and children collected in my old town, even as far back as 1849, when the Indians, without provocation, made an attack upon the citizens living on the Indian River; and let me relate to you, if you please, some of the atrocious conduct of the Indians on that occasion.

And, by the way, let me remind gentlemen as I go along that in not a single instance of trouble with these Indians have the citizens of Florida been responsible. In every case the Indians have been the aggressors, and the attacks they have made have been first made upon officers of the United States.

In 1849 the United States inspector at the port at the inlet of Indian River, who had previously been in the Navy of the United States, and was given that appointment by President Buchanan on account of his health, was living with his family on the banks of the river, while his neighbor and brother-in-law was living a short distance below him.

The Indians had been in the habit of visiting the family, and the ladies of the family (and there were several) had been accustomed to give them presents, and had exercised toward them the greatest liberality and kindness in the interest of self-preservation, feeling how easily they might at any time be assassinated.

On the occasion to which I am now directing attention the Indians had been there and had spent two days, and when they got ready to leave they were loaded down by this officer and his family with presents and with everything they had asked for, and when they said good-bye it was, as the family believed, with a smile of gratitude upon their countenances.

But those Indians had not been gone more than twenty minutes when the family heard the crack of rifles down at the brother-in-law's house, and not understanding what it meant, they ran to the front of the house and saw the wife of the brother-in-law coming running up the beach screaming, "Get into your boat and get away! The Indians have killed my husband."

The family, including the inspector himself, got into the boat and shoved off into the river, but the Indians pursued them along the bank and got near enough to fire upon them and succeeded in breaking the arm of Maj. Russell in such a manner that amputation afterwards became necessary.

What was the result of this outrage? The whole frontier was abandoned. Everybody took this action of the Indians as a declaration of war, and the governor was appealed to to bring troops into the field. As soon as possible the leaders of the Indians were waited upon and asked what this outrage meant. They disavowed any advance knowledge of it, and said that they had endeavored to arrest the perpetrators, who had resisted, and had been killed, and they exhibited two hands as proof that the offending Indians had been killed.

But what was the effect upon the State of Florida? This happened just at the period when the citizens of that State had taken great pains to publish its resources and advantages, and when a tide of immigration had begun to flow into the State, so that the people of Florida had a gratifying prospect for the settlement of its unsettled lands.

But as a matter of course not only did those who were already there and who had not become permanently fixed to the soil, abandon the State, but almost every man throughout the country who had been considering the idea of moving to Florida at once abandoned it because of the continued presence there of these Indians, who, it must be remembered, were under treaty stipulations since 1831 to move West.

These are some illustrations of the injuries that have been inflicted upon Florida by reason of the presence of these Indians, and the Government of the United States was derelict in its duty in assuming the responsibility of allowing them to remain there contrary to the treaty stipulations, and this neglect entailed upon the State the loss of millions of dollars, of which there is no possibility of reimbursement.

The Indians retreated to what is generally known as the Everglades and Big Cypress country in Florida, a region covering about 24,000 or 25,000 square miles, and supposed to be impene-

trable and uninhabitable. Here the Indians felt that they had secreted themselves in safety and they established their little homes and farms, finding the country much more productive and valuable than people generally understood it to be. Being intrenched in these fastnesses, they became again restless for war, and hence the inauguration of hostilities in 1855.

Was any citizen of Florida responsible for that outbreak? What were the circumstances? Lieut. Hartsuff, a lieutenant in the regular Army, who had perhaps done more scouting and reconnoitering on the Indian frontier than any other officer of the United States, was making a reconnoitering tour with eleven men, skirting the Everglades, where he had frequently met Indians. On this occasion, however, he met none; their usual places of resort, where he had often met them in previous expeditions, were abandoned. He could not account for this fact and it aroused his suspicion that something was wrong, but he did not know what.

He encamped in the vicinity of the town of Billy Bowlegs and at daylight the next morning, while his men were preparing breakfast and while he himself was not yet out of bed, an attack was made upon them, killing four, wounding four others, and wounding the lieutenant himself severely. Upon the news of this Indian attack being telegraphed to Washington the Secretary of War sent this reply:

WASHINGTON, *January 3, 1855.*

SIR: Your note by telegraph of the 23d ultimo was received yesterday. The occurrence of actual hostilities commenced by the Seminole Indians suspends all the instructions heretofore given you with a view to effect the peaceable removal of those Indians.

Ah, Mr. Chairman, if that advice had been given five or six years before the State of Florida would have escaped a most ruinous and exhausting war, because these Indians would have been removed in time, according to the stipulations of the treaty, and that country would have bloomed like a rose, where, for many years afterwards there was nothing but destruction and devastation. The Secretary of War continues:

It is presumed that Col. Monroe has dispatched by mail to this Department a report in relation to Indian affairs in Florida, and on its receipt further instructions will be given for your guidance.

Not until then—in 1855—did the Government give up this unfortunate and foolish idea to which it seems to have been wedded, against the protest of those who knew better, that it could succeed ultimately in effecting a peaceable removal of these Indians. But when the Indians showed their disregard in every instance even of the officers of the United States, when they set upon and killed the party that had been sent to investigate their situation, then it was seen that instructions looking to a peaceful solution of the difficulty with the Indians should be withdrawn.

The Indians, intrenched in their swampy fastnesses, supposed that they could by their predatory expeditions upon the settlements supply themselves with what they wanted, then retreat to their fastnesses and defy pursuit, and at the very juncture referred to they followed up their massacre of this detachment of Federal soldiers by going more than 150 miles into the interior, where they burned the houses of the settlers and killed the settlers themselves; but the citizens on the frontier, knowing the danger they were in, sprang to arms, every man of them, as soon as they could make provision for the care of their families. They went into patriotic pursuit of those Indians. They were incited by that feeling which stirs men as nothing else can—the idea of the preservation of themselves and their families.

Thus in their protection of the frontier they were inspired with an energy such as rarely controls men in warlike operations. On the occasion of the first attack by the Indians these settlers assembled together and pursued them with such vigilance and determination as to bring on one of the bloodiest fights ever known in Indian warfare, and in which great gallantry was shown by our officers and men as well as by the Indians themselves, to do them justice. In one instance one of the Indians was dispatched with a pocketknife in a close personal encounter with one of the officers in command of a detachment. In that engagement several of our officers fell and others were wounded.

Another expedition was undertaken with similar results. The Indians were not prepared for such energetic measures; they did not believe they would meet with such resistance. So they then retired to their fastnesses. And what was at that time the condition of our State? Every frontier settlement was abandoned; every able-bodied man had gone into the service.

The people of the State demanded of the governor that he should quadruple the forces that were in the field. The officers of the United States did not seem to realize even then the magnitude of the undertaking that was before them since pacific methods for the removal of the Indians had been abandoned; the war dragged along with an insufficient force arrayed against the Indians. The governor was not able and the State was not able to meet the emergency as it ought to have been met; but the State did organize and bring into service from four hundred to six hundred men; it equipped and supplied them and has since paid them. These circumstances form the basis, as I will explain directly, of the claim which is now presented.

This condition of things went on from 1855 till the fall of 1856 or the spring of 1857, when the Government saw that something was radically wrong in the conduct of this Indian war and that some more efficient measures must be taken. Gen. Harney was then sent down there by the Government to look over the field and determine what was best to be done. He had served during the previous war and was considered one of the most skillful and successful Indian fighters in the United States Army.

The troops which the governor had brought into service had been tendered to the United States Government and declined; but the State kept them in service at its own expense. It dare not disband them. The citizens would not have submitted to such a step. When Gen. Harney came there in the spring of 1857 and examined the situation, what did he do? After acquainting himself with the situation he rebuked the Federal officers in command. He said to them, in effect, "You do not understand what you have before you. Your forces are entirely inadequate for the purpose of routing and capturing these Indians. The governor has done right to retain these soldiers in the field, and he ought to have had three times as many. It will take that number to meet this situation."

He at once made a requisition on the governor for ten companies of mounted volunteers and five companies of foot soldiers, together with a greatly augmented strength of regular forces; these troops were put at once into the field; and thus the action of the governor of the State in retaining those troops in service from 1855 to 1857 was vindicated.

In order to enable the officers of the United States to obtain control of these ten companies of mounted men and five companies of foot soldiers, the troops that had been in the State service were incorporated, so far as they went in the new organization, with troops brought from other sections of the State and some from Georgia.

Gen. Harney advised that there should be a regimental organization commanded by a colonel and officers that had been in the volunteer service; the conduct of the war was turned over to these officers by his recommendation, and the regular Army was used for protecting the posts in the rear. When these troops were thus organized, put into the field, and turned loose upon the Indians, it was not four months before they had hunted down and routed the Indians, and in 1858 the hostilities were at an end.

I have thus given a short history of these transactions, and I want to impress upon the minds of members that there can be no allegation of provocation by citizens of Florida as the cause of this trouble with the Indians. In every instance the hostilities were provoked by aggressions of the Indians themselves, and by their attacks upon United States officers, for which the people of the State were not responsible.

As I said before, Mr. Chairman, the only question that has ever been raised as to the validity of this claim was the question as to whether this Indian war was a war of such magnitude as to bring the claim of the State for the suppression of the Indian hostilities within the purview and meaning of the provision of the Constitution that makes it a duty, obligatory upon the General Government of the United States to protect the States from invasion. In that connection I submit that the following letter from the United States officer commanding in Florida, followed by the recommendation of Gen. Harney, is conclusive:

HEADQUARTERS TROOPS IN FLORIDA,
Fort Brooke, January 20, 1856.

SIR: By virtue of authority from the War Department, dated Adjutant-General's Office, Washington, January 7, 1856, and received by me on the 19th instant (of which a copy is herewith), I have now the honor to call on your excellency for the following volunteer force, to provide for the protection of the frontier and to coöperate with the United States troops in enforcing the removal of the Indians remaining in the State:

One company of mounted volunteers, to be mustered into service, say, in the neighborhood of Fort Gatlin.

One company of mounted volunteers, to be mustered into service, say, in the neighborhood of Heecheepoksasa, and one company of mounted volunteers, to be mustered into service, say, in the neighborhood of Fort Meade.

Two companies of foot, to be composed exclusively of good woodsmen, familiar with the habits of Indians, to be employed as hunters and trailers in the swamps and morasses, where horsemen can not go, and where alone Indians are to be found and overcome.

As each mounted company will act separately, and the foot companies are to be associated with the regular troops in their operations, no field or staff officers will be required or received with them.

"Companies serving in the peninsula of Florida and at Key West are authorized to be carried up to the maximum legal standard of seventy-four privates." (See Special Order No. 70, dated War Department, Adjutant-General's Office, Washington, April 18, 1855, copy herewith, and second section of act of June 17, 1850, entitled "An act to increase the rank and file of the Army," etc.) The volunteer companies now called for will therefore each be composed as follows, viz: One captain, one first lieutenant, one second lieutenant, four sergeants, four corporals, two musicians, and seventy-four privates.

Gen. Jesse Carter, of this county, has consented to proceed immediately to

the capital for the purpose of conferring with your excellency on the details of this business, as my duties here will not allow me to leave.

Most respectfully, your obedient servant,

JOHN MONROE,
Major 2d Regiment Artillery, Brevet Colonel, Commanding Troops in Peninsula of Florida.

To his Excellency JAMES E. BROOME,
Governor of Florida, Tallahassee.

It is now evident to you from all of the facts presented in this case that the State would have been overrun by an eruption of Indians but for the active, energetic, and patriotic interposition of the volunteer troops of the State of Florida, who assembled and volunteered for the protection of their own people, and of whom Maj. Monroe said they discharged their duty "with much credit to themselves" and "they have been spoken of by the United States officers with whom they were associated on their tour in the most favorable manner." These are the troops which have never been paid by the United States, but who the State paid, and now demands repayment, as is the constitutional duty of the United States.

The correspondence that took place between the President of the United States and the governor of Florida shows the recognition on the part of the President of the active part taken by these troops, and also explains why these troops were not mustered and paid as the other troops were mustered and paid. The governor of Florida opened a communication with the General Government, the object being to obtain pay for the troops that the State had maintained so long and so exhaustively to her treasury. What was the State to do? These men had to be paid.

Here is a short correspondence appended in the report, which shows exactly the condition: The governor wrote to the Secretary of War and asked that the services of these troops be approved and that their service be adopted by the General Government. On this letter of Governor Broome was the indorsement of the Paymaster-General and Adjutant General of the Army, reciting the fact that according to the precedents it was only necessary for the President to recognize the troops as having been in the service of the United States—remember, that "it was only necessary to recognize these troops as having been in the service of the United States," and direct that they be mustered in and out of service, when they could be paid upon an appropriation therefor being made by Congress, as all other volunteers were paid. They acted, as I have shown you, in active coöperation with the officer of the Army commanding in Florida during this period; and here is a statement of the officer himself to the War Department setting out the fact that they had rendered most efficient and valued service in coöperating with the officers of the United States and the men who were under his control. He recommended that an officer be sent as soon as possible to muster them in and out of the service of the United States, which recommendation was approved by the Secretary of War, who notified the governor as follows:

WAR DEPARTMENT, *Washington, D. C., May 21, 1857.*

SIR: I have the honor to acknowledge the receipt of your letter of the 8th instant, asking an approval of the services of certain volunteers called out by you, and in reply to inform you that the explanation as to the necessity of their services is satisfactory, and orders have been issued to the officer commanding in Florida to muster them in and out of the service of the United States.

Very respectfully, your obedient servant,

JOHN B. FLOYD,
Secretary of War.

His Excellency JAMES E. BROOME,
Governor of Florida, Washington.

The official order to which reference was made by the Secretary of War in the foregoing letter is in the following words:

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, D. C., May 21, 1857.

SIR: I have the honor herewith to transmit a copy of a letter addressed by the governor of Florida, under date of May 8, 1857, to the Secretary of War, respecting volunteers called out by the former to suppress Indian hostilities in Florida, but never regularly mustered into the service of the United States.

The services of these volunteers having been recognized and approved by the President, the Secretary of War directs that you cause one of the officers of your command to muster into and out of the service of the United States, as soon as practicable, the troops indicated by Governor Broome, to the end that they may be paid whenever Congress shall make the necessary appropriation for the purpose. A supply of blank muster rolls will at once be sent to your address.

I am, sir, very respectfully, your obedient servant,

S. COOPER,
Adjutant-General.

COMMANDING OFFICER,
Department of Florida, Tampa, Fla.

On the 7th of July following the governor wrote to the Secretary of War, stating that it had been found to be impracticable to muster in those troops as directed by the Secretary, they having long since been disbanded, and it being impossible again to assemble them at any one point.

They were disbanded, as I have already shown you, because they were incorporated into ten companies, as recommended by Gen. Harney. They were incorporated with and absorbed by this command:

The governor suggested that the muster be made from the properly certified rolls of the State. To this the Secretary replied that no officer could make a constructive muster, as suggested, but that to certify the rolls he must have mustered the troops present.

That was the law. The officers could not under the law make a constructive muster. The Secretary adds:

Under the circumstances the only course left for the Department is to receive as official the State rolls, duly certified by the State authorities, and to base upon them a recommendation to Congress for the appropriation necessary to pay off the troops. This course will obviate the difficulties mentioned by you on account of the disbandment of the volunteers in question.

Now, there is the law of the case in a nutshell—simply that the troops were disbanded, otherwise they would have been mustered in and out and would have received their pay through the regular channels. Their services had been recognized and are recognized in these communications. The files of the Department show these facts. There can be no question of them. They were admitted by the President and the Secretary of War as well as the commanding officer, who was instructed to detail an officer to muster them in and out.

The object of this muster was to enable them to be paid, but before that could be done, there being no officer in Florida, he had to come from Texas, as I am informed, for this purpose, and before that these troops had been disbanded or incorporated in the ten companies recommended by Gen. Harney. The Secretary of War says that the only way it could be paid now was upon a certified copy of the rolls of the State on which to base a recommendation for an appropriation by Congress, and that is the very thing that is now before Congress in the claim of the State of Florida, the State coming forward and asking simply that equity and justice shall be done her and this claim allowed, to reimburse the State for payments having been made, and rendered necessary by the fact of this accidental postponement of the mustering in of the troops until it was too late to do so.

Now, has it been just, or generous, or fair, or equitable that the payment of this claim should have been postponed to this day and that the State should now be defeated in securing her rights because there is not a quorum in this House to act upon this claim?

I claim that there never has been a State so wronged, wronged because the case was not understood, perhaps; but to continue it longer is making it absolutely cruel, and it is inflicting a great injustice upon a State whose treasury is depleted, and has been depleted, perhaps, from the most afflicting and pestilential causes that have ever afflicted any State in this Union.

Let me call your attention to the ruinous and expensive epidemic through which that State passed a few years ago; the immense amount of money that was drawn from her treasury, the heavy expenses incurred in calling together an extra session of the Legislature to provide for the health board of the State, the heavy expense it has been to the State ever since the establishment of that board to protect its long and exposed frontier coast from the encroachment of diseases that would not have stopped in Florida, but would have spread perhaps all over the United States.

Mr. LIVINGSTON. May I suggest to the gentleman that there are several States in the Northwest for which this very thing has been done that you are asking to have done?

Mr. BULLOCK. Of course. There are plenty of precedents for this case; but I claim that this stands preëminently high upon equitable grounds. There is no reason why this claim should not be paid, and the only way to defeat it has been to postpone and defer it.

Mr. LIVINGSTON. Did we not do the same thing for a Northwestern State last week?

Mr. BULLOCK. I have no doubt we did.

Mr. LIVINGSTON. The RECORD will show it.

Mr. JOSEPH D. TAYLOR. I desire to ask the gentleman from Florida a question?

Mr. BULLOCK. I will yield with pleasure.

Mr. JOSEPH D. TAYLOR. This does not affect the justice of the claim; but my inquiry is as to the amount which ought to be paid. This is simply a claim against the General Government, and it has not been the practice for the Government to pay interest on claims of this kind.

Mr. MANSUR. Always, where the State has paid interest herself.

Mr. JOSEPH D. TAYLOR. Not in cases of this kind.

Mr. BULLOCK. In answer to the gentleman upon that point, I will say that there are numerous precedents, and in fact there is almost an unbroken line of precedents, where, under similar circumstances the Government has always paid interest.

Mr. MANSUR. If the State borrows money and pays interest, then the Government pays interest.

Mr. BULLOCK. When the gentleman asked that question, perhaps he did not remember that this indebtedness had been paid by the State long ago, by the negotiation of her bonds, upon which she paid interest; and $132,000 of that amount was borrowed from the Government, upon which amount she is paying

to-day 7 per cent interest. The Government loaned that money out of the Indian trust fund, with the knowledge that the Government owed this claim to the State.

Mr. JOSEPH D. TAYLOR. I understand the State sold bonds and raised money to pay this indebtedness; but still it was not an indebtedness of the General Government. If so, you would not need this kind of legislation. It is because this was simply a claim against the General Government that it has been awaiting the action of Congress all these years and has not been paid. Is not that true?

Mr. BULLOCK. No, sir——

Mr. JOSEPH D. TAYLOR. But it is a claim which must take its chances, like a thousand others in which parties come here to Congress seeking this kind of legislation. Now, my State has some claims which have never been paid, which ought to have been paid, and other States have claims of a similar nature, which ought to be paid and never have been paid; but when claims are paid they are generally paid without interest. Now, would it not be satisfactory to you to pay the difference between these two claims, which would be $130,000, deducting the $132,000 from $262,000, and pay your claim in full in that way, without paying interest? Would not that be in keeping with the way in which these claims are paid?

Mr. BULLOCK. Not at all, sir. Now I will answer your question by asking you another. Are you willing that this debt, that was unquestionably an obligation of the United States, to pay which the State of Florida borrowed money from the United States, are you willing that Florida should lose the interest which it has paid under those circumstances?

Mr. JOSEPH D. TAYLOR. The gentleman is assuming, in the question he asks me, that this is an obligation against the General Government.

Mr. BULLOCK. I say it is.

Mr. JOSEPH D. TAYLOR. If it were an obligation against the General Government you would not need to come to Congress to secure its payment.

Mr. BULLOCK. The President and the Secretary of War suggested that only by reason of the nonmuster of troops the executive department could not pay it, but that the State would have to come to Congress to get the money, and recommended that course.

Mr. JOSEPH D. TAYLOR. And therefore it comes to Congress, like a thousand other claims which go to the Court of Claims and are paid in this way without interest.

Mr. BULLOCK. If it was not a claim against the Government we would not come to Congress. But now listen to the opinions of Attorneys-General Wirt, Crittenden, and Brewster, upon analogous cases. They say:

The opinion of Attorney-General Wirt on an analogous case is as follows:

"The expenditure thus incurred forms a debt against the United States which they are bound to reimburse. If the expenditures made for such purpose are supplied from the treasury of the State, the United States reimburse the principal without interest; but if, being unable itself, from the conditions of its own finances, to meet the emergency, such State has been obliged to borrow money for the purpose, and thus to incur a debt on which she herself has had to pay interest, such debt is essentially a debt due by the United States, and both the principal and the interest are to be paid by the United States." (See Opinions of Attorneys-General, vol. 1, p. 174.)

In addition, the opinion of Attorney-General Crittenden, who says:

"The act of 27th of February, 1851, is intended to indemnify the State against loss or damage. Reimbursing means repairing the loss or expenses by an equivalent. If the State of Florida has contracted obligations bearing interest, or has paid money with interest, for the use and benefit, in necessary and proper supplies for the troops called into service in 1849, to refund to the State of Florida the principal sum only, without the interest, would not reimburse the State, would not save the State from loss and damage, would not be an equivalent for the expense the State has incurred for the United States. There is no public policy, no saving to the public treasury, no virtue, no laudable end consulted in order to cut down the claims of the several States in opposition to the intention of Congress and the good faith of the Government."

Also of Attorney-General Brewster, in case of the State of New York, dated July 23, 1883:

"Undoubtedly the interest paid by the State of New York on money borrowed and applied to the objects specified in the act of July 27, 1861, forms a part of the burden borne by that State for general public defense, and constitutes a just charge against the United States, and the obligation to reimburse for payments of that kind, made under similar circumstances, has frequently been recognized by Congress, as appears by statutes above cited."

Mr. JOSEPH D. TAYLOR. Certainly, I think that is true of all claims against the General Government.

Mr. BULLOCK. If the gentleman will not yield fully to the view of the Attorney-General, he must take his own view.

Mr. MALLORY. I have a list of cases in which the Government has done this, which I can show the gentleman.

Mr. JOSEPH D. TAYLOR. I know it has done so in a great many cases.

Mr. MALLORY. The State will get the benefit of the interest, the same as other States have.

Mr. MANSUR. If the gentleman will allow me, I will state that my experience on the Committee on Claims justifies me in saying that while the Court of Claims never allows the interest to individuals and that Congress never allows it, yet there are thirty or forty cases where a State, by reason of an insurrection, has furnished troops, supplies, and munitions of war and been unable to pay the expense that fell upon it, the Government, following out the intent of that article of the Constitution which declares it to be the duty of the Government to protect the States against invasion and insurrection, where the State has borrowed the money and has paid the interest, in every instance the Federal Government has paid the interest.

Mr. JOSEPH D. TAYLOR. There was an invasion in our State, and that claim has never yet been paid by the Government, and we would be willing to accept it without the interest.

Mr. MANSUR. Why do you not bring in your claim?

Mr. BULLOCK. I must decline to yield further.

Mr. JOSEPH D. TAYLOR. I simply made the inquiry. I was not against the claim, but simply against the amount.

Mr. BULLOCK. Now, it is that $132,000, borrowed from the State, which constitutes the mutual account between the United States and the State of Florida.

In the second session of the Forty-sixth Congress Mr. Plumb, of the Senate, from the Committee on Military Affairs, submitted a report, from which I quote as follows:

While the committee are satisfied of the justness of this claim of the State of Florida, they are not prepared to recommend the passage of the specific bill referred to them. They think it would be wiser to authorize the Secretary of War to cause this claim to be thoroughly investigated and to report the result to Congress for further consideration.

It is probable that the data on file in the War Department will greatly facilitate the proposed investigation, so that no great delay is likely to result if the recommendation of the committee is adopted by the Senate and be followed by law to the same effect. A similar course was pursued in the case of the State of Kansas, to which reference has been made, and we therefore submit a substitute for the joint resolution and recommend its passage.

The substitute for the joint resolution became a law March 3, 1881, under which the report from the Secretary of War was made. This report of the Secretary of War was again, in 1889, by a provision of the general deficiency bill, referred to the Secretary of the Treasury for examination and report, which report is the basis upon which this Senate bill has been framed for the adjustment of these mutual accounts. This both Executive Departments of the War and of the Treasury have examined and approved these accounts and referred them to Congress for an appropriation to settle up the balance fund due the State by the Secretary of the Treasury on January 1, 1890, which amount is stated as being $567,954.50.

Now, Mr. Chairman, you must excuse me, as a citizen of Florida, for the enthusiasm and interest I manifest in this claim, because I know something of its merits. I participated in some of the hardships incident to that war. I know something of the hardships and sufferings of my people. I know the depleted condition of our treasury, and I appeal to a genereus and rich Government to do justice to a State that is struggling financially for existence. [Applause.]

Mr. MANSUR. Mr. Chairman, if any gentleman desires to be heard on the other side, I prefer to answer something coming from that quarter.

Mr. HOLMAN. Go ahead.

Mr. MANSUR. Mr. Chairman, my connection with this claim is, briefly, as follows: Entering the Fiftieth Congress, I found myself put upon a subcommittee of the Committee on Claims, the chairman of which was Mr. Dougherty, of the State of Florida. He called his subcommittee together and put before us this Florida claim, and said that that subcommittee would never investigate any other claim until that was disposed of. On the theory that I had just entered Congress and on the supposition that a new broom sweeps clean, this being a claim of large dimensions, I gave to it a very close examination, more especially as I found that my other colleague on that committee was paying small attention to it. After three or four days' work upon this claim I reached the conclusion that if there be anything in the constitutional obligation imposing the duty upon the Federal Government to protect its States and the people of a State against servile insurrection or an invasion of any kind, then this was undoubtedly an honest and just claim.

We occasionally hear a great deal in this House about the binding duty on us to obey the Constitution, but it is nearly always from some person or other who invokes it as a defense; when you have a claim based upon the Constitution it is very seldom that you can find a member that seems to think a provision in the Constitution that calls for the enforcement of a right or the payment of a debt is of the same caliber and weight as when it is used to defeat a claim.

Private claims in the six years I have been in this House have received but very little attention, and it looks as if it has been the intention of the House on all occasions to evade their payment rather than to do justice. It seems to me that if there be such a thing as coming before the Congress of the United States with a just and honest claim coming from a person confident of the justice of his claim and relying upon the fact that

Congress will do its duty, will investigate and pay, then Congress should meet the just expectation of such individual; but unfortunately the experience of every member of this House knows the reverse of that to be true.

Here, however, we have a claim which is so just, in my opinion, no man who comes to the investigation of it with a mind free from prejudice, either political or otherwise, and will examine its inception and start, its history, can for one instant fail to believe it to be a just claim.

Let us see how this claim originated. The Seminoles had been in Florida from the time of the settlement of this country. With the advance of our civilization the time came when the bulk of them had to retreat before that civilization, trading their lands in Florida and east of the Mississippi for lands in the Indian Territory. They began their removal at an early period, the first band of Indians visiting the lands proposed to be given them west of the Mississippi in about 1819.

Under the treaties which followed, notably the one made in 1828, and again those made in 1833 and 1835, the great bulk of Indians were removed and located in what was known as the Indian Territory, west of the Mississippi River. But there was a small band of two or three hundred of them that refused to go, that would not be removed, and this led to one of the bloodiest of all our Indian wars, known as the Florida war, running all through the thirties, and not completely finished until 1842.

Even then only a small portion of the remaining Indians were removed, leaving in the everglades and in the southern portion of the State a band of Seminoles of somewhat uncertain number, probably 200 to 300, who, with their descendants, are there today; that is to say, there are two to three hundred of these Indians remaining in that State. When we consider the character of the everglades and their lifelong familiarity with the country, it is safe to say that they are in a condition to fight successfully at any time ten times their number.

Gen. BULLOCK has told you the feeling of the people of Florida with regard to the aggressions of these Indians better than I can. Suffice it to state how the war of 1855–1857 began. In 1855 Lieut. Hartsuff, United States Army, with 10 men was sent upon an exploring expedition along the border of the region where the Indians were generally to be found. He visited half a dozen places where he had seen them the year before, but on this occasion he found none. Camping one night, he was attacked before breakfast in the morning, and of the 11 men constituting his command 4 were killed, 4 wounded, and 3 escaped. Thereupon hostilities were resumed, and all attempts at the peaceable removal of the Indians were given up.

This was in 1855, and it took the Federal Government nearly three years to overcome those Seminoles, consisting of from ninety-six to two hundred warriors. By the official reports of the Federal Government we find that if any demand were to be made on the part of the people of Florida for incidental or outside damages resulting from neglect of duty—such a claim as would arise between individuals—for not promptly doing its duty the State of Florida could well come here with a claim for a million dollars more. The Federal Government ought to have known its duty better and been more prompt than it was in suppressing this Indian war. The first year of the war the Government employed only 840 regular troops, with hardly any volunteers.

Here is the report of Adjutant-General Cooper, made May 20, 1858. It shows that the average number of regular troops employed in this war in Florida in 1855 was 840; in the first nine months of 1856 the number was 866, and from October 1, 1856, to September 1, 1857, the number was increased to 1,755. For the remaining four months of the war in 1857 it was only 339. The average number of volunteers employed in 1856 was 321, and in 1857, 1,164. In addition to those who were called into service by the Federal Government, the State authorities of Florida called out, for short terms of service, in 1855, certain other companies of volunteers whose services have never been recognized or paid for by the General Government, and in the calling out of these additional companies and their services the origin and amount of this present claim is to be found.

The Federal Government started in with somewhat over eight hundred men, and it was nearly eighteen months before they got the number up to what was required to crush that little band of Indians and compel peace. Therefore, if there was neglect anywhere it was not on the part of the little State of Florida which then had only a small and parse population, because we are told in this same report that the Indians were so nimble that the scene of hostilities covered 27,400 square miles of territory, as much, I believe, or more than is to be found in the whole State of Ohio. The Indians appeared here, there, everywhere, and they had to be checkmated at all points, and the Government had in 1857, at the least, as many as 2,900 men under arms against these Indians.

The trouble with the claim, and the only trouble, is this: When, in 1857, the war had grown to such large porportions and the Federal Government had failed to furnish the necessary number of troops to bring it to an end, had in fact failed to meet its constitutional obligation to protect the people of Florida, the governor of that State, having raised between 1,100 and 1,200 men they were accepted and sworn into the Federal service and paid by the Federal Government. But there were fifteen other companies, in part, or in whole, that were used, but not mustered in, and the war ended without their being mustered in. When the demand was made by the State authorities for payment of these troops, or that the Federal Government itself should pay them, then came a mustering-in order from the Secretary of War, who was, of course, but the mouthpiece of the President.

The order was that the State authorities should call the men together and that they should be mustered into the service and mustered out all at the one time. This was because of a technicality existing upon the Federal statute books which forbade the Federal Government to pay any troops unless they had been mustered into the service. But the war had ended somewhat suddenly, and these troops had been disbanded and had gone to their homes, so that they could not be got together.

The governor suggested that the muster be made from the properly certified rolls of the State. To this the Secretary replied that no officer could make a constructive muster, as suggested, but that to certify the rolls he must have mustered the troops present. The Secretary adds:

> Under the circumstances the only course left for the Department is to receive as official the State rolls, duly certified by the State authorities, and to base upon them a recommendation to Congress for the appropriation necessary to pay off the troops. This course will obviate the difficulties mentioned by you on account of the disbandment of the volunteers in question

So, Mr. Chairman, the inhibition of the statute which prevents the paying troops that have not been mustered into the service is the technicality that has stood and stands to day as the sole barrier against this claim and the act of Congress required to settle this claim; and, Mr. Chairman, Florida has been trying to get that act of Congress from that day to this, and that is all there is to this claim, and no gentleman can show to the contrary.

Mr. DINGLEY. May I ask the gentleman a question?

Mr. MANSUR. Yes, sir.

Mr. DINGLEY. This war, I believe, terminated nearly forty years ago—in 1856 or 1857?

Mr. MANSUR. Yes, sir.

Mr. DINGLEY. If there was an equitable claim in this matter by the State of Florida, why was it not taken up and pressed before Congress at a time when all these circumstances were fresh? Why is this matter brought up here now after a lapse of forty years or thereabouts?

Mr. MANSUR. Does the gentleman want me to state the reason candidly?

Mr. DINGLEY. Yes, sir.

Mr. MANSUR. When I look around and see who it is that are making the objections now, I am afraid that the payment of this claim has been refused heretofore because Florida was not a Republican State.

Mr. DINGLEY. But this war terminated in 1856 or 1857; at that time the Democratic party controlled both branches of Congress.

Mr. MANSUR. That is true.

Mr. DINGLEY. So there could not have been any objection then on the ground which the gentleman states.

Mr. MANSUR. That would account for a year or two——

Mr. DINGLEY. I make my inquiry in good faith.

Mr. MANSUR. This claim was passed by the House in the Fiftieth Congress when Mr. CARLISLE was Speaker, but it failed in the Senate. Once before it passed in the Senate and failed in the House. Now the bill has been passed in the Senate and comes here for our concurrence. It has been four times favorably reported in the Senate and I do not know how often in the House.

Mr. DINGLEY. The object of my inquiry was simply to satisfy my mind as to why, when all the circumstances were fresh and when of course the political objection suggested by friend from Missouri did not apply, this claim was not settled.

Mr. MANSUR. Would the gentleman plead the statute of limitations?

Mr. DINGLEY. I am anxious to find out why something was not done in 1856, 1857, or 1858, or thereabouts to provide for the payment of this claim when all the facts were fresh—why the claim has been delayed until the present time. I believe about $700,000 was paid on account of this war in 1857–'59.

Mr. MANSUR. Yes, sir.

Mr. DINGLEY. And I believe there were about ninety-eight Seminole Indians engaged in this war, making the expense about

$8,000 per Indian. Now, if anything in equity was due to the State on account of this war, why was not this claim satisfied soon after the close of that war when the situation was well known?

Mr. MANSUR. I suppose during the time of the civil war and since there were numbers of things which for the time being those in control of Congress regarded as far more important than this.

Mr. DINGLEY. But this claim is alleged to have accrued in 1856 or 1857—three or four years before the war of the rebellion.

Mr. MANSUR. This claim was before Congress in 1860——

Mr. DINGLEY. At the time to which I have referred the facts were all fresh; yet it seems Congress took no favorable action respecting the matter. The Seminole war, according to the general understanding, was originally precipitated by the fact that fugitive slaves had fled to the country of the Seminole Indians; the Indian war grew out of difficulties arising in that way——

Mr. MANSUR. In the entire record of this case, and in all the reports that I have read, I have yet to find the first word making any such intimation as the gentleman now makes; and I would be glad if he would point out some authority for his statement.

Mr. DINGLEY. This is not important at the present time; but I have here a work by Joshua R. Giddings, detailing all the circumstances of the Seminole war, in which he traces step by step what he characterizes as the wicked proceedings——

Mr. MANSUR. Did he have any partisan bias?

Mr. DINGLEY. I think he was a man of great ability and eminent candor.

Mr. MANSUR. Yes, sir; and most eminent bias, and I am afraid that such is the spirit of the opposition that this claim meets now. In the official reports there is to be found nothing sustaining the objection which the gentleman from Maine has just made, beside the Florida war of which Mr. Giddings writes began in the thirties and ended about 1842. Florida was then a Territory. She became a State in 1845, and this Indian insurrection began in 1855, ten years after Florida became a State.

Now, Mr. Speaker, this brings me down to a point where I shall soon close. There have been four favorable reports in the Senate on this measure and probably an equal number or more in the House. The bill has passed the Senate heretofore. It passed this House in the Fiftieth Congress. While it has thus at different times met favorable action in each House, the two Houses have not concurred in passing it in the same Congress. Hence, the rule of this day was reported to get this Senate bill before the House at the present time.

Now, sir, at the time when Senator Plumb made his report in 1882, he asked that inasmuch as there were divers accounts between the State of Florida and the Federal Government, there should be not an adjustment of this single claim, but a complete account of all matters in controversy between the State and the United States. Therefore he reported a provision to be put upon the deficiency appropriation bill, which subsequently became law, providing that the Secretary of the Treasury, in connection with the Secretary of War, should make a thorough and complete investigation and report of all matters and differences between the Federal Government and the State of Florida. It was specified, especially, that this claim for the payment of all these nonmustered troops of every kind should be fully investigated.

That was done, and the report which I hold in my hand was made—a report by Secretary Lincoln, embraced in House Executive Document No. 68, Fifty-first Congress, first session. That report is submitted in a letter from the Secretary of the Treasury. Those officers in that report go into this account and they give us item by item without one word from the authorities of Florida to control them in any way, the condition of the accounts from their books and by their own calculations. They go into this matter with a fullness and minuteness which ought to satisfy anybody who believes in justice and is open to conviction.

Now, sir, this claim of the State of Florida, after taking up everything between the two Governments—speaking also of the investment or purchase by the Government of $132,000 of the bonds of the State of Florida for the Indian trust fund, which bore 7 per cent interest—taking into consideration all of these questions, the question of interest as well as all other claims, adjudicating the whole matter, summing it up as found near the bottom of page 3 of the report of the Secretary of the Treasury, which gives to the House the amount of dollars and cents *prima facie* involved in this bill, because the bill itself does not give any amount, but provides that the Treasury officials are to make the settlement of the accounts in the manner indicated in the first computation found in said report, which is in the following words:

First, by computing interest on each side to January 1, 1890, and there striking a balance thus? Credit due the State $261,934.31; interest thereon at 7 per cent, January 1, 1858, to January 1, 1890, $586,732.85; total, $848,667.16.

Principal of bonds held by the United States, $132,000; interest from November 27, 1873 (to which date interest has been paid), to January 1, 1890, $148,712.66; total, $280,712.66; leaving a balance due to the State of Florida of $567,954.50.

Now, that does not come from the State of Florida. That does not come from those interested in its welfare at all. It does not come from their figuring. It is not of their manipulation or from their proof or vouchers, but from a careful investigation by our own accountants (and I will say to the gentleman on the other side they were Republican accountants under a Republican administration), wholly investigated by Republican officers and taken from the books of the Treasury and War Departments alone; and from their data reach the conclusion that this amount I have just cited is found to be due the State of Florida. That being so, who can undertake to gainsay the accuracy of their official statement? I feel myself sufficiently acquainted with the matter to say none can gainsay it. Then why should it not be paid and promptly?

Now, one other view, Mr. Chairman, and I have done. It is whispered—and I went to him awhile ago myself, but he did not say much to me about what his objection was—it is whispered that the very distinguished gentleman from the State of Indiana in charge for the Committee on Approriations should have said, or is understood to have said, that these claims have once been paid. Well, if so, that would be a grave objection to paying them again. If so, and if I believed it to be so, or knew it to be a fact, I would hang my head in shame before I got up here and advocated payment again. But to show that the gentleman is not correct, I want his attention and the attention of the committee for a few moments further. The vouchers, or the documents connected with this matter, are all printed as an addenda to the report of the Secretary of the Treasury, from which I have just quoted, and on page 4 of that Executive Document, No. 68, I find the following:

By act of August 30, 1856 (11 Statutes, 150), an appropriation of $240,667.42 was made for pay and supplies of mounted and foot companies of Florida volunteers; and by act of June 30, 1859 (11 Statutes, 429), an appropriation of $413,600 was made for pay of certain Florida volunteers in 1857 and 1858. The accounts of the United States paymasters and quartermasters by whom these two appropriations were disbursed show that the other payments were exclusively for the periods after the muster of volunteers into the United States service.

The gentleman from Indiana says that these two amounts, aggregating about $700,000, cover the amount of the pending bill. I cite this to show his mistake. This communication goes on to state:

This claim by the State is confined to the period prior to such muster, and for pay and expenses of troops never so mustered, and was not embraced to any extent in those disbursements. The report by the Secretary of War upon this claim was in great detail, and is printed in the executive document above referred to. To avoid needless recapitulation I have taken that report as my basis, examining the items in the order therein observed, and especially commenting upon only a few in respect to which I differ from the conclusions of the War Department.

This is cited by Mr. Hart, the Third Auditor, in making the investigation and findings in regard to this claim. It shows, not by inference, not argumentatively, but absolutely, that these claims have not been paid. It shows affirmatively and positively what was paid and what was not paid; and demonstrates that the two appropriations, aggregating altogether the sum of about $700,000, heretofore made, were made and disbursed to pay those troops who had been mustered into the service of the Federal Government. And I contend that it shows also affirmatively that not a dollar of the payments of $700,000 was paid to any one of the fifteen companies who were not mustered into service, and whose claim is now before the House for services rendered in that Florida war.

This then brings me to the end of my remarks, and in conclusion I must say that if my investigation as a member of the committee is worth anything, if my honest conviction, after careful and deliberate examination of this whole question is worth anything, then I do not know how it is possible for a State to have a more just and equitable claim against the Federal Government than this.

Neither does this case stand alone. There has been, as I have said in the history of the country, an unbroken line of precedents whereby the Federal Government has taken upon itself to pay such claims, on each and every occasion where there were Indian insurrections in a State; when the Federal Government did not have regular troops sufficient at the time, and the governor acting for the State called out troops who were mustered in and put at the disposal of the Federal Government to aid in subduing the insurrection; there is not a case where the Federal Government has not paid the whole bill.

If the 15 companies referred to had been mustered into service they would have been paid heretofore, as the Secretary of War has shown and stated. In this case, in the last year of the war 3,000 troops are used; in the first year 840, and in the second year they used about 1,600. The war ending somewhat suddenly, these 15 companies of troops never had the opportunity to be

mustered in, and out of that technicality has come this claim and all its difficulties.

In conclusion, in the light of equity, in the light of the obligations of the Constitution, I would like for any gentleman to show what difference exists, when the Federal Government paid for a number of companies that were raised about the same time, used in the same year, in the same war, against the same foe, which companies were mustered in—what difference exists between the justice of paying troops so raised and used at the same time and for the same purpose with the nonpayment of troops actually used for same purposes, but technically not mustered in and the payment of those who were.

I thank the House for the attention with which it has listened to me, and can only say that I shall cast as cheerful a vote for the payment of this claim, believing it to be just as any vote that I have ever cast in the House.

Mr. JOSEPH D. TAYLOR. As the gentleman seems to have some doubt as to the origin of this war, I wish to have read from the Clerk's desk an extract from a book written by George W. Julian.

The Clerk read as follows:

Giddings proceeded to show by documentary evidence that the people of Florida understood the great object of the war to be the capture of fugitive slaves, and that the Government had lent itself to their service. He quoted an order issued by Gen. Jesup declaring that "all Indian property captured from this date will belong to the corps or detachment making it," and showed by a letter from the general, written a few days later that the word "property," as used in said order, meant "*negroes*, cattle, and horses." This letter bears date August 3, 1837. In reference to it Giddings said:

"I think that history will record this as the first general order issued by the commander of the American Army in which the catching of slaves is held out as an incentive to military duty. I mention this fact and bring it the consideration of the committee with feelings of deep mortification. As an American I feel humbled at this act, which can not be viewed by the civilized world otherwise than as dishonorable to our arms and nation. That this officer, intrusted with the command of our Army and the honor of our flag, should appeal to the cupidity, the desire of plunder, and the worst of human passions, in order to stimulate his men to effort, is, I think, to be regretted by men of all parties in all sections of our country. Our national flag, which floated in proud triumph at Saratoga, which was enveloped in a blaze of glory at Monmouth and Yorktown, seems to have been prostituted in Florida to the base purpose of leading on an organized company of 'negro-catchers.' Sir, no longer is 'our country' the battle-cry of our Army in their advance to victory, but 'slaves' has become the watchword to inspire them to effort. No longer does the war-worn veteran, amid the battle's rage, think of his country's glory and nerve his arm in behalf of freedom, but with eagle eye he watches the wavering ranks of the enemy, and as they flee before our advancing columns he plunges among them to seize the sable foe and make him his future slave."

Mr. MANSUR. Does this refer to the Florida war of the thirties?

Mr. JOSEPH D. TAYLOR. That was the inception of this thing.

Mr. MANSUR. This was a little band of 200 that remained there thirty years after.

Mr. JOSEPH D. TAYLOR. These slaves had escaped and gone down there and married and had children, and this was an effort made to capture them.

Mr. MANSUR. These gentlemen knew nothing about the slaves. This was twenty or thirty years after.

Mr. JOSEPH D. TAYLOR. I understood you to say that you had no knowledge that these wars had anything to do with the capture of slaves?

Mr. MANSUR. This war.

Mr. JOSEPH D. TAYLOR. This was the very same war that began while it was Spanish territory.

Mr. MANSUR. No; it was twenty years after. There was an interval of twenty years.

Mr. JOSEPH D. TAYLOR. There was no interval. This war was continued.

Mr. MANSUR. If the gentleman will permit me, I am informed by Senator PASCO that Florida did not become a State until 1845, and that the old Florida war was fought when it was Indian territory.

Mr. JOSEPH D. TAYLOR. The trouble began while it was Spanish territory.

Mr. MANSUR. Did not the Federal Government have to put it down?

Mr. DAVIS. Mr. Chairman, in order to throw further light upon the origin of this war, I send to the Clerk's desk an extract which I ask the Clerk to read:

Discarding that code of morals which teaches the suppression of truth, for the purpose of upholding the honor either of the Government or of the individuals who wield its administration, the author of the following work has endeavored to give a faithful record of those interesting events which appear directly connected with the exiles of Florida.

Torn from their native land, their friends and homes, they were sold in the markets of Carolina and Georgia. Feeling the hand of oppression bearing heavily upon them, they fled to Florida, and, under Spanish laws, became free. Holding lands of the Spanish crown, they became citizens of that Territory, entitled to protection. To regain possession of their truant bondmen, Georgia made war upon Florida, but failed to obtain her object.

At a time of profound peace, our Army, acting under the direction of the Executive, invaded Florida, murdered many of these free men, and brought others to the United States and consigned them to slavery. An expensive and bloody war followed, but failing to capture more of the exiles, our Army was withdrawn.

This war was followed by diplomatic efforts. Florida was purchased, treaties with the Florida Indians were made and violated; gross frauds were perpetrated, dishonorable expedients were resorted to, and another war was provoked. During its protracted continuance of seven years, bribery and treachery were practiced toward the exiles and their allies, the Seminole Indians; flags of truce were violated; the pledged faith of the nation was disregarded. By these means the removal of these exiles from Florida was effected. After they had settled in the Western country most of those inquiries were repeated until they were driven from our nation and compelled to seek an asylum in Mexico.

Men who wielded the influence of the Government for the consummation of these crimes assiduously labored to suppress all knowledge of their guilt; to keep facts from the popular mind; to falsify the history of current events, and prevent an exposure of our national turpitude.

The object of this work is to meet that state of circumstances; to expose fraud, falsehood, treachery, and other crimes of public men who have prostituted the powers of the Government to the perpetration of murders, at the contemplation of which our humanity revolts.

The author has designed to place before the public a faithful record of events appropriately falling within the purview of the proposed history; he has endeavored, as far as possible, to do justice to all concerned. Where the action of individuals is concerned, he has endeavored to make them speak for themselves, through official reports, orders, letters, or written evidences from their own hands; and he flatters himself that he has done no injustice to any person.

Mr. DAVIS. Mr. Speaker, no one can regret more than I do the necessity for calling up these bygones. I belong to that class of men who would be glad to let bygones be bygones, and for the future do our duty as it comes up before us.

In order to throw as much light on the origin of the long and tedious Florida war, I will state that the first decades of it, during the thirties and forties, it was for the recovery of slaves escaping from their masters into Florida, before and after the acquisition of the country from Spain. The last decade, in the fifties, the war was for the removal of the Seminoles, or mixed-breed Indians, from their native country to a new country west of the Mississippi River. They fought with all the desperation of brave men fighting for their homes and country.

Mr. Chairman, I am also informed that the principal portion of this claim has been settled, and the present claim is for interest, and in an old claim like that, it appears to me, that the claimants should be willing to let bygones be bygones. I believe there is not a particle of justice in the claim at the present time.

Mr. HOLMAN. Mr. Chairman, as this measure will not be acted upon this afternoon, I shall feel entirely content to present a very few matters connected with it, in order that they may go into the RECORD. This subject has often been before Congress, and has been fully discussed at different times. The contemporaneous history of this claim of the State of Florida is of the highest importance, for after a long lapse of years the facts become obscure, the living actors of the time are no more, and everything becomes hazy and speculative. So that to my mind, in a claim of this character, against the Government, contemporaneous history is specially important. I shall be very brief, and confine myself to a statement of a few matters and legislation of Congress during and immediately after the Seminole Indian war in Florida in relation to that war.

The argument of the gentleman from Florida [Mr. BULLOCK] was a very able one and a very eloquent and touching appeal. None of us failed to sympathize with the suffering of the people of Florida during that period of peril and alarm. The gentleman from Missouri [Mr. MANSUR], with his usual force and eloquence, has addressed the House and made a strong and vigorous argument for this claim, but I am not convinced that the claim should be paid by the United States. I wish to present a very few matters, and shall be brief about it. In the report made by the Secretary of War in 1882, in pursuance of a joint resolution adopted in 1881 by Congress, the case is fairly presented as follows:

From data afforded by the records of the War Department and executive publications of the State of Florida, the history of the affairs that caused the expenditures set forth in the claim now under consideration appears as follows:

Military operations in Florida during the years 1855, 1856, and 1857 extended over an area of 27,400 square miles, and were against ninety-eight hostile warriors. The forces were engaged as follows:

1. Regular troops number 840 in 1855; 866 for first nine months of 1856; 1,756 from October 1, 1856, to September 1, 1857, and 339 for the remaining four months of 1857.

2. Volunteers called out and mustered into the service of the United States (none in 1855), 321 in 1856; 1,164 in 1857.

3. Militia forces called out by the State authorities for short periods of service between December 1, 1855, and January, 1857. (See annexed Exhibit No. 1.)

That statement, brief as it is, presents the whole case. It will be noticed that during the period of this war there were ninety-eight Indian warriors in the field. And now the action of Congress upon that state of facts and touching this war and the proceedings of Congress in relation thereto must be referred to to ascertain what was the contemporaneous view of Congress in relation to that subject while these facts were transpiring and immediately after the close of that Indian war. If this claim is well founded the fact was certainly well known by Congress when the following measures of legislation were enacted.

In the Army appropriation act of August 30, 1856, this section appears:

For pay, furnishing and maintaining with quartermaster stores and supplies and subsistence of mounted and foot companies of Florida volunteers, called into the service of the United States, $240,667.52.

Now, that is the first provision. That refers specially to the Florida volunteers in that Seminole war, and seems to have been a careful estimate. The second is as follows: This is in the Army appropriation act of March 3, 1857:

SEC. 11. *And be it further enacted*, That the Secretary of War be, and he is hereby, authorized and required to cause to be audited and settled, the accounts of the State of Florida against the United States for money advanced by that State in payment of volunteers called into service for the suppression of Indian hostilities in 1849 and 1852: *Provided*, That it shall be satisfactorily shown that said claims have been actually allowed and paid by the State.

Mr. MALLORY. That relates to something preceding.

Mr. HOLMAN. That did relate to a matter preceding, but I am trying to show that the claims of Florida even before were under the view of Congress at the time the pending claim is alleged to have accrued. The third proposition is as follows, and is the second section of the Army appropriation act of the 12th of June, 1858:

And be it further enacted, That the balances from the appropriation for "preventing and suppressing Indian hostilities and for traveling allowance of volunteers," already expended in the payment of Florida volunteers called into service by authority of the War Department, may be applied by the accounting officers of the Treasury to the settlement of the account of paymasters by whom said balances were disbursed.

Then and finally the following in the Army appropriation act of March 3, 1859, after these events had all transpired and after the close of that Indian war and while all the facts were yet fresh in the knowledge of Congress:

For the payment of volunteers employed in Florida during the years 1857 and 1858, and who were called into service by requisition of the President on the governor of that State, the sum of $413,600, or so much thereof as may be necessary, to pay the amount found due for the time said troops were actually in the service of the United States: *Provided*, That no greater pay or commutations be allowed than are authorized to similar troops of the United States Army.

Between the time this conflict began, in 1855, between the people of Florida and the Seminole Indians and the conclusion of it, those four provisions were enacted by Congress manifestly with all the facts in view, and it seems almost, if not absolutely, incredible that if at that time Florida had had a claim of $251,000 against the United States for other volunteers than those referred to in these several provisions that fact would not have appeared in the legislative history of the period, and I must insist that these proceedings of Congress repel the idea that any other claim incident to that war existed in favor of Florida against the United States, and so far as I have been able to examine the subject, those proceedings cover the whole ground. Evidently Congress intended the two appropriations, amounting together to $654,267.52, to cover the claim of Florida against the United States.

Gentlemen will observe that during that Seminole war the Federal Government, as shown by the report of the Secretary of War, had troops in Florida ranging in number from 840 down to 339, with larger numbers in the interval, against these 98 Seminole Indians, and paid in addition $654,267.52 for the Florida volunteers. Those regular troops, of course, are not referred to at all in the provisions I have cited. The $654,267.52 was paid to the Florida volunteers. The other troops were a part of the regular Army of the United States, and therefore were not to be taken into account in these appropriations I have called attention to.

It is clear that every provision of law I have read applied exclusively to the volunteers of Florida in that Seminole Indian war, and if this is correct, how can this claim have any just foundation?

That $654,267.52 is the amount paid under those appropriations to the Florida volunteers, and that sum, I repeat, was in addition to the expenses incurred by the Government in the employment of its regular forces employed in the Seminole war. The report made by the Secretary of War, a portion of which I have read, and the report by the Secretary of the Treasury, to which I shall call attention in a moment, were made under resolutions adopted by Congress from time to time, and they are rather presentations of the claims made by Florida than an actual inquiry into the facts.

The Secretary of the Treasury, in making his report, presents, among other things, the fact that the United States, years before these particular events transpired, had used a portion of the Indian trust funds in the purchase of Florida bonds, and held in trust for the Indians bonds to the amount of $132,000 against Florida. Taking the statement of the State of Florida as presented by the Secretary of the Treasury also, the amount of the aggregate claim of the State would be $261,934.31. But the amount stated by the Secretary of War is different. In his report the Secretary of War states it as $224,649.05, an amount less by several thousand dollars than the claim submitted by the State of Florida.

So that the difference between the two officers in stating these accounts, arising from the Secretary of War having rejected a portion of them, is the difference between $224,649.05 and $261,934.31.

Mr. MALLORY. Is not the gentleman aware that the authority under which the Secretary of War proceeded was different from that under which the Secretary of the Treasury proceeded? The Secretary of War was limited entirely to the expenses of the war, beginning in 1855, whereas the Secretary of the Treasury had a wider scope, including all claims of the State of Florida against the United States Government.

Mr. HOLMAN. That is right; but the object I had in reading the second section of the appropriation bill was to show that all these matters prior to 1855 had been adjusted by act of Congress.

I think that our Federal Government ought to act very justly and fairly toward the States in the adjustment of claims, but I think also that it should be governed always by the presumption that the Government always acts justly and fairly, and therefore as Congress was legislating upon this subject from 1856 to 1859 and appropriating large sums of money to pay Florida volunteers in the Seminole war, this Congress ought to presume that its predecessor of thirty years ago, when the facts were fresh, fully performed its duty, and that if there was then in existence another claim against the United States in favor of the State of Florida it certainly would have been determined at that time.

Gentlemen will observe the entire absence of any part of contemporaneous history in the legislation of Congress on this subject throughout that entire period of time, the entire absence of anything which seems to give any countenance whatever to this demand. That is the trouble, and that always has been the trouble in recent years with this matter. We have here a contemporaneous history, which shows that Congress enacted four different measures touching the claims of the State of Florida, but that this claim, now presented, amounting to $261,934.31, is not mentioned.

One other subject I will allude to for a moment only. There are two propositions submitted by the Secretary of the Treasury as to the mode of adjustment. Assuming that the United States, in the adjustment of these claims, would take into account the Indian funds that the Government had invested in the purchase of Florida bonds, the suggestion is made as follows:

Under the circumstances, absolute precision being impossible, I have assumed that January 1, 1858, would be fair to each party as a date from which to reckon interest on the amount due the State.

This follows the statement by the Secretary of the Treasury that the Department had no power to allow interest, inasmuch as it had been the general policy of the Government—not its uniform policy, but its general policy—from the beginning, for obvious public reasons, not to allow interest on claims against it, even if the claims were just.

Upon the basis above stated two modes of stating a mutual account are suggested, viz.

Now, this is assuming all the time in effect that the $132,000 is a claim of the United States Government itself against the State of Florida. I do not think that view of the subject is correct. These funds used were trust funds—Indian funds. The Government, I admit, virtually guaranteed the payment of those bonds; but the bonds were held in trust; they were not held as a debt due from the State of Florida to the United States.

First. By computing interest on each side to January 1, 1890, and then striking a balance, thus:

Aggregate due the State		$261,934.31
Interest thereon, at 7 per cent, January 1, 1858, to January 1, 1890		586,732.85
		848,667.16
Principal of bonds held by United States—		
In trust—		
Principal of bonds held by United States	$132,000.00	
Interest from November 27, 1873 (to which date interest has been paid), to January 1, 1890	148,712.66	
		280,712.66
Balance		567,954.50

So that after Florida pays this $132,000 due the Indians, this claim would be largely more than doubled against the United States. A mere statement of such a case as that would go very far to show the justice and reason of the ordinary rule of the Government with regard to the payment of interest on claims. The absence of such a rule that governments should not pay interest on claims would be perilous to our Government or any other.

If this claim is to be allowed—if the current history of that period when this claim, it is alleged, arose will justify Congress in the appropriation of this more than half a million dollars out

of the Treasury besides the Indians, the $132,000, the adjusment should stand thus:

Claim of the State of Florida	$261,934.31
Amount of bonds held in trust for the Indians	132,000.00
Leaving the balance of the claim of Florida	129,934.31

If this transaction is to be treated now as a legitimate one, as a real claim against the United States and one which in the judgment of Congress ought to be adjusted in some form or other, it ought to be without charging the Government with interest. I admit that the States of Virginia, Massachusetts, and Maryland did receive from the United States years ago an adjustment of their Revolutionary debts and payment on a complicated basis which in effect did take interest into the account, yet it has been against the policy of our Government almost uniformly to disallow interest on claims. The mode of settlement which I suggest is the only mode by which we can escape a precedent which if now set will stare the youngest of you unpleasantly in the face so long as you remain in Congress, and your successors after you. It is clearly against a just and reasonable public policy. I do not think this claim ought to be paid——

Mr. COX of Tennessee. Would the gentleman sustain the proposition that the Government pay this claim of $129,000, eliminating the question of interest entirely?

Mr. HOLMAN. If my friend will permit me, the statement which I was about to make will rest upon the action of Congress when the facts out of which this claim arose were fresh and well known. I do not think that the Treasury of the United States should be called upon to pay this money. But if the House conclude that the claim should be paid, if the touching appeal of my friend from Florida should have the effect of inducing gentlemen to support this claim in some form, I trust that no interest will be allowed; that in adjusting the claim, at best of very doubtful validity, we shall not set a dangerous precedent in the history of our legislation.

One other fact, Mr. Chairman, and I am done. It is obvious from the facts I have already stated that all the volunteers brought into the United States service in the Florida wars were paid their full compensation; that the Federal Government made the necessary appropriations in 1856 and 1859; that those men were all paid. This report of the Secretary of War speaks of some persons being employed as militia for a short time at the period mentioned in the report. That is a sort of employment which occurred all over this country in the earlier period of our history, and as late as 1860 it did not seem proper to Congress that such a matter should be taken into the account.

When the States of the West, beginning with the State of of Ohio, were thrown into peril by the Indians, and settlers took up arms to defend their homes, I find nowhere in the history of our legislation the record of any appropriation by Congress to meet their expenses, to pay them compensation for their patriotic services, unless they were called into the service by the United States. If they were, they were uniformly paid by the United States. I know very well that in the examination of the history of my own State no such instance is to be found, where irregularly organized troops drawn together on the spur of the moment were considered as in the employment of the United States. They did not come to the Federal Government for consideration in such incidental emergencies; and yet this militia force is spoken of in the report of the Secretary of War as incidentally employed at short intervals. My friend does not claim that the volunteers were not paid.

Mr. BULLOCK. I do.

Mr. HOLMAN. That the volunteer force was not paid?

Mr. BULLOCK. Yes; I will show you that they were not.

Mr. HOLMAN. Well, all the conclusions to be drawn from these documents here are in that direction. What were the appropriations of 1856 and 1859 for—over $600,000? These are the cold facts. The statutes contain the appropriations for the volunteers; the men enlisted by the United States were certainly paid, or why the appropriation? The Secretary of War, speaking of facts, says:

> Third. Militia forces called out by the State authorities for short periods of service between December 1, 1855, and January 1, 1857.

Congress was not called upon to pay them. They were never in the service of the United States.

That is all the reference made to these troops for which the Federal Government is now called upon to pay more than $800,000.

I repeat, Mr. Chairman, I do not think the claim has such foundation as to justify the Congress in paying it, and Congress can not afford in the adjustment of such a claim to establish a dangerous, and in my judgment, fatal precedent in our legislation of paying interest on claims against the Government. Such legislation has never, I think, occurred in this direct form in our history, and will not be found presented in such direct form even in the adjustment of the Revolutionary war claims of the States of Maryland, Virginia, and Massachusetts, claims which demanded the highest consideration from our Government, and were of unquestioned validity.

Mr. BULLOCK. Mr. Chairman, some of the statements which have just been made by the gentleman from Indiana indicate that he is not only not fully conversant with the facts in this case, but that his statements are based in part on absolute ignorance of the contemporaneous history of this claim.

The extracts he has read from different appropriation acts refer to previous expenses in suppressing Indian hostilities. This claim is for expenses in 1855, 1856, and 1857. Those expenses were not audited and paid by the State until December 2, 1859, and could not have been appropriated for in the appropriation acts of 1856, 1857, and 1858, quoted by Mr. HOLMAN; and in demonstration of this I quote from the report of the Secretary of War, and which will be found in Executive Document No. 203, first session, Forty-seventh Congress, as follows:

> By act of August 30, 1856 (11 Stat., 150), an appropriation of $240,667.42 was made for pay and supplies of mounted and foot companies of Florida volunteers; and by act of June 30, 1859 (11 Stat., 429), an appropriation of $413,600 was made for pay of certain Florida volunteers in 1857–'58. The accounts of the United States paymasters and quartermasters, by whom these two appropriations were disbursed, show that their payments were exclusively for the periods after the muster of volunteers into the United States service. This claim by the State is confined to the period prior to such muster and to pay and expenses of troops never so mustered, and was not embraced to any extent in those disbursements.
>
> The report of the Secretary of War upon this claim was in great detail, and is printed in executive document above referred to. To avoid needless recapitulation I have taken that report as my basis, examining the items in the order therein observed, and specially commenting only upon a few, in respect to which I differ from the conclusions of the War Department.

It is a fact that these volunteers for whom pay is now asked were as much a part of the volunteer forces operating against the Indians in the State of Florida in 1855, 1856, 1857 as those volunteers mentioned in the report of the Secretary, to which the gentleman from Indiana has referred and which were paid by an appropriation by Congress in the years 1856, 1857, 1858. And the only reason, as I have indicated clearly, why they were not mustered into the service of the United States and paid as the other troops were mustered and paid, and why they were not included in those appropriation bills referred to by the gentleman from Indiana, was unquestionably due to the fact that they were disbanded before the mustering officer reached them and they could not be reassembled.

To overcome that difficulty the Secretary of War wrote to the governor that the officer of the Army could not make a constructive muster, the governor having suggested that they take the official rolls of the State, the Secretary adding that the officer was not authorized to make a constructive muster, but that they could accept the official rolls of the State on which to form a basis for coming to Congress for the appropriation and pay, the President having recognized the services rendered by these troops, and having considered them in correspondence in reference to the matter as much volunteer troops in the service of the Federal Government as any other troops engaged in that war.

Mr. HOLMAN. If that is correct, if the gentleman will allow me to interrupt him, when this last legislation was enacted in 1859, and the $413,600 was being appropriated to pay these volunteers, how did it happen that these men were not included?

Mr. BULLOCK. The matter is very clear, and I will answer the gentleman conclusively. I have already stated in the opening of my remarks how this happened, but I will restate it. It happened in this way: The amount of the estimates which went to Congress for an appropriation to pay the Florida volunteers was based on the regular muster rolls of the War Department. The other volunteers, not having been mustered, could not have been included in the estimate of the appropriation.

The claim for the allowance of their pay was even then pending before Congress. It went before Congress in the Thirty-fifth Congress and has been pending at different times between the two Houses upon the suggestion of the Secretary of War as to what course to take to obviate the difficulty. But because of the fact that the mustering officer did not reach the ground in time before they were disbanded they could not be incuded in the regular muster rolls.

These other volunteers were paid. I myself was one of them. I commanded a mounted company, one of the five mounted companies in that war, as the record will show. Then, as you will see, by regular progression the amount has been increasing. And why? Because, as I said before, Gen. Harney, when he reached the scene of operations, recommended not only that these troops be paid, but that the force be increased and doubled; that they would not get the Indians out of the country with that force at hand. Then after that came the mounted companies—the five additional companies added to those which were already mustered in. Hence the increase in the appropriation.

But this claim was never settled, and simply for the reason

that it could not be, because the men had not been mustered in. The claim was not in such shape that the Secretary of War could recommend it to Congress. It was pending before Congress for special legislation and has been ever since. That is the truth of the matter.

Why, Mr. Chairman, never was a juster claim presented on the face of the earth. Do you not see what these men say about it here? Some suggestion was made as to the number of men required to settle the Indian difficulties in Florida at that time. Let us see what those men capable of understanding the subject and knowing what was required say about it.

What did Gen. Taylor say in reference to his expedients and methods to endeavor to get those Indians out up to 1839? He had proceeded with the policy of dividing the State off into squares of 20 miles each, and to establish a post in the midst of each space, and he said it would take 40,000 troops to get those Indians out of Florida. And what does the officer say who was last in charge of the Indians, after they had been allowed to occupy that section of the country, and advising the people to keep peace with them? Here is what that officer said:

If this enemy could be crushed and annihilated there would be enough to participate, but as they are, 90—

That was the estimated number, and subsequent information proved that there were nearer 300 than 90. An educational institution in Florida, now trying to educate these Indians, has reported the present number of warriors there at 150. Yet we did not believe when this last outbreak occurred that there were 40 left in the State—

but as they are, 90 may be secured, and the remaining 10 would sweep the frontier from one extent to the other, assailing at any moment men, women, and children in the transaction of their daily occupations.

Mr. GREENLEAF. Who was the officer who makes this report?

Mr. BULLOCK. The officer left in charge by Gen. Worth, J. T. Sprague.

Now, it does seem to me that it is rather a small business for this Government to defer this payment for thirty years, when Florida has exercised every energy and due diligence to present this claim and have it paid, and that you should say now, "If we pay you anything at all we will only pay you the principal of the expenses that were incurred;" the principal of a debt that was recognized by the Secretary and the President and would have been paid at the time but for this accident of being disbanded so that they could not be mustered, and no officer being authorized under the law to make a constructive muster.

Mr. BOATNER. Did the State pay these men?

Mr. BULLOCK. Yes, by borrowing the money, and is to this day paying 7 per cent interest—the principal part of the State debt.

The compromise suggested, but not proposed by the gentleman from Indiana, is that of a settlement, as follows:

Claim of the State of Florida	$261,934.31
Amount of bonds held in trust for Indians	132,000.00
Leaving the balance of the claim of Florida	129,934.31

Such a compromise would do manifest wrong to the State as well as to the Indian trust fund. By such a compromise the State would lose $586,732.85, and the Indian trust fund would lose $148,712.66. The integrity of the Indian trust fund can only be restored by the payment of $132,000 principal and $148,712.66 of interest, making together $280,712.66. Any diminution of that sum will be equivalent to looting the Indian trust fund.

The United States authorities loaned the funds of the Indian trust upon the faith of the indebtedness of the United States to Florida for these expenditures—the very loan was an acknowledgment of the indebtedness—and any compromise which does not secure the whole of that loan, principal and interest, would be that of an unfaithful trustee. As a member of Congress, in part responsible for the preservation of the integrity of the Indian trust fund, I am not willing to make such a compromise. Nor can I as a Representative from Florida, consent to the deliberate and palpable robbing of the State by a compromise which deprives her of the same interest on what is due to her that is charged against the State in her settlement of this mutual account.

The Third Auditor, in his restatement of the mutual account presents very just and correct views. He says:

The question now arises in respect to interest upon the demands of the State. If this were a case wherein the accounting officers had been directed to make a final settlement I would be compelled to say that the Executive Departments have no power to award interest upon claims against the United States unless expressly so provided by statute. But this proceeding is not of that nature. Congress has reserved to itself the determination what shall be the plan and terms of the general and final settlement between the United States and the State, and has merely called upon this Department to aid its deliberations, by examining into the details of any mutual demands and by suggesting some equitable mode of settlement.

In the debate upon this provision in the act of March 2, 1889, it was assumed in the Senate that mutual interest would be the rule in the final adjustment, and the general tenor of the provision for a final settlement of all mutual demands seems to indicate that Congress intends eventually to make or provide for a settlement upon the broad and equitable principles applicable to settlements between individuals of their mutual accounts and demands.

It is not clear in what precise sum the funds for these expenditures were provided by loans effected upon interest. It is, however, evident that the amount borrowed upon 7 per cent bonds and thus applied went much beyond the $132,000 procured from the United States; and it is highly probable that the entire bulk of the funds for these expenditures was borrowed upon interest.

It also appears that the State was compelled to put its bonds (except those sold to the United States) on the market at a heavy discount.

It would be impossible to fix with strict precision upon any equated date from which an aggregate due the State should draw interest. The payments by the State were, in a vast number of small sums, scattered through the period 1855-'59, and the exact day of payment in many cases is not known; also the exact dates at which the State effected loans or sold bonds (except those sold to the United States) are not known. The two purchases by the United States were about midway of this period, viz, $125,000, July 1, 1857, and $7,000, January 1, 1858.

Under the circumstances, absolute precision being impossible, I have assumed that January 1, 1858, would be fair to each party as a date from which to reckon interest on the amount due the State.

And then the auditor reccommends the settlement provided in the bill now under consiedration.

Why gentlemen, you do not know anything about the Seminole character, and the advantages they had over the people. Nor can you form the slightest conception of the ruin that has been done to Florida by reason of the Government making this temporary arrangement—for they were there only temporarily. It was understood that they were only to occupy that Territory temporarily. They were under treaty to leave there, and their remaining there prevented the settlement of that country which now all of you gentlemen are so ready to visit, from which you get so much benefit. And we all stand with open arms, to restore you to health and to return you to your homes vastly benefited by visiting us. We want to see as many of you as possible. (Applause).

By just such action as this you were deprived of having this sanitarium for the United States opened to you twenty years sooner. Then was poor Florida, struggling as she was to protect this immense frontier, compelled as she is to maintain an expensive board of health, to establish which was required the convening of an extra session of the Legislature. She is now maintaining that board of health at an expense of $50,000 a year, with her treasury depleted and with her bonds out, bearing interest, on this very debt, both to the United States and to the other creditors from whom she borrowed the money, amounting to about $500,000.

Now, gentlemen, it is narrow, it is small, it is unjust. It is not magnanimous for a Government like this to leave Florida struggling in her condition as she is. Why, the whole United States is interested in Florida. Every man who is suffering to-day from any ailment, feels as though the balmy atmosphere of Florida would give him health if he could go there. And everybody in Florida wants to see every man, from whatever part of these United States he may come, without regard to where he comes from. No questions are asked now as to whether you are from the North or the South, when you come to Florida.

We are all reconstructed. I was a rebel, and I am not ashamed of it; but I was the first man to take the oath of allegiance in my county, and I meant every word of it when I took it. [Applause.] I believe to-day I am a reconstructed rebel. My convictions were honest when I was in the war, but when I sheathed my sword and took the oath of allegiance to that flag, I meant every word that I said without mental reservation or equivocation. [Applause.]

I appeal to you now to do my State justice, and you can only do it by paying this claim. Do not quibble about it because you can not get a quorum. Why, these volunteers would have been paid; there never would have been any question but for this accident of not mustering them, and that was all purely an accident.

Gentlemen will excuse me if I exhibit this feeling and interest, when gentlemen say that this claim is unjust. I know it is just, every dollar of it. It is authenticated by the State agent under his seal, that he paid over all this money which is claimed here.

Mr. BURROWS. If my friend will allow me, I would like to ask him a question for information. The gentleman has stated it was a pure accident that these troops were not mustered in by the Government.

Mr. BULLOCK. It was an accident.

Mr. BURROWS. What does the gentleman mean by that, when the gentleman must know that the National Government refused to muster them in?

Mr. BULLOCK. That was before their services were recognized. But after that they were received in the service of the Government, and it did accept these troops.

When they first organized and equipped the governor tendered them to the United States. The Government at that time, not realizing the magnitude of the undertaking they had on their hands, declined to receive the troops, but subsequently they were accepted, and the service was recognized and adopted.

Mr. BURROWS. When were they accepted?

Mr. BULLOCK. In May, 1857—as will appear by letter of Secretary of War to Governor James E. Broome, of date May 22, 1857.

Mr. BURROWS. After the war was over?

Mr. BULLOCK. No, sir; right then and there. I will read it to you:

WAR DEPARTMENT, *Washington, D. C., May 21, 1857.*

SIR: I have the honor to acknowledge the receipt of your letter of the 8th instant, asking an approval of the services of certain volunteers called out by you, and in reply to inform you that the explanation as to the necessity of their services is satisfactory, and orders have been issued to the officer commanding in Florida to muster them in and out of the service of the United States.

Very respectfully, your obedient servant,

JOHN B. FLOYD,
Secretary of War.

His Excellency JAMES E. BROOME,
Governor of Florida, Washington.

The official order mentioned in the foregoing letter is as follows:

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, D. C., May 21, 1857.

SIR: I have the honor herewith to transmit a copy of a letter addressed by the governor of Florida, under date of May 8, 1857, to the Secretary of War, respecting volunteers called out by the former to suppress Indian hostilities in Florida, but never regularly mustered into the service of the United States.

The services of these volunteers having been recognized and approved by the President, the Secretary of War directs that you cause one of the officers of your command to muster into and out of the service of the United States, as soon as practicable, the troops indicated by Governor Broome, to the end that they may be paid whenever Congress shall make the necessary appropriation for the purpose. A supply of blank muster-rolls will at once be sent to your address.

I am, sir, very respectfully, your obedient servant,

S. COOPER, *Adjutant-General.*

COMMANDING OFFICER,
Department of Florida, Tampa, Fla.

Mr. BURROWS. I think you will find it was in 1859 when Secretary Floyd said that they should be mustered in, *nunc pro tunc*. I want you to explain that.

Mr. BULLOCK. You will see that it was in 1857. The question of mustering was raised in that letter.

Mr. BURROWS. The Government did not receive them at all.

Mr. BULLOCK. Adjutant-General Cooper's letter which I have read shows that "the services of these volunteers having been recognized and approved by the President" they were received.

Mr. BURROWS. The Government never accepted them.

Mr. BULLOCK. It did. The adjutant-general says otherwise.

Mr. BURROWS. Afterwards they were ordered to be mustered in and mustered out.

Mr. BULLOCK. They were never mustered.

Mr. BURROWS. They were to be mustered in and mustered out at the same time.

Mr. BULLOCK. Now, let me again read you the language of the Adjutant-General, stating to the governor he had written to the officer to muster them in and out of the service.

Mr. BURROWS. What year was that?

Mr. BULLOCK. May 21, 1857.

Mr. BURROWS. Was not that after they had disbanded?

Mr. BULLOCK. It was after they had rendered the service recognized by the President, and after their disbandment because of the delay of the mustering officer. I will state to the gentleman that I would not advocate this claim if I did not believe it was an honest debt of the Government if it was for even ten times as much money. There is nothing in this claim that is not exactly right. If it was not an honest claim I would not advocate it, so help me God.

Mr. BURROWS. I have no doubt about that.

Mr. DAVIS. Were they ever actually mustered into the service.

Mr. BULLOCK. They were never mustered in. You have not caught on to that yet. (Laughter). The Adjutant-General recommended that an officer be sent as soon as possible to muster them in and out of the service of the United States, which recommendation was approved by the Secretary of War, who notified the governor as follows:

WAR DEPARTMENT, *Washington, D. C., May 21, 1857.*

His Excellency JAMES E. BROOME,
Governor of Florida, Washington:

SIR: I have the honor to acknowledge the receipt of your letter of the 8th instant, asking an approval of the services of certain volunteers called out by you, and in reply to inform you that the explanation as to the necessity of their services is satisfactory, and orders have been issued to the officer commanding in Florida to muster them in and out of the service of the United States.

Very respectfully, your obedient servant,

JOHN B. FLOYD,
Secretary of War.

Then follows:

WAR DEPARTMENT ADJUTANT-GENERAL'S OFFICE,
Washington, D. C., May 21, 1857.

SIR: I have the honor herewith to transmit a copy of a letter addressed by the governor of Florida, under date of May 8, 1857, to the Secretary of War, respecting volunteers called out by the former to suppress Indian hostilities in Florida, but never regularly mustered into the service of the United States.

The services of these volunteers having been recognized and approved by the President, the Secretary of War directs that you cause one of the officers of your command to muster into and out of the service of the United States, as soon as practible, the troops indicated by Gov. Broome, to the end that they maybe paid whenever Congress shall make the necessary appropriation for the purpose.

S. COOPER, *Adjutant-General.*

Mr. TUCKER. Who was it that signed that?

Mr. BULLOCK. That is signed by S. Cooper, Adjutant-General, and was addressed to the commanding officer of the Department of Florida.

Now, here comes the difficulty. You see that the service was recognized and adopted, but the actual muster did not take place because of the absence of the mustering officer.

But the services had been rendered, accepted, and approved, and the responsibility of the United States for their expense absolutely acknowledged, but could not be paid until Congress appropriated money therefor, and to obviate the difficulty arising from the disbandment, the Secretary, writing to the governor, uses the following language:

Under the circumstances the only course left for the Department is to receive as official the State rolls, duly certified by the State authorities, and to base upon them a recommendation to Congress for the appropriation necessary to pay off the troops. This course will obviate the difficulties mentioned by you on account of the disbandment of the volunteers in question.

And that course was followed and the rolls sent up and a bill prepared, as appeared in the Thirty-fifth Congress.

Mr. JOSEPH D. TAYLOR. I wish to ask the gentleman a question. If the fact to which he now refers constitutes this a good claim against the Government, why was not the claim recognized and paid when this matter was before Congress, as it was three or four times?

Mr. BULLOCK. In reply to that I will just ask the gentleman why not one claim in five thousand that comes before Congress is considered and paid? [Laughter.]

Mr. JOSEPH D. TAYLOR. But this matter did come before Congress, as the gentleman from Indiana [Mr. HOLMAN] has shown, on four different occasions, and appropriations were considered and passed by the House. The money was appropriated.

Mr. BULLOCK. No; no money was appropriated for this claim, which was not considered when the appropriation acts read by Mr. HOLMAN were being considered. The bill for this claim has passed both Houses, but not in the same Congress.

Mr. JOSEPH D. TAYLOR. But why was not this amount embraced and paid when the other claims were settled?

Mr. BULLOCK. The others were paid in appropriation bills, but this required special legislation on the part of Congress. It was required that the Secretary of War and the Secretary of the Treasury should make reports as to what was found to be due, and special legislation was required and that was the reason.

Mr. BURROWS. My friend [Mr. BULLOCK] started awhile ago to state the reason why this muster was delayed, and he read a communication, signed by Adjutant-General Cooper, directing the muster to be made. He then desisted from reading. I desire to read just a word further.

On the 7th of July following the governor wrote to the Secretary of War stating that it had been found to be impracticable to muster these troops as directed by the Secretary, they having long since disbanded, and it being impossible again to assemble them at any one point.

The governor suggested that the muster be made from the properly certified rolls of the State. To this the Secretary replied that no officer could make a constructive muster as suggested, but that, to certify the rolls, he must have mustered the troops present.

The Secretary adds:

Under the circumstances the only course left for the Department is to receive as official the State rolls, duly certified by the State authorities, and to base upon them a recommendation to Congress for the appropriation necessary to pay for these troops.

But the reason why these troops were not mustered was not the reason assigned by my friend [Mr. BULLOCK]. They were not mustered and discharged simply because they had been already disbanded.

Mr. BULLOCK. That is what I have stated.

Mr. BURROWS. Disbanded absolutely.

Mr. BULLOCK. Yes; they were disbanded, and they were incorporated into the additional troops recommended by Gen. Harney and went again into the service of the United States under a different organization.

Mr. BURROWS. But you are asking pay for these troops at a time when they were not mustered into the service, and when the National Government had declined their services on the ground that they were not needed.

Mr. BULLOCK. The gentleman seems to misapprehend the facts. The National Government, through the Secretary of War and the President, seem to have afterwards recognized that they had made a mistake. If not, why did they say that they

would adopt the State rolls and order the muster? That is how that action on their part was always understood. The troops had been disbanded because the Federal Government had then assumed absolute control of the war and was willing to put a sufficient force into the field to protect the people of Florida and remove the aggressive Indians.

Mr. DOAN. Had these men actually performed service?

Mr. BULLOCK. Yes, sir. The commanding officer, Col. Monroe, in his report, said that these volunteers while in the employment of the State, had rendered the most satisfactory and efficient service in coöperation with the United States forces, and it was this fact which induced the Government to order them to report for muster. Nothing can be more just than this claim. The hiatus which had occurred made it necessary for us to go to Congress to get an enabling act, and that is the reason the claim was not paid at the time.

The appropriations referred to by the gentleman from Indiana [Mr. HOLMAN] were appropriations based upon the returns of troops actually mustered into the service: appropriations which were recommended to Congress by the War Department, such recommendations being based upon the rolls of the United States paymasters. That is the difference between the two claims. This case is as plain as A B C.

Now, the gentleman from Michigan [Mr. BURROWS] will please listen to another statement which I omitted to make awhile ago, but which I would be glad to have everybody hear.

To show you that the State has acted with absolute and scrupulous honesty, I will say that there are now out against the State, for services rendered by volunteers during these very periods, obligations to the amount of $156,000, which have not been recognized as obligations binding upon the Federal Government—obligations for which the State has assumed the responsibility as they grew out of little temporary organizations in different neighborhoods for the purpose of protecting those neighborhoods from the Indians. There is an indebtedness of about $200,000 on account of which comptroller's warrants to the amount of $168,000 have been issued against the State.

The estimates on which this bill is based include only the troops regularly in the service, recognized as troops for whose payment the General Government is responsible. I say nothing of the $54,000 excluded by the secretary in his report which the State had paid for Indian services in 1849. The State of Florida is a loser to the extent of $200,000 or $300,000 for which she is today making no claim against the Government. I know all about that service; for I had command of one of the companies.

Mr. HOLMAN. As no gentleman desires to discuss this question further, I will ask that the gentleman from Florida, on whose motion the House resolved itself into Committee of the Whole, move now that the committee rise.

Mr. BULLOCK. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CHIPMAN reported that the Committee of the Whole on the Private Calendar had had under consideration the bill (S. 1391) to authorize the Secretary of the Treasury to settle the account stated between the General Government and the State of Florida by the said Secretary, under the authority of the act approved March 2, 1889, known as the deficiency appropriation act, and to pay the balance found to be due said State, and had come to no resolution thereon.

MEMORIAL ADDRESSES ON HON. E. T. STACKHOUSE.

Mr. MCLAURIN, by unanimous consent, submitted the following resolution; which was read, considered, and adopted:

Resolved, That Saturday, the 7th day of January next, beginning at 3 o'clock p. m., be set apart for paying tribute of respect to the memory of Hon. E. T. Stackhouse, late a member of this House from the Sixth district of the State of South Carolina.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. CAPEHART, for five days, on account of important business.

To Mr. FORMAN, for five days, on account of important business.

To Mr. LAWSON of Georgia, for a few days, on account of important business.

DEATH OF SENATOR R. L. GIBSON.

Mr. MEYER. Mr. Speaker, since our last meeting the Congress of the United States and our whole country have suffered an irreparable loss, and it becomes my painful duty to announce to this House the death of Hon. Randall Lee Gibson, a Senator from Louisiana, which occurred on Thursday last, at Hot Springs, Ark., after a prolonged illness. His remains will be interred at Lexington, Ky., where he was born, and where his earlier years were passed in the midst of a numerous and affectionate kindred.

For many years a conspicuous member of this body, there are many of his former colleagues who can appreciate the great grief this loss brings to his family and the personal bereavement it causes to his friends.

As a soldier, a scholar, and a statesman—in the field, on the rostrum, and in the council chamber—the best energies of his life were consecrated to his State and to his country. He loved her devotedly, strove to serve her unselfishly, and beyond interests of family, or friends, or party, made her welfare the chief object of his desires.

Occupying, as I do, the seat once so illustriously held by him, I share in the pride of my State for having had as a Representative in this honorable House, and in the Senate of the United States, one so high-toned, so spotless as Randall Lee Gibson, and the luster which his civic virtues reflected on his people, and the honor which his public career conferred upon his whole country, but exceeded his earlier services as a soldier, battling for what he believed to be the right.

At the proper time, Mr. Speaker, I shall ask this House to set apart a day, as is its custom, to be devoted to the portrayal of his lofty character, and when this Chamber will resound with eloquent tributes to the admirable traits and eminent public services of the deceased it will make those who listen the better, it will afford them a higher conception of American manhood and American statesmanship, and it will cause them to rejoice that attributes so noble, qualities so pure and patriotic, should have been so continuously recognized by his fellow-citizens. I send to the Clerk's desk resolutions for which I ask immediate adoption.

The Clerk read as follows:

Resolved, That this House has learned with profound sorrow of the death of Hon. Randall Lee Gibson, a Senator of the United States from the State of Louisiana.

Resolved, That the Speaker of the House appoint a committee of eight members, to act in conjunction with such committee as may be appointed by the Senate, to attend the burial.

Resolved, That, as a further tribute and mark of respect to the memory of the deceased, this House do now adjourn.

The question being taken, the resolutions were unanimously adopted.

The SPEAKER announced the appointment of Mr. BLANCHARD, Mr. ROBERTSON of Louisiana, Mr. PRICE, Mr. BRECKINRIDGE of Kentucky, Mr. ELLIOTT, Mr. CARUTH, Mr. HENDERSON of Illinois, and Mr. DALZELL as the committee on the part of the House under the resolutions just adopted; and, in accordance with the concluding resolution, the House (at 4 o'clock and 15 minutes) adjourned.

REPORTS OF COMMITTEES.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. COBB of Missouri, from the Committee on War Claims: The bill (H. R. 9929) for the relief of the Protestant Episcopal Church of St. Paul, at Franklin, Tenn., in lieu of the bill (H. R. 2587) of the same title. (Report No. 2165.)

By Mr. PATTERSON of Tennessee, from the Committee on Industrial and Foreign Commerce: The bill (H. R. 8799) to restore Lieut. Samuel Howard to his proper rank. (Report No. 2166.)

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Military Affairs was discharged from the consideration of the bill (H. R. 1031) to remove the charge of desertion from the record of Michael Baker, and the same was referred to the Committee on Naval Affairs.

BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills of the following titles were introduced and severally referred as follows:

By Mr. TERRY: A bill (H. R. 9924) to provide that United States railroad corporations shall for purposes of jurisdiction be deemed citizens of the respective States into which their lines of railway may extend—to the Committee on the Judiciary.

By Mr. OUTHWAITE: A bill (H. R. 9925) to establish companies of the Hospital Corps, United States Army, and for other purposes—to the Committee on Military Affairs.

By Mr. WHEELER of Alabama: A bill (H. R. 9926) to authorize the appointment of an associate professor of mathematics at the Military Academy—to the Committee on Military Affairs.

By Mr. BUTLER: A bill (H. R. 9927) to establish the national

floral emblem of the United States of America—to the Committee on the Library.

Also, a bill (H. R. 9928) to make more definite, uniform, and symbolical the flag of the United States of America—to the Committee on Military Affairs.

By Mr. DIXON: A bill (H. R. 9931) to amend an act entitled "An act to provide for holding terms of court in the district of Montana," approved, July 20, 1892—to the Committee on the Judiciary.

By Mr. HERBERT: A bill (H. R. 9932) to amend the act approved June 8, 1880, relating to the pay of the Judge-Advocate-General of the Navy—to the Committee on Naval Affairs.

By Mr. STORER: A bill (H. R. 9933) admitting free of duty sundry painted glass windows imported for the Church of the Assumption in Cincinnati, Ohio—to the Committee on Ways and Means.

By Mr. HERBERT: A bill (H. R. 9934) to authorize the Montgomery Bridge Company to construct and maintain a bridge across the Alabama River near the city of Montgomery, Ala.—to the Committee on Interstate and Foreign Commerce.

By Mr. BACON (by request): A bill (H. R. 9935) for the protection of minority stockholders in certain national banks—to the Committee on Banking and Currency.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as indicated below:

By Mr. COGSWELL: A bill (H. R. 9936) for the relief of the heirs of James Mugford—to the Committee on Claims.

By Mr. COVERT: A bill (H. R. 9937) granting a pension to Annie A. Townsend—to the Committee on Invalid Pensions.

By Mr. DURBOROW: A bill (H. R. 9938) to grant a pension to Elizabeth Sadler—to the Committee on Invalid Pensions.

By Mr. HOLMAN: A bill (H. R. 9939) for the relief of John Maholm—to the Committee on Invalid Pensions.

By Mr. PICKLER: A bill (H. R. 9940) to pension Adra A. Spaulding, widow of Justin L. Spaulding—to the Committee on Invalid Pensions.

By Mr. POWERS: A bill (H. R. 9941) granting a pension to Frances Parmelee—to the Committee on Invalid Pensions.

By Mr. STONE of Kentucky: A bill (H. R. 9942) for the relief of W. J. Mays—to the Committee on Military Affairs.

Also, a bill (H. R. 9943) for the relief of Nathaniel McKay—to the Committee on War Claims.

By Mr. WILLIAMS of Illinois: A bill (H. R. 9944) granting a pension to Sophronia Garrison—to the Committee on Pensions.

By Mr. WILSON of Missouri: A bill (H. R. 9945) for the relief of the Reginer and Shoup Crockery Company, of St. Joseph, Mo.—to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BOWERS: Petition of the Los Angeles County Medical Association of California, for an appropriation to pay the expense of the Pan-American Medical Congress—to the Committee on Appropriations.

By Mr. COX of Tennessee: Communication from the Court of Claims, transmitting a copy of the findings of the court in the case of I. T. Leneaux against the United States—to the Committee on War Claims.

By Mr. DUNPHY: Petition and protest of bankers and business men in the city of New York, against the passage of House bill 7585—to the Committee on Interstate and Foreign Commerce.

By Mr. FITCH: Petition of Michael Pfœrtner, for an honorable discharge—to the Committee on Military Affairs.

By Mr. HAMILTON: Protest from the Free Baptist Church of Central City, Iowa, against opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. HAYES of Iowa: Petition and letter of E. A. White, on Sunday opening of the World's Fair—to the Select Committee on the Columbian Exposition.

By Mr. HENDERSON of Iowa: Paper from the clergymen of Goldfield, Iowa, protesting against the opening of the World's Columbian Exposition on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. HERMANN: Protest of the licensed officers of the American merchant marine of Portland, Oregon, against licensing and granting American registry to the alien officers of the steamships City of Paris and City of New York; and they do petition to retain the management of all steamers conveying the American flag, regularly licensed American officers—to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of Milton, Oregon, asking that the World's Fair be closed on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of citizens of Multnomah County, Oregon, asking that the World's Fair be kept open on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of the State of Oregon College, for the adoption of the metric system of weights and measures—to the Committee on Coinage, Weights, and Measures.

By Mr. HOUK of Tennessee: Petition of Robert Walton, C. E. Rugby, Layton & Young, and others, favoring the metric system of weights and measures—to the Committee on Coinage, Weights, and Measures.

By Mr. LAGAN: Petition of Stanford E. Chaille, M. D., dean of the medical department of Tulane University, and others, of Louisiana, asking for an appropriation to assist in defraying the expenses of the Pan-American Congress—to the Committee on Appropriations.

By Mr. MEYER: Resolutions indorsing the action of the National Nicaragua Convention held at New Orleans November 30, and December 1, 1892, passed by the commercial bodies, city council, and others of the city of New Orleans: F. J. Odendhal, the president of the New Orleans Board of Trade; Walter C. Stoner, president of the New Orleans Cotton Exchange; A. K. Miller, president of the Chamber of Commerce and Industry of Louisiana; J. C. Dumphy, president of the Louisiana Sugar and Rice Exchange; J. C. Hernig, president of the New Orleans Stock Exchange; John McNally, president of the Mechanics, Dealers, and Lumbermen's Exchange, and N. R. Nulle, president of the New Orleans Maritime Association—to the Committee on Foreign and Interstate Commerce.

By Mr. MITCHELL: Petition of physicians of the city of Milwaukee, urging an appropriation to defray the expenses of the Pan-American Medical Congress—to the Committee on Appropriations.

By Mr. OWENS: Petition of residents of Gnadenhutten, Ohio, asking that the World's Fair be closed on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. PARRETT: Petition of the Business Men's Association of Evansville, Ind., praying for the passage of legislation looking to the ownership, control, and completion of the Nicaragua Canal by the United States Government—to the Committee on Foreign Affairs.

By Mr. PATTON: Petition of medical men of Logansport, Ind., asking Congress to make an appropriation of $43,983 to assist in defraying the expenses of the Pan-American Congress to be held in Washington, D. C., September 5, 6, 7, and 8, A. D. 1893, estimates herewith submitted—to the Committee on Appropriations.

By Mr. PAYNE: Petition in the matter of Ira Doane, as father of Henry Doane, late of Company A, Thirty-fifth Regiment New York Volunteers, to accompany House bill 9919—to the Committee on Invalid Pensions.

By Mr. PEARSON: Petition of Anna M. Elbert and 17 others, of Martin's Ferry, Belmont County, Ohio, not to repeal the law closing the World's Columbian Exposition at Chicago on the Lord's Day—to the Select Committee on the Columbian Exposition.

Also, petition of William Sloan and 105 others, of Martin's Ferry, Belmont County, Ohio, not to repeal the law closing the World's Columbian Exposition at Chicago on the Lord's Day—to the Select Committee on the Columbian Exposition.

By Mr. PEEL: Memorial of citizens of Oklahoma Territory, to endow institutions of the Territory by land grant—to the Committee on Indian Affairs.

By Mr. POST: Resolutions adopted at union service of the Protestant churches of Toulon, Ill., in favor of Sunday closing of the World's Fair—to the Select Committee on the Columbian Exposition.

By Mr. POWERS: Petition and proofs in aid of bill granting a pension to Frances Parmelee, daughter of Lewis D. Parmelee, late of Company A, Eleventh Regiment Vermont Volunteers—to the Committee on Invalid Pensions.

By Mr. TUCKER: Petition of Anne Moyers, of Highland County, Va., praying that her war claim be referred to the Court of Claims under the provisions of the Bowman act—to the Committee on War Claims.

By Mr. VAN HORN: Petition of O. W. Peck, Horace Lathrop, and others, physicians of the county of Otsego, N. Y., in favor of an appropriation to pay the expenses of the Pan-American Congress—to the Committee on Appropriations.

By Mr. WARNER: Petition of Elizabeth Hilez, for an act giving bounty, or an equivalent, to United States regulars—to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Illinois: Three papers in the claim of Sophronia Garrison, child of Solomon Garrison, for special act of Congress for a pension—to the Committee on Pensions.

SENATE.

MONDAY, *December 19, 1892.*

Rev. J. G. BUTLER, D. D., the Chaplain of the Senate, offered the following prayer:

Lord God Almighty, Thou art the dwelling place of Thy people in all generations. From everlasting to everlasting Thou art God.

Look in mercy upon us as we again stand in the shadow of death thrown over this Chamber. We bless Thee for the pure, gentle, faithful life of Thy servant, our departed brother. Sustain and comfort all who are bereft, and so fill with Thy Spirit our hearts, that day by day we may walk obediently and humbly and prayerfully and trustingly before God, charitably and kindly, and faithfully toward each other, meeting every day's responsibility in Thy fear and in view of the account we shall render to Thee.

Hallow to us, we pray Thee, the rest and labor of the holy Sabbath day. Purify our hearts by the indwelling of Thy Spirit. Grant victory in every time of temptation, and help that the truth of God may reign in us and rule over us, guiding our steps in the paths of righteousness and of peace.

Regard in great mercy Thy servant toward whose sick bed so many eyes and hearts are now turned. We thank Thee for his long and useful life. If it please Thee, spare this life, restore and strengthen, above all sustain by the power of a living faith in this hour of trial, and give peace to him and to his who watch so tenderly in this time of darkness.

Guide us by Thy counsel. Teach us heavenly wisdom. O God, pity us amid life's infirmities and temptations, and help us to meet daily responsibilities in the fear and strength of God faithfully, as we shall wish to have done when we come to the end of our earthly pilgrimage.

We ask these mercies, with forgiveness and grace and help, in Jesus' name. Amen.

THE JOURNAL.

The Journal of the proceedings of Thursday last was read and approved.

DEATH OF SENATOR GIBSON, OF LOUISIANA.

Mr. GORMAN. Mr. President, at the request of the Senator from Louisiana [Mr. WHITE], who is engaged in rendering affectionate services to his late colleague, it is made my painful duty to announce to the Senate the death of Hon. Randall Lee Gibson, the senior Senator from the State of Louisiana. After a lingering illness he expired peacefully at Hot Springs, in Arkansas, on Thursday last.

I can not, sir, make this sad announcement without expressing something of the sorrow which this intelligence has brought to the Senate. Senator Gibson held a very high place in the esteem and affections of his associates on this floor.

His great personal worth and his eminent public services had made their impressions on our hearts and judgments. We feel and deplore the unspeakable loss which the Senate, his State, and the country bear in his death.

His inestimable value as a Senator and as a man is well known to all of us. His death is a profound affliction to us and a serious bereavement to his people and the country.

He was a great and a good man. His mental faculties and his moral qualities were of a very high order. It is not too much to say that his love for Louisiana had no limit, and that his large heart embraced in its patriotism the whole Union.

He has left his countrymen the example of a useful, honorable, and patriotic life, and he has left to us, his survivors here, the memory of a friendship unalloyed by regret.

Mr. President, in behalf of the absent Senator from Louisiana [Mr. WHITE] I submit the resolutions which I send to the desk, and ask their adoption.

The VICE-PRESIDENT. The resolutions will be read.

The Chief Clerk read the resolutions, as follows:

Resolved, That the Senate has heard with profound sorrow the announcement of the death of the Hon. Randall Lee Gibson, late a Senator from the State of Louisiana.

Resolved, That a committee of five Senators be appointed by the presiding officer, to join such committee as may be appointed by the House of Representatives, to attend the funeral at Lexington, Ky., and that the necessary expenses attending the execution of this order be paid out of the contingent fund of the Senate.

Resolved, That the Secretary communicate these resolutions to the House of Representatives.

The resolutions were agreed to unanimously.

The VICE-PRESIDENT. The Chair appoints as the committee to represent the Senate, provided for in the second resolution, the Senator from Louisiana, Mr. WHITE; the Senator from South Carolina, Mr. BUTLER; the Senator from Georgia, Mr. GORDON; the Senator from South Dakota, Mr. PETTIGREW, and the Senator from Idaho, Mr. SHOUP.

Mr. GORMAN. Mr. President, I move, as a further mark of respect to the memory of the deceased, that the Senate do now adjourn.

The motion was agreed to; and (at 12 o'clock and 15 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, December 20, 1892, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

MONDAY, *December 19, 1892.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of Saturday was read and approved.

DEFICIENCY APPROPRIATION, ASSISTANT UNITED STATES ATTORNEYS.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting copy of letter from the Attorney-General, submitting estimate of deficiencies in appropriation for pay of special assistant United States attorneys for the fiscal year ending June 30, 1893; which was referred to the Committee on Appropriations.

COAST AND GEODETIC SURVEY.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting report of the Superintendent of the Coast and Geodetic Survey for the fiscal year ending June 30, 1892; which was referred to the Committee on Printing.

PROPERTY IN HANDS OF DOORKEEPER.

The SPEAKER also laid before the House a communication from the Doorkeeper of the House of Representatives, transmitting inventory of property belonging to the United States in his possession December 18, 1892; which was referred to the Committee on Accounts.

IMPROVEMENTS, RIVERS AND HARBORS.

The SPEAKER also laid before the House a communication from the Secretary of War, transmitting report of preliminary surveys by the Chief of Engineers of the following improvements, namely: Brazos River, Texas, from its mouth to the town of Richmond; mouth of Little Wicomico River, Virginia; harbor of refuge on Lake Pontchartrain, Louisiana, and Sabine River, from Suddith's Bluff, Texas, to Logansport, Louisiana; and Homochetto River, Mississippi, from mouth to Louisville, New Orleans and Texas Railroad bridge; which were severally referred to the Committee on Rivers and Harbors.

STATISTICAL ABSTRACT.

The SPEAKER also laid before the House the following concurrent resolution of the Senate:

Resolved by the Senate (the House of Representatives concurring), That there be printed 20,000 copies of the Statistical Abstract of the United States for the year 1892, prepared by the Bureau of Statistics of the Treasury Department; 6,000 copies for the use of the members of the Senate, 12,000 copies for the use of the members of the House of Representatives, and 2,000 copies for the use of the Bureau of Statistics, Treasury Department.

Mr. RICHARDSON. Mr. Speaker, this is a Senate concurrent resolution, authorizing the printing of this Statistical Abstract. It is one of the regular publications, and a similar resolution has been reported favorably by the House Committee on Printing. I ask that the resolution be considered at this time.

There being no objection, the concurrent resolution was considered and agreed to.

On motion of Mr. RICHARDSON, a motion to reconsider the last vote was laid upon the table.

OLD DOMINION STEAMSHIP COMPANY.

Mr. CAUSEY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 3059) for the relief of the Old Dominion Steamship Company.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to pay, out of any money in the Treasury not otherwise appropriated, to the Old Dominion Steamship Company the sum of $1,166.16, being the amount with $100 additional paid by it involuntarily and under protest to the collector of the port of New York as a fine imposed for a violation of section 2809 of the Revised Statutes, said money having been covered into the Treasury, and said fine, less $100, having upon due application been authorized to be remitted by the Secretary of the Treasury.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. DINGLEY. Is that simply the amount of a fine to be remitted?

Mr. CAUSEY. This is a case where the Government of the United States collected a fine, which was paid under protest, and after investigation the Government, finding it was wrong, Secretary Windom authorized the collector of the port to pay it back.

Mr. DINGLEY. And it can not be repaid, having been covered into the Treasury.

Mr. CAUSEY. It can not be paid for that reason.

Mr. DINGLEY. Is the amount covered by the bill the amount of the fine?

Mr. CAUSEY. The amount of $100 is retained by the Treasury out of the total amount of the fine.

Mr. DOCKERY. Has it been reported by a committee of the House?

Mr. CAUSEY. Yes, sir; favorably.

There being no objection, the bill was considered, ordered to a third reading; and, being read the third time, was passed.

On motion of Mr. CAUSEY, a motion to reconsider the last vote was laid upon the table.

CITADEL ACADEMY, CHARLESTON, S. C.

Mr. BRAWLEY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 2981) for the relief of the Citadel Academy, of Charleston, S. C.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to relieve the Citadel Academy of the State of South Carolina, at Charleston, S. C., from all money responsibility for so much of the ordnance and ordnance stores issued to said Citadel Academy under its bond dated May 8, 1891, as was destroyed by fire on March 14, 1892.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BELTZHOOVER. May I inquire of the gentleman from South Carolina the amount of value involved in this proposition?

Mr. BRAWLEY. I think it is only a few hundred dollars, though I am not able to state the exact amount. There were some guns loaned by the General Government to the Citadel Academy for the use of the students, which were destroyed by fire. I am not able, however, to state the exact amount.

Mr. BELTZHOOVER. Has the gentleman no means of informing the House of the amount covered by the bill?

Mr. BRAWLEY. I have not, sir, except what is set forth in the report. I do not think it will exceed a thousand dollars, though.

Mr. BELTZHOOVER. I think we ought to have some knowledge as to the amount involved.

Mr. BRAWLEY. It would be safe to state that it would not exceed a thousand dollars. These were old guns which were loaned to the students and destroyed by fire in the academy. It is precisely similar to a bill passed at this session for the relief of the University of Missouri.

Mr. BELTZHOOVER. Is there any report from the Department upon it?

Mr. BRAWLEY. I have in my hand the report of the committee, which will explain the matter.

Mr. BELTZHOOVER. I hope it will be read.

The report (by Mr. BUNN) was read, as follows:

The Committee on Claims, to whom was referred the bill (S. 2981) for the relief of the Citadel Academy, Charleston, S. C., beg leave to report:

Your committee have carefully considered the same and adopt the Senate report, which is as follows:

"The Committee on Military Affairs, to whom was referred the bill (S. 2981) for the relief of the Citadel Academy, of Charleston, S. C., having considered the same, report as follows:

"On the 14th of March last the Citadel Academy of the State of South Carolina, at Charleston, was partially destroyed by fire, and among other property consumed were certain arms and equipments issued by the War Department to that institution under existing laws. The fire occurred without fault on the part of the officers of the academy, and there was no insurance on the articles referred to.

"This bill authorizes the Secretary of War to relieve the academy from all money responsibility for the articles destroyed under its bond, dated May 8, 1891.

"The bill is in the form of an act passed at the present session of Congress for the relief of the University of Missouri, the facts in that case being substantially the same as in this.

"Your committee attach hereto a communication from the War Department in relation to this subject, and recommend the passage of the bill."

ORDNANCE OFFICE, WAR DEPARTMENT,
Washington, D. C., April 21, 1891.

SIR: I have the honor to return herewith a letter from the superintendent of the South Carolina Military Academy and the affidavits which accompanied it. Some time ago an effort was made to relieve one of the colleges from responsibility for arms destroyed by fire. The Chief of Ordnance recommended that this should be done, and his recommendation was approved by the Secretary of War. It was discovered subsequently, however, that relief could not thus be given, and that the only method of obtaining it was by act of Congress. I inclose a copy of an act recently passed for a similar purpose, with the name of the college and dates changed to correspond with the case referred to by Mr. Coward.

Very respectfully, your obedient servant,

CHARLES SHALER,
Captain, Ordnance Department, U. S. A., Acting Chief of Ordnance.

Hon. M. C. BUTLER,
United States Senate.

There being no objection, the bill was considered, ordered to a third reading; and, being read the third time, was passed.

On motion of Mr. BRAWLEY, a motion to reconsider the last vote was laid on the table.

THOMAS CHAMBERS.

Mr. STEPHENSON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 1095) for the relief of Thomas Chambers.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed to pay, out of any money in the Treasury not otherwise appropriated, to Thomas Chambers, of Mackinac, Mich., the sum of $3,654.56, in full compensation for the additional expenses incurred by him in carrying the Canada mails, as contractor on route numbered 24413, from Sault de Ste. Marie, Mich., to Mackinac, Mich., from July 1, 1875, to June 30, 1879, inclusive, he having contracted to carry United States mails only.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. DOCKERY. Mr. Speaker, let us have the report read, subject to objection.

The report (by Mr. BYRNS) was read, as follows:

The Committee on Claims, to whom was referred the bill (S. 1095) for the relief of Thomas Chambers, beg leave to report the same with the recommendation that it do pass.

A similar bill was favorably reported by your committee in the Fifty-first Congress, and has also passed the Senate this session, and report No. 9, made by Senator MCMILLAN, from the Committee on Post-Offices and Post-Roads, so fully sets forth the facts that your committee adopts the same and makes it a part of this report.

Your committee further recommend that H. R. 2148 lie upon the table.

[Senate Report No. 9, Fifty-second Congress, first session.]

A bill similar to this under consideration was introduced at the first session of the Fifty-first Congress and received a unanimously favorable report from this committee. That report is now adopted by your committee, and is as follows:

"This is a bill to reimburse Thomas Chambers, of Mackinac Island, Mich., for losses sustained by him as contractor on mail route No. 24413, from Mackinac to Sault Ste. Marie, Mich., for the four years ending June 30, 1879.

"In response to the invitation of the Post-Office Department, made in October, 1874, for bids for carrying the mail on this route, the claimant filed his proposal in conformity with the departmental instructions, and his bid of $1,675 was accepted. The contract was completed, and at the designated time he entered upon the service. In the course of events the weight of his mail matter was largely increased by foreign mail put up at Windsor, Canada, in through pouches, to be delivered on the border at Sault Ste. Marie, and it was incumbent upon the United States to transport this mail in pursuance of a postal arrangement concluded subsequent to the execution of the contract between this claimant and the Department. There was nothing in the invitation to bid nor in the contract itself contemplating this extra service.

"The Department avers that the claimant 'made oath that in bidding for the work he did so with full knowledge of the distance of the route, weight of mail to be carried, and all the particulars in reference to the route and service.' He was obliged to do this under the forms prescribed, nevertheless he did it with the full knowledge of the facts, knowledge derived from experience in carrying the mail over this same route as subcontractor or employé when there was but one pouch to carry, when its weight was light, and it could be transported with the use of dogs or one saddle horse.

"Again, the Department refers to certain stipulations contained in the contract as to 'celerity, certainty, and security, using therefor such means as may be necessary to transport the whole of said mail, whatever may be its size, weight, or increase during the term of the contract.' These again are the usual and formal stipulations, but in enumerating them the Department concedes that the contract contained no clause relative to carrying foreign mail; that it was not until 1883 that such clauses were inserted in contracts. Plainly no such extra service was contemplated by either party to this contract, and especially by the party of the second part.

"This man made his bid in good faith. His practical experience convinced him that he could fulfill his obligation without loss to himself or injury to his bondsmen. His estimate was based upon the cost of employing one man and one horse to carry one pouch. He knew that there could be no local increase. It came, but not by reason of any circumstance that he could have foreseen. It came in the form of foreign mail, not contemplated by the terms of the contract, as the Post-Office Department admits; and it tripled his service, his expenses, his responsibility.

"In the opinion of the committee this case does not involve a mere question of technicality. It is one of equity and justice. Even by the terms of the contract the Department did not hold an advantage whereby it could demand this extra service for which there was no adequate compensation.

"If the Department, as it is assumed, has not the power to reimburse this man, it is the imperative duty of Congress to do it.

"The bill is reported favorably, with a recommendation that it do pass."

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HOLMAN. Mr. Speaker, I hope if the bill comes before the House, it will be with the understanding that there shall be an explanation of it.

The SPEAKER. The Chair hears no objection.

Mr. BUTLER. I would like to have a little explanation of this bill before action is taken thereon. I have some views in regard to it, but would like to hear from those in favor of the bill first. I do not wish to yield the floor, but if some gentleman can explain the point of this bill, I would like to hear the explanation, and I will yield time for that purpose.

The SPEAKER. The bill is before the House. The gentleman from Iowa [Mr. BUTLER] has the floor, and can yield time if he wishes to.

Mr. BURROWS. Mr. Speaker, I understand the gentleman from Missouri [Mr. BYRNS] made the report in this case, but is not present. I will say to the gentleman from Iowa [Mr. BUTLER] that if he listened to the reading of the report he would be fully advised as to the nature of the claim. The gentleman will observe that the last House passed this bill, and the bill has also passed the Senate in the present Congress. It is now unanimously reported by the Committee on Claims of this House. It

will be seen therefore that the bill has passed both bodies at different times.

The gentleman will observe, if he listened to the report, that this contract was for carrying the mails at a time when they were of a domestic character entirely and required only one horse and one man for their transportation. Subsequently, after the contract was let and the contractor entered upon the performance of the duties involved, the mails were heavily increased by the addition of Canadian mails, so that he was obliged to triple the expense incurred by him in carrying the mails, thereby incurring a loss of about $3,000 actually expended to carry out his contract. This bill, which has passed the Senate and been reported unanimously by the committee in this House, is to reimburse him. It was also reported unanimously in the last Congress, as I understand, by the Committee on Claims.

Mr. OATES. Would it not be a rather dangerous precedent to establish if we should pass this bill? Do you not suppose there are a great many contractors who lose money by their contracts, and could they not with equal propriety come here and ask to be reimbursed for their losses?

Mr. BURROWS. I do not think it would be dangerous. We could consider each case by itself.

Mr. OATES. Is there any precedent already established?

Mr. BURROWS. I do not know and have no interest in knowing whether there is any precedent or not. If this man's services were increased by the obligations imposed upon him subsequent to the making of the contract, so that he is really out the $3,000, it seems to me, as a matter of equity, as the committee say in their report, he ought to be reimbursed.

Mr. OATES. But is it not simply a case of a bad contract on his part, which he asks Congress to make good?

Mr. BURROWS. No. When he made the contract he supposed there were no mails to be carried except our domestic mails. Subsequently the service was increased by these foreign mails.

Mr. OATES. His compensation ought to have been increased then.

Mr. BURROWS. That is what this bill is for.

Mr. OATES. But the increase ought to have been made by the Department, and not here.

Mr. BUTLER. Mr. Speaker, this bill is one the particulars of which I understand something about, and I wished to get the explanation in order that I might be sure that it was the case that I have in mind. This foreign mail which is said to have been increased under this contract was increased by an arrangement with Canada in 1873, whereby the mail from Sault Ste. Marie, Canada, was carried over this route from Sault Ste. Marie to Mackinac. That was in 1873. This man Chambers made his contract in 1875, two years later, it being a contract for four years, whereby he was to carry the mail from Sault Ste. Marie, via Stephensburg and St. Ignace, to Mackinac, a distance of 66 miles, three times a week, the route being numbered 24387; but the next year, the 14th day of July, 1876, the contract was so changed that the mail, instead of going over the whole line during the time that navigation was open, only went from St. Ignace, Mich., to Mackinac, a distance of 6 miles.

The Department then reduced the amount that was to be paid in the sum of $761.36. The original contract was $1,675. This reduction of the amount of work to be done made a reduction in the price, and he received after that $913.64. He was paid one month's extra pay on account of the reduction. Now that was the mail that he carried. He carried this during the four years of his contract, and then the next man who took it, who was Hawkins Taylor, of Washington, took the contract for carrying the same mail at $23.64 less than the other man had been carrying it for during the four years.

And now he comes here, after another contractor carried it for four years for less than he did, and asks to be reimbursed for money he claims to have expended in excess of his contract.

Mr. DOCKERY. Do I understand the gentleman from Iowa to say that the present contractor carried this mail for $23.64 less than the claimant in this case?

Mr. BUTLER. I can not say anything about the present contractors. I know that the party, Thomas Chambers, had a contract to carry the mail from 1875 to 1879, and that his successor, Hawkins Taylor, carried it from 1879 to 1883 for $23.64 less annually than Thomas Chambers carried it. It was a moderate mail, and the only material increase was an increase made two years before this Chambers had this contract at all.

Mr. DOCKERY. Then the succeeding contractor in fact carried the mail for less than the beneficiary in this bill?

Mr. BUTLER. Yes; for less than Chambers carried it.

Mr. HEARD. Less than this man absolutely received.

Mr. BUTLER. Yes; and there is no reason whatever why he should be paid this increased compensation. I know the route very well, having been over it, and it is simply because of that fact that my attention was first called to it. There is no report from the Post-Office Department concerning it. They do not recommend its payment, and because there was no such recommendation I looked up the case and found the facts as I have stated. There is no justification for the claim, and this man ought not to receive one single dollar; and further than that, he was paid one month's salary more than he contracted for.

Mr. DOCKERY. That seems to be clear.

The question was taken on ordering the bill to be read the third time, and the Speaker announced that the "noes" seemed to have it.

Mr. STEPHENSON. Division.

The House divided, and there were—ayes 22, noes 60.

Mr. STEPHENSON. No quorum.

The SPEAKER. The gentleman from Michigan [Mr. STEPHENSON] makes the point that no quorum has voted. The Chair will appoint as tellers the gentleman from Michigan [Mr. STEPHENSON] and the gentleman from Iowa [Mr. BUTLER].

The House again divided, and before the result was announced

Mr. STEPHENSON said: Mr. Speaker, I withdraw the point of no quorum, and ask that the bill go over until some other time.

The SPEAKER. The point of no quorum being withdrawn, the "noes" have it, and the House refuses to allow the bill to be read the third time.

LATE ENSIGN D. F. TERRELL.

Mr. HOOKER of Mississippi. Mr. Speaker, I ask for the present consideration of the bill which I send to the Clerk's desk.

The bill was read, as follows:

A bill (S. 570) to provide for the removal of the remains of the late Ensign D. F. Terrell, United States Navy, from Sitka, Alaska, to his home in the State of Mississippi.

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized to make such arrangements as he may deem necessary and proper for the removal from Sitka, Alaska, to Crystal Springs, Copiah County, Miss., of the remains of the late Ensign D. F. Terrell, United States Navy, who died on board the United States steamer Pinta at Sitka, Alaska, on the 15th of April, 1891; and such expense as may be necessarily incurred thereby shall be paid out of any moneys in the Treasury not otherwise appropriated upon duly certified bills therefor.

Mr. HOOKER of Mississipi. Mr. Speaker, the report accompanying this bill is a unanimous report from the Committee on Naval Affairs.

Mr. BURROWS. It is all right.

Mr. HOLMAN. I think, Mr. Speaker, that the report ought to be read.

Mr. HOOKER of Mississippi. Very well, let it be read.

Mr. HOLMAN. I have no objection to the bill.

The report (by Mr. PAGE of Maryland) was read, as follows:

The Committee on Naval Affairs, to whom was referred the bill (S. 570) providing for the removal of the remains of the late Ensign D. F. Terrell, United States Navy, from Sitka, Alaska, to his home in the State of Mississippi, have had the same under consideration and beg leave to report it back and recommend its passage, for the reasons stated in the report from the Committee on Naval Affairs in the Senate of the United States and the letter of the Secretary of the Navy, dated the 23d day of February, 1892, herewith appended.

[Senate Report No. 277, Fifty-second Congress, first session.]

The Committee on Naval Affairs, to whom was referred the bill (S. 570) providing for the removal of the remains of the late Ensign D. F. Terrell, United States Navy, from Sitka, Alaska, to his home in the State of Mississippi, have had the same under consideration and beg leave to report it back and recommend its passage, your committee concurring in the view held by the Secretary of the Navy in this case, as per letter of the 23d of February, 1892, herewith appended.

NAVY DEPARTMENT, *Washington, February 23, 1892.*

SIR: Referring to your letter of the 2d instant, inclosing a copy of Senate bill No. 570, "to provide for the removal of the remains of the late Ensign D. F. Terrell, United States Navy, from Sitka, Alaska, to his home in the State of Mississippi," and requesting the opinion of this Department as to the merits of the bill, I have the honor to state that while, under the provisions of section 1587 of the Revised Statutes, the funeral expenses of a naval officer who dies in the United States can not be allowed, it would seem that, in view of the great distance of the ports of Alaska from any other ports of the United States, and of the long sea voyage which must be made in returning from Sitka, the port at which Ensign Terrell died, the case is not substantially different from that of an officer who dies while on duty in a foreign port.

Very respectfully,

B. F. TRACY, *Secretary of the Navy.*

Hon. M. C. BUTLER,
Committee on Naval Affairs, United States Senate.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

Mr. REED. I would like to ask the gentleman from Mississippi if there is any provision by which the body of an American officer dying abroad can be brought to the United States?

Mr. HOOKER of Mississippi. There is a statute on that subject to-day. The remains of an officer are allowed to be brought from abroad, but as Alaska is a Territory, though very distant from the United States, that statute would not apply in this case. This officer was buried in the ice and mountains, and we

wish to bring his remains to the United States and have them buried in a warmer climate.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to a third reading; and it was accordingly read a third time, and passed.

On motion of Mr. HOOKER of Mississippi, a motion to reconsider the vote by which the bill was passed was laid on the table.

ROBERT CARRICK.

Mr. PAGE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 1861) for the relief of Robert Carrick, late first lieutenant, Eighth United States Cavalry.

The bill was read, as follows:

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized to nominate and, with the advice and consent of the Senate, to appoint or reinstate Robert Carrick (late a first lieutenant of the Eighth Regiment of United States Cavalry, a first lieutenant in the Army, and to place him upon the retired list of the Army in the rank and grade of first lieutenant of cavalry, from the date of approval of this act, any provision of the law limiting the number of officers on said list to the contrary notwithstanding.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. PAGE. Mr. Speaker, the report——

Mr. KILGORE. I demand the regular order.

The SPEAKER. The gentleman from Texas demands the regular order, which is equivalent to an objection.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. O'NEIL of Massachusetts, indefinitely, on account of sickness in his family.

ORDER OF BUSINESS.

The SPEAKER. The gentleman from Virginia [Mr. WISE], from the Committee on Interstate and Foreign Commerce, desires to submit a report from that committee. As the day for the consideration of bills reported from that committee will soon be here, he asks to submit a report now.

Mr. WISE. It is very important to get it in.

AMENDMENT OF INTERSTATE-COMMERCE ACT.

Mr. WISE, from the Committee on Interstate and Foreign Commerce, reported back with amendments the bill (H. R. 7003) to amend an act entitled "An act to amend an act entitled 'An act to regulate commerce,'" approved March 2, 1889; which was referred to the House Calendar, and, with accompanying report, ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. This being the third Monday of the month, it is in order to move to suspend the rules by committees. On July 17, when the committees were being called for supension, the call rested with the Committee on Patents, which committee called up the bill (H. R. 9160) for the relief of William L. Winans. A second was ordered, debate was had, a vote was taken, the point that no quorum had voted was made, tellers were appointed, and in that condition the House adjourned. The Clerk will now report the bill so that the House may understand what the bill is.

The bill was read for information.

The SPEAKER. The gentleman from South Carolina [Mr. TILLMAN] and the gentleman from Wisconsin [Mr. HAUGEN] will take their places as tellers.

Mr. HAUGEN. Mr. Speaker, I would ask the gentleman from South Carolina to consent to a few minutes' debate. I would suggest that there be fifteen minutes' debate on each side, and I will withdraw the point of no quorum. I think that some of the facts were not developed when this matter was discussed before, and the House ought to have a little more light in relation to this bill. Will the gentleman consent to an additional fifteen minutes' debate on each side?

Mr. TILLMAN. If the House will agree to it, I have no objection to illimitable debate.

The SPEAKER. It requires unanimous consent. Debate has been closed, a motion has been made to suspend the rules and pass the bill, tellers have been appointed and the fact of no quorum has been developed.

Mr. HOLMAN. I hope, Mr. Speaker, that by unanimous consent a reasonable time will be allowed for debate.

Mr. HAUGEN. I suggest fifteen minutes on each side.

The SPEAKER. Unanimous consent is asked that fifteen minutes' debate upon each side of the pending proposition be permitted before the vote is taken. Is there objection?

Mr. BURROWS. Mr. Speaker, I understood the gentleman from Wisconsin [Mr. HAUGEN] to say that if his suggestion for debate should be agreed to he would withdraw the point of no quorum. Will that preclude its renewal by any member?

The SPEAKER. It will not. The Chair hears no objection to the request of the gentleman from Wisconsin. The Chair will recognize the gentleman from South Carolina [Mr. TILLMAN] to control the fifteen minutes in favor of the proposition and the gentleman from Wisconsin [Mr. HAUGEN] to control the fifteen minutes against it.

Mr. HAUGEN. Mr. Speaker, I would like to have the gentleman from South Carolina [Mr. TILLMAN], state the particular features of this bill which ought to recommend it to the House.

Mr. TILLMAN. I will yield five minutes to the gentleman from Rhode Island [Mr. LAPHAM], who was chairman of the special subcommittee that had charge of the bill. I will merely say to the House that after thorough investigation and consideration of this bill time and again it was reported unanimously by the committee.

Mr. LAPHAM. Mr. Speaker, I did not understand exactly the inquiry made by the gentleman from Wisconsin as to this bill. I will say to the House, however, that the bill was carefully explained when it was up for consideration before, and that the report contains, as we conceive, a very clear statement of the nature of the measure and of what it is intended to accomplish. As I understand, the only objection, or the principal objection that is now raised to the passage of the bill is that it may interfere with somebody's rights in connection with what are called "whaleback" steamers used upon the Great Lakes. This bill is for the relief of an inventor who has been at work for over thirty years inventing and developing a new type of ocean-going steam-vessel which, if his experiments prove to be finally successful, will be the greatest step ever taken in ocean navigation.

It is positively stated, as a matter of experiment and experience covering years with the experimental boats, that a vessel built according to the invention and construction of this Mr. Winans will cross the ocean in four days, that it will pass over the roughest waters without pitching, and that in very few cases does it roll in rough water. It can be readily understood that it is not an ordinary matter to so revolutionize the construction of ocean-going steamers. This invention, therefore, does not come under the ordinary rules of the patent law which require an inventor to develop his invention within a reasonable time. This is an enormous undertaking. It has occupied, as I have said, the life of a generation. It is a wonderfully exceptional case. If it be objected that this bill is an innovation in the nature of the extension of a patent, I say that the invention itself is an innovation, such a thing as has never occurred before in the history of civilization, and that it is well worth while for the Congress of the United States to extend encouragement and help to such a marvelous development as has been made by this inventor in recognition of the ingenuity and the tremendous perseverance manifested, and the limitless expense that has been incurred in connection with it.

Mr. SIMPSON. I wish to ask the gentleman a question. This patent was applied for by these gentlemen some twenty years ago, was it not?

Mr. LAPHAM. I will give that history briefly if the gentleman desires.

Mr. SIMPSON. I wish to ask another question. Have not the gentlemen on the lakes who have developed these whaleback vessels and made them successful done it all within the last five years?

Mr. LAPHAM. I will state that several successive patents have been applied for and taken out from time to time for this invention by the Winan family, many of them by this same William L. Winans. Many of those patents, I do not know but all of them, have already expired.

Subsequent experiments have proved many of the ideas embodied in those patents to be crude and not available in practice. The inventor himself did not at first comprehend the scope and magnitude of the field upon which he had entered. Not one of these patents, I understand, is of any use to any living man; but in each or in several of these expired patents there are fragments which, united with what has now been developed, will make one perfect complete system of naval construction and navigation; and this applicant only asks that those prior patents may not stand as a bar to his taking out one patent possessing the integrity of a patent that is capable of application and use.

[Here the hammer fell.]

Mr. TILLMAN. I yield five minutes more to the gentleman.

Mr. LAPHAM. The committee, carefully weighing the possibilities that some rays of dim light may have been thrown on this subject by the patents to which this bill refers and which have now expired, realizing the fact that somebody else may have caught an inspiration from what those patents showed, have carefully incorporated in the bill a provision covering all such cases as the whaleback, and cases which may be unknown to us where any man or firm or corporation anywhere in the United States may have begun to study and lay out money upon

any fragment of those inventions. Such a man is wholly protected in what he has done; he may continue the use of all that he has begun to use.

It is provided that as to any person who has used any part of these expired patents the patent contemplated by this bill, if granted, shall be void. There is thus careful protection for everybody, including the whaleback makers, should they come within (as I do not believe they will) any of the inventions of Mr. Winans.

Mr. HAUGEN. Does the proviso in the bill protect anybody except patentees under the Winans patents?

Mr. LAPHAM. The proviso protects everybody in the United States.

Mr. HAUGEN. It protects those who are protected by the patents recited in the bill; that means the Winans patents.

Mr. LAPHAM. That is all that this patent can refer to. The provision in this bill is that Winans may apply to the Commissioner of Patents; the bill does not grant him any patent; he is permitted to apply to the Commissioner and to take out a patent for anything in this line that he has himself invented or developed. This bill simply removes the bar which the prior patents might oppose to his getting a complete patent for his entire invention. No patent can be issued to him if this bill be passed unless he shows before the Commissioner of Patents what any inventor applying for a patent is required to show, that he is the originator or inventor of what he asks to have covered by his patent.

We go further, however, in this bill and provide that if the patent be granted by the Commissioner under the authority of this bill, such patent shall not interfere with the rights of anybody else who may have availed himself of anything in the expired patents; that such persons may go on with their business unmolested. If the whaleback makers are using this same principle, they may go on with their business exactly as if this patent were not granted.

Mr. LOUD. Provided, of course, that they do not infringe. That question would have to be determined, would it not?

Mr. LAPHAM. There can be no infringement in such case.

Mr. LOUD. Do you believe that the persons who are now building those whaleback vessels would still be allowed to build them if this patent were granted?

Mr. LAPHAM. Absolutely and positively I do believe it. In the first place I do not know that anything which Winans would claim would interfere with the construction of those vessels. If it did, the proviso of the bill would absolutely prevent him from interfering with the construction of those vessels. That is the very object of the proviso—that the patent to be granted to Winans should not interfere with anybody who has availed himself of anything in the prior patents.

Mr. LOUD. Has not the building of those whaleback vessels on the lakes tended more to the development of this patent than anything Mr. Winans has ever done?

Mr. LAPHAM. I do not think it has had anything to do with the development of Mr. Winans's invention, because he has been pursuing the development of his form of vessel over thirty years, until he has now, by innumerable trials, proved that his construction, his combination of parts, his proportions, his methods of propulsion and of steering, can all be relied on, and that a person can more safely trust himself upon the broad ocean in a vessel thus constructed than in any other vessel.

Mr. ATKINSON. Will the gentleman please state what inventions are covered by the patents which this bill proposes to extend?

Mr. LAPHAM. In the time I have it is impossible for me to give an analysis of those prior patents; and though I have carefully examined them heretofore I should require more time than I have to review their provisions.

Mr. ATKINSON. Does the gentleman think that this bill should be considered and acted on with only fifteen minutes' debate on each side, when he has not time to state the patents which will be extended?

Mr. LAPHAM. I will say to the gentleman that the United States can not be in any manner harmed by the passage of this bill; and that no individual can be harmed, for it is so carefully framed as to provide all proper protection in every possible case, such as the gentleman suggests.

Mr. Winans, in going before the Committee of Patents under the authority of this bill, will be subject to all the limitations which control any other inventor applying for a patent, except the single case of his own prior patents. This is the only exception which the bill makes in favor of Mr. Winans. If he had never taken out a patent he would ask for a patent to cover his whole invention, but having already disclosed fragments of the invention, which subsequent developments proved to be useless without more, and having now arrived, after unprecedented perseverance, at a completed system of construction, by which he has conquered the ocean for our benefit, he asks that he may go before the Patent Office with the same rights he would have had if he never appeared there before.

If there is anything exceptional in this, it is far less exceptional than the achievement of this inventor. Can not this Congress afford and well afford, to do an exceptional thing for the purpose of securing an exceptional blessing to the people whom we represent?

It is not for the sake of Mr. Winans that the Patent Committee advocates this bill, but it is for the sake of the ocean commerce of 65,000,000 of people. For years we have deplored the decadence of American shipbuilding. Once our sails whitened the seas. We pointed with pride to our fast-sailing clipper ships, the product of American ingenuity. Now, steam has supplanted the sailing vessel and our exports go to foreign markets in foreign bottoms. Shall we, when an American citizen comes forward and offers to restore us to our former proud position at the head of the mercantile fleets of the world, carp and quibble, and say no, it would be exceptional, it would be special legislation.

Mr. Speaker, I welcome such special legislation. Such strides in advancing civilization do not occur with sufficient frequency to be alarming. When a special opportunity offers itself to put ourselves again at the head and front of ocean navigation I would not repel it because it is to be obtained through special legislation.

The bill is a private bill only in name. It is general and national in its scope and purpose. We can not afford to turn the cold shoulder to our countryman who brings us this invention and send him to our commercial rivals.

Mr. TILLMAN. I reserve the remainder of my time.

Mr. HAUGEN. Mr. Speaker, when this matter was before the House in July last for consideration I did not then believe that a single member of the House outside of the Committee on Patents was familiar with the provisions of the bill, or, in fact, knew anything about it. Now, I do not know but that the gentleman from Rhode Island may be entirely correct when he says that there is nothing in the bill to interfere with any rights of any citizen of the United States. But there are citizens of the United States with large sums of money invested, with large capital employed in building vessels, who do think that their rights would be seriously interfered with if this bill should be enacted into law. In their behalf, therefore, I appeal to this House that this bill ought not to pass.

Now as to the equities of Mr. Winans, of which we have heard so much from the gentleman from Rhode Island. About thirty years ago or more, Mr. Ross Winans, the father of William L. Winans, took out letters patent for what he called a "spindle-shaped" vessel, and the gentleman in his remarks says that during the last thirty years the Winans family has been unable to develop and complete one of these vessels. The whaleback vessel was invented about ten years ago, and since that time Mr. McDougall, who invented it, and the American Steel Barge Company, the purchasers of the patent, have put on the waters thirty-six of these vessels which are now engaged in the carrying business for the people of this country.

This Mr. Winans, I am informed, went to England something over thirty years ago. He has resided there ever since. He has not spent any money or any time in the development of the invention on this side of the water, except perhaps a sufficient amount to build a small model vessel at Baltimore and the $4,000,000 spoken of by the gentleman from Rhode Island, as having been expended by him in the development of the invention was expended in the employment of English workmen and English material, and none of it in the United States. The laborers employed by him have been employed in England and not here. Is that not true? I ask the members of the committee if that is not a fair statement of the case?

Mr. TILLMAN. I will say to the gentleman from Wisconsin that experiments have been carried on in Baltimore, in Russia, in England, and I think also in France.

Mr. HAUGEN. I understand that there was a small model built in Baltimore, and that is all of the experimental work that has been going on in the United States. The bulk of the work has been carried on, as I am informed, on the Isle of Wight, and not in the United States. That is where the money was expended, and that is where the labor was employed.

Mr. LAPHAM. The report shows, if the gentleman will permit me, that a vessel 256 feet in length was built in the city of Baltimore.

Mr. HAUGEN. Mr. Speaker, I have tried in vain to get a copy of the report, but am informed that the supply is exhausted and that it is not available to members of the House. I am unable, therefore, to speak except from recollection of what the report contains. I do not remember what the report states in that respect, but I am informed by Mr. McDougal, the inventor of the whaleback vessel, that no boats were built in Baltimore, but on the contrary were built across the ocean on the Isle of Wight,

and this is information from a man who has given his attention to the matter and who is well informed upon the subject.

So that I repeat I can see no equities here in Mr. Winans's behalf that ought to appeal to the generosity of the House.

I now yield five minutes to the gentleman from Maine [Mr. DINGLEY], if he desires to occupy the time.

Mr. DINGLEY. Mr. Speaker, this is a remarkable bill, in many respects the most remarkable that I have ever known to be presented to this or to any other House. It is not a proposition simply to extend an existing patent, which occasionally have appeared in the House and have been passed by it, but it is a very different proposition. Even such propositions are viewed with suspicion. This, however, is a proposition practically to revive a patent which was granted in 1858, and which expired in 1879—for although in form a new patent yet in effect it revives a patent long since expired—and not only to revive but to extend it for the period now authorized by law for new patents.

In 1858 Mr. Ross Winans was granted what, under the circumstances at that time, may have been a justifiable patent, but which if granted to-day would certainly not be granted in the broad language used in the original patent. It gave a general patent right to Ross Winans to construct spindle-shaped vessels. That simple description of the spindle-shaped vessel is one which covers cigar-shaped vessels, all torpedo vessels of the present day, the whaleback vessels that have since been invented and used, and may be made to cover almost an innumerable multitute of new classes of vessels. If the patent were granted to-day it should be granted not in such general terms as the bill proposes, but specifically for a distinct thing, that should be distinctly presented to this Congress and clearly specified in the law.

But the proposition to revive a patent which expired thirteen years ago and give it a life of seventeen years, is an extraordinary one, in the face of the fact that whaleback vessels have been invented within the past ten years, and are being built on the Great Lakes in large numbers; and certainly whaleback vessels are of the type known as spindle-shaped vessels. It is extraordinary in the face of the fact that Mr. Winans, the father of the beneficiary of this bill, was in 1858 given a patent for all vessels built on the spindle-shaped idea that continued for twenty-one years, and during this period evolved nothing practical; and now, since others have taken up the idea and evolved something practical in the shape of the whaleback vessel, he seeks to be given the same standing that he had before his patent expired. Indeed, I noticed in the papers of yesterday that a vessel of the whaleback class—the Christopher Columbus—has been launched on the Great Lakes, to run between the city of Chicago and the World's Exposition.

I trust that this House will not at this time, and in the face of all the progress that has been made in the development of spindle-shaped, cigar-shaped, or the whaleback class of vessels, undertake by special act to direct the Commissioner of Patents to practically revive an old patent that expired thirteen years ago and give it a life of seventeen years, for a type of vessel which the would-be beneficiary confesses he (or rather his father) was unable to make practicable during the twenty-one years in which he held the sole right to build. It would be such special legislation as I have never before heard of in the history of Congress, and I can not believe that it will be entertained for a single moment. It will be contrary to all the ideas of existing patent laws to give any one a patent to-day for an idea that has been carried out in practice by others, and on which vessels have been constructed.

If this gentleman has invented something useful, is really the inventor of it, and has made his invention practical, he may apply to the Patent Office under existing laws and obtain his patent; and the fact that this legislation is asked is a confession on the part of the beneficiary of this bill that he desires the Congress of the United States to give him special legislation, erecting a monopoly in his name, of the right to construct a vessel to which he is not entitled to a patent under the liberal patent laws of the nation—confessedly as liberal as justice and the public interests admit. It is contrary to all ideas of justice, it is contrary to all ideas of progress to grant special legislation of this kind, and I can not believe that this House will favor it.

Mr. TILLMAN. I yield to the gentleman from Missouri [Mr. HEARD] two minutes.

Mr. HEARD. Mr. Speaker, as a member of the Committee on Patents, I only desire to say that if I believed the statement made by the gentleman from Maine [Mr. DINGLEY] to be correct I would not, as a member of this House, vote for this bill. His statement is in great measure outside of the facts; and the object of the bill, as he positively states it, is certainly different from the object which the committee itself understand it to have. It is not a proposition to revive a patent, and the gentleman from Maine [Mr. DINGLEY] must know it.

As has been explained by the gentleman from Rhode Island [Mr. LAPHAM], it is a proposition to permit the Commissioner of Patents to entertain an application which would contemplate the obtaining by this inventor of a patent for ideas in construction which were once patented to him, but have not been availed of by any other person. When this proposition was before the committee, I myself raised the point that it might interfere with the construction of these whaleback vessels, and that point was thoroughly gone over before our committee, and to our satisfaction it was made perfectly plain that there would be no such interference.

Therefore we reported the bill to this House with a proviso which would completely and fully protect the inventors and constructors of these vessels and of all other vessels now in use; and, as I say candidly to this House, if I entertained any doubt on the proposition I should not vote for the bill. But I believe, having examined the question thoroughly, having myself called the attention of the committee to the possible interference with the construction of these whaleback vessels, the importance of which to commerce I fully understand—having, as I say, called the attention of the committee to the point, it was gone over; and the committee believe that we have fairly protected the whaleback and every other form of construction that has been adopted by any living inventor and constructor of vessels.

Mr. HARRIES. Will the gentleman allow me to ask him a question?

Mr. HEARD. I have not the time remaining.

Mr. LAPHAM. We can not take anything that is in existing patents.

Mr. HEARD. The proposition is simply to authorize the Commissioner of Patents to entertain an application for the patenting of an invention, once patented by this man, which has never been appropriated by any living mortal. If any of his ideas have been appropriated, they are by the express language of the bill excepted.

Mr. LIND. Is not that the extension of a patent?

Mr. HEARD. Not at all.

Mr. LIND. What is it then?

Mr. HEARD. It simply gives the Commissioner authority to entertain an application to do this if in his judgment it is new to the balance of the world, and has not been availed of by other persons than the original patentee.

Mr. HAUGEN. How much time have I remaining?

The SPEAKER. Five minutes.

Mr. HAUGEN. If the gentleman from Illinois [Mr. DURBOROW] desires to occupy any time I will yield to him. [After a pause.] I understand the gentleman does not desire to say anything, and unless some gentleman wishes to occupy the time, I will reserve it.

Mr. TILLMAN. Mr. Speaker, the Committee on Patents adopted a resolution at its very first meeting that under no circumstances would it even consider a proposition to extend a patent. That committee has been pursuing that course for several years; but the proposition offered on behalf of the Winans patentee was so comprehensive, I might say it was so startling, it was so revolutionary to ocean navigation, and promised so much for the good of mankind, that the committee felt compelled to suspend its resolution as to that case.

Now, sir, we feel our responsibility as members of the Committee on Patents, to which work has been assigned, I hope, as much as the members of any committee of this House.

We spent several months investigating this bill, and, as I said awhile ago, we unanimously came to the conclusion that it ought to be reported to the House. Yet here is the gentleman from Wisconsin [Mr. HAUGEN] who has addressed the House and assumed to argue against this bill while at the same time he confesses that he never read the report on it.

Mr. HAUGEN. Excuse me. I read the report last summer, but I said that I had been unable to get a copy of the report to-day, because the supply is exhausted.

Mr. TILLMAN. I understood the gentleman to say that he had not read the report, but if he did read it he does not remember it, or he would not talk about the bill as he has. [Laughter.]

Mr. HAUGEN. It might not state the facts.

Mr. TILLMAN. The truth is, that all this palaver against this bill is simply an advertisement of the whaleback steamer; and I can see no other ground for it. Why, sir, the essence of the Winans patent is that the whole hull shall be a perfect circle from stem to stern. Your whaleback hull has no circle about it except at the center. It is shaped slabsided, like a fish, with the tail of a fish stuck up at one end [laughter], while the Winans steamer is a circle all the way from end to end. That is the essence of the Winans patent. It does not violate a single principle in your whaleback vessel.

Three members of the committee went to the Patent Office and examined the whaleback patents. The whaleback steamer

is based on at least seventy-five patents; and if this bill passes it could not violate the whaleback patents. Besides, the bill does not propose outright to grant a patent to Winans. On the contrary, it refers the matter to the Commissioner of Patents, and all rights, as mentioned by the two speakers who preceded me, are protected, even the rights of the heirs of Ross Winans and Thomas Winans, the original patentees, much less those of the public. The bill also proposes to give the United States Government the right to build war ships according to the Winans patents.

The SPEAKER. The time of the gentleman has expired.

Mr. TILLMAN. I wish I had a few minutes more, as I am sure the House would pass the bill if all its merits were understood.

Mr. HAUGEN. I yield my time to the gentleman from Ohio [Mr. EZRA B. TAYLOR].

Mr. EZRA B. TAYLOR. Mr. Speaker, my objection to this bill particularly is, that it is the rankest and most inexcusable of special legislation. I do not understand how people who are opposed to special legislation can favor this bill. The patentee has had all he can get under the law, and now his son asks for a special law by which he will get more than any other inventor. To that feature of the bill, without reference to anything else, I have an objection that can not be overcome. No provisions in the bill, no carefully drawn wording, can affect and overcome that character of objection.

Again, it may be that the whaleback ship, of which I know nothing, is not a circle throughout all its length; but it may be, nevertheless, a violation of these original patents to be circular anywhere, and thus be an injury to the patentee.

Mr. TILLMAN. Will the gentleman permit me to ask him a question? Do you not know that nobody can patent a principle, and do you not also know that a circle is a principle of mathematics and mechanics, and that no one can monopolize it?

Mr. EZRA B. TAYLOR. I know a man can patent one idea, and I also know that no man can infringe or appropriate a part of that idea.

Mr. TILLMAN. The Winans patent, I will state, if the gentleman will allow me, is a circle from stem to stern, merely a new arrangement or application of a general principle.

Mr. EZRA B. TAYLOR. Mr. Speaker, the report in this bill and the bill itself both admit that there are some interests——

Mr. WILLIAM A. STONE. Will the gentleman permit me to ask him a question?

Mr. EZRA B. TAYLOR. I have not time.

It is admitted that there are some interests outstanding, although there are provisions guarding against any violation. Now, if I remember rightly the reading of the bill, although I do not think that it is designed, an injustice may be done. Suppose that in the whaleback are introduced some of the patents that would violate the rights obtained in this case. It is provided in the bill, as I understand it, that these existing rights shall not be interfered with by this bill. I construe that to mean simply this and nothing more; that so far as the whaleback is already provided to corporations or individuals that are now using them, and to that extent alone this provision protects them, but beyond that that they are not protected. What in the world does this patentee desire this extension for if it affects nobody? What is his claim? What is his right that he seeks to patent? What advantage will it be to him, or anybody outside of him, without the extension of this patent? Mr. Speaker, I protest against this legislation.

The SPEAKER. The question is on the motion of the gentleman from South Carolina, to suspend the rules and pass the bill.

The question was taken; and the Speaker announced that in the opinion of the Chair two-thirds had not voted in favor thereof.

Mr. TILLMAN. I call for a division, Mr. Speaker.

The question was taken; and there were—ayes 27, noes 75.

The SPEAKER. Two-thirds not having voted in favor thereof, the motion is lost.

LIGHT-HOUSES.

Mr. BRICKNER, by unanimous consent, reported from the Committee on Interstate Commerce, as a substitute for House bill 8007, a bill (H. R. 9955) providing for sundry light-houses and other aids to navigation; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

MEXICAN WAR PENSIONS.

Mr. WILSON of Missouri. Mr. Speaker, I move to suspend the rules and pass the Senate bill which I send to the desk, with the amendment indicated.

The Senate bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to increase the pension of every pensioner who is now on the rolls at $8 per month on account of services in the Mexican war and who is wholly disabled for manual labor, and is in such destitute circumstances that $8 per month are insufficient to provide him the necessaries of life, to $12 per month.

The amendment was read, as follows:

Strike out all after the enacting clause and insert:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to increase to the sum of $12 per month the pension of every pensioner, including widows and the officers and enlisted men of Powell's Battalion of Missouri Mounted Volunteers, who is now on the rolls or entitled to be pensioned at $8 per month under the act of Congress entitled 'An act granting pensions to the soldiers and sailors of the Mexican war, and for other purposes,' approved January 29, 1887, and the act of Congress entitled 'An act granting pensions to Powell's Battalion of Missouri Mounted Volunteers,' approved March 3, 1891: *Provided*, That the increase of pension provided herein shall begin from and after the date of the passage of this act."

Mr. BURROWS. Mr. Speaker, is not that a proposition to substitute a private bill for a public measure? I understood that the Senate bill was a general one, while the amendment relates to certain Missouri troops.

Mr. WILSON of Missouri. No, sir; it simply embraces certain Missouri troops.

Mr. BURROWS. I understand that the proposition is to strike out all after the enacting clause of the Senate bill and substitute that amendment.

Mr. WILSON of Missouri. It is.

Mr. BURROWS. The original bill provided for an increase to $12 per month for those who are indigent and unable to support themselves, but the amendment contains no such restriction.

The SPEAKER (having examined the bill). The Chair will state to the gentleman from Michigan that the amendment is general in its scope, but it also contains a provision specifically including a certain battalion of volunteers, which the Chair supposes would not be included under the general law. The Chair will have the bill and the amendment read again for the information of the House.

The Clerk again read the bill and proposed amendment, as above.

Mr. BURROWS. Now, if that amendment relates to anything but the Missouri volunteers I fail to understand it.

Mr. WILSON of Missouri. Oh, yes, it is a general bill.

The SPEAKER. Is a second demanded?

Mr. BURROWS. I demand a second.

Mr. O'NEILL of Pennsylvania. Mr. Speaker, I should like to propose an amendment to this bill so as to include the name of Henry B. Wood, of Primrose, N. Y. He was a Mexican soldier——

Mr. WILSON of Missouri. Mr. Speaker, I ask unanimous consent that a second be considered as ordered; I have no objection to that.

Mr. BURROWS. I have no objection to that.

There being no objection, a second was considered as ordered.

The SPEAKER. The Chair recognizes the gentleman from Missouri [Mr. WILSON] to control the fifteen minutes in favor of the bill and the gentleman from Michigan [Mr. BURROWS] to control the fifteen minutes in opposition to it.

Mr. WILSON of Missouri. Mr. Speaker, I desire to say in this connection that the Senate reported and passed a bill which pertained merely to dependent Mexican soldiers. The House Committee on Pensions have extended the provisions of that bill to all the Mexican veterans, and that is the only difference between the Senate bill and the amendment.

Mr. O'NEILL of Pennsylvania. Why then does your amendment indicate certain Missouri volunteers?

Mr. WILSON of Missouri. It is not special to those volunteers; it applies to all volunteers of the Mexican war. The only difference between the amendment and the bill passed by the Senate is that that was confined to the dependent Mexican veterans, while this extends the provisions of the bill to all of them. They are all, or nearly all, over 70 years of age, and a large proportion of them are before your committee with private bills.

Mr. O'NEILL of Pennsylvania. Then why do you not agree to admit the name which I propose? He is a very old veteran.

Mr. WILSON of Missouri. All of them are old, and this bill covers them all.

Mr. HARRIES. Why have you specified Powell's Battalion of Mounted Volunteers?

Mr. WILSON of Missouri. They are mentioned in the bill because at the last session there was an act passed putting them upon the same basis as other soldiers who enlisted for the Mexican war.

Mr. HARRIES. Will not this bill increasing the pensions of soldiers of the Mexican war cover that battalion without their being specifically named?

Mr. WILSON of Missouri. Well, I do not know; there was some question about that; and as a matter of precaution in the

last Congress they were included by a special act among those entitled to Mexican war pensions.

Mr. HARRIES. Do I understand that the effect of this bill is simply to increase from $8 to $12 the pensions of those who are dependent upon their own manual labor and who are now in indigent circumstances?

Mr. DINGLEY. It increases the pension of all these pensioners.

Mr. BURROWS. The amendment increases the pension from $8 to $12 a month without regard to the condition of the pensioner.

A MEMBER. Whether he be rich or poor.

Mr. WILSON of Missouri. Well, there are very few rich men among them.

Mr. DINGLEY. And the bill includes also the members of this Missouri battalion who are not on the Mexican roll.

Mr. WILSON of Missouri. There are not many of these pensioners living, and from the information which has come to the committee of which I have the honor to be chairman there are no rich people among them. Individual applications of this kind have flooded the committee room for years and years. These men are all old men; I presume you can not find a Mexican veteran under 70 years of age, for it is forty-six years since they enlisted.

Mr. DINGLEY. Will the gentleman give us some information about this Missouri battalion the members of which are placed on the pension roll by this bill?

Mr. WILSON of Missouri. Powell's battalion was raised for the Mexican war in 1846, and rendezvoused at Fort Leavenworth; but instead of being sent to Mexico they were sent out upon the Oregon trail to fight the Indians, taking the place of regular troops.

Mr. DINGLEY. Were they mustered into the United States service?

Mr. WILSON of Missouri. Yes, sir, certainly; they were regular volunteer troops.

Mr. DINGLEY. And they were sent out to the Indian war instead of the Mexican war?

Mr. WILSON of Missouri. Yes, sir; they were sent out to take the place of regular troops. They enlisted for the Mexican war, but the scene of their service was changed by order of the Secretary of War.

Mr. DINGLEY. This bill increases the pension of every soldier of the Mexican war from $8 to $12 without regard to his condition?

Mr. WILSON of Missouri. Yes, sir; that is the effect of the amendment.

Mr. TRACEY. Has the gentleman from Missouri, the chairman of the committee, any estimate as to the extent to which the next general appropriation bill for pensions will be increased by this change of the law?

Mr. WILSON of Missouri. Our estimate is that it will be increased about one million dollars. I will read from the report:

From figures submitted to your committee by the Commissioner of Pensions it appears that the number of survivors of said war now on the pension roll is 15,398, and the number of widows 7,286, making a total of 22,684. If all of these pensioners were to receive an increase of $4 per month pension, the aggregate additional expenditures for the first year would be $1,088,832, but, as is well known, the beneficiaries are all now greatly advanced in years, and the number of pensioners is being rapidly reduced by death, so that if this bill becomes a law the annual cost will not be so great as to add, to any very appreciable extent, to the pension expenditure.

Mr. MILLER. The members of the battalion referred to are now receiving $8 a month?

Mr. WILSON of Missouri. Yes, sir.

Mr. O'NEILL of Pennsylvania. I desire to offer the amendment I have already indicated.

The SPEAKER. No amendment is in order.

Mr. O'NEILL of Pennsylvania. But the gentleman who presents this bill may accept the amendment.

The SPEAKER. Does the gentleman from Missouri [Mr. WILSON] yield to the gentleman from Pennsylvania?

Mr. WILSON of Missouri. Yes, sir; I yield to him for three minutes.

Mr. O'NEILL of Pennsylvania. I desire to offer in good faith an amendment to include in this bill Mr. Henry B. Wood. He was a citizen of Philadelphia who enlisted in the Second Pennsylvania Regiment for service in the Mexican war. Subsequently he removed to the State of New York, where he now lives, in the town of Primrose. He has been seeking an increase of pension in the Pension Department, but I do not expect the increase will be granted there, because he is on the roll at $8 a month as a soldier of the Mexican war.

On hearing this bill read, I thought that it applied simply to Missouri volunteers——

Mr. WILSON of Missouri. Oh, no.

Mr. O'NEILL of Pennsylvania. If it does, I do not see why the House should not assent to this amendment to allow the name of Henry B. Wood to be inserted after the words "Missouri volunteers."

Mr. WILSON of Missouri. Henry B. Wood, if he was a soldier of the Mexican war, is included in the bill.

Mr. O'NEILL of Pennsylvania. The gentleman from Missouri states that Mr. Wood is included in the bill; but I would like to have him included by name [laughter], just as the Missouri volunteers are specifically included. Mr. Wood was a volunteer from Pennsylvania, a gallant soldier who served his country faithfully. Now, in his old age, he being 74 or 75, he is in very reduced circumstances. I should be very glad if the House would allow this amendment to go on the bill by unanimous consent.

The SPEAKER. The Chair will state to the gentleman from Pennsylvania that a motion to suspend the rules is not amendable.

Mr. O'NEILL of Pennsylvania. I understand that, Mr. Speaker, but we can suspend the rules by unanimous consent, I think, even to-day.

The SPEAKER. The motion of the gentleman from Missouri is not amendable.

Mr. O'NEILL of Pennsylvania. I intend to vote for the gentleman's bill, but would like to have this old Philadelphian to go in by name.

Mr. WILSON of Missouri. I told my friend this man was already included in this bill.

Mr. O'NEILL of Pennsylvania. But I want him included by name.

Mr. DINGLEY. Let me ask the chairman of the committee how long did this Missouri battalion serve in the Mexican war?

Mr. WILSON of Missouri. During the Mexican war.

Mr. DINGLEY. During the entire war?

Mr. WILSON of Missouri. Yes, sir.

Mr. DINGLEY. I thought they served on the plains against the Indians?

Mr. WILSON of Missouri. They did.

Mr. DINGLEY. Then why do you propose to include soldiers who served against the Indians in a Mexican pension bill, and give them the same pension that you propose for other Mexican veterans? Why select this battalion out, for instance?

Mr. WILSON of Missouri. The gentleman from Maine will perhaps remember that the act granting a pension to Powell's battalion was passed on March 3, 1891. This battalion was raised for service in the Mexican war, and were en route to the scene of war when they were stopped on the way, and orders were issued countermanding the original order sending them to the seat of war, and they were sent out on the plains to replace the regulars who were operating there against the Indians. This battalion was sent out on what was known as the Oregon trail, and were there engaged while the regulars were sent to Mexico.

Mr. HEARD. If my colleague will allow me a moment, I will state for the information of the gentleman from Maine, and anyone else who has any difficulty in his mind upon this subject, that there were several other military organizations which were in exactly the same condition as these Missouri troops. Morgan's Iowa battalion, for instance, enlisted just like this Missouri battalion for service in the Mexican war, but in place of being sent into Mexico they were sent out on the frontier to hold the forts while the regulars, who had been performing this service before, were sent into Mexico.

The gentleman will remember the language of the general act provided for pensioning the Mexican volunteers who had served for sixty days, I think it was, in the actual operations of war or en route to the seat of war. That language, however, did not embrace this Missouri battalion, nor would it have embraced the battalion of Iowa troops. It was necessary, therefore, to supplement this act by the provision which my colleague from Missouri has submitted to bring these soldiers within the purview of the general pension law granting pensions to the Mexican soldiers.

Now, the soldiers of Powell's battalion and Morgan's battalion and a half dozen other organizations of the same kind were not actually sent to the seat of war. They enlisted for the purpose of going into Mexico, but in place of being sent there their services were used on the frontiers to replace the regulars who were sent in their stead into Mexico; and we have been granting special pensions from time to time for all of these people.

Mr. DINGLEY. Have we ever granted as large a pension as this?

Mr. HEARD. Yes, sir; just the same as was granted by the general act for the same kind of service.

Mr. DINGLEY. But this provision raises these pensions to $12 a month.

Mr. HEARD. If the gentleman will pardon me, this is a proposition to raise the pension, I understand, for all Mexican soldiers now covered by the general law.

Mr. DINGLEY. Or their widows.

Mr. HEARD. Now, Mr. Speaker, the reason why my colleague and the committee embraces Powell's battalion in the bill is because it was not embraced under the general law, but under a special act which was passed since the general law was enacted.

Mr. DINGLEY. My inquiry, if the gentleman will permit me, was whether this would not give a larger pension to Powell's battalion than is now given to other soldiers who served in the Indian wars?

Mr. HEARD. I am not sufficiently familiar with the phraseology of the act to say that that would be the result. It is not, however, designed to do so, but simply to put the members of this Missouri battalion, who performed these services, on the same footing with the Mexican soldiers.

Mr. DOLLIVER. Has the committee made any statement or estimate as to what additional amount would be added to the pension appropriation if this bill should pass?

Mr. WILSON of Missouri. Yes, sir; $1,088,832.

Mr. BURROWS. Who makes that estimate?

Mr. WILSON of Missouri. It is an estimate sent from the office of the Commissioner of Pensions.

Mr. BURROWS. Then it will cost a little over a million of dollars a year?

Mr. WILSON of Missouri. In round numbers.

Mr. PICKLER. This bill, as I understand it, gives the soldiers of the Mexican war an advantage over those engaged in the last war. This gives $12 a month to each soldier engaged in the Mexican war, while as to those engaged in the last war there must be a certain disability before a pension can be granted at all. Is that the difference?

Mr. WILSON of Missouri. Yes, that is the difference.

Mr. HEARD. Then I am opposed to the bill.

Mr. WILSON of Missouri. These men volunteered forty-six years ago, and the others about thirty years ago. There is a great difference in the ages of the men. This House is full of those who served in the late war, hearty, strong men yet; but I do not believe there is a Mexican veteran here.

Mr. ANDREW. Would it be necessary for these Mexican veterans to show any injury as the result of the service?

Mr. WILSON of Missouri. No; the presumption is that they are dependent, being mostly men between 70 and 80 years of age. I do not think anybody ought to object to this bill.

Mr. DINGLEY. Has the committee considered the question of the revenue to meet this increased expenditure?

Mr. WILSON of Missouri. Let that take care of itself. This is a measure which ought to be passed, and I have no doubt that means will be found to raise the revenue to meet the just obligations of the Government.

Mr. SMITH of Arizona. Let them do about that as they did about the rest of the increases in pensions.

Mr. HEARD. I desire to say, Mr. Speaker, that my understanding of the bill pending before the House was that it was designed to place the Mexican veterans on a footing with the soldiers of the late war. That is to say, that upon a showing of disability or dependency the Mexican veterans should have the same status as the veterans of our late war.

Mr. PICKLER. But the bill does more than that.

Mr. HEARD. If that was the case I would vote for the bill to-day; but, as the gentleman from South Dakota [Mr. PICKLER] says, it goes further than that, and I am not in favor of giving these men an advantage beyond that enjoyed by those who fought in the late war. I think the general understanding was that this bill was to put the Mexican soldiers on an equal footing with the soldiers of the late war in that regard. I am perfectly willing to vote to raise their pensions to $12, under the conditions applied to the soldiers of the late war. If my colleague from Missouri [Mr. WILSON] will allow me, I concede the force of what he has said, that in most cases old age prevents their being able to earn a living, and, if that is the case, then their disability may be the more easily shown. Let them show it. Let us not appear by legislative enactment to prefer those veterans to the veterans of the late war. Let us treat them all alike. Let there be no discrimination, at least so far as appearance goes, in our legislative action.

Mr. DINGLEY. This would give higher pensions to the soldiers of the Mexican war than to the soldiers of the late war, unless they came in under the total disability clause.

Mr. WILSON of Missouri. Yes, that is true, but the presumption is that most of these men, being over 70 years of age, are dependent anyway.

The SPEAKER. The time of the gentleman has expired.

Mr. BURROWS. I do not care to occupy any time. I think the bill speaks for itself.

The SPEAKER. The question is upon the motion of the gentleman from Missouri [Mr. WILSON] to suspend the rules and pass the Senate bill with the amendments which the Clerk has read.

The question being taken, and the Speaker being in doubt, On a division there were—ayes 58, noes 17.

Mr. BURROWS. Mr. Speaker, there does not seem to be a quorum.

The SPEAKER. The gentleman from Michigan [Mr. BURROWS] makes the point of no quorum voting, and the Chair will appoint as tellers the gentleman from Missouri [Mr. WILSON] and the gentleman from Michigan [Mr. BURROWS].

Mr. BURROWS. Mr. Speaker, we might have the yeas and nays perhaps.

The yeas and nays were ordered.

Mr. BURROWS. Mr. Speaker, I understand the gentleman from Missouri [Mr. WILSON] proposes to modify his motion.

Mr. WILSON of Missouri. I ask unanimous consent to withdraw the committee amendment and ask for the passage of the Senate bill as it comes from the Senate, that being simply a dependent pension bill.

Mr. BURROWS. I have no objection to that.

Mr. WILSON of Missouri. I do not want to jeopardize the interests of these old men on account of objections which I did not anticipate. I ask unanimous consent on the part of the committee to withdraw this amendment.

The SPEAKER. In the absence of objection that can be done.

Mr. DICKERSON. Mr. Speaker, I object.

The SPEAKER. The gentleman can reach it by moving to reconsider the vote by which the yeas and nays were ordered.

Mr. WILSON of Missouri. I move to reconsider the vote by which the yeas and nays were ordered.

The motion of Mr. WILSON of Missouri was agreed to.

Mr. HOOKER of Mississippi. Now I would like to ask the chairman of the committee a question.

The SPEAKER. The Chair will state to the gentleman from Mississippi that debate is exhausted.

Mr. HOOKER of Mississippi. Yet I should suppose the gentleman might be allowed to explain the object of his bill.

Mr. WILSON of Missouri. I now withdraw the amendment.

The SPEAKER. The gentleman from Missouri [Mr. WILSON] withdraws the amendment and asks to pass the bill as it came from the Senate.

Mr. WILSON of Missouri. I now call for the reading of the Senate bill.

The SPEAKER. The Clerk will report the Senate bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to increase the pension of every pensioner who is now on the rolls at $8 per month on account of services in the Mexican war, and who is wholly disabled for manual labor and is in such destitute circumstances that $8 per month are insufficient to provide him the necessaries of life, to $12 per month.

The SPEAKER. The gentleman from Missouri moves to suspend the rules and pass this bill.

The question was taken: and on a division (demanded by Mr. DICKERSON) there were—ayes 104, noes 0.

Mr. DICKERSON and Mr. ANDREW. No quorum, Mr. Speaker.

The SPEAKER. The Chair will appoint as tellers the gentleman from Missouri [Mr. WILSON] and the gentleman from Kentucky [Mr. DICKERSON].

Mr. WILSON of Missouri. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 172, nays 8, not voting 149; as follows:

YEAS—172.

Alexander,	Cockran,	Harmer,	McRae,
Amerman,	Covert,	Harries,	Meyer,
Arnold,	Cox, Tenn.	Hatch,	Miller,
Atkinson,	Crain, Tex.	Haugen,	Milliken,
Babbitt,	Crawford,	Haynes, Ohio	Mitchell,
Baker,	Crosby,	Heard,	Moore,
Bartine,	Culberson,	Hemphill,	Mutchler,
Barwig,	Cummings,	Hermann,	Oates,
Beeman,	Curtis,	Hilborn,	O'Donnell,
Belknap,	Cutting,	Holman,	O'Ferrall,
Beltzhoover,	Daniell,	Hooker, Miss.	Ogden,
Bland,	Davis,	Hopkins, Pa.	O'Neill, Pa.
Boatner,	De Armond,	Huff,	O'Neill, Mo.
Bowers,	Dingley,	Hull,	Otis,
Branch,	Dixon,	Johnson, N. Dak.	Outhwaite,
Brawley,	Donovan,	Johnstone, S. C.	Page, R. I.
Bretz,	Durborow,	Jolley,	Parrett,
Brickner,	English,	Kem,	Patterson, Tenn.
Broderick,	Enloe,	Kribbs,	Patton,
Brookshire,	Enochs,	Lanham,	Payne,
Brosius,	Epes,	Lawson, Va.	Paynter,
Brunner,	Everett,	Layton,	Pearson,
Bryan,	Fellows,	Lind,	Peel,
Bullock,	Forney,	Livingston,	Perkins,
Bunn,	Fowler,	Lockwood,	Pickler,
Busey,	Funston,	Long,	Post,
Butler,	Fyan,	Loud,	Powers,
Byrns,	Geary,	Lynch,	Raines,
Causey,	Gorman,	Mallory,	Randall,
Clark, Wyo.	Grady,	Martin,	Reyburn,
Clover,	Greenleaf,	McKaig,	Richardson,
Cobb, Ala.	Hallowell,	McKinney,	Scull,
Cobb, Mo.	Halvorson,	McLaurin,	Shonk,
Coburn,	Hare,	McMillin,	Simpson,

Smith,	Stout,	Tucker,	Willcox,
Sperry,	Sweet,	Turner,	Williams, N. C.
Springer,	Tarsney,	Turpin,	Williams, Ill.
Stephenson,	Taylor, Ill.	Van Horn,	Wilson, Wash.
Steward, Ill.	Taylor. E. B.	Wadsworth,	Wilson, Mo.
Stewart, Tex.	Taylor, J. D.	Watson,	Winn,
Stockdale,	Terry,	Waugh,	Wolverton,
Stone, W. A.	Tillman,	Wheeler, Ala.	Wright,
Stone, Ky.	Tracey,	Wike,	Youmans.

NAYS—8.

Andrew,	Breckinridge, Ark.	Herbert,	Pierce.
Bankhead,	Dickerson,	Hoar,	Snodgrass,

NOT VOTING—149.

Abbott,	Compton,	Johnson, Ind.	Reilly,
Alderson,	Coolidge,	Johnson, Ohio	Rife,
Allen,	Coombs,	Jones,	Robertson, La.
Antony,	Cooper,	Kendall,	Robinson, Pa.
Bacon,	Cowles,	Ketcham,	Rockwell,
Bailey,	Cox, N. Y.	Kilgore,	Rusk.
Belden,	Dalzell,	Kyle,	Russell,
Bentley,	De Forest,	Lagan,	Sanford,
Bergen,	Doan,	Lane,	Sayers,
Bingham,	Dockery,	Lapham,	Scott,
Blanchard,	Dolliver,	Lawson, Ga.	Seerley,
Blount,	Dungan,	Lester, Va.	Shell.
Boutelle,	Dunphy,	Lester, Ga.	Shively,
Bowman,	Edmunds,	Lewis,	Sipe.
Breckinridge, Ky.	Elliott,	Little,	Snow.
Brown, Ind.	Ellis,	Lodge,	Stahlnecker,
Brown, Md.	Fitch,	Magner,	Stevens,
Buchanan, N. J.	Fithian,	Mansur,	Stone, C. W.
Buchanan, Va.	Flick,	McAleer,	Storer,
Bunting,	Forman,	McClellan,	Stump,
Burrows,	Gantz,	McCreary,	Taylor, Tenn.
Bushnell,	Geissenhainer,	McGann,	Taylor, V. A.
Bynum,	Gillespie,	McKeighan,	Townsend,
Cable,	Goodnight,	Meredith.	Walker,
Cadmus,	Griswold,	Montgomery,	Warner,
Caldwell,	Grout,	Morse,	Washington,
Caminetti,	Hall,	Moses,	Weadock,
Campbell,	Hamilton,	Newberry,	Wever.
Capehart,	Harter,	Norton,	Wheeler, Mich.
Caruth,	Hayes, Iowa	O'Neil, Mass.	White,
Castle,	Henderson, Iowa	Owens,	Whiting,
Catchings,	Henderson, N. C.	Pattison, Ohio	Williams, Mass.
Cate,	Henderson, Ill.	Pendleton,	Wilson, Ky.
Cheatham,	Hitt,	Price,	Wilson, W. Va.
Chipman,	Hooker, N. Y.	Quackenbush,	Wise.
Clancy,	Hopkins, Ill.	Ray,	
Clarke, Ala.	Houk, Ohio	Rayner,	
Cogswell,	Houk, Tenn.	Reed,	

The following pairs were announced:

Until further notice:

Mr. ELLIS with Mr. GROUT.

Mr. MCCREARY with Mr. MORSE.

Mr. GOODNIGHT with Mr. KETCHAM.

Mr. LAGAN with Mr. BELDEN.

Mr. MONTGOMERY with Mr. WEAVER.

Mr. WASHINGTON with Mr. SANFORD.

Mr. FITHIAN with Mr. TAYLOR of Tennessee.

Mr. LESTER of Georgia with Mr. LODGE.

Mr. ROBERTSON of Louisiana with Mr. WILSON of Kentucky.

Mr. BAILEY with Mr. QUACKENBUSH.

Mr. O'NEIL of Massachusetts with Mr. RIFE.

Mr. CLARKE of Alabama with Mr. HOPKINS of Illinois.

Mr. GEISSENHAINER with Mr. BERGEN.

For this day:

Mr. DOCKERY with Mr. BINGHAM.

Mr. ABBOTT with Mr. HOUK of Tennessee.

Mr. HENDERSON of North Carolina with Mr. ROBINSON of Pennsylvania.

Mr. BYNUM with Mr. CHARLES W. STONE.

Mr. HOUK of Ohio with Mr. STORER.

Mr. REILLY with Mr. GRISWOLD.

Mr. FOREMAN with Mr. HITT.

Mr. OWENS with Mr. HOOKER of New York.

Mr. NORTON with Mr. RAY.

Mr. SAYERS with Mr. HENDERSON of Iowa on this vote.

Mr. BLANCHARD with Mr. DALZELL, from December 17, 1892, to January 10, 1893.

The SPEAKER. On this question the yeas are 172, the nays 8; two-thirds having voted in favor thereof, the rules are suspended and the bill is passed.

COMMITTEE ON CLAIMS.

Mr. BUNN (when the Committee on Claims was called). Mr. Speaker, I ask unanimous consent that the Committee on Claims be passed without prejudice, to be called on the next suspension day. The reason I do that is, I am instructed by the committee to bring up Senate bill 43. The author of that bill is detained from the House on account of death in his family, and in justice to him I ask that it be passed over. I hope unanimous consent will be given.

There was no objection, and it was so ordered.

COMMITTEE ON WAR CLAIMS.

Mr. BELTZHOOVER (when the Committee on War Claims was called). Mr. Speaker, I desire to make precisely the same request and for substantially the same reason.

The SPEAKER. Without objection this request will be granted.

There was no objection, and it was so ordered.

PROTESTANT EPISCOPAL CATHEDRAL FOUNDATION OF THE DISTRICT OF COLUMBIA.

Mr. HEMPHILL (when the Committee on the District of Columbia was called). Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 9417) to incorporate the Protestant Episcopal Cathedral Foundation of the District of Columbia.

The bill was read, as follows:

Be it enacted, etc., That William Paret, John S. B. Hodges, William Keyser, of Maryland; Melville W. Fuller, Walter S. Cox, George William Douglas, Randolph H. McKim, Thomas Lincoln Casey, John G. Parke, John M. Wilson, Henry E. Pellew, John A. Kasson, Charles C. Glover, George Truesdell, Edward J. Stellwagen, Alexander T. Britton, Calderon Carlisle, Henry E. Davis, Theodore W. Noyes, of the District of Columbia; Levi P. Morton, William C. Whitney, of New York; George W. Childs, Brinton Coxe, of Pennsylvania; John S. Lindsay, of Massachusetts; Marshall Field, of Illinois; George F. Edmunds, of Vermont; George W. Custis Lee, William Wirt Henry, of Virginia, their associates and successors, are hereby constituted a body politic and corporate by the name of the Protestant Episcopal Cathedral Foundation of the District of Columbia, with power to sue and be sued, plead and be impleaded, and have perpetual succession; to acquire, take by devise, bequest, or otherwise, hold, purchase, encumber, and convey such real and personal estate as shall be required for the purposes of its incorporation; to make and use a common seal and the same to alter at pleasure; to choose a board of trustees consisting of not more than fifteen, of whom five shall constitute a quorum to do business, and which board shall be authorized to fill any vacancies in their number; to appoint such officers and agents as the business of the corporation shall require, and to make by-laws for the accomplishment of its purposes, for the management of its property, and for the regulation of its affairs: *Provided, however*, That the bishop of the diocese of the Protestant Episcopal Church of the United States of America of which the District of Columbia shall or may form the whole or a part shall be *ex officio* one of said trustees and shall be chairman thereof: *And further provided*, That no part of the property of said corporation shall be aliened or encumbered without the written concurrence of the bishop of the diocese aforesaid. Said corporation is hereby empowered to establish and maintain within the District of Columbia a cathedral and institutions of learning for the promotion of religion and education and charity. The said corporation shall have power to grant and confer diplomas and the usual college and university degrees and honorary degrees, and also such other powers as may be necessary fully to carry out and execute the general purposes of the said corporation as herein appearing.

SEC. 2. This act may be amended or repealed at any time by the Congress in its pleasure.

No second being demanded, the rules were suspended and the bill was passed, two-thirds voting in favor thereof.

THE JURISDICTION OF DISTRICT AND CIRCUIT COURTS OF THE UNITED STATES.

Mr. CULBERSON (when the Committee on the Judiciary was called). Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 456) to limit the jurisdiction of the district and circuit courts of the United States.

The bill was read, as follows:

Be it enacted, etc., That the district and circuit courts of the United States shall not take original cognizance of any suit of a civil nature, either at common law or in equity, between a corporation created or organized by or under the laws of any State and a citizen of any State in which such corporation at the time the cause of action accrued may have been carrying on any business authorized by the law creating it, except the court having jurisdiction of the domicil of the corporation, except in cases arising under the patent or copyright laws, and in like cases in which said courts are authorized to take original cognizance of suits between citizens of the same State; nor shall any such suit between such a corporation and a citizen or citizens of a State in which it may be doing business be removed to any circuit court of the United States, except in like cases in which such removal is authorized by the existing law in suits between citizens of the same State: *Provided*, That nothing in this act shall be so construed as to affect suits pending in the courts of the United States at the time this act shall take effect.

The SPEAKER. Is a second demanded?

Mr. REED. I ask for a second.

Mr. CULBERSON. I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. Is there objection to the request that a second be considered as ordered? [After a pause.] The Chair hears none. The Chair will recognize the gentleman from Texas [Mr. CULBERSON] to control the time in favor of the proposition and the gentleman from Maine [Mr. REED] the time in opposition.

Mr. REED. I desire to say to the Chair that I asked for a second in order to have an explanation of the bill. I do not know what the bill is.

Mr. CULBERSON. Mr. Speaker, this bill has passed the House several times. The effect of it is to prohibit suits in courts of the United States by or against corporations except in the legal domicile of the corporation in cases where jurisdiction depends upon citizenship only. Under the law a corporation organized in one State and doing business in another State may sue in the courts of the United States, because under a decision of the Supreme Court it is held to be a citizen of the State under whose laws it is organized.

The purpose of this bill is to make a corporation doing business in a State a citizen of such State for all judicial purposes, notwithstanding it was organized under the laws of another State. To make the matter entirely clear, a corporation organized in Maine under the laws of that State is, under the decision of the

Supreme Court, a citizen of Maine. It may open an office in the State of Georgia and do business there as such corporation, and, when sued, it may remove the cause to the district or circuit court of the United States, as the case may be; or if a controversy arises between it and a citizen of Georgia, although the cause of action accrued in Georgia, and although the corporation is doing business in Georgia, yet it may claim to be a citizen of Maine and may bring suit in the Federal courts. Now, this bill in effect provides that, for judicial purposes, a corporation shall be considered a citizen of the State in which it does its business. That is all there is in the bill.

Mr. REED. In other words, the purpose of the bill is to reverse the decision of the Supreme Court with regard to the citizenship of corporations.

Mr. CULBERSON. Not at all. The Supreme Court decided originally that the citizenship of a corporation depended upon the residence of the stockholders, and that all the stockholders must reside in a State in order to make the corporation a citizen of that State for judicial purposes. That was the law for fifty years. The court later overruled that decision and held and now holds that a corporation, without regard to the residence of its stockholders, is, for judicial purposes, a citizen of the State under whose laws it is organized, without regard to where the residence of the stockholders may be.

This bill does not propose to change the decision of the Supreme Court as to the citizenship of corporations. Under this measure, if it becemes a law, corporations will still continue to be citizens of the States under whose laws they are organized, but if a corporation does business in another State it provides that the courts of the United States shall not take cognizance of any controversy arising between it and a citizen of the State in which it is carrying on its business.

Mr. REED. Does the Constitution provide that a citizen of another State shall have that right?

Mr. CULBERSON. The Constitution provides that the judicial power of the United States shall extend to controversies arising between citizens of different States, but there is no obligation upon Congress to carry out that jurisdiction either in whole or in part.

Mr. REED. The Constitution does not confer this right upon any citizen unless Congress effectuates it by legislation.

Mr. CULBERSON. That is so.

Mr. REED. Is it the duty of Congress to carry out the provisions of the Constitution?

Mr. CULBERSON. The gentleman well knows that from 1789 to 1875 more than half the powers of Congress relating to the judicial powers of this Government never were put in force.

Mr. REED. Then the gentleman thinks it is not the duty of Congress to carry out the Constitution?

Mr. CULBERSON. I think it is not the duty of Congress to confer this jurisdiction. Upon the contrary, it has overloaded the courts with business which may be better disposed of by the State courts.

Mr. REED. And that, having conferred it, it is the duty of Congress now to withdraw it?

Mr. CULBERSON. Yes, sir; in the interest of justice and fair dealing it is very desirable to do so.

Mr. REED. Though the Constitution secures it to the citizen?

Mr. CULBERSON. I will illustrate my position about that. Under the act of 1789 Congress provided that the assignees of a chose in action should not bring suit in the circuit courts of the United States unless the suit might have been maintained upon that chose in action had no transfer been made. That remained the law from 1789 until 1875, when Congress struck out that exception, and the Supreme Court held in those cases that, although the Constitution provided that an assignee of a chose in action might bring the suit if Congress by law should provide for it, yet a limit might be put upon the jurisdiction.

Mr. BLAND. I would like to ask the gentleman whether the Constitution recognizes a corporation as a legal citizen at all.

Mr. CULBERSON. We are bound by what the Supreme Court says upon that point.

Mr. BLAND. But the gentleman from Maine [Mr. REED] spoke about a constitutional provision with reference to it. Now, I ask where does the Constitution make a corporation a citizen?

Mr. REED. But the gentleman [Mr. CULBERSON] had said expressly that he did not propose by this legislation to reverse the decision of the Supreme Court.

Mr. CULBERSON. I do not; that is, in regard to the question of citizenship. That is all.

The question was taken; and two-thirds voting in favor thereof, the rules were suspended and the bill was passed.

WILLIAM SMITH AND OTHERS.

Mr. OUTHWAITE (when the Committee on Military Affairs was called). On behalf of the Committee on Military Affairs I move to suspend the rules and pass the bill which I send to the desk.

The Clerk read as follows:

A bill (H. R. 5597) for the relief of William Smith and others.

Be it enacted, etc., That the proper accounting officers of the Treasury are authorized and directed to credit Lieut. Col. William Smith, deputy paymaster general, United States Army, in the settlement of his public accounts, with the sum of $3,015.15; and to credit Maj. William F. Tucker, paymaster, United States Army, in the settlement of his public accounts, with the sum of $5,461.61; and to credit Assistant Surg. John O. Skinner, United States Army, in the settlement of his public accounts, with the sum of $199.14; and to remove the charge of $2,185.92 standing against Maj. John S. Billings, surgeon, United States Army; and to remove the charge of $1,020.60 standing against George M. Wheeler, captain, on the retired list of the Army; and to remove the charge of $64.42 standing against Lieut. P. Henry Ray, Eighth Regiment of Infantry, United States Army; the said amounts having been paid out and received in accordance with the orders of the Secretary of War or the provisions of the regulations for the government of the Army of the United States prescribed by the President.

The SPEAKER. Is a second demanded on the motion to suspend the rules?

Mr. HOLMAN. For the purpose of having some explanation, I ask for a second.

The motion was seconded.

The SPEAKER. The Chair will recognize the gentleman from Ohio [Mr. OUTHWAITE] to control the time in favor of the passage of the bill, and the gentleman from Indiana [Mr. HOLMAN] to control the time against it.

Mr. HOLMAN. I only wish to have some explanation of the bill, as I could not hear it read.

Mr. OUTHWAITE. This bill covers amounts paid by Col. Smith as paymaster under the order of the Secretary of War. Among these were the following:

Voucher 120. April, 1879. Payment to Lieut. C. W. Carrow, Seventh Cavalry, for April, 1879	$125.00
Voucher 57. May, 1881. Payment to W. E. Hagen, expert witness in the case of Cadet Whittaker	1,550.00
Voucher 52. May, 1881. Payment to D. T. Ames, expert witness in same case	936.00
Voucher 70. July, 1881. Payment to E. A. Cochrane, stenographic reporter in same case	404.15

Members of the House will recollect that the case in which it became necessary to make these payments was one in which a cadet at West Point claimed to have been severely mistreated by other cadets; and an investigation was set on foot to ascertain who had mistreated him. During the course of that investigation it was necessary to examine experts on handwriting; it was also necessary to have a stenographic reporter. It was necessary, too, to bring one of the witnesses from some distance. These witnesses, together with the stenographer, were paid by Col. Smith upon an order of the Secretary of War. Col. Smith felt that upon receiving such an order from his superior officer he had no alternative but to pay these amounts for these services. Subsequently some question was raised by the Comptroller as to the amounts paid.

In some cases it was claimed that a greater rate was paid than should have been; but it will be understood that so far as Col. Smith was concerned he had no authority to pass upon any such question; he had no right to raise any such issue whatever, but was bound to obey his superior officer. So he issued these vouchers; and these people were paid long ago—one in 1879; two or three of them in 1881. So much for those.

As to the amount charged against Maj. John S. Billings, surgeon of the United States Army, that is for a sum paid to him by the Pay Department for mileage on account of certain journeys made by him in obedience to the orders of the Secretary of War. Payment of this sum having been disallowed by the Second Comptroller, the matter was transmitted to the Court of Claims. The court held that the War Department had authority to order Maj. Billings to make the journeys in question at the expense of the Government, and that therefore the case came under the law providing for the allowance of mileage. One of those journeys was made to Europe upon the order of the War Department.

Mr. HOLMAN. What Secretary of War made that order?

Mr. OUTHWAITE (after a pause). I do not find the name here.

Mr. HOLMAN. I do not urge the question if the gentleman has not the name before him.

Mr. OUTHWAITE. I can not recall the name, and I do not find it in the report.

Mr. HOLMAN. I would be glad if the name of the officer who made such an order as that could appear on the record.

Mr. OUTHWAITE. I should be very glad to furnish it to the gentleman, but the report in this case, which was made by the gentleman from New York [Mr. ROCKWELL], does not contain the statement.

The charge against Capt. Wheeler is for the recovery of the amount paid to him for mileage and disallowed by the Second Comptroller. The case is analogous to that of Surg. Billings

and involves the same questions of law. It was transmitted to the Court of Claims, and the court referred to the opinion in the Billings case, which it reaffirmed and adopted. That opinion will be found in 23 Court of Claims Reports, page 167.

There is no money to be returned to these gentlemen; the object of the bill is simply to relieve them from charges standing against their accounts, charges as to the origin of which they had no control whatever.

The charge against Lieut. P. H. Ray, Eight Infantry, is for the recovery of a sum paid to him as mileage and disallowed by the Second Comptroller. The mileage was for journeys made under the orders of the Secretary of War, orders which he could not disobey.

The history of the stoppage against Capt. J. O. Skinner, assistant surgeon, of $199.14, is as follows: May 15, 1885, the post surgeon at Fort Myer, Virginia, made a requisition for medical supplies for the post hospital, including, among other things, six "Demorest's water-closet porcelain hoppers (movable), with other articles pertaining thereto." The requisition was duly approved, proposals invited, and the articles purchased, the vouchers being duly certified and approved and forwarded to the accounting officers of the Treasury for payment from the appropriation "Signal Service, Medical Department" for the year ending June 30, 1885. The vouchers were disallowed by the accounting officer on the ground that the water-closet hoppers were fastened to the ground.

There is no question as to the necessity for these appliances—no question as to the propriety of their purchase; but the accounting officers raised the objection that they ought to have been purchased out of some other fund, because they were fastened to the ground instead of being movable.

After numerous appeals from the contractors who had furnished the supplies, the Secretary of War, in view of the fact that the terms of the act expressly authorized him to expend the appropriation cited above, directed that the sum of $500 from that appropriation be placed to the credit of the disbursing officer of the Medical Department in Washington, and gave orders that the vouchers be paid by Assistant Surgeon J. O. Skinner, acting medical storekeeper. In pursuance of this express order the vouchers were paid by Capt. Skinner February 8, 1886.

Notwithstanding the rulings of the Court of Claims the then Second Comptroller declined to remove the charges covered by this communication, and the present Second Comptroller decides that he is without power to reopen cases finally passed upon and closed by his predecessor.

Mr. HOLMAN. What is the aggregate amount of the items?

Mr. OUTHWAITE. I did not add them up, but I should say it was somewhere in the neighborhood of $13,000.

Mr. HOLMAN. You have a report here, I suppose?

Mr. OUTHWAITE. Yes; but it does not give the aggregate. The gentleman from Indiana will please understand that this is not to pay anything out of the Treasury.

Mr. HOLMAN. I understand that.

Mr. OUTHWAITE. But to relieve these gentlemen from charges, after having paid money in their hands as disbursing officers, for articles obtained or secured by the Government at proper and reasonable prices, and over which they had no control whatever.

Mr. HOLMAN. I should have been glad if the record showed what Secretary of War gave the order for these two trips to Europe.

Mr. OUTHWAITE. I do not know, but take it from the date of the order that it must have been Secretary Lincoln.

I ask a vote.

The question was taken; and (two-thirds voting in favor thereof) the rules were suspended and the bill was passed.

SWAMP-LAND GRANTS.

The Committee on the Public Lands was called.

Mr. McRAE. I am instructed by the Committee on the Public Lands to call up, move to suspend the rules, and pass the bill (H. R. 9072) to finally adjust and settle the claims of Arkansas and other States under the swamp-land grants, and for other purposes.

The bill was read, as follows:

Be it enacted, etc., That when the State of Arkansas shall relinquish, release, and quitclaim to the United States all her claims and demands against the United States for the 5 per cent fund allowances under the act approved June 23, 1836, for keeping prisoners under the executive order of February 5, 1867, for a portion of the distribution fund under the act approved September 4, 1841, for indemnity under the acts approved March 2, 1855, March 3, 1857, or this act, and for all swamp and overflowed lands under the act approved September 28, 1850, not approved to the State, the Secretary of the Treasury shall, in consideration of said relinquishment, release, and quitclaim of said claims, demands, and lands, require the Treasurer of the United States to cancel and deliver to the governor of the said State of Arkansas all the bonds and coupons issued by the said State now in the possession of the said Treasurer and owned or held in trust by the United States, as a full and final compromise and settlement of accounts between the said State and United States.

SEC. 2. That it shall be the duty of the proper officers of the Departments of the Interior and of the Treasury, as soon as practicable, to adjust and settle the claims of the other States against the United States for all lands which have been, or may hereafter be, sold or otherwise disposed of that were included in any grant of swamp and overflowed lands to such States.

SEC. 3. That for all of said lands in any State which were sold for cash the said State shall have credit for the full amount of the purchase money received by the United States, and the same shall be paid over to the governor or treasurer of said State; and for all of said lands in any State otherwise disposed of, and for which indemnity has not heretofore been allowed, such State shall have indemnity in cash, the amount thereof to be limited to the price at which the lands were held at the date of their disposal by the United States, the said indemnity to be paid as herein provided in the cases where lands were sold for cash: *Provided, however*, That under no circumstances shall more than $2,000,000 be paid under the provisions of this act for lands sold or otherwise disposed of since March 3, 1857.

SEC. 4. That as soon as practicable after the expiration of the time limited by this act for the filing of claims thereunder, the Commissioner of the General Land Office shall ascertain and determine by States the amount of cash indemnity due for lands actually swamp and overflowed within the meaning of the swamp-land grant, and disposed of since March 3, 1857, and shall allot the $2,000,000, or so much thereof as may be necessary, among the several swamp-land States, pro rata, according to the area of land found to be swamp or overflowed, and disposed of since said date: *Provided*, That the cost of examining and adjusting tracts claimed, but found not to be swamp or overflowed lands, shall be taxed to the State or county presenting the fraudulent or erroneous claim.

SEC. 5. That the agent appointed by the Department of the Interior to investigate claims under this and prior acts shall have the power to administer oaths and to compel the attendance of witnesses both on behalf of the State and of the United States, and witnesses swearing falsely before them shall be deemed guilty of perjury, and shall, on conviction, be punished as now prescribed by law.

SEC. 6. That the Secretary of the Interior shall, when adjustments and allowances are made by him under this act, report the same to the Secretary of the Treasury, showing the amount ascertained to be due from the United States to such State on account of lands sold or otherwise disposed of, and a description of the lands for which such indemnity is allowed, with the names of the persons to whom sold or patented, and the date the same was sold or patented; and the Secretary of the Treasury shall pay the amount or amounts so allowed and reported by the Secretary of the Interior over to the governor or treasurer of the State.

SEC. 7. That the acceptance by any State or its legal representative of indemnity for any of the lands sold or located shall be deemed a relinquishment and waiver of all its right, title, and interest in and to such lands in place, and an acknowledgment and confirmation of the title thereto in the grantees of the United States.

SEC. 8. That all claims for land, or other indemnity, under the swamp-land laws or under this act, shall be forever barred, unless presented to the Secretary of the Interior within one year from the passage of this act, or within one year after the survey of the township has been completed.

The SPEAKER. The motion of the gentleman is to suspend the rules and pass the bill just read——

Mr. TRACEY. Pending that motion, I move that the House do now adjourn.

Mr. DINGLEY. I reserve the right to demand a second, Mr. Speaker.

Mr. McRAE. Before the motion to adjourn is acted upon, can we not have a second considered as ordered?

Mr. DINGLEY. I think not to-day.

The question was taken; and on a division there were—ayes 74, noes 22.

So the motion was agreed to.

And accordingly (at 3 o'clock and 3 minutes p. m.) the House adjourned.

REPORTS OF COMMITTEES.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. COBB of Missouri, from the Committee on War Claims: The bill (S. 1507) for the relief of Mathew S. Priest. (Report No. 2174.)

By Mr. STONE of Kentucky, from the same committee: The bill (S. 559) for the relief of C. B. Bryan. (Report No. 2175.)

Also, the bill (S. 2128) for the relief of John S. Sammis. (Report No. 2176.)

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (S. 876) for the relief of the citizens of the States of Oregon, Idaho, and Washington who served with the United States troops in the war against the Nez Perces and Bannock and Shoshone Indians, and for the relief of the heirs of those killed in such service, and for other purposes, and the same was referred to the Committee on Military Affairs.

BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills and resolutions of the following titles were introduced, and severally referred as follows:

By Mr. O'NEIL of Massachusetts: A bill (H. R. 9946) to equalize the pay of officers of the Navy—to the Committee on Naval Affairs.

By Mr. WISE: A bill (H. R. 9947) to amend an act entitled "An act to regulate commerce," approved February 4, 1887—to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 9948) concerning the testimony of witnesses before the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. BACON: A bill (H. R. 9949) relating to receivers of national banking associations—to the Committee on Banking and Currency.

By Mr. ANTONY: A bill (H. R. 9950) to prevent retired officers and retired enlisted men receiving pay from the Govern-

ment in any other capacity under certain conditions, and for other purposes, and providing penalties therefor—to the Committee on the Judiciary.

By Mr. HOPKINS of Pennsylvania: A bill (H. R. 9951) to establish a bureau of Congressional service—to the Committee on the Revision of the Laws.

By Mr. HERBERT: A bill (H. R. 9952) to amend section 1443 of the Revised Statutes relating to the voluntary retirement of officers of the Navy—to the Committee on Naval Affairs.

Also, a bill (H. R. 9953) to define and establish suitable anchorage ground in Hampton Roads and New York Harbor during the continuance of the naval rendezvous and review provided by act of April 25, 1890—to the Committee on Naval Affairs.

By Mr. RUSK: A bill (H. R. 9954) to amend an act entitled "An act to regulate commerce," approved February 4, 1887—to the Committee on Interstate and Foreign Commerce.

By Mr. McKAIG: A bill (H. R. 9956) to incorporate the Washington, Burnt Mills and Sandy Spring Railway Company—to the Committee on the District of Columbia.

By Mr. BROSIUS: A bill (H. R. 9957) to provide for the improvement of the Federal quarantine service and for the temporary suspension of immigration—to the Select Committee on Immigration and Naturalization.

By Mr. ANDREW: A joint resolution (H. Res. 173) to secure the appointment of chiefs of divisions for merit—to the Select Committee on Reform in the Civil Service.

Also, a joint resolution (H. Res. 174) to secure the extension of the civil-service rules to certain custom-houses—to the Select Committee on Reform in the Civil Service.

Also, a joint resolution (H. Res. 175) to secure the appointment of all letter-carriers for merit—to the Select Committee on Reform in the Civil Service.

By Mr. RICHARDSON: A joint resolution (H. Res. 176) making available the sum of $250,000, appropriated in 1890 and suspended in 1891, to provide accommodation for the Government Printing Office—to the Committee on Printing.

By Mr. BUNN: A resolution fixing the 12th day of January in lieu of the first Monday as suspension day for individuals—to the Committee on Rules.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as indicated below:

By Mr. BOWMAN: A bill (H. R. 9958) granting a pension to John E. Latta—to the Committee on Invalid Pensions.

By Mr. CHIPMAN: A bill (H. R. 9959) to remove the charge of desertion against Harris Lazarus—to the Committee on Military Affairs.

By Mr. COX of Tennessee: A bill (H. R. 9960) for the relief of A. B. Phillips—to the Committee on Claims.

By Mr. DURBOROW: A bill (H. R. 9961) for the relief of Phebe Norwood—to the Committee on Invalid Pensions.

By Mr. DOLLIVER: A bill (H. R. 9962) for the relief of Francis McElroy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9963) for the relief of Joseph Graham—to the Committee on Military Affairs.

By Mr. ENOCHS: A bill (H. R. 9964) granting a pension to Susannah Thomas, widow of William H. Thomas—to the Committee on Invalid Pensions.

By Mr. KRIBBS: A bill (H. R. 9965) granting a pension to Mary E. Boyer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9966) granting a pension to Annie E. Hetherington—to the Committee on Invalid Pensions.

By Mr. RAYNER: A bill (H. R. 9967) to amend the military record of James H. Purnell, late seaman, United States Navy, removing charge of desertion—to the Committee on Military Affairs.

By Mr. STONE of Kentucky: A bill (H. R. 9968) for the relief of Lucy Ann Lee and Allen G. Lee—to the Committee on War Claims.

By Mr. TAYLOR of Tennessee: A bill (H. R. 9969) to amend the record of Capt. Thomas H. Reeves, United States Army, retired—to the Committee on Military Affairs.

By Mr. WAUGH: A bill (H. R. 9970) to correct the military record of Charles W. Rinehardt, and grant him an honorable discharge—to the Committee on Military Affairs.

Also, a bill (H. R. 9971) to correct the military record of John Shannon, alias Thomas Buckley, and grant him an honorable discharge—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk, and referred as follows:

By Mr. BRETZ: Petition of the Sabbath Association of Illinois, against reconsidering the question of opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. BYNUM: Petition of Mary E. Bentley, wife of George W. Bentley, deceased, to accompany House bill 9884—to the Committee on Invalid Pensions.

By Mr. CRISP (by request): Petition of Dr. J. B. Hinkle and others, relating to the Pan-American Medical Congress, to be held in September, 1893—to the Committee on Appropriations.

By Mr. DAVIS: Petition of the M. E. Church of Washington, Kans., asking that the World's Fair be closed on Sunday, and that the sale of intoxicating liquors on the grounds be prohibited—to the Select Committee on the Columbian Exposition.

By Mr. DOLLIVER: Petition of the Presbyterian Synod of Iowa, representing 288 ministers, 374 churches, and 30,656 communicants, against the repeal of the act of Congress providing that the Columbian World's Fair shall be closed on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. DONOVAN: Two petitions of citizens of Ohio, one of the Sixth Congressional district and the other of G. C. Gerlach and 31 others of Pemberville, both against the repeal of the law closing the gates of the Columbian Exposition on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. ENOCHS: Petition of Rev. S. Gobiet and others of Portsmouth, Ohio, against repealing the law closing the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. FUNSTON: Petition of colored people of Kansas, for representation in industrial and other improvements at the World's Fair—to the Select Committee on the Columbian Exposition.

By Mr. GEISSENHAINER: Petition of citizens of Plainfield, N. J., against the unlawful sale of liquors in the World's Fair grounds—to the Select Committee on the Columbian Exposition.

By Mr. LAYTON: Petition of the Rank and File Garrison, No. 77, Regular Army and Navy Union, Cleveland, Ohio, for the passage of bill for the retirement of enlisted men of the United States Army and Navy after twenty-five years of faithful service, for increase of pay of noncommissioned officers, etc.—to the Committee on Military Affairs.

By Mr. O'NEIL of Massachusetts: Remonstrance of the American Brotherhood of Steamboat Pilots against the passage of any law permitting aliens to be officers of ships flying the American flag—to the Committee on Interstate and Foreign Commerce.

By Mr. PAYNE: Petition of H. W. Caldwell, and other physicians of Orange County, N. Y., asking for an appropriation to assist in defraying the expenses of the Pan-American Medical Congress—to the Committee on Appropriations.

By Mr. POST: Petition of Dr. Thomas M. McIlvaine and 24 others, members of the Peoria (Ill.) Medical Society, asking for an appropriation for the Pan-American Medical Congress—to the Committee on Appropriations.

Also, petition of L. C. Wadsworth & Co. and others, asking that the Committee on Rules fix a day for the consideration of the bankruptcy bill—to the Committee on Rules.

By Mr. STORER: Petition of Irvin B. Wright, of Ohio, to be placed on the pension list—to the Committee on Invalid Pensions.

By Mr. TAYLOR of Illinois: Two petitions of the members of the Board of Trade of the city of Chicago, asking for the speedy construction of the Nicaragua Canal by American capital, and under American control—to the Committee on Interstate and Foreign Commerce.

By Mr. TRACEY: Petition of 40 physicians of Albany County, N. Y., urging that an appropriation be made for the Pan-American Medical Congress—to the Committee on Appropriations.

By Mr. TURPIN: Memorial of the General Assembly of the State of Alabama, favoring the construction of the Nicaragua Canal and its control by the United States—to the Committee on Interstate and Foreign Commerce.

Also, petition of the American Brotherhood of Steamboat Pilots, in favor of American pilots—to the Committee on Naval Affairs.

By Mr. VAN HORN: Petition of the Sabbath Association of Illinois, opposing the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. WAUGH: Petition of the Boone County (Ind.) Medical Society, for an appropriation of $43,983 to help defray the expenses of the Pan-American Medical Congress—to the Committee on Appropriations.

Also, petition of 324 citizens of Indiana, against the repeal of the law closing the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, two papers to accompany bills, one of Charles W. Renchardt and the other of John Shannon, both for an honorable discharge—to the Committee on Military Affairs.

Also, petition of 2,172 citizens of Indiana and Kentucky, to accompany House bill to erect a monument at Tippecanoe battle ground, Indiana, and for its passage—to the Committee on Military Affairs.

By Mr. WHEELER of Alabama: Two petitions of citizens of Alabama, one of Garret S. Chandler, of Lauderdale County, and the other of Flora Ann Lucas, widow of E. N. Lucas, of Limestone County; each praying that the Committee on War Claims refer his claim, together with all papers and proofs relating thereto, which were submitted to the Southern Claims Commission, to the Court of Claims, under act of March 3, 1883—to the Committee on War Claims.

By Mr. WILLCOX: Petition of Francis Bacon and others, of New Haven, Conn., for an appropriation for the Pan-American Medical Congress at Washington—to the Committee on Appropriations.

Also, petition of Sarah Winthrop Smith, of Seymour, Conn., asking for such legislation as will enable women to vote for members of Congress—to the Committee on the Judiciary.

By Mr. WILSON of Missouri: Papers to accompany House bill for the relief of the Regnine and Shoup Crockery Company, of St. Joseph, Mo.—to the Committee on Claims.

SENATE.

TUESDAY, *December 20, 1892.*

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

WATSON C. SQUIRE, a Senator from the State of Washington, appeared in his seat to-day.

The Journal of yesterday's proceedings was read and approved.

HOUSE BILLS REFERRED.

The bill (H. R. 9825) making appropriations for the support of the Army for the fiscal year ending June 30, 1894, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

The joint resolution (H. Res. 166) to authorize the Secretary of the Treasury to cover back into the Treasury $48,800 of the appropriation to Choctaw and Chickasaw Indians, was read twice by its title, and, on motion of Mr. HALE, referred to the Committee on Appropriations.

EXECUTIVE COMMUNICATION.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting, with approval, an extract from the proceedings of the Academic Board of the United States Military Academy, adopting a resolution submitted by Prof. Edgar W. Bass, concerning the appointment of an associate professor of mathematics at that institution; which, with the accompanying papers, was referred to the Committee on Military Affairs, and ordered to be printed.

COAST AND GEODETIC SURVEY REPORT.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting the report of the Superintendent of the Coast and Geodetic Survey for the fiscal year ended June 30, 1892; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Printing.

COURT OF CLAIMS REPORT.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting conclusions of fact and of law in the French spoliation claim relating to the brig Horatio; which, with the accompanying papers, was referred to the Committee on Claims, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 456) to limit the jurisdiction of the district and circuit courts of the United States;

A bill (H. R. 5597) for the relief of William Smith and others;

A bill (H. R. 6753) for the relief of Nimrod J. Smith, ex-chief of the Eastern Band of Cherokee Indians;

A bill (H. R. 7633) to ratify and confirm an agreement with the Kickapoo Indians in Oklahoma Territory, and to make appropriations for carrying the same into effect;

A bill (H. R. 9176) relating to contracts of common carriers, and to certain obligations, duties, and rights in connection with the carriage of property;

A bill (H. R. 9417) to incorporate the Protestant Episcopal Cathedral Foundation of the District of Columbia;

A bill (H. R. 6798) to authorize the construction of a bridge across the Warrior River by the Montgomery, Tuscaloosa and Memphis Railway Company; and

A bill (H. R. 9930) for the construction and maintenance of a bridge across the St. Lawrence River.

The message also announced that the House had passed the following bills:

A bill (S. 570) to provide for the removal of the remains of the late Ensign D. F. Terrell, United States Navy, from Sitka, Alaska, to his home in the State of Mississippi;

A bill (S. 1675) granting increase of pension to soldiers of the Mexican war in certain cases;

A bill (S. 2981) for the relief of the Citadel Academy, of Charleston, S. C.; and

A bill (S. 3059) for the relief of the Old Dominion Steamship Company.

The message further announced that the House had passed the following bill and joint resolution, each with an amendment; in which the concurrence of the Senate was requested:

A bill (S. 985) to provide for the enlargement of the military post at Fort Wayne, Mich.; and

A joint resolution (S. R. 112) to print and bind 1,000 extra copies each of the Drill Regulations for Infantry, Cavalry, and Artillery.

The message also announced that the House had passed the concurrent resolution of the Senate to print 20,000 copies of the Statistical Abstract of the United States for the year 1892, prepared by the Bureau of Statistics of the Treasury Department.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the Vice-President:

A bill (S. 869) to provide an American register for the barge Sea Bird, of Perth Amboy, N. J.;

A bill (S. 1647) to authorize the Alabama Grand Trunk Railroad Company to bridge across the Tallapoosa and Coosa Rivers;

A bill (S. 1956) to make Punta Gorda a subport of entry;

A bill (S. 2451) authorizing the Secretary of the Treasury to reconvey to Lucius U. Maltby and Louise W. Maltby, his wife, Margaret Elizabeth Lucas, and the Sea Girt Land Improvement Company a piece of land selected as a site for the Squan Inlet light station, New Jersey, but found to be unsuitable for the purpose of said station;

A bill (S. 3188) to extend to Duluth, Minn., the privileges of the first section of an act entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880;

A bill (H. R. 6024) for the relief of William H. Taylor; and

A joint resolution (S. R. 73) authorizing the Secretary of War to receive for instruction at the Military Academy at West Point Francisco Alcantara, of Venezuela.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented the memorial of L. E. Dupre and other citizens of Jackson, Miss., remonstrating against the passage of the antioption bill; which was ordered to lie on the table.

He also presented the petition of Evan P. Marks and other producers of cotton, of Cleveland County, Ark., praying for the passage of the antioption bill; which was ordered to lie on the table.

He also presented a resolution of the Southwest Silver Convention, adopted at a meeting held at El Paso, Tex., denouncing legislation demonetizing silver and demanding the restoration of the double standard by the immediate passage of a free-coinage bill; which was referred to the Committee on Finance.

Mr. VEST presented the petitions of Matthew Donley and 17 other citizens of St. Louis County; of James C. Flynn and 19 other citizens of St. Louis; of John Hofman and 13 other citizens of Mercer County; of J. F. Glaub and 22 other citizens of Cape Girardeau County; of Henry Kitchens and 14 other citizens of Randolph County; of J. B. Woolf and 19 other citizens of St. Louis; of J. A. Douglass and 22 other citizens of St. Louis County; of James A. McPike and 20 other citizens of Curryville; of B. H. Carter and 19 other citizens of Ralls County; of Thomas H. Macklain and 19 other citizens of St. Louis; of Robert Wilson and 22 other citizens of St. Louis; of D. G. Prigmore and 21 other citizens of Lafayette County; of John L. Morrison (warden of penitentiary) and 20 other citizens of Cole County; of James J. Rice and 17 other citizens of St. Charles; of J. T. Prigmore and 22 other citizens of St. Louis County; of W. P. Sargent and 22 other citizens of Clay County; of A. G. Sterns and 25 other citizens of Mexico; of E. J. Burks and 21 other citizens of St. Genevieve; of Charles E. Edwards and 19 other citizens of Eureka; of H. Nugent and 20 other citizens of Ballinger, and of W. Reabet and 23 other citizens of Audrain County, all

in the State of Missouri, praying for the appointment of a Senate commitee to investigate the combine formed to depreciate the price of grain, and now existing, between the elevators, millers, and railroads at Minneapolis and St. Louis, and asking for the postponement of the Washburn-Hatch option bill until that committee reports; which were referred to the Committee on Agriculture and Forestry.

He also presented a petition of Local Assembly No. 2604, Knights of Labor, of South McAlester, Ind. Ter., praying relief from abuses now existing by changing present conditions in the Indian Territory; which was referred to the Committee on the Judiciary.

He also presented the petition of J. F. Baker and other citizens of Cape Girardeau County, Mo., praying for the passage of the Washburn-Hatch antioption bill; which was ordered to lie on the table.

Mr. DAWES presented a petition of the Col. J. G. Benton Garrison, No. 74, Regular Army and Navy Union of the United States of America, praying for the passage of legislation for the retirement of enlisted men of the Army after twenty-five years' service; which was referred to the Committee on Military Affairs.

He also presented the petition of Henry M. Everest, late a member of the Fifteenth Massachusetts Battery, praying for the passage of a bill to remove from his record the charge of desertion which lies against him; which was referred to the Committee on Military Affairs.

Mr. DAWES. I have received a petition from St. Louis and have been requested to present it to the Senate. I do not know why it has been sent to me. It is headed by the name of a gentleman from Massachusetts, but all the other names upon it are those of citizens of Missouri, Illinois, Iowa, etc. This petition is of such a peculiar character, reflecting, I suppose, upon distinguished members of the House and Senate, that I desire to call the attention of the Senate to it before I present it.

The petitioners say that they are the wives, sons, and daughters of farmers and grain-growers; that all of them are citizens of Minnesota, Missouri, Kansas, Iowa, Illinois, Indiana, Kentucky, Arkansas, and Texas. They represent that their petition is indorsed by the leading officials of the Farmers' Alliance in all the Western States, and go on to say that "after years of robbery and oppression, in order to appease their complaint, the cry of 'stop thief' was raised by the introduction of the Washburn-Hatch option bill, the twin production of statesmen representing the dominant though different political parties in two States," and that they are informed that this bill "first originated in the counting room of the combine, in the very home and lair of the robber," and experience has taught them that they should "beware of Greeks bearing gifts."

They pray "that a committee be appointed by your honorable body to visit Minneapolis and St. Louis and all places where the combine between the elevators, millers, and railroads exist, with power to examine witnesses, and that further action on the Washburn-Hatch option bill be postponed until the robbery and fraud as now practiced by the great combine are thoroughly investigated, to the end that whatever legislation is needful may be enacted," and they say they "will ever pray."

The petition was sent to me, as I say, although but a single name is upon it from my State, I suppose in recognition of the desire on my part to render all the aid I can to suffering humanity. I do not know to what committee it should be referred, but I call attention to it.

Mr. WASHBURN. There are about a million such petitions, all of which originated in the Chicago Board of Trade, and have been sent here, artificially made up. They should be referred to the Committee on Agriculture, where all this rubbish has heretofore gone.

Mr. DAWES. This petition is in print, and I suppose it indicates an uprising of the people in behalf of the prayer of these petitioners. They represent that all the other petitions were manufactured in Washington and sent out in that way.

Mr. HARRIS. Mr. President, I rise to a parliamentary inquiry.

The VICE-PRESIDENT. The Senator from Tennessee will state his parliamentary inquiry.

Mr. HARRIS. I wish to know if reading a petition at length, and commenting upon it, is the "brief statement" which the rules require in presenting petitions?

The VICE-PRESIDENT. The Chair is of the opinion that it is not.

Mr. DAWES. I do not feel called upon myself to answer the question of the Senator from Tennessee, and I submit the petition to the Senate.

The VICE-PRESIDENT. The petition will be referred to the Committee on Agriculture and Forestry.

Mr. PASCO presented a petition of the Board of Trade of Jacksonville, Fla., praying for the passage of the Torrey bankruptcy bill; which was referred to the Committee on the Judiciary.

He also presented a petition of the Board of Trade of Jacksonville, Fla., praying for the passage of legislation authorizing the early completion of the Nicaraguan Canal; which was referred to the Committee on Foreign Relations.

He also presented a memorial of the Board of Trade of Jacksonville, Fla., remonstrating against the passage of the Washburn-Hatch antioption bill; which was ordered to lie on the table.

He also presented the petition of J. L. Inglis, president of the Dunnellon Phosphate Company, of Florida, and 8 other citizens of Florida, praying that an appropriation be made to continue the harbor improvement of Cumberland Sound and protect the entrance to the port of Fernandina from the danger of obstructing and perhaps closing the channel, which now appears to be imminent; which was referred to the Committee on Commerce.

Mr. PROCTOR presented the memorial of Rev. N. R. Nichols and other citizens of Norwich, Vt., remonstrating against the passage of legislation repealing the provision closing the World's Columbian Exposition on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

Mr. CULLOM. I present resolutions adopted by the National Transportation Association, held in Buffalo, November 16, 1892, favoring only such amendments to the interstate-commerce law as will effect—

1. Enhancement of public service;
2. Compliance with the law upon the part of transporters;
3. Simplification of methods of procedure;
4. Conclusive or progressive force to the findings and rulings of the Interstate Commerce Commission;
5. The removal of obstacles to the transaction of business.

I move that the resolutions be referred to the Committee on Interstate Commerce.

The motion was agreed to.

Mr. CULLOM presented a petition of the Wilton United Presbyterian Church of Peotone, Ill., praying for the closing of the World's Fair on Sunday, and the prohibition of the sale of liquors thereat; also, for the passage of the Hatch-Washburn antioption bill; also, that immigration be restricted; also, for the submission of the proposed sixteenth amendment forbidding the union of church and state and all sectarian appropriations; which was ordered to lie on the table.

He also presented the petition of W. S. Keller and 20 other citizens of Macon; of W. D. Oliver and 17 other citizens of Madison County; of Henry Bath, of Madison County; of E. T. Garrison and 16 other citizens of Clark, and of J. W. Barnes and 19 other citizens of Jacksonville, all in the State of Illinois, praying for the appointment of a Senate committee to investigate the combine formed to depreciate the price of grain, and now existing between the elevators, millers, and railroads at Minneapolis and St. Louis, and asking for the postponement of the Washburn-Hatch option bill until that committee reports; which were referred to the Committee on Agriculture and Forestry.

He also presented resolutions adopted by the Ministerial and Epworth League Convention of the Methodist Episcopal Church of Freeport, Ill., held at Milledgeville, Ill., November 28-30, 1892, favoring the closing of the World's Fair on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

He also presented a petition of members of the Board of Trade of Chicago, Ill., praying for the speedy construction of the Nicaragua Canal by American capital and under American contract which was referred to the Committee on Foreign Relations.

Mr. HOAR. I present a petition of like tenor to that presented by my colleague [Mr. DAWES]. I shall not state its contents more at length unless my honorable friend from Tennessee [Mr. HARRIS] insists upon it.

Mr. HARRIS. I excuse the Senator from that duty.

The petition was referred to the Committee on Agriculture and Forestry, as follows:

Mr. HOAR presented a petition of Walter Foss and 22 other citizens of Haverhill, Mass., praying for the appointment of a Senate committee to investigate the combine formed to depreciate the price of grain and now existing between the elevators, millers, and railroads at Minneapolis, Minn., and St. Louis, Mo., and asking for the postponement of the Washburn-Hatch antioption bill until that committee reports.

He also presented a petition of the officers and members of the National Woman's Suffrage Association of Massachusetts, praying for the passage of an amendment to the Constitution of the United States which shall secure to the women of the several States the citizen's right to vote; which was referred to the Select Committee on Woman Suffrage.

Mr. SHERMAN presented a petition of the united congregations of the Methodist Episcopal and Presbyterian Churches of Amesville, Ohio, praying for the passage of the Washburn-Hatch antioption bill; that the sale of intoxicating liquors be prohibited at the World's Columbian Exposition; that Congress pass laws restricting immigration, and that the Constitution of the United States be amended to prohibit sectarian appropriations; which was ordered to lie on the table.

He also presented the petition of Irwin B. Wright, late first lieutenant and brevet captain United States Regular Army, and a citizen of the State of Ohio, praying that he be granted a pension of $25 per month; which was referred to to the Committee on Pensions.

He also presented a petition of Rank and File Garrison No. 77, Regular Army and Navy Union of Cleveland, Ohio, praying for the passage of a bill to retire enlisted men of the regular Army after twenty-five years' service; which was referred to the Committee on Military Affairs.

He also presented a petition of the Greentown Farmers' Alliance, of Greentown, Ohio, praying for the passage of the Washburn-Hatch antioption bill; which was ordered to lie on the table.

He also presented a petition of Freedman Council, No. 63, Junior Order of American Mechanics of Ohio, praying for the enactment of more stringent laws for the restriction of immigration; which was referred to the Committee on Immigration.

He also presented a petition of the New Orleans and Memphis Packet Company and the United States Mail Line Company, praying that the Steamboat Inspection Service below the grade of supervising inspector be wholly nonpartisan; which was referred to the Committee on Commerce.

He also presented the memorial of Marion Lawrence, secretary of the Ohio Sunday School Union, and the memorial of R. Frank Allender and 126 other citizens of Martins Ferry, Ohio, remonstrating against the repeal of the law closing the World's Columbian Exposition on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

He also presented the petition of J. P. Raymond and 17 other citizens of Hamilton County, Ohio, and the petition of J. W. Hesitt and 22 other citizens of Lucas County, Ohio, praying for the appointment of a Senate committee to investigate the combine formed to depreciate the price of grain, and asking for the postponement of the Washburn-Hatch antioption bill until such committee shall report; which were referred to the Committee on Agriculture and Forestry.

Mr. DAVIS. I present the petition of William Milner and 23 other citizens of Cass County, Minn., praying for the appointment of a Senate committee to investigate the combine formed to depreciate the price of grain now existing between the elevators, millers, and railroads at Minneapolis, Minn., and St. Louis, Mo., and asking for the postponement of the Washburn-Hatch antioption bill until that committee reports.

I wish to remark in this connection that the petition is similar to perhaps hundreds of others heretofore presented at the present session, which are exactly like it, corresponding in statement, statements which if true would serve as no warrant for defeating the most meritorious measure now being pressed by my colleague [Mr. WASHBURN]. These petitions evidently emanate from some central source, whence they are sent out for signatures. I move the petition be referred to the Committee on Agriculture and Forestry.

The motion was agreed to.

Mr. DAVIS presented a memorial of the Editors and Publishers' Association, of St. Paul, Minn., remonstrating against the passage of any legislation looking towards the Post-Office Department furnishing stamped envelopes at the cost of the stamps; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. MANDERSON presented petitions of R. T. Lain and 23 other citizens of Saline County; of M. N. Jenkins and 22 other citizens of Lancaster County; of George F. Looper and 23 other citizens of Gage County; of John G. Tipton and 23 other citizens of Douglas County; of Robert Cathell and 22 other citizens of York County; of Robert Stoton and 24 other citizens of Douglas County; of J. B. Gibson and 23 other citizens of Douglas County; of J. Robertson and 22 other citizens of Lancaster County; of W. H. Brice and 20 other citizens of Hall County; of Louis Jeeps and 23 other citizens of Dakota County; of S. A. Arbuckle and 23 other citizens of Lancaster County; of H. P. Brooks and 23 other citizens of Dakota County; of B. J. Fulton and 23 other citizens of Lancaster County; of L. B. Williams and 23 other citizens of Douglas County; of Leonard E. Isaacs and 21 other citizens of Adams County; of P. S. Casner and 24 other citizens of Lancaster County; of J. T. Johnson and 24 other citizens of Saline County; of Joseph Grafe and 23 other citizens of Saunders County; of John H. Bixlear and 24 other citizens of Gage County; of J. H. Kain and 22 other citizens of Gage County; and of S. E. Holtzman, of Frontier County, and 23 other citizens of Lancaster County, all in the State of Nebraska, praying for the appointment of a Senate committee to investigate the combine formed to depreciate the price of grain, and asking for the postponement of the Washburn-Hatch antioption bill until such committee shall report; which were referred to the Committee on Agriculture and Forestry.

He also presented a petition of General John R. Brooke Garrison, No. 54, of Omaha, Nebr., praying for the passage of the bill to retire enlisted men of the regular Army after twenty-five years' service; which was referred to the Committee on Military Affairs.

He also presented petitions of H. E. Heath, editor of the Nebraska Farmer, of Lincoln; of C. B. Smith and 17 other citizens of Johnson County; of John C. McCormick and 19 other citizens of Omaha; of Henry Mayo and 24 other citizens of Douglas County; of A. T. Moore and 23 other citizens of Dodge County, and of Edward Morgan and 23 other citizens of Lancaster County, all in the State of Nebraska, praying for the appointment of a Senate committee to investigate the combine formed to depreciate the price of grain, and asking for the postponement of the Washburn-Hatch antioption bill until such committee shall report; which were referred to the Committee on Agriculture and Forestry.

Mr. SANDERS presented a memorial of the State Sabbath Association of Illinois, remonstrating against the opening of the World's Columbian Exposition on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

He also presented the petition of Cary Walthall and 15 other citizens of Butte City, Mont., praying for the appointment of a committee to investigate the combine formed to depreciate the price of grain, and asking for the postponement of the Washburn-Hatch antioption bill; which was referred to the Committee on Agriculture and Forestry.

Mr. STOCKBRIDGE presented the petition of George W. Freeman, of Ingham, Mich., and of H. W. Gangmiss, of Livingston, Mich., praying for the appointment of a Senate committee to investigate the combine formed to depreciate the price of grain, and asking for the postponement of the Washburn-Hatch antioption bill; which were referred to the Committee on Agriculture and Forestry.

Mr. CASEY presented petitions of A. H. Perry and 22 other citizens of Richland County; of O. Henderson and 23 other citizens of Barnes County; of J. H. Lindley and 23 other citizens of Barnes County; of J. A. Colby and 23 other citizens of Cass County; of W. O. Olsen and 23 other citizens of Cass County; of J. M. Smith and 23 other citizens of Cass County; and of S. E. Tyson and 23 other citizens of Cass County, all in the State of North Dakota, praying for the appointment of a committee to investigate the combine formed to depreciate the price of grain, and asking for the postponement of the Washburn-Hatch antioption bill; which were referred to the Committee on Agriculture and Forestry.

Mr. WILSON presented petitions of C. L. Jacobs and 27 other citizens of Woodbury County; of F. C. Edwards and 19 other citizens of Des Moines; of F. G. Potter and 23 other citizens of Jackson County; of T. C. Baylon and 23 other citizens of Page County; of F. S. Clutter and 19 other citizens of Marion County; of John Williamson and 17 other citizens of Keokuk County; and of John S. Phillips and 25 other citizens of Woodbury, all in the State of Iowa, praying for the appointment of a Senate committee to investigate the combine formed to depreciate the price of grain, and asking for the postponement of the Washburn-Hatch antioption bill; which were referred to the Committee on Agriculture and Forestry.

Mr. WILSON. I present resolutions adopted by the twelfth annual session of the Farmers' National Congress, lately convened at Lincoln, Nebr. Accompanying these resolutions is a request from the secretary that the various resolutions passed by that body with reference to agricultural legislation and other interests affecting the production and industries of the country be referred to the Agricultural Committee, ordered printed, and placed on the desks of the members of the Senate.

In response to the request of the secretary of the congress, I move that the memorial be printed as a document, and referred to the Committee on Agriculture and Forestry.

The motion was agreed to.

Mr. PADDOCK presented petitions of Henry Hollis and 23 other citizens of Otoe County; of E. D. Applegate and 24 other citizens of Sabine County; of G. H. Sheldon and 23 other citizens of Saunders County; of C. W. Kelly and 23 other citizens of Lancaster County; of Robert L. Wheeler and 22 other citizens of Douglas County; of W. T. Henton and 47 other citizens of Lancaster County; of John G. Willis, of Douglas County, and 23 citizens of Lancaster County; of E. J. Saliner and 24 other citizens of Saline County; of T. E. Hines and 46 other citizens of

Gage County; of P. L. Davis and 20 other citizens of York County; of Marvin Hammond and 19 other citizens of Gage County; of Nets Johnson and 24 other citizens of Dodge County; of Noah Hodges and 23 other citizens of Lancaster County; of J. E. Harr and 21 other citizens of Madison County; of John Shelby and 23 other citizens of Douglas County; of Peter Cockrell and 23 other citizens of Douglas County; of L. Rugger and 22 other citizens of Dakota County; of H. Booth and 19 other citizens of Dakota County; of George W. Wasson and 22 other citizens of Lancaster County; of Charles Reef and 19 other citizens of Hall County; of E. Furguson and 22 other citizens of Lancaster County; of A. N. Johnson, of Otoe County, and 21 citizens of Lancaster County; of John Cullen and 21 other citizens of Gage County; of A. B. Spoon and 22 other citizens of Lancaster County; of Frank P. Lawrence and 21 other citizens of Lancaster County; of B. B. Snodgrass and 22 other citizens of Adams County; of John Beasal and 24 other citizens of Mola; of C. J. Willey and 22 other citizens of Omaha; of I. D. Chamberland and 22 other citizens of Polk County; and of Frank Dean and 15 other citizens of Lincoln, all in the State of Nebraska, praying for the appointment of a Senate committee to investigate the combine formed to depreciate the price of grain and now existing between the elevators, millers, and railroads at Minneapolis and St. Louis, and asking for the postponement of the Washburn-Hatch antioption bill until such committee shall report; which were referred to the Committee on Agriculture and Forestry.

He also presented the petition of the National Farmers' Alliance of America, of the Iowa State Farmers' Alliance, and of the Grain and Cotton Growers' League of America, praying for the speedy passage of the Washburn-Hatch antioption bill; which was ordered to lie on the table.

He also presented a petition of Gen. John R. Brooke Garrison, No. 54, Regular Army and Navy Union of the United States, of Omaha, Nebr., praying for the passage of the Senate bill for the retirement of enlisted men of the Army after twenty-five years' service; which was referred to the Committee on Military Affairs.

He also presented the memorial of the Sabbath Association of Illinois, remonstrating against reconsidering the Sunday closing condition on which was made the Government gift of $2,500,000 to the World's Columbian Exposition; which was referred to the Committee on the Quadro-Centennial (Select).

Mr. QUAY presented the petition of C. A. Himmelweight and 18 other citizens of Philadelphia, Pa., praying for the appointment of a Senate committee to investigate the combine formed to depreciate the price of grain, and asking for the postponement of the Washburn-Hatch antioption bill until such committee shall report; which was referred to the Committee on Agriculture and Forestry.

He also presented petitions of the Methodist Episcopal Church of Columbia, Pa.; of the Calvary Presbyterian Church of York, Pa., and of Salome United Brethren Congregation of Columbia, Pa., praying that no action be taken toward repealing the law closing the World's Columbian Exposition on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

Mr. PALMER presented petitions of Edward Lippolott and 22 other citizens of Macoupin County; of Fred. Hein and 24 other citizens of Montgomery County; of George Smith Bond and 21 other citizens of Greenville; of George W. Walters and 21 other citizens of Randolph, and of James Crangle and 23 other citizens of Madison County, all in the State of Illinois, praying for the appointment of a Senate committee to investigate the combine formed to depreciate the price of grain, and asking for the postponement of the Washburn-Hatch antioption bill until such committee shall report; which were referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Streator District Young People's Society of Christian Endeavor, of Illinois, praying that the World's Columbian Exposition be closed on Sunday, and that the sale of intoxicating liquors be prohibited thereat; which was referred to the Committee on the Quadro-Centennial (Select).

He also presented the petition of J. George Seltzer, of Boston, Mass., praying for the passage of House bill 9350, compelling common carriers to equip their cars with automatic couplers and continuous brakes, etc.; which was ordered to lie on the table.

He also presented the petition of B. W. Flynn and 29 other citizens of Pike County, Ill., and the petition of A. C. Crouch and other citizens of Whiteside County, Ill., praying for the passage of the Washburn-Hatch antioption bill; which were ordered to lie on the table.

He also presented petitions of the Journeymen Tailors' Unions of Chicago, Bloomington, Decatur, Jacksonville, Champaign, Galesburg, Alton, and Monmouth, all in the State of Illinois, praying for the passage of House bill 8535, limiting the free entry of wearing apparel of foreign manufacture; which were referred to the Committee on Finance.

Mr. ALLEN. I present a very comprehensive petition of the Chamber of Commerce of the city of Seattle, Wash., urging that some favorable action be taken upon the Nicaragua Canal bill at the present session of Congress. This petition is in keeping with similar petitions from almost every business organization in the State of Washington. I move that it be referred to the Committee on Foreign Relations.

The motion was agreed to.

Mr. ALLEN presented the petition of Thomas M. Anderson Garrison, No. 46, Regular Army and Navy Union, of Vancouver, Wash., praying for the enactment of a law for the retirement of enlisted men after twenty-five years of service; which was referred to the Committee on Military Affairs.

He also presented the petition of Lacamas Grange, No. 74, Patrons of Husbandry, of Washington; the petition of S. F. Montgomery, John T. Greenwood, and 30 other citizens of Kittitas County, Wash., and the petition of W. L. Crowell and 20 other citizens of Lincoln County, Wash., praying for the passage of the Washburn-Hatch antioption bill; which were ordered to lie on the table.

He also presented petitions of the Journeymen Tailors' Unions, of Olympia, Tacoma, and Seattle, Wash., praying for the passage of House bill 8535, limiting the free entry of wearing apparel of foreign manufacture; which were referred to the Committee on Finance.

Mr. HARRIS. I present three petitions, signed by citizens of Tennessee, of the same character as the one so fully and so ably explained by the Senator from Massachusetts [Mr. DAWES]. I ask that they be separately noted and appropriately referred.

The petitions praying for the appointment of a Senate committee to investigate the combine formed to depreciate the price of grain, and now existing between the elevators, millers, and railroads at Minneapolis, Minn., and St. Louis, Mo., and asking for the postponement of the Washburn-Hatch antioption bill until such committee shall report, were referred to the Committee on Agriculture and Forestry, as follows:

Petition of K. L. Simpson and 25 other citizens of Belle Depot, Tenn.;

Petition of Jacob Schmitz and 19 other citizens of Obear, Tenn.; and

Petition of Thomas Yarwood and 22 other citizens of Shelby County, Tenn.

Mr. HARRIS presented the petition of M. L. Keener and other citizens of Memphis, Tenn.; the petition of W. P. Dodd and other citizens of Tennessee, and the petition of L. A. Vaughan and other citizens of Shelby County, Tenn., praying for the passage of the Washburn-Hatch antioption bill; which were ordered to lie on the table.

Mr. DUBOIS presented the petition of Robert Bruce and other citizens, of Latah County, Idaho, praying for the passage of the Washburn-Hatch antioption bill; which was ordered to lie on the table.

Mr. CAMERON presented a memorial of Council No. 334, Junior Order of American Mechanics, of Meyersville, Pa., remonstrating against the repeal of the law closing the World's Columbian Exposition on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

He also presented a petition of the Trades League of Philadelphia, Pa., praying for the passage of legislation encouraging reciprocity among nations; which was referred to the Committee on Finance.

Mr. PEFFER presented the petition of H. H. Elstun and 23 other citizens of Topeka, Kans., praying for the appointment of a Senate committee to investigate the combine formed to depreciate the price of grain and now existing between the elevators, millers, and railroads at Minneapolis and St. Louis, and asking for the postponement of the Washburn-Hatch option bill until such committee shall report; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the congregation of the Baptist Church of Marion County, Kans., praying for the closing of the World's Columbian Exposition on Sunday; that the sale of intoxicating liquors be prohibited thereat, and that the art department be managed according to the American standard of purity in art; which was referred to the Committee on the Quadro-Centennial (Select).

He also presented petitions of Gould Baker and 41 other citizens of Crawford County; of E. W. Turner and 21 other citizens of Cowley County; of C. A. Radford and 17 other citizens of Butler County; of A. Felton and 21 other citizens of Crawford County; of E. A. Callison and 39 other citizens of Cowley County; of H. M. Hamilton and 19 other citizens of Cowley County; of Edward Kelly and 20 other citizens of Crawford County; of H.

W. Robinson and 38 other citizens of Bourbon County; of D. N. Caldwell and 19 other citizens of Sumner County; of A. Birnie and 19 other citizens of Crawford County; of J. M. Johnson and 21 other citizens of Bourbon County; of William Bailey and 20 other citizens of Butler County; of J. McAllister and 40 other citizens of Sedgwick County; of C. M. Garrison and 19 other citizens of Sedgwick County; of A. H. McKee and 22 other citizens of Sedgwick County; of W. Ives and 18 other citizens of Montgomery County; of J. A. Friend and 43 other citizens of Sedgwick County; of Charles Baldwin and 19 other citizens of Labette County; of Jno. W. Summers and other citizens of Chautauqua County, all in the State of Kansas, and of A. A. Liggett and 23 other citizens of Pettis County, Mo., praying for the appointment of a Senate committee to investigate the combine formed to depreciate the price of grain, and asking for the postponement of the Washburn-Hatch antioption bill until such committee shall report; which were referred to the Committee on Agriculture and Forestry.

He also presented the petition of E. H. Lamb and other citizens of Chautauqua County, Kans., praying for the passage of legislation regulating speculations in fictitious farm products; which was ordered to lie on the table.

Mr. COKE. I present four petitions, numerously signed by citizens of Texas, exactly like those presented and explained by the Senator from Massachusetts [Mr. DAWES.]

The petitions praying for the appointment of a Senate committee to investigate the combine formed to depreciate the price of grain, and now existing between the elevators, millers, and railroads at Minneapolis, Minn., and St. Louis, Mo., and asking for the postponement of the Washburn-Hatch antioption bill until such committee shall report, were referred to the Committee on Agriculture and Forestry, as follows:

Petition of Peter J. O'Neil and 18 other citizens, of Worth, Tex.;

Petition of W. W. Morse and 17 other citizens, of San Antonio, Tex.;

Petition of J. W. McGinniss and 21 other citizens, of Denison, Tex.; and

Petition of W. C. Arthur and 22 other citizens, of Sabine County, Tex.

Mr. COKE presented petitions of Joseph Wilson and other citizens of Jacksonville; of George H. Unges and other citizens of Dennison Springs; of J. H. Sillimen and other citizens of Nechesville, and of J. N. Singletary and other citizens of Palestine, all in the State of Texas, praying for the passage of the Washburn-Hatch antioption bill; which were ordered to lie on the table.

Mr. BATE presented the petition of Marion D. Thomas and 24 other citizens of Union County, Tenn., praying for the appointment of a Senate committee to investigate the combine formed to depreciate the price of grain, and asking for the postponement of the Washburn-Hatch antioption bill; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of sundry citizens of Shelby County, Tenn., praying for the passage of the Washburn-Hatch antioption bill; which was ordered to lie on the table.

Mr. MILLS presented petitions of Claude M. Starnes and 20 other citizens of San Antonio; of Charles H. Redferr and 21 other citizens of Dallas; of H. G. Hogen and 23 other citizens of Grayson, all in the State of Texas, praying for the appointment of a committee to investigate the combine formed to depreciate the price of grain, and asking for the postponement of the Washburn-Hatch antioption bill; which were referred to the Committee on Agriculture and Forestry.

He also presented a memorial of 74 citizens of McKinney, Tex., remonstrating against the passage of the Washburn-Hatch antioption bill; which was ordered to lie on the table.

He also presented a petition of 55 citizens of McLendons County, Tex., praying for the passage of the Washburn-Hatch antioption bill; which was ordered to lie on the table.

Mr. WALTHALL presented memorials of J. H. Turner and other citizens of Belzoni; of W. R. Rife and other citizens of Columbus; of R. V. Powers and other citizens of Yazoo County; and of W. H. Madden and other citizens of Tchula, all in the State of Mississippi, remonstrating against the passage of the Washburn-Hatch antioption bill; which were ordered to lie on the table.

He also presented a petition of the legislative committee of the National Grange of the Patrons of Husbandry, of Washington, D. C., praying for the early passage of the Washburn-Hatch antioption bill; which was ordered to lie on the table.

He also presented petitions of citizens of Copiah County; of citizens of Claiborne County; of citizens of Flora; of citizens of Utica, and of citizens of Rankin County, all in the State of Mississippi, praying for the postponement of the consideration of the Washburn-Hatch antioption bill until the present cotton crop is marketed; which were ordered to lie on the table.

He also presented petitions of citizens of Macon, Miss., and of citizens of Pelahatchee, Miss., praying for the passage of the Washburn-Hatch antioption bill; which were ordered to lie on the table.

Mr. TURPIE presented petitions of Westby M. McCutchen and 20 other citizens of Peru; of D. C. Cunningham and 20 other citizens of Evansville; of John C. Strong and 16 other citizens of Lafayette; of Charles Coply and 20 other citizens of Knox County; of John S. Frick and 20 other citizens of Dubois County, and of Z. T. Graham and 26 other citizens of Albany, all in the State of Indiana, praying for the appointment of a committee to investigate the combine formed to depreciate the price of grain, and asking for the postponement of the Washburn-Hatch antioption bill until such committee shall report; which were referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Pastors' Club, of Albany, Ind., praying that no action be taken towards repealing the law closing the World's Columbian Exposition on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

He also presented memorials of South Bend Lodge, No. 212, of South Bend, Ind., and of Falls City Lodge, No. 94, of New Albany, Ind., of the International Association of Machinists, remonstrating against the Government requiring machinists in charge of Government work at West Troy, N. Y., to run two or more machines; which were referred to the Committee on Appropriations.

Mr. PERKINS. I present a large number of petitions of citizens of Kansas of the character presented by the Senator from Massachusetts [Mr. DAWES].

I desire to say it is somewhat significant that all these petitions come to me from the city of St. Louis, Mo.

The petitions, praying for the appointment of a Senate committee to investigate the combine formed to depreciate the price of grain, and now existing between the elevators, millers, and railroads at Minneapolis, Minn., and St. Louis, Mo., and asking for the postponement of the Washburn-Hatch antioption bill until such committee shall report, were referred to the Committee on Agriculture and Forestry, as follows:

Petition of George Reed and 17 other citizens of Sumner County, Kans.;

Petition of W. W. Dillard and 20 other citizens of Bourbon County, Kans.;

Petition of James Anderson and 17 other citizens of Coffey County, Kans.;

Petition of Mr. Knoff, of Leavenworth, Kans.;

Petition of J. T. Limeburne and 33 other citizens of Topeka, Kans.;

Petition of Marian Henderson and 17 other citizens of Jackson County, Kans.;

Petition of J. J. Osler and 21 other citizens of Sedgwick County, Kans.;

Petition of W. P. Smart and 22 other citizens of Mason County, Ky.;

Petition of Thomas H. Franklin and 23 other citizens of Lawrence, Kans.;

Petition of T. B. Johnson and 23 other citizens of Shawnee County, Kans.;

Petition of R. D. Holly and 19 other citizens of Sedgwick County, Kans.;

Petition of Levy Benton and 19 other citizens of Sedgwick County, Kans.;

Petition of K. D. Doyle and 22 other citizens of Sedgwick County, Kans.;

Petition of C. P. Neff and 20 other citizens of Sedgwick County, Kans.;

Petition of H. C. Rollins and 23 other citizens of Woodson County, Kans.;

Petition of William Riley and 19 other citizens of Woodson County, Kans.;

Petition of J. B. Gillard and 22 other citizens of Montgomery County, Kans.;

Petition of W. S. Evans and 21 other citizens of Montgomery County, Kans.;

Petition of Clark Bailey and 20 other citizens of Coffey County; Kans.;

Petition of A. G. Allen and 17 other citizens of Crawford County, Kans.;

Petition of C. G. Lance and 21 other citizens of Crawford County, Kans.;

Petition of J. N. Fricky and 19 other citizens of Sumner County, Kans.;

Petition of F. Golehe and 19 other citizens of Labetta County, Kans.;

Petition of F. J. Kenyon and 42 other citizens of Bourbon County, Kans.;

Petition of H. M. Logan and 17 other citizens of Butler County, Kans.;

Petition of B. F. Bradley and 20 other citizens of Crawford County, Kans.; and

Petition of William H. Ranson and 20 other citizens of Sedgwick County, Kans.

Mr. PERKINS presented the petition of Andrew J. Arnett, of Farlington, Kans., praying that he may be granted an increase of pension; which was referred to the Committee on Pensions.

Mr. HANSBROUGH presented petitions of H. J. Rue and 23 other citizens of Cass County; of C. B. Rice and 23 other citizens of Cass County; and of F. A. Richardson and 23 other citizens of Richland County, all in the State of North Dakota, praying for the appointment of a Senate committee to investigate the combine formed to depreciate the price of grain, and asking for the postponement of the Washburn-Hatch antioption bill; which were referred to the Committee on Agriculture and Forestry.

Mr. SAWYER presented petitions of Henry C. Wachter and 10 other citizens of Wisconsin, and of the congregation of the Evangelical Lutheran Church of Clinton, Wis., praying for the passage of the Washburn-Hatch antioption bill; which were ordered to lie on the table.

He also presented a memorial of the Chamber of Commerce of Milwaukee, Wis., remonstrating against the passage of the Washburn-Hatch antioption bill; which was ordered to lie on the table.

Mr. MITCHELL presented a petition of citizens of the State of Oregon, praying for an extension of time for final entry and payment for lands embraced in the forfeiture act of September 29, 1890, and before that time granted to the Northern Pacific Railroad Company and lying in the State of Oregon, to all those persons who were at the time of the passage of such forfeiture act and who now are entitled to purchase the same; which was referred to the Committee on Public Lands.

He also presented a memorial of citizens of Pleasant Home, Oregon, remonstrating against a commitment of the United States Government to a union of religion and the state, by the passage of any legislation closing the World's Columbian Exposition on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

He also presented the petition of Robert Williams, sergeant of ordnance, United States Army, of Vancouver Barracks, Washington, praying for the passage of legislation authorizing his appointment as a second lieutenant of infantry in the Army and his retirement as of that grade; which was referred to the Committee on Military Affairs.

Mr. JONES of Arkansas. I present sundry petitions in printed form, with printed indorsements on the back, each of them in about the same language. They are the petitions of J. W. Chamblee and 21 other citizens of Jefferson County; of R. D. Logan and 20 other citizens of Benton County, and of W. M. Bailey and 21 other citizens of Jackson County, all in the State of Arkansas, praying for the appointment of a Senate committee to investigate the combine formed to depreciate the price of grain, and asking for the postponement of the Washburn-Hatch antioption bill until such committee shall report.

I move that the petitions be referred to the Committee on Agriculture and Forestry.

The motion was agreed to.

Mr. JONES of Arkansas presented the petition of Amanda Ellington, of Magazine, Ark., widow of Capt. William J. Ellington, who served as chief of scouts with the Third Division, Seventh Army Corps, praying that a special pension act be passed in her behalf; which was referred to the Committee on Pensions.

Mr. CALL presented a petition of citizens of Escambia, Fla., members of the medical profession, praying that an appropriation of $43,983 be made to assist in defraying the expenses of the Pan-American Medical Congress, to be held in Washington, D. C., September 5, 6, 7 and 8, 1893; which was referred to the Committee on Appropriations.

Mr. HALE presented a petition of Central Grange, Patrons of Husbandry, of Foxcroft, Me., praying for the passage of the Washburn-Hatch antioption bill; which was ordered to lie on the table.

He also presented a petition of the Maine State Board of Trade, praying for the passage of legislation providing for the consolidation of second, third, and fourth class mail matter under the second-class rating; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. ALDRICH presented a petition of citizens of Rhode Island of African descent, praying for equal recognition with white citizens in the World's Columbian Exposition; which was referred to the Committee on the Quadro-Centennial (Select).

He also presented a petition of the Baptist churches of Newport, R. I., praying for the passage of legislation closing the World's Columbian Exposition on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 16th instant approved and signed the following acts:

An act (S. 1661) granting an increase of pension to John Hallam;

An act (S. 139) terminating the reduction in the numbers of the Engineer Corps of the Navy; and

An act (S. 1940) for the relief of R. B. Woodson.

The message also announced that the President had yesterday approved and signed the act (S. 2612) granting a pension to Tendoy, chief of the Bannocks, Shoshones, and Sheepeater tribe of Indians.

REPORTS OF COMMITTEES.

Mr. MCMILLAN, from the Committee on the District of Columbia, to whom was referred the joint resolution (S. R. 110) conferring the control of the bridges in the District of Columbia on the Commissioners of the District of Columbia, reported it with an amendment, and submitted a report thereon.

Mr. PASCO, from the Committee on Public Lands, to whom was referred the bill (S. 3316) to restore the Fort Jupiter military reservation, in the State of Florida, to entry, reported it with amendments, and submitted a report thereon.

Mr. HARRIS, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 9758) to amend the charter of the Eckington and Soldiers' Home Railway Company of the District of Columbia, reported it with an amendment, and submitted a report thereon.

Mr. JONES of Arkansas, from the Committee on Indian Affairs, to whom was referred the joint resolution (S. R. 119) authorizing the Secretary of the Treasury to retain and cover into the Treasury certain moneys, etc., reported it without amendment.

The VICE-PRESIDENT. The joint resolution will be placed on the Calendar.

Mr. JONES of Arkansas. There was a joint resolution to the same effect, passed by the House of Representatives, which was a few minutes ago referred to the Committee on Appropriations. If there is no objection I should be glad to have that reference canceled and the joint resolution lie on the table.

Mr. HALE. The reference was made at my suggestion. I have no objection to the course proposed by the Senator from Arkansas.

Mr. PLATT. There is no objection to that, but I desire to say, as one member of the Committee on Indian Affairs, I do not concur in the report which has been made by the Senator from Arkansas upon the joint resolution.

The VICE-PRESIDENT. The House joint resolution will be recalled from the Committee on Appropriations and lie on the table, if there be no objection. The Chair hears none.

Mr. MITCHELL, from the Committee on the Judiciary, to whom was referred the bill (S. 3537) for the relief of M. P. Deady, reported it with amendments, and submitted a report thereon.

Mr. VEST, from the Committee on Commerce, to whom were referred the following bills, reported them severally without amendment:

A bill (H. R. 9487) to amend an act approved April 22, 1890, authorizing the Natchitoches Cane River Bridge Company to construct and maintain a bridge across Cane River, in Louisiana;

A bill (H. R. 8602) to authorize the construction of a bridge across the Mobile River by the Chicago, Mobile and Gulf Ports Railroad Company;

A bill (H. R. 9488) to amend an act approved March 2, 1891, authorizing the construction of a bridge across the Red River, Louisiana, by the Rapides Bridge Company, limited; and

A bill (H. R. 5752) to amend an act approved August 6, 1888, entitled "An act to authorize the construction of a bridge across the Alabama River."

SAFETY OF METZEROTT HALL.

Mr. MCMILLAN, from the Committee on the District of Columbia, who were instructed by resolution to report to the Senate whatever information they may have received relating to complaints made concerning the safety of Metzerott Hall, submitted a report thereon, which was ordered to be printed.

LANDS IN THE DISTRICT OF COLUMBIA.

Mr. GALLINGER. I am directed by the Committee on the District of Columbia, to whom was referred the bill (H. R. 6644)

to amend an act entitled "An act authorizing the sale of title of the United States in lot 3 in square south of square 990," approved March 3, 1891, to report it favorably, without amendment. Inasmuch as the bill is very brief and a similar Senate bill is on the Calendar reported by the same committee, I ask for the immediate consideration of the bill.

After reading, the Senate, by unanimous consent, as in Committee of the Whole, proceeded to consider the bill. It proposes to amend the act by adding the following proviso:

Provided, That the conveyance authorized and directed by this act shall be a quitclaim and relinquishment only of any title that the United States may have in and to said lot, and that in no event shall the United States be liable for any costs, expenses, damages, or taxes in relation to said lot, and that the Secretary of the Interior be, and he is hereby, authorized and directed to so quitclaim, release, and convey the title of the United States in said lot to the said Baker & Sanborn upon the payment into the Treasury by them of $3,200.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. GALLINGER. I move that the bill (S. 3453) to amend an act entitled "An act authorizing the sale of title of the United States in lot 3 in square south of square 990," approved March 3, 1891, be taken from the Calendar and indefinitely postponed.

The motion was agreed to.

PAY OF EMPLOYÉS.

Mr. DAWES. I am instructed by the Committee on Appropriations, to whom was referred the joint resolution (H. Res. 170) to pay the officers and employés of the Senate and House of Representatives their respective salaries for the month of December, 1892, on the 21st day of said month, to report it favorably, without amendment, and I ask for its present consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HOLIDAY RECESS.

Mr. DAWES. I am instructed by the Committee on Appropriations to report favorably the concurrent resolution of the House of Representatives providing for a holiday recess, and I ask for its present consideration.

The VICE-PRESIDENT. The concurrent resolution will be read.

The concurrent resolution was read, as follows:

IN THE HOUSE, *December 15, 1892.*

Resolved by the House of Representatives (the Senate concurring), That when the two Houses adjourn on Thursday, December 22, they will stand adjourned until Wednesday, January 4, 1893.

The VICE-PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. SHERMAN. Let it go over for to-day.

The VICE-PRESIDENT. Objection being made, the concurrent resolution will go over.

REPORT ON LABOR IN EUROPE.

Mr. CHANDLER, from the Committee on Immigration, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of State be directed to transmit to the Senate the report on the condition of labor in Europe recently made by Mr. Walter T. Griffin, United States commercial agent at Limoges, France.

JOHN MALLOY.

Mr. SAWYER. I am directed by the Committee on Pensions, to whom was referred the bill (H. R. 8907) to increase the pension of John Malloy, to report it without amendment, and I ask unanimous consent that it may be now considered.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to increase the pension of John Malloy, late a seaman on the sloop-of-war Preble, in the war with Mexico, from $8 to $15 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SENATE PRIVILEGES AND ELECTIONS.

Mr. HOAR. I am directed by the Committee on Privileges and Elections, who were instructed to cause to be prepared for the use of the Senate a new edition of the book entitled "Senate Election Cases," with an addition in regard to the privileges of the Senate, to report that they have complied with the order of the Senate, and the same is offered to the Senate for its acceptance. I suppose the document will lie on the table and be printed.

The PRESIDING OFFICER (Mr. HARRIS in the Chair). It will be so ordered.

Mr. HOAR submitted the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound, in addition to the usual number, 3,100 copies of the compilation entitled "Senate Privileges and Elections" prepared by the Committee on Privileges and Elections under resolution of the Senate passed February 28, 1891, of which 1,500 copies shall be for the use of the Senate and 1,500 copies for the use of the House of Representatives and 100 for the compiler.

REPORT OF COMMISSIONER OF FISH AND FISHERIES.

Mr. MANDERSON, from the Committee on Printing, to whom was referred the following concurrent resolution, submitted by him on the 13th instant, reported it without amendment, and it was considered by unanimous consent, and agreed to:

Resolved by the Senate (the House of Representatives concurring therein), That the report of the Commissioner of Fish and Fisheries, covering the operations of the Commission for the fiscal year ending June 30, 1892, be printed; and that there be printed 8,000 extra copies, of which 2,000 shall be for the use of the Senate, 4,000 for the use of the House of Representatives, and 2,000 for the use of the Commissioner of Fish and Fisheries; the illustrations to be obtained by the Public Printer under the direction of the Joint Committee on Printing.

BILLS INTRODUCED.

Mr. BATE introduced a bill (S. 3611) to amend the record of Capt. Thomas H. Reeves, United States Army, retired; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. DAWES introduced a bill (S. 3612) for the relief of Henry M. Everest, late a private of the Fifteenth Battery, Massachusetts Artillery Volunteers; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. CAMERON introduced a bill (S. 3613) amending section 1443 of the Revised Statutes of the United States; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also introduced a bill (S. 3614) authorizing the Secretary of the Navy to make certain rules and regulations in relation to the naval rendezvous in April next, and for other purposes; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also introduced a bill (S. 3615) amendatory of an act making appropriations for the naval service for the fiscal year ending June 30, 1893, and for other purposes, approved July 19, 1892; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also introduced a bill (S. 3616) for the relief of Lieut. T. R. Kennedy, Company F, Ninth Pennsylvania Reserves; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. CULLOM introduced a bill (S. 3617) concerning the testimony of witnesses before the Interstate Commerce Commission; which was read twice by its title, and referred to the Committee on Interstate Commerce.

He also introduced a bill (S. 3618) to amend an act entitled "An act to regulate commerce," approved February 4, 1887; which was read twice by its title, and referred to the Committee on Interstate Commerce.

Mr. DAWES introduced a bill (S. 3619) for the relief of Nathaniel McKay; which was read twice by its title, and referred to the Committee on Claims.

Mr. PROCTOR introduced a bill (S. 3620) to amend the act of Congress of February 12, 1887, entitled "An act to amend section 1661 of the Revised Statutes, making an annual appropriation to provide arms and equipments for the militia;" which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

He also introduced a bill (S. 3621) to reduce the number of officers in and the expenses of the Signal Corps of the Army; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. DAVIS introduced a bill (S. 3622) for the relief of Anna W. Osborne; which was read twice by its title, and referred to the Committee on Claims.

Mr. McMILLAN introduced a bill (S. 3623) to amend the act of March 3, 1873, for the relief of the Columbian University, in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. PERKINS introduced a bill (S. 3624) to pay Thompson McKinley $375 for service voucher issued to him during the late war by Capt. George W. Harrison, assistant quartermaster, United States Army; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 3625) granting an honorable discharge to Walter Mitchell; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. PLATT introduced a bill (S. 3626) granting a pension to Mrs. Honora Hennessey; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3627) granting a pension to Britton Brant; which was read twice by its title, and referred to the Committee on Pensions.

Mr. WARREN introduced a bill (S. 3628) donating to the county

of Laramie, Wyo., certain bridges on the abandoned Fort Laramie military reservation, and for other purposes; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. SHERMAN introduced a bill (S. 3629) to extend to the North Pacific Ocean the provisions of the statutes for the protection of fur seals and other fur-bearing animals; which was read twice by its title, and referred to the Committee on Foreign Relations.

He also introduced a bill (S. 3630) for the relief of Nicholas Krier and others; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced a bill (S. 3631) granting a pension to Irvin B. Wright; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MANDERSON introduced a bill (S. 3632) to equalize the pay of officers of the Navy; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Naval Affairs.

He also introduced a bill (S. 3633) to remove the charge of desertion from the military record of George W. McCloughan, late of Company B, Second United States Cavalry; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. TELLER introduced a bill (S. 3634) to provide for building and maintaining an Indian industrial school at Unalaska, Alaska; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. STOCKBRIDGE introduced a bill (S. 3635) granting a pension to Mrs. John G. Mallery; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. PADDOCK introduced a bill (S. 3636) granting a pension to Mrs. Attie Grubb; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3637) granting an increase of pension to John Grady; which was read twice by its title, and referred to the Committee on Pensions.

Mr. HALE introduced a bill (S. 3638) for the relief of N. J. Coffin; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. ALDRICH introduced a bill (S. 3639) granting a pension to Alice Warren; which was read twice by its title; and, with the accompanying paper, was referred to the Committee on Pensions.

He also introduced a bill (S. 3640) granting a pension to Eliza A. Fiske; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 3641) granting a pension to Sarah M. Phillips; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 3642) granting a pension to Honora Breslin; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. CAREY introduced a bill (S. 3643) to provide for the disposal of the Fort Bridger abandoned military reservation in the State of Wyoming; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. HANSBROUGH introduced a bill (S. 3644) for the relief of the families of certain Indian policemen who were killed during the engagement at Sitting Bull's camp, on Grand River, December 15, 1890, and for the relief of Alexander Middle, who was wounded in said engagement; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 3645) granting medals to certain Indian policemen of the Standing Rock Agency, N. Dak.; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. McMILLAN introduced a joint resolution (S. R. 124) directing the Secretary of War to investigate the subject of raft-towing on the Great Lakes and their connecting waters; which was read twice by its title, and referred to the Committee on Commerce.

REGENTS OF SMITHSONIAN INSTITUTION.

Mr. MORRILL. I introduce a joint resolution and ask for its present consideration.

The joint resolution (S. R. 123) to fill vacancies in the Board of Regents of the Smithsonian Institution was read the first time by its title and the second time at length, as follows:

Resolved by the Senate and House of Representatives, etc., That the vacancy in the Board of Regents of the Smithsonian Institution of the class other than members of Congress, shall be filled by the reappointment of James B. Angell, of Michigan, whose term of office expires on January 19, 1892.

The VICE-PRESIDENT. Is there objection to the present consideration of the joint resolution?

Mr. VEST. What is the measure?

Mr. MORRILL. It is a joint resolution providing for the reappointment of President Angell to the Board of Regents of the Smithsonian Institution.

There being no objection; the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The VICE-PRESIDENT. In this connection the Chair appoints the Senator from Delaware [Mr. GRAY] to fill the vacancy on the Board of Regents of the Smithsonian Institution caused by the death of the late Senator Gibson of Louisiana.

HERBERT CUSHMAN.

Mr. PALMER. I move that the vote by which the bill (S. 1754) for the relief of Herbert Cushman was indefinitely postponed be reconsidered with a view to its recommittal to the Committee on Military Affairs.

The motion to reconsider was agreed to by unanimous consent.

The VICE-PRESIDENT. The bill will be recommitted in the absence of objection.

COUNT OF ELECTORAL VOTES.

Mr. TELLER. I submit a concurrent resolution for reference to the Committee on Privileges and Elections.

The concurrent resolution was read, as follows:

Resolved by the Senate (the House of Representatives concurring), That the two Houses of Congress shall assemble in the Hall of the House of Representatives on Wednesday, the 8th day of February, 1893, at 1 o'clock in the afternoon, pursuant to the requirement of the Constitution and laws relating to the election of President and Vice-President of the United States, and the President of the Senate shall be the presiding officer; that two persons be appointed tellers on the part of the Senate, and two on the part of the House of Representatives, to make a list of the votes as they shall be declared; that the result shall be delivered to the President of the Senate, who shall announce the state of the vote and the persons elected, to the two Houses assembled as aforesaid, which shall be deemed a declaration of the persons elected President and Vice-President of the United States; and, together with a list of the votes, be entered on the journals of the two Houses.

Mr. TELLER. I should like to state that after examining the statutes it seems to me that the statute executes itself. But this was the course pursued four years ago, and I thought it better to introduce the resolution and have it referred to the Committee on Privileges and Elections, so as to take the opinion of the committee upon the subject.

Mr. HOAR. I desire to say to the Senator from Colorado, the chairman of the Committee on Privileges and Elections, that the provision of the Constitution that each House may prescribe the rules of its own proceeding has been sometimes thought to prevent Congress from enacting by law provisions for the direction of either House as to the time or mode of its proceeding without the special assent of that particular House in the particular Congress. Without suggesting for a moment that that is a sound view, the committee four years ago thought it the safer way, in a matter of such transcendent importance, to avoid that question by having the provisions of the statute also made a joint rule of the two Houses.

The VICE-PRESIDENT. The concurrent resolution will be referred to the Committee on Privileges and Elections.

MRS. MARY A. MERRITT.

Mr. DAVIS submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay, out of the miscellaneous items of the contingent fund of the Senate, to Mrs. Mary A. Merritt, widow of John G. Merritt, deceased, late a messenger acting as assistant doorkeeper of the United States Senate, the sum of $900, being an amount equal to six months' salary at the rate per annum allowed by law to the aforesaid messenger acting as assistant doorkeeper, said sum to be considered as including the funeral expenses and all allowances.

HEARINGS BEFORE COMMITTEE ON INDIAN AFFAIRS.

Mr. DAWES submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Indian Affairs have authority for the employment of a stenographer to report the hearing before said committee on the 16th instant relative to payment of Indian depredation claims; also that said committee be authorized to employ a stenographer to report hearings before said committee whenever the committee shall so order; the expense of such employment to be paid out of the contingent fund of the Senate.

INDIAN DEPREDATION CLAIMS.

Mr. FAULKNER. I submit a resolution, and ask for its present consideration.

The resolution was read, as follows:

Resolved, That the Attorney-General be, and he is hereby, directed to report to the Senate the total number of Indian depredation claims already filed in the Court of Claims, with the total amount claimed therein; the number of cases claimed as entitled to priority of consideration and the amount claimed therein; the number to which such consideration has been given and the amount claimed therein; and the number and amount of

judgments rendered in such cases; with a list of the cases in which the Department of Justice has made a defense, and the reason and result thereof.

A list of all cases in which there has been allowed by the Secretary of the Interior or the Court of Claims or by either, or has been conceded by the Department of Justice an amount greater than the amount recommended by the Commissioner of Indian Affairs, with a statement of the differences between such allowances and recommendations; and a statement of the judgments, if any, which, after they were paid, were found to be unjust; and, in addition, to inform the Senate whether any attorneys for claimants have also been employed as agents or counsel for the Government in other cases; and whether any claims have been at any time allowed by the court or their priority of consideration conceded by the Department which were not covered by the clause in the act of March 3, 1891, providing that only such cases shall have priority, as were allowed by the Secretary of the Interior under the act of March 3, 1885, and subsequent Indian appropriation acts.

The VICE-PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. PLATT. I have no objection to the resolution. When I introduced a resolution the other day, calling upon the Secretary of the Interior for some similar information, it was laid over at the request of the Senator from West Virginia [Mr. FAULKNER]. He now proposes to call upon the Attorney-General for some information which relates to the same subject. I have no objection to the passage of the resolution, and I suppose he will have no further objection to the adoption of the resolution I offered when it comes up.

Mr. FAULKNER. After examining the resolution of the Senator from Connecticut, I became satisfied that it would not be proper for me to offer this as an amendment to his resolution, and therefore I submit it as an original resolution. I have no objection to the adoption of the resolution of the Senator from Connecticut.

The VICE-PRESIDENT. If there is no objection to the consideration of the resolution submitted by the Senator from West Virginia, the question is on agreeing to the same.

The resolution was agreed to.

INDIAN TRUST FUNDS.

The VICE-PRESIDENT. If there are no further concurrent or other resolutions the Chair lays before the Senate the resolution submitted by the Senator from Connecticut [Mr. PLATT], coming over from a previous day. The resolution will be read.

The resolution submitted by Mr. PLATT on the 15th instant was read, as follows:

Resolved, That the Secretary of the Interior be, and he is hereby, directed to inform the Senate:

First. Of the amounts of the different funds held in trust by the United States for the benefit of the Indian tribes.

Second. Of the amounts of Indian depredation claims which has hitherto received the approval of the Department of the Interior.

Third. If within his knowledge, the whole amount of Indian depredation claims which have been presented to the Court of Claims.

Fourth. Whether any judgment rendered by the Court of Claims against Indian tribes for depredations have yet been paid out of funds held in trust by the United States for the benefit of Indian tribes.

Fifth. To what extent the funds held in trust for Indian tribes by the United States are likely to be depleted by the payment of judgments rendered or to be rendered by the Court of Claims for Indian depredations.

The VICE-PRESIDENT. The question is on agreeing to the resolution.

Mr. PLATT. I desire to amend the resolution by adding at the end of line 4, after the word "tribes"—

And the approximate amount which will be added to such trust funds under agreements recently made with Indian tribes.

The VICE-PRESIDENT. The resolution will be so modified. The question is on agreeing to the resolution as modified.

The resolution as modified was agreed to.

HOUSE BILLS REFERRED.

The following bills this day received from the House of Representatives were severally read twice by their titles, and referred to the Committee on Commerce:

A bill (H. R. 6798) to authorize the construction of a bridge across the Warrior River by the Montgomery, Tuscaloosa and and Memphis Railway Company;

A bill (H. R. 9176) relating to contracts of common carriers, and to certain obligations, duties, and rights in connection with the carriage of property; and

A bill (H. R. 9930) for the construction and maintenance of a bridge across the St. Lawrence River.

The following bills were severally read twice by their titles, and referred to the Committee on Indian Affairs:

A bill (H. R. 6753) for the relief of Nimrod J. Smith, ex-chief of the Eastern Band of Cherokee Indians; and

A bill (H. R. 7633) to ratify and confirm an agreement with the Kickapoo Indians in Oklahoma Territory, and to make appropriations for carrying the same into effect.

The bill (H. R. 9417) to incorporate the Protestant Episcopal Cathedral Foundation of the District of Columbia was read twice by its title, and referred to the Committee on the District of Columbia.

The bill (H. R. 5597) for the relief of William Smith and others was read twice by its title, and referred to the Committee on Military Affairs.

The bill (H. R. 456) to limit the jurisdiction of the district and circuit courts of the United States was read twice by its title, and referred to the Committee on the Judiciary.

NOTICE OF EXECUTIVE SESSION.

Mr. HOAR. I desire to ask for a brief executive session, but I understand the Senator from Tennessee——

Mr. HARRIS. I hope the Senator from Massachusetts will not ask for an executive session now. My colleague——

Mr. HOAR. If the Senator will allow me to complete what I was going to say he will not find any occasion I think to make a suggestion. I was about to state that I understand the Senator from Tennessee [Mr. BATE] desires to address the Senate this morning, and I shall therefore postpone the motion until the Senator concludes his remarks; but when they are concluded I give notice that I shall ask for a two or three minutes' executive session.

Mr. BATE. I will state to the Senator from Massachusetts that I shall not occupy more than twenty-five or thirty minutes.

The VICE-PRESIDENT. The Senator from Tennessee is recognized as entitled to the floor.

SUPERVISORS OF ELECTIONS AND SPECIAL DEPUTIES.

Mr. BATE. Mr. President, a few days since I gave notice that I would to-day ask the permission of the Senate to call up from the table Senate bill 3504, for the purpose of submitting some remarks thereon. I ask that the bill may be laid before the Senate at this time.

The VICE-PRESIDENT. The Chair lays before the Senate the bill indicated by the Senator from Tennessee, which will be stated.

The CHIEF CLERK. A bill (S. 3504) to repeal all statutes relating to supervisors of elections and special deputies.

Mr. BATE. Mr. President, it is the fundamental law of government by the people that the will of the people expressed at the polls is not only the law of our existence as a Congress, but also the rule for the guidance of our actions in legislation. It is the recognition of and obedience to that will so plainly indicated in the late elections that I have introduced this bill to repeal all Federal laws relating to elections of members of Congress.

Those laws had their origin and inception under circumstances and conditions different from those existing to-day. They were inspired by animosities engendered by a great war; they embodied the purposes of a triumphant political party animated by passions that are fortunately subsiding; they voiced a sentiment of alleged purpose on the part of a portion of the people to deny full scope to the amendments of the Constitution adopted at the close of the late war.

None of the reasons which underlie these Federal election laws have force and efficacy at this time. The animosities of our sectional conflict are buried forever; the passions excited by the late war have passed away, and full force and effect are now given to the whole Constitution and to all of its amendments. The bloody shirt, the scalawag, and the carpet-bagger have played their alleged parts in elections, and have gone never again to return. There are no substitutes for them. It was the alleged influence of such forces as those in elections that called into existence all the sections of the Revised Statutes which stand on the books under the title of elective franchise.

The reason for the law having ceased, the law ought to cease also. I do not believe that either the title "elective franchise" or any of the laws which bolster it have any justification under the Federal Constitution. Whether the title had any place in the Revised Statutes, the first edition prepared by Mr. James, I have not examined; but it appears that this title was invented by Mr. Boutwell in his edition of the Revised Statutes of 1878.

I can not find that any law by Congress for the purification or supervision of the elective franchise in the States has ever had the sanction or approval of a single one of the great fathers of our Federal system, or that any one of those grand statesmen who were the immediate successors of the fathers ever countenanced the proposition that Congress could or should supervise the election of members of the House of Representatives.

The right of suffrage is defined and irrevocably fixed in the Constitution; Congress can not enlarge, impair, alter, or regulate it. Whoever in the States vote for members of the State Legislature shall vote for members of the House of Representatives of Congress. That is the constitutional mandate, obligatory on the States, and never questioned or denied by any State. Hence, the "elective franchise" has no proper place as a title to Federal laws and is supererogatory, useless, and reflective upon the States. That title is the assertion of a power by Congress hostile to the spirit and intent of the Federal Constitution.

It is the remark of the historian, Mr. Henry Adams, that "the great object of terror and suspicion to the people of the

thirteen provinces was 'power;' not merely power in the hands of a president or a prince, of one assembly or of several, of many citizens or few, but power in the abstract, wherever it existed and under whatever name it was known." Their public men of the Colonies had read in Blackstone that, "there is and must be in all forms of government, however they began or by what right soever they exist, a superior, irresistible, absolute, uncontrolled authority, in which the *jura summi imperii*, or the rights of sovereignty reside." And that Parliament is the place "where that absolute despotic power which must in all governments reside somewhere is intrusted by the constitution of the British Kingdoms."

It was the European political belief that supreme, irresistible authority must exist somewhere in every government. America, on the other hand, asserted that the principle was not true; that no such supreme power need exist in a government; that in the American Government none such would be allowed to exist, because absolute power in any form was inconsistent with freedom; and that the new Government should start from the idea that the public liberties depended upon denying uncontrolled authority to the political system in its parts or in its whole.

Everyone knows with what logic this theory was worked out in the mechanism of our Constitution. Not only were rights reserved to the people never to be parted with, but rights of great extent were reserved to the States as a sacred deposit to be jealously guarded. Even in the General Government the States' great depositories of power were made independent of each other; checks on each other's assumption of authority, separately responsible to the people, that each might be a protection and not a danger to the public liberties.

Such an exhibition of jealousy of absolute power precludes the idea that authority would be conferred by the convention which framed the Constitution of 1877 on the central Government to interfere with and control the States in the election of their Representatives to Congress. The authority given to Congress in the fourth section of the first article of the Constitution to make or alter the "regulations" of the States in elections was to be exercised only for the preservation of the existence of Congress; to secure elections should any State refuse or fail to discharge its Federal duty.

This is confirmed by the discussion in the sixty-ninth number of the Federalist (page 448), where Mr. Hamilton discusses "that provision of the Constitution which authorizes the National Legislature to regulate, in the last resort, the election of its own members." Having quoted the clause emphasizing the "times, places, and manner," and "such regulations," he adds and emphasizes in italics:

> Its propriety rests upon the evidence of this plain proposition *that every government ought to contain in itself the means of its own preservation.*

The power was to be used "in the last resort," and then only for the purpose of "its own preservation."

He says that there "were only three ways in which this power (of preservation) could have been reasonably organized; that it must either have been lodged wholly in the National Legislature, or wholly in the State Legislatures, or primarily in the latter (the States), and ultimately in the former" (the National Legislature).

> The last mode has with reason been preferred by the convention.

That is to say, the States were to regulate the times, places, and manner of elections, and the Congress only in the event of a failure on the part of the States, for he adds:

> They have submitted the regulations of elections for the Federal Government, in the first instance, to local administrations, which in ordinary cases, and when no improper views prevail, may be both more convenient and more satisfactory; but they have reserved to the national authority a right to interpose whenever extraordinary circumstances might render that interposition necessary.

It was for the preservation of the existence of the National Government that the power was granted, and for no other purpose. It never was contemplated that officials of the Federal Government should supervise and oversee the elections held in the States. It was a power granted to be used "in the last resort" to preserve the House of Representatives, and not to purge the elections in the States. The convention apprehended that the "exclusive power of regulating elections for the National Government in the hands of the State Legislatures would leave the existence of the Union entirely at their mercy," and that by merely not holding elections they could annihilate the Union. It was, in Mr. Hamilton's language, "the constitutional possibility" of nonaction by the States which this power was intended to guard against.

It is impossible to read the discussion of this article in the number of the Federalist referred to without observing that the power to regulate Congressional elections was granted to Congress solely from apprehensions that "combinations" might be made between States not to elect Representatives, and it was to guard against such combinations that Congress in the last resort was to use the power for its own preservation.

The idea of supervising by Federal officials elections in the States is never once presented in the discussion. The power was granted solely for the purpose of preservation. For, continues Mr. Hamilton:

> If the State legislatures were to be invested with an exclusive power of regulating these elections, every period of making them would be a delicate crisis in the national situation, which might issue in a dissolution of the Union, if the leaders of a few of the most important States should have entered into a conspiracy to prevent an election.

It was to prevent a "combination" of leaders of public opinion in a few States effecting a dissolution of the Union by not electing Representatives that this clause of the Constitution was inserted. It had no reference whatever to purifying the ballot or to protecting the State's voter in his right of suffrage. That was a latter-day subterfuge invented to secure party ascendency, and not an honest exercise of a power designed solely to prevent a dissolution of the Union.

The time when this interference by Congress in the elections in the States first took effect was in the dark days which followed the late war between the States. Federal supervisors of elections were unknown to the laws prior to 1871 and special deputies cropped out of politics in the same year. Each set of officers came into being for the purpose of checking and checkmating the revulsion of the popular feeling from the animosities of the late conflict to a more kindly sentiment between the sections. Though the laws applied to all the States, their enforcement was peculiarly severe in Democratic localities. Its purely partisan character is confirmed by the fact that its harshest application was always where Democrats were most numerous, which was in New York and the South. It was one party using Federal means to defeat another.

These laws are further illustrations of Mr. Jefferson's apprehension, to use his own language, that "parchment barriers would be inefficient against the encroaching spirit of power." They were enacted in order that a political party might perpetuate its hold on national offices by distorting and twisting constitutional provisions to the ends of party supremacy.

Mr. Hamilton dreaded the "intrigues of foreign powers patronized and abetted by ambitious leaders in the States," but he never contemplated that "an uncontrollable national power over the elections of the Federal Government" would come out of this clause, and be used for the perpetuation of a political party in power. On the contrary, his argument is to show that this power would not be used by Congress "to promote the election of some favorite class of men in exclusion of others." He argues to show that this power could not be exerted between merchants and landowners, commerce and agriculture, or to elect the "wealthy and well born" over the "rest of society." He never dreamed that it was to be invoked to elect negroes and scallawags over what he called "the wealthy and well born," the merchant and farmer.

The authority given to Congress by said section 4 to make or alter the regulations of elections was confined to time, place, and manner. To time Mr. Hamilton says:

> Because "if each State may choose its own time of election it is possible there may be at least as many different periods as there are months in the year. The times of elections in the several States, as they are now established for local purpose, vary between extremes wide as March and November. The consequence of this diversity would be that there could never happen a total dissolution or renovation of the body at one time. If an improper spirit at any time should happen to prevail in it that spirit would be apt to infuse itself into the new members as they came forward in succession. The mass would be likely to remain nearly the same; assimilating constantly to itself its gradual accretions."

Uniformity in the time of elections was necessary for executing the idea of regular rotation and for conveniently assembling the Congress at a stated period in each year. To that end the power to regulate the time of election was given. The power to regulate the places of holding elections was given in order to prevent the spirit of hostility to the Union from effecting its dissolution by appointing places of elections distant and inconvenient to the voters, and thus preventing an election.

The discussion in the Federalist of this clause of the Constitution plainly shows that the grant of a power to Congress to regulate elections was to be used only "in the last resort," and then only for the "preservation" of the House of Representatives. Such was the opinion of the great leader of that party in American politics, which is known as the liberal or latitudinarian construction party.

If we consult Mr. Jefferson we find him in his first inaugural counseling his party to "support the State governments in all their rights," among which he regards "a jealous care of the right of elections" as the best means of keeping "all things within the pale of constitutional powers," and as most compatible with "cherishing the Federal Union as the only rock of safety." The most diligent search of the contemporaneous debates on the Constitution will fail to discover an expression in support of the

exercise of this power beyond that of the existence of the House of Representatives.

The power to regulate the manner or the form or method of voting, whether by ballot or *viva voce*, was likewise conferred for the same high purpose of preserving the existence of the House of Representatives, but to be used only in the last resort and only to meet extraordinary circumstances which threatened the existence of the Union. Mr. Hamilton nowhere explains the purpose of conferring the power to regulate the manner of elections. It may be purely verbal criticism to attempt to draw a distinction between the "manner of elections" and "the manner of holding elections," but neither phrase is broad enough to embrace the twenty-four sections of the Revised Statutes which for several years past have proved the fecund cause of election broils, riots, murder, and crime in many of the States. The mischievous machinery of these Federal election laws, distorting the Federal courts to purposes never contemplated in the scope of the Federal judiciary, has brought some of those high tribunals into popular disrespect and suspicion. Their power and disposition to dispense justice, preserve and protect rights, punish crimes and misdemeanors, have been compromised, in the esteem of the people, by having them converted to the ends of party supremacy.

The great and important powers intrusted by the Constitution to the Federal judiciary to adjudicate "cases in law and equity" under treaties, and affecting ambassadors; of admiralty and maritime jurisdiction; controversies between the States; between citizens of different States; such high powers are by these laws put in motion (under section 2011) by two citizens in any city of 20,000 inhabitants who may express their desire to have the circuit court opened and kept open and to appoint new and strange officers, with extraordinary powers, to the end that registration of voters under the laws of the States may be watched and guarded by Federal officers. Criminal jurisdiction has been conferred by those statutes on Federal courts for violations of State laws.

Federal supervisors of elections are made supervisors of State registration and authorized and empowered to "affix their signatures to the original lists," which are peculiarly State papers. They are authorized to challenge any State's voter; to scrutinize the manner of voting under the State's law. Positions within the State's voting places are assigned (by section 2019) to these Federal officers. Then there are special deputy marshals provided by these laws (section 2021) to aid the supervisors in disturbing the peace at the polls, and breeding riot and disorder within the precincts of a State's election. This whole machinery of Federal supervision of State elections is incongruous with that division of powers between the Federal and State governments which distinguish our complex system. Its constitutionality is questioned and disputed; its necessity or propriety is denied; its operations are productive of riot and disorder. It purifies neither the ballot nor the counting. It secures no man his rights and serves no purpose other than that of a partisan and dishonest advantage for a political party.

By late ruling in the Federal courts Congress has been denied the power to make the Federal courts adjuncts or auxiliaries to the Interstate Commerce Commission on the ground that Congress "can not make a judicial department the mere adjunct or instrument of either of the other departments of the Government." If this be correct ruling, can it make the circuit courts the adjunct or auxiliary of any two citizens in a city of 20,000 inhabitants who may desire to be supervisors of elections? If so much of the law of the Interstate Commerce Commission as requires the courts to use their powers in aid of inquiries before the Commission is unconstitutional and void, because the Interstate Commerce Commission is a nonjudicial body, it can not be held that two citizens in a town, or ten in a county, can invoke powers which are denied to a great commission created by act of Congress.

Mr. President, these laws have been in operation for over twenty years, and have not reconciled the people to their harsh interference with affairs belonging exclusively to the States. It is not surprising that the late political revolutions of 1890 and 1892 swept from power the party which enforced the machinery for interfering with the elections of the States. The force bill was a potent factor in the late overwhelming defeat which has overtaken the party that invented and perfected the machinery of Federal supervisors and deputy marshals. This law which I propose to repeal is the germ or protoplasm of the force bill. It is that bacillus which has poisoned our elections and inoculated them with fraud under the color of law until it had well-nigh resulted in a force bill.

From the supervisor of elections and the armed deputy marshal the step was but a short one to the army at the polls, to domiciliary visitation, as in New York, and all the other provisions which so incensed the people, that the last election is recognized as a political revolution which has no doubtful or uncertain meaning. It carries the people's mandate to reform every law put upon the statute books under the influence of the animosities which grew out of the late war. We are at peace with each other, and all laws which had their origin and inception in the spirit of conflict shall give place to milder measures and more liberal purposes.

Neither "race, color, nor previous condition of servitude" plays now any part in elections, if either ever did. We have changed all that, and colored and white exercise the same rights and enjoy like privileges. The day has come to bring the Federal Government back to those duties for which it was provided, and the late elections have brought into power a party pledged to reform, not only fiscal, but elective: not only the tariff, but supervisors and deputy marshals and all the Federal machinery that interferes with State affairs, to wipe out absolute power, which has no rightful place in our Federal system.

So great has the public dissatisfaction with this Federal supervision of elections become, that the House of Representatives has been constrained to appoint a committee to investigate the election methods of Mr. John I. Davenport, of New York. The report of the committee has not yet been made, but the public press for years has kept the public mind agitated with the irritating interference of this supervisor in the elections of New York City Throughout the South the deputy marshals have played police, often exhibiting their arms around the polling places, to the great provocation of riot and disorder. Not one man's franchise has been better protected or guarded by these Federal officers than by the officers of the States. The conflict between the two jurisdictions, between Federal and State officers, is not only unseemly but unnecessary.

That conflict between Federal and State officials involves a conflict between the election laws of the States and the election laws of Congress. The necessity for the repeal of these laws is emphasized by the threatened conflicts between the United States and State officials, which occasioned so much apprehension immediately before the late elections. In New York, Alabama, Georgia, and Arkansas grave and serious conflicts threatened the public peace, and were prevented not so much by the discretion of Federal officials as by the forbearance of the people. Both Federal and State officers marshaled their respective forces under instructions, each based on laws in direct conflict.

New York's law forbid intrusion by any person not authorized by the statutes within the polling places. The United States marshal instructed his deputies that they could not be prevented from being inside the guard rail on election day. Both parties quoted decisions of the Supreme Court to sustain their respective pretensions, the State citing "Brewer, J." (U. S. Supreme Court, 22 Fed. Rep., 153), and the marshal denouncing that as "dicta of one of the judges" and not binding on his deputies.

In Alabama the State authorities insisted that the State's laws were paramount, while Marshal Walker asserted the supremacy of the Federal law.

I shall not here discuss who was right or wrong. It is the cause and the occasion for these unseemly contentions at the time of intense excitement that the public voice now demands shall be removed by the repeal of these Federal election laws. The States protect the elections by provisions of their laws which are deemed proper and necessary to guard the great rights which the States confer.

Since the election in 1888 a very large number of the States have endeavored to give additional protection to the right of suffrage by adopting the Australian ballot system, or a kindred one to suit different conditions. Instead of neglecting or failing in their duty to guard all elections, these States have adopted a most expensive and complete system of preserving the secrecy and the integrity of the ballot

As soon as the States became impressed with the fact that the ballot box had, especially in large cities, become a vehicle for fraud at elections, and an instrument by which lucrative offices were wrongfully secured and the free will of the voter paralyzed by the dominant influence of employers and political bosses—perverting the ballot from the service it was intended to perform—when all this became patent, the States in discharge of their duty seized upon the Australian system as the remedy for these evils. They were quick to discharge their duty of regulating the times, places, and manner of elections. They did not by indifference or neglect offer to Congress the occasion, the extraordinary circumstance, which Mr. Hamilton designated as justifying Congress to interfere, but discharged their full duty, in order that Congress could have no excuse for intermeddling with their elections.

The whole trend of public thought throughout the States was towards peace, quiet, and orderly elections. To that end the secrecy of the ballot was secured by booths in which the voter could alone, secretly, without supervision by any one, discharge his

elective duty. That system is elaborate, full, and complete; protects the voter from espionage of every man except the Federal supervisor, who, under sections 2017 and 2018, is authorized and required to "personally inspect and scrutinize, from time to time, and at all times, on the election day," "and to personally scrutinize, count, and canvass each ballot." How and in what manner these Federal officers are to "scrutinize" and "canvass each ballot" is left to the discretion of these officers. The power to scrutinize and canvass is conferred by Federal law, and the officer is left to select the mode and manner of his scrutiny and canvass.

If his judgment prompts him to invade the booth and stand by the voter while he marks the ballot, then the Federal laws lay no restraint upon his violation of the secrecy of the ballot.

These Federal election laws were enacted before the Australian ballot system was understood, and the powers they conferred to be used under the old have not been modified or changed under the new system. If these laws are constitutional, if they ever were necessary, they are harmful under the Australian ballot system, which now prevails in many—I know not how many—of the States. If no other reason suggested their repeal, their inapplicability to the Australian ballot system, which now prevails in most of the States, would suggest their material modification and adjustment to the new mode of ascertaining the public will. But the public voice demands their repeal, because grave offenses against the elective franchise have been committed under color of these laws.

The representatives of the States in Congress are appointed agents by the States for Federal purposes. Those representatives are elected by citizens of the States under the laws of the States; the voters are citizens of the States. Illegal voting is a crime against State laws and punishable in State courts. The illegal conducting of an election is also a crime against State laws. The whole machinery of the election belongs exclusively to the State, and so long as the State provides its machinery for conducting the election of the members of Congress the occasion for making regulations of elections by Congress has not arisen.

"The last resort" which Mr. Hamilton said must arise before Congress can act, until that failure on the part of the States, it can not arise. Hence all the provisions of Federal law for supervising elections in the States are without reason and justification. More than that, those laws authorize acts by Federal supervisors and deputy marshals which contravene provisions of the State's laws; for instance, positions to Federal officers within the polling booths are authorized by the Federal laws, which are forbidden by the State's laws. The officers of the State assert their right to be alone in the polling booths. The Federal officers assert the right under the Federal laws to be present within the booths, "to take, occupy, and remain in such position, from time to time, whether before or behind the ballot boxes, as will, in their judgment, best enable them to see each person offering himself for registration or offering to vote."

Here arises a conflict unnecessary and provocative of disorder. This conflict is often intensified by the Federal official exhibiting arms and evincing a purpose to use them, while section 2002 forbids military and naval officers of the United States from having "any troops or armed men at the places where any general or special election is held in any State," and section 2003 forbids all officers of the Army and Navy from interfering "with the freedom of any election in any State." These supervisors of elections and deputy marshals, selected often from the worst characters in the community, are authorized by law to invade the voting and registering places, and have on several occasions brandished their revolvers with threats of violence directed at citizens and State officials.

Under the monarchy of England no armed troops can remain within miles of voting places, and under our Federal laws no military or naval officer dare approach a voting place with "armed men;" but these rowdies, bummers, and political roughs, clothed with Federal authority and armed with revolvers, can molest the *State's* officials in the discharge of their duty; are authorized to attach their signatures to the voting lists, to arrest citizens obnoxious to them or their party leaders, and interfere with the election by personal scrutiny of each voter, and by act of irritation and insult provoke conflicts, and then *arrest* the *citizens they have provoked* into conflict, arraign them before a Federal judge or commission for *alleged* crimes, trumped up to prevent voting, to intimidate citizens, and to influence the election according to their party predilection.

Some idea of the unwarranted power conferred on those Federal officers is presented in section 2022, where authority is given to the deputy marshal "to arrest and take into custody, *with or without process*" any person who may, in the opinion of these officers, have violated any provision of these laws, thus violating all the provisions of the Constitution guaranteeing personal security against unreasonable searches and seizures.

These supervisors of elections are authorized, "*when molested*"—*and they are made the judges of the molestation*—to set on foot an "examination of the facts," to certify to those alleged facts, to forward *their own version* of the molestation to the Clerk of the House of Representatives, to be made evidence for contesting the election if unfavorable to their political friend, and often their employer. (Section 2020.) The law empowers these *partisan* supervisors to organize, if I may so speak, a *mob*, and to *excite a riot*, by the authority given them "to summon and call to his aid the bystanders;" that is, to summon *his partisans*, to collect *his* political clan, and with *his* political "posse comitatus" to arrest any and all opponents whose votes he may desire to prevent being polled.

For all and each of these acts of violence against the election rights of the States and against the persons of citizens, the law provides ample pecuniary reward. It invites, by compensation of $5 per day and numerous fees, any impecunious bummer to become a Federal officer. Any *two citizens* in a city of 20,000 inhabitants may invoke the courts to open to them and their friends a way to be employed at $5 per day, not exceeding ten days; that is, may reward partisans in cities with $50 each for active work around the polls, and the *Federal Treasury* is made to pay these expenses for *Federal interference* with *State elections*. Heavy and enormous as these expenses have been, they are the least of the evils which have arisen under this law.

If the States can not be trusted to guard and protect the integrity of the elective franchise which comes directly from the States, and which the Federal Government can not confer, then popular government is a failure. If the very foundation of popular government, the elective franchise conferred by the States, has to be watched and guarded by Federal officers from assaults of the very people by whom it is exercised, then some other mode of ascertaining the public will must be invented. Our dual system of Government is a failure if the States can not keep pure the very elections which maintain the organization of the Federal system.

If this be so, the autonomy of the States is gone, local self-government is swallowed up in paternalism, and "home rule" is a myth, known only to the past—"a schoolboy's tale, the wonder of an hour." The whole Federal election scheme of laws is a slander upon the States—implying that their laws are not stringent enough to protect the franchise, that their officers are not vigilant enough to guard its exercise, but that a power outside the State must send its officers to the voting places to guard the State's franchise from the fraud and violence of the State's citizens.

This power of Congress over elections having been conferred only, in the language of Mr. Hamilton, "to intrust the Union with the care of its own existence"—and there being no apprehension for the permanency of the Union—the laws have no constitutional warrant, however much they may find a pretended authority. They are useless for any purpose; they serve no good; they do much harm, and their remaining on the statute books is in direct disregard of the spirit and purpose of the late elections and of the peace and quiet of the country.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had passed the bill (S. 3298) authorizing the sale of land in the vicinity of Fort Mifflin, on the Delaware, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the concurrent resolution of the Senate providing for the printing of 23,000 copies of the ninth annual report of the United States Civil Service Commission, with appendixes.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the enrolled joint resolution (H. Res. 170) to pay the officers and employés of the Senate and House of Representatives their respective salaries for the month of December, 1892, on the 21st day of said month, and it was signed by the Vice-President.

WILLIAM M'GARRAHAN—VETO MESSAGE.

Mr. HOAR. I move that the Senate proceed to the consideration of executive business.

Mr. TELLER. If the Senator will allow me, what is known as the McGarrahan bill has the right of way, and I simply ask that that bill may go over until to-morrow and that the Senator from Virginia [Mr. HUNTON] may have the floor to-morrow after the conclusion of the regular routine business of the morning hour.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The Senator from Colorado asks the unanimous consent of the Senate that the bill known as the McGarrahan bill may be taken up and

proceeded with immediately after the routine business to-morrow morning. Is there objection? The Chair hears none.

SALE OF NAVY-YARD LANDS IN BROOKLYN.

Mr. McPHERSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from New Jersey?

Mr. HOAR. Let my motion be considered as having been informally waived.

Mr. McPHERSON. I wish to ask for the immediate consideration of House bill 8760, Order of Business 1153, a bill which will only take the time necessary to read it. It is a short but an important bill.

Mr. HOAR. Let the bill be read for information.

The PRESIDING OFFICER. The title of the bill will be stated.

The SECRETARY. A bill (H. R. 8760) to provide for the sale of navy-yard lands in the city of Brooklyn.

The PRESIDING OFFICER. The Senator from New Jersey asks unanimous consent of the Senate that the bill, the title of which has been read, be now considered. Is there objection?

Mr. HOAR. I desire to have the bill read at length for information.

The PRESIDING OFFICER. The bill will be read at length, subject to objection.

The Secretary read the bill, and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SALE OF LANDS NEAR FORT MIFFLIN.

Mr. HOAR. I now move that the Senate proceed to the consideration of executive business.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is the bill (H. R. 7845) defining "options" and "futures," imposing special taxes on dealers therein, and requiring such dealers and persons engaged in selling certain products to obtain license, and for other purposes, pending which the Senator from Massachuetts moves that the Senate proceed to the consideration of executive business.

Mr. CAMERON. With the consent of the Senator from Massachuetts, I ask that the Senate take up at this time a bill which has come from the House of Representatives, with amendments.

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Pennsylvania?

Mr. CAMERON. The bill will take but a moment.

Mr. HOAR. Very well.

Mr. CAMERON. I ask that the amendments of the House of Representatives to Senate bill 3298 may be laid before the Senate, and that the amendments made by the House of Representatives be concurred in.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 3298) authorizing the sale of land in the vicinity of Fort Mifflin on the River Delaware.

The amendments of the House of Representatives were, in line 1, after the words "Secretary of War," to insert "and the Secretary of the Navy;" in the same line, after the word "being," to strike out "is" and insert "are;" in line 3, to strike out the word "himself" and insert "themselves;" and in line 13, after the words "Secretary of War," to insert "the Secretary of the Navy."

The PRESIDING OFFICER. The question is on the motion of the Senator from Pennsylvania that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

EXECUTIVE SESSION.

Mr. HOAR. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After seven minutes spent in executive session the doors were reopened.

DEALING IN "OPTIONS" AND "FUTURES."

The PRESIDING OFFICER. The Senate, as in Committee of the Whole, resumes the consideration of the bill (H. R. 7845) defining "options" and "futures," imposing special taxes on dealers therein, and requiring such dealers and persons engaged in selling such products to obtain license, and for other purposes. The pending question is upon the amendment proposed by the Senator from Virginia [Mr. DANIEL], to strike out section 10.

Mr. BLACKBURN. I move that the pending bill be laid aside, and that the Senate proceed at this time to the consideration of the bill (S. 2626) to authorize the New York and New Jersey Bridge Company to construct and maintain a bridge across the Hudson River between New York City and the State of New Jersey.

The PRESIDING OFFICER. The Senator from Kentucky moves that the Senate proceed to the consideration of the bill indicated by him.

Mr. WASHBURN. I rise to a parliamentary inquiry. If the motion of the Senator from Kentucky prevails, do I understand that the antioption bill would lose its place on the Calendar as unfinished business?

The PRESIDING OFFICER. If the motion of the Senator from Kentucky prevails it would displace the unfinished business.

Mr. BLACKBURN. Before making the motion, I will ask unanimous consent that the Senate now proceed to the consideration of the bill I have indicated.

The PRESIDING OFFICER. The Senator from Kentucky asks the unanimous consent of the Senate that the bill indicated by him be now considered, the unfinished business being informally laid aside.

Mr. FRYE. I object.

Mr. BLACKBURN. Then I renew my motion.

The PRESIDING OFFICER. The Senator from Kentucky moves that the Senate proceed to the consideration of Senate bill 2626.

Mr. FRYE. I hope the Senator from Kentucky will withhold the motion until after the holiday recess.

Mr. BLACKBURN. I should like to know upon what ground that request is based.

Mr. FRYE. I have just received——

The PRESIDING OFFICER. The Chair indulges this colloquy by unanimous consent. The question pending is not a debatable one.

Mr. BLACKBURN. I understand it, sir, and I do not desire to debate it.

Mr. FRYE. I have a telegram dated December 19——

Mr. BLACKBURN. I object to any debate unless we are to be heard on both sides.

Mr. WASHBURN. I call for the regular order, and demand the yeas and nays upon the motion of the Senator from Kentucky [Mr. BLACKBURN].

Mr. BLACKBURN. I second that call.

The yeas and nays were ordered.

Mr. BATE. I have just come into the Chamber. Will the Chair let us know what we are to vote on?

The PRESIDING OFFICER. The Senator from Kentucky moves that the Senate proceed to the consideration of the bill (S. 2626) to authorize the New York and New Jersey Bridge Company to construct and maintain a bridge across the Hudson River between New York City and the State of New Jersey. The question is, Will the Senate agree to the motion, upon which the yeas and nays have been ordered? The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. VEST (when Mr. COCKRELL'S name was called). My colleague [Mr. COCKRELL] is absent on account of affliction in his family. He is paired with the Senator from Iowa [Mr. ALLISON].

Mr. BERRY (when Mr. IRBY'S name was called). The Senator from South Carolina [Mr. IRBY] requested me to state that he was necessarily compelled to be at home, and I understood him to say that he is in favor of the antioption bill, and would vote against the pending motion.

Mr. PALMER (when his name was called). On this question I am paired with the Senator from South Dakota [Mr. KYLE]. I understand that if he were present he would vote "nay" and I should vote "yea."

Mr. QUAY (when his name was called). I have a general pair with the Senator from West Virginia [Mr. FAULKNER]. I am not aware of his opinion on the bridge bill, and I withhold my vote.

Mr. DUBOIS (when Mr. SHOUP'S name was called). My colleague [Mr. SHOUP] is absent, having been appointed by the Vice-President a member of the committee to attend the funeral of the late Senator Gibson, of Louisiana.

Mr. WALTHALL (when his name was called). I am paired on this question with the Senator from Rhode Island [Mr. DIXON], who is absent on account of illness in his family. If he were present, I should vote "nay."

Mr. WILSON (when his name was called). I have a general pair with the Senator from Georgia [Mr. COLQUITT]. I do not know how he would vote on the pending motion, and I therefore withhold my vote.

The roll call was concluded.

Mr. CAMERON. I am paired with the Senator from South Carolina [Mr. BUTLER]. Not knowing how he would vote, I withhold my vote.

Mr. HILL (after having voted in the affirmative). I am paired with the Senator from South Carolina [Mr. IRBY] on the anti-option bill. I am told that the effect of the pending motion is to displace the antioption bill. I have no desire to do that. Possibly I ought to withdraw my vote and not vote at all upon this question. I think I will withdraw my vote under the circumstances.

The PRESIDING OFFICER. The Senator from New York withdraws his vote.

Mr. WILSON. I am informed that the Senator from Georgia [Mr. COLQUITT], if present, would vote "nay." I will therefore vote. I vote "nay."

The result was announced yeas—13, nays 41, as follows:

YEAS—13.

Aldrich,	Gibson,	Mills,	Vilas.
Blackburn,	Gray,	Sanders,	
Blodgett,	Harris,	Stewart,	
Brice,	Hunton,	Vest,	

NAYS—41.

Allen,	Dubois,	Mitchell,	Sherman,
Bate,	Frye,	Morgan,	Stockbridge,
Berry,	Gallinger,	Morrill,	Teller,
Call,	George,	Pasco,	Turpie,
Casey,	Hale,	Peffer,	Vance,
Chandler,	Hansbrough,	Perkins,	Washburn,
Coke,	Hiscock,	Platt,	Wilson,
Cullom,	Hoar,	Proctor,	Wolcott.
Davis,	Jones of Ark.,	Pugh,	
Dawes,	McMillan,	Ransom,	
Dolph,	Manderson,	Sawyer,	

NOT VOTING—33.

Allison,	Faulkner,	Kenna,	Squire,
Butler,	Felton,	Kyle,	Stanford,
Cameron,	Gordon,	McPherson,	Voorhees,
Carey,	Gorman,	Paddock,	Walthall,
Carlisle,	Hawley,	Palmer,	Warren,
Cockrell,	Higgins,	Pettigrew,	White.
Colquitt,	Hill,	Power,	
Daniel,	Irby,	Quay,	
Dixon,	Jones of Nev.,	Shoup,	

So the motion was not agreed to.

The PRESIDING OFFICER. The pending question is on the amendment proposed by the Senator from Virginia [Mr. DANIEL] to strike out section 10.

Mr. FRYE and Mr. MORGAN. Let it be read.

The PRESIDING OFFICER. The Secretary will read the amendment.

The Secretary read the section proposed to be stricken from the bill.

Mr. PALMER. Mr. President, I have no embarrassment in regard to my position on this measure. During my canvass for Senator in Illinois I was asked publicly by a body which claimed to represent the farmers of Illinois whether I would vote for a bill like this, and by a public letter, or a letter which was published, and in speeches made in various parts of the State I said no.

The option clause, the first section of the bill, is much less satisfactory and comprehensive to my mind than the statute of Illinois on the same subject. We have in that State a well considered statute which covers all and much more than the first section of this bill. The statute of Illinois does not attempt to define options, but it is assumed in the statute that the word "option" is one that has a known legal signification, and dealing in options is prohibited and is punished in addition by adequate fines and penalties.

I therefore said to those who asked me that there being a law in the State, a careful, well-considered statute, nothing more could be gained by mere legislation. It was said to me by gentlemen who differed with me that the law of Illinois was not thoroughly enforced. I admitted that to be true, and I said, and say here, it is not wise to enact laws simply to be disregarded. I apprehend that this proposed law would like that be disregarded, if it were free from any constitutional objection.

I regret, Mr. President, this disposition on the part of the people, for it is with them, and a disposition which I find echoed by their representatives in the States and in Congress, to multiply criminal or penal statutes. It may be said, and seems contradictory, too, to say it, that the enactment of a law which public opinion will not sustain and enforce is of itself demoralizing. The example of the disregard of law is of itself an evil; it is demoralizing. Legislation, in my judgment, to be wise must be but the mere expression of the public will and supported by the public conscience.

If we are to believe the reports we have through the press, option dealing is regarded in most of the large cities as absolutely free from offense. I regret that it is so, but it is the case; and while that state of public sentiment exists it seems to me to be unwise to multiply mere formal declarations, frequently declarations or claims made by the people without understanding them very clearly; and frequently laws of that sort are passed in the States and in Congress from a mere suspicion that they are demanded by the people when really they are not.

In view of a section of the pending bill to which I will refer, I regret that the definition of options in the bill is so imperfect and unsatisfactory. The twelfth section of the bill provides—

That neither the payment of the taxes hereinbefore provided nor the certificate issued by the collector of internal revenue under this act shall be held to exempt any person, association, copartnership, or corporation from any penalty or punishment now or hereafter provided by the laws of any State or Territory for making, transferring, or assigning contracts or agreements such as are hereinbefore defined as "options" or "futures" contracts or agreements, or in any manner to authorize the making, transferring, or assigning of such contracts or agreements within any State, Territory, or locality contrary to the laws of such State, Territory, or locality; nor shall the payment of the taxes imposed by this act be held to prohibit any State, Territory, or municipality from placing a tax or duty on the same trade, transaction, or business for State, Territorial, municipal, or other purposes.

I supposed that the options defined by the first section of the bill were transactions condemned by the laws of Illinois, and I was inclined to oppose the bill upon the ground that this exception destroyed its uniformity. If the bill receives the construction contended for by those who favor it, the section I have read does destroy its uniformity, because its effect would be to take out of the operation of the bill all the States in which options are forbidden, as in many of the States, or futures, which are forbidden I believe by the laws of but one of the States of the Union. I am inclined to think from a very cursory examination that in the State of Georgia there is or was a law forbidding transactions in futures.

But in examining this bill more carefully I am inclined to think that the options of the bill are not the options of the courts and the Legislatures. I am inclined to believe that the options of the bill are a harmless transaction which has never been made the subject of judicial or legislative discussion or reprehension. For the purpose of making myself understood, I will read the first section:

That for the purposes of this act the word "options" shall be understood to mean any contract or agreement whereby a party thereto, or any party for whom or in whose behalf such contract or agreement is made, acquires the right or privilege, but is not thereby obligated, to deliver to another or others, at a future time or within a designated period, any of the articles mentioned in section 3 of this act.

As I suppose contracts precisely such as are defined in this section are unknown in commerce it would be valueless; it would do no harm and no good. I know of no instance in which such contracts have been made. The options of the books and the law are contracts for the sale and delivery of articles at a future time with an express or implied agreement that particular articles are not to be delivered according to the contract, but that the differences between values at the two periods, the time of the sale and the time of the supposed delivery, are to be adjusted by the parties. Those are the options of the text-books.

In this case nothing more is necessary, I suppose, to convict a party than that a contract or agreement shall be produced "whereby a party thereto, or any party for whom or in whose behalf such contract or agreement is made, acquires the right or privilege, but is not thereby obligated to deliver to another or others, at a future time or within a designated period, any of the articles," which are named in section 3. I suppose the essential element of options is entirely wanting in the definition of options furnished by the bill for its own purposes. The essential element of an option, whether the contract is in the form of a privilege or in any other of the forms recognized in trade, is that there shall be an agreement or understanding, either expressed in the contract or implied outside of the contract, that the differences in value shall be adjusted between the parties at the time fixed or at some time to be agreed upon.

If there was an indictment under this section and a contract was shown in evidence whereby in addition to the privileges the party was obliged to deliver, I suppose that would satisfy the requirement of the proposed statute and would necessarily meet the charge of a violation of this bill if enacted into law. It seems to me therefore that the section is of itself without meaning, and I am quite sure it is not covered by any of the statutes of any of the States in which options are defined or punished.

I wish to state, in addition, that options, as understood, are contrary to the laws of all the States, and if the bill did, in fact, define options, it might be said that it would have no operation in any State, because in every State, I believe (if there are any exceptions I do not know what the exception is), option contracts, wager contracts, are forbidden; I do not mean by statutes, but the courts have held them to be wager contracts, contrary to public policy and public morality; and in every instance the courts have refused to enforce them. I think that is the law of all the States in the Union.

If, then, the first section did in fact define the options to which I refer, options within the meaning of the laws or the wager contract which is condemned by laws and by judicial decisions,

it could have no effect in any State or Territory, because options are contrary to the laws of all the States and all the Territories, I understand either made so by express statutes or condemned by judicial action. Therefore, if the bill did in point of fact define options it would have no operation in any State according to the saving clauses of the twelfth section of the proposed act. I call the attention of the friends of the bill to this most manifest want of comprehensiveness in the definition of options contained in the bill. My objection to the bill would be greatly mitigated if I were satisfied that the first section does in fact define the options which are contrary to the laws of all the States and Territories. Then, in point of fact, there would be no interference with the law of any State or Territory; no license could be issued for the sale of options in any State or Territory.

The futures of this proposed act are recognized commercial transactions. The futures of the bill are not only such transactions as are known in the commercial associations or in the great cities and markets of the country, but such sales are practiced everywhere in all the States in some form or at some time or other. I venture to say that no active citizen of any State can be found who has not at some time made agreements or contracts which are defined and prohibited by the bill; so that the scope of the measure is incomprehensible. It affects the interests of every man in the country who is engaged in the most simple agricultural, mechanical, or mercantile pursuits. All sell futures as futures are defined in the second section of the bill.

I deplore my inability to comprehend the limitations and restrictions and exceptions of the second section. In order to make myself understood I shall ask the indulgence of the Senate while I read the section, and ask especial attention to its language in order that if I have failed in comprehending it some friend of the bill may be more fortunate and may analyze it and give us its true effect and meaning, and explain to the country what its operation would be in case it should become a law:

SEC. 2. That for the purposes of this act the word "futures" shall be understood to mean any contract or agreement whereby a party contracts or agrees to sell and deliver to another or others at a future time, or within a designated period, any of the articles mentioned in section 3 of this act, when at the time of making such contract or agreement the party so contracting or agreeing to sell and make such delivery, or the party for whom he acts as agent, broker, or employé in making such contract or agreement, is not the owner of the article or articles so contracted or agreed to be sold and delivered, or has not theretofore acquired by purchase, and is not then entitled to the right to the future possession of such article or articles under and by virtue of a contract or agreement for the sale and future delivery thereof previously made by the owner thereof.

That is the definition of futures found in the second section of the bill, which disturbs and forbids a thirty-days' legal transaction, because all the courts so far as I know have held that contracts for the sale and future delivery of property are valid, whether the vendor is or is not the owner or possessor of the thing sold. Therefore, this bill interferes to suppress—for that is the purpose of it—transactions which are lawful and common, transactions which have been found convenient and useful by men engaged in every employment in the country, either as producers of things or as dealers, for all are interested and all have participated in this class of contracts, which will be forbidden if this bill is passed.

The exceptions to the proposed law are exceedingly confusing. Under the bill the agents of the United States, or of any State, Territory, county, or municipality may buy for future delivery from those who have neither the ownership nor the possession of that which they sell; nor shall the law apply—

to any contract or agreement made by any farmer or planter for the sale and delivery at a future time, or within a designated period, of any of said articles belonging to said farmer or planter at the time of making such contract or agreement, and which have been grown or produced, or at said time are in actual course of growth or production, on land owned or occupied by such farmer or planter.

That, I suppose, would be an entirely unnecessary provision, for I presume any man may sell that which he owns or that which is in his possession even in an immature state, but the exception for the benefit of farmers and planters is useless, to say no worse of it. Then the bill proceeds:

Nor to any contract or agreement made with any farmer or planter.

Mr. President, the passage of this bill is urged in the supposed interest of planters and farmers. I apprehend that the purpose of introducing these special provisions for their benefit is intended for the country, and they are not supposed to be particularly necessary to the effectiveness of this bill; but any person dealing with a farmer or planter may sell to or buy of that farmer or planter for future delivery. There the right to sell and deliver, or this exception of this proposed statute does not go, as the others do, to the character of the thing sold or the thing bought, but it is a privilege conferred upon a class; it is the exemption of all dealings and transactions of a class, and that class or those classes are relieved from the operation of a general law; that is, under the construction of this exception a farmer may buy or sell for future delivery, as any and all persons may do now, a planter may buy or sell for future delivery, as all persons may do now. So that this class of persons are excepted from the operation of the general law, not because it is impossible or improbable that farmers and planters may deal in "futures" either as buyers or sellers, but because that class is selected as being objects of special favor by Congress, and all the operations of all the farmers and all the planters, whether they are buyers or sellers, are excepted from the operation of this general law. It may contribute to the popularity of the bill; but whether it contains in itself the elements of justice and right I leave for others to determine. The bill proceeds:

Nor to any contract or agreement made with any person to furnish and deliver to such person at any time, or within any designated period, any of said articles for the use, consumption, or traffic of such person in his business, occupation, or manufacture.

This bill permits, then, if I interpret it correctly, the purchases for future delivery from persons who have neither the possession, actually or potentially, of the thing sold, when the person who buys or who contracts has occasion for any of the articles bought for his own use, for his own consumption, or for his traffic. These terms "use," "consumption," and "traffic" are words of exceeding broad comprehension. But that is not all.

For the use, consumption, or traffic of such person in his business, occupation, or manufacture.

Mr. President, it has been said—I by no means indorse the statement, for I know nothing about its truth—that this bill, if it passes, will exactly meet the necessities and the interests of a very large class of purchasers of agricultural products in this country; it has been said that there is in the Northwest and the West extensive combinations of manufacturers of flour, of meal, and of other products in which the use of the production of the farm is necessary; and it has been said that this bill is intended to benefit that class of persons. I am not authorized to say that such is the intention of the bill, but I feel justified in saying that such is its effect.

The manufacturers of flour represent an important interest in this country, important because they are in a very large measure the purchasers and consumers of wheat and corn and oats. This bill allows the manufacturers of flour to buy for future delivery from the farmer or to buy at their discretion, precisely as they may buy now. The idea is that such persons are not within this proposed statute, and that the rights of the manufacturers of flour or dealers in pork or dealers in any other of the products named in the bill after its passage will be precisely as their rights are now that the bill has not yet passed.

I have personal knowledge of the course of trade in the agricultural products of the Northwest. The buyer, the miller, the manufacturer of flour under this proposed law may do then as he may now.

Mr. HOAR. I should like to ask the Senator a question.

The PRESIDING OFFICER (Mr. FRYE in the chair). Does the Senator from Illinois yield to the Senator from Massachusetts?

Mr. PALMER. Yes, sir.

Mr. HOAR. I have been absent from the Senate during nearly all the time this bill has been pending, and I suppose there is no Senator whose mind is so uninstructed in regard to it as mine, and so I wish to ask a simple question.

Mr. PALMER. I yield to the Senator with pleasure to ask his question.

Mr. HOAR. Do I understand the Senator thinks that the manufacturer of flour or the miller would be permitted under this bill to engage in speculation, that is in buying and selling and dealing in futures, etc., as a speculator, where the profit came from such transaction?

Mr. PALMER. At the present I am only insisting that under the bill he may as a buyer contract as he may now.

Mr. HOAR. Would not that be only true when the buyer of an article intended it to be delivered to him?

Mr. PALMER. I think not.

Mr. HOAR. An article either in actual existence or expected to be in actual existence and delivered to him for the purpose of his traffic or manufacture as a miller? That is what I wish to call attention to.

Mr. PALMER. I invite the attention of the Senator to the proviso to be found beginning in line 15, on page 2:

That no provision or requirement of this act shall apply to any contract or agreement for the future delivery of any of said articles.

I may proceed now, omitting a few words of the bill, to the point, beginning with line 34, on page 3:

With any person to furnish and deliver to such person at any time, or within any designated period, any of said articles for the use, consumption, or traffic of such person.

Mr. HOAR. The next two or three words the Senator has omitted should be read also.

Mr. PALMER. Yes, sir; because I seem now to have presented the idea clearly.

Nor to any contract or agreement made with any farmer or planter, nor to any contract or agreement made with any person to furnish and deliver to such person at any time, or within any designated period, any of said articles for the use, consumption, or traffic of such person in his business, occupation, or manufacture.

Mr. HOAR. Now, my question is whether that would permit a contract, to use the slang phrase of the market, to "sell short" to a miller if he were a miller in the ordinary way? Must it not be a contract in good faith, a genuine contract, so that the article should be used in his occupation or traffic as a miller or manufacturer?

Mr. PALMER. I submit to the Senator that this proviso excludes contracts made with manufacturers. I use that word alone. This bill expressly excludes contracts made with persons of that class where the purchase is for the use of the buyer either in his traffic or in his business, his occupation, or for manufacturing purposes. The provision of the bill excludes all contracts made with those persons for those objects. What the construction of the proposed statute may be I leave to the Senator, whose experience as a lawyer will no doubt guide him much better than anything I can say.

I do maintain—and I ask the attention of the Senator from Massachusetts particularly to it—that no contract made with any person for the sale and future delivery of any of the articles named in the bill for his use, consumption, or traffic, or for use in his business, occupation, or manufacture, is within the proposed law or that the effect of the exception is to leave the law as it now is with respect to that class of persons; and I believe that the Senator on considering it carefully will agree with me in that view. If that is the correct view—and I will endeavor to present the other view if I can—this will allow the manufacturer of flour to buy for future delivery from those who have not the possession or the right of future ownership or possession, for nothing in the act shall apply to that class of persons is the language of the bill.

I will confine myself within the strictest rules. I maintain that where a miller desires to purchase a million bushels of wheat he may buy from those who actually own or he may trade with anybody precisely as he may now. The bill expressly excludes all transactions of that sort from its operations if there is any meaning in language. If that is true, it presents the remarkable example of a law passed intended to secure increased prices to the producers of wheat by reducing the number of purchasers, by driving from the field every speculative dealer. As has been said, the wheat market of the Northwest would be under the control of the elevators and of the millers of the Northwest or of the West wherever they may be found. The number of customers would be reduced by the exclusion of all speculative dealers unless somewhere there could be found a provision that the party was allowed as a trafficker in grain or in some other way to secure to himself the same benefits that are given to the manufacturer. They are mentioned as the same, and would no doubt be regarded as the same. To make myself clear:

That no provision or requirement of this act shall apply to any contract or agreement * * * made with any person to furnish and deliver at any time, or within any designated period, any of said articles for the use, consumption, or traffic of such person in his business, occupation, or manufacture.

Those are imperative and clear terms of exclusion. Nothing in the act shall apply to dealings of that sort; the law will remain after this bill is passed as the law is now, and the rights of traffickers, manufacturers, and others will be as they are now, the bill in no wise affecting their rights, in no wise affecting any contracts to which they are parties.

Now, Mr. President, what will be the effect of this bill after it is passed, assuming that I am right in my construction? The farmers of Minnesota, north Wisconsin, and the Dakotas will have certain privileged customers. They may deal with the millers, as they may now, because nothing in the bill affects any such transaction. They buy wheat; it becomes their property; they buy "futures," with all the rights, except the rights denied them under the option clause of this bill, and thus exclude from the field that large class of buyers who interfere with them, and who sometimes compel the miller to pay more for his wheat than he would pay if the market was under his exclusive control. That will be the effect everywhere. Either that is the proper construction of the bill, or its authors are exceedingly unfortunate in the language they have employed.

There is another clause which provides that none of the permitted transactions shall occur upon any board of trade. That is a provision about which I have no feeling; but I do say and do insist that the manufacturers of raw or unmanufactured cotton, the brewers who deal in hops, the millers who purchase wheat, corn, and oats, the distillers who need rye and barley, the traffickers in pork, lard, and bacon may, if this bill becomes a law, buy as if the law had never been passed; but the men who buy for other purposes, for commercial purposes, are required to obtain a license. In that way a monopoly will be secured to these interests, the number of purchasers of farm products will be reduced, and the price will be dictated by those upon whom the power is conferred by this bill to dictate to the seller the price they will pay. The rings and combinations are well-known, recognized persons. They will be able to control the market, and the result will not be otherwise than disastrous.

I desire, however, to take a broader view of this bill. I wish to call the attention of the Senate to section 14, which I think characterizes the bill. Standing alone, it might not be so, but in connection with the tenth and other sections its character will be fully understood. I will read section 14:

SEC. 14. That the Commissioner of Internal Revenue shall prescribe such rules and regulations as may be necessary to carry into effect the provisions of this act, and when such rules and regulations shall have been approved by the Secretary of the Treasury they shall have the force and effect of law.

If this provision has any meaning, it means that Congress abdicates its own power and turns over the lawmaking power into the hands of an official of the Treasury Depatrment.

Recurring to the tenth section of the bill, something of the dangers of this enormous power will be perceived. I read:

SEC. 10. Whenever any contract or agreement for the sale and future delivery of any of the articles mentioned in section 3 of this act shall be made—

That applies to all contracts for the sale and future delivery of things, as well to contracts made by parties in possession as to contracts made by parties who have the lawful expectation of possession; it applies to them all, as will be seen in a moment.

SEC. 10. Whenever any contract or agreement for the sale and future delivery of any of the articles mentioned in section 3 of this act shall be made, and the making thereof shall not be reported to the collector of internal revenue, as required by section 9, or as required by section 12 of this act, or if it shall have been reported to the said collector as a contract or agreement of the nature and character mentioned in and authorized to be made under a certificate issued pursuant to the provisions of section 12 of this act, and it shall come to the knowledge of such collector, or he shall have reasonable cause to believe that the party by whom such contract or agreement was made as vendor was not, at the time of the making thereof, the owner of the article or articles which were the subject of, embraced in, or covered by such contract or agreement, and had not then acquired, and was not then entitled to, the right to the future possession of such article or articles under and by virtue of a contract or agreement for the sale and future delivery thereof previously made by the owner of such article or articles, it shall be the duty of such collector to require the party who shall have made such contract or agreement as vendor to forthwith furnish to such collector proof of such vendor's ownership, or right or title to the future possession, of the article or articles so embraced in or covered by such contract.

I state as the meaning of this bill, as its effect, that it gives to the collector of internal revenue absolute authority over all contracts made by any person for the sale and future delivery of property. When the sale is reported to the collector it is easily disposed of, but the bill provides that wherever any such sale has been made or when it shall come to the knowledge of the collector or he shall have reason to believe that the sale was one in violation of this act, he is authorized to proceed at once to the investigation of that particular transaction.

If it is a sale for future delivery, the amount is not material; for a property of small value or of great value it is just the same. If it shall come to the knowledge of the collector, or he shall have reason to believe that the contract is made in violation of the act, then he is permitted to proceed to investigate the particulars as to each transaction. The effect of that would be to give to the collectors of internal revenue the absolute right to investigate every sale for future delivery made anywhere in the country. I beg the attention of the friends of the bill to that construction of it, and desire to know whether my construction is right or not.

Whenever any contract—

Or, it might be read, "when any contract or agreement for the sale and future delivery of any of the articles mentioned in section 3 of this act shall be made, and the making thereof shall not be reported to the collector of internal revenue, as required by section 12 of the act; or if it shall have been reported to the said collector as a contract or agreement of the nature and character mentioned in and authorized to be made under a certificate issued pursuant to the provisions of section 12 of this act, and it shall come to the knowledge of such collector, or he shall have reasonable cause to believe that the contract is made in violation of the act," then upon report or upon information or upon reasonable belief, he is authorized to proceed to investigate the contract.

Let us see what his powers are. He is authorized to require of the party an affidavit:

Said party shall thereupon make, and file with such collector, an affidavit stating by whom the said article or articles were owned at the time said contract or agreement was made, and, if affiant was not at that time such owner, whether at the time of making such contract or agreement affiant was entitled to the right to the future possession of said article or articles, and how such right was acquired. Such affidavit shall also state the warehouse, ele-

vator, or other place where said article or articles are stored, or, if the same be then in the possession of a vessel, railroad, or other carrier for transportation, the name of such vessel, railroad, or carrier, and the number and date of each separate bill of lading or receipt issued by such vessel, railroad, or carrier therefor, and the amount or quantity of such article or articles called for by such bill of lading or receipt.

It is apparent that this is to give to the collector a most extensive and alarming jurisdiction and authority to look into the business of every man or any man in the country, a power which heretofore has been only permitted under very limited and restricted circumstances for mere revenue purposes; but in this case the power extends to every transaction. Who will determine what may be the sources of the information or the ground of the suspicion of this class of officers to whom these startling powers are given? But that might be tolerated if it were not for the provision of the bill:

And said party is further required if demanded by such collector, to exhibit to the collector the original receipt of the warehouse or elevator where the aforesaid article or articles are then stored, or the bill of lading or receipt of the vessel, railroad, or other carrier having possession of said article or articles for transportation. And in case said party shall fail or refuse to make and file with the collector the said affidavit when so required, or shall fail or refuse to exhibit the said warehouse or elevator receipt or said bill of lading, when so demanded, such failure or refusal shall constitute and be deemed and held to be prima facie evidence that the contract or agreement so made by said party was a "futures" contract or agreement as described and defined in section 2 of this act.

That the party fails to produce the papers required is made evidence of guilt. That power of search is not confined alone to offenses, that presumption of criminality will attend all transactions which the collector is authorized to investigate. He is authorized, as I have said, to investigate all contracts which come to his knowledge for future sales and delivery, and thus this presumption will apply to any one who may be called upon by the collector, and the collector may call upon any citizen within his district.

Mr. President, this bill is objectionable on much broader grounds than this. We hear much said about the rights of the States, and I had supposed that no party in this country was yet prepared to say that the Federal Government could interfere with the exercise of the police powers of the States. All the writers upon that subject seem to deny the existence of such a power, and I believe no attempt heretofore has been made to interfere with the exercise of the police powers of the States. We have examples, it is true, of legislation which seems to go in that direction; we have the oleomargarine bill, which was objected to by many, but that has in it the semblance of a purpose to raise revenue. We have the bill which proposes to tax 10 per cent upon the issues of the State banks. That has been supported by the Supreme Court on the ground that it was a power which Congress might exercise in connection with its power to coin money and regulate the value thereof.

Some apology has been found for all this legislation, but here is an instance which stands without excuse or apology. No Senator—and I address myself particularly to Senators in my eye—will risk his reputation as a lawyer or legislator by affirming that Congress possesses the power to prohibit "options" or "futures" in the States. It has been claimed by a Senator on this floor that some such power might be found under the clause authorizing Congress to regulate commerce between the States, and I believe that there is an amendment proposed to this bill which grasps that particular constitutional authority for the support of the bill. Here, however, is an attempt but thinly disguised to thrust the jurisdiction of the Federal Government into the States to define and punish crime. I repeat the proposition, and I ask the question of Senators on the other side, is there a Senator who will declare that Congress has the power to declare "options" void or in express, direct terms, prohibit dealing in "futures" in the States? I apprehend none will.

This bill, however, resorts to the trick, to the expedient—I withdraw the word "trick"—it resorts to the circumlocution of the form of a revenue law, and in that way it is sought to find power to prohibit "options" and define and punish sales for future delivery.

Mr. President, in a former debate something was said here in regard to the ruling of the Supreme Court. The text writers say that where a power belongs to Congress, Congress may select its own mode of executing the power, and when Congress declares, as it is said in this case, that the purpose is to raise revenue, the courts are not allowed to look beyond the declaration of Congress. There is some force in that answer to this objection; but I deplore, and I for myself reject the idea that the Senate must be left to depend upon the Supreme Court of the United States to defend and maintain the Constitution.

When I entered this body, in the presence of all its members and of the galleries I took an oath to support and defend the Constitution of the United States. My obligation to defend that instrument goes beyond my oath, for it was a part of the inheritance of my birth. I have endeavored to obey it, and I am not willing to delegate to the Supreme Court the power either of judging for me or the duty of defending that sacred instrument. The obligation rests upon me as forcibly and distinctly as it does upon the President or the Supreme Court. I must judge for myself. I can not afford to be a party to a fraud upon the Supreme Court and cover up a transaction that can not be defended by placing it beyond the power of the Supreme Court, because, under circumstances like these, I am conscious while I am doing it that I am concealing from the court the real motive, and I am hindering the court from performing its own solemn duty.

What does this bill propose? It proposes to require a special tax for the sale of "futures," not "options" alone, but "futures." If this proposed law did in point of fact legalize "options"—as it would do if it covered "options"—for the sake of suppressing them, it would be a monument of immorality, because it would be a case where Congress has gone into the State and has licensed or permitted this business, if it were not for the exceptions I have mentioned—and if the exception exists it applies to all the States—and interferes with contracts in the States.

If it were confined to merely forbidding that which all men condemn, it would not be so offensive to morality or to conscience. It, however, makes crimes; it finds the law to be that parties capable of contracting may in good faith sell and bind themselves to deliver that which they have or that which they promise to obtain; it finds that to be the state of the law, and it reverses the law of the State in that respect and makes a crime that which is admissible by the laws of every State. I say "a crime." I know I am told the bill does not make it a crime; it simply requires a license to make that class of contracts. That requirement is made with the distinct understanding that the price of the license and the burden which the license imposes are such that no sensible man will take upon himself; that is to say he may deal in "futures" now easily, he may sell for future delivery now, but after the passage of this law he shall not be allowed to sell a pound of cotton, nor hops, nor pork, nor lard, nor bacon without paying a special tax of 5 cents a pound. As a matter of fact that 5 cents is quite the ordinary price per pound of some of the articles mentioned in the bill and forms a very large proportion of the price of all of them. It is further provided that he shall pay—

the sum of 20 cents per bushel for each and every bushel of any of the other articles mentioned in section 3 of this act.

The Senator who stands here and calls this a revenue bill knows as well as he knows, of his existence, that the term is a misnomer. If it were a transaction outside of the Senate, where its proprieties are not observed—and I shall never violate them—it would be called a false statement, because there is no purpose to raise revenue from this bill.

Mr. MITCHELL. Will the Senator allow me?

Mr. PALMER. With pleasure.

Mr. MITCHELL. Would it make any difference to the Senator from Illinois, in so far as the constitutional aspect of the question is concerned, if, instead of professing to be a revenue bill, as the Senator says this bill does, it professed to be a bill to prohibit dealing in "futures" by the establishment of a prohibitory tax?

Mr. PALMER. Mr. President, I think I comprehend the Senator from Oregon. I have said that the Senator will not affirm—I will believe it when he does so—that Congress has the power by express declaration to prohibit "options" and "futures" in the States. Whenever that assertion is made by any Senator, of course it will be open to discussion. I understand the claim is that it can not be done by direct means under any power of the Constitution, but the prohibition may be effected by circumlocution, by adopting the form of a revenue law, although no man will characterize this as a bill for raising revenue.

I understand the rule to be well settled, announced by Mr. Hamilton and formulated by Chief Justice Marshall, that let the power of Congress to do a particular thing be established then Congress may select the means. According to that most triumphant argument of Chief Justice Marshall, let the power be found and Congress may choose the means; but no case can be found either in a writer of authority or in judicial decisions where a power can be found by the selection of the means. That would be simply a subversion of all just theories of constitutional law.

The power to prohibit "options" is that which is in question. I affirm that Congress has no power to prohibit "options" or "futures" in the States. That proposition is either true or false. If it has the power, then it can do it by a plain, direct constitutional provision; but if it has no such power——

Mr. MITCHELL. Could Congress do it by invoking the taxing power?

Mr. PALMER. No, sir.

Mr. HOAR. Mr. President, will the Senator——

Mr. MITCHELL. I should like an answer to the question I addressed to the Senator from Illinois.

Mr. HOAR. Would the Senator from Illinois be disturbed if I make one inquiry of the Senator from Oregon in that connection?

Mr. PALMER. No, sir.

Mr. HOAR. Under what constitutional authority does this bill originate in the Senate, if it be a bill to raise taxes?

Mr. MITCHELL. The bill did not originate in the Senate. It originated in the House of Representatives.

Mr. HOAR. I thought it was a Senate bill.

Mr. MITCHELL. It originated in the other House. It is a revenue bill, and originated in the proper place.

Mr. PALMER. I invite the attention of the Senator from Oregon to this point. I ask him—and he may answer it now—has Congress the power, as an original power, to prohibit the sale or dealing in "futures" and "options" in the States?

Mr. MITCHELL. I do not think this bill presents that question.

Mr. PALMER. I take it by the fact that the Senator declines to answer that he does not believe Congress has that power. Then I ask the question, can Congress by a fraudulent device—I use the term "fraudulent" in its just sense, not in its offensive sense—can Congress by selecting a means, which is no means, accomplish that which it can not do directly? I repeat, where the power exists, Congress may select its means; where the power does not exist, Congress can not do the act by any means it may select. If any text writer or if any judge ever declared that the Congress of the United States, although forbidden the exercise of particular powers directly, might by invoking some other power accomplish the same result, such writer or judge would have been condemned and held up to public scorn over this whole country.

I assume that no man will say that if this bill becomes a law it will ever bring into the Treasury one dollar of revenue. It is a bill of pains and penalties, which gives the business of this country over to the management of mere ministerial officers, which may produce confusion and may interfere with popular rights; but it can not, in the nature of things, bring one dollar of revenue into the Treasury.

Mr. PEFFER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Illinois yield?

Mr. PALMER. Yes, sir.

Mr. PEFFER. I should like to ask the Senator from Illinois whether, in his opinion as a lawyer, Congress has the constitutional power to regulate the business of dealing in "options" and "futures" in the several States?

Mr. PALMER. Not at all. I deny the power either to regulate or prohibit.

Mr. VEST. Congress has nothing to do with it.

Mr. PALMER. It is a matter of purely State concern, solely and entirely within the powers of the States, and in no respect within the powers of Congress. Such power has never been claimed by any party as a distinct proposition. The claim is not that Congress has the power to do that which is proposed to be done, but that Congress can do something else from which this particular result will follow; that is, Congress may pass a revenue bill, which it is admitted will never produce a cent of revenue.

Mr. MITCHELL. Did not the Supreme Court of the United States, in the case of the tax imposed by Congress on issues of State banks, hold that, although it was apparent on its face that it was prohibitory, still they would maintain the constitutionality of the act?

Mr. PALMER. Does the Senator desire an answer?

Mr. MITCHELL. I do.

Mr. PALMER. The Supreme Court——

Mr. MITCHELL. I know the view taken by the last National Democratic Convention——

Mr. PALMER. The Democratic Convention adopted resolutions which stated the constitutional proposition with great clearness, and I beg to assure the Senator when the Democratic party comes into power those constitutional doctrines will be applied.

Mr. MITCHELL. I hope so.

Mr. PALMER. I was about to characterize this measure in terms which I should not like to do here, but a Democratic convention would not tolerate a fraud. No Democratic convention would hold that Congress might take jurisdiction of the whole police power of the States by professing to license that which it intended to prohibit. We would never consent that Congress should adopt Parisian legislation in regard to a certain class of houses by requiring a license which might prohibit them. We should never expect a Democratic Senate to favor a system of license directed to all the crimes which exist in the country and prohibit them by excessive taxes. We shall never claim that doctrine, and gambling in the States will never be disturbed by the Democratic party. We shall endeavor through the influence of sound Democratic doctrine to suppress these vices by State action.

I come back to the point. I beg to state this proposition so distinctly that it can not escape attention. Answering now the question of the Senator from Oregon, the Supreme Court of the United States maintained the power to tax the issues of the State banks upon grounds which were clearly intelligible to my mind, but not upon the ground that it was a part of the police power, nor as a revenue measure. The Supreme Court would have sustained an act of Congress especially prohibiting the circulation of the issues of State banks—and that is the intimation of the opinion, and the distinction is one to which I have invited the attention of the Senator from Oregon—the Supreme Court has never held and never will hold that a bill which is passed by both Houses of Congress prohibiting "options" or "futures" is within any of the recognized powers of Congress. That fact is so well known that the Senator from Oregon defends a palpable, plain evasion; defends an abuse of the taxing power.

Mr. MITCHELL. It is certainly not an abuse of the taxing power if the highest judicial tribunal in the country holds that it may be invoked.

Mr. PALMER. The highest judicial tribunal in the country has never done so.

Mr. MITCHELL. For the purpose of destruction.

Mr. PALMER. But I do not mean to put my conscience into the keeping of the Supreme Court of the United States. I am responsible to myself and my own conscience for my own interpretation of the Constitution. I know there is a practice of that sort. Sometimes when opposing a measure I have been asked, "Why not let it go; the Supreme Court will decide whether it is constitutional or not?" When I take an oath to support the Constitution of my country with the qualification that I will do so as the Supreme Court of the United States may interpret the Constitution, I may perhaps feel very much like adopting the course of the Senator from Oregon.

Mr. MITCHELL. If the Senator will allow me, as I do not wish to interrupt him if it disturbs him——

Mr. PALMER. Not in the slightest.

Mr. MITCHELL. Then the Senator's argument simply amounts to this: He concedes that the Supreme Court of the United States would hold this bill within the limits of the Constitution——

Mr. PALMER. I beg pardon; I have not done that yet.

Mr. MITCHELL. But he as an individual Senator differs with the Supreme Court.

Mr. PALMER. As to the last point, I say yes. I may or may not differ with the Supreme Court. It is my duty to differ if I think I should, and it is my right to differ; but I wish to remark here that I think the habit we have of inviting the courts to the consideration and discussion of purely political questions is one of the most alarming tendencies of modern politics.

Let us suppose that the friends of this bill have made the startling discovery that their objects can be accomplished by adopting the form of a revenue bill. Confessedly the bill is without any revenue purpose, but suppose by a farce, a pretense, a fraud, we should adopt this form with a distinct knowledge that it is not in the exercise of the taxing power. I do not know of a more outrageous idea than that the power of levying taxes conferred upon Congress by the Constitution for the noblest purposes and for the promotion of the public welfare, should be prostituted to the subversion of an end like this. But I say it is a mere pretense. The Senator will not affect to pretend that there is any real purpose to raise money by the exercise of this supposed taxing power.

It is a pretense, I repeat, and the forms of the taxing power are grasped not to collect taxes, not for the purpose for which it was conferred upon Congress by the framers of the Constitution, but in order to seize a power which was not granted by the Constitution. That is the form of it. An abuse like that would lead to the utter subversion of popular liberty. If Congress by the ingenious invention or application of certain acknowledged forms may accomplish all that it desires to accomplish, may do what it pleases; in other words, if there is no limitation upon its powers, we see the result.

The court is certainly bound to know something, and while I do not by any means depend upon the court—I do not think I have a right to do it—I believe the court would see through this hollow pretense and would observe that the attempt to raise money by the use of this revenue power was a mere abuse, a mere attempt at distorting the powers of the Government given for one purpose to another and a different purpose.

Mr. President, I will not trouble the Senate longer this evening, and do not know that I shall at all, but it will be convenient

for me to conclude at this point or to suspend at this time if it is the will of the Senate.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Virginia [Mr. DANIEL].

Mr. QUAY. I move that the Senate do now adjourn.

Mr. VEST. Do I understand the Senator from Illinois to mean that he desires to take the floor to-morrow morning?

Mr. PALMER. I will, if permitted to do so by the Senate.

Mr. VEST. Let that be the understanding.

The PRESIDING OFFICER. The occupant of the chair did not so understand.

Mr. VEST. The Senator from Illinois desires to resume his remarks at the next session of the Senate when the bill comes up.

The PRESIDING OFFICER. The Senator from Illinois will be regarded as entitled to the floor.

Mr. QUAY. I move that the Senate do now adjourn.

The motion was agreed to; and (at 3 o'clock and 58 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, December 21, 1892, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate December 20, 1892.

PROMOTIONS IN THE ARMY.

Quartermaster's Department.

First Lieut. John B. Eaton, Third Artillery, to be assistant quartermaster, with the rank of captain, December 20, 1892, vice Campbell, retired from active service.

First Lieut. Edgar S. Dudley, Second Artillery, to be assistant quartermaster, with the rank of captain, December 20, 1892, vice Humphrey, promoted.

Subsistence Department.

First Lieut. Tasker H. Bliss, First Artillery, to be commissary of subsistence, with the rank of captain, December 20, 1892, vice Weston, promoted.

Cavalry arm.

First Lieut. Hoel S. Bishop, Fifth Cavalry, to be captain, December 12, 1892, vice London, Fifth Cavalry, deceased.

Second Lieut. Peter E. Traub, First Cavalry, to be first lieutenant, December 12, 1892, vice Bishop, Fifth Cavalry, promoted.

Infantry arm.

First Lieut. Francis E. Eltonhead, Twenty-first Infantry, to be captain, December 15, 1892, vice Bradley, Twenty-first Infantry, retired from active service.

Second Lieut. Armand I. Lasseigne, Seventh Infantry, to be first lieutenant, December 15, 1892, vice Eltonhead, Twenty-first Infantry, promoted.

PROMOTION IN THE MARINE CORPS.

Capt. William R. Brown, of the United States Marine Corps, to be a major in that corps, from the 11th July, 1892, vice Maj. John H. Higbee, United States Marine Corps, promoted.

CONFIRMATIONS.

Executive nominations confirmed by the Senate December 20, 1892.

CONSULS.

Ransom F. McCrillis, of Danvers, Mass., to be consul of the United States at Denia.

Bradstreet S. Rairden, of Bath, Me., to be consul of the United States at Batavia.

DISTRICT JUDGE.

Peter S. Grosscup, of Illinois, to be United States district judge for the northern district of Illinois.

SECRETARY OF NEW MEXICO.

Silas Alexander, of Hillsboro, N. Mex., to be secretary of New Mexico.

PENSION AGENT.

Charles A. Orr, of Buffalo, N. Y., to be pension agent at Buffalo, N. Y.

POSTMASTERS.

James W. Garrison, to be postmaster at Sac City, in the county of Sac and State of Iowa.

George B. Lyman, to be postmaster at Yuba City, in the county of Sutter and State of California.

Mrs. Nancy J. Wilson, to be postmaster at Forrest City, in the county of St. Francis and State of Arkansas.

Mrs. Elizabeth A. S. Mixson, to be postmaster at Barnwell, in the county of Barnwell and State of South Carolina.

Hiram Lewis, to be postmaster at Genoa, in the county of Nance and State of Nebraska.

Mrs. Jennie T. Mister, to be postmaster at Grenada, in the county of Grenada and State of Mississippi.

Mrs. Elizabeth W. Smart, to be postmaster at Merrimac, in the county of Essex and State of Massachusetts.

William H. Merten, to be postmaster at Guthrie, in the county of Logan and Territory of Oklahoma.

Frank P. Emmons, to be postmaster at Manlius, in the county of Onondaga and State of New York.

Augusta B. Berard, to be postmaster at West Point, in the county of Orange and State of New York.

Edward A. Robertson, to be postmaster at Taylor, in the county of Williamson and State of Texas.

William Drawe, to be postmaster at Cuero, in the county of DeWitt and State of Texas.

McDonald Campbell, to be postmaster at Jefferson, in the county of Marion and State of Texas.

HOUSE OF REPRESENTATIVES.

TUESDAY, *December 20, 1892.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of yesterday was read and approved.

CHOCTAW TREATY.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting an estimate of appropriations for fulfilling treaty stipulations with the Choctaw Nation of Indians, submitted by the Secretary of the Interior; which was referred to the Committee on Indian Affairs.

CONTINGENT APPROPRIATIONS, INTERIOR DEPARTMENT.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting a statement of the expenditures of the contingent appropriations for that Department during the fiscal year 1892; which was referred to the Committee on Expenditures in the Interior Department.

DEATH OF SENATOR GIBSON OF LOUISIANA.

The SPEAKER also laid before the House the resolutions of the Senate in relation to the death of Hon. Randall Lee Gibson, late a Senator from the State of Louisiana; which were read and ordered to lie upon the table.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. STOCKDALE, for three days, on account of important business.

To Mr. KYLE, for three days, on account of important business.

To Mr. CURTIS, for to-morrow, on account of important business.

To Mr. HARRIES, for two days, on account of important business.

To Mr. POWERS, indefinitely, on account of important business.

To Mr. WHEELER of Alabama, for two days, on account of important business.

To Mr. HOUK of Ohio, for two days, on account of a death in his family.

WITHDRAWAL OF PAPERS.

By unanimous consent, leave was granted to Mr. STONE of Kentucky to withdraw papers in the case of Thomas Crawford, filed in the Fifty-first Congress.

EMMA C. LOVELACE AND STEPHEN D. CLARK.

Mr. BOATNER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 775) for the relief of Emma C. Lovelace and Stephen D. Clark.

The SPEAKER. The bill will be read subject to objection.

The bill was read at length.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

Mr. BURROWS. I wish to inquire if this has been reported by a committee of the House?

Mr. BOATNER. Yes, sir; from the Committee on War Claims. I will ask to have the report read.

Mr. BURROWS. A report from a committee, and the bill on the Private Calendar?

Mr. BOATNER. Yes, sir.

Mr. BURROWS. I think this had better take its place in the regular course of business, and I shall have to object to its present consideration.

MARY A. LEWIS.

Mr. LANE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 1484) for the relief of Mary A. Lewis.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized, out of any money in the Treasury of the United States not otherwise appropriated, to pay to Mrs. Mary A. Lewis, widow of Joseph N. Lewis, the sum of $411.22, to be in full remuneration of the payment made by said Joseph N. Lewis, out of his own private funds, for account of the Government of the United States, while he was acting as its commercial agent at Port au Prince, Haiti, in the year 1855: *Provided*, That the said Mary A. Lewis procure the release of the personal representative of the said Joseph N. Lewis and file the same in the Treasury of the United States.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HOLMAN. I hope the report will be read.

THE SPEAKER. The report will be read subject to objection.

The report (by Mr. SMITH) was read, as follows:

The Committee on Claims, to whom was referred the bill (H. R. 1484) for the relief of Mrs. Mary A. Lewis, widow of Joseph N. Lewis, having carefully considered the same, report:

A similar bill has been several times favorably reported from the Senate committee, and has twice passed the Senate; and favorable reports on a bill similar to this have been made from the Committee on Claims of the House, which last report of the House Committee on Claims, made in the Fifty-first Congress, your committee adopt as its own, which is as follows:

That Joseph N. Lewis, late resident of the State of Missouri, now deceased, was, in 1885, commercial agent of the United States at Port au Prince, Haiti; and on the 22d day of September, in that year, as such commercial agent, he caused the seizure at that port of the American bark Amelia for violation of the neutrality laws of the United States, by reason of her contraband cargo of guns and ammunition; that the fact of the seizure was immediately communicated by the said Lewis to the State Department by a dispatch of the 25th of the same September, and that pursuant to the request of the State Department the United States steamship Saratoga was sent to Port au Prince to bring the Amelia and her cargo to New York.

"That the said Joseph N. Lewis, in his petition to the Forty-fourth Congress asking relief, states that on the passage to the port of New York the said vessel was forced by stress of weather and damage into the port of St. Thomas; that at that port both the vessel and cargo were condemned and sold by the United States; that the proceeds of the sale were paid into the Treasury of the United States; that in the seizure and subsequent sale of the vessel at Port au Prince the petitioner expended of his own money the sum of $411.22, gold, on account of the United States; and that this statement of the petitioner seems to be fully proved.

"That after the departure of the vessel from Port au Prince the said Lewis forwarded to the State Department a statement of his expenses, with the vouchers for the same, and notified the Department of his having drawn a draft for that sum on that account; that the draft was referred to the Treasury Department; that the Treasury Department informed the holder or maker that there was no appropriation for its payment, and that several applications were afterwards made by him to the State Department for the payment of the amount mentioned.

"That it appears from the papers submitted to your committee with the aforesaid bill that the committee of a former Congress requested of the State Department any information upon the subject in the possession of the Department; that the Secretary of State, in answer to said request, after a general statement of the facts, which correspond with those contained in this report, adds:

"'That Mr. Lewis does not appear to have been expressly authorized to make this seizure, nor was the act approved by this Department, nor the account for the expenses incurred, as is customary, before it could be paid.'

"But it clearly appears that the seizure was communicated to the State Department at the time it was made; that an account of the expenses incurred by Lewis, with vouchers therefor, were duly furnished to the same Department, and a draft made on the Treasury for the amount; that the only reason for the nonpayment of the claim given by the Treasury Department was that no appropriation for such a payment was made; and that the Government accepted the seizure with a knowledge of all the facts, sold the vessel and cargo, received the proceeds of such sale, which duly came to the Treasury and are now there.

"It appears that this claim has been presented to the Forty-fourth, Forty-fifth, Forty-sixth, and Forty-seventh Congresses; that favorable reports have been made by the Senate Committee on Claims of each of these Congresses, and by one or more of the same committees of the House; and that bills asking the relief asked for in this bill have twice passed the Senate, but have not been reached in the House.

"The claim seems to be entirely just, and ought long ago to have been paid."

Your committee therefore recommend that said bill do pass.

Mr. HOLMAN. I believe the amount named in the bill is $411?

Mr. LANE. That is all, and it is for a widow.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to be engrossed and read a third time; and being engrossed, was accordingly read a third time, and passed.

On motion of Mr. LANE, a motion to reconsider the last vote was laid on the table.

SALE OF LAND, FORT MIFFLIN.

Mr. BINGHAM. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 3298) authorizing the sale of land in the vicinity of Fort Mifflin, on the river Delaware.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War for the time being is authorized to sell, at such price as may be agreed upon by the Attorney-General and himself, and convey to the International Navigation Company, a corporation created under the laws of the Commonwealth of Pennsylvania, subject to such conditions as they shall deem proper for the public interest, the right, title, and interest of the United States in and to so much of the land described in deed by John W. Ashmead and wife to the United States, dated the 28th day of March, 1851, being in the vicinity of Fort Mifflin on the River Delaware, lying outside the dike or river bank and eastward of the fort, as will, in the judgment of said Secretary of War and Attorney-General, not be prejudicial to the interests of the United States: *Provided*, That the right, title, and interest to so much of this land as may be needed as sites for dikes, shall be retained by the United States, together with the right to maintain and control said dikes.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania [Mr. BINGHAM]?

Mr. HOLMAN. I ask for the reading of the report, Mr. Speaker.

The SPEAKER. The report will be read, subject to objection.

The report (by Mr. BINGHAM) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (S. 3298) authorizing the sale of land in the vicinity of Fort Mifflin, on the River Delaware, having had the same under consideration, beg leave to submit the following report:

The object and purposes of this bill are fully set forth in the following letter from Maj. C. W. Raymond, of the Corps of Engineers, stationed at Philadelphia:

"UNITED STATES ENGINEER OFFICE, 1428 ARCH STREET,
"*Philadelphia, Pa., June 9, 1892.*

"GENERAL: In compliance with instructions contained in your letter of June 6, 1892, I have the honor to return herewith H. R. 9104, Fifty-second Congress, first session 'Authorizing the sale of land in the vicinity of Fort Mifflin on the River Delaware,' with the following report:

"The land referred to in the bill is a mud flat covered by the tide. The construction of dikes across the upper part of the flats and along the outer edge is about to be commenced for the improvement of the channel at the mouth of the Schuylkill River. I am informed that the title of the United States to this land is questioned, the International Navigation Company claiming to own it.

"If this land should become the property of the International Navigation Company it would doubtless be raised to a level above high water, which would be a benefit to the works of improvement. The land is of no value to the United States, but the right should be retained by the Government to maintain and control the dikes. The necessary conditions for this purpose can be established under the provisions of the bill.

"This land is directly opposite the west end of League Island, and the naval authorities may consider it of great value for the future extension of the navy-yard. So far as the projects and operations under my charge are concerned I see no objection to the passage of the bill.

"Very respectfully, your obedient servant,

"C. W. RAYMOND,
"*Major, Corps of Engineers.*

"Brig. Gen. THOMAS L. CASEY,
"*Chief of Engineers, U. S. Army, Washington, D. C.*"

The recommendations contained in this letter are concurred in by the Chief of Engineers, as follows:

"OFFICE OF THE CHIEF OF ENGINEERS, UNITED STATES ARMY,
"*Washington, D. C., June 25, 1892.*

"SIR: I have the honor to return herewith S. 3298, Fifty-second Congress, first session, a bill authorizing the sale of land in the vicinity of Fort Mifflin, on the River Delaware, with a copy of a report made by Maj. C. W. Raymond, Corps of Engineers, under date of June 9, 1892, upon House bill 9104, present session, of the same title. The views expressed by Maj. Raymond in this report are concurred in by me.

"It is recommended that the bill be amended by adding after the word 'States,' in line 16, the following words: '*Provided*, That the right, title, and interest to so much of this land as may be needed as sites for dikes shall be retained by the United States, together with the right to maintain and control said dikes.' A copy of the bill amended in accordance with this recommendation is also inclosed herewith.

"No objection is known to this office to the passage of the bill, amended as herein recommended.

"Very respectfully, your obedient servant,

"THOS. LINCOLN CASEY,
"*Brigadier-General, Chief of Engineers.*

"Hon. S. B. ELKINS,
"*Secretary of War.*"

"WAR DEPARTMENT, *June 27, 1892.*

"Respectfully returned to the chairman of the Committee on Military Affairs, United States Senate, inviting attention to the inclosed report of the Chief Engineers, dated the 25th instant, and to the copy of the report of Maj. C. W. Raymond, dated the 19th instant, as also to a copy of an amended bill submitted by the Chief of Engineers, who remarks that as thus amended he knows of no objection to its passage by Congress.

"S. B. ELKINS, *Secretary of War.*"

The bill simply seeks to clear away any cloud which may rest upon the title to the property, which is and has been for years in the possession of the International Navigation Company.

The power vested in the Secretary of War and the Attorney-General by the bill is a discretionary one. In selling the property to the International Navigation Company at such a price as they may agree upon, the sale is to be subject to such conditions as they shall deem proper for the public interest, and in their judgment the sale of the property must not be prejudicial to the interests of the United States.

The bill was amended in the Senate in accordance with the suggestion contained in the letter of the Chief of Engineers.

In view of the above statements your committee report the bill favorably, with a recommendation that it pass.

Mr. HOLMAN. Mr. Speaker, I infer from the reading of that report that this is a measure of importance to the Navy, and not to the War Department; but I notice no communication from the Secretary of the Navy.

Mr. BINGHAM. I would state to the gentleman in connection with that, that the bill properly guards any question of that kind by making it discretionary with the Secretary of War and the Attorney-General, so that the interests of the Government, whether relating to the Navy or to the War Department, shall not be prejudiced by the sale or disposition of this property upon which there is a cloud.

Mr. HOLMAN. But in any event, inasmuch as there is no

communication from the Secretary of the Navy, the Secretary of the Navy for the time being should be added to the board to whom this question is to be submitted.

Mr. BINGHAM. I will state to the gentleman that there is no purpose in connection with this legislation to go against the interests of the Government, either as to the War Department or the Navy Department.

Mr. HOLMAN. I think the Secretary of the Navy should be a party to this adjustment. I hope there will be no objection to that.

Mr. BINGHAM. Then I will ask to amend the bill by inserting that the Secretary of War and the Secretary of the Navy for the time being are authorized to sell, etc.

Mr. HOLMAN. The Attorney-General is already named. Let it be the Secretary of War, the Attorney-General, and the Secretary of the Navy.

Mr. BINGHAM. I will amend the bill in that way, then, Mr. Speaker.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania [Mr. BINGHAM]?

There was no objection.

The SPEAKER. Will the gentleman from Pennsylvania [Mr. BINGHAM] indicate the amendment?

Mr. BINGHAM. In line 3 of the bill amend so as to make it read that the Secretary of the War and the Secretary of the Navy for the time being are authorized, etc.

Mr. HOLMAN. The Secretary of War, the Attorney-General, and the Secretary of the Navy?

Mr. BINGHAM. Yes.

The SPEAKER. Without objection the amendment indicated will be considered agreed to.

There was no objection.

Mr. BINGHAM. In order to make the other parts of the bill conform, I ask to amend line 1 by striking out the word "is" and inserting the word "are;" also in line 1, after the word "war," amend by inserting the words "and the Secretary of the Navy." In line 3 strike out the word "himself" and insert the word "themselves." In line 13, after the word "war," insert "the Secretary of the Navy."

The SPEAKER. In the absence of objection these amendments will be considered as agreed to.

There was no objection.

The bill as amended was ordered to a third reading, and was accordingly read the third time, and passed.

On motion of Mr. BINGHAM, a motion to reconsider the last vote was laid on the table.

PROTESTANT EPISCOPAL CHURCH OF ST. PAUL, AT FRANKLIN, TENN.

Mr. COX of Tennessee. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 9929) for the relief of the Protestant Episcopal Church of St. Paul, at Franklin, Tenn.

The bill was read at length.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BURROWS. I desire to inquire, if consent is given for the present consideration of the bill, whether the point of order that it must have its first consideration in Committee of the Whole would be good?

The SPEAKER. The request of the gentleman was for unanimous consent, and it has always been held that at this stage of the proceedings of the House unanimous consent was for consideration in the House.

Mr. BURROWS. If unanimous consent is given for its consideration, does it not mean consideration under the rules of the House, and that it would be subject to the point of order that it should first go to the Committee of the Whole?

The SPEAKER. The request has always been considered to be for unanimous consent to consider the bill in the House.

Mr. BURROWS. I shall have to object to its consideration.

Mr. COX of Tennessee. I think if the gentleman understood the proposition he would not object. I would like to call the gentleman's attention to the bill for one moment. It is not a proposition to take any money out of the Treasury. It is a proposition to refer the matter to the Secretary of War, to see whether or not there is any money due.

Mr. BURROWS. But the latter portion of the bill provides that the Secretary of the Treasury shall pay the amount due and take a receipt from the parties. That looks like taking money out of the Treasury.

Mr. COX of Tennessee. Yes, if he finds anything due.

Mr. BURROWS. I object.

ORDER OF BUSINESS.

Mr. McRAE. I will have to demand the regular order.

Mr. LANHAM. I ask the gentleman from Arkansas [Mr. McRAE] to withdraw the demand for a moment, so that I may ask unanimous consent to have a bill considered.

Mr. McRAE. I withdraw it for the present,

JOSEPH COFFMAN.

Mr. LANHAM. Mr. Speaker, I ask unanimous consent for the consideration of the bill (H. R. 8915) granting an increase of pension to Joseph Coffman.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Joseph Coffman, late a private soldier in the First Regiment of United States Infantry, in the war with Mexico, with an increase of pension to the amount of $30 a month.

The committee recommend that the bill be amended by striking out the word "thirty," in line 7, and inserting in lieu thereof the word "twenty-five" so as to fix the rate of pension at $25 per month; also by striking out the words "with Mexico," in line 6, and inserting in lieu thereof the words "of eighteen hundred and twelve."

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. KILGORE. I would like to have an explanation of that bill made by my colleague. I am very much inclined to demand the regular order.

Mr. LANHAM. Mr. Speaker, I will state to my colleague and to the House that the beneficiary in this bill is one of the 165 surviving veterans of the war of 1812. He is now 90 years old, and is drawing a pension at the rate of $8 per month. He asks in this bill for an increase of his pension to $25 per month.

Mr. KILGORE. Did he fight in that war?

Mr. LANHAM. He was in the war. I think he furnished music for the troops. [Laughter.] Music, I suppose, was as necessary and inspiring at that time as in later years. He can not draw this increase of pension very long, as he is now 90 years old. If my colleague could have seen him as he came with tottering steps to my door a few weeks ago he would not raise any objection to the consideration of the bill.

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. LANHAM, a motion to reconsider the vote by which the bill was passed was laid on the table.

ORDER OF BUSINESS.

The SPEAKER. The Chair will recognize the gentleman from Minnesota [Mr. LIND], so as to equalize the recognitions.

HASTINGS AND DAKOTA RAILROAD COMPANY.

Mr. LIND. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The Clerk read as follows:

Be it resolved by the House of Representatives of the United States, That the Secretary of the Interior be, and he is hereby, requested to furnish to the House such information as the Department of the Interior may possess relative to the action taken by the State of Minnesota to annul the charter and to forfeit the franchises of the Hastings and Dakota Railroad Company, one of the land-grant companies of the United States. Also to report the quantity of lands, if any, that are still claimed by that corporation or those claiming to represent it; and, further, whether such lands are claimed by settlers, and what action, if any, has been taken by the Interior Department in relation to the same.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota for the present consideration of this resolution? [After a pause.] The Chair hears none.

The question was taken, and the resolution was agreed to.

ANNUAL REPORT OF THE CIVIL SERVICE COMMISSION.

Mr. RICHARDSON. Mr. Speaker, I desire to submit a report from the Committee on Printing.

The Clerk read as follows:

Resolved by the Senate (the House of Representatives concurring), That 23,000 copies of the ninth annual report of the United States Civil Service Commission, with the appendices, be printed; of which 1,000 copies shall be for the use of the Senate, 2,000 copies for the use of the House of Representatives, and 20,000 copies for the use of the United States Civil Service Commission.

The report of the committee was read, as follows:

The committee have considered the Senate resolution to print 23,000 copies of the ninth annual report of the Civil Service Commission, and direct me to report the same with the recommendation that it do pass. The estimated cost of the same is $6,427. The committee recommend that the House resolution on the same subject do lie on the table.

Mr. BLAND. I would like to inquire of the gentleman from Tennessee what necessity there is for printing so many of these reports?

Mr. RICHARDSON. That is the number that has been printed heretofore. At one time a larger number was printed, but the committee cut it down to 23,000, upon the statement, in writing,

by that Commission through its president, that they could not get along with a less number than 20,000 copies.

Mr. BLAND. I move to amend the resolution so as to reduce the number printed for the use of the Commission from 20,000 to 15,000.

Mr. RICHARDSON. I think, Mr. Speaker, that the number fixed by the resolution for the use of the Commission, 20,000, will be as little as we can get along with. The Civil Service Commission wrote us that they used them in large numbers to supply the demand upon them for information from different parts of the country. They simply transmit a copy of the report with the information it contains, and with the appendix, and that answers the letters of correspondents with which they are flooded. I think if we print a smaller number, that as soon as we meet again, or possibly before adjournment, another resolution will be introduced to print an additional number; and the difference of 5,000 that the amendment of the gentleman from Missouri will cover will be so small that there will be nothing gained.

To print 5,000 additional copies it will cost more to put up the forms and to go to press and reprint than to print the 20,000 copies now, and I hope the gentleman will not insist on his amendment. This is a reduction from 31,000 or 32,000 to 23,000, and the Joint Committee on Printing fixed that number in the printing bill, and we did it upon the testimony of the Civil Service Commissioners themselves, that they could not get along with a smaller number. The gentleman will see that 2,000 copies are for the use of the House, 1,000 for the use of the Senate, and we give the remaining 20,000 to the Commission.

Mr. BLAND. Mr. Speaker, I do not understand how this Commission can use more than 15,000; certainly not by sending them out to those who call for them. I doubt whether they have ten thousand calls during the year, and I shall insist on my amendment to reduce the number for the use of the Commission from 20,000 to 15,000.

The amendment was read.

Mr. RICHARDSON. I ask the indulgence of the House for a moment. I have in my hand a letter from Mr. Lyman, the president of the Commission, which reads as follows:

UNITED STATES CIVIL SERVICE COMMISSION,
Washington, D. C., December 7, 1892.

SIR: This Commission has the honor to submit herewith a form of concurrent resolution for printing its ninth annual report. The report contains the civil-service act, rules, regulations, specimen examination questions, and other information necessary to applicants. Nearly all of the questions contained in the letters addressed to the Commission can be more conveniently and fully answered by sending copies of the report than by writing letters. The Commission earnestly hopes that it may meet the convenience of the committee to act upon the resolution at an early day, and that the full number of copies requested for the use of the Commission may be printed.

A copy of the eighth report is inclosed herewith to show the character of the information contained in the ninth, which resembles it in its general features.

Very respectfully,
CHAS. LYMAN, *President.*

Hon. JAMES D. RICHARDSON,
Chairman Committee on Printing, House of Representatives.

In addition to this letter, as I stated before, they testified before the joint committee that they could not get along with a smaller number. That is all I have to say.

The question was taken on the amendment offered by Mr. BLAND, and the Speaker announced that the noes seemed to prevail.

Mr. BLAND. I ask for a division.

The House divided; and there were—ayes 8, noes 30; so the amendment was rejected.

The Senate resolution was then concurred in.

Mr. RICHARDSON moved to reconsider the vote by which the Senate resolution was concurred in, and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

The SPEAKER. The Clerk will call the standing and select committees for reports.

NATURALIZATION CERTIFICATES, BIDDEFORD, ME.

The Committee on the Judiciary was called.

Mr. OATES, from the Committee on the Judiciary, reported back adversely the bill (H. R. 2707) to make legal and valid naturalization certificates, issued by the municipal court of Biddeford, Me., in the First Congressional district of Maine, and for other purposes; which was laid on the table, and the accompanying report ordered to be printed.

SUPPLEMENT TO THE REVISED STATUTES.

Mr. STOCKDALE, from the Committee on the Judiciary, reported back with a favorable recommendation the bill (H. R. 9069) for the further continuance of the publication of the Supplement of the Revised Statutes of the United States; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

DEEP-WATER HARBOR, TEXAS.

Mr. CRAIN, from the Committee on Interstate Commerce, reported back with a favorable recommendation a bill (H. R. 9824) to amend an act entitled "An act to promote the construction of a safe deep-water harbor on the coast of Texas," approved February 9, 1891; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

CERTAIN PUBLIC LANDS, ALABAMA.

Mr. MCRAE, from the Committee on the Judiciary, reported back with a favorable recommendation an act (S. 1696) to further provide for the disposal of certain public lands in the State of Alabama; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. This completes the call of standing and select committees. The morning hour begins at 15 minutes of 1. The call rests with the Committee on Indian Affairs.

INDIAN CLAIMS UNDER TREATY OF BUFFALO CREEK.

Mr. PEEL. Mr. Speaker, I call up the bill (H. R. 5679) to provide for settlement with the Indians who were parties to and beneficiaries under the treaty concluded at Buffalo Creek, in the State of New York, January 15, 1838, for the unexecuted stipulations of that treaty. This bill carries with it an appropriation, and of course, according to the rule, it ought to be considered in Committee of the Whole; but when we get the bill under consideration I propose to substitute a bill reported by the Senate committee which carries no appropriation, but refers the matter to the Court of Claims. Therefore, I ask unanimous consent that the House bill be considered in the House as in Committee of the Whole.

Mr. HOLMAN. Mr. Speaker, I hope there will be no objection to going into Committee of the Whole upon this bill.

The SPEAKER. The gentleman from Arkansas [Mr. PEEL] asks unanimous consent that this bill be considered in the House as in Committee of the Whole. Is there objection?

Mr. DINGLEY. Mr. Speaker, before that is agreed to I wish to ask the gentleman what it is proposed to submit to the Court of Claims, and whether they are to have authority to render judgment.

Mr. PEEL. This is a claim of the New York Indians against the Government for certain lands that were appropriated by the Government, and the Senate bill proposes to refer the matter to the Court of Claims to ascertain the amount due and to render judgment. They have found upon the case once.

Mr. DINGLEY. What is the amount?

Mr. PEEL. The amount found before was about a million dollars.

Mr. DOCKERY. Mr. Speaker, I think this bill had better take the regular course.

Mr. PEEL. Very well. Then I move that the House resolve itself into Committee of the Whole.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. RICHARDSON in the chair.

The CHAIRMAN. The House is in Committee of the Whole to consider the bill the title of which will be read.

The Clerk read the title of the bill, as follows:

To provide for a settlement with the Indians who were parties to and beneficiaries under the treaty concluded at Buffalo Creek, in the State of New York, January 15, 1838, for the unexecuted stipulations of that treaty.

Mr. HOLMAN. I ask for the reading of the bill.

Mr. PEEL. Yes; I think the bill ought to be read.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he hereby is, authorized and directed to secure from the New York and other Indian tribes who were parties to or beneficiaries under the treaty concluded at Buffalo Creek, in the State of New York, on the 15th day of July, 1838, a release and surrender of all their claims under the said treaty to the lands set apart for them in the present State of Kansas and to all the money for their benefit thereby provided for.

SEC. 2. That in consideration of such release and surrender the United States shall, upon the execution thereof to the satisfaction of the Secretary of the Interior, pay and invest for the said Indians $1,971,295.92, with interest from the 5th day of November, 1857: *Provided, however*, That out of said sum the Secretary of the Interior shall first pay and satisfy all proper and lawful claims arising out of contracts with the said Indians or any of them for services in their behalf which have been or may hereafter be approved according to law.

SEC. 3. That the money above provided to be paid and invested shall, after the allowance aforesaid, be distributed among the several tribes interested

therein in proportion to the numbers of said tribes, respectively, as set forth in Schedule A to said treaty of Buffalo Creek.

SEC. 4. That the Secretary of the Interior be, and he hereby is, authorized and directed to make such arrangements with each of the said tribes for the investment and application of its proportion of the sum aforesaid and to apply the same as may be determined upon by the said several tribes in accordance with their respective rules or form of government and as may be approved by the said Secretary of the Interior.

SEC. 5. That there be, and there hereby is, appropriated, out of any moneys in the Treasury not otherwise appropriated, the moneys necessary to carry out the provisions of this act.

Mr. PEEL. I now desire to substitute for the bill just read the one which I send to the desk, which is the bill reported from the Committee on Indian Affairs of the Senate.

The proposed substitute (S. 3407) was read, as follows:

Be it enacted, etc., That jurisdiction is hereby conferred on the Court of Claims to hear and enter up judgment as if it had original jurisdiction of said case, the claim of the New York Indians, being those Indians who were parties to the treaty of Buffalo Creek, New York, on the 15th of January, 1838, against the United States, growing out of the alleged unexecuted stipulations of said treaty on the part of the United States. In the hearing and adjudication of said case said court may proceed upon the finding of facts already made, upon a reference of said claim to said court, filed on the 11th day of January, 1892, and transmitted to Congress by John Randolph, assistant clerk of said court, on the 16th day of January, 1892. Or said court may, if in its opinion justice so requires, take other testimony as to facts. But in any judgment it may render against the United States in favor of said claimants, interest shall not be allowed. The statute of limitations shall not be pleaded as a bar to recovery in said case. The Attorney-General is hereby directed to appear in behalf of the United States in said case. And from any judgment rendered by the court either party may appeal to the Supreme Court of the United States. Said cause shall be advanced on the docket and tried without delay in any court which shall become invested with jurisdiction thereof by the provisions of this act.

Mr. PEEL. As the Committee of the Whole will observe, this substitute provides simply that this claim shall be referred to the Court of Claims for adjudication. The House bill which was first read proposes to appropriate a large amount of money for the settlement of this claim, growing out of a finding of facts heretofore made by the Court of Claims; but the Senate committee upon investigation concluded that the matter ought to be re-referred to the Court of Claims in order to ascertain the amount due and to render judgment. The Committee of the Whole will observe that the provisions of the bill as read preclude any allowance of interest upon any finding which the Court of Claims may hereafter make. The court can only find the principal sum due to these Indians for the lands which the Government appropriated. If there is any gentleman who wants to ask any question or to debate the measure, of course there will be reasonable time for that.

Mr. HOLMAN. I think the report ought to be read.

Mr. PEEL. The report is long.

Mr. HOLMAN. There is ample time.

Mr. PEEL. I hope the time has not come when it is not only impossible to appropriate money for the Indians, but when we can not let the matter go to the courts to ascertain whether we should make such appropriation or not.

The report of the Senate Committee on Indian Affairs was read, as follows:

The Committee on Indian Affairs, to whom was referred the finding of the Court of Claims in the case of the New York Indians, etc., *vs.* The United States, make the following report:

The finding of the Court of Claims is as follows:

[Court of Claims. Congressional case No. 151. The New York Indians, being those Indians who were parties to the treaty concluded at Buffalo Creek, in the State of New York, on the 15th day of January, 1838, *vs.* The United States.]

At a Court of Claims held in the city of Washington on the 11th day of January, A. D. 1892, the court filed the following findings of fact, to wit:

The claim or matter in the above-entitled case was transmitted to the court by the Committee on Indian Affairs of the Senate of the United States, the 21st day of June, 1884.

James B. Jenkins, Henry E. Davis, Guion Miller, esqs. (with whom was George Barker, esq.), appeared for claimants, and the Attorney-General, by F. P. Dewees, esq., his assistant and under his direction, appeared for the defense and protection of the interests of the United States.

The following is the letter transmitting the cause to this court:

"UNITED STATES SENATE COMMITTEE ON CLAIMS,
"*June 21, 1884.*

"At a meeting of the Committee on Indian Affairs of the Senate of the United States the following order was made by that committee:

"*Ordered*, That Senate bill (S. 467) to provide for a settlement with the Indians who were parties to the treaty concluded at Buffalo Creek, in the State of New York, on the 15th day of January, 1838, for the unexecuted stipulation of that treaty, together with the accompanying amendment intended to be proposed by Mr. Voorhees to the aforesaid bill, which bill and proposed amendment were referred to said committee at the first session of the Forty-eighth Congress, and which bill and proposed amendment are now pending before said committee, be transmitted (in accordance with the provisions of an act entitled 'An act to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government,' approved March 3, 1883), to the Court of Claims of the United States, together with the vouchers, papers, proofs, and documents appertaining thereto, for the investigation and determination of the facts involved in said bill and said proposed amendment thereto.

"J. R. MCCARTY,
"*Clerk to the United States Senate Committee on Indian Affairs.*"

All questions relative to the proposed amendment to the Senate bill mentioned in said letter were abandoned by council at the beginning of the argument, and it was stated that an agreement had been reached upon its subject-matter.

The case having been brought to a hearing on the 25th day of November, 1891, the court, upon the evidence and after considering the briefs and arguments of counsel on both sides, find the facts to be as follows:

In 1784 the United States by treaty secured the Oneida and Tuscarora Nations in the possession of the lands upon which they were settled, and fixed the boundaries of the lands of the Six Nations, it being agreed by the United States that the Six Nations should be secured in the peaceful possession of the lands they then inhabited east and north of the boundaries fixed.

The stipulations of this treaty were renewed and confirmed in 1789, when the boundary was again described in the same terms as in the treaty of 1784, and the Indians relinquished and ceded to the United States the lands west of the defined boundary. The Mohawks were not parties to the treaty of 1789.

In 1794 another treaty was concluded with the Six Nations, guaranteeing peace and friendship perpetual between the parties, acknowledging the lands reserved to the Oneida, Onondaga, and Cayuga Nations in their treaty with the State of New York to be their property, and engaging that the United States would never claim the same or disturb them or either of the Six Nations, nor their Indian friends residing thereon and united with them in the free use and enjoyment thereof, but the said lands should remain theirs until they chose to sell the same to the United States, who "have the right to purchase." The land of the Seneca Nation is also described by metes and bounds in this treaty, acknowledged as their property, and confirmed as theirs until they choose to sell to the United States, who "have the right to purchase," and the United States having thus described and acknowledged the lands of the Oneidas, Onondagas, Cayugas, and Senecas, and engaged never to claim the same nor disturb the Six Nations in the free use and enjoyment thereof, the Six Nations upon their side engaged never to claim any other lands within the boundaries of the United States.

II.

The New York Indians in 1810 petitioned the President of the United States for leave to purchase reservations of their Western brethren with the privilege of removing to and occupying the same. Thereupon, with the approbation of the President, lands situated at Green Bay, Wis., was purchased by the New York Indians from the Monomonee and Winnebago tribes.

III.

In 1821 the Monomonee Indians ceded to the Stockbridge, Oneida, Tuscarora, St. Regis, and Munsee nations two large tracts of land in Wisconsin for a small money consideration. The title to one of those tracts was confirmed in the New York Indians by the President March 13, 1823.

IV.

Thereafter certain New York Indians belonging to the Oneida, St. Regis, Munsee, and Brothertown tribes removed to and took possession of the lands in Wisconsin. Subsequently questions of tenure and boundaries of the lands granted to the New York Indians were raised by the Menomonees, negotiations were had, and steps were taken through which the purchase by the New York Indians from the Menomonees and Winnebagoes was so reduced as to include only 500,000 acres of land on the south and west of the Fox River, together with three townships on the north and east of said river, comprising 89,120 acres, which was to be set apart for the Stockbridge, Munsee, and Brothertown tribes, to all of which the New York Indians duly assented, and thereafter the title to the said three townships and the said 500,000 acres was recognized by the Congress and the President of the United States to be in the New York Indians.

In the treaty of February 8, 1831, with the Menomonee Indians it was agreed that certain land in Wisconsin might be set apart as a home to the several tribes "of New York Indians who may remove to and settle upon the same within three years from the date of this agreement."

This treaty was assented to by the New York Indians, October 17, 1832, and by amendment later introduced by agreement between the United States and the Menomonee Indians, the removal of those of the New York Indians who might not be settled on the lands at the end of three years was left discretionary with the President of the United States. A small portion of the New York Indians removed to the Wisconsin or Green Bay lands.

In the treaty with the Monomonees, *supra*, appears at the end of article 1 the following:

"It is distinctly understood that the lands hereby ceded to the United States for the New York Indians are to be held by those tribes under such tenure as the Menomonee Indians now hold their lands, subject to such regulations and alteration of tenure as Congress and the President of the United States shall from time to time think proper to adopt."

V.

The title of the New York Indians as set forth in the fourth finding has since been acknowledged by the United States; as in the treaty with the Menomonees of September 3, 1836; in the treaty with the Stockbridges and Munsees of September 3, 1839; in the treaty with the New York Indians concluded at Buffalo Creek January 15, 1838; and in the treaty with the Tonawanda band of Senecas of November 5, 1857.

VI.

From the preceding findings it appears as a fact that prior to February, 1831, the claimants, with the approbation of the President, had purchased from the Menomonee and Winnebago Indians certain lands near Green Bay, in the then Territory of Wisconsin; that a question had arisen as to the extent of this purchase, which was finally settled by treaty between the Monomonees and the United States in February, 1831 (ratified in 1832), which treaty contained a provision securing to claimants, in consideration of $20,000, 500,000 acres of land at Green Bay (in addition to the townships set apart for the Stockbridge, Munsee, and Brothertown tribes), on condition that they should remove to the same within three years or such reasonable time as the President of the United States should prescribe.

VII.

In January, 1838, the claimants had not all removed to the lands in Wisconsin, but had been prevented from doing so by reasons accepted as sufficient by the President of the United States.

VIII.

Prior to the month of January, 1838, the claimants applied to the President of the United States to take their Green Bay lands and provide them a new home in the Indian Territory. Pursuing the Government policy in removing the Indians to the west of the Mississippi, the President acted upon the application of the Indians by making with them the treaty (known as the treaty of Buffalo Creek) of January 15, 1838.

IX.

The treaty of Buffalo Creek provided, in consideration of the premises recited in the foregoing three findings and of the covenants contained in the treaty itself to be performed by the United States, that the claimants cede and relinquish to the United States all their right, title, and interest in and to their Green Bay lands (excepting a small reservation), and in considera-

tion of this cession and relinquishment the United States, in and by the treaty, agree and guarantee as follows:

First, to set apart as a permanent home for all of the claimants having no permanent homes a certain tract of country west of the Mississippi River, described by metes and bounds and to include 1,824,000 acres of land; to have and to hold the same in fee simple to the said tribes or nations of Indians by patent from the President of the United States, in conformity to the provisions of section 3 of the act of Congress of May 28, 1830, entitled "An act to provide for an exchange of lands with the Indians residing in any of the States or Territories, and for their removal west of the Mississippi;" the same to be divided among the different tribes, nations, or bands in severalty; it being understood that the said country was intended as a future home for the following tribes: The Senecas, Onondagas, Cayugas, Tuscaroras, Oneidas, St. Regis, Stockbridges, Munsees, and Brothertowns, and was to be divided equally among them according to the number of individuals in each tribe, as set forth in a schedule annexed to the treaty and designated as Schedule A, on condition that such of the claimants as should not accept and agree to remove to the country set apart for them within five years, or such other time as the President might from time to time appoint, should forfeit to the United States all interest in the lands so set apart. The following is the Schedule A:

Census of the New York Indians as taken in 1837.

Number residing on the Seneca reservations:

Senecas	2,309
Onondagas	194
Cayugas	130
	2,633
Onondagas at Onondaga	300
Tuscaroras	273
St. Regis in New York	350
Oneidas at Green Bay	600
Oneidas in New York	620
Stockbridges	217
Munsees	132
Brothertowns	360

Second. The United States agreed to protect and defend the claimants in the peaceable possession and enjoyment of their new homes, and to secure their right to establish their own government, subject to the legislation of Congress respecting trade and intercourse with the Indians.

Third. The United States agreed that the lands secured to the claimants by the treaty should never be included in any State or Territory of the Union.

Fourth. The United States agreed to pay to the several tribes and nations of the claimants hereinafter mentioned, on their removal west, the following sums, respectively, namely: To the St. Regis tribe, $5,000; to the Seneca Nation, the income, annually, of $100,000 (being part of the money due said nation for lands sold by them in New York, and which sum they authorized to be paid to the United States); to the Cayugas, $2,500 cash and the annual income of $2,500; to the Onondagas, $2,000 cash and the annual income of $2,500; to the Oneidas, $6,000 cash, and to the Tuscaroras, $3,000.

Fifth. The United States agreed to appropriate the sum of $400,000, to be applied from time to time by the President of the United States for the following purposes, namely: To aid the claimants in removing to their new homes and supporting themselves the first year after their removal; to encourage and assist them in being taught to cultivate their lands; to aid them in erecting mills and other necessary houses; to aid them in purchasing domestic animals and farming utensils, and in acquiring a knowledge of the mechanic arts. It does not appear that application was made by the tribes or bands or any of them to the Government for removal to the Kansas lands except as appears in Finding XV below. Article 3 of this treaty of Buffalo Creek provides that such of the tribes of the New York Indians as did not accept and agree to remove to the country set apart for their new homes within five years, or such other time as the President might appoint, should forfeit to the United States all interest in the lands so set apart. By supplemental article the St. Regis Indians assented to the treaty with this stipulation, viz:

And it is further agreed that any of the St. Regis Indians who wish to do so shall be at liberty to remove to the "said country at any time hereafter within the time specified in this treaty, but the Government shall not compel them to remove."

The treaty of January 15, 1838, as amended by the Senate June 11, 1838, was assented to September 28, 1838, by the Seneca tribe of New York Indians; August 9, 1838, by the chiefs of the Oneida tribe; August 14, 1838, by the Tuscarora Nation residing in New York; August 30, 1838, by Cayuga Indians residing in New York; October 9, 1838, by the St. Regis Indians residing in New York; August 31, 1838, by the Onondaga tribe of Indians on the Seneca reservations in the State of New York.

There is no evidence before the court that the Onondagas at Onondaga (200), Oneidas at Green Bay (600), Stockbridges (217), Munsees (132), Brothertowns (360), ever assented to the treaty as amended by the Senate June 11, 1838.

X.

In the year 1838, at the time of the making of the treaty of Buffalo Creek, the Six Nations of New York Indians, designated by that name in the treaty, consisted of six separate nations or tribes known and named as the Senecas, the Onondagas, the Oneidas, the Cayugas, the Tuscaroras, and the St. Regis; and each of said nations or tribes, except the Cayugas, owned and possessed a reservation of land in the State of New York on which the members of said tribes resided, and the right to occupancy to which was secured to them by treaty stipulations. The Cayuga Indians had no separate reservation of their own in the State of New York, but made their home with and resided upon the reservation and lands possessed by the Seneca Nation with the consent of the latter.

XI.

The lands occupied by the Seneca Nation in the State of New York, as set forth in the last preceding finding, consisted of four separate and distinct reservations, namely:

The Buffalo Creek Reservation, in Erie County, containing 49,920 acres; the Cattaraugus Creek Reservation, containing 21,680 acres; the Alleghany Reservation, containing 30,469 acres, and the Tonawanda Reservation, in Genesee County, containing 12,800 acres. The lands occupied by the Tuscarora Indians were situated in Niagara County, N. Y., and comprised 6,249 acres. The lands occupied by the Onondaga tribe were situated in Onondaga County, N. Y., and comprised 7,300 acres. The lands occupied by the Oneida tribe were situated in Oneida and Madison Counties, N. Y., and comprised 400 acres. The reservation and lands occupied by the St. Regis tribe were situated in Franklin County, N. Y., and comprised about 14,000 acres.

XII.

For many years prior to the making of the treaty of Buffalo Creek, in 1838, the said several nations or tribes of Indians had improved and cultivated their lands on which they resided, and form the products of which they chiefly sustained themselves.

XIII.

At the time of the making of the treaty of Buffalo Creek, in 1838, one Thomas L. Ogden and one Joseph Fellows, both residents of the State of New York, claimed to be the assignees of the State of Massachusetts and owners of the preëmptive right of purchase from the Seneca Nation of the several reservations of land occupied by them as above set forth, which preëmptive right had been secured to the Commonwealth of Massachusetts by a convention of the States of New York and Massachusetts, held on the 6th day of December, 1786. The claims of the said Ogden and Fellows were recognized and provided for in the said treaty of Buffalo Creek and the treaty supplementary thereto, which was entered into between the United States and the said Six Nations on the 20th day of May, 1842. After the ratification of said treaty of 1843, which was proclaimed on the 26th day of August in that year, the Seneca Nations surrendered to said Ogden and Fellows the possession of the Buffalo Creek Reservation aforesaid, and the said nation has since continued to occupy the Cattaraugus and Allegheny Reservations mentioned in said treaties of 1838 and 1842.

XIV.

The President of the United States never prescribed any time for the removal of the claimants or any of them to the lands or any of them set apart by the treaty of Buffalo Creek.

XV.

No provision of any kind was ever made for the actual removal of more than about two hundred and sixty individuals of the claimant tribes, as contemplated by the treaty of Buffalo Creek, and of this number only thirty-two ever received patents or certificates of allotment of any of the lands mentioned in the first article of the treaty, and the amount allotted to those thirty-two was at the rate of 320 acres each, or 10,240 acres in all.

In 1845 Abram Hogeboom represented to the Government of the United States that a number of the New York Indians, parties to the treaty of 1838, desired to remove to the Kansas lands, and upon such representation and in conformity with such desire said Hogeboom was appointed special agent of the Government to remove the said Indians to Kansas.

The sum of $9,464.08 of amount appropriated by Congress was expended in the removal of a party of New York Indians under his direction in 1846.

From Hogeboom's muster roll in the Indian Office it appears that 271 were mustered for emigration. The roll shows that of this number 73 did not leave New York with the party; the number, thus reduced to 191, arrived in Kansas June 15, 1846; 17 other Indians arrived subsequently; 62 died, and 17 returned to New York.

It does not appear that any of the 32 Indians to whom allotments were made settled permanently in Kansas.

XVI.

The United States, after the conclusion of the treaty of Buffalo Creek, surveyed and made part of the public domain the lands at Green Bay ceded by the claimants, and sold or otherwise disposed of and conveyed the same and received the consideration therefor.

XVII.

The lands west of the Mississippi secured to the claimants by the treaty o, Buffalo Creek were afterwards surveyed and made part of the public domainf and were sold or otherwise disposed of by the United States, which received the entire consideration therefor; and the said lands thereafter were and now are included within the territorial limits of the State of Kansas. The price realized by the United States for such of the said lands as were sold was at the rate of $1.34 per acre, while the cost of surveying, etc., the same was at the rate of about 12 cents per acre, making the net price realized by the United States about $1.22 per acre.

XVIII.

By the treaty with the Tonawanda Band of Senecas, numbering 650 individuals, the United States, November 5, 1857, in consideration of the release by the said band of its claims upon the United States to the lands west of the State of Missouri, all right and claim to be removed thither and for support and assistance after removal and all other claims against the United States under the treaties of 1838 and 1842 (reserving their rights to moneys paid or payable by Ogden & Fellows), agreed to pay and invest, and did pay and invest for said band the sum of $256,000. This amounted in substance to compensating the beneficiaries of the treaty of 1838 at the rate of $1 per acre for their claims to lands in Kansas, under said treaty, and also their proportionate share of the $400,000 provided to be appropriated in that treaty.

XIX.

After March 21, 1859, an order of the Secretary of the Interior was made which directed that the tract of land in Kansas Territory known as the New York Indian Reserve should be surveyed with a view of allotting a half section each to such of the New York Indians as had removed there under treaty provisions, after which the residue was to become public domain. After this and before the proclamation of the President of said lands as part of the public domain (December 3 and 17, 1860), the New York Indians employed counsel to protect and prosecute their claims in the premises, asserting in the powers of attorney that the United States had seized upon the said lands contrary to the obligations of said treaty, and would not permit the said Indians to occupy the same or make any disposition thereof; the said Indians have steadily since asserted their said claims.

XX.

Of the sum of $400,000 agreed by the treaty of Buffalo Creek to be appropriated by the United States for the purposes mentioned in the ninth finding above, only the sum of $20,477.50 was so appropriated (except as hereinafter stated). Of this sum only $9,464.08 was actually expended. This sum was expended for the removal, more than five years after the ratification of the treaty, of some of the 260 individuals mentioned in the fifteenth finding above; but in addition to said sum of $9,464.08 there was paid for the Tonawanda band of Senecas $256,000, as mentioned in the eighteenth finding above.

XXI.

The records of the Indian Office do not show that the President ever prescribed any time for the removal of the New York Indians to Wisconsin under the treaties of February 8, 1831, and October 27, 1832, or that the President prescribed any time for the removal of the New York Indians from Wisconsin and New York to the Kansas lands under the treaty of Buffalo Creek (January 15, 1838), or that the Government took any steps to defend those Indians who did remove to Kansas "in the peaceable possession of their new homes."

XXII.

The account under the treaty of Buffalo Creek may thus be stated (omitting all questions of law and as to interest and without deciding that the United States are or are not responsible for any portion thereof):

Credit the tribes with—

1,824,000 acres of land in Kansas, at $1 per acre	$1,824,000.00

Amount named in articles 9 to 14, both inclusive, of the treaty of Buffalo Creek (except the $100,000 for the Seneca Nation, which has been taken into the account in other dealings between the United States and that nation respecting the claims of Ogden and Fellows)	$23,000.00
Amount named in article 15 of the treaty	400,000.00
	2,247,000.00
Debit the tribes with—	
Amount expended in removing the portion of the 206 individuals mentioned in finding 15	9,464.08
10,240 acres allotted to the 32 individuals mentioned in finding 15, at $1 per acre	10,240.00
Amount invested for Tonawanda band	256,000.00
	275,704.08
Balance	1,971,295.92

BY THE COURT.

Filed January 11, 1892.
A true copy.
Test, this 16th day of January, A. D. 1892.
[SEAL.]
JOHN RANDOLPH,
Assistant Clerk, Court of Claims.

It will be observed that this finding was made under the so-called "Bowman act," and deals only with facts. Upon the facts as found questions of law arise as to whether the United States is liable for a money payment to the claimants; and, if so, the amount thereof. These questions, in the opinion of the committee, should be determined by a court where they can all be carefully considered and decided. The committee therefore recommends the passage of the accompanying bill conferring jurisdiction on the Court of Claims to hear and determine the case.

The claimants demand interest on the value of their lands in Kansas, which were set apart for them with a view of their removal thereto, from 1843, or certainly from the year 1860, when the United States proclaimed the Kansas lands open to settlement. But in the judgment of the committee this case is not one in which interest should be allowed against the Government.

The bill is therefore so drawn as to exclude the payment of interest upon any sum that may be found due by the Court of Claims.

Mr. LIVINGSTON (before the reading of the report was concluded). Mr. Chairman, I ask that the further reading of this report be dispensed with.

Mr. HOLMAN. Oh, no; this is the first time this bill has ever been before the House.

Mr. LIVINGSTON. As I understand, nobody is listening to the report; and we can not hear the reading at any rate.

The CHAIRMAN. Does the gentleman from Indiana [Mr. HOLMAN] object to dispensing with the reading of the report?

Mr. HOLMAN. This is a measure involving the sum of $1,971,295.92, and it is the first time the subject has been before the House.

The CHAIRMAN. Does the gentleman object to dispensing with the further reading?

Mr. HOLMAN. I insist on the reading of the report.

The Clerk resumed the reading.

Mr. PEEL (before the reading was concluded). Mr. Chairman, as this lengthy report is not necessary to give the House information as to the nature of this measure, I ask that the further reading be dispensed with.

The CHAIRMAN. Is there objection?

Mr. HOLMAN. I think the report ought to be read.

The Clerk resumed and concluded the reading of the report.

Mr. PEEL. This long report, when it is all simmered down, amounts to nothing more than a proposition to re-refer this question to the Court of Claims, to which it has already been once referred, for a simple ascertainment of the facts. As the report discloses, the Senate Committee on Indian Affairs, who reported the bill which has been submitted as a substitute, came to the conclusion that the claim ought to go back to the Court of Claims and that there should be conferred upon the court jurisdiction to determine not only the facts but the value of the land belonging to these Indians which the Government has appropriated, and with a right of appeal to the Supreme Court of the United States, which is certainly a court competent to deal justly between the Government and the Indians. That is all there is in the proposition.

Mr. BROSIUS. Will the gentleman from Arkansas yield to me a moment?

Mr. PEEL. How long?

Mr. BROSIUS. For a couple of minutes.

Mr PEEL. I yield to the gentleman for that time.

Mr. BROSIUS. Mr. Chairman, I desire only to direct the attention of the House to the action of the Religious Society of Friends in the States of Ohio, Illinois, and Maryland in reference to this measure. We are all aware that this religious society has for a great many years had a deep interest in the welfare of the Indians, and that great weight attaches to their views upon a subject of this kind. I have before me papers embodying the action of the Society of Friends in the three States I have named, and I desire to submit these papers for the information of the House:

To the Senate and House of Representatives of the United States:

We, the undersigned members of the executive committee on Indian affairs of Baltimore Yearly Meeting of the Religious Society of Friends, respectfully represent that for many years we had intimate relations with the New York Indians and were instrumental in securing for them some of the educational advantages they enjoy, and were deeply concerned for their advancement in civilization and enlightenment.

We call attention to the claim favorably reported on by the United States Court of Claims now pending in Congress and embraced in House bill No. 5679, and are satisfied that it is a just debt owed by the Government to these Indians.

We hereby respectfully and earnestly petition your honorable bodies to take prompt and favorable action on said claim and beg leave to state that we believe a further postponement of the debt would be an act of the greatest injustice to these Indians.

JOSEPH J. JANNEY.
EDWD. STABLER, JR.
MARTHA S. TOWNSEND.
MARY C. BLACKBURN.

To the United States House of Representatives:

The undersigned, members of the Committee on Indian Affairs of the Yearly Meeting of the Religious Society of Friends of Illinois, do hereby ask your honorable body to take such action at an early date upon the findings of the Court of Claims in the case of the New York Indians against the United States Government as expressed in Senate Mis. Doc., No. 46 (Fifty-second Congress), January 18, 1892, to the end that these innocent and helpless people may be paid the amount of their just claim, as found in the opinion of said Court of Claims.

We believe the claim to be a valid and legitimate one, or we would not thus invoke your favorable action upon it.

We are, with great respect,

Joshua S. Mills, chairman, Mount Palatine, Ill.; Isaiah Lightner, Matson, Platte County, Nebr.; Sarah E. Cooper, Winfield, Iowa; Chalkly John, Penrose, Ill.; Jonathan W. Plummer, chairman of general committee on philanthropic work, Chicago, Ill.

To the United States House of Representatives:

Referring to Senate bill Fifty-second Congress, first session (Miscellaneous Document No. 46), entitled "Findings filed by the Court of Claims in the case of the New York Indians vs. the United States," we, members of the standing committee on the Indian Concern of Yearly Meeting of the Religious Society of Friends, of Ohio, do hereby pray that your honorable body will take early and favorable action upon this long pending, and as we believe, just claim, to the end that these Indians may obtain that which has been so long withheld from them.

Signed on behalf of the Indian committee of Ohio, Yearly Meeting, Secondmonth, 22, 1892.

SAMUEL S. TOMLINSON.
AMY G. WALKER.

Mr. Chairman, the people who have adopted the action to which I have thus called attention, rarely arrive at any conclusion without careful and mature consideration. I hope, therefore, that this measure will pass.

The CHAIRMAN. The question is on the adoption of the substitute offered by the gentleman from Arkansas [Mr. PEEL].

Mr. DINGLEY. Has general debate closed?

Mr. HOLMAN. Mr. Chairman——

Mr. PEEL. I hope the gentleman from Indiana will not take up all our time. How much does he want?

Mr. HOLMAN. Not much. I am going to submit a motion.

Mr. DINGLEY. Mr. Chairman, can any amendment be pending until general debate has been closed?

The CHAIRMAN. The gentleman from Arkansas [Mr. PEEL] has offered a substitute.

Mr. DINGLEY. But we have not yet closed the general debate.

The CHAIRMAN. The substitute is pending, however.

Mr. PEEL. I want to reach some agreement in regard to the time to be occupied in debate; for I hope it is not the intention of the gentleman from Indiana to occupy the whole time without coming to a vote.

Mr. HOLMAN. Oh, no; that is not the purpose; you have another hour. This measure now comes before Congress for the first time for consideration. It has, I observe, been considered once by a committee of Congress, for there is a report made in the Forty-seventh Congress; but the measure involves, as I have said, the sum of $1,971,295.92.

Mr. PEEL. I have not yielded the floor; I would like to come to some agreement.

Mr. HOLMAN. I want to state the reason why there should be allowed a reasonable time for debate on this question.

The CHAIRMAN. The gentleman from Arkansas is entitled to the floor.

Mr. HOLMAN. I concede that the gentleman from Arkansas is entitled to the floor.

Mr. PEEL. I hope we may come to some agreement about the time to be occupied.

Mr. HOLMAN. I will state the reason why I think a reasonable debate should be allowed.

Mr. PEEL. How much does the gentleman suggest?

Mr. HOLMAN. A couple of hours.

Mr. PEEL. Why, Mr. Chairman, if "a couple of hours" are to be allowed for debate, we may as well give up the bill at once. The gentleman knows that we have no time in the morning hour to discuss this matter for two hours. The bill is nothing in the world but a proposition to refer the case to the Court of Claims with a right of appeal to the Supreme Court of the United States.

Mr. HOLMAN. I know; but the reading of the report shows what that means.

Mr. PEEL. The gentleman from Indiana proposes simply not to allow the Indians a day in court.

Mr. HOLMAN. By no means. I do not want to do them an injustice or to do an injustice to anybody. If the gentleman thinks he can not allow two hours for the discussion, then let me suggest a half an hour.

Mr. PEEL. But the hour allowed us to-day will have been exhausted by that time.

Mr. HOLMAN. You have another hour to-morrow.

Mr. HENDERSON of Iowa. Can you not get unanimous consent to extend the time? This seems to be a very important matter.

Mr. PEEL. The day is already devoted to another committee after this hour expires.

Mr. HOLMAN. But my friend will see that the Government ought not to pass such a measure without more consideration than is proposed to be given here, especially a measure which originated fifty-four years ago, and involves so large a sum.

Mr. PEEL. But we propose to refer this to a court. Now, I think it would be quite competent for the court to hear and determine the rights of the parties. What we say here would not have very much weight with the court anyhow. They would be governed entirely by the evidence in the case and the law.

I hope the gentleman from Indiana will not insist upon that length of time.

Mr. HOLMAN. I think a half hour is an exceedingly moderate time.

Mr. PEEL. I must say frankly, while I do not want to impugn any member's motives on this floor, still this demand will defeat the consideration of this bill and prevent an act of justice to these people. Here is a bill simply proposing to refer a claim reported upon by the Committee on Indian Affairs, and take the Senate report, and refer the whole matter to the courts; and if there is a gentleman here who is not willing that any citizen, let alone a dependent Indian of this country who is the ward of the nation, may go into the courts of this country and obtain justice, who is not willing to allow a claim pending of such importance as this to be adjudicated by our own courts, then we had just as well tell the Indians that they have no rights anyway, and it does not make any difference what their claims may be, we will not respect them.

Mr. HOLMAN. But my friend entirely misapprehends the matter. He proposes by this bill to suspend the statute of limitations, a very important matter of defense after fifty-four years.

Mr. PEEL. I suppose, because the Government got the Indians off the land and have held it for fifty years, they are in a position to plead the statute of limitations against the Indians. But let me state to the gentleman from Indiana that the bill restricts the court to the principle that no interest shall be allowed; so the matter of time will not affect the question of controversy at all.

I move that the committee rise and report the bill back to the House with a favorable recommendation.

The CHAIRMAN. The first question would be on the adoption of the substitute after the general debate is exhausted.

Mr. PEEL. Then I move the adoption of the substitute.

Mr. DINGLEY. But general debate has not been closed.

The CHAIRMAN. The matter is still open for debate.

Mr. PEEL. I ask a vote.

The CHAIRMAN. When a vote is taken, it will be on the motion to amend first.

Mr. PEEL. I think we had better take a vote on the adoption of the substitute, and let the debate proceed upon that.

Mr. HOLMAN. I would prefer not, because I wish to move to amend the substitute.

Mr. PEEL. You can not do that until it is adopted.

Mr. HOLMAN. Oh, yes; the substitute must be first perfected before it is adopted.

Mr. DINGLEY. You can not substitute a Senate bill except by unanimous consent. I call the attention of the Chair to the fact that this is a Senate bill which is proposed to be substituted here.

Mr. HOLMAN. The motion to amend the substitute would be first in order, of course, Mr. Chairman.

The CHAIRMAN. The Chair has so held.

Mr. PEEL. With a view of facilitating this matter, I ask the gentleman from Indiana if he will not accept ten minutes?

Mr. HOLMAN. I do not expect to occupy more than five minutes myself, but I think——

Mr. PEEL. I yield to the gentleman ten minutes. He says he only wants five.

Mr. HOLMAN. I want to treat my friend with entire fairness, and know that he always wants to act fairly; but he brings up here in the morning hour a measure which has never been considered before, 54 years of age, involving a claim of nearly $2,000,000, and for the first time—no, not for the first time, for a week ago I had my attention called to the matter—I have had an opportunity of examining it briefly in the limited time since it has been called up; and now for the first time I have the report before me, which I have been trying to understand while it was being read by the Clerk. I do not think a measure of such antiquity, involving such an amount, concerning the dealings between the Government and the Indians, should be pressed through on the spur of the moment; and I ask my friend now why should not the statute of limitations apply in this case?

I move, because I wish to give my friend all the time he wants, to strike out that portion of the Senate bill to suspend the statute of limitations. I have not the bill before me, could not get a copy, and have been informed that the supply is exhausted.

Mr. PEEL. For the information of the committee I would suggest that the bill be reported again.

Mr. HOLMAN. I only wish to strike out that portion of the Senate bill which suspends the statute of limitations.

The CHAIRMAN. That is, to strike it out of the proposed substitute?

Mr. HOLMAN. Yes.

Mr. DINGLEY. Before that is done I want to call attention to the parliamentary situation. Here is a bill being considered in the Committee of the Whole. Now, a proposition has been made to amend the House bill by substituting a Senate bill. That is only admissible by unanimous consent.

Mr. PEEL. But this bill has not passed the Senate. It is simply a bill which has been introduced in the Senate.

Mr. DINGLEY. I understood it was a bill that had passed the Senate.

The CHAIRMAN. The proposition of the gentleman from Indiana, as the Chair understands, is to amend the substitute?

Mr. HOLMAN. Yes.

Mr. PEEL. This bill has not passed the Senate, but has only been reported there.

Mr. HOLMAN. But still, if it had passed the Senate, the gentleman might take the language of the Senate bill and introduce it as a substitute.

Mr. DINGLEY. I suppose from the language the gentleman used that the bill had passed the Senate.

The CHAIRMAN. This is a bill which has simply been introduced in the Senate, and it is now offered as a substitute in the committee. The motion of the gentleman from Indiana [Mr. HOLMAN] is to amend the substitute. The Clerk will report the proposed amendment of the gentleman from Indiana.

Mr. LOCKWOOD. I desire to ask one question, to see whether we understand each other on this proposition.

The CHAIRMAN. The gentleman from Indiana will please state his proposed amendment.

Mr. HOLMAN. I have not a copy of the bill before me, so I can not indicate the line, but I wish to strike out the portion of the bill near the close of the section which suspends the statute of limitations.

The CHAIRMAN. The gentleman proposes to strike out the words "the statute of limitations shall not be pleaded as a bar to recovery in this case."

Mr. HOLMAN. Yes. Now I will yield to the gentleman from New York [Mr. LOCKWOOD].

Mr. LOCKWOOD. I do not care to ask the question now. I see the point the gentleman makes.

Mr. HOLMAN. This is an ancient claim and none of us have had an opportunity to examine it, except the Committee on Indian Affairs, and I say to the House that while I pay some attention to current events, I never knew of this claim until about a week or ten days ago. Whatever action has been taken has been taken in the Senate.

Mr. PEEL. I only desire to say in reply to the gentleman's amendment, that the House must not forget that this is a case pending between the Government of the United States and its wards.

Mr. HOLMAN. The wards have the upper hand generally.

Mr. PEEL. It seems to me, Mr. Chairman, that after withholding adjudication of a claim from these wards of the Government by our own power and might, for the trustee now to come in and try to defeat them by pleading the statute of limitations would certainly not do the country very much credit. The fact, as found by the Court of Claims, which once passed upon this question, is that the Government appropriated a large tract of land in Kansas that was given to these Indians in exchange for their lands which they had in Wisconsin. The Government has used both tracts of land and has never paid them a cent. After keeping them out this long, the Court of Claims once having found the fact to be as stated, to now interpose the plea of the statute of limitations would be equivalent to taking their property by force of might. I hope the amendment will not be adopted.

Mr. HOLMAN. My friend must bear in mind that there is

a great deal of question as to whether the Indians complied with the terms of the treaty.

Mr. PEEL. That would be a question for the court to determine.

Mr. HOLMAN. No, the court has virtually determined the question. Nobody can be deceived as to the real purport of this bill. If my friend suspends the statute of limitations, it simply means the taking from the Treasury of $1,971,295.92, and I am not prepared to vote for an appropriation of that amount of money without at least some time for a little more consideration. My friend has no other measure of this magnitude before his committee, and he has another hour. I think my friend can very well afford to let this matter go over.

Mr. PEEL. The gentleman may know more about my committee work than I do myself.

Mr. HOLMAN. I want to say that the effect of what the Government has always alleged to be the violation of the treaty touching the removal of these Indians west of Wisconsin——

Mr. PEEL. I will say for the information of my friend that the Supreme Court has passed on that question, and if he will read the report he will find that they have decided that these Indians did not bind themselves to remove in five years, but bound themselves to accept the terms of the treaty, and they did accept.

Mr. HOLMAN. My friend means to hold that it simply bound them to agree to removal?

Mr. PEEL. That they would agree to remove, and they did agree.

Mr. HOLMAN. But that certainly does not come up to the spirit of the treaty.

Mr. PEEL. The Supreme Court say so.

Mr. HOLMAN. For my part, I am not prepared, on this hasty consideration, to vote for the payment of $2,000,000 out of the public Treasury.

Mr. PEEL. I will say to my friend that if we wait until he is ready to pay this bill, we might just as well burn the bill up and never bring it before the House for consideration again. I hope we will have a vote upon the amendment.

Mr. DOCKERY. Let us have the amendment reported.

The Clerk read as follows:

Amend lines 19 and 20 by striking out the words "The statute of limitations shall not be pleaded as a bar to recovery in said case."

The CHAIRMAN. The question is on the adoption of the amendment.

The question was taken; and the Chairman announced that the noes seemed to have it.

Mr. HOLMAN. Division.

The committee divided; and there were—ayes 23, noes 21.

So the amendment was agreed to.

The CHAIRMAN. The question is on the adoption of the substitute as amended.

The question was taken; and the Chairman announced that the noes seemed to have it.

Mr. PEEL. Division, Mr. Chairman.

The committee divided; and there were—ayes 16, noes 26.

Mr. BENTLEY. No quorum, Mr. Chairman.

The CHAIRMAN. The gentleman from New York [Mr. BENTLEY] makes the point that no quorum has voted. The Chair will appoint as tellers the gentleman from Arkansas [Mr. PEEL] and the gentleman from New York [Mr. BENTLEY].

After some time spent in the count,

The CHAIRMAN said: The morning hour has expired, and the committee will rise.

Mr. PEEL. I suppose the gentleman is perfectly satisfied now.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. RICHARDSON, Chairman of the Committee of the Whole House, reported that that committee had had under consideration the bill H. R. 5679 and had come to no resolution thereon.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had passed without amendment joint resolution (H. Res. 170) to pay the officers and employés of the Senate and House of Representatives their respective salaries for the month of December, 1892, on the 21st day of said month.

It also announced that the Senate had passed without amendment bills of the following titles:

A bill (H. R. 6644) to amend an act entitled "An act authorizing the sale of title of the United States in lot 3 in square south of square 990," approved March 3, 1891; and

A bill (H. R. 8907) to increase the pension of John Malloy.

It also announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 3188) to extend to Duluth, Minn., the privileges of the first section of an act entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," approved June 10, 1888.

It also announced that the Senate had passed without amendment the bill (H. R. 8760) to provide for the sale of navy-yard lands in the city of Brooklyn.

It also announced that the Senate had passed joint resolution (S. R. 123) to fill vacancies in the Board of Regents of the Smithsonian Institution; in which the concurrence of the House was requested.

It also announced that the Senate had passed the following concurrent resolution; in which the concurrence of the House was requested:

Resolved by the Senate (the House of Representatives concurring), That the report of the Commissioner of Fish and Fisheries, covering the operations of the Commission for the fiscal year ending June 30, 1892, be printed, and that there be printed 8,000 extra copies, of which 2,000 shall be for the use of the Senate, 4,000 for the use of the House of Representatives, and 2,000 for the use of the Commissioner of Fish and Fisheries, the illustrations to be obtained by the Public Printer under the direction of the Joint Committee on Printing.

ENROLLED JOINT RESOLUTION SIGNED.

Mr. OHLIGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled joint resolution (H. Res. 170) to pay the officers and employés of the Senate and House of Representatives their respective salaries for the month of December, 1892, on the 21st day of said month; when the Speaker signed the same.

BUSINESS OF THE COMMITTEE ON PUBLIC LANDS.

The SPEAKER. The Clerk will now report the special order.

The Clerk read as follows:

Resolved, That Tuesday, the 20th instant, beginning after the second morning hour, be set apart for the consideration of such business as may be called up by the Committee on the Public Lands.

SWAMP-LAND GRANTS.

Mr. MCRAE. Mr. Speaker, I call up the bill (H. R. 9072) to finally adjust and settle the claims of Arkansas and other States under the swamp-land grants, and for other purposes.

The SPEAKER. This bill is on the Union Calendar.

Mr. MCRAE. I move that the House resolve itself into Committee of the Whole House on the state of the Union for the purpose of considering this bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. RICHARDSON in the chair.

The CHAIRMAN. The House is in Committee of the Whole to consider the bill which the Clerk will report.

The Clerk proceeded to read the bill.

Mr. MCRAE. Mr. Speaker, I ask unanimous consent to dispense with the first reading of the bill.

Mr. HOLMAN. I shall not object to that if a reasonable time be allowed for general debate.

Mr. ANTONY. I object.

The CHAIRMAN. Objection is made by the gentleman from Texas.

The bill was read, as follows:

Be it enacted etc., That when the State of Arkansas shall relinquish, release, and quitclaim to the United States all her claims and demands against the United States for the 5 per cent fund allowances under the act approved June 23, 1836, for keeping prisoners under the executive order of February 5, 1867, for a portion of the distribution fund under the act approved September 4, 1841, for indemnity under the acts approved March 2, 1855, March 3, 1857, or this act, and for all swamp and overflowed lands under the act approved September 28, 1850, not approved to the State, the Secretary of the Treasury shall, in consideration of said relinquishment, release, and quitclaim of said claims, demands, and lands, require the Treasurer of the United States to cancel and deliver to the governor of the said State of Arkansas all the bonds and coupons issued by the said State now in the possession of the said Treasurer and owned or held in trust by the United States, as a full and final compromise and settlement of accounts between the said State and United States.

SEC. 2. That it shall be the duty of the proper officers of the Departments of the Interior and of the Treasury, as soon as practicable, to adjust and settle the claims of the other States against the United States for all lands which have been, or may hereafter be, sold or otherwise disposed of that were included in any grant of swamp and overflowed lands to such States.

SEC. 3. That for all of said lands in any State which were sold for cash the said State shall have credit for the full amount of the purchase money received by the United States, and the same shall be paid over to the governor or treasurer of said State; and for all of said lands in any State otherwise disposed of, and for which indemnity has not heretofore been allowed, such State shall have indemnity in cash, the amount thereof to be limited to the price at which the lands were held at the date of their disposal by the United States, the said indemnity to be paid as herein provided in the cases where lands were sold for cash: *Provided, however*, That under no circumstances shall more than $2,000,000 be paid under the provisions of this act for lands sold or otherwise disposed of since March 3, 1857.

SEC. 4. That as soon as practicable after the expiration of the time limited by this act for the filing of claims thereunder, the Commissioner of the General Land Office shall ascertain and determine by States the amount of cash indemnity due for lands actually swamp and overflowed within the meaning of the swamp-land grant and disposed of since March 3, 1857, and shall allot the $2,000,000, or so much thereof as may be necessary, among the several swamp-land States, pro rata, according to the area of land found to be swamp or overflowed and disposed of since said date: *Provided*, That the cost of examining and adjusting tracts claimed, but found not to be swamp or over-

flowed lands, shall be taxed to the State or county presenting the fraudulent or erroneous claim.

SEC. 5. That the agent appointed by the Department of the Interior to investigate claims under this and prior acts shall have the power to administer oaths and to compel the attendance of witnesses both on behalf of the State and of the United States, and witnesses swearing falsely before them shall be deemed guilty of perjury, and shall, on conviction, be punished as now prescribed by law.

SEC. 6. That the Secretary of the Interior, shall, when adjustments and allowance are made by him under this act, report the same to the Secretary of the Treasury, showing the amount ascertained to be due from the United States to such State on account of lands sold or otherwise disposed of, and a description of the lands for which such indemnity is allowed, with the names of the persons to whom sold or patented, and the date the same was sold or patented; and the Secretary of the Treasury shall pay the amount or amounts so allowed, and reported by the Secretary of Interior, over to the governor or treasurer of the State.

SEC. 7. That the acceptance by any State, or its legal representative, of indemnity for any of the lands sold or located shall be deemed a relinquishment and waiver of all its right, title, and interest in and to such lands in place, and an acknowledgment and confirmation of the title thereto in the grantees of the United States.

SEC. 8. That all claims for land, or other indemnity, under the swamp-land laws or under this act, shall be forever barred, unless presented to the Secretary of the Interior within one year from the passage of this act, or within one year after the survey of the township has been completed.

The amendments recommended by the Committee on Public Lands were read, as follows:

Amendments to section 1: Strike out the word "or," in line 13, and insert "and under." Insert between the words "not" and "approved," in line 15, the word "heretofore." Insert between the words "State" and "the," in line 15, the following: "and all other claims of whatever kind or nature."

Amendment to section 2: Insert between the words "of" and "the," in line 3, the words "each of."

Amendments to section 3: Strike out the words "governor or treasurer," in line 4, and insert "proper officer." Insert between the words "States" and "the," in line 9, the following: "but not to exceed $1.25 per acre."

Amendments to section 4: Strike out the following words in lines 9, 10, and 11, "according to the area of land found to be swamp or overflowed and disposed of since said date." Strike out the words "the State or county" in lines 13 and 14, and insert "and be paid by the State, parish, county, district, or individual."

Amendment to section 5: Strike out the words "to compel the attendance" in lines 3 and 4, and insert the words "take affidavits."

Amendment to section 6: Strike out the words "governor or treasurer" in lines 10 and 11, and insert the words "proper officer."

Amendments to section 7: Strike out the words "or its legal," in line 1, and insert "through its Legislature or its authorized." Strike out the word "located," in line 2, and insert the words "otherwise disposed of by the United States therein."

Amendment to section 8: Strike out the words "survey of the township has been completed," in the last line, and add the following: "filing in the proper local land office of a copy of the officially approved township plat of the survey of the township in which said lands may be situated."

Mr. MCRAE. Mr. Chairman, I ask for the adoption of these amendments by unanimous consent.

Mr. DINGLEY. I submit, Mr. Chairman, that the amendments can not be considered at all until after general debate shall have closed and when the bill is read for amendment. The bill has just been read the first time.

The CHAIRMAN. The bill is open for amendment.

Mr. DINGLEY. Not until general debate has been closed in Committee of the Whole. I desire to call the attention of the Chair to the fact that the House is in Committee of the Whole for general debate, and that after general debate shall have closed then it will be in order to move to amend the bill.

The CHAIRMAN. The Chair will state the question, and then the bill will be open for debate.

Mr. MCRAE. Mr. Chairman, I asked a moment ago that these amendments, reported by the committee, to which there appears to be no objection, be adopted by unanimous consent before general debate is had. No one has any objection to debate.

Mr. DINGLEY. With the understanding that it shall not restrict in any way the right to general debate, I shall not object.

Mr. MCRAE. Certainly.

The CHAIRMAN. The Chair was about to state the request for unanimous consent. The gentleman from Arkansas asks unanimous consent that these amendments be adopted before general debate is entered upon?

Mr. HOLMAN. I do not think there is any objection to that. The amendments do not materially change the bill, I believe.

Mr. MCRAE. They do not.

The amendments were agreed to.

Mr. MCRAE. Mr. Chairman, I want to say in the beginning of this debate that I shall not spend any time in discussing the wisdom of the swamp-land grants. They were made forty-two years ago, before I was born. It is immaterial in this discussion whether they were wise or unwise. I will not question the motives of those who suggested them. As first introduced the grant of 1850 was intended for Arkansas alone, but it was made of general application upon the motion of that illustrious son of Illinois, Hon. Stephen A. Douglas. He and others of his day believed it a proper thing to do at that time. In the light of the experience that my own State has had with the Department in adjusting the grant, I am compelled, however to confess that it has been of no permanent value to her. The efforts to reclaim the lands have cost Arkansas more than she has ever realized from them. The grant has been a fruitful source of troublesome litigation and annoyance to many of our citizens. It has confused the accounts between the United States and the State. It still beclouds the title to the homes of thousands of our best citizens.

As a new proposition I do not hesitate to say that I would not vote for the grant to Arkansas. I regret with all my heart that the act of September 28, 1850, was ever passed, but that is no reason why we should refuse to adjust the claims made under it.

That frauds have been committed under these grants I will not attempt here to deny. If, however, such have been committed, this Congress is not responsible for them. That other like frauds will follow indefinitely, unless there is some new legislation, all who are familiar with the history of these grants will admit. A failure to pass some legislation will make us responsible for future frauds, and not relieve against those of the past.

The purpose and effect of this measure is to adjust old grants, not to make a new one; to prevent fraud, not to promote it.

In preparing the bill as now presented I have adopted substantially the suggestions of the Commissioner of the General Land Office: (1) as to the limitation upon the amount to be paid; (2) as to the time for filing other claims, and (3) giving the Department power to tax costs for examining and passing upon fraudulent claims that may be presented. I stand ready to adopt any other reasonable suggestions from any source whatever that looks to an adjustment with the States with proper protection to the purchaser and settlers.

While this bill has some of the provisions of those heretofore presented and discussed, in many respects it is different from any of them. The objectionable features of previous bills upon this subject have been eliminated from this one, while other new provisions for the protection of the Government have been added. Confident that the bill as now presented is just to all concerned, and believing that every provision of it can be defended, I invite a careful examination of it. But I insist that those who oppose it should discuss it fairly, and not undertake, as some have done on previous occasions, to prejudice it by denouncing the original grants. I beg gentlemen to suggest amendments to prevent frauds in the future, rather than animadvert against those of the past, over which they have no control.

If the bill is defective, let us perfect it so as to end all the troubles that have accumulated and are still accumulating on account of the conflicts growing out of the grants in question. I will now, Mr. Chairman, briefly explain the object, scope, and effect of the act of September 28, 1850.

The object of Congress was to enable the States to which the grant was made to construct levees and drains to reclaim the swamp lands which were then generally supposed to be worthless and productive of nothing except malarial diseases, but of extraordinary fertility when reclaimed.

Many of them have been reclaimed and are now blooming fields of the richest corn and cotton lands in the world—happy homes of contented and prosperous people. The grant carried the immediate transfer of title to the whole of the swamp and overflowed lands unsold at that time. The words are, "shall be and are hereby granted," and granted a present interest that can never be defeated by the failure of the Secretary of the Interior to make the list required. This failure on his part to segregate the land from the public domain, however, has made many embarrassments which will grow worse with time.

Mr. Stuart, then Secretary of the Interior, held the act to be a grant "*in præsenti*" in a decision as early as December 23, 1851. He said:

As the grants are regarded as vesting the inchoate title in the States, it follows that any subsequent sale or location of swamp or overflowed lands must be held to be illegal and the purchase money refunded, or a change of location ordered.

Attorney-General Black, in construing this act later, said:

It is not necessary that the patent should issue before the title vests in the State under the act of 1850. The act of Congress was itself a present grant, wanting nothing but a definition of boundaries to make it perfect, and to attain that object the Secretary of the Interior was directed to make out an accurate list and plat of the lands and cause a patent to be issued therefor. But when a party is authorized to demand a patent for land his title is vested as much as if he had the patent itself, which is but evidence of his title. (9 Opinions Attorneys-General, 251.)

Such has been the rule of construction in the Interior Department under all administrations for forty years. The State and Federal judiciary, without exception so far as I know, have sustained this view. It has become a rule of property in all the swamp-land States.

In Wright *vs.* Roseberry (12 U. S., 488), the Supreme Court, in reviewing a long line of decisions, say:

The result of these decisions is, that the grant of 1850 is one *in præsenti*, passing the title to the lands as of its date, but requiring identification of the lands to render the title perfect; that the action of the Secretary in identifying them is conclusive against collateral attack, as the judgment of a special tribunal to which the determination of the matter is intrusted; but when that officer has neglected or failed to make the identification, it is competent for the grantees of the State, to prevent their rights from

being defeated, to identify the lands in any other appropriate mode which will effect that object. A resort to such mode of identification would also seem to be permissible, where the Secretary declares his inability to certify the lands to the State for any cause other than a consideration of their character.

Acting upon this theory, the States have very generally undertaken to identify the lands and to dispose of them, and in many cases have issued patents to the purchasers. The result has been that conflicts of title have arisen between those holding under the States and those claiming title directly from the United States. Treating the law as a present unconditional grant, and recognizing that equitable principle upon which the present bill rests, Congress passed the act of March 2, 1855, by which relief was given to the purchasers and locators of swamp lands, by giving the States the purchase money for all such lands theretofore sold and dry lands of like quantity for such as had been otherwise disposed of.

Here, Mr. Chairman, is a complete legislative recognition of the State's title and an adoption of the Department construction in less than five years after the grant. The difference between that act and this bill is, that for all such lands erroneously disposed of this allows cash indemnity at not exceeding $1.25 per acre where the other gave dry land.

The act of March 3, 1857, in express terms confirmed all selections of vacant swamp lands theretofore made and reported to the General Land Office, and extended and continued in force until that time the provisions of the prior act of March 2, 1855.

So we see, Mr. Chairman, that by these subsequent acts the legislative department has approved the ruling of the executive department and the construction given the grant by the judiciary. When all the Departments agree as to the scope and effect of the grant, there ought be no trouble in us agreeing upon a method of settlement that will protect the purchasers and settlers of the United States.

Under the law as it is now, the condition of affairs may be stated as follows:

The fifteen swamp-land States to which the grant applies are entitled to all the swamp and overflowed lands situated therein, as defined in the grant, not disposed of prior to September 28, 1850, the date of the grant, with no limitation upon the time for selections. These States are entitled to the purchase money for all such swamp lands as were sold by the United States for cash from the date of the grant to March 3, 1857, the date of the last indemnity act. They are entitled to have dry lands as indemnity for all such swamp lands as were disposed of otherwise than by sale prior to March 3, 1857. But no indemnity either in land or money is now allowed for swamp lands that may have been erroneously sold or disposed of by the United States since the act of March 3, 1857.

In all such cases the contest is over the land in place, and the purchasers from the United States or settlers under the public land laws, as the case may be, must lose the land his Government sold or gave him or must buy in the title from the State or its grantee.

All the Government can do is to refund the purchase money without interest. When such purchasers or settlers are evicted, as they often are, they come to Congress for relief or accept a return of the purchase money they have paid, as was held by Secretary Stewart, which may be refunded under section 2362 of the Revised Statutes. This bill, if it becomes a law, would give the purchase money so paid to the State whose land was erroneously sold and at the same time confirm the title to the grantee of the United States, and thus end all trouble and litigation.

Let us not overlook the fact that the power and authority to determine whether the sale was an error or not is left exclusively in the Interior Department. Only such errors as are admitted by that Department are to be corrected. Can the United States ask any greater protection? Can they afford to do less to the States? But, Mr. Chairman, there are other interests besides that of the States. The entrymen and others are concerned in having a good title. This the United States Government is in honor bound to furnish, but can do so only by extinguishing the title of the State. By the terms of the bill accepting of indemnity is a relinquishment.

I come now to consider that provision of the bill which relates alone to the State of Arkansas. The debt due from the State of Arkansas as well as her claims against the United States are of long standing, and to some extent complicated and confused. In the year 1838 the State borrowed the sum of $538,000 of the Smithsonian fund and issued five hundred $1,000 bonds, redeemable October 26, 1861, and thirty-eight of such bonds redeemable January 1, 1868. These and eighty-seven $1,000 other bonds, held for the Indian fund, making in all the sum of $625,000, are now owned by the United States, having been paid by appropriations for that purpose.

The Treasurer of the United States, in addition to the said bonds owned by the United States, holds for the Secretary of the Interior, trustee of the Indian trust fund, one hundred and sixty-eight $1,000 bonds, issued December 3, 1872, redeemable January 1, 1900. All sums that have accrued to the State from all sources whatever for many years have been sequestered under section 3481, Revised Statutes, to be applied on the said bonds of the State.

The State authorities insist, and I think properly, that the sums thus retained, with what is fairly and equitably due on the unadjusted swamp-land claim of the State, will more than pay what she owes on the bonds. There has accrued to the State from time to time the sum of $264,564.55 on account of 5 per cent of the net proceeds of the sale of public lands. The State is entitled to the sum of $10,307.80 for keeping United States prisoners under the order of President Johnson dated February 5, 1867. There were two installments found due, but never paid to the State, under the distribution act of September 5, 1841; one, June 30, 1842, for the sum of $4,482.79, and the other, July 1, 1842, for $529.37, making a total of $5,012.16, also held and should be applied on the bonds of the State.

The State claims and is entitled to a large cash and land indemnity under the acts approved March 2, 1855, and March 3, 1857. Nothing has ever been allowed or credited to her on this account. The Interior Department admits that the State has a just claim for both cash and land, but the amount has never been officially determined and credited on her debt. There is no law authorizing any such credit to be entered.

The Government of the United States has sold about 200,750 acres of swamp land, the property of the State, for which it received the sum of $196,990, and has also disposed of, for land warrants, scrip, and homestead, 162,080 acres of other lands, worth, at $1.25 per acre, the sum of $202,600. The State should therefore in common fairness be credited with the sums so received, as of the years in which the sales were made, and should also be allowed $1.25 per acre for such lands as were otherwise erroneously disposed of.

The total claim on this account is $399,590. So we have an aggregate, about which there should be no question, of $679,548.51. In this there is nothing included for the 1,000,000 acres of swamp lands selected, and still pending before the Interior Department, nor for 5 per cent of the value of homesteads. A large part of these selections the State insists should have been approved to her because the field notes show them to be swamp. The United States surveyor-general certified all of them to be of the character contemplated by the act. The State also insists that as a matter of simple justice she is entitled to have and ought to be credited with 5 per cent on all public lands entered under the homestead laws and located with military bounty-land warrants and scrip, estimated at the minimum price for Government lands, $1.25 per acre.

In 1836, when the State was admitted to the Union, there was no way of disposing of public lands except by cash sale or for warrants and scrip. The homestead law was not passed until 1862, and the State, with such a contract as it made, does not think it just to her that the General Government should be allowed to adopt a policy that will have the effect to diminish the fund upon which she had a right to rely for the payment of the debt in question. She did not borrow the money until after the United States had solemnly pledged her 5 per cent of the proceeds of the public lands for making public roads and canals. She had a right to rely upon this fund to aid her in repaying the money. The greater part of all lands disposed of in Arkansas within the last thirty years have been given away by the United States under the homestead law, and nothing allowed the State for it.

Up to June 30, 1887, the aggregate of such lands taken as homesteads and with bounty warrants and scrip was 7,795,451.02 acres. The compact was changed by one party without the consent of the other.

Estimating them at the minimum price fixed by the law, the State would be entitled to the sum of $487,215.65 for such lands. This is more than has been allowed on all sales under the present rulings. I am aware that the Supreme Court, in the 5 per cent cases (110 U. S. Reports, 471), has decided that the States are not entitled to the percentage on the value of the lands disposed of by the United States in satisfaction of military land warrants; but in view of the very able dissenting opinion of the lamented Justice Miller, concurred in by Justice Field, and of the fact that the question of jurisdiction was not passed upon by the court at that time, I do not regard the question as finally settled against the State.

The question of allowing the claims for such a percentage on homesteads has never been presented to the court; and besides, the personnel of the court has very much changed since the land-warrant decisions were rendered. But whether this rule will be adhered to or not, I ask Mr. Chairman, is it right and just in a

matter of sacred contract like the admission of a State into this great Union for the United States on one part to make so radical a change in the disposition of the lands as to destroy the consideration passing to the State. Against the right and objection of the State, the other party to the agreement, can the Government honestly rely upon such an unfair and illiberal construction made by its own courts. This Government, in my opinion, can afford to be not only fair, but liberal with the States in matters of contract and account like this. I believe that it will in the end be fair.

The act of June 23, 1836, for the admission of Arkansas (5 Stats., p. 58), says that in lieu of the propositions submitted to Congress by the Territorial convention, which are rejected, the following propositions are hereby offered to the General Assembly of the State of Arkansas for their free acceptance or rejection, which, if accepted, shall be obligatory upon the United States. They were formally accepted by the General Assembly. So the propositions were the result of a negotiation. It was a fair contract, entered into between parties authorized to contract. The third item of the contract is as follows:

"Third. That 5 per cent of the net proceeds of the sale of lands lying within the said State, and which shall be sold by Congress, from and after the 1st day of July next, after deducting all expenses incident to the same, shall be reserved for making public roads and canals within the said State, under the direction of the General Assembly thereof, * * * *Provided*, That the five foregoing propositions herein offered are on the condition that the General Assembly or Legislature of the said State, by virtue of the power conferred upon it by the convention which framed the constitution of the said State, shall provide by an ordinance, irrevocable without the consent of the United States, that the said General Assembly of said State shall never interfere with the primary disposal of the soil within the same by the United States, nor with any regulations Congress may find necessary for securing the title in such soil to the bona fide purchasers thereof; and that no tax shall be imposed on lands the property of the United States; and that in no case shall nonresident proprietors be taxed higher than residents; and that the bounty land granted, or hereafter to be granted, for military services during the late war shall, whilst they continue to be held by the patentees or their heirs, remain exempt from any tax laid by order or under authority of the State, whether for State, county, township, or any other purpose, for the term of three years from and after the date of the patents respectively."

It would appear from this that the State has the right to tax all the lands of the Government as soon as disposed of and has other rights as to the disposal, but in consideration that she would agree by an ordinance, irrevocable without the consent of the United States, not to interfere with the primary disposal, nor tax nonresidents higher than residents, nor to tax the property of the United States, nor lands granted for military services for three years after the date of the patents, either for State, county, or township purposes, there shall be paid to the State 5 per cent of the net proceeds of the sale of lands lying within the said State, and which shall be sold by Congress from and after the 1st day of July, 1836.

Land warrants were receivable for public lands at $1.25 per acre. The homestead was granted to all settlers who are qualified, upon the payment of certain fees and five years' continuous residence and cultivation upon the lands. This was a wise and proper policy for Congress, but the same necessity for public roads exists in a country settled under the homestead law as one settled under the preëmption or graduation laws. It is now admitted that this is the best disposition to make of public lands, but the State should not be cheated out of the 5 per cent of the value which she had contracted for and had a right to expect. Many of the Western States settled prior to the passage of the homestead law, or principally under the preëmption law, have received large sums on such sales.

Mr. Chairman, this is the language of the late Justice Miller, not mine. The case is well and forcibly stated by him.

It is insisted by some that the fact that some of the lands have been disposed of to settlers shows its nonswampy character. Those who argue this forget that all swamp lands are not valueless.

Even the poorer quality of swamp lands when situated near thriving settlements are sought after by both settlers and investors, and such tracts as contain but a small percentage over half swamp and the other valuable for timber, hay, water, and other purposes, and such others as could be easily drained, are sought after by speculators and settlers. It has been said that thousands of acres of valuable agricultural lands have passed to the States. In part this is true, but it does not show any fraud.

By the very terms of the grant every 40-acre tract, the greater part of which was too wet for cultivation, the whole passed, and *vice versa*. In buying 160 acres the settler finds upon one quarter of the tract 21 or more acres too wet for cultivation—not worthless, but perhaps very valuable for hay or pasture—and because he takes the whole, and the State subsequently presents a claim for the money received for one of the forties, this by some has been denounced as a fraud, but it is only in accordance with the grant. It is said that some of the claims are in the hands of agents.

The negligence of the officers of the Government, and such unwillingness to carry into effect the plain provisions of the grants as we have seen manifested in the past, have made the employment of agents a necessity, and the "hope deferred" which more than forty years' delay evidences has depreciated the value of the Government's promises and given occasion for the sale of an insignificant amount of the claims for land and indemnity, perhaps not exceeding 2 per cent of the whole. The State of Arkansas has never had an agent upon a commission. She might have been in a better financial condition if she had employed one.

Now, Mr. Chairman, I want to say again, in answer to the criticisms that have been made upon previous bills upon this subject, touching the alleged amount that will be necessary to carry it into effect, that the amount is limited now. Under existing law there is no limitation upon the time for the filing of claims nor as to the amount to be paid. In this bill we seek to fix a limit of a year, and by limiting the amount to what is fair we make it to the interest of all those interested in the fund to see that no fraudulent claim is passed. We put the honest claimants to watch the dishonest, if there be any such. We provide that the fund shall be distributed after all the claims have been presented and audited.

If, then, there is any well-founded suspicion or fear that in any State or States of this Union frauds have been committed and that they may be attempted in the future, it appears to me that we have provided against it. It seems to me that gentlemen who have opposed this bill heretofore upon this account should aid us in passing it in its present shape. The committee has honestly endeavored to meet every reasonable objection that has been urged against it. I believe that the delays in the passage of prior bills have cost the Government more than if some measure like this had been passed when first presented in the Forty-ninth Congress. I think, however, that it is now in better shape for the Government than it was then, and if it is permitted to become a law an adjustment can yet be had.

At one time there was a section in the bill providing for giving indemnity for lands taken by a certain railroad. That has been eliminated and is not in this bill. There was a provision for the redemption of certain scrip alleged to have been in the hands of speculators. Without knowing whether that is true or not, the committee felt that it ought not to be made the means of defeating the other just provisions which look to a final settlement, and so that has been eliminated. We remit the question of whether the Government will redeem the scrip to some other time. My State owns none.

There is nothing, then, presented here but the question of giving cash indemnity for the lands which the Department of the Interior may adjudicate to have been sold erroneously, and giving protection to the settlers and purchasers. I repeat what I said in opening, that if any gentleman has any criticisms to make, that he will direct them at the bill and not at something that he may have heard in the past in relation to the adjustment of these grants. Upon the platform of fair debate we will meet him in a spirit of perfect fairness. I challenge him to consider the subject with the view of arriving at a decision and a conclusion that will remove this contention from the Department and this cloud from the title of our people.

Mr. HENDERSON of Iowa. I wish to ask the gentleman a few questions. The Legislature of the State of Iowa at its last session passed a resolution asking the Representatives of that State in Congress to support this measure, but nevertheless I feel it my duty to ask a few questions for information. Do I understand the gentleman from Arkansas to say that the State of Arkansas has no claim for any cash balance?

Mr. McRAE. She has a claim, but it has never been allowed, so as to be paid or credited. She has a large claim, over $200,000 worth of land indemnity and nearly as much for cash indemnity.

Mr. HENDERSON of Iowa. On page 15 of your report I find this:

The following table will show the claim of the State, allowing the same rate of interest that the bonds bear, calculated from the year the sales were made.

Following that introductory paragraph is a table aggregating $2,161,067.71. Is that the balance that is claimed by Arkansas?

Mr. McRAE. No, sir; I do not think that is the report on this bill. That is on another bill. This report, I think, deals entirely with the sums without adding the interest on them.

Mr. HENDERSON of Iowa. What does the gentleman mean by another bill?

Mr. McRAE. The Arkansas debt bill (H. R. 2631) also favorably reported. However, I will answer any question the gentleman may ask about that if he desires information touching that debt. It is substantially embodied in the first section of the pending bill.

Mr. HENDERSON of Iowa. This report is marked "to accompany H. R. 9072," and the bill that I have here is H. R. 9072, and was brought to me as the bill under discussion.

Mr. McRAE. That is the bill under discussion. I may be mistaken, but it makes no difference.

Mr. HENDERSON of Iowa. And this is the report to accompany that bill made by "Mr. McRAE, from the Committee on Public Lands," as I read on the first page.

Mr. McRAE. What is the number of that report?

Mr. HENDERSON of Iowa. It is No. 1571.

Mr. McRAE. I see that I am mistaken. Appendix F to the report does include interest.

Mr. HENDERSON of Iowa. Then I have the right report?

Mr. McRAE. Yes, sir.

Mr. HENDERSON of Iowa. Now, on page 10 of this report

are the items of the claim of your State amounting to $705,548.76, without interest.

Mr. McRAE. Yes, sir.

Mr. HENDERSON of Iowa. And on page 15 is stated the claim of Arkansas with interest, the interest amounting to $1,550,066.01?

Mr. McRAE. Yes, sir.

Mr. HENDERSON of Iowa. Now, that is the claim of the State of Arkansas?

Mr. McRAE. Yes, sir. If the Government charges Arkansas interest she should allow her interest at the same rate.

Mr. HENDERSON of Iowa. This bill, as I am advised, purports to give relief to other States, sixteen in number, I believe including the State of Iowa?

Mr. McRAE. Fourteen, besides Arkansas.

Mr. HENDERSON of Iowa. I take it that section 2 of the bill is the one that will let them in?

Mr. McRAE. You are correct.

Mr. HENDERSON of Iowa. But no statement is made in the report of the amount that any other State than Arkansas is to receive.

Mr. McRAE. Well, Arkansas will not receive anything beyond the surrender of her bonds. I made those tables on data furnished by the Interior Department and the Treasury Department as the probable amounts due the State of Arkansas, one without interest upon either side and the other with it on both sides.

Mr. HENDERSON of Iowa. That is what I want to get at. As I understand, while you state a balance here of over $2,000,000 in favor of Arkansas, yet there are counter claims in favor of the Government which will offset that, so that the State expects nothing.

Mr. McRAE. That is the case exactly. We are perfectly willing to offset it. We do not think we owe the Government that much, nor as much as it owes us, but we are willing to release to the Government all it owes if it will wipe out these old debts and give us a clean balance sheet.

Mr. HENDERSON of Iowa. Is this $2,000,000 to be considered in connection with the balance?

Mr. McRAE. No. That $2,000,000 has no reference to Arkansas. It is for the other States, other than Arkansas.

Mr. HENDERSON of Iowa. Can the gentleman state the amount that the other fifteen States are entitled to?

Mr. McRAE. The Commissioner of the Land Office suggested $2,000,000. I would put it at about a million and a half, an average, perhaps, of $100,000 to each State. Some of them will get a larger amount and some a smaller. The fifteen swamp-land States are Alabama, Arkansas, California, Florida, Illinois, Iowa, Indiana, Louisiana, Michigan, Missouri, Minnesota, Mississippi, Ohio, Oregon, and Wisconsin.

Mr. HENDERSON of Iowa. Can the gentleman state what amount will go to Iowa?

Mr. McRAE. I can not give the amount as to any particular State, because that will require an adjustment of errors; but Iowa will get perhaps as much or more than any other State, unless it be——

Mr. HENDERSON of Iowa. Then we are absolutely without light on that point.

Mr. McRAE. The Department has no reliable light upon that subject. In the very nature of the case it could not have. In answer to the request of the committee for this information the Commissioner of the General Land Office stated that in his judgment it would be impossible to make any estimate which would be anything more than an unreliable approximation or mere conjecture.

Mr. HENDERSON of Iowa. I wish to ask the gentleman another question. There is a limit of one year within which claims are to be filed against this $2,000,000 fund?

Mr. McRAE. Yes, sir.

Mr. HENDERSON of Iowa. Is the bill so framed as to make that anything more than a limitation as to this fund? May not a subsequent bill be brought in to allow claims against another fund?

Mr. McRAE. No, sir.

Mr. HENDERSON of Iowa. Are all claims beyond the amount of the two million fund barred and wiped out?

Mr. McRAE. The purpose of section 8 is to bar all claims under any of the prior grants and under this act. If it is not strong enough we will make it stronger if you will suggest the language. If we have the power to pass it at all I think it covers the case fully.

Mr. HENDERSON of Iowa. I have not had time to analyze the measure; but the question occurred to me whether the limitation would apply in such a way that all claims in order to get their pro rata share must be filed within the year.

Mr. McRAE. All claims must be filed within one year from the passage of the act, or one year after filing in the local land office the plat of the survey of the township.

Mr. HENDERSON of Iowa. The experience of Congress has not been a very happy one in regard to claims of this kind.

Mr. McRAE. The bill provides a limitation upon the amount and the money is to be distributed pro rata if not enough for all. Any State having an honest claim will therefore be put under every inducement to see that no money is paid upon claims that are not honest. The United States will have the aid of some of the States at least in making an honest adjustment.

Mr. HENDERSON of Iowa. I confess this seems to me a big claim; and the items entering into the Arkansas claim are beyond my comprehension even after the able speech of the gentleman from Arkansas who speaks from the standpoint of his great familiarity with the subject. I would have been glad if the other fifteen States could have had a little light on their claims. The claim of the State of Arkansas is set out in extenso and with great detail.

Mr. McRAE. The late Commissioner of the General Land Office—not only the late Commissioner, but all the Commissioners and all the Secretaries of the Interior that I have consulted, have told me privately and have stated in writing that it is impossible to estimate the amount of the claims that may be allowed with any kind of accuracy until the matters are taken up and examined. I have given the committee all the facts obtainable.

Mr. HENDERSON of Iowa. Where do they get the data for the statement of the account of the State of Arkansas?

Mr. McRAE. A clerk was detailed for this service for three months and went over the claims with a clerk from the State land office, and upon the result of this examination I made the statement in the tables referred to. The Department has not adopted it as in all respects true, but only as showing approximately the indemnity due.

Mr. HENDERSON of Iowa. This is your statement of the account.

Mr. McRAE. Yes, sir; my statement made upon data furnished by the Department, which I think correct.

Mr. HENDERSON of Iowa. In other words, the Department has furnished no statement of account as to any of the States——

Mr. McRAE. No, sir; except as I have stated.

Mr. HENDERSON of Iowa. And the reason we have this statement as to Arkansas and not as to the other fifteen States is that the gentleman has taken the trouble to run over the data and make out the statement.

Mr. McRAE. Yes, sir; and you will understand the reason. Arkansas, although the only State named in the grant of 1850, is the only State to which no indemnity either in land or money has been given. The gentleman's State and other States have received large amounts of indemnity of both land and money but our State has never received an acre of indemnity land nor a dollar of indemnity money; in part, because we were indebted to the Government and the officers of the Government said, "You are in debt to the Government, and whatever is due Arkansas we will keep." Hence, the amount of our claims was sequestered and held by the Government. Then the war came on, and then the troubles which followed it gave our people so much else to think about that they did not seem to have much interest in swamp lands. Until the last six or seven years not much attention was paid to the interest of the State in this matter; it was in a large measure neglected. We never had the foresight or sagacity to employ an agent as some States did, to come here and have the matter adjusted. We trusted the Government to do it. That is one reason why our claim has not been allowed heretofore.

Mr. HENDERSON of Iowa. I trust the gentleman will allow me one more question. Before this amended bill was put in there were other bills pending on this subject?

Mr. McRAE. Yes, sir.

Mr. HENDERSON of Iowa. Did they state any amount?

Mr. McRAE. No, sir. The limitation inserted in this bill was put in at the suggestion of the late Commissioner of the Land Office, Mr. Carter.

Mr. TAYLOR of Illinois. I would like to inquire what amount the State of Arkansas will receive under this bill?

Mr. McRAE. She will not receive anything in money.

Mr. TAYLOR of Illinois. You do not count your indebtedness as anything?

Mr. McRAE. Certainly I do, but I am speaking of the amount to be paid in money. She will receive the surrender of something over $700,000 worth of bonds as good to her as money.

Mr. TAYLOR of Illinois. Does that include interest on those bonds?

Mr. McRAE. Yes, sir.

Mr. TAYLOR of Illinois. For how long?

Mr. McRAE. There is accrued interest on some of them. Some of these bonds were paid in 1861; and we do not believe

interest should be charged on them, because the Government had enough money of the State to pay them at that time; but if it should be, there will be interest on $500,000 since 1861 and on the other amounts for a shorter time.

Mr. TAYLOR of Illinois. What would be the aggregate of the accrued interest?

Mr. McRAE. Well, if you calculate interest on all, it would amount to about $2,000,000, and that is the reason that I made the table showing interest on the Arkansas claim. If the indemnity funds had been allowed and credited at the proper time, when it accrued it would offset the bonds, or if we include interest on it and other sums, it will be in the neighborhood of $2,000,000. And that leaves out, remember, all the lands that we claim, which aggregates a million more.

Mr. TAYLOR of Illinois. The claim of the Government, then, is about $2,000,000 against the State of Arkansas?

Mr. McRAE. I do not admit that it is that much. I say that if the interest were added it would be. But I do not admit that the interest should be added. I do not think that you can charge interest upon a bond after the coupons have all been paid. The bonds and the coupons are evidences of indebtedness. But if you add interest on the bonds after the last coupon was paid it would aggregate, as I have said, about $2,000,000. These bonds matured in 1861.

Mr. TAYLOR of Illinois. But were not paid?

Mr. McRAE. No; they were not paid, and the Government appropriated money to pay them. Now, if you add interest on that sum since that time it reaches about $2,000,000.

Mr. TAYLOR of Illinois. Has any of the interest been paid?

Mr. McRAE. None since then, excepting the amounts that have been retained. The interest does not run on all of the bonds for that time, because some of them were not issued until 1872.

Mr. JOSEPH D. TAYLOR. Let me ask the gentleman, if the other States had sent agents here to adjust the differences between the States and the General Government why could not your State have done the same thing?

Mr. McRAE. She could have done it, but she did not.

Mr. JOSEPH D. TAYLOR. If she could have done it and did not, what is the necessity for this legislation?

Mr. McRAE. The law made it the duty of the Secretary to do this thing. We did not lose any of our rights by not doing it. The Secretary should have done it or had it done. Many of the States, however, seeing that the Secretary did not intend to make the lists, appointed their own agents to make the selections.

Mr. HENDERSON of Iowa. One thought more and I will not again interrupt the gentleman. If I understand this proposition as to Arkansas, there is no court or Department which has stated the amount between the General Government and the State of Arkansas?

Mr. McRAE. No, sir.

Mr. HENDERSON of Iowa. And this bill, without any such adjudication, proposes to make a clean wipe out of the two amounts, an exchange as it were?

Mr. McRAE. That is it.

Mr. HENDERSON of Iowa. And Congress is to act as the adjudicating body, your claim being that there is over $2,000,000, including the one and a half millions of interest, in favor of Arkansas; but to get rid of the claim of the Government against the State, you are willing to let that go?

Mr. McRAE. Yes; and to throw in a million acres that we claim as swamp land besides.

Mr. HENDERSON of Iowa. Does it not seem that there ought to be some court or judicial determination to ascertain and pass upon these accounts before making such a swap or exchange, so that we may be able to act upon an intelligent basis?

Mr. McRAE. Well, you have been forty years doing it and it has not been done. We feel now that, by surrendering all the claims we have against the Government, the Government certainly can not complain. Measuring the Arkansas claim by the amount of cash and land indemnity that the other States have received, we know that she yields more than she gets. But we want to get rid of that debt incumbrance, so that the State can proceed without being held up by the Treasury Department each year as a defaulting State. Late Treasurer Jordan recommended a compromise. These claims of the State, you must remember, without legislation can not be entered as credits against these bonds. It is fair if they are to be entered that they should be entered as of the year they accrued, otherwise they will be absorbed in interest. But without some legislation of that sort there is no way of making such a settlement. This is the easiest way out and the Government loses nothing by it.

Mr. HENDERSON of Iowa. Is this a unanimous report of your committee?

Mr. McRAE. There is no minority report. I do not remember, but I think perhaps one or two members of the committee will not vote for the bill, but made no minority report.

Mr. HENDERSON of Iowa. Was there an investigation by a subcommittee, or was it considered only in full committee?

Mr. McRAE. It was considered only in the full committee, I believe, if that is pertinent, but fully considered.

Mr. MALLORY. I would like to ask the gentleman from Arkansas this question: How did you reach a conclusion to limit this to $2,000,000?

Mr. McRAE. On the suggestion of the Commissioner of the General Land Office as to the probable amount that would be necessary. One purpose was to effectually answer the statements heretofore made by some gentlemen on the floor that it would require a very much larger sum. I have often stated that in my opinion it would not cost more than one or two millions.

Mr. MALLORY. In the event that it exceeds two millions of dollars there is no remedy for the other States that have similar claims?

Mr. McRAE. They are all paid pro rata in that event.

Mr. HOLMAN. Mr. Chairman, I do not rise for the purpose of debating this bill at this time, but for the purpose of submitting to the committee a statement on the subject by Governor Stone, the Commissioner of the General Land Office, which I shall ask the Clerk to read.

The gentleman from Arkansas [Mr. McRAE] and myself have always differed as to the merits of this bill when the measure has been up for consideration. I have always considered the opinion of the Commissioner of the General Land Office specially valuable. A few years ago the opinion of Col. Stockslager, the then Commissioner of the General Land Office, as to the effect of the measure as it then stood was an exhaustive statement against the measure. The bill has been modified somewhat since that time, but it is still substantially the same bill.

Late yesterday, not being able at the moment to see the gentleman from Arkansas [Mr. McRAE], the chairman of the House Committee on Public Lands, I took upon myself the responsibility of writing a letter to the Commissioner of the General Land Office, inclosing the pending bill and the report of the gentleman from Arkansas [Mr. McRAE], and requesting a statement as to the effect of the bill. It is a very important measure, which has from time to time occupied the attention of Congress, and has been largely discussed, although not within the last two or three years. Indeed, the gentleman from Arkansas [Mr. McRAE] has made to-day the most exhaustive statement that has been made to the House in favor of the bill for many years.

Independent of the State of Arkansas, the sum of $2,000,000 is named in the bill as the sum that shall be paid to the other States affected by the swamp-land laws and interested in the bill, but it is obvious that in our future legislation the principles of this bill as to the basis of adjustment will govern and not the limitation we may now prescribe. Arkansas and the United States have large mutual claims of long standing and I would gladly see them adjusted on almost any reasonable basis and will vote for any reasonable measure to settle these mutual claims; but I am opposed to the general scope and purpose of this bill. I do not wish to see the scope of the swamp-land laws enlarged. It was not in the beginning, in my judgment, a wise measure. It tended to corrupt policies in the States. The claims of the States have been exorbitant and unreasonable and speculators have in the main reaped the benefits. I wish to see this unfortunate business settled under the existing law, not enlarged.

But the subject is complicated and embarrassing. Therefore, Mr. Chairman, as the statement of Governor Stone, the Commissioner of the General Land Office, is of very much more value than anything that I can say, I will ask that the letter may be read. It will be found to be a very able discussion of the subject, although hastily prepared.

The CHAIRMAN. The Clerk will read the letter.

The Clerk read as follows:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D.C., December 20, 1892.

DEAR SIR: Replying to your communication of yesterday, asking immediately for information on the subject of swamp lands and cash indemnity under the swamp-land laws, in connection with House bill 9072 and report 1571, copies of which you inclosed, I have the honor to offer you the following observations:

Section 1 of the bill proposes to offset the debt of the State of Arkansas against the pending claim of the State under the several land grants. The exact amount of the debt and of the claim has not been ascertained, and it can not be in the short time within which this communication must be prepared, but I am rather favorably impressed with this feature of the bill. If this section were made the subject of a separate bill, and time were given to examine into the subject thoroughly, I think it probable that a report could be made in its favor. It is here assumed that the debt is about $2,000,000, and that the value of the lands already claimed by the State but not adjusted, and the lands and indemnity to be claimed in the future under the present swamp-land laws, and the expenses to be necessarily incurred in investigating and adjusting the entire claim, will about equal the debt in amount. The swamp-land business has been pending for more than forty years, and the final adjustment of the claim of the State of Arkansas would be a tremendous advance in the endeavor to close out the whole business.

The State of Arkansas has already had 7,665,818 acres patented to it as

swamp lands, yet it continues to claim more and objects to the adjustment of its claim except in its own way, *i. e.*, on the basis of getting all it claims. The consequence is that its unadjusted claim is still very large, the selections for swamp land in place being tied up by appeals before the Secretary of the Interior, and the cash indemnity due not having proofs submitted to admit of action. The settlement of the swamp-land claim of this State is the most backward of any pending in this office. I can not now express myself in favor of this measure; I will only say that it merits consideration with time and opportunity to thoroughly study the subject.

I refer you to the report of the Commissioner of the General Land Office for 1891, pages 58 to 61, inclusive, and to the tables and recapitulations in the appendix, pages 198 to 218, inclusive, for valuable general information on the subject of swamp lands and swamp-land indemnity.

Section 2 of the bill provides exclusively for cash indemnity on swamp lands, and it applies to all the swamp-land States, viz: Arkansas, Alabama, California, Florida, Illinois, Indiana, Iowa, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Ohio, Oregon, and Wisconsin; but as no exact rule has yet been recognized by the agents of the States by which swamp lands are distinguished from other lands the amount involved is indefinite. In some localities nearly the whole territory of the geographical division—county or State—has been claimed as swamp lands. The bill, section 4, takes cognizance of the fact that fraudulent or erroneous claims have been and will be presented. The fact that there is a standing appropriation for the payment of all claims established under the swamp-land laws, and the additional fact that claims are prepared and prosecuted, not by State officials, but by agents or contractors whose compensation is contingent on success in prosecuting the claim, and on the amount recovered, makes it difficult to keep the claims within reasonable bounds. The standing appropriation referred to is the "permanent annual appropriations," provided for in section 3689, United States Revised Statutes, under the Interior Department.

Section 3 of the bill provides for cash indemnity on all swamp lands disposed of by the United States, and enlarges the present indemnity laws: (1) as regards the amount allowed in money on swamp lands sold for cash; (2) as regards the lands forming the basis of cash indemnity, and (3) as regards the indemnity period. Under the present laws the amount of the purchase money received by the United States to be paid to the proper officers of the State can not exceed $1.25 per acre; the bill provides for the full amount of the purchase money, whether it be $1.25 per acre or more; the present law provides for the allowance of land indemnity when the swamp lands were located by warrants or scrip; the bill allows cash indemnity in lieu of land indemnity; the present law allows no indemnity on lands disposed of otherwise than for cash or by locations with warrants or scrip; the bill allows cash indemnity on all swamp lands, no matter how disposed of, *i. e.*, it includes lands given gratuitously as homesteads, lands granted to railroads, including the odd-numbered sections within the six-mile limit of the Chicago and Mobile Railroad (Illinois Central in Illinois and Mobile and Ohio Railroad in Alabama and Mississippi), reserved for the special purpose of reimbursing the Government for lands granted to the railroad, and sold for $2.50 per acre, under section 3 of the act of September 20, 1850 (9 U. S. Stat., 466), which lands are not now, under departmental decisions, subject to the swamp-land laws, and for all other purposes including, perhaps—this would be a matter for legal interpretation—lands granted to the States for educational, internal improvement, and other similar objects; the present law limits the period of indemnity from September 28, 1850, to March 3, 1857; the bill enlarges the period from 1850 to the present time, and even into the future.

Thus it will be seen that the enlargement of the indemnity grant for the period from 1850 to 1857 would require many millions of dollars (in addition to the $2,000,000 specifically provided for) to satisfy the claims based on the disposal of lands during that period. The indemnity claims of several of the States are now fully or nearly quite adjusted on the basis of the present law. Among such claims are those of Florida, Indiana, Michigan, Ohio, and Wisconsin. The bill would authorize the filing of large additional claims from these States as well as from the other States whose claims are now in process of adju tment.

The amount of $2,000,000 is stated as the limit for indemnity from 1857 to the present time, and into the future. This would admit the States of California, Minnesota, and Oregon to a share in the amount. These States are not now entitled to cash or land indemnity under the present swamp-lands indemnity laws.

It is perhaps doubtful if really meritorious claims can be filed, on the basis of swamp lands disposed of by the United States after the date of March 3, 1857. At that date the several swamp land States, California, Minnesota, and Oregon excepted, had, generally speaking, made full claims for all the swamp lands within their respective boundaries. These claims were made of record in the local land offices and in the General Land Office, and this operated as a reservation of the lands claimed as swamp lands in favor of the States, so that the alleged swamp lands claimed were not subject to disposal, except after an authoritative decision on the real character of the lands. If they proved to be swamp lands they were approved and patented to the States; if they were decided to be agricultural lands they were disposed of the same as unappropriated public lands.

The arguments in favor of allowing indemnity from 1850 to 1857 do not, generally, hold good when applied to the period from 1857 to 1892. The fact that the States of Florida, Indiana, Michigan, Ohio, and Wisconsin, whose indemnity claims have been fully adjusted, or nearly so, appear to be satisfied with the justness of the settlement already made, and that they do not contest in the courts the rights of the homesteaders, purchasers, locators, and grantees generally, in possession of their lands, patented to them, would indicate that no swamp lands to any considerable amount have been disposed of since 1857, except to the States having the right to them.

In view of the above facts, it appears to me that the passage of the bill, so far as the extension of the indemnity period from 1857 to the present time is concerned, would not be of much practical use; but that on the contrary it would become the source of vexatious contentions between the attorneys and contractors prosecuting claims in the name of the counties and States, and the United States, with the machinery of the General Land Office in action to protect the interests of the Government from questionable claims.

By the confirmatory act of Mar. 3, 1857, all the selections or claims of swamp lands filed in this office up to that date were confirmed to the States as swamp lands, whether they were actually swamp lands or not, and these lands have been patented to the States claiming them. Among the lands so selected or claimed, which were so confirmed were a very large quantity that were not granted by the swamp-land grant of September 28, 1850, yet, to the scandal of citizens seeking homes on the public lands, the States obtained them as if they had been swamp lands. In some States the quantity thus obtained was as great as 4,000,000 acres, and in one, at least, even more. It would be only just to consider that when Congress passed the confirmatory act of March 3, 1857, it intended to close out the swamp-land business forever. So, if a few tracts have been erroneously sold since 1857, the large quantities of agricultural lands confirmed to the States as swamp lands should be considered as a just compensation for any losses the States may have sustained since March 3, 1857.

It has been the policy of the Government not to legislate further in regard to the swamp-land matter, as it has passed all reasonable bounds, as is shown by the Land Office Report for 1891, pages 58 to 61, and 198 to 218. The new States admitted into the Union within the last ten years have not had the swamp-land grant extended to them, but instead, a definite quantity of public lands have been granted to each of them in lieu of lands that they might have acquired through the swamp-land act if extended to them. The quantity so granted has generally been only 500,000 acres.

Every swamp-land State, Ohio excepted (and that for the reason that the public lands in that State were sold prior to the date of the swamp-land grant), has received more than 500,000 acres of swamp lands, indeed the majority of them have received millions of acres—Arkansas more than 7,000,000, California nearly 2,000,000, Florida more than 16,000,000, Illinois more than 1,000,000, Iowa nearly 2,000,000, Louisiana nearly 9,000,000, Michigan nearly 6,000,000, Minnesota nearly 3,000,000, Mississippi more than 3,000,000, Missouri more than 3,000,000, and Wisconsin more than 3,000,000. These figurs refer only to swamp lands in place. The majority of the States named have also received large amounts of cash indemnity under the swamp-land laws.

Another serious objection to the enlargement of the indemnity right under the swamp-land laws is that the States, in many cases, would not be the beneficiaries. The States, after obtaining large quantities of lands in the settlement of their claims, granted their remaining rights to the counties, or to corporations or to individuals. These would now claim thousands of dollars under a right that cost them little or nothing.

Section 7 provides for the confirmation of the titles of grantees of the United States to lands that may be claimed as swamp lands. I do not consider this provision as of any particular utility, as the settlers and purchasers of the public lands whose title the bill assumes to confirm are already protected by patents issued under the law, the efficacy of which has the full sanction of judicial decisions.

Sections 5 and 8 contain excellent features, and if they could be confined and made applicable to the present swamp-land indemnity laws by a special, separate bill, they would receive my fullest approbation.

The report accompanying the bill contains the statement that the Secretary of the Interior failed or neglected to comply with the swamp land law of September 28, 1850, in not making lists and plats of the swamp-lands and transmitting them to the governors of the States. If there was truth in this statement when it was first made, more than thirty years ago, it is not true now, as a comparison between the quantity of swamp lands estimated by the surveyors-general of the several States to be in the swamp-land States, and the list in the last annual report of the Commissioner of the General Land Office, showing the quantity patented to the several States, will demonstrate that the Secretary of the Interior has in fact not neglected his duty.

The real fact is that from the very beginning of the adjustment of swamp-land claims, the States, through their agents, interfered with the officials of the Land Department in listing and platting the swamp lands, some insisting on one method and others on another for determining what were swamp lands, and it was through the kindly disposition of the several officers of the Land Department, rather than through neglect of duty, that the States were permitted to prove lands to be swamp lands by other me hods than from the reports of the surveyors-general of the States, which would have kept the listing and platting of swamp lands to a minimum expression.

From these observations you will see that the bill does not commend itself to my judgment as either meritorious or necessary.

Very respectfully,

W. M. STONE, *Commissioner.*

Hon. WILLIAM S. HOLMAN, M. C.,
Hall of the House of Representatives, Washington, D. C.

Mr. HOLMAN. Mr. Chairman, I will for the present yield the floor, but will reserve the balance of my time.

Mr. BERGEN. Mr. Chairman, I have had occasion to examine this bill in times gone by, and at one time I applied to the Department of the Interior in regard to it. In reply I received from Mr. Commissioner Groff a communication which his predecessor, Mr. Stockslager, had, I think, made to Secretary Vilas. This communication I now send to the desk and ask that it may be read in my time.

The Clerk read as follows:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., January 6, 1891.

SIR: In compliance with your request of the 20th ultimo, there is sent you, herewith, a copy of the letter of the Commissioner of the General Land Office to the Secretary of the Interior, dated April 11, 1888, on the subject of swamp-land indemnity legislation.

Very respectfully,

LEWIS A. GROFF,
Commissioner.

Hon. C. A. BERGEN,
House of Representatives, Washington, D. C.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., April 11, 1888.

SIR: I have the honor to call your attention to the bills now before Congress in relation to swamp and overflowed lands.

One of these bills (S. 758) passed the Senate on the 29th ultimo, and the other (H. R. 6897) has been made the special order in the House of Representatives for the 12th instant.

The Senate bill "for the relief of purchasers and other grantees of the United States of certain swamp and overflowed lands and to reimburse and indemnify certain States" enacts that it shall be the duty of the Secretary of the Interior to adjust the claims of any State against the United States for any lands which have been sold or otherwise disposed of by the United States that were included in any grant of swamp and overflowed lands to such State, and in making the adjustment the State shall have indemnity in cash to the full amount of the purchase money received by the United States for all lands sold for cash and for all such lands as have been otherwise disposed of by the United States, except by grants to such States, or to railroad corporations in each State, or by homestead entries, for which indemnity has not been granted and allowed, such State shall have indemnity in cash at $1.25 per acre: *Provided*, That all claims under the act shall be presented with the necessary proofs to the Secretary of the Interior within three years from the approval of the act.

The second section provides that the Secretary of the Interior shall, when adjustments and allowances are made by him under the act, report the same to the Secretary of the Treasury, showing the amount ascertained to be due from the United States to such State on account of lands sold or otherwise disposed of, with a statement of the year in which the land was sold or otherwise disposed of; and requires the Secretary of the Treasury to cause such State to be credited with the amounts so reported by the Secretary of the Interior as of the last day of the year in which it was received or the lands

otherwise disposed of, as the case may be, and apply the same on payment of any debt of the State to the United States, if any, but not on any tax the payment of which was not assumed by such State, and pay the balance, if any, over to the treasurer of said State.

Under section 3 the acceptance of any State of the indemnity provided in the act is to be a relinquishment and waiver of all its rights, title, and interest in and to all lands which have been disposed of by the United States and which were included in any grant of swamp lands to such State, and an acknowledgment and confirmation of the title thereto in the grantee or grantees of the United States.

Section 4 provides that all selections of lands heretofore made and all indemnity proofs heretofore taken in accordance with rules of the Department, and not rejected, may be considered in making adjustments under the act.

Section 5 provides that on the surrender of any indemnity land scrip heretofore issued under the provisions of the act of 1855 which could not be satisfied by reason of there being no lands in the State to which the same were issued subject to location thereunder, the value of the same, at the rate of $1.25 per acre, shall be paid to the State so surrendering the same when accompanied by proof of ownership.

By section 6 the provisions of the act entitled "An act to enable the State of Arkansas and other States to reclaim swamp lands within their limits," approved September 28, 1850, is extended to the States admitted into the Union since the 17th day of March, 1860, and said States are declared entitled to indemnity under the terms of this act for all swamp and overflowed lands within the meaning of the act of 1850 sold and disposed of by the United States since the admission of said States.

The first section of the House bill differs from the same section in the Senate bill in two particulars. It will be observed that in the Senate bill indemnity is only provided for lands "which have been sold or otherwise disposed of," making its provisions retroactive only, while the House bill contains the additional words "or may be hereafter," thus providing indemnity in case of future disposal of such lands; and the proviso limiting the time for presentation of claims does not appear in the latter.

The second section is substantially the same as the corresponding section of the Senate bill, the only material difference being that payment may be made to some "authorized representative of the State" other than the treasurer.

Section 3 provides that the acceptance of any State, its authorized representative or grantee, of indemnity for any of the lands sold or otherwise disposed of by the United States shall be a relinquishment and waiver of all its right, title, and interest in and to such lands and acknowledgment and confirmation of title thereto in the grantee or grantees of the United States.

Section 4 requires that all selections of lands heretofore made, and all indemnity proofs heretofore taken in accordance with the rules of the Department and not rejected, shall be used in making adjustments under the act, while the Senate bill only provides that such proof may be used.

Section 5 provides for payment for the indemnity-land scrip referred to in the same section of the Senate bill, and at the same rate, "to the party or parties so surrendering the same" when accompanied by proof of ownership.

By section 6 the provisions of the act are made to include the swamp and overflowed lands in odd sections within the 6-mile (granted) limits of the grant by the act of September 20, 1850, to aid in the construction of a railroad from Chicago, Ill., to Mobile, Ala.

Of late years the attention of the country has been frequently drawn to the effect of legislative grants of the public domain or of the proceeds thereof, and a large amount of land has been restored to settlement and entry by the action of Congress and the Executive. Special attention has not, however, been drawn to the evils of swamp-land legislation, and I deem it my duty to submit some of the facts known to this office concerning such legislation.

By act of March 3, 1849 (9 Stat., 352), Congress granted to Louisiana the swamp and overflowed lands found unfit for cultivation in said State, with certain exceptions.

By the act of September 28, 1850 (9 Stat., 519), the whole of the swamp and overflowed lands, made unfit thereby for cultivation, remaining unsold in each of the thirteen public-land States then in the Union (including Louisiana), were granted to said States respectively, and by the act of March 12, 1860 (12 Stat., page 3), the provisions of the act of 1850 were extended to the States of Minnesota and Oregon. The expressed purpose of this legislation was to aid the States in draining the swamp and overflowed lands in their limits, and it was provided in the acts that the proceeds of the lands should be applied exclusively, so far as necessary, to the purpose of reclaiming said lands.

Some of the States elected to adopt the field notes of the public surveys as the basis for adjustment of their claims under the grant, while others agreed to make selections by their own agents and furnish proof that the lands so selected were swamp and overflowed within the meaning of the grant.

Almost from the commencement of the work of adjusting these grants, allegations that many lands thus claimed were not of the character granted were filed in this office, and in a large majority of cases where hearings have been had upon applications to contest the States' claims the land has been found not to be swamp or overflowed within the meaning of the grant. Thousands of entries and locations of warrants or scrip were made by persons seeking homes, or investments upon lands which had been or were afterwards claimed by States under these grants.

In some cases the States transferred their interests to the counties, and selections were made by agents at a specific rate per acre for the lands selected, or for a percentage of the lands for which patents were secured. It happened therefore that many a settler upon or purchaser of public land by no means swamp or so liable to overflow as to be made unfit for cultivation was confronted with a claim under these grants, and not only put to inconvenience but often to actual expense and great loss.

In order to furnish a remedy in such cases Congress passed the act approved March 2, 1855 (10 Stat., 634), "for the relief of purchasers and locators of swamp and overflowed lands," confirming entries and locations of lands claimed under the swamp grant made prior to that date and before issue of patents to the State or States under the grant.

The second section of this act provides that upon due proof by the agent of the State or States, before the Commissioner of the General Land Office, that any of the lands purchased were swamp lands within the meaning of the original grant, the purchase money shall be paid over to the State or States; and where the lands were located with warrants or scrip, the State or States are to be authorized to locate a quantity of like amount of the public lands subject to entry at $1.25 per acre.

By the act approved March 3, 1857 (11 Stat., 251), the selections of swamp and overflowed lands under the grants of 1849 and 1850 were confirmed to the States so far as the lands remained vacant and unappropriated and not interfered with by an actual settlement under any existing law of the United States, and the provisions of the act of 1855 were continued in force and extended to all entries and locations of swamp and overflowed lands made up to the date of this act. Said acts of 1855 and 1857 are held to be retroactive in effect only.

It was estimated first that the original swamp grant would take only about 5,000,000 acres of land, but the claims under the acts above mentioned presented to date cover more than 78,000,000 acres. Of this amount nearly 57,000,000 acres have been patented to the States under said acts (including 852,212.16 acres of dry land patented as indemnity for swamp lands located with warrants or scrip). The States to which patents have issued for this amount are Alabama, Arkansas, California, Florida, Illinois, Indiana, Iowa, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Ohio, Oregon, and Wisconsin, and the amount already patented to them under these grants exceeds the area of the States of New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, and New Jersey.

In addition to this immense area of land thus given to said States, indemnity in money to the amount of $1,532,972.05 for lands sold for cash during the eight years from March 2, 1849, to March 3, 1857, has been paid to the States of Florida, Illinois, Indiana, Iowa, Louisiana, Michigan, Missouri, Ohio, and Wisconsin. Arkansas has presented no claims for indemnity for swamp lands either in cash or other lands; no lands were sold or located in California prior to March 3, 1857; Alabama and Mississippi have been awarded some indemnity in land, but none in money as yet; and these indemnity acts do not apply to Minnesota and Oregon.

From the beginning these acts have been a prolific source of corruption and fraud. Agents working for so much per acre, or for a percentage of the proceeds, whether in lands or money, amounting in some cases to 50 per cent of the proceeds of the claims, and armed with authority to represent the State, have with almost unparalleled effrontery presented claims for thousands of acres of the best land in the country, accompanied with affidavits that the same were so swampy or overflowed as to be thereby rendered unfit for cultivation.

Urged by self-interest, with statements made as to the benefits accruing to the States or counties, they have in many instances induced the representatives of the States to support their claims. A few instances of such fraudulent practices will be found on pages 37 to 40, inclusive, of the last annual report of my predecessor.

Up to 1872 indemnity claims were adjusted on *ex parte* affidavits (except in States which adopted the field notes of survey as a basis for adjustment). In that year new regulations were adopted providing for cross-examinations of the States' witnesses by an agent of this office. This did not, however, check the fraudulent claims entirely, and in 1878 the regulations were amended and provisions made for an examination in the field by agents of this office of the lands for which indemnity is claimed. These regulations also authorize the agents to take testimony in rebuttal of the States' testimony, although this authority was not exercised to any extent until recently; but it is now done in every case where necessary to protect the interests of the Government, and results in showing the worthless character of many of these claims.

The fraudulent nature of these claims was so well understood here that about ten years ago Congress was asked for a special appropriation to enable this office to make examinations in the field of the lands claimed, or for which indemnity is claimed, and since that time from $15,000 to $25,000 has been appropriated annually for that purpose. In other words, the Government has been compelled to expend this sum annually to protect the public domain and the Treasury from claims under laws making gifts to the States.

In illustration of this, I will cite the case of an indemnity claim filed by an agent for a certain county in Iowa, just examined in this office. The claim as presented embraced about 112,000 acres, entered with cash or located with warrants between September 28, 1850, and March 3, 1857, and with it were affidavits alleging that each smallest legal subdivision (or 40-acre tract) was swamp or overflowed land within the meaning of the grant. An agent of this office was detailed to examine these lands in the field and attend at the taking of testimony to be offered by the county agent. When the time arrived for offering such testimony the county agent failed to offer testimony as to some 46,000 acres covered by the claim, and waived the claim to indemnity for the same, it having been found by the agent of this office not to be swamp. Some 23,000 acres upon which the county agent offered testimony was not found to be swamp by the agent of this office and he succeeded in obtaining the testimony of citizens of the county rebutting that offered by the county agent.

Upon all the testimony elicited, indemnity for only 1,388 acres sold for cash was allowed, the remaining tracts covered by the claim as first presented having been found not to be subject to the claim, or to be embraced in warrant or scrip locations for which there are no lands in the State liable to be taken as indemnity. The examination of these lands confessedly not swamp, and securing proof to rebut that of the county as to others, consumed a great deal of the time of the special agent, and put the Government to considerable expense, which would not have been necessary if the claim had been an honest one. This claim imposed unnecessary labor and loss of time in the examination of the records of this office to ascertain whether the lands were actually disposed of during the period covered by the indemnity acts. In fact, it would seem that with certain agents it has been the practice to make up lists of all the lands disposed of between 1850 and 1857, and present claims to the indemnity, leaving the Government to disprove their allegations as to the character of the land as best it could.

In connection with this indemnity matter attention is called to one fact which may be considered remarkable, and that is that, notwithstanding millions of acres of land, unquestionably not swamp, were then open to settlement and entry, during the eight years from 1849 to 1857, lands so swampy or overflowed as to be thereby rendered unfit for cultivation were purchased by individuals to the value of over $1,500,000, in only nine States, and in the same State parties holding land warrants or scrip were willing to take over 850,000 acres of such land in satisfaction thereof. In addition to this, claims for lands thus disposed of during that time amounting to fully 2,000,000 acres, if not more, are on file in this office awaiting adjustment.

As before stated, the object of this grant is to enable the States to reclaim the swamp lands. The claims of the States have in many instances been transferred to counties and the proceeds of the lands, after dividing with agents, have been applied to the construction of roads, bridges, public buildings, and almost any purpose other than the reclamation of the lands as prescribed by Congress. Other States have disposed of the lands in large quantities for a merely nominal consideration, or granted them to railroad and other corporations. Only a small portion seems to have been applied to the purpose intended, and the object of the grant has been generally ignored or entirely defeated.

For many years past bills having in view the extension of the swamp-land grants to other public-land States, and extending the provisions of the indemnity acts of lands sold or located since 1857, have been introduced in Congress; but this office, and the Department, when called upon for an expression of opinion in the matter, have declined to recommend any such legislation. The bills now pending have not, so far as I am advised, been formally submitted for the views of the Department. On the 17th of February last, in response to oral inquiries by him, I addressed a letter to Hon. W. S. HOLMAN, chairman of the Public Lands Committee of the House, touching the House bill.

These bills propose to extend the indemnity acts to lands sold since their passage, and to indemnify the States for lands included in any grant of swamp and overflowed lands, heretofore or hereafter disposed of by the

United States. If sold for cash, the full amount of purchase money received is to be paid the States, and where disposed of "otherwise" $1.25 per acre is to be paid. The Senate bill excepts lands granted to the States by other acts or to railroad corporations, or taken by homestead entries, but the House bill expects nothing.

The indemnity is to be given in cases where it has not heretofore been granted and allowed. No exception is made in either bill for lands already claimed and the claims rejected after full consideration.

Had the intention of the original granting acts been carried out in good faith there might be some reason for extending the indemnity laws to lands found to be swamp disposed of since 1857; but in view of what has been done I see no equitable reason for such legislation.

So far as I can ascertain this office and the Department have uniformly declined to allow indemnity in money beyond $1.25 per acre. The bulk of the lands disposed of at a higher rate were increased in price to reimburse the United States for lands adjoining, granted to the States to aid in the construction of canals or railroads, or for other purposes. Indemnity for lands located with warrants or script is limited to lands rated at $1.25 per acre, and these facts seem to have led to the establishment of the principle of allowing only that amount as indemnity. After taking one-half of the land within a certain limit free of expense a State certainly should be content with half the proceeds of the remainder when the first grant made expressly reserved such remainder to reimburse the United States for the other lands given the State.

There is no justice in the proposition to pay States $1.25 per acre for lands taken by homestead or timber-culture entries. In such cases the entrymen pay fees and commissions only, which barely exceed the cost of surveying the land and conveying it to them. Where land is taken under these laws the presumption certainly should be against its swampy character, and even if swamp, the cultivation and improvement of the land, finally making it taxable at an enhanced value, certainly benefits the State more than the United States, so far as revenue is concerned.

Lands taken by homestead entries are excepted from the Senate bill, but those entered under the timber-culture laws are not. No exception for either is made in the House bill.

Under the provisions of the Senate bill the acceptance of indemnity provided by it is made a waiver of all right, title, and interest to all lands included in any grant of lands to such State. The House bill makes such acceptance a waiver only for lands for which indemnity is allowed. Equity and fairness would seem to require that any State which has accepted indemnity under the provisions of the existing laws waived its right to lands sold or disposed of during the time covered by said acts, but in a number of decisions the State courts have ruled against the validity of the confirmation of entries made by said acts, and the proposed legislation would not afford protection to grantees of the United States from such rulings in future cases.

Section 4 of the Senate bill authorizes the consideration of selections and proof heretofore taken in accordance with the rules of the Department and not rejected, and the House bill enacts that such proof shall be used in making the adjustments.

Much of the so-called "proof" in support of indemnity claims now on file here consists of ex-parte affidavits, and it is due to the interests of the public that no adjustment be made on it. Experience has shown the utter unreliability of ex-parte evidence in such cases, and the worthlessness of the the same has been shown in every case where the lands have been submitted to the test of an examination in the field. Recently claims for indemnity for lands in two counties in Iowa amounting to over $30,000 were presented with ex-parte affidavits alleging that the lands were swamp or overflowed within the meaning of the grant. An agent of this office examined them and found that they were not of that character. He also obtained the testimony of residents of the counties confirming his reports.

Under the system of accepting *ex parte* affidavits this claim would have been allowed and paid, and so would the claim for another county before referred to. These are not isolated cases. Claims for other counties in Iowa and Illinois can be cited where thousands of dollars have been saved to the Treasury by thorough investigation. The provisions of the House bill requiring that this unreliable evidence shall be used in making adjustments of these claims is specially objectionable for this reason. It is simply equivalent to giving indemnity for land which never was within the terms of the grant, and is to that extent a mere gratuity to the grantees of the States and their agents.

I see no reason for paying $1.25 per acre in satisfaction of claims to indemnity for lands located with warrants or scrip prior to March 3, 1857. The law gave the State indemnity in other land in such cases. The rule that such indemnity must be satisfied out of lands in the State was adopted nearly a third of a century ago. The first indemnity certificate was issued by Commissioner Hendricks to Indiana in September 1855, and contained this provision which has been incorporated in each certificate issued since. Whatever alleged losses may have been sustained under this head by States or grantees are due mainly to their own negligence and failure to avail themselves of the provisions of the indemnity acts.

The increase in these indemnity claims of late years has been enormous, and it seems much easier now to secure affidavits that land was swamp in 1850 than it was thirty years ago; and the lapse of time seems to make it easier from year to year, judging from the amount of claims presented.

In most of the States entitled to indemnity in land there are lands sufficient to satisfy all valid claims they may have.

In addition to this it may be noted that under the confirmatory act of 1857 these States received an amount of dry land amply sufficient to compensate them for any apparent losses they may claim to have sustained.

There are only three States to which indemnity certificates have been issued in which there are no lands to satisfy the same. These are:

	Acres.
Illinois	99,675.83
Indiana	3,715.44
Iowa	17,668.12
Total	121,059.39

As before stated these claims could have been largely if not wholly satisfied if due diligence had been exercised.

It is understood, too, that the greater part of these certificates and the other claims to indemnity in land have passed into the hands of parties who purchased the same on speculation at rates much below that proposed to pay in satisfaction of the same, who will reap immense profits if these measures become law. The certificates issued are by their terms restricted to lands in the State to which they are issued, and this has been well known for years, so that purchasers of the same can not plead ignorance. Assignments of such claims have never been recognized by this office, as the law makes no provision therefor, and all settlements either in money or by patenting lands have been made with the State authorities. Payments to assignees would only impose additional labor on this and the Treasury Department.

Section 6 of the House bill proposes to apply the provisions of the same to the odd numbered sections within the 6-mile limits of the grant in aid of the construction of a line of railroad between Chicago and Mobile, made under the act approved September 20, 1850. This act granted to the States of Illinois, Mississippi, and Alabama the even numbered sections of land within 6 miles of the line of said road. The odd numbered sections in the same limits were reserved to the United States and increased in price to $2.50 per acre, the object being to reimburse the United States for the other sections granted to the States for railroad purposes.

The act granting swamp lands to these States became a law eight days later. Under date of November 20, 1855 (1 Lester Land Laws, 521), the Secretary of the Interior (Mr. McClelland) decided that the swamp grant did not embrace lands in these reserved odd-numbered sections in Illinois.

Through inadvertence lands in odd-numbered sections within the limits of the grant in Alabama were patented to said State in 1869 and 1870, and indemnity may possibly have been allowed for a few tracts of land in the same way, but whenever the matter has been brought to their attention this office and the Department have adhered to the decision of 1855 above cited.

In a decision dated May 2, 1873, Mr. Secretary Schurz ruled that certain tracts of land in these reserved sections in Illinois having been restored to settlement and entry prior to the passage of the act of March 3, 1857, and also previously selected under the swamp grant were confirmed by that act, and under this ruling a small quantity of land has been patented to the State as swamp land. On the same date, however, Mr. Schurz decided that since these reserved lands did not pass under the swamp grant of 1850 the State was not entitled to indemnity for such as were disposed of by the United States.

The question of the right of the State of Illinois for indemnity for lands of this class was held by the Court of Claims in 1886 to be *res judicate* in view of Secretary McClelland's decision. (See 4 L. D., page 3.)

There is another point with reference to this claim for swamp lands in the 6-mile limits of this railroad grant, to which it seems to me attention should be called. Under the grant for the railroad Illinois has received 2,595,053 acres of land, and Alabama and Mississippi (in which States the adjustment was made without reference to State lines) have together received 1,156,657.73 acres. The State of Illinois ceded her portion of this grant to the Illinois Central Railroad Company, one of the conditions being that a certain percentage of the gross receipts of the corporation, varying from 5 to 7 per cent, should be paid annually into the State treasury in consideration of the grants and privileges. The latest statistics immediately available show that up to April 30, 1880, said company had under this requirement paid the State $8,104,656.19, or more than $3 per acre for the land acquired by her under the railroad grant. In 1879 the income of the State from this grant was over $325,000. (See The Public Domain, pages 264, 265.)

This grant is a perpetual source of immense revenue to the State, as the constitution provides that the railroad company shall never be released from this obligation, and the money received shall, after payment of the State debt (now practically if not wholly extinguished), be applied exclusively to the payment of the expenses of the State government.

I am not advised of the terms made by Alabama and Mississippi in disposing of the lands received for this railroad. Illinois has certainly profited by it, and in common fairness should not claim any of the proceeds of the lands which Congress reserved to the United States.

The past history of legislation already had and its effects seems to me to afford ample reason why further extension of these grants should not be made. The grant of September 28, 1850, was extended to Minnesota and Oregon by the act of March 12, 1860, with certain limitations, one of which was that selections of lands already surveyed should be made within two years from the adjournment of the Legislature which met next after the passage of the act, and of land thereafter surveyed within two years from adjournment of the Legislature meeting next after notice to the governor by the Secretary of the Interior that the survey has been completed and confirmed; the other was that the grant should not include any land which the Government of the United States may have reserved, sold, or disposed of (in pursuance of any law theretofore enacted) prior to the confirmation of title to be made under the authority of said act.

It has been held by the Department that since the act of 1850 was a present grant sales of swamp lands in these States could not be made after March 12, 1860; also that under the act of 1850 it was made the duty of the Secretary of the Interior alone to designate the lands granted, and therefore the limitation as to time of selection and the exception of lands sold under prior laws before confirmation of title were inoperative.

Minnesota adopted the field notes of survey as the basis of adjustment of her claims. She also made large grants of swamp lands to railroad companies. Of late years it has frequently been charged that surveys have been made and the field notes returned so as to show large bodies of land valuable for timber, mineral, or agricultural purposes to be swamp land, and that this was done in the interest of railroad and mining corporations, greatly to the injury of settlers and persons seeking to acquire title under the public land laws of the United States.

Investigation made last year shows that in many cases lands have been thus fraudulently returned, but the approach of winter rendered further field work impossible, and the investigation had to be suspended.

Oregon agreed to make selections by her own agents and furnish proof that the lands selected were of the character embraced by the grant. Laws were passed providing for the sale of the lands to applicants, who were to pay 20 per cent of the price at the time of the application and the residue upon proof of reclamation of the land. Under these laws applications were made and allowed for an immense quantity of land, not swamp or overflowed in any sense, while nearly all the lands remaining unsold which are valuable for hay or pasturage are also claimed under certificates of purchase from the State.

These claims have generally been made to include all the tracts bordering on the lakes and water courses in Eastern Oregon, including sage brush and desert land, lava beds and mountains, so as to effectually shut settlers off from access to water, and give stockmen control of the other public lands in the vicinity for pasturage, free of expense. Settlers have been driven off of lands by armed force and by threats of violence. Many complaints have reached this office that settlers have been put to great expense, and in some cases have lost all the fruits of their labor through suits brought in the local courts by parties claiming under so-called swamp-land titles.

The claims of the State of Oregon under this grant reported to this office up to date cover less than 370,000 acres (including a great many tracts twice selected, and but a little over 31,000 acres have been patented to the State under the grant. It appears from a report made by a committee of the State senate in 1886 that six persons alone had received certificates of purchase from the State covering nearly 560,000 acres of land, and one of these persons had by this means secured possession of over 484,000 acres. The committee estimate that the amount claimed by these six men is sufficient to make two large counties with a population of 16,000 each.

Referring to this grant in his inaugural address, the present governor of Oregon, Hon. Sylvester Pennoyer, said:

"The gift by the General Government of March 12, 1860, to the State of Oregon of all the swamp and overflowed land within its limit was a Greek gift. The result of that gift has been that some of the fairest and most productive

portions of our State, susceptible of supporting a large population, have been monopolized by a few individuals; immigrants that would have helped to build up our free institutions have been turned away, and a few cattle barons claim the soil. A prompt and decisive step should now be taken by the State. It would be much better for the State if it was forced to accept the alternative that every single acre of the swamp grant, not now gone beyond its control, should be turned back at once to the Federal Government, to be taken up by settlers under the homestead and preemption acts than that it should pass into the hands of a few large landowners. A thrifty enterprising yeomanry is a richer endowment to the State than a few thousand dollars in the treasury as the price of turning large areas of our most valuable lands over into the control of a few large alien stock-raisers."

Section 6 of the Senate bill proposes to extend the swamp grant to all the States admitted into the Union since March 17, 1860, and to allow indemnity for swamp lands sold or disposed of since the admission of such States. This will apply the grant to Kansas, Nevada, Nebraska, and Colorado.

The results of the extension of the grant to Minnesota and Oregon seem to me to furnish sufficient reasons why no further extension should be made. The rapidly decreasing area of the public domain, and the increased value of land, is a great temptation, and a grant as this would still further enlarge the opportunites for corruption and fraud of which the existing grants have been so prolific.

Another objection to these bills is that notwithstanding the well-known fact that the proceeds of the lands have already been largely devoted to objects other than that specified by Congress, it is now proposed to apply the proceeds of the same to payments of debts, if any exist, due the United States from the States, and to that extent defeat the purpose of the original grants.

With regard to the provisions in section 1 of the Senate bill that all claims under the act shall be presented within three years, it may be remarked that there is a very large amount of unsurveyed lands in the State to which this bill refers, and it is not probable that all claims could be presented within that time. The provision is also similar to that of 1860, which has been held to be inoperative. In the States to which the grant is now applicable the unsurveyed lands are estimated at over 70,000,000 acres, while in the States admitted since 1860 they are estimated at nearly 48,000,000 acres.

It is difficult to state the amount covered by this proposed legislation, but judging from the past it may be safely estimated that public lands, or the proceeds thereof, to the extent of 20,000,000 acres, will be required to satisfy the claims which will be asserted.

Much attention has been given to the subject of forfeiture of unearned railroad land grants, and the restoration of lands included therein to settlement and entry, and the success attending the efforts in that direction has been very gratifying.

Swamp-land legislation has proved fully as objectionable as railroad legislation, though confined to a smaller area, and the same reasons should operate to stop every measure looking to the enlargement of these grants.

Very respectfully,

S. M. STOCKSLAGER,
Commissioner.

Hon. WILLIAM F. VILAS,
Secretary of the Interior.

During the reading,

Mr. PICKLER said: Mr. Chairman, I ask unanimous consent to dispense with the further reading of this communication.

The CHAIRMAN. The gentleman from New Jersey [Mr. BERGEN] is having this read in his own time, as a part of his remarks.

Mr. LOUD. The gentleman has left the Hall of the House.

Mr. PICKLER. The gentleman from New Jersey is not here, therefore he can not occupy his own time.

Mr. ATKINSON. In the absence of the gentleman from New Jersey [Mr. BERGEN] I object to unanimous consent being granted to suspend the reading of that document.

Mr. PICKLER. If the gentleman from New Jersey is not here he certainly has no time.

The CHAIRMAN. The Clerk will proceed with the reading.

The Clerk resumed, and concluded the reading of the letter.

Mr. BERGEN. Mr. Chairman, this is the report of the Land Commissioner under the Administration of Mr. Cleveland upon a bill similar to the one that is now under consideration. I know it is undertaken to be said that this bill is in some particulars different from that bill, but in no material way is it altered. The principle that is involved in this bill was involved in the bill then under consideration, and I was told by Mr. Groff, the Commissioner of the Land Office, and the successor of Mr. Stockslager, that Secretary Vilas, when he understood that this bill was under consideration in this House, took this Commissioner's report and brought it up to this House and saw the committee and prevailed upon the committee never to pass such a bill.

Mr. MCRAE. If the gentleman will permit me, that statement is not true.

Mr. BERGEN. I think the gentleman does not know what he is talking about. I do not see how the gentlemen from Arkansas [Mr. MCRAE] can say that that statement is not true. It is not within his own knowledge whether it is or not.

Mr. MCRAE. I have been a member of the committee during the whole time.

Mr. BERGEN. The gentleman might have been absent.

Mr. MCRAE. No; I never missed a meeting of the committee, I believe, since I have been a member of it.

Mr. BERGEN. This bill does what? It proposes to settle the swamp-land claims, but it still maintains the principles which were so much opposed at that time, and certainly principles which every business man will admit are contrary to the true principles to be established in the settling of claims. What are these in brief? In brief, the bill maintains that the State survey is entitled to credit as against the national survey; that is, that the report of the State surveyor is entitled to credit beyond that of the national surveyor.

In other words, that when the law was passed giving to the State the title of certain lands if they were swamp lands, the National Government put its surveyor upon those lands to examine and see whether they were swamp lands or not; the State also put its surveyor upon them to make the same examination. One reported for it and the other reported against it, and the object of this bill is to establish the State survey as against the national survey. Now, what difference does that make? It makes the difference of title to millions and millions of acres of land.

But that is not all. It also proposes to establish title to these lands at a certain figure. It puts them at $1.25 an acre for such lands as the Government has not sold, and for such land as the Government has sold it claims the full amount that the Government has received, it matters not how much. So it is all the time against the Government and all the time for the State. Reference has been made to the different ways in which our Government has condemned lands and given them out as bounty, as homesteads, as railroad lands, and in other forms. These several kinds of land passed out; the title passing from the Government to the private citizen. By this act it is proposed that the National Government shall pay the State for them.

Not only so, but it proposes to do so because the grant was made in the original instance under the statement that the State would reclaim those lands. Has the State reclaimed them? If you will refer to the swamp act relative to Louisiana, passed March 2, 1849, Statutes, page 352, chapter 87, you will see that it is made a condition of the title to these lands passing to the State that the State should reclaim them, and the moneys that are now asked from the Government are asked on the ground that the State is supposed to have reclaimed them. Have any of these States reclaimed these lands?

It is my experience that we have been reclaiming these very lands ever since I have been here by the river and harbor bill, if I understand that bill; and yet we propose to pay to the State by this bill moneys which the Government may have received for these lands, or at the rate of $1.25 an acre for the lands which we have donated. That is, it is proposed to pay to the State over again a part of the moneys we have expended reclaiming these various lands, when, if the State had done its duty, it might have reclaimed them, and saved the General Government.

Now, I want to say in reference to this bill that this is a special law for Arkansas. I know no reason why Arkansas should have a special law. Two millions of dollars is the limitation for the rest of the States, and the amount of money that has been mentioned to me as possibly carried by this bill is $80,000,000. I do not assert that. I do not know what the amount may be. I do not think the gentleman from Arkansas [Mr. MCRAE] knows. I do not think anybody knows how much money would pass by this bill; but my present point is that Arkansas proposes to be repaid dollar for dollar, and yet it proposes for every one of the other States, of which there are fourteen, interested in this bill, that they shall be limited to $2,000,000, or about 2½ cents on a dollar. That is the situation of this bill, and the preference that is given to Arkansas by its provisions.

Mr. PICKLER. Will the gentleman allow a question?

Mr. BERGEN. My time is almost exhausted.

The CHAIRMAN. Does the gentleman yield?

Mr. BERGEN. No; I have not got the time. I would like to yield, but I have not the time.

The CHAIRMAN. The gentleman from New Jersey declines to yield.

Mr. BERGEN. Now, the amount of $2,000,000 is mentioned in the bill. If this bill passes, and the next House has a bill presented to it, and it is shown that $2,000,000 will be entirely insufficient to answer the purposes of the bill, is it presumable that that House will not go on and supplement that legislation as this bill supplements previous legislation? Will it not increase the amount of money as much as may be necessary, it may be millions and millions of dollars?

[Here the hammer fell.]

Mr. MCRAE. Mr. Chairman, I hope the committee will bear with me for a few moments and then I will ask for a vote. In my remarks in opening the discussion upon this bill I invited and challenged a fair consideration of the provisions of the bill. Instead of that I have been met, for an hour and twenty minutes, by those same tactics that have heretofore characterized the opponents of bills upon the same subject.

Nearly all this time has been spent in reading old reports directed at other and different bills, and not this one, and unlike it in nearly every particular.

They have discussed matters relating to the extent of the original grant when we are trying to adjust them. They have shown no good reason why this bill should not become a law. They can

show none. It appears to me to be a studied plan on their part to consume the time allotted to the Committee on Public Lands in order that this bill may be defeated. Other bills have been defeated by these methods. This one may be.

The gentleman from Indiana [Mr. HOLMAN] has caused to be read a communication from the Commissioner of the General Land Office, which comes to him not in the way communications usually come from the heads of the Executive Departments to the legislative department of the Government. It did not come from the Secretary of the Interior, nor to the committee entitled to it, but to a member of the House not a member of the committee. It is signed, however, by the Commissioner, but not sent through the ordinary channel. It comes without the earmarks of a communication from one Department to another. Why this unusual and extraordinary course of proceeding at this time?

Mr. Chairman, there are some of the employés of the Government who are personally interested in the defeat of this bill. They are of those who occupy the offices of the swamp-land division of the General Land Office. Under such methods as they have adopted our grandchildren will never see a settlement of the swamp-land grants. They know it, and stand by the old plan. In my opinion they want no legislation that will settle the claims and take from them the offices they now hold. Pretending to adjust, they do not adjust.

I am told, whether it be true or not I do not know, but I believe it to be true, that the chief of the division, if not now, has recently been in the galleries witnessing these proceedings. From his desk in the Department he has come to aid the gentlemen who oppose this bill. He brought this letter, and perhaps other documents, in order that this measure may be defeated, and his salary, if he can retain that office, be continued. He occupied a position under the last Administration. He is now in under this one. I do not know and do not care anything about his politics. The animus that pervades this communication, coming as it does at this time, I charge to him, and not to the Commissioner, who signed it, perhaps, without reading it. I believe him incapable of thus assailing a measure like this.

I do not believe that Governor Stone, who is now at the head of the Land Department, directed writing of such a letter, nor do I believe he gave it more than a passing consideration. I have referred to the indorsement given the limitation features of this measure by Secretary Noble and the late Commissioner Carter, and have told you of the personal statements that have been made by their predecessors in office touching the importance of legislation.

I believe that when this letter was written that the gentleman who prepared or who directed the preparation, deliberately avoided the usual course so as to get it here just when it came. That it did not come with the indorsement of the honorable Secretary of the Interior nor through his office appears upon its face. I call his attention to this method.

The document of nearly a hundred pages last read has no reference to the bill in question, and was never before used to defeat a swamp-land bill. Mr. Chairman, I have invited gentlemen to consider this bill paragraph by paragraph with a view of amending it if necessary. They have not met me with any such purpose. They dare not. When gentlemen have said that it would take $80,000,000, we have met them with the proposition in this bill to limit it to $2,000,000; and it will probably not take much more than half of that amount. This they brush away by saying that some other Congress may enlarge the limit. Some others may pass a bill without limit. That is an unfair way to meet the issue we present. They say it will give indemnity for railroad lands. There is no such purpose; and I do not believe it will. If it does, propose your amendments so as to avoid it.

Now, Mr. Chairman, as the opponents of the bill have avoided debating it, and in view of what seems to me to be a clear intention to consume the time of the committee and thereby defeat a final vote, I move that the committee rise for the purpose of limiting debate upon the bill.

The motion was agreed to.

The committee accordingly rose; and Mr. MCMILLIN having assumed the chair as Speaker *pro tempore*, Mr. RICHARDSON, chairman of the Committee of the Whole, reported that that committee had had under consideration the bill H. R. 9072, and had come to no resolution thereon.

Mr. MCRAE. Mr. Speaker, I move that the House resolve itself into Committee of the Whole for the further consideration of the bill H. R. 9072; and pending that I move to limit debate to five minutes.

Mr. BERGEN. Mr. Speaker——

Mr. HOLMAN. Mr. Speaker——

The SPEAKER *pro tempore*. The Chair will state the question, after which he will recognize gentlemen.

Mr. MCRAE. And upon that I demand the previous question.

The SPEAKER *pro tempore*. The gentleman from Arkansas moves that the House resolve itself into Committee of the Whole House for the further consideration of this bill, and pending that to limit debate to five minutes; and upon that demands the previous question.

The previous question was ordered.

Mr. BERGEN. I move that the House do now adjourn.

Mr. HOLMAN. I hope ten minutes will be allowed.

The question was taken on the motion to adjourn, and the Speaker *pro tempore* announced that the noes seemed to have it.

Mr. BERGEN. Division, Mr. Speaker.

The House divided; and there were—ayes 15, noes 71.

So the House refused to adjourn.

The SPEAKER *pro tempore*. The question is on the motion of the gentleman from Arkansas, to limit debate on this bill to five minutes in Committee of the Whole.

The question was taken, and the Speaker *pro tempore* announced that the ayes seemed to have it.

Mr. BERGEN. Division.

The House divided; and there were—ayes 89, noes 4.

Mr. BERGEN. No quorum.

The SPEAKER *pro tempore*. The gentleman from New Jersey makes the point that no quorum has voted.

Mr. MCRAE. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 124, nays 13, not voting 192; as follows:

YEAS—124.

Abbott,	Crain,	Hull,	Patton,
Amerman,	Crawford,	Johnson, N. Dak.	Paynter,
Antony,	Crosby,	Johnstone, S. C.	Pearson,
Arnold,	Culberson,	Kendall,	Peel,
Baker,	Daniell,	Lane,	Pickler,
Barwig,	Davis,	Lanham,	Rayner,
Bentley,	De Armond,	Lapham,	Richardson,
Bland,	De Forest,	Layton,	Seerley,
Boatner,	Dixon,	Lockwood,	Sipe,
Bowman,	Dockery,	Long,	Snow,
Breckinridge, Ark.	Dolliver,	Loud,	Springer,
Bretz,	Donovan,	Lynch,	Steward, Ill.
Brickner,	Durborow,	Mallory,	Stewart, Tex.
Brunner,	Elliott,	Mansur,	Stone, Ky.
Bryan,	Epes,	McGann,	Stout,
Buchanan, Va.	Everett,	McKaig,	Stump,
Bullock,	Forney,	McLaurin,	Tarsney,
Busey,	Geary,	McMillin,	Terry,
Butler,	Gorman,	McRae,	Tillman,
Bynum,	Grady,	Meyer,	Tucker,
Byrns,	Greenleaf,	Miller,	Van Horn,
Caldwell,	Hamilton,	Mitchell,	White,
Catchings,	Hare,	Mutchler,	Wike,
Cate,	Haugen,	Oates,	Willcox,
Causey,	Heard,	O'Ferrall,	Williams, Ill.
Clark, Wyo.	Hemphill,	Ohliger,	Wilson, Wash.
Clover,	Henderson, Ill.	O'Neill, Pa.	Wilson, W. Va.
Cobb, Mo.	Herbert,	O'Neill, Mo.	Wise,
Coburn,	Hermann,	Otis,	Wolverton,
Coombs,	Hilborn,	Parrett,	Wright,
Cox, Tenn.	Hooker, Miss.	Patterson, Tenn.	Youmans.

NAYS—13.

Babbitt,	Hall,	Kilgore,	Watson.
Bergen,	Halvorson,	Martin,	
Brookshire,	Holman,	O'Donnell,	
Dickerson,	Kem,	Turner,	

NOT VOTING—192.

Alderson,	Clancy,	Harmer,	Meredith,
Alexander,	Clarke, Ala.	Harries,	Milliken,
Allen,	Cobb, Ala.	Harter,	Montgomery,
Andrew,	Cockran,	Hatch,	Moore,
Atkinson,	Cogswell,	Hayes, Iowa	Morse,
Bacon,	Compton,	Haynes, Ohio	Moses,
Bailey,	Coolidge,	Henderson, Iowa	Newberry,
Bankhead,	Cooper,	Henderson, N. C.	Norton,
Bartine,	Covert,	Hitt,	O'Neil, Mass.
Beeman,	Cowles,	Hoar,	Outhwaite,
Belden,	Cox, N. Y.	Hooker, N. Y.	Owens,
Belknap,	Cummings,	Hopkins, Pa.	Page,
Beltzhoover,	Curtis,	Hopkins, Ill.	Pattison, Ohio
Bingham,	Cutting,	Houk, Ohio	Payne,
Blanchard,	Dalzell,	Houk, Tenn.	Pendleton,
Blount,	Dingley,	Huff,	Perkins,
Boutelle,	Doan,	Johnson, Ind.	Pierce,
Bowers,	Dungan,	Johnson, Ohio	Post,
Branch,	Dunphy,	Jolley,	Powers,
Brawley,	Edmunds,	Jones,	Price,
Breckinridge, Ky.	Ellis,	Ketcham,	Quackenbush,
Broderick,	English,	Kribbs,	Raines,
Brosius,	Enloe,	Kyle,	Randall,
Brown, Ind.	Enochs,	Lagan,	Ray,
Brown, Md.	Fellows,	Lawson, Va.	Reed,
Buchanan, N. J.	Fitch,	Lawson, Ga.	Reilly,
Bunn,	Fithian,	Lester, Va.	Reyburn,
Bunting,	Flick,	Lester, Ga.	Rife,
Burrows,	Forman,	Lewis,	Robertson, La.
Bushnell,	Fowler,	Lind,	Robinson, Pa.
Cable,	Funston,	Little,	Rockwell,
Cadmus,	Fyan,	Livingston,	Rusk,
Caminetti,	Gantz,	Lodge,	Russell,
Campbell,	Geissenhainer,	Magner,	Sanford,
Capehart,	Gillespie,	McAleer,	Sayers,
Caruth,	Goodnight,	McClellan,	Scott,
Castle,	Griswold,	McCreary,	Scull,
Cheatham,	Grout,	McKeighan,	Shell,
Chipman,	Hallowell,	McKinney,	Shively,

Shonk,	Stone, C. W.	Townsend,	Wever,
Simpson,	Stone, W. A.	Tracey,	Wheeler, Ala.
Smith,	Storer,	Turpin,	Wheeler, Mich.
Snodgrass,	Sweet,	Wadsworth,	Whiting.
Sperry,	Taylor, Ill.	Walker,	Williams, Mass.
Stahlnecker,	Taylor, Tenn.	Warner,	Williams, N. C.
Stephenson,	Taylor, E. B.	Washington,	Wilson, Ky.
Stevens,	Taylor, J. D.	Waugh,	Wilson, Mo.
Stockdale,	Taylor, V. A.	Weadock,	Winn.

No quorum voting.

The following pairs were announced:

Until further notice:

Mr. CLARKE of Alabama with Mr. HOPKINS of Illinois.

Mr. O'NEIL of Massachusetts with Mr. RIFE.

Mr. BAILEY with Mr. QUACKENBUSH.

Mr. ROBERTSON with Mr. WILSON of Kentucky.

Mr. LESTER of Georgia with Mr. LODGE.

Mr. FITHIAN with Mr. TAYLOR of Tennessee.

Mr. WASHINGTON with Mr. SANFORD.

Mr. MONTGOMERY with Mr. WEVER.

Mr. LAGAN with Mr. BELDEN.

Mr. COBB of Alabama with Mr. POST.

Mr. SCOTT with Mr. BRODERICK.

Mr. HOPKINS of Pennsylvania with Mr. KRIBBS.

Mr. GOODNIGHT with Mr. KETCHAM.

Mr. ELLIS with Mr. GROUT.

Mr. MCCREARY with Mr. MORSE.

For this day:

Mr. HOAR with Mr. TAYLOR of Illinois.

Mr. HARRIES with Mr. VINCENT A. TAYLOR.

Mr. SNODGRASS with Mr. RANDALL.

Mr. ALDERSON with Mr. FLICK.

Mr. REILLY with Mr. HENDERSON of Iowa.

Mr. BANKHEAD with Mr. ROBINSON of Pennsylvania.

Mr. STOCKDALE with Mr. BINGHAM.

Mr. ENLOE with Mr. STORER.

Mr. GANTZ with Mr. HOUK of Tennessee.

Mr. TURPIE with Mr. RAY.

Mr. OWENS with Mr. HOOKER of New York.

Mr. HOUK of Ohio with Mr. HITT.

Mr. GEISSENHAINER with Mr. ATKINSON.

Mr. SAYERS with Mr. BROSIUS.

Mr. BLANCHARD with Mr. DALZELL, until January 10, 1893.

Mr. COBB of Alabama. I am paired with the gentleman from Illinois [Mr. POST]. If he were here I should vote "aye." If my vote would make a quorum, I should feel at liberty to vote.

The SPEAKER *pro tempore*. On this question the "ayes" are 124, the "noes" 13. No quorum has voted.

Mr. HOLMAN. I move that the House adjourn.

The question being taken on the motion of Mr. HOLMAN, there were—ayes 66, noes 36.

Mr. MCRAE. I ask for the yeas and nays.

The yeas and nays were ordered, 21 voting in favor thereof (more than one-fifth of the last vote).

Mr. MCRAE. I withdraw the demand for the yeas and nays. I think I ought to have been recognized to make a motion for a call of the House; but as gentlemen seem disposed to go home, I shall not insist upon it.

The SPEAKER *pro tempore*. The call for the yeas and nays being withdrawn, the motion to adjourn is agreed to.

The House accordingly (at 4 o'clock and 38 minutes p. m.) adjourned.

REPORTS OF COMMITTEES.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. SCULL, from the Committee on Pensions: The bill (S. 1691) granting a pension to Josephine I. Offley. (Report No. 2183).

Also, the bill (S. 2042) for the relief of Mrs. Helen G. Heiner. (Report No. 2184.)

By Mr. COBB of Missouri, from the Committee on War Claims: The bill (H. R. 9522) for the relief of Lewis Pelham. (Report No. 2185.)

By Mr. CADMUS, from the same committee: The bill (H. R. 8200) for the relief of George McAlpin, to repay to him moneys unlawfully collected for him by the United States. (Report No. 2186.)

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on War Claims was discharged from the consideration of the bill (H. R. 2177) for the relief of Frank Gray, and the same was referred to the Committee on Military Affairs.

BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills and resolutions of the following titles were introduced, and severally referred as follows:

By Mr. CROSBY: A bill (H. R. 9972) authorizing the erection of certain dwelling places in the District of Columbia—to the Committee on the District of Columbia.

By Mr. PERKINS: A bill (H. R. 9973) to amend "an act authorizing the construction of a high wagon bridge over the Missouri River at or near Sioux City, Iowa," etc.—to the Committee on Interstate and Foreign Commerce.

By Mr. HENDERSON of Illinois (by request): A bill (H. R. 9974) to refund to the State of Iowa the amounts paid by said State to the noncommissioned officers and enlisted men of the Second Iowa Volunteer Infantry, for gray uniforms charged to them by the United States mustering and disbursing officers when they were mustered into United States service in May and June, 1861, and afterwards ordered to be discarded and blue uniforms substituted therefor—to the Committee on War Claims.

By Mr. HARVEY: A bill (H. R. 9975) to provide for the allotment of lands among the several Indian tribes in the Quapaw Agency, in the Indian Territory, and for the sale of surplus lands of such tribes, and for the creation of the county of Cayuga, in the Territory of Oklahoma, and for other purposes—to the Committee on Indian Affairs.

By Mr. BINGHAM (by request): A bill (H. R. 9976) regulating the sale of paints, white lead, colors, and linseed oil—to the Committee on Interstate and Foreign Commerce.

By Mr. SWEET (by request): A bill (H. R. 9977) relating to right of way for street-car lines in the District of Columbia outside the city of Washington—to the Committee on the District of Columbia.

By Mr. DURBOROW: A bill (H. R. 9978) to provide for a national encampment of the Army and militia at the World's Columbian Exposition—to the Committee on Military Affairs.

By Mr. BUCHANAN of Virginia: A bill (H. R. 9979) to regulate the right of appeal in certain cases—to the Committee on the Judiciary.

By Mr. STUMP: A bill (H. R. 9980) for the establishment of a foreign quarantine, and suspension of immigration under certain conditions—to the Select Committee on Immigration and Naturalization.

By Mr. HARVEY: A bill (H. R. 9981) reserving the timber reservation in Oklahoma Territory for the benefit of the Territorial institutions of learning—to the Committee on the Public Lands.

By Mr. DURBOROW: A joint resolution (H. Res. 177) to repeal the religious legislation pertaining to the World's Columbian Exposition—to the Select Committee on the Columbian Exposition.

By Mr. PAYNE: A joint resolution (H. Res. 178) authorizing the Secretary of War to make use of an unexpired balance in deepening the harbor at Oswego, N. Y.—to the Committee on Rivers and Harbors.

By Mr. LOCKWOOD: A joint resolution (H. Res. 179) in relation to the investigation of raft towing on the Great Lakes and their connecting waters—to the Committee on Interstate and Foreign Commerce.

By Mr. CATCHINGS: A resolution setting apart Thursday, Friday, and Saturday, the 12th, 13th, and 14th of January, for the consideration of bills that may be called up by members—to the Committee on Rules.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as indicated below:

By Mr. BYRNS: A bill (H. R. 9982) for the relief of Eliza Dickerhoff, widow of Louis Dickerhoff, Company A, Cape Girardeau Home Guards, and directing the Secretary of War to acknowledge as actual service from date of enlistment, June 27, 1861, to discharge, September 29, 1861, and also directing Commissioner of Pensions to adjudicate pension claim now pending—to the Committee on Pensions.

By Mr. HATCH: A bill (H. R. 9983) for the relief of John Richey—to the Committee on Invalid Pensions.

By Mr. MARTIN: A bill (H. R. 9984) increasing the pension of Mrs. Larana Stuart, a widow—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9985) granting a pension to John W. Welch, dependent father of John A. Welch, deceased—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9986) granting a pension to Emma E. Mechling, permanently helpless daughter of Levi Mechling, deceased—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9987) granting a pension to Joseph W. Suy-

der, crippled son of a Revolutionary soldier—to the Committee on Pensions.

By Mr. RUSSELL: A bill (H. R. 9988) granting a pension to Sarah Warner—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1, Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BELTZHOOVER: Four petitions of York, Pa., one of the United Brethern Congregation, the second of the Calvary Presbyterian Church, the third of the Trinity Evangelical Lutheran Church, and the fourth of the Keystone League of the Christian Endeavor Society, all against the opening of the Columbian Exposition on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition for the relief of William and Mary College, to accompany House bill 6863—to the Committee on War Claims.

By Mr. CHIPMAN: Petition of Frankziska Ecendorff, to remove charge of desertion from the record of Leopold Hodopp—to the Committee on Military Affairs.

By Mr. CRISP (by request): Petition of the Southwest Silver Convention, held at El Paso, Tex., asking the passage of a bill for the free and unlimited coinage of silver—to the Committee on Coinage, Weights, and Measures.

Also, memorial of the Legislature of the State of Georgia, asking the repeal of the 10 per cent tax on State banks—to the Committee on Ways and Means.

By Mr. DOLLIVER: Petition of Joseph Graham, of Boone County, Ill., for relief—to the Committee on Military Affairs.

Also, petition of Francis McElroy, of Pocahontas County, Iowa, for relief—to the Committee on Invalid Pensions.

By Mr. HAYNES of Ohio: Petition of the Sunday School Association of Ohio, against the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. LAYTON: Protest of the Sabbath Association of Illinois, against the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. MARTIN: Affidavit of applicant and affidavits and petition of his neighbors, to accompany House bill granting a pension to Joseph W. Snyder, crippled son of a Revolutionary soldier—to the Committee on Pensions.

By Mr. ROBINSON of Pennsylvania: Petition of the Sabbath Association of Illinois, against the reconsideration of the Sunday-closing law as to the World's Fair—to the Select Committee on the Columbian Exposition.

By Mr. SCOTT: Petition of Alfred N. Muney, for relief—to the Committee on Accounts.

By Mr. SIPE: Resolutions of the Upper Ten Mile Presbyterian Church, of Washington County, Pa., commending Congress for closing the Columbian Exposition on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. WAUGH: Papers to accompany House bill 7444, of Henry W. Hackley, for correction of his military record and his discharge—to the Committee on Military Affairs.

SENATE.

WEDNESDAY, *December 21, 1892.*

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

REPORT OF INTERSTATE COMMERCE COMMISSION.

The VICE-PRESIDENT laid before the Senate the sixth annual report of the Interstate Commerce Commission; which, on motion of Mr. CULLOM, was, with the accompanying papers, ordered to lie on the table, and be printed.

PETITIONS AND MEMORIALS.

Mr. SHERMAN presented the petition of Charles A. Hawkins and 24 other citizens of Toledo, Ohio, praying for the appointment of a Senate committee to investigate the combine formed to depreciate the price of grain, and asking for the postponement of the Washburn-Hatch antioption bill until such committee shall report; which was referred to the Committee on Agriculture and Forestry.

He also presented petitions of Twin Valley Grange No. 657, Patrons of Husbandry, of El Dorado Grange Patrons of Husbandry, and of Pomona Grange No. 64, Patrons of Husbandry, all in the State of Ohio, praying for the passage of the Washburn-Hatch antioption bill; which were ordered to lie on the table.

Mr. BATE presented the petition of M. E. Spurgin and other citizens of Hilton, Tenn., and the petition of C. L. Wall and other citizens of Fayette County, Tenn., praying for the passage of the Washburn-Hatch antioption bill; which were ordered to lie on the table.

Mr. MORGAN. I present a memorial of the General Assembly of the State of Alabama, and ask that it be read.

The memorial was read, as follows:

Joint memorial to Congress in reference to construction of Nicaragua Canal.

The joint memorial of the senate and house of representatives of the State of Alabama in General Assembly convened, to the Senate and House of Representatives of the United States of America in Congress assembled, respectfully shows unto your honorable bodies:

First. That the construction of the Nicaragua Canal would greatly benefit the State of Alabama by opening up new markets for her agricultural products, notably cotton, and for her mineral products, particularly iron, steel, and coal. That it would increase her sales of lumber and ship stores and by making the Gulf of Mexico the highway for the trade and commerce of the world, would stimulate the growth of her Gulf ports and the development of all her resources.

Second. That the entire Mississippi Valley, including the lake ports, would feel the beneficial influence of practically another mouth to the great river opening into the Pacific Ocean.

Third. That the Atlantic seacoast will reap benefit by the shortening of the distances to our Pacific coasts and to the East, enabling it better to compete with Europe for the Pacific Ocean trade, and stimulating its shipbuilding and shipping interests.

Fourth. That our Pacific coast States would find every industry and source of prosperity stimulated by lower freights and closer connection with the Central and Eastern States, so that it would seem that our whole country is interested in the construction of this great highway for the commerce of the world.

Fifth. That the strategic importance of this canal is such that the Government of the United States should secure its absolute control.

Sixth. That the Canal Company having expended some $6,000,000, estimates the entire cost of construction of the canal at $100,000,000, and seeks the aid of the United States Government in raising the sum.

Seventh. That judging from the revenue accuring to the Suez Canal it would be safe to expect this greater work to pay a good dividend on the amount invested.

Eighth. For these reasons, your memorialists earnestly urge that such measures be adopted as will, in your wisdom, best secure the speedy construction of this canal and its control by the United States Government.

Resolved, That the governor of this State be requested to furnish a copy of this memorial to each of our Senators and Representatives in Congress.

J. C. COMPTON,
President of the Senate.

Approved December 3, 1892.

THOMAS G. JONES, *Governor.*
FRANCIS L. PETTUS,
Speaker of the House of Representatives.

I hereby certify that the above is a true copy of the original papers now on file in my office.

J. D. BARRON,
Secretary of State.

Mr. MORGAN. In the same connection I present a memorial upon the same subject by Mr. George L. Converse, of Ohio; Edward F. Cragin, of Illinois; R. L. Edwards, of New York; and T. J. Odendahl, of Louisiana, a committee appointed by the convention which recently met in New Orleans, composed of 700 delegates from about 38 States of the Union, earnestly urging upon Congress the passage of the bill to aid in the construction of the Nicaragua canal. The memorial, under the rules of the Senate, I believe I have no right to read, and thus place it upon the records of the Senate. I move that this memorial and the one which has just been read be printed together as a document, and laid upon the table.

The motion was agreed to.

Mr. HARRIS presented a petition numerously signed by citizens of Shelby County, Tenn., praying for the passage of the antioption bill; which was ordered to lie on the table.

Mr. HISCOCK presented the petition of Frederick Heyl and 41 other citizens of Chautauqua, N. Y., praying for the appointment of a Senate committee to investigate the combine formed to depreciate the price of grain, and asking for the postponement of the Washburn-Hatch antioption bill until such committee shall report; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the board of aldermen of Buffalo, N. Y., praying Congress to direct the Government Board of Engineers to prepare plans for the extension of the breakwater at Buffalo Harbor to Stony Point, and report thereon as speedily as possible; which was referred to the Committee on Commerce.

He also presented the petition of T. J. Yost and 154 other citizens of Altamont, N. Y., praying that Congress so amend its former action in regard to the sale of intoxicating liquors on the grounds of the World's Columbian Exposition as not to infringe upon existing laws of Illinois; which was referred to the Committee on the Quadro-Centennial (Select).

Mr. PROCTOR presented the memorial of P. J. Boardman and other citizens of Norwich, Vt., remonstrating against repealing the provision requiring that the World's Columbian Exposition be closed on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

Mr. MCPHERSON presented a petition of the New Jersey State Horticultural Society, praying for the enactment of legislation to prohibit gambling in food products; which was ordered to lie on the table.

Mr. QUAY presented memorials of the Center Presbyterian Church of New Park; of the Christ Lutheran Congregation of York; of the Lutheran Evangelical Congregation of York, and of the Church of God Congregation of Columbia, all in the State of Pennsylvania, remonstrating against the passage of any legislation repealing the provisions of the act closing the World's Columbian Exposition on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

Mr. FELTON presented a petition of the Afro-American citizens of the State of California, praying for the passage of legislation authorizing the board of management and control of the United States Government exhibit of the World's Columbian Exposition to collect statistics, etc., concerning the colored race; which was referred to the Committee on the Quadro-Centennial (Select).

REPORTS OF COMMITTEES.

Mr. TURPIE, from the Committee on Pensions, to whom was referred the bill (H. R. 5012) to increase the pension of Thomas Enlow, reported it without amendment, and submitted a report thereon.

Mr. VILAS, from the Committee on Claims, to whom was referred the bill (S. 3028) for the relief of William P. Dunwoody, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. DAWES, from the Committee on Indian Affairs, to whom was referred the bill (S. 2594) for the adjustment of the rights of the Indians and Indian tribes to lands owned or occupied by them in the Indian Territory, and for other arrangements, with a view to the creation of a State embracing such Territory, reported it with amendments.

Mr. MORGAN. As a member of the Committee on Indian Affairs I dissent from the report just made. The bill itself, prepared and introduced by the Senator from Arkansas [Mr. BERRY], is admirably adapted to carry out the purposes which he has in view, but it provides for a commission to go to the five civilized tribes and negotiate with them for a release of their lands to the United States. I do not believe that the Legislatures of those different tribes have that power, nor do I believe that it is practicable under their organic law, or under the treaties, or under the legislation of the United States to assemble in those five tribes any body of citizen Indians who have the right to make the concessions in the broad way in which they are proposed to be made through the agency of this commission.

Nevertheless, I believe that there is connected with the patents we have issued to those tribes as tribes for the lands a trust in behalf of the citizens of the respective nations or tribes, and the question remains as to who shall execute that trust. Inasmuch as it is a function of supreme sovereign power to execute the trust, I believe that the Government of the United States ought to execute it by the legislation of Congress, I will say, out of hand. The Legislatures of the respective tribes, I think, have not the power to execute it, nor do I think it is consistent with the nature of the trust itself that they should execute it, nor do I believe that they can execute it peacefully.

I believe that the Government of the United States ought now to pass laws for the proper distribution amongst the Indians of their domain, having respect, delicate respect, to every equity that has arisen out of former transactions, occupancy, etc. I believe that if we were to pass a just law it would be accepted by the Indians quietly, peacefully, and gratefully, and that we should avoid thereby those strifes and contentions which I am very much afraid will be aroused if we send a commission there to treat with any supposed legislative body or any supposed authorized body of citizens for the acquisition of this Territory.

So I enter my protest against the passage of the bill in its present form, and at the proper time when the bill is up for consideration I hope I shall be able to offer an amendment in the line of my remarks.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

Mr. SHERMAN. I am directed by the Committee on Foreign Relations, to whom was referred the bill (S. 1218) to amend the act entitled "An act to incorporate the Maritime Canal Company of Nicaragua," approved February 20, 1889, to report it with amendments and to submit a written report.

I am also directed to ask that the report made on this subject by the same committee on the 10th of January, 1891, be printed as a part of the report now submitted. Within a few days I will furnish to the clerks a report upon the amendments proposed by the committee.

The VICE-PRESIDENT. Does the Senator from Ohio desire to have the printing withheld until the additional matter is furnished.

Mr. SHERMAN. Yes. In a day or two I will hand it to the Secretary. I give notice that at as early a day as practicable in the business of the Senate I shall seek to secure action upon and the passage of the bill.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

Mr. STEWART, from the Committee on Claims, to whom was referred the bill (S. 1353) for the relief of Morgan Everts, asked to be discharged from its further consideration, and that it be referred to the Committee on Military Affairs; which was agreed to.

CENSUS ENUMERATORS.

Mr. VANCE, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. VEST on the 6th instant, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Whereas it has been charged by the public press that officials of the Government employed in the Census Bureau of the Interior Department have been guilty of gross misconduct for partisan purposes, and especially that the enumerators appointed to make the enrollment of population for the census of 1890 in the State of Missouri and elsewhere, did, under instructions from certain officers of the Bureau, make at the same time lists of voters for partisan use;

And also, that certain clerks and accountants employed in said Bureau were sent to the State of New York during the recent canvass to perform partisan service while drawing pay from the Government: Therefore,

Resolved, That the Committee on the Census is directed to investigate said charges, and to report by bill or otherwise; that said committee have power to send for persons and papers, and to employ a stenographer, the expenses to be paid out of the contingent fund of the Senate.

PROTESTANT EPISCOPAL CATHEDRAL FOUNDATION.

Mr. MCMILLAN. I am directed by the Committee on the District of Columbia, to whom was referred the bill (H. R. 9417) to incorporate the Protestant Episcopal Cathedral Foundation of the District of Columbia, to report it favorably, without amendment. I ask that it take the place of Senate bill 3391 now on the Calendar, and that the Senate bill be indefinitely postponed. This being a House bill, and as there are some reasons why it should pass at an early day, I ask permission to have it considered now.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. COCKRELL. Let it be read.

The VICE-PRESIDENT. The bill will be read for information.

The bill was read; and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. COCKRELL. I should like to ask the Senator who reported the bill if it may not be a little too latitudinarian in its construction. It is, as I understand, an exact copy of Senate bill 3391, which has been reported heretofore and is on the Calendar.

Mr. MCMILLAN. It is an exact copy of that bill.

Mr. COCKRELL. The language of the bill is that the persons named—

Are hereby constituted a body politic and corporate by the name of the Protestant Episcopal Cathedral Foundation of the District of Columbia, with power to sue and be sued, plead and be impleaded, and have perpetual succession; to acquire, take by devise, bequest, or otherwise hold, purchase, encumber, and convey such real and personal estate as shall be required for the purposes of its incorporation.

Would not that enable the corporation to acquire real estate and invest its funds in that way, and then turn around and sell the real estate, and continue to acquire and to convey such property at will and pleasure? It seems to me it is a pretty wide authority to give to any corporation.

Mr. MCMILLAN. That is not the purpose. There are certain parties in the district now who are ready to turn over to this corporation a large amount of property, and it is intended of course that they shall own and control the property. The intention is to hold it, just the same as property is held by other institutions here.

Mr. COCKRELL. When the bill was up at the last session I had an amendment prepared, which would limit the holding of real estate simply to that which might be necessary for the purposes of the corporation, so far as holding it is concerned.

Mr. MCMILLAN. There is no objection to an amendment of that kind, if the Senator will present it.

Mr. COCKRELL. I heard the bill was coming up and I looked for the amendment, but I can not find the exact amendment which I proposed at the time.

Mr. FAULKNER. I ask the Senator from Missouri whether the legal construction of the language used in the bill is not that the only property that can be acquired by this corporation is for the purpose of carrying out the objects and purposes of its creation, and if that is not a limitation?

Mr. COCKRELL. Then why acquire the right to sell it. If it acquires it for that purpose and holds it there would be no objection to the bill, but the bill provides that it may acquire it and change it. It may change property back and forth just as it pleases in the matter of investing funds in real estate or anything else.

Mr. FAULKNER. I suggest to the Senator from Missouri

whether that is not the legal right by reason of its being a corporation created with power to hold real estate? Would it not have power to sell any property it may acquire? That is simply an enlargement of what would be the usual expression, perhaps, in the charter of a corporation. It certainly would not affect the legal right of the corporation itself to dispose of property it might acquire.

The importance of the passage of the bill is owing to the fact that this property has been acquired and the conveyance is to pass from the vendors to the corporation this week. So unless this bill is passed a trust will have to intervene and the conveyance be made to a trustee instead of being made directly to the corporation. The conveyance is to be made this week under the terms of the contract.

The VICE-PRESIDENT. Are there amendments to the bill as in Committee of the Whole?

Mr. COCKRELL. I simply desire to put myself on record as saying that I think it is an exceedingly dangerous bill; but I do not intend to oppose its passage any further than to record my vote against it.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The VICE-PRESIDENT. The bill (S. 3391) to incorporate the Protestant Episcopal Cathedral Foundation of the District of Columbia will be indefinitely postponed.

REPORT ON FOREIGN STREETS AND HIGHWAYS.

Mr. MANDERSON. I am directed by the Committee on Printing to report back the concurrent resolution providing for printing the consular report relating to streets and highways in foreign countries, and I ask for its present consideration. There are certain blanks that I will move to fill.

The concurrent resolution submitted by Mr. MANDERSON on the 15th instant was read, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed —— thousand copies of the special consular report relating to streets and highways in foreign countries, heretofore published by the Department of State, of which —— thousand copies shall be for the use of the Senate and —— thousand copies for the use of the House of Representatives.

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. MANDERSON. I wish to state that this work, which is one of the consular reports published by the State Department, was issued in somewhat limited number by the Department of State. The demand for it has been very great, indeed. In response to applications made by myself to the State Department for copies of this report, I was informed by the Secretary of State that their edition is entirely exhausted; and he says further in his letter:

In reply to that portion of your communication wherein you ask my opinion as to whether Congress should not order a special edition of this work, I would say that in view of the great interest now being manifested throughout the country in regard to good highways and the fact that this work contains the world's experience in road building, it would be hard to overestimate the good which would result from a proper general distribution thereof, a distribution which, owing to the limited amount appropriated for the publication of consular reports, this Department can not make.

In view of these facts I move to fill the blanks as they occur, so that the whole number printed shall be 12,000 copies, 4,000 for the Senate and 8,000 for the House of Representatives.

Mr. COCKRELL. In view of the importance of the document and the demand for it, I move to make the number 15,000 copies, 5,000 for the Senate and 10,000 for the House of Representatives. I do not think that is an excessive number.

Mr. MANDERSON. I do not object to that amendment.

Mr. COCKRELL. I think it is a book that ought to be published and sent broadcast over the country. There is very great demand for it.

Mr. SHERMAN. My own impression is that a large number ought to be printed. There are 300,000 copies of the Agricultural Report printed, and I have had more letters in regard to this than the Agricultural Report.

Mr. COCKRELL. I think it ought to be liberally printed, and I have no objection to the Senator from Ohio amending my proposed amendment, and making the number 10,000 and 20,000.

Mr. SHERMAN. I think about 20,000 or 25,000 copies should printed.

Mr. COCKRELL. I suggest 10,000 copies for the Senate and 20,000 copies for the House.

Mr. MANDERSON. I do not object to the amendment.

The VICE-PRESIDENT. The amendment will be stated.

The Chief Clerk read the concurrent resolution, as proposed to be amended, as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed 30,000 copies of the special consular report relating to streets and highways in foreign countries, heretofore published by the Department of State, of which 10,000 copies shall be for the use of the Senate and 20,000 copies for the use of the House of Representatives.

The amendment was agreed to.

The resolution as amended was agreed to.

BILLS INTRODUCED.

Mr. PERKINS introduced a bill (S. 3646) to remove the charge of desertion against Alfred Rebsamen; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. CULLOM introduced a bill (S. 3647) for the relief of William Martin; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. FELTON introduced a bill (S. 3648) for the improvement of San Pedro Bay; which was read twice by its title, and referred to the Committee on Commerce.

Mr. CALL introduced a joint resolution (S. R. 125) to suspend approvals of lists of public lands to States or corporations until the further action of Congress; which was ordered to lie on the table.

Mr. McPHERSON introduced a joint resolution (S. R. 126) authorizing and directing the Secretary of the Treasury to suspend all purchases of silver bullion as provided in the act of July 14, 1890; which was read the first time by its title.

Mr. McPHERSON. I ask that the joint resolution be read at length. It is very short.

The joint resolution was read the second time at length, as follows:

Resolved by the Senate and House of Representatives in Congress assembled, That the Secretary of the Treasury be, and he hereby is, authorized and directed to suspend, until otherwise ordered by Congress, all purchases of silver bullion as provided in the first section of the act of July 14, 1890, entitled "An act directing the purchase of silver bullion and the issue of Treasury notes thereon, and for other purposes."

Mr. McPHERSON. I desire that the joint resolution may be printed and laid upon the table, to be called up at some future time by myself, after the holiday recess.

The joint resolution was ordered to lie on the table.

CHANGE OF REFERENCE.

Mr. TELLER. Yesterday I introduced a bill (S. 3634) to provide for building and maintaining an Indian industrial school at Unalaska, Alaska, which I intended to have referred to the Committee on Indian Affairs, but it appears to have been referred to the Committee on Military Affairs. I ask that an order may be made discharging the Committee on Military Affairs from the further consideration of the bill, and that it be referred to the Committee on Indian Affairs.

The PRESIDING OFFICER (Mr. PLATT in the chair). That order will be made in the absence of objection.

UNLAWFUL DISPOSITION OF PUBLIC LAND.

Mr. CALL submitted the following resolution; which was ordered to lie on the table and be printed:

Resolved, That it be, and is hereby, referred to a special committee of five Senators, to be appointed by the President of the Senate, to inquire and report to the Senate whether there have been approvals of land by the Secretary of the Interior to States or railroad corporations in violation of the acts of Congress, and to report by bill or otherwise the measures necessary for the opening of such land to the use and occupation of citizens of the United States under the homestead laws and for the protection of actual settlers on said land.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had passed the concurrent resolution of the Senate to print the report of the Commissioner of Fish and Fisheries for the fiscal year ending June 30, 1892, and extra copies of the same.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 1484) for the relief of Mary A. Lewis;

A bill (H. R. 8915) granting an increase of pension to Joseph Coffman; and

A bill (H. R. 9649) to provide for the purchase of Fort Brown, Texas.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (H. R. 6644) to amend an act entitled "An act authorizing the sale of title of the United States in lot 3 in square south of square 990," approved March 3, 1891;

A bill (H. R. 8760) to provide for the sale of navy-yard lands in the city of Brooklyn; and

A bill (H. R. 8907) to increase the pension of John Malloy.

DELZELL R. BRADFORD.

Mr. STOCKBRIDGE. I ask unanimous consent of the Senate to consider the bill (H. R. 6737) granting a pension to Delzell R. Bradford, Twenty-fourth Michigan Volunteers. The bill has been passed by the other House and reported favorably by the Senate committee, and I may say that unless it is passed immediately it will do the beneficiary no good.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll, subject to the provisions and limitations of the pension law of June 27, 1890, the name of Delzell R. Bradford, late a private in the Twenty-fourth Regiment of Michigan Volunteers.

Mr. COCKRELL. Let the report be read.

The VICE-PRESIDENT. The report will be read.

The Secretary read the report, submitted by Mr. TURPIE December 15, 1892, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 6737) granting a pension to Delzell R. Bradford, have had the same under consideration, and report:

From the facts stated in the House report on this case, which is hereby approved and made a part of this report, your committee believe this to be a meritorious measure and recommend the passage of the bill.

[House Report No. 1872, Fifty-second Congress, first session.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6737) granting a pension to Delzell R. Bradford, have had the same under consideration and submit the following report:

As shown by the records of the Adjutant-General's Office, the soldier enlisted March 27, 1865, as a private, unassigned, in the Twenty-fourth Regiment Michigan Volunteers, and was honorably discharged June 21, 1865 He filed application for pension September 3, 1890, under the act of June 27, 1890, alleging piles and general debility. The claim was rejected August 6, 1891, on the ground that the claimant was not in the United States service ninety days; therefore not entitled to pension under the provisions of said act.

The claimant alleges that the records of the Adjutant-General's Office are in error in giving the date of his enlistment as March 27, 1865, and that the date should be corrected to read March 17, 1865. In proof thereof he files a certificate from the adjutant-general of Michigan, as follows:

MILITARY DEPARTMENT, MICHIGAN,
ADJUTANT-GENERAL'S OFFICE,
Lansing, October 20, 1891.

I certify that it appears from official records on file in this office, that private Delzell R. Bradford, company unassigned, Twenty-fourth Regiment Michigan Infantry, enlisted on the 17th day of March, 1865, at Grand Rapids, Mich., and was duly mustered into the service of the United States for the term of one year. Mustered out at Detroit, June 21, 1865.

J. S. FARRAR,
Adjutant-General of Michigan.

G. W. ROBERTSON,
Assistant Adjutant-General.

In an affidavit dated November 25, 1891, the claimant testified that he enlisted on the 17th day of March, 1865, and knows this because he remembers that it was on St. Patrick's day that he enlisted at Grand Rapids, Mich. On the next day, the 18th day of March, he went to Jackson, Mich.; from there was sent to Camp Butler, near Springfield, Ill., where he was taken sick with typhoid pneumonia, and was given a sick leave. When he got able he was discharged at Detroit, June 21, 1865.

Charles Hotchkiss testifies as follows:

I was well and personally acquainted with Delzell R. Bradford prior to his enlistment into the Army. I remember very distinctly the fact of said Bradford's enlistment into the Army. I also remember very well that on St. Patrick's day, March 17, 1865, he was, with myself and other friends, here in the city (Grand Rapids) and at that time he had on the uniform of a soldier. He then informed me that he had enlisted into the United States Army, and I have every reason to believe that his claims were true from the fact that he had on the uniform. I know that that was on March 17, 1865, because of its being St. Patrick's day. I subsequently learned that he had been assigned to the Twenty-fourth Regiment Infantry.

George M. Buck, circuit judge, Kalamazoo, Mich., says, after examining the evidence:

"It seems to me that the proof is ample to show that the record at Washington is wrong and the record at Lansing is right, inasmuch as the two would seem to be of equal force and value, and the proof outside these records sustains the one at Lansing and contradicts the one at Washington."

Owing to the itinerant life he has lived since he was discharged, he admits that it is impossible for him to prove by comrades and physicians incurrence of disabilities in the service and continuation of the same to the present time.

George S. Wood and Nellie B. Wood testify that they are well acquainted with the claimant, that he is in poor health, and that he is suffering with lung and heart trouble and rheumatism and piles. They know him to be unable to perform manual labor, and that he is destitute of means, and is dependent on others who are not legally bound for his support.

George W. Hamilton and E. V. Hamilton testify that they are well acquainted with the claimant and know that he is in destitute circumstances, and is now dependent upon the charity of others not bound for his support; that he is unable to do any kind of manual labor whatever.

Cyrus Bussey, Assistant Secretary of the Interior, in affirming the decision of rejection of the claim, says:

"This Department is governed by the records of the War Department, and the claim can not be admitted unless the records of said Department can be amended to correspond with the date claimed by claimant as the true date of his enlistment."

The inability of the claimant to earn his living by manual labor by reason of physical disabilities having been fully and satisfactorily proved, the only question to be determined by the committee is as to the date of the soldier's enlistment.

After amending the bill in line 5 by striking out of the word "laws" the letter "s," and inserting thereafter the words "of June 27, 1890," your committee recommend the passage of the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HOLIDAY RECESS.

The VICE-PRESIDENT. According to the unanimous agreement made yesterday, the Chair lays before the Senate the bill (S. 1958) to submit to the Court of Private Land Claims, established by an act of Congress approved March 3, 1891, the title of William McGarrahan to the Rancho Panoche Grande, in the State of California, and for other purposes; upon which the Senator from Virginia [Mr. HUNTON] is entitled to the floor.

Mr. DAWES. I ask the Senator from Virginia to yield to me to call up a resolution.

Mr. HARRIS. Before proceeding with the bill which has been laid before the Senate, I think the concurrent resolution for the holiday adjournment should be disposed of. Whatever the Senate proposes to do with it ought to be done this morning.

Mr. DAWES. That is the resolution I rose to call up.

The VICE-PRESIDENT. The Chair lays before the Senate the concurrent resolution of the House of Representatives, which will be read.

The concurrent resolution was read and agreed to, as follows:

Resolved by the House of Representatives (the Senate concurring), That when the two Houses adjourn on Thursday, December 22, they will stand adjourned until Wednesday, January 4, 1893.

SOCIETY OF AMERICAN FLORISTS.

Mr. PADDOCK. I desire to make an appeal to the Senator from Virginia to allow me a moment to call up a bill for present consideration.

Mr. HUNTON. I will yield to the Senator from Nebraska, provided his bill provokes no discussion, and with the understanding that if it shall provoke discussion he will withdraw it.

Mr. PADDOCK. Certainly. It is a bill which was considered on the day prior to the adjournment of the last session, was read at length, and laid aside at the request of the Senator from Missouri [Mr. COCKRELL], who, I think, is now satisfied as to its provisions. As I am to leave the Senate to-day or to-morrow, to be absent on some matters of considerable personal concern to myself, until perhaps the month of February, there would perhaps be no chance for me to bring the measure to the attention of the Senate before the close of the session. I desire, therefore, the indulgence of the Senate for its present consideration. It is Calendar No. 174, Senate bill 1674.

By unanimous consent, the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 1674) incorporating the Society of American Florists.

The VICE-PRESIDENT. The bill will be read.

Mr. PADDOCK. The bill has heretofore been read at length.

Mr. SHERMAN. I think the bill should be read now, as some time has passed since it was last under consideration.

Mr. COCKRELL. Let the bill be read.

The VICE-PRESIDENT. The bill will be read.

The Secretary read the bill.

Mr. MILLS. I suggest to the Senator from Nebraska that in all these acts of incorporation the Government retains the right to alter or amend the charter, and I think such a provision should be inserted in this bill.

Mr. PADDOCK. There is no objection to such an amendment, and I shall very cheerfully accept it.

Mr. MILLS. I hope the Senator will have that amendment inserted, and then I shall have no objection to the bill.

Mr. COCKRELL. I suggest that there be added to the bill the words:

That Congress may at any time alter, amend, or repeal this act in whole or in part.

The VICE-PRESIDENT. The amendments reported by the Committee on Agriculture and Forestry will first be stated.

The amendments reported by the Committee on Agriculture and Forestry were, in line 10, to strike out the name "Joseph C. Vaughan" and insert "John C. Vaughan;" in line 24, after the word "horticulture," to strike out "and for the benefit of its members and the public in general;" in line 26, after the word "authorized," to insert "to adopt a constitution and to make by-laws not inconsistent with law;" and after the words "donated or," at the end of line 30, to strike out "bequests made in other sections of the United States, to adopt a constitution, and to make by-laws not inconsistent with law," and insert "bequeathed in any State or Territory: *Provided*, That all property so held, and the proceeds thereof, shall be held and used solely for the purposes set forth in this act;" so as to make the bill read:

Be it enacted, etc., That James Dean, of Bay Ridge, in the State of New York; William J. Stewart, Michael H. Norton, and Patrick Welch, of Boston, in the State of Massachusetts; Edward G. Hill, of Richmond, in the State of Indiana; John N. May, of Summit, in the State of New Jersey; William R. Smith, John Saul, and Benjamin Durfee, of Washington, in the District of Columbia; Myron A. Hunt, of Terre Haute, in the State of Indiana; John Thorpe, Joseph T. Anthony, and John C. Vaughan, of the State of Illinois; Robert Craig, Edwin Lonsdale, and John Burton, of Philadelphia, in the State of Pennsylvania; Alexander Murdoch, of Pittsburg, in the State of Pennsylvania; John M. Jordan, of St. Louis, in the State of Missouri; John T. Temple, of Davenport, in the State of Iowa; Charles W. Hoitt, of Nashua, in the State of New Hampshire; William Falconer, of Glen Cove, and Daniel B. Long, of Buffalo, both in the State of New York, and Albert Manda, of Short Hills, in the State of New Jersey, their associates and successors, are hereby created a body corporate and politic, by the name of The Society of American Florists, for the elevation and advancement of horticulture in all its branches, to increase and diffuse the knowledge thereof, and for kindred purposes in the interest of horticulture. Said association is authorized to adopt a constitution and to make by-laws not inconsistent with law, to hold

real and personal estate in the District of Columbia, so far only as may be necessary to its lawful ends, to an amount not exceeding $50,000, and such other estate as may be donated or bequeathed in any State or Territory: *Provided*, That all property so held, and the proceeds thereof, shall be held and used solely for the purposes set forth in this act. The principal office of the association shall be at Washington, in the District of Columbia, but annual meetings may be held in such places as the incorporators or their successors shall determine. Said association shall from time to time report its proceedings to the Secretary of Agriculture, at least once in each year, and said Secretary shall communicate such reports in whole or in part to Congress.

The amendments were agreed to.

The VICE-PRESIDENT. The amendment suggested by the Senator from Missouri [Mr. COCKRELL] will now be stated.

The SECRETARY. It is proposed to add to the bill:

That Congress reserves the right to alter, amend, or repeal this act in whole or in part.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

C. L. CODER.

The VICE-PRESIDENT. The Senate resumes the consideration of Senate bill 1958.

Mr. SANDERS. I ask the Senator from Virginia to yield to me

The VICE-PRESIDENT. Does the Senator from Virginia yield to the Senator from Montana?

Mr. HUNTON. I have yielded several times. I do not know for what purpose the Senator from Montana desires the floor.

Mr. SANDERS. I desire to call up a bill which I think will provoke no discussion.

Mr. HUNTON. If the bill shall provoke discussion will the Senator withdraw it?

Mr. SANDERS. Cheerfully.

Mr. HUNTON. With that understanding I will yield to the Senator.

Mr. SANDERS. I ask the Senate to consider the bill (S. 2576) for the relief of C. L. Coder.

Mr. COCKRELL. I do not see the Senator from Nebraska [Mr. MANDERSON] present in his seat, and I must object to the bill unless the Senator from Montana has the amendment which the Senator from Nebraska proposes to offer.

Mr. SANDERS. I have it.

Mr. COCKRELL. All right.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of War to remove the charges of desertion from the military record of C. L. Coder, late a private in Company H, First Regiment Nebraska Volunteers, and grant him an honorable discharge.

Mr. SANDERS. I move to strike out the last five words of the bill—"grant him an honorable discharge"—and insert in lieu thereof the words in writing which I have sent to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. In line 6, after the words "Volunteers and," it is proposed to strike out "grant him an honorable discharge," and insert "left hospital with permission of surgeons, was taken sick, being unfit for duty, remained absent without authority, was arrested and returned to his company, and restored to duty without trial and loss of pay to September 1, 1864, served faithfully, and was granted an honorable discharge."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM M'GARRAHAN—VETO MESSAGE.

The VICE-PRESIDENT. The Senate resumes the consideration of the bill (S. 1958) to submit to the Court of Private Land Claims, established by an act of Congress approved March 3, 1891, the title of William McGarrahan to the Rancho Panoche Grande, in the State of California, and for other purposes. The question is, Shall the bill pass, the objections of the President of the United States to the contrary notwithstanding? on which the Senator from Virginia [Mr. HUNTON] is entitled to the floor.

Mr. TELLER. I should like to have the attention of the Senate for a moment. The bill now pending before the Senate has been under discussion some days. The Senator who has the floor, and who is anxious to proceed if there is to be further discussion from the other side in opposition to the bill, is willing to waive his right to speak if we can get a vote this morning. If, however, the opponents of the bill desire further time to discuss it, of course then the Senator from Virginia prefers to go on with his remarks. I desire to know, if I can obtain the information, whether the opposition to the bill will consent that we take the vote upon it now. If there are to be no further speeches in opposition to the bill I see no reason why we can not take the vote this morning.

The VICE-PRESIDENT. Is there objection to the suggestion of the Senator from Colorado?

Mr. SANDERS. I object.

Mr. PLATT. I simply wish to say, as a proposition has been made to take the vote now without further discussion, that as a member of the Judiciary Committee I agreed to the report on the pending bill. The only thing that troubles me about the matter as it now stands is the question of what damages are provided for in this bill. I wish to hear that matter discussed before the vote is taken, and to know what will be the result of the measure of damages provided for if the bill should become a law.

Mr. TELLER. If the Senator will allow me, I presume the debate will go on now in the usual way, and I suppose the Senator from Virginia will resume the floor.

Mr. HUNTON. Mr. President, I had hoped that the Senate would act upon the suggestion of the Senator from Colorado [Mr. TELLER], and let us come to a vote on the passage of the bill, notwithstanding the veto of the President; but it seems that Senators are unwilling to do so at this time. Therefore I shall pursue the remarks which I commenced last week.

When I concluded the remarks I submitted on that occasion I had traced this case up to a patent signed by the President of the United States, sent back to the Land Department to be issued, where it was mutilated and suppressed. Mr. McGarrahan was not informed of the fact that the President had signed a patent for him until 1870, although it was signed in the year 1863.

In the mean time the opponents, I might say the enemies, of this grant had not been idle. The Senate will recollect that the decree of the district court for the southern district of California confirming this patent was made in 1857, and in 1858 a correction of that decree was made and entered *nunc pro tunc* as of the 5th day of June, 1857. That case was decided by the district court for the southern district of California, and Pacificus Ord, who had then become the district attorney of the United States for that district, at once took an appeal to the Supreme Court of the United States. That appeal was docketed in the Supreme Court, the appeal dismissed, and a mandate sent down to the court in California, entered upon its minutes, and the order to execute the original decree was made. Eight months thereafter this order entering a mandate from the Supreme Court of the United States was erased, and in 1861 Judge Ogier, who had entered up the decree of confirmation and the mandate of the Supreme Court of the United States of his own motion, upon the suggestion of the attorney for the new Idria Mining Company had set aside the decree of 1857 confirming the Gomez grant, and ordered a new trial to be had.

Mr. CALL. If the Senator will allow me to interrupt him, I wish he would state how long was the interval between the original decree and the order referred to?

Mr. HUNTON. I was going to state it that moment. I was about to say that I need not inform the lawyers of the Senate when a judge enters up an order in a case and the term ends with that order standing in full force, that that judge is as powerless to interfere with that order as anyone outside of the court. This decree of confirmation was made in 1857; some maintain it was made in 1858. The *nunc pro tunc* feature of the order of 1858 made it the order of 1857, but whether it was 1857 or 1858, the order setting aside that decree was made by Judge Ogier in 1861, when three terms of the court had intervened.

When Judge Ogier undertook on his own motion to set aside that decree of confirmation he was absolutely *functus officio* in that particular. As I stated the other day, we have a letter from Goold, the attorney for the New Idria Mining Company, to the Attorney-General of the United States in Washington, in which he said that he would make "a suggestion to Judge Ogier in California which would induce the judge of his own motion to set aside that decree." He did set it aside, and soon after setting aside on his own motion a judgment which he had rendered three years before, Judge Ogier died and Judge Haight came upon the bench as his successor.

When it was called to the attention of Judge Haight that Judge Ogier had entered an order which he had no right to enter, which was upon its face a nullity, and entered without any notice to counsel or parties on the other side, Judge Haight did, as he was obliged to do, set aside that order of Judge Ogier granting a new trial in the case of the Rancho Panoche Grande.

When Judge Haight set aside Judge Ogier's order, he was applied to for an appeal. An appeal from what? Not from his order setting aside Judge Ogier's order, but he was applied to to grant an appeal from the original decree confirming the grant to Gomez of the Rancho Panoche Grande. This motion for an appeal was made in violation of a verbal stipulation between the counsel of the parties, and in the absence of Mr. McGarrahan

and his counsel, Judge Haight granted the appeal. As soon as it was known that an appeal had been granted in the case in violation of this stipulation, the parties on both sides agreed that a motion should be made to set aside the order granting the appeal. That motion was continued over until the parties could be heard. When the time came to hear that motion it was argued on both sides, and Judge Haight set aside the order granting the appeal, and then heard an argument on the part of the attorney for the United States asking for the appeal. After full argument he denied the appeal.

So at that point this grant to Gomez was confirmed, appeal had been taken to the United States Supreme Court, where the appeal was docketed and dismissed, the mandate sent down to the court below, and a second effort to get an appeal in the case was absolutely denied by the judge upon the bench. It is certain, therefore, that at that period the case stood upon the docket of the district court of the United States for the southern district of California as a grant confirmed, with no appeal taken from the order of confirmation.

The counsel for the New Idria Mining Company were not disposed to give up; they demanded a transcript of the record, the record was made out, and no order of appeal was appended to it. The Attorney-General in the city of Washington wrote down to the clerk, whose name was Wheeler, to send up a perfect transcript of the record, and to embrace within that record the order of appeal which they said Judge Haight had granted. Mr. Wheeler replied that there was no order of appeal in the case, and he could not grant the request of the parties because when he came to examine the record of the case he found there was no appeal in it. They undertook to threaten and bully this man Wheeler, whose letter is in the record of this case and one of the most manly letters I have ever read from anybody, in which he says he is perfectly willing to give anybody who will pay for it a transcript of the record as it exists in his office, but is not willing to give a copy of the order of appeal when that order was set aside by the judge of his court. An appeal was made to Judge Haight to force this clerk to give this transcript as they desired it. Judge Haight sustained his clerk, and said that his clerk could not be called upon to make that transcript with the order of appeal in it because there was no appeal granted.

Mr. President, at this stage of the case the parties, still not desirous to surrender, had a copy of that record made up in the city of Washington. Under a law of Congress which authorized the district attorney in California to make out a transcript of the record, it was made out in the city of Washington and sent to California for the district attorney to certify it up. It was made out and signed in the northern district of California, when the law required that it should be made up from the records in the district where the court was sitting.

It was made up, however, in the northern district of California, signed by the district attorney, and the entire proceeding before the land commissioners was omitted from the transcript. That transcript came up to the city of Washington, to the Attorney-General of the United States, and it had the order of appeal which Judge Haight had stricken out, and did not have the order of Judge Haight striking out the order of appeal. That transcript of the record did not reach the city of Washington until the year 1864. In the mean time the President of the United States had signed a patent for this property to Gomez, and ordered the Land Department to issue it to Mr. McGarrahan. When the transcript—and I beg to dwell a little upon that, as my friend asked me the question the other day, and I was not altogether prepared to answer it at the moment—reached the city of Washington, reached the Supreme Court, this patent had already been signed by the President of the United States and sent down to the Land Office to be delivered.

Mr. FAULKNER. In order that I may understand properly the facts, I ask the Senator whether the Supreme Court has not passed upon that question, whether it has not decided that the appeal was taken on the 25th day of August, 1862, and the signature claimed to have been made by the President of the United States to the patent was in the spring of 1863? Whether the appeal had reached the Supreme Court of the United States is an immaterial matter. The question is whether the appeal had been taken and whether or not it suspended all further proceedings.

Mr. HUNTON. If the Senator from West Virginia will have a little patience, I will come to all that in due time, because I do not mean to omit any point in the case.

Mr. President, although the Supreme Court afterward decided that this appeal was taken in 1862, the transcript of the record did not reach the city of Washington until 1864, and when it went before the President of the United States it was fully argued. It was also fully argued before the then Secretary of the Interior, Mr. Smith, and afterwards before Mr. Usher, and they decided that there was no appeal pending, that the order of appeal had been stricken out, and that it was then too late to take an appeal, because the *nunc pro tunc* decree related back to the 5th day of June, 1857, and on the 25th day of December, 1862, more than five years had elapsed. Therefore the Secretary of the Interior twice over and the President of the United States upon full argument decided that the time had passed in which an appeal could be taken and the United States was not at all interested in controverting the right of Gomez to a patent for this land.

But I was going on to say that this transcript was made out in the illegal manner I have mentioned, and when it came up for consideration, although it was after the President had signed the patent, the Supreme Court knew nothing of the signature of the President to the patent, and they went on and decided this case as if there had been nothing done by the Land Department or by the President of the United States.

Senators on the other side, I repeat, are wrong in saying that these questions were passed upon by the Supreme Court, because when this irregular and illegal transcript of the record was docketed in the Supreme Court of the United States a motion was made by the counsel for Mr. McGarrahan to dismiss that appeal. It was made upon several grounds. First, that there was no citation. It will not be denied that unless an appeal was taken in the court at the time or during the term at which the judgment was rendered and in the presence of the other party, that a citation was absolutely necessary. In this case we say that the court decided this question on the 5th day of June, 1857. The Supreme Court treats it as a final decree on the 5th of February, 1858; but take either time that Senators may please to adopt, when this appeal was improvidently granted by Judge Haight, and afterwards set aside as it was in 1862, therefore it was not at the same term at which the original confirmation order was entered up, and not being at the same term the law requires that a citation shall be given to the opposite party. The Supreme Court decided otherwise.

Mr. President, it is not for me to criticise the opinion of the Supreme Court. We all have the greatest veneration for the decisions of that body, but I will undertake to say that if the Supreme Court decided that proposition correctly it has decided a hundred others incorrectly, because the very same point in other cases has been decided the other way in probably a hundred instances.

But that was not the only point upon which we asked for a dismissal of the appeal. We said the time had passed within which the judge could grant an appeal.

Let us look at that a moment. There is not a Senator on the floor who does not know that a judge sitting upon the bench, when he has made a decree and rendered a judgment and there is a failure to enter that decree or judgment upon the rolls of the court, when the omission is found out, has a right to enter an order *nunc pro tunc*, and it always dates back to the time when the original decree was pronounced or rendered.

The authorities are numerous, but I can not detain the Senate to refer to them. It will, however, hardly be denied by any Senator on the floor of the Senate. If that proposition be true, then the decree confirming this grant to Gomez was made on the 5th day of June, 1857. If that be true, on the 25th of August, 1862, when Judge Haight improvidently ordered the appeal, which is relied upon here, more than five years had elapsed. The language of the old judiciary act, giving this right of appeal in cases of this character, is that an appeal may be taken five years from the rendering or pronouncing of a judgment or decree.

In this instance the opinion of Judge Ogier on the 5th day of June, 1857, was not only rendered and pronounced, but reduced to writing, and a copy of it is in the record in this case. When in 1858 he found that this order had not been entered he did as he had a right to do—ordered that that decree should be entered *nunc pro tunc*, and it has been treated all the way through as a decree of the 5th day of June, 1857.

Mr. FAULKNER. I ask the Senator to state to the Senate the reasons which the Supreme Court gave why it treated that decree as of February, I think it was, 1858, instead of June, 1857.

Mr. HUNTON. In the last opinion given in the case he does not give his reasons.

Mr. FAULKNER. Did not the Supreme Court of the United States, in passing upon that question, draw a distinction and speak of a decree entered *nunc pro tunc* as having effect from the date it was intended to be entered as between the parties, but that as to the purpose of an appeal it could only have effect from the date of its actual entry upon the record? Was not that the view?

Mr. HUNTON. No, sir; I do not think it was, because we know the fact that there are cases to this extent——

Mr. FAULKNER. I am not asking the Senator what cases there are in reference to other litigants. I ask if that was not the distinct ground upon which the Supreme Court answered the objection to the appeal.

Mr. HUNTON. I do not recollect that he stated the ground. I say it was, in the language of all the authorities, a *nunc pro tunc* decree, and that it was a decree, according to all the authorities, of the 5th of June, 1857.

There was another ground for dismissing this appeal in the motion of Mr. McGarrahan, and that was that the transcript of the record had not been filed in the Supreme Court at the next term succeeding the appeal taken in the court below. That without excuse is fatal to an appeal, we all know. The ordinary remedy, when a party can not get the transcript of a record, is by a mandamus to the clerk. In this case they wrote down to the clerk, and the clerk says: "I give you the transcript, but I can not append to it the order of appeal, because that was stricken out by the judge;" and more than two years after the appeal was taken this transcript of the record was made up in the city of Washington in the Attorney-General's office, sent down to the northern instead of the southern district of California, and signed by the district attorney, leaving out the order of Judge Haight rescinding his former order and denying an appeal.

They refused to dismiss the appeal. Then the case came up at a subsequent term for hearing upon the merits. I shall not detain the Senate long, but I desire to call the attention of Senators for a moment to the opinion of Judge Clifford upon the merits of this case. He says:

Regarding the case as regularly before the court, it becomes necessary to examine the merits of the claim. Some suspicion attaches to the claim, because it is made for 4 leagues of land, whereas the only document introduced in support of it, which is of the least probative force represents the original claimant as having asked for but 3 leagues.

Mr. President, the record bristles with evidence to show that when this original petition was filed and Gomez's papers had been lost in the exigencies of war he had nothing before him at that moment and he did by petition ask for 3 leagues of land, more or less; but when the testimony came in before the land commissioners the proof was that he had a grant for 4 leagues of land and no more. When the court first said he was entitled to 3 leagues of land, more or less, the district attorney, Pacificus Ord, who had become interested in the grant by a fee contingent upon the success of the application for the grant, came in and said that the expression "3 leagues of land, more or less," would embrace all the lands in the exterior boundaries of the grant up to 11 square leagues, and that it should be for only 4 leagues and no more; and he corrected the decree against his own interests and had the decree entered up for 4 leagues of land and no more. Mr. Justice Clifford goes on to say:

Document referred to purports to be the petition of the claimant to the governor, and there is appended to it the usual *informe;* but there is no concession or grant, nor is there any satisfactory evidence that any title of any kind was ever issued by the governor to the claimant.

The testimony before the court below was that while the grant was never found, every paper connected with the grant was found except the grant. Every paper which necessarily led up to the issuing of the grant was found and laid before the land commissioners in California. Judge Clifford says:

But there is no concession or grant, nor is there any satisfactory evidence that any title of any kind was ever issued by the governor to the claimant.

The evidence upon that point before the court below was the testimony of one witness, who swore positively that he had seen the grant and knew the handwriting of Governor Micheltorena and that it was a grant of 4 leagues of land to Mr. Gomez, and he goes on to state where that land was. That was not all the testimony, and although Judge Clifford was right in saying that but one witness had ever seen the grant, the other witnesses examined proved everything except the finding of the grant. Every paper was present before the court below to show that a grant had been given except the grant itself. The existence of that grant was proved by one witness, who positively swore that he had seen the grant and knew the handwriting of the governor and that it was genuine.

Mr. President, I do not mean to criticise Judge Clifford for that remark, but it does seem to me that where there is no countervailing testimony the testimony of one witness whose character has not been assailed is as good as a hundred. Here was the testimony of one witness and the testimony of corroborating papers which proved positively that the grant had been made by Governor Micheltorena.

I may as well state here that after this remark of Judge Clifford, for whom we all have the highest respect, McGarrahan took other testimony. I have before me the testimony of five or six witnesses, two of whom saw the grant and recognized it. Another one saw the book in the office where a record of the grant was kept, and among the lists of grants made by Micheltorena was the grant to Gomez of the Rancho Panoche Grande. I will read the testimony of these witnesses.

MAURICE GONZALES'S AFFIDAVIT.

Maurice Gonzales deposes:

That on the 16th day of March, 1844, he went to the office of the secretary of state in Monterey; that Gomez was there, and deponent asked him what paper that was, and Gomez replied that it was the petition for the Panoche Grande; that petition was written in the handwriting of Gomez. He also saw an *informe*, signed by Governor Micheltorena, Manuel Jimeno, secretary of state, and Rodriguez, alcalde of San Juan; that afterwards, during the latter portion of March of the same year, deponent was again at the office of the secretary of state and saw Gomez, who asked deponent how he succeeded with his business, or his *expediente*, and that he said to Gomez, "There is my paper yet," referring to a paper which was then on the table, supposing it was the petition of deponent, and Gomez replied, "That paper is mine, by which is granted to me the rancho of the Panoche Grande;" that afterwards, in the year 1846, Manuel Dutra offered to mortgage deponent the title of the Panoche Grande, which title was of Gomez, granted by Micheltorena to Vicente Gomez, and did pledge it to him for $60. Deponent furthermore states that, being in the office of the secretary of state, he saw in the blotter or draft-book (*borrador*) that the grant and title had been made by Micheltorena to Gomez.

JOAQUIN ESCAMILLA'S AFFIDAVIT.

Joaquin Escamilla deposes:

That in the year 1846 he was second alcalde of Monterey; that in that year he saw in his office, in the possession of Gomez, a grant for the Rancho Panoche Grande, granted to Gomez by Micheltorena; also that said grant had the name of Micheltorena to it, and that it was offered to one Dutra for security for some money Gomez owed him.

J. MAR'NO BONILLA'S AFFIDAVIT.

J. Mar'no Bonilla deposes:

That being secretary to the superior tribunal of justice in Monterey in the year 1844, Gomez asked him one day to lend him $8 to buy some stamped paper, or draw said paper on his account from Don José Ma. Cestanores, promising deponent that he would quickly repay him, and urging him to do so, as he wished the paper in the title of the Panoche Grande, which Micheltorena had granted him, and that Gomez showed deponent the *expediente* of such grant; that deponent gave him the sealed paper asked for, and after some days a Portuguese, Manuel Dutra, asked deponent if he knew the land, and wished to be informed of its qualities, as he wished to buy it, and had in his possession the title given to Gomez. Deponent replied to Dutra that he did not know the land; that deponent never saw the title, but knew Gomez had it, because he had said so, and because, in the year 1845, having taken the government archives from Monterey to Los Angeles, to Manuel Jimeno, who was secretary of the government, he saw a loose sheet of written memorandum, containing notes and memorandums of grants of land, and among them he recollected having seen that the land of Panoche Grande was granted to Vicente Gomez.

NICANOR CASTILLO'S AFFIDAVIT.

Nicanor Castillo deposes:

That in 1844 he was a resident of Monterey; that during the month of August or September of that year he had drawn a petition, to be presented to Micheltorena, praying for a grant to him of the lands "La Panccha." Pending the presentation of said petition, deponent had a conversation with Gomez: that deponent stated the nature of his petition; that Gomez replied that deponent was too late in making said petition; that he, Gomez, had already a title to said lands, and at the same time showed deponent a document, with the signature of Micheltorena attached, which he stated was his title to said lands, and deponent, believing that Gomez had the bona fide title, did not present his petition.

JOSÉ FERNANDEZ'S AFFIDAVIT.

José Fernandez deposes:

That in the year 1844 he saw a grant of the place called La Panoche Grande, which had been granted to Vicente Gomez by Micheltorena, in the possession of Don Maximo Martinez, who brought it to him in order that he should read it, that he might advise him (Martinez) about it.

GABRIEL DE LA TORRE'S AFFIDAVIT.

Gabriel de la Torre deposes:

That he saw the grant of the rancho de la Panoche Grande, in Monterey, in the year 1844, in the possession of Gomez; that he read the grant, and that it was a concession of Panoche Grande to Gomez by Micheltorena; that he afterwards saw the grant in the possession of one Dutra, who had it for Gomez; that the grant was duly signed by Micheltorena and Jimeno; that he knew their handwriting and signatures, having seen them write very often; that he knew the river San Benito, in the vicinity of the Rancho Panoche Grande, and had known it more than twenty years; that said river was known and called by the name of Santa Ana, and that it had always been called in those years Santa Ana; that in San Juan and vicinity it was called San Benito.

JOSÉ ANTONIO ALVISO'S AFFIDAVIT.

José Antonio Alviso deposes:

That he had known the place called La Panoche Grande (which is found to the south of the Panoche Chiquita) for about thirty years; that he knew the brook of the Panoche, which runs toward the valley of San Joaquin and from the sierra of the Panoche; that he knew the brook or river which runs to the west from the summit of Panoche, and which was formerly known by the name of the Santa Ana River, and later, river of San Benito, and still later as the San Juan; that he has seen the map drawn by E. H. Dyer, surveyor, dated in March, 1865, and believes, according to his knowledge, that it is correctly drawn, according to the lines and points designated on it.

GENERAL REPUTE.

In addition to this testimony, we introduce ex-Governor H. D. Cooke as a witness, who testifies that he went to California, in the town of Monterey, in the winter of 1847-'48, and was there at intervals for several years; that he knew Gomez, and that he knew he was the owner of a rancho in the San Juan region, by common report; that it was situated anywhere from 50 to 75 miles from Monterey, in the San Juan Mountains, considerably south of east.

Mr. FAULKNER. I will ask the Senator from Virginia to be kind enough to state in what proceeding the evidence was taken to which he now refers?

Mr. HUNTON. I thought I stated that after Judge Clifford had pronounced his opinion, that there was no satisfactory evidence of the grant, this additional testimony was taken.

Mr. FAULKNER. In what proceeding, the decree of the court being final?

Mr. HUNTON. I think it was a proceeding before a committee of Congress.

Mr. FAULKNER. Ah, before a committee of Congress, not in a judicial tribunal?

Mr. HUNTON. I think not.

So, Mr. President, whatever may have been the opinion of Judge Clifford upon the satisfactory evidence in the court below, there is no question now that the testimony is perfectly overwhelming that Gomez got the grant for the Panoche Grande.

Mr. SANDERS. Mr. President——

The PRESIDING OFFICER (Mr. PLATT in the chair). Will the Senator from Virginia yield to the Senator from Montana?

Mr. HUNTON. Yes, sir.

Mr. SANDERS. I should like to inquire of the Senator from Virginia if the additional testimony which he reads was not presented before and taken by a committee of this body as additional testimony to prove that the grant was good, and if that committee in their report did not say that notwithstanding this additional testimony they were still not satisfied that there was a grant?

Mr. HUNTON. I should be glad to see such a report; I do not recollect it. But the Senator will be kind enough not to interrupt me further, so that I may get on with my remarks.

I say, Mr. President, that whatever may have been the opinion of Judge Clifford at the time he rendered this opinion of the Supreme Court, there can not be a doubt now in the mind of any man who does not wish to doubt that Gomez got his grant from Governor Micheltorena. If there was nothing else in the case but this additional testimony that was taken after the decision, it seems to me that is enough for the Congress of the United States to give a new trial to Mr. McGarrahan upon, because if that entered into the element of the decision against him, then I maintain that having proven beyond peradventure since that decision was rendered that the grant was made, it is enough to satisfy the Congress of the United States that there ought to be a new trial given according to the terms of this bill.

But I go on with Judge Clifford's opinion:

He states in his petition to the land commissioners that he obtained the map in the record from the proper officers of the Department; but the alleged fact is not satisfactorily proved. Four witnesses were examined by the claimant before the land commissioners, but only one of the number pretended that he had ever seen the grant, and his statements are quite too indefinite to be received as satisfactory proof.

Instead of proving possession under the grant, it is satisfactorily shown that he never occupied it at all.

And the same court has decided in frequent cases, which have been followed by all the courts ever since in like cases, that possession was not necessary to the validity of a grant!

Land commissioners rejected the claim, but before it came up for hearing in the district court, his attorney had been appointed district attorney of the United States, and the proofs show that he conveyed 2 leagues of the land to the district attorney. Circumstances of the confirmation of the claim in the district court are fully stated in the opinion of this court given when the mandate was revoked and recalled. Comment upon those circumstances is unnecessary, except to say that the confirmation was fraudulently obtained.

Although the decree was fraudulently obtained, still, inasmuch as it is correct in form, it is sufficient to sustain the appeal for the purpose of correcting the error.

The learned judge in that opinion says that this decree of confirmation was fraudulently obtained. I beg to say that, according to the testimony legally before the Supreme Court, there was not a scintilla of fraud in the case, because it has been settled by the Supreme Court of the United States that an appellate court must decide the case as it stood in the court below, and that no evidence can be taken after the case reaches the appellate court, except in prize and admiralty cases. I beg leave to refer the gentlemen on the other side to authority for the position which I take. It will be found in the case of Russell *vs.* Sothern, in 12 Howard.

If that be the law, and the Supreme Court have said it was, then when this case went up to the Supreme Court the second time in the manner I have stated, it went up on the decision of the district court rendered either on the 5th of June, 1857, or, as Judge Clifford maintains, on the 5th of February, 1858. When that decision was made, whether you date it in 1857 or 1858, there was not in the record of the case a scintilla of testimony which goes to show that there was any misconduct whatever. According to the decision of the Supreme Court, cited above, that court ought to have taken the case as it appeared there in the court below, and if there was error committed by the court below corrected it, and if there was not any to affirm it.

But in the mean time the suggestions to which I referred the other day had been made to several gentlemen in California, and out of California, too, and one Hartman filed his affidavit long after 1858. In 1862, I believe, he filed his affidavit, in which he says that he never was the counsel of Mr. Gomez in procuring a confirmation of this grant. Then take the evidence of Mr. Sims. He says there never was an appeal granted in 1858 and carried to the Supreme Court and dismissed and the mandate sent down. When we come to the affidavit of Hartman that he never was the counsel of Gomez, he is distinctly contradicted by the record of two courts and by the testimony of four or five witnesses, because the record of the court of the northern district of California, where this case was first sent, says that Hartman applied to have the case removed from the northern to the southern district. As the attorney of Gomez he receipted for the papers. He carried them down to the southern district and docketed them there, and when it was over he demanded of McGarrahan, as assignee of Gomez, a fee for his services.

All this is proven beyond a peradventure. But that is not all. When McGarrahan said, "I do not owe you a fee; Gomez must pay you," he said: "Well, I paid some costs in getting this case from the northern district to the southern." He produced his bill, and McGarrahan paid it, and took the receipt of this man Hartman for the fees that he had paid as counsel of Gomez in removing this case from the northern to the southern district. So perjury is branded upon the brow of this man Hartman so deep that it could not be gotten off.

Mr. WHITE. May I ask the Senator from Virginia a question right here?

Mr. HUNTON. Certainly.

Mr. WHITE. Does not the record show that in the conversation between Mr. Hartman and Mr. McGarrahan, Mr. Hartman said, "You owe me a better fee than you paid Ord, because although Ord helped you, I rendered a great deal more service than Ord," Ord being the man who was the district attorney of the United States and was supposed to be resisting the claim?

Mr. HUNTON. But he did demand the fee for services rendered as his counsel. The only point that I make is that when Hartman swore he was never the counsel of Gomez in the case, he committed deliberate perjury, because he knew he had been, and we have his receipt, where Mr. McGarrahan paid him some twenty-odd dollars for fees that he had paid in removing the case from the northern to the southern district of California as the counsel of Gomez or McGarrahan.

Now, it was upon the testimony of Hartman and the testimony of Sims that Judge Clifford relied. Pacificus Ord made a statement under oath which the court kindly agreed to publish with its opinion, by which he puts himself upon the highest possible ground. He says that he notified the Attorney-General in Washington that he was interested in some of these cases and wanted a man appointed to represent the United States in those cases, and they paid no attention to it.

When this confirmation was made for 3 leagues of land, more or less, which gave to the parties 11 square leagues of land within the boundaries of that grant, one-half of which belonged to Pacificus Ord, he came forward and said, "The title was for 4 square leagues and no more," and had the decree corrected from the evidence already on file. Not only that, but when the case was decided and confirmed by the district court in California, Pacificus Ord took an appeal to the Supreme Court.

Mr. WHITE. In what name did he take the appeal?

Mr. HUNTON. He took an appeal in the name of the United States.

Mr. WHITE. Does the Senator think that Mr. Ord put himself upon the highest possible ground when he admits that before that date he had acquired an interest adverse to the United States, and with that adverse interest in his possession, and having an adversary interest as counsel, he appeared and acted for the party against whom he had an interest? Is that the highest possible ground for a counsel in such a cause?

Mr. HUNTON. I am not arguing what is the highest possible ground, but I am arguing now to show that Pacificus Ord did nothing in his own interest against the interest of the United States. If the authorities in Washington had sent out an appointment to a man to conduct the appeal in these cases he would not have appeared in them at all; but they did not do it, and when he found that the confirmation had been made for 3 leagues, more or less, which gave 11 leagues under the decisions of the court, he promptly corrected it against his own interest, and when that confirmation was entered up he promptly took an appeal to the Supreme Court of the United States. If Pacificus Ord was determined to cheat for himself and to cheat the Government that he in part represented, when that confirmation decree was entered up by Judge Ogier he would not have taken an appeal to the Supreme Court of the United States. But acting, I say, in the very best of faith to the Government he was serving and against his own interest, he took this appeal to the Supreme Court of the United States.

I say, furthermore, that when Judge Clifford in his opinion comes to assail the grant of McGarrahan or Gomez he goes outside of the record that properly comes up before an appellate tribunal. According to the decision of Russell *vs.* Sothern that I referred to awhile ago, in 12 Howard, an appellate court can only consider the papers that the court below had before it. In no case, except in prize and admiralty cases, can an appellate court take additional testimony. The court in California did not have an affidavit, did not have a suggestion before it of any fraudulent means for a confirmation of the grant; but such affi-

davits were admitted and passed upon by the Supreme Court of the United States. If the Supreme Court of the United States was right in admitting and considering those affidavits, taken several years after the decision of the court below, then this same court in many other cases was wrong.

But, Mr. President, I state here (and I believe I can prove it by the Supreme Court itself) that when this case came up, the transcript of the record reaching the Supreme Court in 1864, if the Supreme Court had known that a coördinate branch of the Government having like powers and privileges in the premises as the Supreme Court had confirmed the grant and issued the patent and ordered it to be delivered to Mr. McGarrahan the appeal would have been dismissed. Why do I say this? I say it, first, because we know that where the executive department has authority to do an act which involves judgment and discretion and does do that act the action of that department is as binding and final upon the other departments of the Government, whether the Supreme Court or any other, as if it had been the judgment of the Supreme Court of the United States itself.

Long before the transcript reached the city of Washington, long before the Supreme Court had taken hold of the case, the two Secretaries of the Interior and the President of the United States, after full argument, had decided that this patent was valid, that the right of appeal had gone by lapse of time, and ordered the patent to be issued. But that fact was not known to the Supreme Court when this case came up. I believe if it had been known the Supreme Court would have dismissed the appeal upon the ground that the question involved in the appeal had been decided by a coördinate branch of the Government and was no longer an open question. I have some authority upon that point from the same court, and I beg to trouble the Senate with it.

After it was discovered that the patent had been signed by the President and recorded in the Land Office, Mr. McGarrahan considered his title perfect to the land, and he brought an action of ejectment against the New Idria Mining Company in California to recover possession. Every lawyer knows that when a party brings an action of ejectment he has to recover upon the strength of his own title, which must be perfect in itself, in order to enable him to recover. This action of ejectment was brought in California, and finally found its way to the Supreme Court of the United States by appeal. The Supreme Court say:

> The Federal question in this case is, whether the record in the volume kept at the General Land Office at Washington for the recording of patents of the United States issued upon California confirmed Mexican grants, relied upon by McGarrahan as evidence of his title, proves a conveyance by the United States.

That was the question before the Supreme Court of the United States, and the only Federal question involved in that case. When the court came to pronounce its opinion I beg leave to read the concluding sentence:

> We are of the opinion that, because this record does not show a patent countersigned by the recorder, it is not sufficient to prove title in the party under whom McGarrahan claims. This makes it unnecessary to consider any of the other questions which have been argued; and the judgment is affirmed.

I beg the attention of Senators to this concluding sentence in the opinion of the court in this ejectment case that came up from California. The question before the court was, did Mr. McGarrahan have a perfect title to this land, upon which he could recover in ejectment; and the proof of title was the grant of a patent signed by Mr. Lincoln, sent to the General Land Office, put upon the record, the seal of the office attached, but without sufficient proof that the recorder of the Land Office ever countersigned the patent, and upon that ground, and that ground alone, the court decide that because the recorder's name is not there signed to the patent it therefore is not a perfect conveyance; that if it had been there it would have been a perfect title, and McGarrahan would have had a right to maintain the action of ejectment on that patent thus signed.

Mr. President, that was long after the decision by Judge Clifford, to which I called the attention of the Senate a few minutes ago. He had dismissed the case, declared the petition to be fraudulent, dismissed it out and out, and when this case came up in the ninety-sixth volume of United States Reports the same Supreme Court do not say "Why, we can not entertain this proposition, because this court has decided that that land grant was fraudulent." They do not rely upon that decision, but they say that McGarrahan can not recover because the recorder of the Land Office had not countersigned the patent. Now, what is the meaning of that?

Mr. FAULKNER. I ask the Senator from Virginia, if he will permit me, whether that was not a question at issue between the parties in the pleadings in that case, they resting their title upon the patent——

Mr. HUNTON. I said so, sir.

Mr. FAULKNER. And not upon the original grant from the Government of Mexico. Consequently the Supreme Court did not have to pass upon that question at all.

Mr. HUNTON. The controversy in that case was not whether he had gotten a grant, because the grant of itself would not have allowed him to maintain an action of ejectment. He does not get a perfect title to that land until the Government of the United States issues its patent. The patent was issued, and McGarrahan considered when it was signed and recorded in the Land Office that his title was perfect, not upon the grant alone, but upon the grant followed up by a patent signed by the President of the United States. When the Supreme Court of the United States come to pass in the action of ejectment upon the title of McGarrahan to the Panoche Grande the only objection made to that title was that the recorder had neglected his duty in not countersigning the patent.

Mr. FAULKNER. I ask the Senator whether that was not the only new evidence brought out upon which the title of McGarrahan rested, and the Supreme Court having passed on the original grant and the title having rested upon the patent, all the Supreme Court had to do in order to defeat the claimant was to hold that his patent was not valid?

Mr. HUNTON. But the Supreme Court did not intimate in this opinion from which I have read that the grant of Micheltorena was fraudulent and void. It does not say that we have declared that grant to be fraudulent; it does not declare that we have decided against that grant, and therefore no valid patent can be issued upon it. But the court say that because the recorder had not countersigned that patent it is not valid to make a perfect title upon which an action of ejectment can be brought.

Now, sir, what do I argue from that? That when this ejectment case was decided the Supreme Court had come into the possession of the fact of which it was ignorant before, that the President of the United States and two of the Secretaries of the Interior had declared the grant to be valid, honest, and proper and ordered a patent to be issued upon it, and this coördinate branch of the Government having decided it and having the same power to decide it that the Supreme Court had, and having decided it before the Supreme Court did decide it, the Supreme Court in the ejectment case treated the former decision as a nullity, because they had acted in a matter in which they had no jurisdiction. The President and his two Secretaries had already decided that he had a proper land grant and ordered a patent to be issued upon it. There can not be any escape from that.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, it becomes the duty of the Chair to lay before the Senate the unfinished business, being the bill (H. R. 7845) defining "options" and "futures," imposing special taxes on dealers therein, and requiring such dealers and persons engaged in selling certain products to obtain license, and for other purposes.

Mr. SANDERS. I ask unanimous consent that the bill now under consideration may be proceeded with, without displacing the bill which the Senator from Minnesota [Mr. WASHBURN] has in charge.

The PRESIDING OFFICER. The Senator from Montana asks unanimous consent that the unfinished business be temporarily laid aside in order that the discussion may proceed upon the McGarrahan bill, so-called. Is there objection?

Mr. WASHBURN. I can not agree to that.

The PRESIDING OFFICER. There is objection to the request of the Senator from Montana.

Mr. WASHBURN. If the debate were nearly closed I should not object, but as it is likely to run for a long time I do not feel that I would be justified in permitting it to go on.

Mr. TELLER. I ask that the bill which has been the subject of discussion this morning may be resumed to-morrow immediately after the regular routine business of the morning hour.

The PRESIDING OFFICER. The Senator from Colorado asks unanimous consent of the Senate that at the expiration of the routine business to-morrow morning the consideration of the bill known as the McGarrahan bill may be resumed. Is there objection? The Chair hears none, and it is so ordered.

THE FIVE CIVILIZED TRIBES.

Mr. PERKINS. The Senator in charge of the unfinished business has consented to give way for a few minutes that I may speak upon the joint resolution introduced by the Senator from Missouri [Mr. VEST] early in the present session.

The PRESIDING OFFICER. The Senator from Kansas asks unanimous consent that the unfinished business be temporarily laid aside for the purpose indicated by him. Is there objection? The Chair hears none. The Senator from Kansas calls up a joint resolution, which will be stated.

The SECRETARY. A joint resolution (S. R. 117) authorizing the appointment of a commission to treat with the five civilized tribes of the Indian Territory with a view of making agreements to induce them to take homesteads in severalty.

Mr. PERKINS. Mr. President, I am in sympathy with the

joint resolution introduced by the Senator from Missouri [Mr. VEST], yet I am frank to confess that I somewhat doubt whether in a practical way anything can be accomplished by the appointment of such a commission. For almost a quarter of a century I have lived a neighbor to many of the Cherokee Indians, and am quite familiar with the situation in the Indian Territory. I fully indorse what has been said upon the floor of this Chamber as to the propriety and necessity of organizing a government in the Indian Territory that will give protection to person and to property and at the same time protect to the Cherokee Indians and to the civilized tribes the rights that have been guaranteed to them by treaty stipulations.

The growth and development of our country has been such that these reservations, constituting the Indian Territory, are now surrounded by growing and by intelligent communities. Railroads are traversing the reservations, and the demands of civilization and commerce are such that, as has been suggested on the floor of this Chamber, the civilized tribes must comprehend and realize that it is only a question of a little time when they must either consent to an organized Territorial or State government or that it will be forced upon them by the Congress of the United States.

The pending resolution contemplates the appointment of a commission, that negotiations may be conducted with the civilized tribes to induce them if possible to take their lands in severalty and to consent to the sale of the excess. If the Cherokees should consent to take their lands in severalty and they should be given 160 acres each it would exhaust substantially their entire home reservation. This is not the case, however, with the Choctaws and the Chickasaws or with the Creeks, and this in some measure emphasizes the necessity and propriety of such legislation as I have briefly suggested and the propriety of negotiations such as are contemplated by the joint resolution.

The Senator from Missouri, in addressing the Senate, called attention to the conditions existing in the Indian Territory. I desire somewhat briefly to emphasize what he has stated and perhaps in part to repeat what may have been suggested by him. As was stated by him, the population of that Territory when the census was taken in 1890 was, in round numbers, 111,000 people, exclusive of the Indian population. The Indian population is in round numbers 68,000. So taking the white population and the Indian population, when the census was taken, there were almost 180,000 people in that Territory. Since that time there has been a very large white population moving into that Territory, and it is estimated now that there are nearly or quite 250,000 people in the Territory, residing there, engaged in business, cultivating fields and carrying on the avocations that are known to civilized communities and to the settled sections of our country.

Notwithstanding this great population, as has been suggested, it is insisted by the Indians that they should maintain their tribal organizations, retain their reservations in common, negotiate treaties, exercise the powers of foreign nations, acknowledge no allegiance to the Government of the United States, levy their own taxes, legislate and govern for themselves as independent sovereignties, and yet as they confess, exercise or possess no power or jurisdiction over the great white population that is now located or domiciled among them, and thus perpetuate and continue existing conditions.

The Cherokees are asking, under a treaty that is now pending in this body as well as in the other House, that those who are living among them and known as intruders should be evicted and removed. As has been so well stated on the floor of this Chamber, that treaty if ratified imposes upon the Government of the United States a very great responsibility. It imposes upon the Government of the United States the responsibility of removing from 1,500 to 1,700 families, probably 7,500 people in the aggregate, many of whom claim that they have rights in this country. It imposes upon the Government the necessity of removing this population from the Territory known as the Cherokee country, upon the demand of the principal chief of their nation. This is independent of the population in the four remaining civilized tribes.

If these people should be removed they would have to be conducted to some section of our common country, and at once the question would present itself, where shall these people be taken? Shall they be removed to Kansas and set down upon the prairies of that State? Shall they be taken to Arkansas? Shall they be taken to Texas? Shall they be taken to the Territory of Oklahoma? What disposition shall be made of this population, many of whom would be left in destitution and in want? And again what shall be done with their improvements? Many of them, at least quite a considerable number, have lived there for twenty years. Quite a considerable number of them have very valuable improvements, and insist that they have rights which ought to be recognized by the Government of the United States, and that they should be recognized by the Cherokee Nation as citizens, and so they protest against removal.

This presents one of the questions not necessarily involved in the joint resolution offered by the Senator from Missouri, but one of the questions incident to the consideration of the conditions existing in the Indian Territory. My judgment is that instead of adopting a measure such as is contemplated here, we should resort to more heroic measures and provide for statehood for the Indian Territory. In Oklahoma they have, as is estimated, a population of 150,000 people. As I have suggested, there are probably to-day in the Indian Territory 250,000 people.

Take the population of those two Territories and it makes a population of 400,000 people, or substantially that. If the Oklahoma country and the Indian Territory proper should be admitted as a State it would bring at once into the Union a State with 400,000 people, a great, growing, prosperous commonwealth, and would in a great measure, in my judgment, solve the difficulties that confront us as a legislative body, and that confront us as a nation when we attempt to consider the conditions existing in the Indian Territory to-day.

I am not unmindful of the fact that under the treaties heretofore negotiated with these Indians we can not divest them of the title to the lands that they possess except by their consent. They have been given perhaps what may be considered an absolute fee to the lands they occupy, conditioned, however, and absolute in that sense, that they are not to take up arms against the Government of the United States; that they are not to abandon them, and that they are not to become extinct. If they should become extinct as Indians or if they should abandon the lands they would forfeit them to the United States. But with those conditions and limitations it is admitted that the title is theirs.

So in considering the conditions existing there we have embarassments to contend with, and hence, as I have suggested, my judgment is that the best solution of this question would be to at once organize a State government there for that people, embracing Oklahoma, and admit them into the Union as a State. We would confer upon them the privileges and benefits of Statehood; we would confer upon them privileges and benefits of representation in this body; we would confer upon them the privileges and benefits of representation in the other House; and yet we would preserve to them their rights as individuals and their privileges as Indians and the title to the lands they occupy. I do not know why the rights which have been given to them under the treaties that have been negotiated with them might not be respected and protected, and yet have them brought into the Union as a State.

I do not forget, however, that condition of their treaty which provides that Territorial government shall not be extended over them except by their consent. It might be that if they did not consent to Statehood, so much of the treaty would be violated by bringing them into the Union as a State. But when we consider the surroundings, when we consider the growth and development of the country, when we consider the conditions existing there with railroads, growing towns, and the large white population, and when we consider the necessities, generally speaking, of this Nation, it seems to me that if an objection is made by those people and they should refuse to accept Statehood, the Congress of the United States would be justified in imposing it upon them.

I agree with very much that the distinguished Senator from Missouri has said concerning the conditions in the Indian Territory. I think, perhaps, he was unnecessarily severe in the criticisms indulged in concerning the court in the Indian Territory, and perhaps as to the courts existing in Texas and in the State of Arkansas having jurisdiction of crimes committed in the Indian Territory. I know those courts have been expensive, and I know that the management of the courts and the conduct of business imposes a very great burden upon the Government of the United States. But we ought not to forget that in the Indian Territory proper the court that has been characterized somewhat severely by the Senator from Missouri is the only court existing there to hear and determine disputes and controversies between the people.

The expenses of these courts were put in contrast with the expenses of the United States courts in the State of New York and elsewhere, which is hardly a fair comparison in my judgment. In the United States district courts of the State of New York only criminal offenses against the Government of the United States are sent for trial, while in the court in the Indian Territory jurisdiction is given of almost every subject, and it is the only court for the investigation of the contentions and difficulties existing there between the people as well as for the trial of offenses against the law. So, while there is great expense attending it, there is this excuse and this justification for the expense. I think there may be a disposition among the deputy marshals and some subordinate officers to make unnecessary arrests, and thus make fees for themselves and swell the cost of judicial proceedings.

While I was in the Indian Territory recently I heard of some very aggravated arrests for trivial offenses that ought not to have been taken notice of by any officer representing the Government of the United States—arrests for ferrying across the river on the Sabbath day, arrests for profanity, arrests for trivial offenses that are not as a rule taken notice of in our States or in our civilized communities. Arrests are made, and perhaps, as was intimated by the Senator from Missouri, largely for the purpose of swelling costs and to make the privilege of holding office profitable and inviting.

This ought not, of course, to be tolerated or permitted; but that large costs attend these courts results largely, as I have suggested, from the conditions existing there, and because the court in the Indian Territory is the only court for the litigation of offenses and for the trial of offenders against the law as well as for the trial of contentions between citizens and the people resident in that country.

I remember when the bill to create that court was under consideration objection was made that we ought not to give to the court jurisdiction of felonies. It was suggested that courts could not secure in that country competent jurors, capable, intelligent, and honest jurors, and that for that reason the United States courts of Arkansas, Texas, and Kansas ought to retain jurisdiction of felonies and of certain cases.

I was at Muscogee twice while the United States court was in session there. I have had some conversation with the judge who presides over that court, Judge Shackelford. I have had some conversation with the officers of the court, and I believe them to be honest and conscientious officials. Judge Shackelford informs me and the officers assure me that they have never known better jurors in their experience as men than they get in the Indian Territory. I certainly saw serving in that court most capable and competent jurors and hence I think there is no foundation for that objection at this time, whatever the fact may have been several years ago.

I believe with the Senator from Missouri that the jurisdiction that exists in the courts at Wichita, Fort Smith, and Paris, in Texas, ought to be taken from them, and that full jurisdiction should be given to courts in the Indian Territory. I know that our friends from the State of Arkansas charged that the Senator from Missouri was somewhat inconsistent when he claimed that the court in the Indian Territory should be given full jurisdiction of these offenses, and yet characterized severely, as he did, the conditions existing in that Territory. I do not see that he was as illogical in that position as our friends seemed to suggest or think.

We know that the bandits, the assassins, the criminals who congregate and find hiding places in that Territory are there in spite of the courts, and they are there in spite of the officers who are authorized to make arrests and are directed to assist in preserving peace and protecting life and property. They are there because of the conditions existing there. They are there because large sections of that country are uninhabited. They are there because arrests can not be made of them, and so they find it a convenient place to take refuge and to organize their schemes for plunder and for assassination.

The Senator from Missouri did not exaggerate the conditions existing in that particular. He called attention to a crime that was recently committed in my State and in a neighboring town to the one in which I reside; the crime that was committed at Coffeyville when the Daltons went in there at nine and a half o'clock in the morning and attempted to take possession of the town and to rob the banks. He called attention to the manner in which the people of that town rallied and defended themselves, and destroyed the lawless bandits. No more gallant defense has ever been made by the people of a threatened community than was made by the people of Coffeyville. They rallied to the defense of their banks, their homes, and the property of that community and annihilated that organized band of robbers and assassins. Only one of them succeeded in making his escape. But, unfortunately, other organizations of like character exist in that Territory. I hold in my hand an account recently published from this same community, from Coffeyville, of another threatened attempt to repeat substantially what the Daltons attempted to accomplish, and I call attention to it thus briefly for the purpose of emphasizing the necessity for some action as contemplated by the joint resolution of the Senator from Missouri, and for Congressional action in the establishment of courts and for the establishment of government there that will break up these practices and give security to person and to property.

The expense of taking offenders from the Indian Territory to Texas, to Kansas, to Arkansas for trial is, as suggested by the Senator from Missouri, very great, and it removes the parties charged with crime from the jurisdiction in which they ought to be arraigned. It removes them from their bailiwick. It removes them from the Territory in which they have the right to be heard as American citizens and carries them to foreign jurisdictions, organized in most instances to convict, and not only works a hardship and wrong to them, but imposes upon the Government of the United States the very great burden of meeting this heavy expense.

I have in my hand a report from the grand jury which I will not take the time to read as it is somewhat lengthy, but which I will insert in my remarks and will in that way call the attention of the Senate to it that the Senate may have the information given by the grand jury of the court at Muscogee, calling attention to conditions existing in the Territory, and calling attention to the prosecutions pending in the court and to the work that that court was engaged in doing.

REPORT OF GRAND JURY, OCTOBER TERM, 1892.

In the United States court in the Indian Territory, third judicial division, at Ardmore.

To the Hon. James M. Shackelford, judge of said court:

We, the grand jurors, for the October term, beg to submit the following report:

We have examined into 145 cases and have presented 74 true bills of indictment, as follows:

Larceny	37	Obtaining goods under false pretense	1
Introducing	5	Selling mortgaged property	4
False pretense and fraud	1	Slander	2
Perjury	4	Disturbing peace	1
Forgery	4	Embezzlement	1
Obstructing process	1	Gaming	3
Assault and battery	4		
Carrying weapon	6		

We find that the crime of larceny is on the increase in our country, and regret that the punishment is not greater. Under the present United States law a man could steal a thousand head of cattle at one time, and the greatest punishment that could be meted out to him would be confinement in the penitentiary for one year. We desire to call the attention of the court to the condition of the jail at this place. The building is entirely too small for even humane treatment to the prisoners confined therein. There are only four cells, 11 feet square, and the smallest number of prisoners confined in the jail at one time since the last sitting of the court was twenty-five. There has been as many as forty-two, with an average of thirty-five. Each cell has two windows, 18 inches square, and located so high from the floor that, during the hot months, the temperature of the cells is almost unbearable. We find the jail and surroundings as clean and in as good condition as the circumstances will allow.

We regret that Congress has thus far failed to confer upon the United States court in the Indian Territory complete jurisdiction, and deplore the fact that a few Representatives in Congress, who are familiar with our situation and the justice of our demands, through selfish motives have thus far been enabled to defeat all efforts to accomplish that end.

The anomaly of the people and its courts are without parallel. Note for instance the jurisdiction of this and the United States district court at Paris, exercising in some cases concurrent jurisdiction, and in other cases the jurisdiction is conflicting and irreconcilable. Only a few days since an individual stood charged in this court by indictment for larceny, and upon that day, the day upon which his case was set for trial, a deputy United States marshal for the Paris court, ignoring this court's jurisdiction, arrested the accused, and without giving him an opportunity to make bond, speedily transported him to and lodged him in the United States jail at Paris for a lesser crime, to wit, introducing. Result: the bond of accused was forfeited and his trial for larceny was delayed if not wholly defeated.

In our opinion the United States court in the Indian Territory is just as efficient, and the jurors therein are just as well qualified as are the courts and jurors of the States, and as there is no real imaginary cause for dragging our citizens to a foreign court for trial the system should be abolished at the earliest day possible.

To this honorable court, sitting as judge of the entire Indian Territory, with circuit and district court powers, we ascribe all dignity, efficiency, and honor, but in doing so we can but suggest that there are many trivial matters, of which this honorable court has jurisdiction, which should be conferred upon courts of lesser importance. We believe that all misdemeanors and all civil actions, where the amount in controversy does not exceed $300, should be originally tried by the United States commissioners, and thus eliminate from the business of this court many trivial matters and thereby enable the court to dispose of, with reasonable dispatch, matters of more concern to the people and to the Government.

We return our thanks to your honor and the United States attorney and his able assistant, Mr. Jenkins, for the kindness and assistance shown us, and we also extend our thanks to our bailiff, Mr. Ed. Thurlo, for the efficient manner in which he discharged his duty.

Respectfully submitted.

L. L. STOWE, *Foreman.*
C. H. HEALD, *Clerk.*

According to this report, while a man charged with crime was under arrest in that court he was seized by a deputy marshal and carried off to the State of Texas for a trial for a less offense and was taken into custody and was refused bail, and hence was not permitted to appear to answer to the offense for which he had been indicted and for which he was charged in the court in the Indian Territory. This report makes conspicuous some of the evils I have attempted briefly to suggest, and calls attention to the great necessity for additional legislation by Congress.

What I think this body ought to do at the earliest opportunity is to give to the court organized in the Indian Territory full and exclusive jurisdiction of all offenses committed within that Territory.

Mr. VEST. Before the Senator from Kansas passes away from the state of affairs at Coffeyville, I want to read a portion of a letter which I received from there a few minutes ago. The letter is dated December 18, 1892, and a portion of it is as follows:

This very day Bill Dalton, one of the notorious family of that name, is walking through our streets armed with a repeating gun and a commission as a deputy United States marshal, with authority to scour the territory on our border.

That is from Coffeyville, Kans.

Mr. PERKINS. That I think is probably true. I know that some of the Daltons were originally deputy marshals in the Indian Territory. I know that some of the men who have been guilty of the greatest crimes and of the greatest lawlessness have been shielded and protected with commissions as deputy marshals.

Mr. BERRY. Will the Senator permit me to ask him a question?

Mr. PERKINS. With pleasure.

Mr. BERRY. If I understood the Senator correctly, he stated awhile ago that the Daltons who were engaged in the robbery were annihilated. Was this man Dalton referred to in the letter received by the Senator from Missouri one of the parties engaged in the robbery?

Mr. VEST. No, his brother.

Mr. PERKINS. This one was not engaged in the robbery.

Mr. BERRY. He is a brother to the men who were?

Mr. PERKINS. He is a brother to those Daltons. There were three of the Daltons killed, with a confederate; another one was supposed at the time to be fatally wounded, but he is recovering, and one of the band escaped. That is the history of the party that visited Coffeyville.

Mr. BERRY. Can the Senator tell the Senate whether this deputy marshal holds his commission from the Muscogee court or one of the other courts?

Mr. PERKINS. I do not know whether he holds a commission as deputy marshal at all. I am simply suggesting that it is likely the statement contained in the communication read by the Senator from Missouri is true, because I know in fact that many men who have been guilty of committing the greatest crimes in that Territory have been shielded and protected with commissions as deputy marshals. But after committing the crimes, after their desperate and lawless character became known, I am very glad to say that their commissions, so far as I know, have been canceled, and they ceased to be representatives of the courts or representatives of the Government of the United States.

I wish to say in justice to the marshal of the Indian Territory, as well as in justice to the officers of the court there, that I believe they are honest and faithful men. I believe that they have been doing an excellent work. I know that that court has been doing most excellent service in the interest of law and order and for the protection of life and property. Judge Shackelford deserves the commendation of good people everywhere, and hence in what I say I do not intend in the slightest degree to reflect upon that court or its officers, and yet I know that deputy marshals located and scattered through the Territory have made arrests that never ought to have been made, and as it occurred to me for the sole purpose of aggregating fees and costs.

Mr. President, quite recently I was in the Indian Territory, and in corroboration of what the Senator from Missouri says, I will state that the day I returned from the Indian Territory the train on which I rode to my home was guarded by armed men for the protection of the passengers and for the protection of the property of the train, because there was threatened, as the officers of the road understood, an attempt to rob the train. One of the Daltons was upon the train, the younger brother—not I think the one named in the communication read by the Senator from Missouri, but still another brother, George, as I understood the name—and the officers of the road had been advised in advance that there was a possibility of the train being broken into and robbed. So the train traveled with an armed guard, and for days about that time every train traversing that Territory carried an armed guard for the protection of passengers as well as for the protection of the property of the train and the property carried upon it.

Now, these conditions exist there without doubt, and the officers under existing conditions seem to be almost powerless. There has been given to the court at Muscogee the right to arrest and to surrender fugitives from other States and from other jurisdictions, so that a criminal committing crime in one of the adjoining States may be followed into the Territory and may be arrested and removed upon requisition. The presiding judge of the court in the Indian Territory has been given authority to surrender a man under those circumstances upon proper demand and upon proper requisition. But that does not relieve the difficulties there. That does not break up the rendezvous that exist there, nor does it result in bringing to punishment the lawless characters who congregate there.

So I desire in a few words to emphasize what has been so well said by the Senator from Missouri, that we must either by negotiations induce these civilized tribes to take their lands in severalty, and to accept the duties and responsibilities of citizenship, and to cede to the Government of the United States their excess, or we must enforce those conditions upon them. We must do that by appropriate legislation in the event they refuse to accept the propositions which may be tendered to them in a spirit of fairness by the Government of the United States.

The Senator from Connecticut [Mr. PLATT], in his speech made an able and careful review of the situation and of the legal status of that country, and he suggested the logical and unanswerable proposition that the reasons for some of the treaty stipulations had greatly disappeared and because of the practices of the Indians themselves, and that under existing conditions they would not be permitted to shelter themselves behind a technical construction of treaty stipulations and defeat the manifest destiny of this nation, and prevent organized government for the thousands whom the Indians have permitted to make habitations among them and to settle in their growing towns and villages. I have no doubt myself of the right of Congress to confer upon the people living in that Territory or domiciled therein the sovereignty of statehood. I believe it is within the power of Congress to confer statehood or a Territorial government upon that people whether the civilized tribes consent to it or not, and this, in my judgment, is the only solution of this vexed and yet very important question.

Mr. President, one of the courts somewhat severely characterized by the Senator from Missouri, is within my own State, and yet I will very cheerfully join with him in any effort that will increase and enlarge the jurisdiction of the court of the Indian Territory and take from the courts in Kansas, and Arkansas, and Texas the power that is given to them under existing law to try offenses from the Indian Territory, because as has been suggested, I see no longer any reason why it should be retained there. With the great population in the Indian Territory, with the educated and honest people who are there, competent jurors can be secured and are secured and in attendance upon each session of that court. Trials can be conducted there as orderly and as well as they can be conducted in any section of the country.

So I desire briefly to say that personally I am in favor of organizing Oklahoma Territory and the Indian Territory into a great State, admitting it into the Union either as an Indian State or otherwise. I do not care what the name may be. Let us take the Indian Territory as it originally existed before the Territory of Oklahoma was created and admit it all into the Union as one of the bright and progressive States and bring with it the 400,000 people who are there. If this can not be done then we must, in my judgment, organize Territorial governments in the Indian Territory, increase the powers of the courts existing there, and by lawful methods give protection to life and property in that country, and at the same time protect the communities that are growing and that have sprung into existence all around that Territory. The lawless organizations that exist in that Territory to-day, hidden in the uninhabited sections of that country, very greatly depreciate property in Kansas, in Southwestern Missouri, along the line of Arkansas, and in Texas, because of the dangers incident from these organizations, and in the name of justice and humanity they must be broken up.

I hope, Mr. President, that in the early sessions of this body after the holidays what is known as the Cherokee Outlet bill may be brought up for consideration, and in the consideration of that measure it may be that some legislation can be secured of great value to the country. The present occupant of the chair [Mr. PLATT in the chair] has given very careful consideration to that important bill. He has it in charge, and I know that he will bring it to the attention of this body at the earliest moment practicable. Its importance is so great to the people of all the Western country that it ought to be considered at the earliest date possible. There are 6,000,000 acres of land and more, rich and beautiful, waiting to be occupied by people who are living upon its border, and who have been living there for months waiting for Congress by its enactment to give them authority to go to, to possess, and to occupy it.

The most of these people believe that the Cherokees have no right to that land, and yet in a spirit of good citizenship they refrain from taking possession of it. They are camping to-day upon the border, living in tents and dugouts, waiting for Congress to say to them that they can go and lawfully occupy and possess it. If we should fail to consider that legislation during the present session, if we should fail to ratify the agreement which was made with the Cherokee Indians and provide for the opening of that territory to settlement, as is contemplated by the treaty, my judgment is that the Administration that follows us upon our adjournment on the 4th of March will find one of the most difficult questions precipitated upon it and one of the most unpleasant situations to contend with that can be precipitated upon an administration.

These thousands of people will be driven to a spirit of desperation, to a spirit of recklessness, and we all ought to desire that, in a candid, lawful, and fair way, treaties made with the Indians may be ratified so that there will be no violations of law and no

violations of what many believe to be the rights of the Indians; and yet that those lands may be opened to settlement that the homeless may be given the opportunity of securing a habitation for themselves and those dependent upon them.

This must be done before the 4th of March next, or the treaty of which I have spoken terminates and is without binding force upon the Cherokees, as is expressly provided therein.

Mr. President, I thank the Senate for this opportunity of submitting these suggestions, and will no longer detain it.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had passed a bill (H. R. 9826) granting certain rights and privileges to the commissioners of water works in the city of Erie, Pa.; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were signed by the Vice-President:

A bill (S. 570) to provide for the removal of the remains of the late Ensign D. F. Terrell, United States Navy, from Sitka, Alaska, to his home in the State of Mississippi;

A bill (S. 1675) granting increase of pension to soldiers of the Mexican war in certain cases;

A bill (S. 2981) for the relief of the Citadel Academy of Charleston, S. C.;

A bill (S. 3059) for the relief of the Old Dominion Steamship Company; and

A bill (S. 3298) authorizing the sale of land in the vicinity of Fort Mifflin, on the river Delaware.

DEALING IN "OPTIONS" AND "FUTURES."

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7845) defining "options" and "futures," imposing special taxes on dealers therein, and requiring such dealers and persons engaged in selling certain products to obtain license, and for other purposes.

The PRESIDING OFFICER. The pending question is on the motion of the Senator from Virginia [Mr. DANIEL] to strike section 10 from the bill; on which the Senator from Illinois [Mr. PALMER] is entitled to the floor.

Mr. PALMER. Mr. President, the propositions which I presented yesterday as objections to the pending bill have been before the Senate, and I shall merely allude to what I said yesterday as it may occur in the course of the further consideration of the various points that arise. I will again invite the attention of the Senate to the tenth section of the bill. I think the Senate will observe that its provisions are so remarkable that they have no example in Congressional legislation. It will be necessary for me, in order to make the point clear, to read a portion of the section:

> Whenever any contract or agreement for the sale and future delivery of any of the articles mentioned in section 3 of this act shall be made, and the making thereof shall not be reported to the collector of internal revenue, as required by section 9—

A reading which supports the statement I made yesterday, that every contract which can be made for the sale and future delivery of the articles mentioned in this proposed act is placed under the control of the collector of internal revenue.

Whenever any contract is made of the character described—

> or if it shall have been reported to the said collector as a contract or agreement of the nature and character mentioned in and authorized to be made under a certificate issued pursuant to the provisions of section 12 of this act, and it shall come to the knowledge of such collector, or he shall have reasonable cause to believe that the party by whom such contract or agreement was made as vendor was not, at the time of the making thereof, the owner of the article or articles which were the subject of, embraced in, or covered by such contract or agreement, and had not then acquired, and was not then entitled to the right to the future possession of such article or articles under and by virtue of a contract or agreement for the sale and future delivery thereof previously made by the owner of such article or articles, it shall be the duty of such collector to require the party who shall have made such contract or agreement as vendor to forthwith furnish to such collector proof of such vendor's ownership, or right or title to the future possession of the article or articles so embraced in or covered by such contract or agreement.

The bill then proceeds with its requirements, stating as to the contents of the affidavit that the party is required to furnish a very particular statement to the collector of the place of deposit or possession of the property sold. Then follows this unusual provision:

> And such affidavit shall further state the amount or quantity of other articles of this kind embraced in and covered by such contract or agreement which said affiant is then the owner of.

That is, the party is required to account for the property embraced in the contract, reporting to the collector a full explanation of all that pertains to it which is needful to enable the collector to ascertain and determine the question of ownership of the property actually embraced in the contract. Then the bill proceeds:

> or entitled to the future possession of any and all contracts or agreements which affiant may have made, and which are then outstanding and remaining uncanceled, for the sale and future delivery of any such article or articles of such kind.

It will be observed that after the explanation is given to the collector of all that is material to be known with respect to the actual contract of sale which has been reported to him, or which has come to his knowledge, the collector may require that the owner shall proceed to state the amount or quantity of other articles of the kind embraced in the contract, not the articles embraced in the contract, but of like character and description. He shall further report—

> any and all contracts or agreements which affiant may have made, and which are then outstanding and remaining uncanceled, for the sale and future delivery of any such article or articles of such kind. And said party is further required, if demanded by such collector, to exhibit to the collector the original receipt of the warehouse or elevator where the aforesaid article or articles are then stored, or the bill of lading or receipt of the vessel, railroad, or other carrier having possession of said article or articles for transportaion.

There an inquiry is authorized outside of the contract which has been brought to the attention of the collector, that is, the collector is authorized to require of the party to this proposed sale a full explanation of his business, and that is to be a part of his affidavit. Then follows this consequence:

> And in case said party shall fail or refuse to make and file with the collector the said affidavit when so required, or shall fail or refuse to exhibit the said warehouse or elevator receipt or said bill of lading, when so demanded, such failure or refusal shall constitute and be deemed and held to be *prima facie* evidence that the contract or agreement so made by said party was a "futures" contract or agreement as described and defined in section 2 of this act, and said party shall thereupon become liable and be required to pay to said collector upon the article or articles which are the subject of, embraced in, or covered by such contract or agreement, the amount or amounts of special taxes imposed and required by section 4 of this act to be paid for and upon an article or articles of the same kind when sold under any "futures" contract or agreement.

It has been supposed—and for that particular view of the case I am obliged to the Senator who lately occupied the chair—that laws which require men to furnish evidence against themselves were in violation of the Constitution, and not only in violation of the Constitution but in violation of common rights; that no man shall be required to accuse himself or make disclosures which will subject him to pains and penalties. Here the silence of the party, his refusal to file a particular affidavit is made evidence of guilt, and it is declared that he at once shall become liable to the penalties imposed by the act. Silence in that case is a crime, the failure to do the act subjects the party to a penalty. While it may be said the Supreme Court will not be able to see that this monstrous law is not a revenue law, that court will see, as we must, that this requirement is subversive of all sound constitutional doctrine.

The bill goes on, if I read it aright, and not only requires that the party shall disclose the facts relating to the contract which is the subject of inquiry, but he shall actually give an account—I read that I may not be misunderstood:

> Such affidavit shall further state the amount or quantity of other articles of the kind embraced in and covered by such contract or agreement which said affiant is then the owner of, or entitled to the future possesion of, and any and all contracts or agreements which affiant may have made, and which are then outstanding and remaining uncanceled, for the sale and future delivery of any such article or articles of such kind.

The party is not alone required to furnish evidence to prove his own innocence by an affidavit, but is required in addition to furnish a complete account of his business, to state the amount and quantity of property of the kind embraced in the contract which he has in his possession or under his control, and he is required to give a statement of his outstanding contracts of like character, and to state with particularity where whatever property may be in his possession is now deposited or stored. Then he is subjected to the penalty of the presumption of guilt, not because he does not answer as to the particular transaction, but the presumption follows his failure to give a complete account of his business as connected with this particular class of subjects.

That is, the party may say "I tender you an affidavit which contains a complete answer to the contract and furnishes all the facts in the contract that the statute requires," but the collector says, "I demand more; I demand a complete account of your business." The party declines to do that. For declining to furnish information in regard to a purely private matter, the party is held to be *prima facie* guilty of the particular offense charged against him, although he may have furnished a satisfactory answer to the matter which is made the subject of direct inquiry, a most curious consequence, which shows that this is not a revenue bill, but is a bill intended to convert acts which are now innocent, into crimes, and subvert well-established legal principles as a means of giving effect to this proposed law.

> And in case said party shall fail or refuse to make and file with the collector the said affidavit when so required, or shall fail or refuse to exhibit the said warehouse or elevator receipt or said bill of lading, when so demanded, such failure or refusal shall constitute and be deemed and held to be *prima*

facie evidence that the contract or agreement so made by said party was a "futures" contract or agreement as described and defined in section two of this act, and said party shall thereupon become liable and be required to pay to said collector upon the article or articles which are the subject of, embraced in, or covered by such contract or agreement, the amount or amounts of special taxes imposed and required by section four of this act to be paid for and upon an article or articles of the same kind when sold under any "futures" contract or agreement.

The section seems to violate all established principles for the proper administration of justice.

There are two other matters to which I shall ask the attention of the Senate before I get through. I have said that this bill is not a revenue bill. I ask attention particularly to the provision of the second proviso to the second section of the bill. After excluding all contracts made with or by farmers and planters from the operation of the proposed act and giving to manufacturers and traffickers the right to disregard the provisions of the law, for they are excepted from its operations, all these rights are subject to this provision:

That such contract—

That is the permitted contracts—

That such contract or agreement shall not be made in or upon any board of trade, produce, cotton, merchants', or other exchange, or other commercial association, or in any place or upon any premises where price quotations of said articles are announced, bulletined, or published, nor be subject to the rules or regulations of any such board, exchange, or other commercial association.

One of the most serious objections to this bill, even if it could be maintained upon all other grounds, is that it strikes at the common right of citizens to make contracts in any manner now permitted by law. As I said yesterday, and as is known to every Senator, the right of selling for future delivery is recognized in the courts of England, the courts of the United States, and of the States. This bill is intended to abridge that common right to make contracts, as I say, which are free from any vice of which I am aware, and have not been regarded by the Legislatures of more than one of the States—and I am not sure even about that—as being in any sense contrary to sound public policy.

Here is a case where the American citizen is prohibited from making lawful contracts wherever he may choose to do so. He is not permitted by this bill to buy at a place selected by himself, that is to say, he may buy, but he shall not "buy in or upon any board of trade." Although the boards of trade created by the laws of the States and established by commercial men in all the important cities have been created for commercial purposes, for the making of contracts, the American citizen is forbidden to buy in them; nor shall he make that bargain—

In any place or upon any premises where price quotations of said articles are announced, bulletined, or published.

That is to say, I take it, that before the farmer who comes into one of our towns would be allowed to buy the articles in the manner permitted in this bill it would be necessary for him to inquire, "Do you publish price quotations of the articles I want to buy? If so, I am not permitted to deal with you." No such restriction can be found upon legitimate fair trading in any statute; and yet this is called a revenue bill. This bill is intended to strike down commercial associations, to embarrass them. No Senator, I think, will pretend that the place of the making of a contract can be a vice, can be wrong *per se*.

A man may make an honest contract, a lawful contract, upon a board of trade or produce exchange. He may make an honest contract upon the premises where there are price quotations. Indeed, it would be quite natural that the man should desire to consult the price quotations, and if they were published for his convenience it would seem to be quite natural he should be allowed to resort to them. Yet this so-called revenue bill discriminates against a class of lawful establishments and abridges the right of the people to select their own time and place for making contracts, which the law permits, and which are in violation of no rule of good morals or good business. Can that be a constitutional provision? Is not that an attempt not only at legislating with respect to matters of State concern, but is it not an attack upon establishments created by State laws, abridging their usefulness and destroying one of the purposes for which they have been created and their existence allowed and permitted?

Again, I ask the attention of the Senate to another most extraordinary feature of this bill. It is claimed that this is a revenue measure. Here we have this provision defining who are dealers in options:

Every person, association, copartnership, or corporation who shall in their own behalf, or as agent, broker, or employé of another or others, deal in "options" or make any "options" contract or agreement as hereinbefore defined, or make any transfer or assignment of any such "options" contract or agreement—

Now, I come to the point to which I ask particular attention—

or shall by letter, telegram, or other communication sent from the United States to any foreign country, or by an agent, broker, employé, or partner resident in any foreign country enter into any "futures" contract, or agreement as hereinbefore defined, shall be deemed a dealer in "options;" and every person, association, copartnership, or corporation who shall in their own behalf, or as agent, broker, or employé of another or others, deal in "futures" or make any "futures" contract or agreement as hereinbefore defined, or make any transfer or assignment of any such "futures" contract or agreement, or shall by letter, telegram or other communication sent from the United States to any foreign country, or by an agent, broker, employé, or partner resident in any foreign country, enter into any "futures," contract or agreement as herein before defined shall be deemed a dealer in "futures."

It has been suggested to me by a Senator on my right that dealers in cattle, those who transport cattle, desire a law to be passed to compel the posting of prices. I suppose if that is true, that the simple posting of the information at any point for the convenience of any class of traders would render it impossible for them to make the trade at the point or near the point where the information was posted. Nothing can be more absurd, I think, unless it is that portion of the bill which I now read. The bill requires that persons who obtain a license to deal in options and futures shall pay for the privilege, and they are required to pay a tax on the articles sold or contracted to be sold. We have this provision of the bill which extends to foreign countries, and the man who corresponds with anyone residing out of the United States—

By letter, telegram, or other communication sent from the United States to any foreign country, or by an agent, broker, employé, or partner resident in any foreign country enter into any "futures" contract, or agreement as hereinbefore defined, shall be deemed a dealer in "options."

* * * * * * *

Or shall by letter, telegram, or other communication sent from the United States to any foreign country, or by an agent, broker, employé, or partner resident in any foreign country, enter into any "futures" contract or agreement as hereinbefore defined shall be deemed a dealer in "futures."

This bill requires that the party shall make reports of all sales made and shall pay a tax by the bushel or the pound or otherwise, as specified in the bill.

Now, I would inquire what would be the condition of an American merchant who should have a resident partner abroad—because, recollect, the contract made by a partner resident in a foreign country makes the resident partner a dealer in options or futures—if, in the course of the business abroad, the foreign partner makes contracts of the kind to which the bill refers? What is the resident partner to do under such circumstances in order to protect himself against the penalties of this bill? According to its reading and fair interpretation he must account for all the sales made by his partner abroad, and he must pay taxes on all the transactions of his foreign partner. If he fails to do so he is liable to the penalties provided by this bill, and thus this so-called revenue bill would have this remarkable effect.

I have frequently heard of the foreigners paying the tax, lately quite frequently, but here is a case where the American resident pays the tax upon a foreign transaction, unlimited so far as I can see. That would seem to be a case not provided for by the bill. Contracts abroad which are perfectly legal, contracts made in England, which are lawful by the English law, when made by a partner living there or elsewhere abroad, are made subject to American taxation. The foundation of that claim to tax foreign transactions is based upon the fact that the party himself makes a contract by letter or telegram or other communication sent from the United States to any foreign country, or his partner resident in any foreign country, engaged in business, with the details of which the American partner is entirely unacquainted does so.

The only mode, however, by which the domestic partner could protect himself would be that which I have suggested, to report the amount of the sales abroad, because, surely, it was not intended by the authors of this bill to cut off all intercourse between American and foreign partners. They are allowed communication some way, but the American partner is made responsible for the action of the foreign partner, and that responsibility extends thus far, that the American partner to protect himself, being declared by the law to be an option dealer, must report the transaction which gives him the character of an option dealer, if he would protect himself against the penalties of this law—a most remarkable condition of things.

Mr. President, can there be anything more absurd than for Senators to call this a revenue bill when this provision was intended for the mere suppression not of transactions in this country, but to break up all correspondence between American commercial men and their foreign partners? Clearly it is not possible for any man to escape the penalty who has a foreign partner engaged in dealings in futures in any of the articles specified in this bill.

Mr. President, I certainly am under great obligations to the Senate for listening to me again this afternoon, but I beg to say that nothing is further from the truth than the popular belief that the planters and farmers of this country would demand this bill if they were made aware of its provisions. They are told that there are corners on their products; they have been told that in the exchanges there are combinations intended to depress the price of the products of their labor; and there is much truth in it.

There are no doubt rings and combinations in dealings in agricultural products, as there are in everything else of value in this country.

With the marvelous facilities afforded for intercommunication, where the man in Chicago may by telegraph reach every market in the civilized world, where combinations may be effected by this same rapid means, and where products may be transported with as much certainty as the movements of the heavenly bodies, combinations can not be avoided. Power will develop itself; power will win its advantages. Money, we sometimes say, will control and does control commerce, because money is the life of commerce.

But, Mr. President, the people of this country, those who are meant to be protected more than any other, need to be protected from their so-called friends. They need to be protected from men who would subvert established, orderly, constitutional ideas of government, and would turn these helpless people, who always suffer first when orderly government is disregarded, over to the mere discretion of Congress, which, by adopting a fraudulent device, by calling a bill a revenue bill and seeking to control the business of the States and disturbing contracts always does mischief. I say the common people, the people who have no money, are those who have most to dread from legislation like this.

I got the other day from the representatives of agriculture in this city a circular requesting me to support the Hatch-Washburn antioption bill. These gentlemen are professional farmers who know nothing of the labors of the farm, they are leeches who live upon the farmers, who take advantage of their credulity, and they come here demanding that which they have no reason to believe will benefit the farmers of this country.

I am happy to say, Mr. President [Mr. CULLOM in the chair], that there is no urgent demand in the State which we represent for legislation like this. The people of Illinois believe that their prosperity depends upon their own labor, their own energy, upon the fertility of their land, and they are content to abide by the laws which have been enacted for the protection of the common rights of the people of the United States. They have such confidence in their own State government that they rely upon the law, and if the law is not enforced they feel the blame rests on them, not that the laws are imperfect. Public opinion will abrogate law or will blunt the edge of the law. It has been found so everywhere.

I was told the other day in a letter I received that although we have laws in Illinois to punish these evils, they can only be suppressed by what, sir? By the law of the United States; by the strong arm of the Federal Government. That is one of the vices of our present condition. We make laws in the States; we neglect to enforce them; we allow them to be disregarded, and we make an appeal to the National Government, which operates by methods of its own, methods entirely suited to the purposes for which that Government was created.

Its strong and vigorous methods are such as are proper for a government whose powers are given it for general purposes; but the strong arm of the Government and the strong arm of the collector and the revenue agent were not intended to be employed in governing the people with the details which this bill provides. It was not intended that the internal-revenue collector should have the power to revise every contract made by the people of Illinois. That is a power too dangerous to be given.

This bill is mischievous, and contains many despotic provisions. I quote one of them:

SEC. 14. That the Commissioner of Internal Revenue shall prescribe such rules and regulations as may be necessary to carry into effect the provisions of this act, and when such rules and regulations shall have been approved by the Secretary of the Treasury they shall have the force and effect of law.

Whether it is in the power of this Congress to give to the mere rules and regulations of a ministerial officer that tremendous effect or not, I am not now prepared to say; indeed, I am prepared to deny that Congress has such a power. It does not belong to any government controlled by a constitution that a mere ministerial officer shall make law, because to give to him the power to make regulation that has the force of law is to give to him the power to make law. Whether that is valid or not, it shows the temper which controls this proposed legislation, this disposition to grasp the despotic forces of the National Government and compel obedience, compel the citizen who has made a sale of futures, an ordinary transaction, to furnish an explanation of that transaction, and when he is called upon to do it compel him to make an affidavit under the penalty of *prima facie* guilt, and compel him not only to do that, but to give an account of other transactions which have no relation to the subject of the contract, and he is held guilty unless he obeys.

Such despotic powers are inconsistent with all just ideas of constitutional government, and they characterize this bill as one which is in the interest not of speculative capital, but of organized capital. Its effect will be to drive out the speculators and to give to the enormous aggregation of organized wealth in the Northwest, in Chicago and all over the country, the monopoly of the products of the farm. It is a case where the purpose is to diminish the number of purchasers, to drive out competition, and to leave the field in the possession of men who are so fiercely demanding the passage of this bill.

Mr. PADDOCK. I ask the Senator having charge of the bill to yield to me to enable me to report a resolution, for which I desire immediate consideration, as I am about to leave the Senate.

Mr. WASHBURN. I yield for that purpose.

MRS. MARY A. MERRITT.

Mr. PADDOCK. I am directed by the Committee to Audit and Control the Contingent Expenses of the Senate to report favorably a resolution, for which I ask immediate consideration.

The resolution was considered by unanimous consent and agreed to, as follows:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay, out of the miscellaneous items of the contingent fund of the Senate, to Mrs. Mary A. Merritt, widow of John G. Merritt, deceased, late a messenger acting as assistant doorkeeper of the United States Senate, the sum of $900, being an amount equal to six months' salary at the rate per annum allowed by law to the aforesaid messenger acting as assistant doorkeeper. Said sum to be considered as including the funeral expenses and all allowances.

BRIDGE ACROSS CANE RIVER, LOUISIANA.

Mr. PEFFER obtained the floor.

Mr. WHITE. Will the Senator from Kansas yield to me?

Mr. PEFFER. For what purpose?

Mr. WHITE. To call up a bill which I think will lead to no discussion.

Mr. PEFFER. On the Senator's statement that in case the bill leads to discussion he will withdraw it I will yield.

Mr. WHITE. I will do so. I ask unanimous consent to call up for present consideration House bill 9478, which is a bridge bill extending the time to build the bridge across Cane River, in the parish of Natchitoches, Louisiana. The bill was unanimously reported by the House committee, and is unanimously reported by the Senate committee. The question of the limitation of time becomes a serious one, and I should like, if possible, to have the bill now considered and passed.

The PRESIDING OFFICER. The Senator from Louisiana asks unanimous consent that the unfinished business be temporarily laid aside, and the Senate take up for consideration the bill named by him. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 9487) to amend an act approved April 22, 1890, authorizing the Natchitoches Cane River Bridge Company to construct and maintain a bridge across Cane River, in Louisiana.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RED RIVER BRIDGE, LOUISIANA.

Mr. WHITE. I now ask that House bill 9488 may be taken up. It is of the same character as the bill which has just been passed.

The PRESIDING OFFICER. The Senator from Louisiana asks for the present consideration of the bill named by him. Is there objection?

Mr. PEFFER. I shall not object if the same statement is made by the Senator as was made in relation to the previous bill.

Mr. WHITE. They are analogous bills, and this bill can not possibly lead to debate.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 9488) to amend an act approved March 2, 1891, authorizing the construction of a bridge across the Red River, Louisiana, by the Rapides Bridge Company, limited.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS RHYS SMITH.

Mr. HALE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Maine?

Mr. PEFFER. I do, with the understanding that I shall not be asked to yield any further.

Mr. HALE. I ask for the present consideration of Senate bill 3221.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3221) to provide for the adjustment and payment of the claim of Thomas Rhys Smith for work done and materials furnished for the breakwater at Bar Harbor, Me.

The bill was reported from the Committee on Claims with an amendment, in line 16, after the word "appropriated," to insert:

Provided, That before making any payment the Secretary of War shall exact from said Thomas Rhys Smith a bond in the penal sum of $10,000, with sufficient sureties, to be approved by him, conditioned to indemnify the United States against any lawful claim of any other party or parties.

So as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to examine and adjust the claim of Thomas Rhys Smith against the Government of the United States for work done and materials furnished for the breakwater at Bar Harbor, Maine, under a contract between said Thomas Rhys Smith and the United States, and determine what amount of work was done and materials furnished thereunder, the amount paid on account thereof, and the balance remaining unpaid, which balance he shall certify to the proper accounting officers for payment in the manner prescribed by law, and for the payment of said claim the sum of $6,391.12, or so much therof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated: *Provided*, That before making any payment the Secretary of War shall exact from said Thomas Rhys Smith a bond in the penal sum of $10,000, with sufficient sureties, to be approved by him, conditioned to indemnify the United States against any lawful claim of any other party or parties.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DEALING IN OPTIONS AND FUTURES.

The Senate, as in the Committee of the Whole, resumed the consideration of the bill (H. R. 7845) defining "options" and "futures", imposing special taxes on dealers therein, and requiring such dealers and persons engaged in selling certain products to obtain license, and for other purposes, the pending question being on the amendment of Mr. DANIEL to strike out section 10.

Mr. PEFFER. Mr. President——

Mr. COCKRELL. Will the Senator yield to me?

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Missouri?

Mr. COCKRELL. Does the Senator wish to finish his remarks this afternoon?

Mr. PEFFER. I should prefer to proceed now. I think I shall not occupy more than twenty or thirty minutes.

Mr. COCKRELL. Very well.

Mr. PEFFER. Mr. President, I would not feel quite satisfied with my own conduct if I did not at least openly before the Senate express my approval of the pending measure. It involves one of the principles upon which I had the good fortune to be commissioned to this body. It involves one of the subjects which are now uppermost in the minds of the people, more especially that portion of them who are not satisfied with existing legislation.

Mr. President, it is not my intention to enter upon a discussion of the details of this bill, nor do I expect to consider at length the legal principles involved, and I shall not attempt to add anything to what has been well said by other Senators concerning the magnitude of the evils resulting from the business of dealing in "futures" and "options." I shall confine myself chiefly to other reasons for supporting the bill, and to some observations relating to other agencies which, in connection with trading in imaginary articles, have operated to depreciate values of farm products and to bring about a widespread depression in the general business of farming.

Before taking up any of the points in this brief outline, I wish to emphasize the importance of early and favorable action on the part of the Senate. It is not often, Mr. President, that farmers demand legislation. Manufacturers, bankers, speculators, railroad managers, and the powerful classes in all departments appeal frequently to the lawmaking power of the States and of the nation for special legislation in their interests. So common has this practice become that it amounts to a custom—a custom so strong and powerful that all new legislation is controlled by it. We can not propose a revision of the tariff laws or a reform in our methods of taxation without being reminded that many great industries have grown up under the fostering care of Congress, and we must move cautiously along these new lines.

But the farmer, who was here long before any of the privileged classes, has never asked nor received any legislation in his favor until now. He feels that injustice has been done him by an evil practice which has grown and flourished under a system of lawmaking whose logical result is and has been to encourage and protect a spoliation of the very men who of all men ought to have the first consideration of governing powers—I mean the producers. This bill purports to have been prepared in the interest of agriculture, and from that fact it is of special concern to a large number of most useful citizens in every State of the Union. Ninety per cent of American farmers favor the passage of this bill or of another having the same object in view.

Farmers do not object to buying and selling property to be received or delivered in the future, for that is proper; it is often convenient and many times necessary; but they insist that a fictitious, pretended, and false commerce in purely imaginary articles and which greatly and continually interferes with their business to their injury ought to be suppressed.

I do not expect this bill to rid us of the evil complained of, for men intrenched, as these option dealers are, behind boards of trade, stock exchanges, and other commercial bodies, can not be dislodged easily; but it will open the way to more successful legislation after we shall have discovered the methods that will be adopted to evade the provisions of a law such as this will be.

Organizations of farmers, without exception, so far as I am aware, and my information is quite extended in that direction, have petitioned for such legislation as this, and I may state that this remark is intended to cover the entire country. The Patrons of Husbandry, commonly known as the Grange, the oldest organization of farmers in this country, have sent petitions here time and time again asking for precisely such legislation as this, and within a very brief period I received a dispatch from the State grange in session in the State of Kansas, which I will read.

SPRING HILL, KANS., *December 13, 1892.*

Senator W. A. PEFFER.
Senate Chamber, Washington, D. C.:

Kansas State Grange in session desires you to favor the antioption bill now pending.

GEORGE BLACK, *Secretary.*

This telegram was forwarded to me but a few days ago. The Farmers' Alliance, a still larger and a later organization than that of the Patrons of Husbandry, and at this time covering a much larger territory, has repeatedly, and I believe invariably with unanimity, adopted as part of their local platform and as part of their State and national principles, opposition to practices such as the pending legislation is intended to abolish or to get rid of.

The Farmers' Mutual Benefit Association, more largely prevalent in the State of Illinois, so ably represented by the distinguished Senator [Mr. PALMER] who preceded me, are of the same opinion with reference to this species of business; at any rate such is my information, and I believe it to be correct. So I think I am entirely safe in saying that every body of organized farmers within the territory of the United States, North, West, South and East, is unanimously in favor of curtailing by legislation the speculative enterprises of men engaged at the great centers in business which the farmers believe is injurious to them, and among them is dealing in options and futures.

I have here, besides the telegram which I read, some other matter of a similar character. One is the paper to which I think the distinguished Senator from Illinois referred a few minutes ago, I take it, signed by the gentlemen purporting to represent the National Farmers' Alliance of America, the Iowa State Farmers' Alliance, and the Grain and Cotton Growers' League of America. I am not certain from any official information that the gentlemen named in this paper do really represent the organizations they pretend to represent, but I believe they do, and so believing I will ask the Secretary to read their letter to me.

The Secretary read as follows:

THE ARLINGTON, *Washington, D. C., December 17, 1892.*

DEAR SIR: Representing, as we do, several of the larger organizations of those engaged in cultivating the soil we take this method of calling your attention to the wishes of such bodies, as repeatedly expressed in National and State conventions, asking the enactment of the "antioption" bill now pending in the United States Senate, or some like measure which will restore the functions of supply and demand, believing, as do those we have the honor to represent, that with such a law in force prices for the more important products of the soil will not, as now, be determined in an unnatural way by the offering of unlimited quantities of such products that are neither owned by those offering them nor are they existent.

We believe that the offering upon the exchanges and in bucket-shops of fictitious or simulated products of the soil brings into effective competition with the produce of our farms immense volumes of grain and cotton that, while nonexistent, has the effect of offers of actual products in determining prices, thereby depreciating the value of the actual products of the farm, diminishing the value of lands, demoralizing the markets, causing wide and rapid fluctuations, intimidating and driving from the market those who would otherwise become investment buyers and who are unwilling to accept the risks involved in purchases of such products while stability of price is impossible.

In all this we have the unqualified indorsement and earnest support of a clearly defined sentiment among such members of the farming community as are not affiliated in our organizations, as we have of by far the greater part of those engaged in legitimate business pursuits, while the entire moral sense of the community is in complete accord with us in desiring an end put to commercial practices that are steadily undermining and debauching the moral conceptions of such as are led away by the illusive hope which this species of gaming holds out, of speedily acquiring wealth.

Therefore we respectfully request your earnest consideration and support of the pending bill, and that you will aid in every possible way in promoting its speedy passage, either in its present form or such other form as will, in the judgment of the friends (in the Senate) of agriculture, honest dealing, and good morals, be best calculated to secure the end sought by the great bodies of citizens whom we represent, and who, while desiring and urging their right to the protection which such a measure will afford, have neither the desire nor intention to invade the rights of others or to restrict or obstruct any legitimate commercial transactions, holding clearly that the

transactions which the pending bill is intended to suppress are in no sense legitimate, but are, on the contrary, illegitimate, immoral, against public policy, and destructive of the best interests of the community, while serving no one useful or beneficent purpose.

Yours, respectfully,

D. F. RAVENS,
President National Farmers' Alliance of America.
GEO. E. LAWRENCE,
National Lecturer, National Farmers' Alliance of America.
AUGUST POST,
Secretary and Business Manager, Iowa State Farmers' Alliance.
A. L. STUNTZ,
Legislative Committee, Iowa State Farmers' Alliance.
C. WOOD DAVIS,
President Grain and Cotton Growers' League of America.

Hon. W. A. PEFFER,
United States Senate.

Mr. PEFFER. Of the same general tenor, I have here a paper purporting to be a concurrent resolution adopted by the Legislature of Iowa, signed by W. M. McFarland, secretary of state, which I presume to be genuine. After reciting four paragraphs of preamble it proceeds:

Resolved by the house of representatives (the senate concurring therein), That the Senators and Representatives in Congress assembled be, and are hereby, requested to enact the bill introduced at the present session of Congress by Mr. HATCH of Missouri, being House bill No. 2699, entitled "A bill defining 'options' and 'futures' and imposing special taxes on dealers therein, and for other purposes," or to enact some other law, and at the earliest possible date, whereby the practice of selling farm products by persons who do not own the same, and commonly known as "short selling," shall be so regulated and restricted that the value of articles actually produced by farmers shall not be beaten down, and in a large measure destroyed, by the imaginary and fictitious product continually being offered for sale by the speculator and gambler in these products.

These are given as samples of communications forwarded at different times to different Senators. In addition to them I have received large numbers of special appeals from practical farmers, not such as the Senator from Illinois designates as "professional farmers," but men who do really walk between the handles of the plow, whose hands and whose muscles are hardened by the toil of the farm, asking for some such legislation as that which is now pending.

I have received frequent appeals from editors of farm newspapers, men who, though they may be subject to the charge of being professional farmers, are the best and most skillful class of agriculturists in the country, men who have served an apprenticeship at the plow, at the hoe, at the mattock, and on the farm, men who understand the details of farming and who have progressed far enough along the line to be anxious to assist their neighbors, who have not been in the enjoyment of such facilities as they to improve themselves in the art of farming. This class of men have been continuous in their beseeching for legislation of this character.

There is much reason for this general unanimity of appeal, for both of the great political parties and also the younger and newer and lesser organization, which is coming rapidly upon the map of politics, have agreed in national convention assembled, that legislation which encourages trusts, combinations, and other sorts of monopolies, shall be suppressed by the strong hand of Congress.

We, in asking this legislation, are but following what we have been promising to the people all along, and it is time that some such action be taken. It will not do for members of this body, learned and patriotic as they may be, to insist that farmers are not competent to determine for themselves what they need. We were not commissioned to dictate, but to obey. We are servants, not masters. Our discretion begins where the people's mandate ends. We have no right to set up our opinions against those of the voters behind us, more especially when our constituencies have instructed us upon particular measures.

It is our business to obey their will. If we can not do that and keep faith with our conscience, it seems to me it is our duty to resign our commission into the hands of those who sent us here, and let them select men who will obey their wishes. I understand very well, sir, that measures are not prepared among the people at large. I understand very well that the days of pure democracy have passed, when the people gather in popular assembly, and there enact their legislation.

We have gone far beyond the days of the town meeting in New England; but still, when a measure has been prepared and published to the people, sent broadcast to the world by telegraph and by mail so that the people in their local assemblies have had an opportunity to examine the particular measure, to discuss it and to consider it, not only in their local assemblies, but at their firesides and at their neighborhood meetings and by the wayside, then after having made such examination, when they ask their representatives in the other branch of Congress or in this to support a particular measure, it does seem to me that it is our duty to obey their request. All we should have to do in such a case would be to see that the wording and framework of the bill is properly guarded, and that it properly represents the wishes of the people.

I doubt whether 100 votes could be obtained among the farmers of Kansas in opposition to the kind of legislation proposed in this bill. Therefore in urging its passage I do, as I believe, but their bidding, and it affords me pleasure to add that their will is mine in all matters about which they have given me instructions, as they have in this.

While it is not my purpose to enter into a discussion of the legal phases of the bill, and for several reasons, yet I beg leave to submit one or two suggestions.

I have not gone into an examination of the principles involved as a lawyer would do in a court in the study of a particular case where he alone, or with but one or two colleagues, was interested; but I wish to assert a general principle which I think ought now to govern in legislation of this kind, for I believe the time is at hand when the rigid doctrine of State rights, taught by Calhoun and those who followed him, must, for the purposes of making the Constitution of the country effective, be to a very large extent utterly obliterated. That matter was tested in the beginning of the great war through which we passed. There were many persons who believed—those high in authority, too, and who remained loyal to the Union—that there was no constitutional power in Congress to enforce the laws of the Union to the extent of an armed invasion, as it was called, of the territory of any particular State in the Union, but it was found necessary to get rid of that old and antiquated idea.

We have to-day, on a different line of thought and action, a question coming to us in this very bill, involving the instruments and agencies of interstate commerce. The Constitution has vested Congress with supreme power over the matter of regulating interstate commerce. Wheat, corn, and cotton are articles of interstate commerce, and if it be so that wheat and corn, which are produced in Kansas, and cotton, which is produced in Texas, or in Alabama, are gambled in by a class of speculators in the cities of Chicago and New York, by what provision of the Constitution or of logical reasoning from any provision in the Constitution will the enemies of this bill pretend to deny that this is interstate commerce?

If that be true, if Congress has the right to regulate interstate commerce passing backward and forward, the buying or selling of grain, of cotton, and of all other articles of common use among the people, Congress has the right under the same provision to regulate the instruments and the agencies of commerce, no matter to what extent public welfare may demand that interference.

So it seems to me that, notwithstanding the judgment of the distinguished Senator from Illinois, there is reason in the proposition that Congress shall lay hand upon this particular class of business known as option-dealing and futures-dealing, and prohibit it utterly.

While upon that point, I am inclined to agree with the Senator from Mississippi [Mr. GEORGE], who has so ably argued the legal propositions involved, that it would be better for Congress to go to the root of this evil at once by declaring it to be unlawful, prohibiting it absolutely and making the infraction of the law a penal offense, punishable by imprisonment and hard labor not less than a certain specified time, so that there shall be no discretion left in the court except between the degrees which the lawmaking power has laid down.

I had the honor early during the last session of the present Congress to introduce a bill upon this subject and based upon that proposition. It was known as Senate bill 1268. It was entitled "A bill to protect interstate commerce; to prevent dealing in 'options' and 'futures;' to prohibit the formation of 'trusts,' 'combines,' 'corners,' and all other combinations which affect prices; and to punish conspiracies against freedom of trade among the people of the several States."

Section 1 of that bill enumerates a number of articles, corn, wheat, tobacco, cotton, etc.; and all other articles of general use among the people are declared to be articles of interstate commerce. Then it is made unlawful for any person in any manner, by any shift or device, to interfere with the freedom of commerce in these articles. So in that bill I assume that the Congress of the United States has unlimited authority over the entire subject. There are but six or seven sections in the bill. The penal provisions simply declare that the infraction of the law shall be declared a felony and be punishable by a heavy fine and by imprisonment. I will not take time to read the bill, but in order to illustrate the thought which I have in mind I ask that the bill may be incorporated with my remarks.

The PRESIDING OFFICER. The matter referred to will be inserted in the RECORD, in the absence of objection.

The bill is as follows:

Be it enacted, etc., That corn, wheat, cotton, tobacco, cattle, horses, swine, sheep, beef, pork, mutton, wool, rice, cloth, iron, copper, lead, wood, glass, coffee, tea, sugar, oil, paper, and every other article in common and general use among the people of the several States, whether in crude, natural, or manufactured form, are hereby declared to be articles of interstate commerce, and they may be carried from place to place within the jurisdiction

of the United States, and be sold or dealt in without interference, obstruction, or impediment by or on the part of any person, company, corporation, trust, combine, syndicate, corner, business, proceeding, or device whatsoever: *Provided*, That in any State where, by the laws thereof, the manufacture or sale of any article or articles is prohibited, such article or articles shall not be carried into such State for sale, nor shall they be sold or otherwise disposed of there in violation of the laws of such State.

SEC. 2. That every willful act, proceeding, agreement, custom, shift, or device, by whatsoever name or title it may be known, which shall have the effect to in any way interfere with the freedom of transit of articles of interstate commerce, or with the freedom of traffic therein, or which shall have the effect to influence prices or values of commodities by raising or lowering them, or which shall in any manner interrupt the lawful and usual course of trade in such commodities, is hereby declared to be a felony, punishable by imprisonment and hard labor for a period not less than two years nor more than ten years, in the discretion of the court.

SEC. 3. That every combination of persons, partnerships, companies, or corporations engaged in the same or similar lines of business, entered into for the purpose of controlling or regulating prices of articles of interstate commerce, or which shall have that effect; every agreement, contract, or arrangement by, between, or among such persons, partnerships, companies, or corporations, whereby one or more of the parties thereto shall agree, promise, or stipulate, expressly or impliedly, directly or indirectly, to temporarily close his, her, or their business, or shall in such manner agree or promise to go out of business, the object or purpose of such agreement, promise, or stipulation being to prevent competition in the particular business, and thus enable the other party or parties to such agreement or stipulation to regulate, control, or influence market prices of the article or articles raised, produced, manufactured, or dealt in by the parties interested in such arrangement, is hereby declared to be a felony, punishable by imprisonment and hard labor for a period not less than two years nor more than ten years, in the discretion of the court.

SEC. 4. That all dealings, trades, contracts, agreements, stipulations, promises, proceedings, and devices voluntarily entered into, practiced, used, applied, or adopted for the purpose of collecting and storing any article or articles of interstate commerce with intent to raise or lower market prices or values of such articles, or which shall have that effect, and all proceedings and acts commonly designated "corners," and all dealings in options and futures, and all trading, dealing, or proceeding of that nature, and having like effect, are hereby declared to be felonies, punishable by imprisonment and hard labor for a period not less than two years nor more than ten years, in the discretion of the court.

SEC. 5. That for the purposes of this act the word "options" shall be understood to mean any contract or agreement whereby a party thereto, or for any party for whom or in whose behalf such contract or agreement is made, acquires the right or privilege, but is not thereby obligated, to deliver to another at a future time or period any of the articles mentioned in section 1 of this act.

SEC. 6. That for the purpose of this act the word "futures" shall be understood to mean any contract or agreement whereby a party agrees to sell and deliver at a future time to another any of the articles mentioned in section 1 of this act, when at the time of making such contract or agreement the party so agreeing to make such delivery, or the party for whom he acts as agent, broker, or employé in making such contract or agreement, is not at the time of making the same the owner of the article so contracted and agreed to be delivered.

SEC. 7. That district courts of the United States shall have jurisdiction in all cases provided for by this act; the provisions hereof shall be specially given in charge to the grand jury at every term, and, under proper instructions by the court, touching the scope and object of the law, the jury shall determine, as a matter of fact, in every case brought under the provisions hereof, whether the testimony adduced on the trial brings the case within the intent of the law, and whether it proves the person or persons charged in the indictment to be guilty of a violation of the law. The indictment may be amended at any stage of the trial or proceedings to conform to the facts proved, but the defendant shall be allowed time and opportunity to answer anything substantially new or different which the amendment charges.

SEC. 8. That in all cases of violations of the provisions of this act by partnerships, companies, corporations, syndicates, or other combinations of persons under particular names, titles, or designations, the person or persons managing or conducting the business, proceeding, or device of such partnerships, companies, corporations, syndicates, or other combinations so violating the law, and all agents, attorneys, and employés thereof knowingly assisting in the management or conduct of such business or device, shall be held amenable to the provisions hereof, and tried and punished accordingly.

SEC. 9. That this act shall take effect and be in force on and after the first day of the second calendar month next after its passage.

Mr. PEFFER. I am pleased to know, sir, that I have been but following the views of my distinguished friend from Mississippi [Mr. GEORGE], in the amendment he proposes to the Washburn bill, the pending measure, and I will ask, for the purpose of further illustration, that sections 4, 5, 6, and 7 of the amendment proposed by the Senator from Mississippi may be incorporated with my remarks.

The PRESIDING OFFICER. That course will be taken in the absence of objection.

The sections referred to in the amendment of Mr. GEORGE are as follows:

SEC. 4. That "options" and "futures," as hereinbefore defined, are hereby declared to be obstructions to and restraints upon commerce among the States and with foreign nations, and to be illegal and void; and if any person shall be a party, either as buyer or seller, to any contract or agreement hereinbefore defined as "options" or "futures" he shall be guilty of a misdemeanor, and on conviction therefor in either the proper district or circuit court of the United States shall be fined for every such offense in a sum not less than the whole sum paid or agreed to be paid or received or agreed to be received on any such contract, if the sum shall amount to as much as $1,000; but if the said sum shall not amount to $1,000, then he shall be fined $1,000, and in addition thereto shall be imprisoned for a period not less than one year nor more than five years; and every distinct contract shall constitute a separate offense of the seller and also of the buyer.

SEC. 5. That any merchant or other exchange, board, or other association in or through which "options" or "futures" or both shall be made, encouraged, settled, regulated, or adjusted are hereby declared to be unlawful combinations to obstruct commerce among the States and with foreign nations. And if it shall appear that any such board, association, or exchange has encouraged, regulated, adjusted, or promoted any such contract or settlement, the said board, association, or exchange shall be subject to proceedings to be instituted in the circuit court of the United States by bill in equity, by which such action of such association or exchange, or by any member thereof, shall be enjoined. * * *

SEC. 6. That any person who shall, in the United States, by letter or telegram or other communication sent from the United States to any foreign country, or by an agent, resident in a foreign country, enter into any contract hereinbefore described as "options" or "futures," or who shall do any other act aiding and encouraging the making of such contract in any foreign country, or shall, in the United States, perform any such contract or pay any damages for nonperformance, or do any act in part performance of such contract or in part satisfaction of such damage, shall be deemed guilty of a misdemeanor and be triable and punishable as provided for in section 4 of this act.

SEC. 7. That any contract herein defined as "options" or "futures," when made outside the jurisdiction of the United States, shall be held utterly null and void when attempted to be enforced in any court of the United States.

Mr. PEFFER. Mr. President, the discussion of this bill has brought to view one phase of the conflict between two great forces in our civilization, commonly but not properly designated capital and labor. Our later legislation has been in the interest of particular classes of citizens, the rich and the powerful. We have written in bold type in our party platforms that labor shall have its just reward, that it shall be protected against unequal competition from any and every quarter, and orators have grown eloquent asserting the honors of toil; yet the discontent of labor becomes more apparent every year. Never in this country until recently did our farmers find it necessary to organize themselves in secret bodies to consider means of defense against classes that are preying on their business, and never before was it deemed necessary to confront workingmen with armed bodies hired by corporations, nor was it ever before deemed needful that the military arm of the Government be brought to bear in the adjustment of private disputes.

During the present year four States of the Republic were at one time in a state of war—the Army on one side, the people on the other—and it has become common to employ the military to protect public lands against invasion by peaceful citizens in quest of homes. We are now teaching military tactics in our public schools, and even the church has begun to teach the art of war in select institutions of learning where the daily proceedings are opened with prayers to the Prince of Peace.

Within the memory of most of the members of this body a new and distinct class of business men has been developed in this country. Sixty years ago nearly all the farm surplus was carried to market by farmers themselves in vehicles drawn by horses and mules. I remember well my first visit to the city of Baltimore. It was in December, 1839, in company with an older brother, who took a wagonload of flour to that place to exchange it for family supplies to be consumed the next year on the farm, 75 miles distant. Then farmers transacted all their own business. They procured their implements from mechanics in the neighborhood—a complete outfit for an ordinary farm not costing more than $150. They thrashed their grain by simple processes, and marketed their crops themselves by the same means that they employed in moving things about the farm. During the winter season draft animals cost little more to keep them while drawing crops to market than they did in the stables and yards at home and were all the better for the exercise. The farmer then was the leading citizen. The middleman was unknown.

But all that is changed. Seventy-five per cent of American farmers live within 6 miles of the railway station, and that is their market town. Statesmen talk of the markets of the world, but to the farmer these words are meaningless. To him the world's market is a myth. His wheat, his corn, and his cotton are sold, the prices are fixed upon them before they are harvested, and that too by men who are 1,000 miles away from him and whom he does not know. The market value of his crop 100 miles distant from the farm where it grew would not pay the expense of hauling it that far by the old methods. The railroad comes to his door, and the competition of his neighbors throws the ruling market 1,000 to 4,000 miles away. He has no choice but to patronize his enemy, to kiss the hand that smites him. His trade is made the football of gamblers, who play with his fortunes and force him into partnership that they may compel him to share their losses.

Once he was virtually independent of all the world save the local mechanic. He grew fiber on the farm, wove it into cloth there, and of it made garments for his family. Many of the simple utensils of his calling he made himself; but now, if he would procure a shoestring or a hand rake, he goes to the village for it. His shoes are made many miles away from his home. His clothing comes to him from other States. Even his money has to be brought from the "money centers." He is at the mercy of the middlemen. His crops are carried over long lines of railway at enormous expense. His farm implements and family supplies come to him through the same channels, and he is compelled to engage the services of a loan agent if he would borrow a few hundred dollars to secure his home. Between him and all other

classes of workers this omnipresent class, the middlemen, is thrust, and he is powerless to get rid of their unjust exactions. They have made it impossible for him to do business without their interference. He is forced to employ them; they live off what he produces; and they are supplemented by the grain gamblers, the railroad wreckers, the usurers, who live upon the sweat and blood of the people. Like a surgeon who plays with his patient's wound, these destroyers laugh while the people toil.

This new class, the middlemen, have had the friendly care of Government not only tenderly but lavishly bestowed upon them, and its protecting arms have been thrown about them until they control the legislation of the country and the courts recognize them as supreme. On Black Friday the United States went into partnership with Wall Street, and since that time the seat of government has been in New York City. Five million farmers elect one-half the members of the National Legislature. They pray, they petition, they memorialize Congress, and they do this unsuccessfully year after year, while half a dozen railroad presidents procure a hearing before a committee of this body within twenty-four hours after a bill for their relief is introduced at their special request.

But the farmer is reasserting himself. He proposes to ascertain whether he has rights which his fellow men are bound to respect, and whether the Government which his ancestors founded in order to establish justice, to promote the general welfare, and secure the blessings of liberty shall be turned over to men who live off the misfortunes of other men. The farmer demands a hearing and he asks that these leeches be removed from his business; that the channels of commerce be again opened; that he in common with other producing classes may proceed unhampered to make the most they can out of their several vocations. He asks to be relieved from all unnecessary burdens, and he believes that the enactment of this or a similar measure will go far toward removing one hateful, wasteful, and baneful commercial parasite, the grain gambler, who deals in imaginary quantities at the rate of 100 parts to 1 that is real, charging alike for his dangerous intermeddling, and all this vast burden of expense must come out of the pockets of those who produce and consume the real article.

Mr. President, I see that I am not quite through. I shall perhaps occupy fifteen or twenty minutes longer. It was suggested before I began that perhaps it would be as well to postpone this part of my remarks until to-morrow.

Mr. MANDERSON. In view of the suggestion of the Senator from Kansas, if it will not meet with the objection of the Senator having charge of the bill, I move that the Senate proceed to the consideration of executive business. There are some matters that require attention.

Mr. PEFFER. With the understanding that I have the floor when the bill is again taken up to-morrow.

The PRESIDING OFFICER. That is the understanding of the Chair. The question is on the motion of the Senator from Nebraska.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After six minutes spent in executive session the doors were reopened, and (at 4 o'clock and 25 minutes p. m.) the Senate adjourned until to-morrow, Thursday, December 22, 1892, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate December 21, 1892.

CONSUL.

John C. Sundberg, of San Francisco, Cal., to be consul of the United States at Bagdad.

PROMOTIONS IN THE ARMY.

Quartermaster's Department.

First Lieut. John B. Eaton, Third Artillery, to be assistant quartermaster, with the rank of captain.

First Lieut. Edgar S. Dudley, Second Artillery, to be assistant quartermaster, with the rank of captain.

Subsistence Department.

First Lieut. Tasker H. Bliss, First Artillery, to be commissary of subsistence, with the rank of captain.

Cavalry arm.

First Lieut. Hoel S. Bishop, Fifth Cavalry, to be captain.

Second Lieut. Peter E. Traub, First Cavalry, to be first lieutenant.

Infantry arm.

First Lieut. Francis E. Eltonhead, Twenty-first Infantry, to be captain.

Second Lieut. Armand I. Lasseigne, Seventh Infantry, to be first lieutenant.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *December 21, 1892.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

J. W. SUMMERHAYES.

The SPEAKER laid before the House a letter from the Assistant Treasurer of the United States, transmitting a statement in the case of J. W. Summerhayes, calling for relief through Congress; which was referred to the Committee on Claims, and ordered to be printed.

REPORT OF INTERSTATE COMMERCE COMMISSION.

The SPEAKER also laid before the House the Sixth Annual Report of the Interstate Commerce Commission, transmitted by the chairman of said Commission; which was referred to the Committee on Interstate and Foreign Commerce, and ordered to be printed.

REGENTS OF SMITHSONIAN INSTITUTION.

The SPEAKER laid before the House the joint resolution (S. R. 123) to fill vacancies in the Board of Regents of the Smithsonian Institution; which was read a first and second time, and referred to the Committee on the Library.

REPORT ON FISH AND FISHERIES.

The SPEAKER also laid before the House the following resolution of the Senate:

Resolved by the Senate (the House of Representatives concurring), That the report of the Commissioner of Fish and Fisheries, covering the operations of the Commission for the fiscal year ending June 30, 1892, be printed, and that there be printed 8,000 extra copies, of which 2,000 shall be for the use of the Senate, 4,000 for the use of the House of Representatives, and 2,000 for the use of the Commissioner of Fish and Fisheries, the illustrations to be obtained by the Public Printer under the direction of the Joint Committee on Printing.

Mr. RICHARDSON. The House Committee on Printing has reported favorably a resolution identical in terms with this. I ask unanimous consent that this resolution be now considered.

There being no objection, the House proceeded to the consideration of the resolution, which was concurred in.

On motion of Mr. RICHARDSON, a motion to reconsider the last vote was laid on the table.

ENROLLED BILLS SIGNED.

Mr. OHLIGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 6644) to amend an act entitled "An act authorizing the sale of title of United States in lot 3, in square south of square 950, approved March 3, 1891;

A bill (H. R. 8760) to provide for the sale of navy-yard lands in the city of Brooklyn; and

A bill (H. R. 8907) to increase the pension of John Malloy.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had passed without amendment bills of the following titles:

A bill (H. R. 6737) granting a pension to Delzell R. Bradford, Twenty-fourth Michigan Volunteers;

A bill (H. R. 9417) to incorporate the Protestant Episcopal Cathedral Foundation of the District of Columbia.

It also announced that the Senate had passed the following concurrent resolutions:

Resolved by the House of Representatives (the Senate concurring), That when the two Houses adjourn on Thursday, December 22, they will stand adjourned until Wednesday, January 4, 1893;

Also:

Resolved by the Senate (the House of Representatives concurring), That there be printed 30,000 copies of the special consular report relating to streets and highways in foreign countries, heretofore published by the Department of State, of which 10,000 copies shall be for the use of the Senate and 20,000 for the House of Representatives.

It also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 3298) authorizing the sale of land in the vicinity of Fort Mifflin, on the River Delaware.

GOVERNMENT OF OKLAHOMA, ETC.

Mr. TERRY. I ask unanimous consent for the consideration of a bill reported by the Committee on Territories.

The bill (H. R. 9652) to amend an act to provide for a temporary government for the Territory of Oklahoma, to enlarge the jurisdiction of the United States court in the Indian Territory, and for other purposes, approved May 2, 1890, was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HOLMAN. Mr. Speaker, I hope the report will be read before consent is given.

Mr. TERRY. I would like to have the report read, as it sets forth fully the necessity for this legislation.

Mr. BYNUM. I shall object to the consent, except the bill be taken up in its regular order. I want more time than can be given to its consideration in this way.

The SPEAKER. Objection being make the bill is not before the House.

WHITE MOUNTAIN APACHE INDIAN RESERVATION.

Mr. SMITH of Arizona. I ask unanimous consent for the present consideration of the bill (H. R. 9527) to restore to the public domain a portion of the White Mountain Apache Indian Reservation, in the Territory of Arizona, and for other purposes.

The SPEAKER. The bill will be read, subject to objection.

The bill was read, as follows:

Be it enacted, etc., That so much of the White Mountain Apache Indian Reservation in the Territory of Arizona, established by Executive orders dated November 9, 1871; December 14, 1872; August 5, 1873; July 21, 1874; April 27, 1876; January 26, 1877, and March 31, 1877, as lies within the following boundary lines, namely: Beginning at the summit of Chromo Butte, a prominent peak of the Apache Mountains about 3¼ miles southwest of the town of McMillen; thence running north 45 degrees east a distance of 12 miles; thence due north to the middle of Salt River, a distance of 5 miles, more or less; thence down the middle of Salt River to the intersection thereof with the present western boundary line of said reservation; thence southerly with the said western boundary line as the same has been ascertained and located by John C. Smith, deputy surveyor, to the place of beginning, be, and the same is hereby, restored to the public domain and declared to be public lands of the United States.

SEC. 2. That the lands hereby restored shall be subject to entry under the laws providing for the disposal of the public domain in force at the date of the passage of this act: *Provided*, That each person seeking to obtain title to portions of said land, not mineral, under the homestead laws, shall, in addition to the legal fees and charges of the register and receiver, pay for the land so entered not less than $1.25 per acre in cash: *Provided further*, That any location, entry, or entries, mineral or nonmineral, heretofore made on said lands or any part thereof by any qualified person or persons shall bear date and be allowed the same as though said lands had been public lands at the date of the institution of such proceedings; but no such entry shall be deemed completed except upon the payment to the proper officers of the regular purchase price of said lands irrespective of any payments which may have been heretofore made.

SEC. 3. That upon making payment as prescribed in the preceding section all entries and mill-site applications heretofore allowed upon any of said lands shall be, and the same are hereby, confirmed, and patents shall issue therefor.

SEC. 4. That all moneys accruing from the sale of the lands hereby restored, except the fees allowed by law to the register and receiver, shall be paid into the Treasury of the United States and applied solely as follows:

First. To reimburse the United States for all expenses actually and necessarily incurred in running said boundary lines and surveying said lands.

Second. The remainder to be held in trust for the sole use and benefit of the tribes of Indians now located upon said reservation, and to be expended by the Commissioner of Indian Affairs, under the direction and control of the Secretary of the Interior, in such manner and for such purposes as may to him seem to be for the best interests of said Indian tribes.

SEC. 5. That the Secretary of the Interior shall submit this act to the adult male Indians on said reservation, and the restoration above provided for shall become operative only upon the agreement of a majority of said adult male Indians thereto; and the Secretary of the Interior shall proceed to ascertain the wishes of said Indians in accordance with such rules and regulations as he may prescribe.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. DINGLEY. Mr. Speaker, reserving the right to object, I hope there will be some statement or explanation of this matter.

Mr. HOLMAN. I hope the report will be read, Mr. Speaker.

Mr. SMITH of Arizona. Let the report be read, as it will explain it very fully.

The report (by Mr. ENGLISH, from the Committee on Indian Affairs) was read, as follows:

The Committee on Indian Affairs, to whom was referred the bill (H. R. 2780) entitled "A bill to change the western boundary line of the White Mountain Apache Indian Reservation, Ariz.," submit the following report:

The White Mountain Apache Indian Reservation was originally established by Executive order dated November 9, 1871, pursuant to a recommendation emanating from the Engineer's office, Headquarters Military Division of the Pacific, approved by the Secretary of the Interior. (See report of the Commissioner of Indian Affairs, 1886, page 298.)

By Executive order of December 14, 1872, the reservation was enlarged by the addition on the south of a strip of land 15 miles wide and the western boundary line was described therein as running from a point on the "southern edge of the Black Mesa due north of the Sombrero or Plumoso Butte; thence due south to said Sombrero, or Plumoso Butte; thence in the direction of the Picache Colorado to the crest of the Apache Mountains, following said crest down the Salt River to Pinal Creek to the top of the Pinal Mountains; thence due south to a point 15 miles south of the Gila River."

No other orders purporting to enlarge the area of said reservation have ever been issued.

By Executive order of April 27, 1876, the reservation was reduced in area as follows:

"It is hereby ordered that all that portion of the White Mountain Indian Reservation in Arizona Territory lying west of the following-described line, viz: Commencing at the northwest corner of the present reserve, a point at the southern edge of the Black Mesa, due north of Sombrero or Plumoso Butte; thence southeastwardly to Chromo Peak; thence in a southerly direction to the mouth of the San Pedro River; thence due south to the southern boundary of the reservation, be, and the same hereby is, restored to the public domain."

The description of the west boundary line in this order differs materially from that contained in either of the prior orders establishing the same, in that a line running from Sombrero Butte to Chromo Butte is substituted for the lines running from Sombrero Butte "in the direction of the Picache Colorado, to the crest of the Apache Mountains, following said crest down the Salt River to Pinal Creek," etc.

In passing upon the various orders relating to this reservation, the Interior Department has construed the order of 1876 purporting to restore lands to the public domain as in fact enlarging the reservation by adding thereto a triangular section of country lying between the lines connecting Sombrero or Plumoso Butte, "the Picache Colorado to the crest of the Apache Mountains," and Chromo Butte, containing about 60 square miles of land.

Prior to May 16, 1890, the said western boundary line had never been established in the field by an accurate survey, and its exact position was involved in much doubt.

In 1875 rich mineral deposits were discovered in the immediate vicinity of the triangular tract of land above referred to, and many miners and others in good faith located the same under the mineral laws of the United States, it being generally understood at that time that the lands so located were outside of the reservation. Acting under this impression the local land officers at Florence, Ariz., allowed various entries to be made, and received the purchase price tendered therefor. Upon at least two of the entries so allowed the Commissioner of the General Land Office issued patents.

The town of McMillen was also established, and soon became a flourishing mining camp containing upward of 3,000 inhabitants.

Under the general impression that the town of McMillen was outside of the reservation limits, the Indians who desired to visit there for purposes of barter and trade, it is said, were first required to obtain a pass authorizing them to leave the reservation. A post-office was established at McMillen, mines were opened, shafts sunk, quartz mills and other necessary buildings erected, all at enormous expense.

In 1878, at the suggestion of the Indian agent, further action looking towards the disposition of said lands was suspended until it could be determined by an accurate survey in the field whether they were in fact outside of the reservation, as established by the various Executive orders above referred to.

By act of Congress of March 2, 1889 (25 Stats., p. 959), $5,000, or so much thereof as should be found necessary, was appropriated for the survey of said west line, and on May 16, 1890, a contract for the survey was let to United States Deputy Surveyor John C. Smith, who was instructed to survey the line according to the description contained in the order of April 27, 1876, which he did.

According to this survey the town of McMillen, together with its mines and mills, is shown to be within the reservation limits, about three-fourths of a mile distant from the said western line.

In view of the crude method originally used in defining the boundaries of this reservation and the good faith in which the improvements referred to were made, it is conceded that the inhabitants of the said town of McMillen and others claiming to have acquired rights in the immediate neighborhood are entitled to relief.

In a report dated May 10, 1892, referred to your committee by the Secretary of the Interior, the acting Commissioner of Indian Affairs, referring to House bill 2780 as originally introduced, stated that—

"This office would interpose no objections to the passage of the bill if it made provision for obtaining the consent of the Indians and for payment to them of a reasonable compensation therefor, to be determined by the Secretary of the Interior, and I believe the Indians would readily give their consent to the segregation upon such terms."

The substitute bill reported herewith eliminates the objectionable features of the original bill and secures to the Indians the benefits arising from the sale of the lands to be restored thereby.

The amount of land restored by this bill approximates 32,000 acres. It is not used or occupied in any way by the Indians, not even for grazing purposes. Being rough and mountainous, it is unfit for agricultural purposes and is not in any way a source of income to them.

Your committee therefore report the accompanying bill as a substitute, with the recommendation that it do pass and with a motion that the original bill be laid on the table.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HOLMAN. Mr. Speaker, the reading of the report was not distinctly understood, as there seems to be a great deal of confusion for some reason in the Hall this morning; and it is very desirable to know first the views of the Secretary of the Interior and the Commissioner of Indian Affairs on this subject before giving consent to its consideration.

Mr. SMITH of Arizona. The Commissioner of Indian Affairs has favorably reported upon the proposition, as is shown by the report itself, which has just been read.

But, Mr. Speaker, I will say to the gentleman that, as I could not myself hear the reading of the report in full, it may be as well to make a brief statement of the question involved and the necessity for the passage of the bill.

Mr. PEEL. I would like to ask the gentleman from Arizona—I did not catch the reading of the report myself—to state what compensation the Indians are to receive for this cession of a part of their reservation, and how the proceeds are to be disposed of. I do not remember the action taken upon this bill.

Mr. SMITH of Arizona. I will explain that point fully.

Mr. PEEL. Where do the proceeds go?

Mr. SMITH of Arizona. There is no doubt that the proceeds will go to the Indians. The proposition embodies the requirement that you shall first obtain the consent of the Indians. When that is obtained the money derived from the lands in question is to be applied in trust for the Indians, to be expended in their behalf by the Commissioner of Indian Affairs under the direction of the Secretary of the Interior. But under no circumstances can anything be done until their consent is first obtained.

As shown by the report itself, the tract of land in question has been included in this reservation by a mistake. The order of 1876, instead of restoring a part of this reservation to the public domain, actually enlarged it, as prior to this time the Indians upon the reservation, under the impression that this town of McMillen was outside of the reservation limits, were required to obtain a pass or permit to leave the reservation and go to the

town. It is a little mountain town in a rough mountain region, with no trees or vegetation around it, as is generally the case in mining regions.

This town of McMillen was established outside the boundary line of the reservation. The original boundary line on the west side of the reservation was so crudely defined that this town, by an actual survey made last year or the year before, was found to be within the reservation. Now the object of the proposed legislation is to straighten this boundary line, which if done will leave the town outside of the reservation, and pay the Indians for the lands thus taken from their reservation. In order to do this, however, as I have said, it is first necessary to obtain the consent of the Indians themselves.

Mr. SIMPSON. Will the gentleman allow me to ask him this question: Are there not within the lines proposed to be ceded to the town in question some mineral deposits?

Mr. SMITH of Arizona. There are. It is a regular mining town.

Mr. SIMPSON. And this bill would have the effect of confirming the title of the claimants to these mines, which as a matter of fact really belong to the Indians of this reservation?

Mr. SMITH of Arizona. They do not belong to the Indians unless by this error in making the survey of the line you propose to take the property away from these men, who have obtained, some of them, patents from the General Government, and who have been working the mines for many years past.

Mr. SIMPSON. But this property is within the reservation.

Mr. SMITH of Arizona. It is within the reservation by the running of this new line, but according to the old boundary line it was on the outside. However, the running of the new line, it seems to me, should not take away the rights of these men who have occupied the lands for so many years.

Mr. SIMPSON. The plain fact is that the mineral deposits belong to the Indians now; and this is simply to confirm title to the white men who are working the mines.

Mr. SMITH of Arizona. There is no question but that it will confirm the title to these men, who have patents to the land, as I have said, in some instances, and who have been working these mines as far back as 1876, I think.

Mr. SIMPSON. Is not that the milk in the cocoanut, anyway?

Mr. SMITH of Arizona. The milk in the cocoanut is to give these men title to their property, of course.

Mr. SIMPSON. That is what I thought.

Mr. SMITH of Arizona. And the Indian gets his money for the land just exactly the same price that the Government gets.

Mr. SIMPSON. And it would have the effect of developing these mining interests there?

Mr. SMITH of Arizona. There is no doubt about it.

Mr. SIMPSON. And you think it would be better to have that done than to have the Indians hold it, do you?

Mr. SMITH of Arizona. The Indians do not use it at all. There is not an Indian habitation within a hundred miles.

Mr. SIMPSON. Is there any prospect of the Indians developing it?

Mr. SMITH of Arizona. Oh, there is no prospect of the Indians developing anything on earth. They never did and never will.

Mr. BOWERS. Yes, they have developed a great deal of sympathy—among people who do not know them.

Mr. DINGLEY. I would like to hear the communication from the Commissioner of Indian Affairs relative to this bill read. I understand there is such a communication.

Mr. SMITH of Arizona. It is in the report. The Commissioner of Indian Affairs raised objection to the bill originally introduced on the ground that it did not protect the Indians sufficiently as to the fund.

The SPEAKER. The Clerk will read the portion of the report which contains the statement of the Commissioner of Indian Affairs.

The Clerk read as follows:

This office would interpose no objections to the passage of the bill if it made provision for obtaining the consent of the Indians and for payment to them of a rersonable compensation therefor, to be determined by the Secretary of the Interior, and I believe the Indians would readily give their consent to the segregation upon such terms.

Mr. DINGLEY. Is that signed by the Commissioner of Indian Affairs?

Mr. SMITH of Arizona. It is taken from a communication signed by the Commissioner of Indian Affairs, sent to the committee, and the committee took that from the communication and put it into this report.

Mr. ENGLISH. That is a correct statement.

Mr. PEEL. If the gentleman will allow me, I will state for the benefit of the committee that the report was made by the gentleman from New Jersey [Mr. ENGLISH], and I can say with all assurance that that extract would never have been in that report of the gentleman from New Jersey if it had not come from the Commissioner.

Mr. ENGLISH. It is a correct extract from the Commissioner's communication, beyond all doubt. The committee have discussed that matter thoroughly. The only objection made was that the Indians' consent was not asked nor the compensation adequate. The substitute provided for that, removing entirely the objections of the Department. There is no question as to the equity of the bill.

Mr. BELTZHOOVER. Has the present bill as now pending been submitted to the Commissioner of Indian Affairs?

Mr. SMITH of Arizona. The gentleman from New Jersey [Mr. ENGLISH] can tell you better than I can. I do not know; but I do know the present bill exactly meets the suggestions that the Commissioner of Indian Affairs made when he said that if the bill contained the provisions he suggested the Department would raise no other objection to it.

Mr. ENGLISH. I believe he saw and read the bill. That is my recollection.

The SPEAKER. Is there objection to the request of the gentleman from Arizona [Mr. SMITH] for the immediate consideration of this bill?

There was no objection.

The bill was ordered to be engrossed and read a third time; and being engrossed, was accordingly read the third time, and passed.

On motion of Mr. OATES, a motion to reconsider the last vote was laid on the table.

GOVERNMENT OF OKLAHOMA, ETC.

Mr. BYNUM. I withdraw the objection I made to the bill presented by the gentleman from Arkansas [Mr. TERRY] this morning.

The SPEAKER. The Clerk will report the title of the bill again.

The Clerk read as follows:

A bill (H. R. 9652) to amend an act to provide a temporary government for the Territory of Oklahoma, to enlarge the jurisdiction of the United States courts in the Indian Territory, and for other purposes, approved May 2, 1890.

The SPEAKER. This bill has been read, and the Chair submitted the request of the gentleman from Arkansas [Mr. TERRY] for unanimous consent for its consideration. The gentleman from Indiana [Mr. BYNUM] objected, and has subsequently withdrawn his objection. Is there now objection to the present consideration of the bill?

Mr. TAYLOR of Illinois. I should like to hear it read again.

Mr. TERRY. I would like to make an explanation of the urgency of this matter.

The SPEAKER. The Clerk will again read the bill.

The bill was read, as follows:

Be it enacted, etc., That hereafter the clerk of the United States court for the Indian Territory shall charge only such fees for services performed in civil cases as are provided for clerks of circuit courts in the State of Arkansas, and as enumerated in chapter 63 of Mansfield's Digest; and the marshal of the United States court and the constable of the commissioner's court shall charge for all services performed in civil cases the same fees as are provided by law for sheriffs within the State of Arkansas, and as are specifically enumerated in chapter 63 of Mansfield's Digest, and the commissioners appointed by the court shall receive only such fees for services performed in civil cases as are now provided by law for justices of the peace within the State of Arkansas in chapter 63 of Mansfield's Digest.

SEC. 2. That hereafter appeals from the United States court for the Indian Territory to the circuit court of appeals for the eighth judicial circuit of the United States shall be allowed where the sum in controversy exceeds $200, and shall be regulated as appeals from the several district and circuit courts of the United States: *Provided*, That the appellant shall execute a bond with good and sufficient sureties in double the amount of the judgment and costs, conditioned for the security and payment of same, with interest at 6 per cent per annum; said bond to be approved by the court; and no appeals from the United States court for the Indian Territory shall be allowed to the Supreme Court of the United States unless such appeal could be taken from any circuit or district court of the United States to the Supreme Court of the United States.

SEC. 3. That section 39 of an act entitled "An act to provide for a temporary government of the Territory of Oklahoma, to enlarge the jurisdiction of the United States court in the Indian Territory, and for other purposes," approved May 2, 1890, be amended as follows:

"SEC. 39. That the United States court in the Indian Territory shall have all the power of United States circuit courts or circuit court judges to appoint commissioners within said Indian Territory, who shall be learned in the law, and shall be known as United States commissioners; but not exceeding five commissioners shall be appointed for any one division, and such commissioners when appointed shall have within the district to be designated in the order appointing them all the powers of commissioners of circuit courts of the United States. They shall be *ex-officio* notaries public, and shall have the power to solemnize marriages. The provisions of chapter 91 of the said laws of Arkansas, regulating the jurisdiction and procedure before justices of the peace, are hereby extended over the Indian Territory; and said commissioners shall exercise all the powers conferred by the laws of Arkansas upon justices of the peace within their districts; they shall have original jurisdiction, exclusive of the United States court, over all controversies where the sum or amount in controversy does not exceed $300, and shall have original jurisdiction concurrent with such court in all cases where the sum or amount in controversy does not exceed $500. And appeals from said commissioner to the United States court for the Indian Territory shall be allowed and be tried *de novo* where the sum or amount in controversy exceeds the sum of $20; said appeals shall be taken in like manner to

appeals from judgments of the courts of justices of the peace in Arkansas to the circuit court. Said commissioner shall have concurrently with the United States court for the Indian Territory power to hear and finally determine all offenses against the law of the United States in force within the Indian Territory the punishment for which is not hard labor in the penitentiary, and shall have power to hear and accept pleas of guilty in such cases and to collect fines and penalties in like manner as is now provided for the clerk of the United States court for the Indian Territory, and shall have power to remit or reduce the payment of fine and costs in like manner with the United States court for the Indian Territory. The United States court for the Indian Territory shall appoint a constable for each of the commissioners' districts designated by the court, and the constable so appointed shall perform all the duties required of a constable under the provisions of chapter 24, Mansfield's Digest, and other laws of the State of Arkansas. Each commissioner and constable shall execute to the United States, for the security of the public, a good and sufficient bond in the sum of $5,000, to be approved by the judge appointing him, conditioned that he will faithfully discharge the duties of his office and account for and pay over all moneys coming to his hands, and he shall take an oath to support the Constitution and the laws of the United States and to faithfully perform the duties required of him by law."

SEC. 4. That instead of three divisions now provided for, under section 30 of the act above referred to, the Indian Territory for the purpose of holding terms of said court is hereby divided into four divisions, to be known as the first, second, third, and fourth divisions. The first division shall consist of the country occupied by the Indian tribes of the Quapaw Indian Agency, and all that part of the Cherokee country east of the ninety-sixth meridian, and all of the Creek country, and the place of holding said court therein shall be at Muscogee. The second division shall consist of the Choctaw country, and the place of holding said court therein shall be at South McAlester. The third division shall consist of all the Chickasaw country south of the line running from the east line to the west line of the Chickasaw Nation through old Fort Arbuckle, and known as the base line of the public land surveys of the Chickasaw country, and the place of holding said court therein shall be Ardmore. The fourth division shall consist of all of the Chickasaw country north of said base line running through old Fort Arbuckle, and of the Seminole country lying north of the South Canadian River, and the place for holding said court therein shall be at Purcell.

SEC. 5. That all laws and parts of laws in conflict with these provisions are hereby repealed.

With an amendment, as follows:

Page 4, line 37, after the word "Territory," strike out the words "the punishment for which is not" and insert the words "not punishable by."

Mr. TAYLOR of Illinois. Mr. Speaker, reserving the right to object, we will hear what the gentleman's explanation is.

The SPEAKER. In the absence of objection, the gentleman from Arkansas [Mr. TERRY] will be allowed to make a brief statement.

Mr. TERRY. Mr. Speaker, the particular object of the proposed legislation is to reduce the cost of the administration of justice in the Indian Territory, and to relieve the overcrowded condition of the Federal courts by enlarging the jurisdiction of the commissioners' courts in civil and misdemeanor cases. I would like to read in this connection a letter I have received from a reputable attorney up there which shows the urgency for this class of legislation. He states that:

In matter of additional jurisdiction to the commissioners. This court has existed for four years and by reason of the fact that everything from $100 upward must be brought in court, the docket is two years behindhand.

The extended jurisdiction to the commissioners would largely relieve this. It results in litigants bringing witnesses here term after term until the litigants end by fighting for the costs. But the greatest evil of the present law is in criminal matters. A man is arrested on the border of Arkansas, Missouri, or Kansas. He is carried before the commissioner at Tahlequah, Vinita, or Muskogee. His offense is profane language, disturbing religious worship, or simple assault. He wants to plead guilty; he can pay a small fine. He is away from his friends; can not furnish bond; can not plead guilty; and so must go to jail like a felon and await the meeting of court thirty, sixty, ninety, or one hundred and twenty days off.

One case I saw where a man charged with gambling lay in jail sixty days awaiting the convenience of a court of the United States to hear him plead guilty. The Government is doubly taxed for costs and no one is benefited except the professional witnesses. It is a great wrong as the law now exists, and should be remedied as soon as Congress knows that such a condition exists.

In the matter of fees, as read there, the sixty-third chapter of Mansfield's Digest, is already in force in the Territory, governing the fees; but it is doubtful as to what part refers to the marshals and what part to the clerk. So this bill specifically defines that the fees applicable to the sheriff under the laws of Arkansas shall apply to the marshal, and those applicable to the clerk shall apply to the clerk of that court, and those applicable to the constable shall apply to the constable of the commissioner's court. The design is to make certain the law in regard to these fees. The fees there now are like crimes, "constructive treason" at common law. You never know what they are until you are confronted with the charge. This is in order to make it certain. As shown by this letter, this measure presents a case of urgency, and that it reduces the cost in the enforcement of Federal justice. That is the reason I ask unanimous consent for its consideration.

Now, when our committee was called, the chairman was absent, and consequently we did not respond. But I was directed by the acting chairman to call this bill up as soon as I could get an opportunity. My committee will soon be reached, but I wanted to start home, in order to be there Christmas, and hence I ask unanimous consent for its present consideration.

Mr. TAYLOR of Illinois. From what committee does this come?

Mr. TERRY. It comes from the Committee on the Territories, and it was very fully considered by that committee.

Mr. TAYLOR of Illinois. Has it ever been before the Committee on the Judiciary?

Mr. TERRY. No, sir, but I have talked with the chairman of the Committee on the Judiciary in regard to the matter, and he finds no objection to the bill.

Mr. TAYLOR of Illinois. It seems to me that this bill belongs to that committee if it belongs to any. Has this bill been submitted to the Attorney-General?

Mr. TERRY. No, sir; not that I know of. I had never understood that such a course was necessary. I consulted the chairman of the Committee on the Judiciary, and he has examined the bill.

Mr. TAYLOR of Illinois. I think, Mr. Speaker, it is too important a bill to be passed without the approval of the Attorney-General.

Mr. SPRINGER. Will my colleague allow me to make a statement?

Mr. TERRY (to Mr. TAYLOR of Illinois). I think Congress ought to have something to say about a matter of this kind.

Mr. SPRINGER. Will my colleague allow me one moment? The jurisdiction of the Committee on the Territories over this matter was decided by Mr. Speaker CARLISLE, when he decided that all matters relating to the courts in the Territories came within the jurisdiction of the Committee on the Territories. The provision to which the gentleman refers was originally incorporated in the bill for the organization of this Territory, and looking over the language I see a portion of it was written by myself at that time.

This is a very important matter, and if the gentleman understood it as I do he would not hesitate to give this jurisdiction. It simply enables the commissioners to have jurisdiction over minor matters and misdemeanor cases, so as to dispose of them in the locality in which they occur. To compel the parties to be held over to the United States courts, which meet at Fort Smith and Paris, Tex., because there is no system of local courts that can have cognizance of their cases, causes an accumulation of cases and of expenses that is frequently embarrassing to the parties who are interested or who are defendants in the cases; and I think this jurisdiction ought to be granted at once. All those who are cognizant of the condition in the locality, all the officers of the Government down there recognize the necessity of prompt action upon this subject.

Mr. TERRY. I would like the gentleman from Texas, chairman of the Committee on the Judiciary, to make a statement of his examination of this bill.

Mr. CULBERSON. Mr. Speaker——

Mr. TAYLOR of Illinois. Mr. Speaker, it seems to me that this bill ought to be submitted to the Attorney-General.

Mr. WILLIAM A. STONE (to Mr. CULBERSON). Does this bill apply anywhere except to the Territories?

Mr. TAYLOR of Illinois. Until this bill has the approval of the Attorney-General I shall have to object to its consideration.

The SPEAKER. The gentleman objects.

WATER COMMISSIONERS OF ERIE, PA.

Mr. GRISWOLD. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 9826) granting certain rights and privilege, to the board of water commissioners of the city of Erie, Pa.

The bill was read, as follows:

Be it enacted, etc., That the board of water commissioners of the city of Erie, State of Pennsylvania, be, and they are hereby, granted the right to lay, extend, and maintain their inlake pipe from their present pumping station at the foot of Chestnut street, at Erie, Pennsylvania, across the Bay of Presque Isle to the peninsula, thence across the peninsula to the shore of Lake Erie, thence into the lake as far as may be advisable to secure pure water, together with the use of such land on the peninsula as may be needed for the proper laying, protection, and maintaining the pipe and the erection of all buildings necessary for the construction, care, and supervision of the work, and for maintaining the same.

Also such land as may be required for a road, or roads, to and from the mainland to place of crossing, and the use of same; all according to certain plans and specifications submitted by the above board of water commissioners to the Secretary of War, and under his direction and supervision.

Mr. DOCKERY. I ask for the reading of the report of the committee.

The report (by Mr. AMERMAN) was read, as follows:

The Committee on the Public Lands, to whom was referred the bill (H. R. 9826) granting certain rights and privileges to the board of water commissioners of the city of Erie, Pa., have had the same under consideration and report it back with the recommendation that it pass with the following amendments:

Strike out the following words in line 3: "board of water commissioners of" and insert "commissioners of waterworks in."

Strike out "inlake," in line 5, and insert "intake."

Strike out the word "certain," in line 16, and insert the word "such."

Strike out all of line 17 and insert the words "as may be approved by."

Insert before the word "under," in line 18, the words "such plans shall be executed."

Amend the title so as to make it read: "A bill granting certain rights and privileges to the commissioners of waterworks in the city of Erie, Pa"

With these amendments the bill is approved by the War Department.

WAR DEPARTMENT,
Washington, December 16, 1892.

SIR: I have the honor to return, herewith, House bill 9826, Fifty-second Congress, second session, granting certain rights and privileges to the board of water commissioners of the city of Erie, Pa., which was referred to this Department on the 14th instant, and invite your attention to the inclosed report of the Chief of Engineers, dated the 15th instant, and to the amended copy of the bill referred to therein.

Very respectfully,

L. A. GRANT,
Assistant Secretary of War.

The CHAIRMAN OF THE COMMITTEE ON THE PUBLIC LANDS,
House of Representatives.

OFFICE OF THE CHIEF OF ENGINEERS,
UNITED STATES ARMY,
Washington, D. C., December 15, 1892.

SIR: I have the honor to acknowledge the reference to this office of letter of the 14th instant from the Chairman of the Committee on the Public Lands of the House of Representatives, inclosing, for views of the War Department thereon, H. R. 9826, Fifty-second Congress, second session, "A bill granting certain rights and privileges to the board of water commissioners of the city of Erie, Pa.," and in returning the same I beg to recommend that the bill be amended as follows:

Line 16, strike out the word "certain," and insert in lieu thereof "such."

Strike out the whole of line 17 and insert "as may be approved by."

Line 18, before the word "under," insert "such plans shall be executed."

A copy of the bill with the proposed amendments indicated thereon is herewith submitted, and, as thus amended, I know of no objections to its passage by Congress.

Very respectfully, your obedient servant,

THOS. LINCOLN CASEY,
Brig. Gen., Chief of Engineers.

Hon. S. B. ELKINS,
Secretary of War.

At the conclusion of the reading:

Mr. DOCKERY. I withdraw the demand for the reading of the report.

The SPEAKER. That is all of the report.

Mr. McRAE. Mr. Speaker, this bill has the approval of the War Department.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania for the present consideration of this bill. [After a pause.] The Chair hears none.

The SPEAKER. The question is on the amendments proposed by the committee.

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. GRISWOLD, a motion to reconsider the vote by which the bill was passed was laid on the table.

ORDER OF BUSINESS.

Mr. WISE. Mr. Speaker, I demand the regular order.

Mr. MCALEER. Mr. Speaker——

The SPEAKER. The gentleman from Virginia demands the regular order, which is equivalent to an objection, otherwise the Chair would recognize the gentleman.

PURCHASE OF FORT BROWN, TEXAS.

The SPEAKER. The Chair understands that the gentleman from Ohio [Mr. OUTHWAITE] desires to make a statement respecting a bill which has passed the House.

Mr. OUTHWAITE. Mr. Speaker, I wish to ask unanimous consent that the action of the House upon the motion to lay on the table the motion to reconsider the vote by which House bill 9649, to provide for the purchase of Fort Brown, Texas, was passed on Saturday last be rescinded, so that the motion to reconsider will be still pending.

I make this request because the gentleman from Texas [Mr. CRAIN], in whose district Fort Brown is situated, early last summer when the subject was pending before the Committee on Military Affairs, met me in the corridor and asked me to give him notice when the bill was to be considered by the committee, in order that he might be heard on the subject, and I agreed to do so. Subsequently he met me and stated that as to the matter about which he had spoken to me he did not care to give it further attention, and I assumed that this remark referred to this bill.

The gentleman was detained at home by sickness on the day when the bill was taken up and passed by the House, as he is to-day, and he wishes me to make this request because he says that if he had had an opportunity he would have appeared before the committee, and would also have contested the passage of the bill in the House. He further states that when he spoke to me the second time his remark referred not to this bill but to another which also was before the Committee on Military Affairs. I have no doubt that I then misunderstood him. Therefore, in view of these circumstances, and in justice to the gentleman from Texas, I make this request for this unanimous consent.

Mr. ATKINSON. Mr. Speaker, I renew the demand for the regular order.

The SPEAKER. That demand is equivalent to an objection. The Clerk will call the standing and select committees.

OFFENSES ON THE HIGH SEAS.

Mr. BYNUM, from the Committee on the Judiciary, reported back with a favorable recommendation the bill (S. 2625) to provide for the punishment of offenses on the high seas; which was referred to the House Calendar, and, with the accompanying report, and ordered to be printed.

LINES OF BATTLE AT GETTYSBURG.

Mr. LAPHAM, from the Committee on Military Affairs, reported back with a favorable recommendation the bill (S. 2914) to provide for marking the lines of battle and position of troops of the army of Northern Virginia, at Gettysburg, Pa., and for other purposes; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

APPOINTMENTS IN STAFF CORPS.

Mr. OUTHWAITE, from the Committee on Military Affairs, reported back with a favorable recommendation the bill (S. 3013) providing that appointments in staff corps be made from the line of the Army; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

PERSONNEL OF THE NAVY.

Mr. HERBERT, from the Committee on Naval Affairs, reported back a concurrent resolution providing for a joint commission of three members each from the House of Representatives and Senate of the United States to consider questions relating to the *personnel* of the Navy; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PAY OF JUDGE-ADVOCATE-GENERAL OF THE NAVY.

Mr. HERBERT also, from the Committee on Naval Affairs, reported back with a favorable recommendation a bill (H. R. 9932) to amend the act approved June 8, 1880, relating to the pay of the Judge-Advocate-General of the Navy; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

PAY AND RETIREMENT OF MATES.

Mr. MCALEER, from the Committee on Naval Affairs, reported back with a favorable recommendation a bill (H. R. 2708) relating to the pay and retirement of mates in the United States Navy; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. This completes the call of committees. The second morning hour begins at 1 o'clock. The call rests with the Committee on Indian Affairs.

Mr. PEEL. Mr. Speaker, I desire to state, for the information of the gentleman from Indiana who objected to the pending bill on yesterday, that the gentleman from New York [Mr. HOOKER] has charge of the measure and I have received a telegram from him stating that he can not be here to-day. I therefore ask unanimous consent that it be passed over without prejudice, so that it may be called up again when the gentleman from New York is present.

The SPEAKER. The Chair would like to understand exactly what the gentleman means by that request.

Mr. PEEL. I understand, Mr. Speaker, that if that request is granted the bill can be called up in any morning hour.

The SPEAKER. The gentleman has the right to one hour's further consideration of this measure in the morning hour.

Mr. PEEL. I understand that; but I ask that the bill be passed over without prejudice until the gentleman from New York [Mr. HOOKER] can be present.

Mr. WISE. Mr. Speaker, I ask unanimous consent to dispense with the second morning hour.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

Mr. TERRY objected, but subsequently withdrew the objection.

There being no further objection, the second morning hour was dispensed with.

Mr. PEEL. Mr. Speaker, does that dispense with the call of the next committee in order, or with the work that we did on yesterday?

The SPEAKER. It dispenses entirely with the second morning hour for to-day. The Clerk will report the special order.

The Clerk read as follows:

Resolved, That Wednesday, the 21st instant, beginning after the second morning hour, be set apart for the consideration of such business as may be

called up by the Committee on Interstate and Foreign Commerce; nothing in this order to interfere with the right to consider revenue and appropriation bills.

LIGHT-HOUSES, ETC.

Mr. WISE. I call up the bill (H. R. 9955) providing for sundry light-houses and other aids to navigation.

The SPEAKER. This bill is on the Union Calendar.

Mr. WISE. I move that the House resolve itself into Committee of the Whole on the state of the Union for the consideration of the bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole (Mr. MCRAE in the chair), and proceeded to the consideration of the bill (H. R. 9955) providing for sundry light-houses and other aids to navigation.

The bill was read, as follows:

Be it enacted, etc., That light-houses, fog signals, and other aids to navigation be established and erected as hereinafter set forth, to wit:

LAKE ONTARIO.

First. On Galloo Island, a fog signal at a cost not exceeding $5,700.

Second. On the head of Carltons Island, a light-house, at a cost not exceeding $8,600.

Third. On Bay State Shoal, at the cross over, floating lights, at a cost not exceeding $800.

LAKE ERIE.

Fourth. At the entrance to Erie Harbor, Pennsylvania, a fog signal, at a cost not exceeding $4,300.

Fifth. At Fairport, Ohio, a fog signal, at a cost not exceeding $4,300.

Sixth. At Lorain Harbor, Ohio, a fog signal, at a cost not exceeding $4,300.

Seventh. On southerly end of South Bass Island, to range with Green Island light and Marblehead light, a light, at a cost not exceeding $8,600.

Eighth. For reëstablishing light at Port Clinton, Ohio, at a cost not exceeding $1,500.

Ninth. For moving range lights, Maumee River, Ohio, so as to properly light the new channel, at a cost not exceeding $8,000.

LAKE HURON.

Tenth. On Poes Reef, Straits of Mackinaw, a light-ship of suitable pattern, at a cost not exceeding $25,000.

Eleventh. At Forty Mile Point, a light and fog signal, at a cost not exceeding $25,000.

LAKE SUPERIOR.

Twelfth. At or near Grand Marais, a light and bell, at acost not exceeding $15,000.

Thirteenth. At or near Big Sable Point, a steam fog signal, at a cost not exceeding $5,500.

Fourteenth. At or near Big Point Bay, between Granite and Huron islands, a light and fog signal, at a cost not exceeding $25,000.

Fifteenth. At or near Mendota, Bete Grise Bay, reëstablish light and bell, at a cost not exceeding $7,500.

Sixteenth. At or near Eagle Harbor, a fog signal, at a cost not exceeding $5,500.

Seventeenth. At or near Sand Hills, 12 miles west of Eagle River, a light, at a cost not exceeding $20,000.

Eighteenth. Eagle River light to be discontinued.

Nineteenth. At Portage Lake ship canal, a fog signal, at a cost not exceeding $5,500.

Twentieth. At or near Fourteen Mile Point, a light and fog signal, at a cost not exceeding $20,000.

Twenty-first. For moving main Chequamegon Light and establishing fog-signal, at a cost not exceeding $7,500, and for harbor light and bell, Chequamegon, at a cost not exceeding $2,500.

Twenty-second. At Devil Island, to complete light station, at a cost not exceeding $22,000.

Twenty-third. At Bayfield, a pier light and bell, at a cost not exceeding $5,000.

Twenty-fourth. At Pats (or Hat) Point (near Grand Portage), a light and fog signal, at a cost not exceeding $15,000.

LAKE MICHIGAN.

Twenty-fifth. At Round Island, Straits of Mackinaw, a light and fog signal, at a cost not exceeding $15,000.

Twenty-sixth. At Seul Choix Point, a fog signal, at a cost not exceeding $5,500.

Twenty-seventh. On South Fox Island, a fog signal, at a cost not exceeding $5,500.

Twenty-eighth. On north end North Manitou Island, a light and fog signal, at a cost not exceeding $20,000.

Twenty-ninth. At Ludington, a fog signal, at a cost not exceeding $5,500; and a dwelling for a keeper at this station at a cost not exceeding $4,500.

Thirtieth. At St. Joseph, a fog signal, at a cost not exceeding $5,000.

Thirty-first. At Manitowoc, a fog signal, at a cost not exceeding $5,500.

Thirty-second. At Sturgeon Bay Canal, a light, at a cost not exceeding $20,000.

Thirty-third. At or near Porte des Mortes, range light and fog signals, at a cost not exceeding $21,000.

Thirty-fourth. At St. Martin Island, a light, at a cost not exceeding $15,000.

Thirty-fifth. At Little Gull Island, a light and fog signal, at a cost not exceeding $20,000.

Thirty-sixth. At or near Squaw Point, Little Bay de Noquette, a light, at a cost not exceeding $5,000.

Thirty-seventh. At or near Peshtigo Shoal, Green Bay, a light-house with fog signal, at a cost not exceeding $10,000.

Thirty-eighth. At Sheboygan, Wis., a fog signal, at a cost not exceeding $5,500.

ATLANTIC REGION.

Thirty-ninth. On the Government breakwater at the entrance to the harbor of Bridgeport, Conn., a beacon light, not to cost more than $2,000.

Fortieth. At the Southwest Ledge, entrance to New Haven Harbor (Conn.) light station, a suitable steam fog signal, including the cost of the required fog-signal house, to replace the fog-signal apparatus now in use there, $12,500, or so much thereof as may be necessary.

Forty-first. At Wilson Harbor, Niagara County, N. Y., a light-house, not to cost more than $2,500.

Forty-second. At or near Big Oyster Bed Shoal, mouth of the Maurice River, Delaware Bay, New Jersey, a light-house and fog-signal station, not to cost more than $25,000.

Forty-third. At or near the mouth of Salem Creek, New Jersey, a suitable light, not to cost more than $800.

Forty-fourth. Additional lights along the ship channel of Mobile Bay, Alabama, not to cost more than $60,000.

Forty-fifth. At Deer Point, at the entrance to Santa Rosa Sound, Pensacola Bay, Florida, a light, not to cost more than $1,000.

PACIFIC REGION.

Forty-sixth. At the mouth of the Willamette River, Oregon, a light and fog signal, not to cost more than $6,000.

Forty-seventh. At Grays Harbor, Washington, a first-order light-house and fog signal, at a cost not to exceed $60,000 in addition to the appropriation of $15,500 made in the act approved July 7, 1884, for a harbor light at this point.

Forty-eighth. On North Head, Cape Disappointment, in the State of Washington, a first-order light-house, not to cost more than $50,000; and when the light herein provided for shall have been established, the light now at Cape Disappointment to be discontinued and a light of the fourth order to be substituted therefor.

Forty-ninth. At New York Slough, entrance to San Joaquin River, in California, a light and fog signal, at a cost not exceeding $10,000.

MISCELLANEOUS.

Fiftieth. At the mouth of Mermenteau River, in Louisiana, a light-house, at a cost not exceeding $7,000.

Fifty-first. At twenty-five different points on the Willamette River, between the cities of Salem and Portland, Oregon, beacon lights and buoys, at a cost not exceeding $5,000, and the same to be expended under the direction of the Secretary of the Treasury.

Mr. BRICKNER. Mr. Chairman, the Committee on Interstate and Foreign Commerce honored me by assigning to me the duty of formulating this bill for the establishment of various aids to navigation. Heretofore much difficulty has been encountered on various occasions in getting proper establishments of this kind authorized. When measures of this sort have been brought up separately and considered, possibly by unanimous consent, it has sometimes happened that appropriations for unworthy objects have been made, while those for worthy ones have been withheld. The committee has taken great pains in preparing this measure.

Every item embraced in the bill has been approved by the Secretary of the Navy and the Light-House Board, and has been unanimously passed in committee. The bill appropriates no money, but simply provides for the establishment of these light-houses and other aids to navigation. The bill is not confined to a single river or a particular lake or special coast. It covers the entire navigable waters of the United States. While the amount involved in the bill, $656,900, is considerable, it is much smaller than it ought to be, in view of the vast growth of commerce and navigation on the rivers, lakes, and oceans.

I presume it is not necessary for me to impress upon the members of the House the necessity of providing these instrumentalities for the saving of property and life. So many hundreds of millions of dollars having been expended in improving our harbors, our rivers, and our lakes—in affording increased facilities for commerce—it must be apparent that we should provide for the safety of the vast number of lives and afford proper protection for the millions of property that are dependent upon measures of this kind.

As there were no light-houses or fog-signal stations established during the last session of Congress, the bill covers the service for two years. The bill embraces fifty-one items, but they are not all for new stations. Some of these items provide for the removal of stations to more convenient places; others provide for the repair of existing light-houses.

Mr. Chairman, having made this statement, I do not wish to cut off any reasonable amount of debate or inquiry; I am willing to grant reasonable opportunity for amendment or debate, if there is any opposition to this bill.

The CHAIRMAN. Does the committee report any amendments?

Mr. BRICKNER. No, sir. If any member desires to oppose the bill I hope he will state what time he wants.

Mr. HOLMAN addressed the Chair.

The CHAIRMAN. Does the gentleman from Wisconsin [Mr. BRICKNER] yield the floor?

Mr. BRICKNER. I simply asked how much time other gentlemen wanted. We wish to make an arrangement as to time, if there is any objection to the measure.

The CHAIRMAN. The gentleman from Wisconsin is entitled to an hour.

Mr. HOLMAN. I want to take the floor in my own right.

Mr. COOMBS. How much time does the gentleman want?

Mr. HOLMAN. I would like to occupy a few moments.

Mr. BRICKNER. I will yield to the gentleman.

Mr. HOLMAN. Oh, no; whenever my friend is through with his remarks I will take the floor.

Mr. O'NEILL of Missouri. We have a great many bills——

Mr. HOLMAN. I am aware of that, but we ought to proceed in the regular way.

Mr. O'NEILL of Missouri. We have a good deal of work in the hands of our committee, and the House has given us only this day for its consideration. We are without a quorum in the House, as the gentleman is aware——

Mr. HOLMAN. I suggest to my friend that he is consuming time unnecessarily.

Mr. O'NEILL of Missouri. We are perfectly willing to yield to the gentleman ten or fifteen minutes.

Mr. BRICKNER. I reserve my time.

The CHAIRMAN. Does the gentleman from Wisconsin yield the floor?

Mr. WISE. How much time does the gentleman from Indiana want?

Mr. HOLMAN. I can not say.

Mr. WISE. I hope the gentleman from Indiana will be frank and fair about this matter.

Mr. HOLMAN. I am.

Mr. WISE. This is the second time that the Committee on Interstate and Foreign Commerce has been granted by this House a day for the consideration of its business. The day which was assigned to us in the last session was wasted, and we do not want this day wasted in the same manner. Our committee have reported a number of important bills, and I undertake to say that as large a number of people in this country are interested in the measures reported by our committee as in the bills from any other committee. The bills which we have reported have been carefully considered by our committee, and we ask that they shall receive proper consideration.

We are perfectly willing to yield to the gentleman from Indiana, or to any gentleman on the other side of the question whatever time they require. But we do not want the day wasted in filibustering or in proceedings for delay.

Mr. O'NEILL of Missouri. The spirit of economy can apply in the matter of time as well as in anything else. [Laughter.]

Mr. BRICKNER. Mr. Chairman, I move that the committee rise for the purpose of limiting the debate.

Mr. HOLMAN. I can assure my friend that if he resorts to that expedient to shut off discussion it will probably produce some delay.

Mr. BRICKNER. I am willing that there shall be reasonable time.

The motion of Mr. BRICKNER was agreed to.

The committee accordingly rose; and Mr. CHIPMAN having taken the chair as Speaker *pro tempore*, Mr. MCRAE reported that the Committee of the Whole House on the state of the Union having had under consideration the bill (H. R. 9955) had come to no resolution thereon.

Mr. BRICKNER. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union to further consider the pending bill; and pending that motion I move that all general debate be limited to twenty minutes, ten on each side.

Mr. HOLMAN. I should think a little more time than that would be required, and I move to amend by making the debate thirty minutes.

Mr. WISE. We accept that.

Mr. BRICKNER. I will modify the motion to that extent.

The motion to limit debate to thirty minutes was agreed to.

The motion to go into Committee of the Whole was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. MCRAE in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the further consideration of the bill (H. R. 9955), and by order of the House all general debate has been limited to thirty minutes, fifteen on each side. The Chair will recognize the gentleman from Wisconsin [Mr. BRICKNER], to control fifteen minutes, and the gentleman from Indiana [Mr. HOLMAN] the time in opposition, fifteen minutes.

Mr. BRICKNER. I reserve my time.

Mr. HOLMAN. Mr. Chairman, I am a little surprised that gentlemen assume that as a matter of course there will be dilatory tactics employed to defeat this bill. I think gentlemen know that I have never opposed appropriations for the light-house system within reasonable limits, although I have opposed the logrolling method of securing an enlargement of the system.

This class of bills should have a fair and proper consideration. The objection to this bill is in the main that it combines a large number of interests. It stands on the same footing as a bill authorizing the construction of a large number of public buildings. I remember that in the Forty-second or Forty-third Congress a bill authorizing a number of public buildings was laid upon the table and remained there, as it was not regarded as safe legislation.

But I find on examination that in 1888, four years ago, we passed a bill containing seventeen separate provisions for light-houses, so I am not able to say to the House that there is no precedent for this bill. There is such a precedent; I am sorry for it. This provides for fifty-one light-houses. See how rapidly a system of legislation like this expands. But there are two matters to which I wish to call the attention of the House, and two only, for I do not intend to specially antagonize the bill. Under any circumstances I reluctantly oppose a measure intended in any degree to protect human life. Even if the measure is extravagant and manifestly a logrolling measure, I am reluctant to oppose it, for some of its provisions may be important. But I do call attention to the fact that the bill of 1888, to which I have just referred, authorizing seventeen light-houses, applied exclusively to the northern lakes, and this only about four years ago.

All these seventeen light-houses, authorized by the act in question, were for the Northern lakes, and those who are familiar with those lakes know that the most important places where light-houses should be established on those lakes had been supplied years ago. I point to this for another reason, to show that while so recently as 1888 seventeen light-houses were authorized on the lakes, that for years and years before large sums had been expended in the same region for such establishments.

I call the attention of the committee to the fact that expenditure for the light-house system more than keeps pace with our ever-growing extravagance. In 1885 we appropriated $326,750 for this service—the building of light-houses—independent of the cost of equipping them or keeping them in repair or for their superintendence, but for the buildings alone. In 1886 we appropriated $332,602; in 1887, $535,000; in 1888, $519,400; in 1889, $486,750, and provided a further appropriation of $74,500 by special acts in that year, making for that year a total of $561,250.

For 1890 we appropriated $1,073,000, with a deficiency of $213,284, which we appropriated for.

In 1891 we appropriated $1,017,600, with a deficiency, which we appropriated for, of $81,000.

For the year 1892 we appropriated $572,000.

For 1893 we appropriated $170,100, and by special act at the session before last we appropriated $60,000, making for the period since 1885, a period of seven years, the sum of $5,413,896. My friend from Wisconsin [Mr. BRICKNER] will bear in mind that a very large portion of this enormous sum of money has been expended on the northern lakes. We are informed of the magnitude of the commerce of the lakes, but the expenditures are excessive.

I think that comparing our expenditures with other commercial nations having a light-house system, and all commercial powers of course have such a system, taking into the account the great extent of our seacoast as compared to theirs, we have got upon a plane of extravagance in this respect unknown to any other commercial power. We are going away beyond any other power in the current of our expenditures in this field of expenditure as well as in many others.

Mr. WISE. Have we not a larger seacoast?

Mr. HOLMAN. I am indulging in that comparison. Now, how do other nations provide for keeping up their light-house system? Take the Government of Great Britain. That Government does not take money out of the public treasury to keep up its light-house system, but makes a charge upon their own commerce and our commerce and the commerce of the world, enjoying the benefits of the system to keep up their light-house system. It is a matter of common interest to the whole world, not simply upon the high seas, but upon the northern lakes, so far as Great Britain and ourselves are concerned.

Mr. PICKLER. What is the ordinary cost of maintaining a light-house for a year?

Mr. HOLMAN. I could not say, because it depends somewhat upon circumstances. Some are much more expensive than others. It depends upon their location, the ease of access, etc.; but the amount paid for the keeper is comparatively a small sum, a few hundred dollars a year for each light-house. I thought I ought to call the attention of the House to the growth of expenditure in this field in view of this bill proposing fifty-one more in a single year, as in these branches of the public service that appeal to our humanity, that concern human life, we are all inclined to shrink from opposition to any appropriation that is suggested. On that account I have always insisted that the Committee on Commerce, of which I was a member six years, ought to be exceedingly considerate and careful in the reports they make to this House. No member wants to oppose a measure that concerns human safety, or that in anyway tends to promote the security of human life.

Having said this much, Mr. Speaker, intending it rather as an appeal to the Committee on Interstate and Foreign Commerce to bear in mind the facts which I have thought justifiable to be suggested, I shall not further occupy the attention of the committee; but I hope to see the day when the policy of other commercial powers will be adopted by our Government, and when the commerce of the world will bear a fair and reasonable share of the burden which we impose annually on our Treasury, in view of the benefit which it derives in common with ourselves from

the system of lighting the pathways of the seas upon our borders and the lakes.

Of course this system has become more extensive because in the Forty-fourth Congress we commenced the policy of lighting our inland rivers. That has been very beneficial to the inland commerce, and that only concerns our country, and the amount we expend in that direction is comparatively small; but lighting of our seacoasts concerns all commercial powers in common with our own country and the lakes of our country and Great Britain.

I have nothing further to add.

Mr. BRICKNER. Mr. Chairman, I am surprised at my friend from Indiana, who ought to be eminently fitted to properly bring before this House any and every question that may come before it, on account of the long experience he has had as a member. But if the gentleman did not present better arguments upon other questions than he presents upon this important question, bearing so seriously upon the commercial interests of the country, I fear he would strand very soon. In the first place, the gentleman complains that this is a log-rolling bill.

Mr. HOLMAN. But, my dear sir, I have waived that.

Mr. BRICKNER. But the gentleman said it, and I wish to call his attention to the fact that every item in this bill is approved by the Light-House Board. When the gentleman speaks of the amount of money appropriated for harbors and for lights for the protection of commerce is he aware that through one single short canal there passes every year more tonnage than passes through the great Suez Canal, which is the wonder of the world! The fact is, the gentleman is not aware of the vastness of the commerce of the Great Lakes.

Mr. SEERLEY. Will the gentleman allow me to ask him a question?

Mr. BRICKNER. The gentleman speaks of the growth of expenditure in this direction during his long experience.

Mr. SEERLEY. I will say to the gentleman if he will not answer my question, he can not pass this bill to-day.

Mr. BRICKNER. I will answer the gentleman's question in a moment.

The CHAIRMAN. Does the gentleman from Wisconsin [Mr. BRICKNER] yield to the gentleman from Iowa [Mr. SEERLEY].

Mr. BRICKNER. I will answer his question.

The CHAIRMAN. The gentleman from Wisconsin yields to the gentleman from Iowa.

Mr. BRICKNER. Taking into consideration the large amount that has been expended on the river and harbor bills to increase this commerce, it must certainly be followed by adequate measures to insure the safety of life and property. The gentleman speaks of England and other nations charging tonnage. Very well. I have no objection to that, but let us at all hazards save life and property. I will now yield to the gentleman from Iowa [Mr. SEERLEY] if he has any question to ask?

Mr. DINGLEY. I would like to make an observation, if the gentleman from Wisconsin [Mr. BRICKNER] will yield to me five minutes.

The CHAIRMAN. Does the gentleman from Wisconsin yield to the gentleman from Maine?

Mr. BRICKNER. I have not as much time left as the gentleman wishes.

Mr. DINGLEY. Mr. Chairman, a single word.

Mr. BRICKNER. I will yield to the gentleman from Maine [Mr. DINGLEY] three minutes.

Mr. DINGLEY. Mr. Chairman, a single word in response to the suggestion made by the gentleman from Indiana [Mr. HOLMAN] with reference to the practice of other nations in the maintenance of a light-house establishment. It is true that a great many nations impose distinct light-house dues, or dues which are used for the maintenance of a light-house establishment. In this country, instead of distinct light-house dues, we impose a tonnage tax that is equivalent to light-house dues, but instead of appropriating the receipts in support of the light-house establishment, we appropriate the money to the support of the hospitals. Now, in England the hospitals are supported by an appropriation by the general government. In this country they are supported by a tonnage tax; so that practically we have precisely the same tax upon tonnage engaged in the foreign trade.

Mr. HOLMAN. But it carries a great many other matters.

Mr. DINGLEY. It is precisely the same—about half a million dollars a year on vessels engaged in the foreign trade.

Mr. HOLMAN. But other nations impose the same kind of tax.

Mr. DINGLEY. Only one tax. That is the light-house dues. We have a tonnage tax, in which the dues are substantially the same.

Mr. HOLMAN. But that supports the entire system.

Mr. DINGLEY. Not entirely.

Now, with reference to the importance of this measure, it should be borne in mind that a country with the large extent of seacoast, lake and river, that this country has must necessarily have a large light-house establishment compared with the small island of Great Britain. Therefore our light-houses must be greatly more numerous. The commerce of Great Britain is largely with foreign nations. It should also be borne in mind that the light-house establishment of Great Britain is the outgrowth of two centuries, while ours is the outgrowth, practically, of seventy-five years. I think there never has been any money squandered by the light-house establishment in this country.

On the contrary, I think every cent has been economically expended, and has been expended, as a rule, only where the development of our commerce required it. I think there are no appropriations made by Congress that are more to be approved and that cover so much the object of public advantage as those that are made for the establishment and maintenance of light-houses. I think the policy that has been established in reference to this matter is one that ought to receive the universal approval of all our citizens who are in favor of the improvement of our commerce.

Mr. BRICKNER. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman from Wisconsin has eight minutes remaining. [Cries of "Vote!"]

Mr. DINGLEY. I ask that the bill be read by paragraphs for amendments, if general debate has been closed.

Mr. BRICKNER. Mr. Chairman, I desire to make a statement on one point which I do not think I made clear in my previous remarks. There is no appropriation of money by this bill. It simply puts the matter in the hands of the Committee on Appropriations, who can select such places as are most necessary from year to year and from time to time, as the finances of the country will admit doing. I now move to lay the bill aside with a favorable recommendation.

The CHAIRMAN. The Clerk will report the bill by paragraphs for amendment.

Mr. HOLMAN. Mr. Chairman, I observe that the gentleman proposes to omit the reading of the bill by sections.

The CHAIRMAN. The Clerk has been directed to read the bill by sections.

The Clerk read as follows:

Twenty-second. At Devil Island, to complete light station, at a cost not exceeding $22,000.

Mr. DOCKERY. Mr. Chairman, I move to strike out the last word, simply for the purpose of asking the chairman of the committee if all the light-houses carried in this bill are classed as "indispensable" by the Light-House Board?

Mr. BRICKNER. They are not.

Mr. DOCKERY. I desire to support all propositions classed as "indispensable;" but I would not like to support any others.

Mr. BRICKNER. I would say that the Light-House Board, and the Secretary of the Treasury, did not give us information on that point last year as he did to former Congresses. He was asked to give information as to which were "necessary," and which were "indispensable;" and the Department refused to make that statement. They made a statement like this: "Formerly we have done it, but we do not intend to do so again."

Mr. DOCKERY. I want to say, Mr. Chairman, that the custom has always been to classify the light-houses in the order of their importance. There are three classes, "indispensable," "necessary," and "desirable." Now, Mr. Chairman, I would like to support all the propositions in this bill which are regarded as indispensable to the service.

Mr. BRICKNER. Why, they did not give us any statement of that kind.

Mr. DOCKERY. I do not desire, in the present condition of the Treasury, to go any further than that.

Mr. BRICKNER. The Light-House Board refused to give us that information. I will state again, that I went there in person and asked for the information, and they gave me as an answer that heretofore it did not seem to have worked well, and they gave me their separate reports on every item; and that is all they would do.

Mr. DOCKERY. What were the grounds of the refusal?

Mr. LIND. If the gentleman will permit me, I would like to make a brief statement, partly in answer to the question of the gentleman from Missouri. The grounds are these: They say that they do not feel justified in stating that a light-house at one place is "indispensable," while describing another as only "necessary," because there may be just as much chance of an accident occurring any day at the one place as at the other, and they do not want to take the responsibility of discriminating in such terms.

I can say, however, for the information of the gentleman from Missouri, that according to the old classification only a small percentage of the works embraced in this bill would be denominated as simply "desirable." Twenty-seven of these items, I think, would come in the class of "indispensable" or "absolutely necessary."

Mr. DOCKERY. How many items are carried in the bill?

Mr. LIND. Fifty-one. I would say further for the gentleman's information, that those which might be denominated only desirable are simply a few smaller lights, costing, perhaps, in the aggregate, less than $40,000.

Mr. DOCKERY. What number of items in the bill would be classed as "necessary"?

Mr. LIND. There are several that would be classed as only "necessary," but two works that are regarded as "indispensable" by the officers of the Light-House Board carry the largest appropriations, the light-ship at Mackinaw Straits and the light-house off Grays Harbor. Those carry nearly $300,000, and they are absolutely indispensable.

Mr. DOCKERY. Will the gentleman state the limit of cost of the items that he would class as "indispensable"?

Mr. LIND. I should say about $500,000.

Mr. DOCKERY. And what does he state as the cost of those that would be classed as "necessary"?

Mr. LIND. Well, the gentleman must understand that I am not so familiar with the details as some other members of the committee. I have not been on the subcommittee. However, we had the subject up in the last Congress, and I think those that might be dispensed with, although they are necessary, would not aggregate more than $50,000, or possibly $75,000. For instance, on page 2 of the bill there are two or three items provided for, aggregating in cost $4,000 or $5,000, that might possibly be dispensed with; but, as I have already said, it is the large items that are absolutely necessary.

Mr. DOCKERY. But not "indispensable"?

Mr. LIND. Indispensable? I do not see any great difference between "absolutely necessary" and "indispensable."

Mr. DOCKERY. Well, I desired to call out this information because it has been the uniform custom of the Light-House Board, as far as I know, to submit these estimates classified, as I have here indicated.

Mr. LIND. Well, when I say absolutely necessary I mean indispensable in that sense. The Board, as has been stated, refuses to submit to such a classification now because they say that in the past they have been put in dilemmas by making such distinctions. They have heretofore reported one work as "necessary" and another as "indispensable." Accidents have occurred at points where they reported the improvement as only "necessary," and of course they have been criticised for making such a discrimination.

Mr. DOCKERY. I very much regret that the items in the bill are not classified according to the old method.

Mr. LIND. Has the gentleman read the report?

Mr. DOCKERY. I have not.

Mr. LIND. The gentleman will find the report a very good guide in this matter.

The CHAIRMAN. Does the gentleman from Missouri [Mr. DOCKERY] insist upon his amendment?

Mr. DOCKERY. I withdraw it.

The Clerk read as follows:

Twenty-ninth. At Ludington, a fog signal, at a cost not exceeding $5,500, and a dwelling for a keeper at this station at a cost not exceeding $4,500.

Mr. HOLMAN. Mr. Chairman, I want to call attention to the provision which has just been read. The limit of the cost of the fog signal is $5,500, while the limit of cost of the dwelling house is not to exceed $4,500. Is not the sum named for a dwelling for the keeper of the light-house very materially above the average?

Mr. BRICKNER. I think not.

Mr. HOLMAN. I know there have been instances, peculiar cases, where the foundations have necessarily been very costly, and the appropriations have been large, but except in such cases I do not think that appropriations for dwellings like this have generally reached so large a sum.

Mr. BRICKNER. I think the gentleman is mistaken. I think he will find that in a number of places the house of the keeper has cost a large sum of money.

Mr. HOLMAN. What is the occasion for this being a very expensive structure?

Mr. MALLORY. There is a light-house there now, but there is no house for the keeper.

Mr. HOLMAN. There is a light-house there and this provides for a fog signal and dwelling.

Mr. BRICKNER. If the gentleman will read the report he will get the information he desires.

Mr. HOLMAN. There is not time to read the report now.

A MEMBER. It is very short.

Mr. MALLORY (reading from the report):

Twenty-ninth. At Ludington, a fog signal, at a cost not exceeding $5,500; and a dwelling for a keeper at this station at a cost not exceeding $4,500.

This was recommended in the Board's annual report of 1891 on pp. 121, 122.

"This work of extending the south pier, on which a light has been maintained since 1870, is progressing rapidly and will soon be completed. A steam fog signal has long been needed here, but it was deemed impracticable to establish it until the pier was finished. It is estimated that the signal will cost $5,500, and it is recommended that this amount be appropriated therefor.

"There is no dwelling at this station for a keeper. One is needed. The Board estimates that one can be built for $4,500, and it is recommended that an appropriation of this amount be made for that purpose.

Mr. HOLMAN. I know there is a light-house there, but how does it happen that there is no dwelling for the keeper?

Mr. BRICKNER. They have never had an appropriation to construct one.

Mr. HOLMAN. How can the light-house be superintended unless there is a dwelling?

Mr. BRICKNER. They have no dwelling, because the Representative of that district was not fortunate enough to get unanimous consent, I suppose.

Mr. HOLMAN. But there must have been some kind of a dwelling in order to have the light-house superintended.

Mr. BRICKNER. There is none. Here is the language of the Light-House Board. Does the gentleman believe them?

Mr. HOLMAN. Never having visited the place in question, I of course can not speak from personal knowledge——

Mr. WISE. I will state to the gentleman that there is no dwelling there for the keeper and never has been.

Mr. HOLMAN. Then, there is no keeper?

Mr. MALLORY. Oh, yes; there is a keeper.

Mr. SIMPSON. I can speak from personal knowledge on this matter. Having once been shipwrecked at the point in question, I know something about it.

Mr. HOLMAN. Was that after or before the establishment of the light-house?

A MEMBER (to Mr. SIMPSON). Was it before or after you came to Congress?

Mr. SIMPSON. It was before I came to Congress. The light-house has not been there for a long time. The keeper lives in his own house, not in a house provided by the Government. I presume this bill contemplates that the Government shall provide him a house to live in.

Mr. HOLMAN. This light-house, I believe is on the shore?

Mr. SIMPSON. Yes, sir; right by the pier, next to the shore.

Mr. HOLMAN. I think an appropriation of $4,500 for building a residence for a light-house keeper is what may be termed at the very least a very liberal expenditure.

A MEMBER. Does the gentleman move to strike it out?

Mr. HOLMAN. No, sir. I do not wish to come in conflict with the committee; but my neighbors and their representatives are not able to indulge in such luxuries. [Laughter.]

The CHAIRMAN. Does the gentleman from Indiana offer any amendment?

Mr. HOLMAN. I do not; but I appeal to gentlemen to keep this bill down as much as possible.

The Clerk read as follows:

Thirty-eighth. At Sheboygan, Wis., a fog signal, at a cost not exceeding $5,500.

Mr. DOCKERY. Mr. Chairman, I move to strike out the last word, for the purpose of calling the attention of the gentleman in charge of this bill to the fact that in the estimates for the ensuing fiscal year the old classification is maintained. It appears that the Light-House Board estimates only $42,500 for light-houses which they class as "indispensable." For light-houses which they class as "necessary," $538,425; and for light-houses which they regard as "desirable," $1,722,705. Only two of the "indispensable" items are now authorized by law—the Rockland light station, New York, and the St. Catharines Sound light station, Georgia; the others are not authorized.

Mr. HOLMAN. Those are not in this bill.

Mr. WISE. They are not in this bill.

Mr. LIND. They have been authorized heretofore.

Mr. DOCKERY. Only the two to which I have called attention are authorized by law; the others are not. I do not know whether they are carried in this bill or not.

Mr. LIND. The matter is substantially as I stated—that this bill is confined to what the Light-House Board recommend as necessary. The gentleman will see by adding the figures that they make about $650,000, the amount carried by the bill. We have left out all those items classed as desirable, amounting to more than $1,000,000.

Mr. DOCKERY. It seems that the old classification is still maintained.

Mr. LIND. Let me say to the gentleman that the report referred to was made by the Treasury Department; but the Light-House Board has refused absolutely to make any such classification for our committee.

Mr. HOLMAN. No effort was made to obtain from the Treasury Department any estimate of those light-houses which were deemed "indispensable" and those which were merely "desirable"?

Mr. LIND. Oh, yes; there was an effort of that kind made by the committee.

Mr. HOLMAN. Only through the Light-House Board?

Mr. LIND. Through the Light-House Board. The gentleman will notice that this bill was reported on the 19th instant; it is a revision of a bill reported by our committee in the last session, which carried a much larger sum. After a personal conference with the officers of the Light-House Board the bill was revised and cut down in the hope that it would pass the House.

The CHAIRMAN. There is no amendment pending.

Mr. DINGLEY. I desire to offer the amendment which I send to the desk.

The Clerk read as follows:

Amend by inserting, after the subhead "Atlantic region," page 5, as follows:

"Thirty-ninth. At Two Bush Island, west entrance to Penobscot Bay, Maine, a light and fog-signal station, at a cost not exceeding $19,000."

Mr. DINGLEY. Mr. Chairman, I supposed until I obtained a copy of the bill last evening that the item which I have now offered as an amendment was included in the bill. But I find that by reason of some of the papers having been mislaid (perhaps by my own fault) this item has been omitted, notwithstanding that it has been recommended as necessary both by the Light-House Board and by the Treasury Department, as appears in the Book of Estimates on page 175. I have conferred with the members of the committee this morning and they have consented to the offering of this amendment, as it stands on precisely the same basis as other items in the bill.

I wish to say that the place where the amendment proposes the establishment of this light and fog-signal station is at the entrance of Penobscot Bay, and is one of the most important points for the passage of vessels upon the coast of Maine. Vessels can now pass only in the daytime and in clear weather. There are sometimes as many as 2,000 vessels a day that pass this point, and shipwrecks have occurred, so that it has become exceedingly desirable that this light and fog signal should be erected in order to meet the demand of the commerce passing there.

Mr. WISE. Will the gentleman withhold his amendment a moment until we reach the conclusion of the bill? I ask that he number his amendment No. 52.

Mr. DINGLEY. I numbered it 39, and the others can be modified by changing their numbers one.

Mr. BRICKNER. But if the gentleman will change the number to 52 it will be more acceptable to the committee, and save the necessity for renumbering the items.

Mr. DINGLEY. The only reason I had for putting it here was that it is in order of light-house districts on the Atlantic coast. It belongs in this district.

Mr. BRICKNER. We would prefer to have it numbered 52, if the gentleman will accept the suggestion.

Mr. DINGLEY. I have no objection, except that it belongs in the Atlantic district.

Mr. WISE. Let it come under the head of "miscellaneous."

Mr. DINGLEY. Very well; I will modify it and make it No. 52.

Mr. WISE. I hope the gentleman will withdraw it until we reach that part of the bill.

Mr. DINGLEY. In deference to the wishes of the committee I will do so.

The CHAIRMAN. The amendment, then, will be temporarily withdrawn.

Mr. DOCKERY. Mr. Chairman, I move to strike out the last word for the purpose of correcting a statement I made a few moments ago. In endeavoring to state the list of "indispensable" items embodied in the report of the Light-House Board my eye caught the wrong column and I announced the total as $42,500. That was the amount appropriated for the current year. The total of the items recommended as "indispensable" is $738,792.

I desire to make this correction.

The Clerk resumed and concluded the reading of the bill.

Mr. DINGLEY. I now offer the amendment which I withheld at the request of the committee.

The Clerk read as follows:

Amend by inserting after line 156, page 7, as follows:

"Fifty-two. At Two-Bush Island, west entrance to Penobscot Bay, Maine, a light and fog signal station, at a cost not exceeding $19,000."

Mr. BRICKNER. I accept the amendment.

The amendment was adopted.

Mr. BRICKNER. I move that the committee rise and report the bill to the House with favorable recommendation.

Mr. HOLMAN. Mr. Chairman, I wish to call the attention of the committee, before that is done, to the fact—I have not had an opportunity of preparing a comparison of the items in this bill with the report of the Light-House Board, though it is a very interesting subject—I find, however, that Ludington, to which I referred a little while ago, and where this building is to be erected, comes in the estimates of the Treasury Department simply under the head of "desirable." I repeat, I have not had time to go through the list.

Mr. LIND. But this is for a building where a light-house has been established.

The CHAIRMAN. The Chair thinks it would hardly be in order to go back and consider items that have already been passed over, except by unanimous consent. Besides, there is a motion pending

Mr. HOLMAN. I move to strike out the last word of the pending bill only to call attention to that fact. I have not had time since the bill came up to see in what classes these various items were placed by the estimates of the Treasury Department. I find quite a number—well, some four or five, but notably Ludington—under the head of "desirable" simply, and I believe all of these are found in the classification made by the Treasury Department.

Mr. BRICKNER. I wish to answer the gentleman from Indiana by saying that the Light-House Board has made its report different, it appears, from the Treasury.

Mr. HOLMAN. I withdraw the *pro forma* amendment.

Mr. WISE. I move that the committee rise and report the bill to the House with a favorable recommendation as amended.

The CHAIRMAN. That motion is pending.

The motion was agreed to.

Mr. ANTONY. I demand a division.

Mr. PATTERSON of Tennessee. I make the point of order that the gentleman is too late. The Chair had announced the result.

Mr. ANTONY. The Chair stated that it seemed that the ayes had it.

The CHAIRMAN. The Chair had announced the result, but if the gentleman from Texas states that he was on his feet for the purpose of demanding a division, the Chair, under the rules, would have to permit him to exercise that right.

Mr. ANTONY. That was my purpose.

The question being taken on a division; there were—ayes 80, noes 2.

So the motion was agreed to.

Mr. ANTONY. I make the point of no quorum.

Mr. PATTERSON of Tennessee. I now make the point that the result was announced before the gentleman made the demand for a quorum.

The CHAIRMAN. The Chair is inclined to think that in this instance the point is well taken.

The committee accordingly rose; and Mr. DOCKERY having taken the chair as Speaker *pro tempore*, Mr. MCRAE reported that the Committee of the Whole House on the state of the Union having had under consideration the bill (H. R. 9955) had directed him to report the same back with an amendment, and as so amended that the bill do pass.

ENROLLED BILLS SIGNED.

Mr. OHLIGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 570) to provide for the removal of the remains of the late Ensign D. F. Terrell, United States Navy, from Sitka, Alaska, to his home in the State of Mississippi:

A bill (S. 1675) granting an increase of pension to soldiers of the Mexican war in certain cases;

A bill (S. 2981) for the relief of the Citadel Academy of Charleston, S. C.;

A bill (S. 3059) for the relief of the Old Dominion Steamship Company;

A bill (S. 3298 (authorizing the sale of land in the vicinity of Fort Mifflin on the River Delaware;

ORDER OF BUSINESS.

Mr. PATTERSON of Tennessee. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole to consider the bill (S. 1104).

The question being taken, the Speaker announced that the ayes seemed to have it.

On a division (demanded by Mr. ANTONY) there were—ayes 64, noes 7.

Mr. ANTONY. No quorum, Mr. Speaker.

The Speaker appointed as tellers Mr. ANTONY and Mr. PATTERSON of Tennessee.

Before the result of the division was announced,

Mr. LIND said: Mr. Speaker, I ask unanimous consent that the previous question be considered as ordered on the bill last reported, and that the House do now adjourn.

Mr. ANTONY. I object.

Mr. LIND. It is evident that there is no quorum here.

The SPEAKER. Objection is made by the gentleman from Texas [Mr. ANTONY].

The tellers reported—ayes 145.

Pending the announcement of the negative vote,

Mr. WISE said: Mr. Speaker, there is evidently not a quorum present. I suppose it would be impossible to procure one to-day, and I therefore move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 2 o'clock and 35 minutes p. m.) the House adjourned.

REPORTS OF COMMITTEES.

Under clause 2 of Rule XIII, Mr. LYNCH, from the Committee on Claims, reported the bill (S. 1465) for the relief of Frank J. Burrows (Report No. 2193), and the same was delivered to the Clerk and referred to the Committee of the Whole House.

CHANGE OF REFERENCE.

Under clause 2 of Rule XII, committees were discharged from the consideration of the following bills; which were re-referred as follows:

The bill (H. R. 9891) granting a pension to Mrs. Elizabeth Wooden—the Committee on Invalid Pensions discharged and referred to the Committee on Pensions.

The bill (H. R. 9911) for the relief of Lemuel J. Mitchell—the Committee on Invalid Pensions discharged and referred to the Committee on Military Affairs.

BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills and a resolution of the following titles were introduced and severally referred as follows:

By Mr. DINGLEY: A bill (H. R. 9989) establishing a lighthouse and fog-signal station, west entrance Penobscot Bay, Me.—to the Committee on Interstate and Foreign Commerce.

By Mr. HEMPHILL: A bill (H. R. 9990) providing for extension of Thirty-seventh street—to the Committee on the District of Columbia.

By Mr. STONE of Kentucky: A bill (H. R. 9991) to amend "an act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," approved June 10, 1890—to the Committee on Ways and Means.

By Mr. GREENLEAF: A bill (R. H. 9992) to establish an army post at Rochester, N. Y., and making appropriation therefor—to the Committee on Military Affairs.

By Mr. HARVEY: A bill (H. R. 9993) to ratify and confirm an agreement with the Wichita and affiliated bands of Indians in Oklahoma Territory, and to make appropriations for carrying the same into effect—to the Committee on Indian Affairs.

Also, a bill (H. R. 9994) to authorize the Oklahoma Midland Railroad Company to construct and operate a railroad through the Indian and Oklahoma Territories, and for other purposes—to the Committee on Indian Affairs.

By Mr. STONE of Kentucky: A resolution to set apart Tuesday, January the 10th, for the consideration of the bill H. R. 4675—to the Committee on Rules.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as indicated below:

By Mr. BARWIG: A bill (H. R. 9995) to grant a pension to Maurice Moriarty—to the Committee on Invalid Pensions.

By Mr. CATCHINGS: A bill (H. R. 9996) for the the relief of Lewis Collier—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BELTZHOOVER: Four petitions of churches of York County, Pa., as follows: Of Pine Grove Congregation, of the Center Presbyterian, of Christ Evangelical Lutheran, and of Union Evangelical Lutheran, all against opening the Columbian Exposition on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. BOATNER: Petition of Crescent Harbor, No. 18, American Brotherhood of Steamboat Pilots, and Marine Engineers' Association, No. 15, against the admission of foreign vessels to American registry—to the Committee on Interstate and Foreign Commerce.

By Mr. BROSIUS: Two petitions of citizens of Columbia, Pa., as follows: of the Methodist Episcopal Church and of the Church of God, both against opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Salome United Brethren in Christ Church of Columbia, Pa., against opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. BRYAN: Petition of the faculty of the University of Nebraska, in favor of the metric system of weights and measures—to the Committee on Coinage, Weights, and Measures.

By Mr. COMPTON: Petition of cadet servants and other employés of the Naval Academy at Annapolis, asking for an increase of their pay—to the Committee on Naval Affairs.

By Mr. GREENLEAF: Petition of citizens of Rochester, N. Y., with regard to the establishment of a military post at or near that city—to the Committee on Military Affairs.

By Mr. HOLMAN: Petition of the Dearborn County Medical Society, praying for an appropriation for the expenses of the Pan-American Medical Congress, and accompanying papers—to the Committee on Appropriations.

Also, petition of Martha Bruce, widow of William H. Holmes, for a pension, with accompanying papers—to the Committee on Pensions.

Also, remonstrance of the Sabbath Association of Illinois, against the opening of the World's Columbian Exposition on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of M. V. Daily, praying that the office of Supervising Inspector-General be made nonpartisan—to the Committee on Interstate and Foreign Commerce.

Also, petition of Nancy Fuller, for a pension—to the Committee on Invalid Pensions.

By Mr. HENDERSON of Iowa: Petition of C. C. Bradley and 45 others of Delaware County, Iowa, praying for an appropriation of $43,983 for the Pan-American Medical Congress—to the Committee on Appropriations.

Also, petition from the Sabbath Association of Illinois, protesting against opening the World's Fair on the Sabbath—to the Select Committee on the Columbian Exposition.

By Mr. JOHNSON of Ohio: Six petitions of citizens, praying for the opening of the World's Fair on Sunday, as follows: Of 234 citizens of various places in Missouri; of 149 citizens in the States of New York, New Jersey, Pennsylvania, Kansas, and Minnesota; of 43 citizens of Albany, N. Y.; of 96 citizens of New Bedford, Bristol County, Mass.; of 26 citizens of Will County, Ill., and of 31 citizens of Baltimore, Md.—to the Select Committee on the Columbian Exposition.

Also, petition of 355 citizens of Nebraska, praying for the repeal of the clause in the appropriation act closing the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, evidence in support of House bill 8589 granting a pension to Amelia T. Seywert—to the Committee on Invalid Pensions.

Also, evidence in support of House bill 1459 granting a pension to Joseph Cross—to the Committee on Invalid Pensions.

By Mr. MARTIN: Petition of Blackford County (Ind.) Medical Society, for an appropriation for the Pan-American Medical Congress—to the Committee on Appropriations.

By Mr. OATES: Petition of Mrs. Martha A. McMains, praying for a pension in a peculiar case—to the Committee on Invalid Pensions.

By Mr. PICKLER: Resolution of South Dakota Christian Endeavor Union, against opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. WIKE: Petition of A. K. Van Horn and others of Jerseyville, Ill., asking an appropriation to defray expenses of the Pan-American Medical Congress—to the Committee on Appropriations.

SENATE.

THURSDAY, *December 22, 1892.*

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Vice-President being absent, the President *pro tempore* [Mr. MANDERSON] took the chair.

The Journal of yesterday's proceedings was read and approved.

HOUSE BILLS REFERRED.

The bill (H. R. 1484) for the relief of Mary A. Lewis was read twice by its title, and referred to the Committee on Claims.

The bill (H. R. 8915) granting an increase of pension to Joseph Coffman was read twice by its title, and referred to the Committee on Pensions.

The bill (H. R. 9649) to provide for the purchase of Fort Brown, Texas, was read twice by its title, and referred to the Committee on Military Affairs.

The bill (H. R. 9826) granting certain rights and privileges to the commissioners of waterworks in the city of Erie, Pa., was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

ARMY DRILL REGULATIONS.

The PRESIDENT *pro tempore* laid before the Senate the amendments of the House of Representatives to the joint resolution (S. R. 112) to print and bind 1,000 extra copies each of the Drill Reg-

ulations for Infantry, Cavalry, and Artillery. The amendments were: in line 3, to strike out the word "one" and insert in lieu thereof the word "two," and to amend the title by striking out the word "one" and inserting the word "two."

Mr. COCKRELL. The amendments simply increase the number of copies to be printed from 1,000 to 2,000 copies. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had passed a bill (H. R. 9527) to restore to the public domain a portion of the White Mountain Apache Indian Reservation, in the Territory of Arizona, and for other purposes; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill H. R. 6737) granting a pension to Delzell R. Bradford, Twenty-fourth Michigan Volunteers; and

A bill (H. R. 9417) to incorporate the Protestant Episcopal Cathedral Foundation of the District of Columbia.

PETITIONS AND MEMORIALS.

Mr. COCKRELL. I have a large number of what purport to be petitions from citizens of various counties in Missouri. The paper is headed "Grain Growers' Memorial," and the signers represent that they are farmers and grain-growers, and that many of them are the wives, the sons, and the daughters of farmers and grain-growers, and that all of them are citizens of Minnesota, Missouri, Kansas, Iowa, Illinois, Indiana, Kentucky, Arkansas, and Texas, and at the time of affixing their signatures they were visitors attending the St. Louis fair. The petition is in regard to the Washburn-Hatch option bill and the elevators and millers' trust. At the bottom of the petition is the following:

N. B.—This memorial is indorsed by the leading officials of the Farmers' Alliance in all the Northwestern States.

I hold in my hand one of these petitions, which is only a sample of all of them. It is backed "Memorial of A. T. Todd, Platte County, Mo., and 21 citizens, praying for the appointment of a Senate committee to investigate the combine formed to depreciate the price of grain, and now existing between the elevators, millers, and railroads at Minneapolis and St. Louis, and asking for the postponement of the Washburn-Hatch option bill until said committee reports." In looking over the signatures I find the name of Mr. Todd, from Platte County, Mo. The first two names are from St. Louis, and the third is from Yorkshire, England. Then some of them are from Tennessee, some from Rhode Island, some from Illinois, and they are scattered all over the face of the green earth. The lady from England who signs the petition doubtless knows all about what the Farmers' Alliances are doing in the great Northwest. There is scarcely one of these petitions which has more than two or three names of citizens of the counties which are indorsed on the back in which the petitioners are supposed to reside; in other words, the indorsement is a fraud upon the face of the petitions.

The petitions are too numerous to attempt to call attention to them. They are all backed "Memorial" of so and so, "St. Louis, Mo.," or "Saline County, Mo.," "and 25 citizens," etc.; and yet there are not more than two or three residents of the place they are represented to be from by the indorsement on the back of the petition. They are stereotyped petitions, and I hardly know whether they are entitled to be recognized as the kind of petitions which ought to be presented to the Senate.

The PRESIDENT *pro tempore.* The petitions will be separately noted and referred to the Committee on Agriculture and Forestry.

The petitions were referred to the Committee on Agriculture and Forestry, as follows:

A petition of A. T. Todd and 21 other citizens of Platte County;

Petition of C. K. Smith and 25 other citizens of Saline County;

Petition of William H. Steincamp and 15 other citizens of Sedalia;

Petition of A. B. Eader and 21 other citizens of Cooper County;

Petition of James Anderson and 20 other citizens of Pettis County;

Petition of Herman N. Martin and 22 other citizens of Jefferson County;

Petition of J. L. Dunson and 21 other citizens of Lincoln County;

Petition of William F. Clodius and 21 other citizens of St. Louis;

Petition of Theodore Gerber and 20 other citizens of St. Louis County;

Petition of T. B. Douthitt and 24 other citizens of Ritchey;

Petition of George Wameck and 17 other citizens of Jasper County;

Petition of L. L. Rarrer and 19 other citizens of Louisiana;

Petition of E. McKimm and 18 other citizens of St. Louis;

Petition of John Mehlen and 19 other citizens of St. Louis;

Petition of George Dahnum and 25 other citizens of St. Louis;

Petition of Thomas Masterson and 22 other citizens of St. Louis;

Petition of J. P. McKinny and 22 other citizens of St. Louis;

Petition of Joseph T. Boland and 15 other citizens of St. Louis; and

Petition of J. W. Corsius and 16 other citizens of Bates County.

Mr. CULLOM presented a petition of the Presbyterian Synod of Illinois, praying that Congress adhere to its action requiring that the World's Columbian Exposition be closed on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

He also presented a petition of Whitmore Grange, No. 985, Patrons of Husbandry, of Illinois, praying for the passage of the Washburn-Hatch antioption bill; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Klio Club, of Chicago, Ill., praying that the World's Columbian Exposition be opened on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

Mr. CULLOM. I hold in my hand fourteen petitions purporting on the indorsements to be signed by citizens of different localities in my State. I suppose they are exactly of the character of the petitions referred to by the Senator from Missouri [Mr. COCKRELL]. I have not taken time to examine them to see whether the outside indorsement and the inside signing correspond, but I ask that they be noted in the RECORD according to the indorsements.

The petitions praying for the appointment of a Senate committee to investigate the combine formed to depreciate the price of grain, and now existing between the elevators, millers, and railroads at Minneapolis, Minn., and St. Louis, Mo., and asking for the postponement of the Washburn-Hatch antioption bill until such committee shall report, were referred to the Committee on Agriculture and Forestry, as follows:

Petition of D. F. Mueller and 23 other citizens of Randolph County, Ill.;

Petition of James R. Lewis and 21 other citizens of Salem, Ill.;

Petition of Joseph Erlinger, jr., and 24 other citizens of St. Clair County, Ill.;

Petition of H. H. Moore and 20 other citizens of Wayne County, Ill.;

Petition of Joseph C. Knott and 24 other citizens of Hancock County, Ill.;

Petition of Amos Squires and 22 other citizens of Madison, Ill.;

Petition of J. R. Pear and 17 other citizens of St. Clair County, Ill.;

Petition of Jacob Carokee and 23 other citizens of Union, Ill.;

Petition of William McIntosh and 22 other citizens of Mattoon, Ill.;

Petition of Edson Weld and 22 other citizens of Brighton, Ill.;

Petition of R. V. Chadwick and 22 other citizens of Fayette, Ill.;

Petition of John L. Dickson and 21 other citizens of St. Clair County, Ill.;

Petition of J. E. Smith and 23 other citizens of Chillicothe, Ill.; and

Petition of D. B. Elliott and 19 other citizens of Edgar, Ill.

Mr. DAWES. I present a petition of the National Pro Patria League for the Protection of American Institutions, signed by W. H. Parsons, its president, and James M. King, its general secretary, and George S. Baker, praying Congress to make no more appropriations for sectarian schools for the Indians. I move that the petition be referred to the Committee on Appropriations.

The motion was agreed to.

Mr. WILSON presented the petition of Rt. Rev. Bishop Hennessy and sundry priests and students of theology of the diocese of Iowa, praying for the passage of legislation to settle and adjust the accounts of George Wallace Jones, of Dubuque, Iowa; which was referred to the Committee on Foreign Relations.

Mr. CASEY presented a petition of Capt. W. S. McCaskey Garrison, No. 21, Regular Army and Navy Union, praying for the passage of legislation for the retirement of the enlisted men of the Army after twenty-five years' service; which was referred to the Committee on Military Affairs.

He also presented a petition of the executive committee of the

Sabbath Association of Illinois, praying that legislation requiring that the World's Columbian Exposition be closed on Sunday be not considered, and offering eleven reasons in support of this memorial; which was referred to the Committee on the Quadro-Centennial (Select).

Mr. PROCTOR presented a joint resolution of the Legislature of Vermont; which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed in the RECORD, as follows:

Joint resolution relating to free delivery of mail.

Whereas a free delivery of the mail in all towns would greatly promote the welfare, happiness, and prosperity of the people, and materially increase the value of real estate in agricultural communities: Therefore,

Resolved by the senate and house of representatives, That our Senators and Representatives in Congress are hereby requested to use their best efforts to secure the enactment of such laws as shall achieve that result.

Resolved, That a copy of the foregoing resolution be transmitted to each Senator and Representative in Congress from this State.

WILLIAM W. STICKNEY,
Speaker of the House of Representatives.
F. STEWART STRANAHAN,
President of the Senate.

Adopted November 12, 1892.
A true copy. Attest:
[SEAL.] CHAUNCEY W. BROWNELL,
Secretary of State.

Mr. PROCTOR presented a joint resolution of the Legislature of Vermont; which was referred to the Committee on Immigration, and ordered to be printed in the RECORD, as follows:

Joint resolution relating to the immigration of paupers, criminals, and dependent persons.

Resolved by the senate and house of representatives, That the senate and house of representatives of the State of Vermont respectfully request the Congress of the United States and the legislative departments of the several States to enact laws establishing a uniform policy of immigration from foreign nations and of migration from State to State of persons who are dependent upon charity and are of idle or vicious habits.

Resolved, That the secretary of state be requested to transmit copies of the foregoing resolution to the presiding officers of both Houses of the Congress of the United States, to each of the Senators and Representatives therein from this State, and to the governors of the several States of the United States.

WILLIAM W. STICKNEY,
Speaker of the House of Representatives.
F. STEWART STRANAHAN,
President of the Senate.

A true copy. Attest:
[SEAL.] CHAUNCEY W. BROWNELL,
Secretary of State.

Mr. PROCTOR presented a joint resolution of the Legislature of Vermont; which was referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

Joint resolution in reference to proposed sixteenth amendment to Constitution of United States now pending in Congress.

Whereas there has been introduced into the Fifty-second Congress, and is now pending therein, the following proposed form of sixteenth amendment to the Constitution of the United States, viz: "No State shall pass any law respecting an establishment of religion, or prohibiting the free exercise thereof, or use its property or credit, or any money raised by taxation, or authorize either to be used, for the purpose of forming, maintaining, or aiding by appropriation, payment for services, expenses, or otherwise, any church, religious denomination or religious society, or any institution, society, or undertaking which is wholly, or in part, under sectarian or ecclesiastical control:" Therefore,

Be it resolved by the senate and house of representatives, That our Senators and Representatives in Congress be, and hereby are, requested to take all proper measures to secure the approval of said proposed amendment by the Houses of which they are members, respectively.

F. STEWART STRANAHAN,
President of the Senate.
WILLIAM W. STICKNEY,
Speaker of the House of Representatives.

Adopted November 16, 1842.
A true copy. Attest:
[SEAL.] CHAUNCEY W. BROWNELL,
Secretary of State.

Mr. CARLISLE. I present a paper in the nature of a petition of the Chamber of Commerce of Phœnix, in the Territory of Arizona, and other papers, favoring the admission of that Territory as a State. I move that the papers be referred to the Committee on Territories.

The motion was agreed to.

Mr. BATE presented the petition of B. B. Rodgers and 19 other citizens of Shelby County, Tenn., praying for the appointment of a Senate committee to investigate the combine formed to depreciate the price of grain, and asking for the postponement of the Washburn-Hatch antioption bill until such committee shall report; which was referred to the Committee on Agriculture and Forestry.

Mr. PASCO presented a petition of the Board of Trade of Jacksonville, Fla., praying for the passage of such legislation as shall absolutely prohibit indiscriminate immigration from all foreign countries for a period of one year; which was referred to the Committee on Immigration.

He also presented petitions of L. M. Thayer and 11 other members of prominent business houses of Florida, and of the Hartshorn Phosphate and Mining Company, and five other representative business houses of Florida, praying that immediate appropriation be made to continue the harbor improvement of Cumberland Sound, and protect the entrance to the port of Fernandina, Fla., from the danger of obstruction of, and perhaps closing, the channel, which now appears to be imminent; which were referred to the Committee on Commerce.

Mr. WASHBURN presented a petition of the Journeymen Tailors' Union, No. 89, of Minneapolis, Minn., praying for the passage of House bill 8535, limiting the free entry of wearing apparel of foreign manufacture; which was referred to the Committee on Finance.

Mr. MORGAN. I present a petition signed by thirteen members of the senate of the Legislature of Alabama and fifty-odd members of the house, praying Congress to legislate in some direction to prevent dealings in futures and options. I move that the petition lie on the table.

The motion was agreed to.

Mr. CAMERON presented a petition of the Trinity Evangelical Church of York, Pa., and a petition of the first United Brethren Congregation of York, Pa., praying for the closing of the World's Columbian Exposition on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

He also presented the petition of William Hutton and 22 other citizens of Chester County, Pa., praying for the appointment of a committee to investigate the combine formed to depreciate the price of grain, and asking for the postponement of the Washburn-Hatch option bill; which was referred to the Committee on Agriculture and Forestry.

Mr. BLACKBURN presented a joint resolution of the Legislature of Kentucky; which was referred to the Committee on Agriculture and Forestry, and ordered to be printed in the RECORD, as follows:

Joint resolution concerning weather forecasts.

Whereas the study of meteorology is hopefully engaging the attention of science and promises wonderful benefactions to civilization in the near future, and especially to the great agricultural interests of the people of all the United States: Therefore,

Resolved by the General Assembly of the Commonwealth of Kentucky, That our Senators and Representatives in Congress be requested to lend all necessary encouragement and aid to such measures as in their judgment shall stimulate investigation and quicken discovery in the great field of weather forecast and give greater efficiency and value to the Signal Service Bureau in gathering and more widely disseminating in the shortest period and most timely hours its weather bulletins.

Resolved, That the clerk of the house be directed to transmit a copy of these resolutions to each of our Senators and Representatives and also to the Secretary of Agriculture at Washington.

Attest:

G. R. KELLER,
Clerk House of Representatives.

Mr. SQUIRE. I present a petition adopted December 6, by the Chamber of Commerce of the City of Seattle, Wash., urging Government support for the Nicaragua Canal.

The petition sets forth that the Chamber of Commerce of the City of Seattle believes that the present session of Congress should not be allowed to end without favorable action upon the Nicaragua Canal. The necessity and value of this enterprise are not questioned. The work is so stupendous, however, so difficult, and so sure to be affected by matters international, that it is not likely private capital will engage in it to an extent sufficient to insure its completion.

With the protection and aid of the Government of the United States it will be different. The money will be forthcoming, construction will be prosecuted, and shortly thereafter the commerce of the world will be making use of the channel created.

Recent affairs in Chile, the Argentine Republic, in Venezuela, on the Isthmus of Panama, and at other points, have shown to the people the uses that could be made of the canal by our own Government while every ship that goes through the Straits of Magellan or round Cape Horn between the United States and Europe, or between our own Atlantic and Pacific ports, makes a voyage thousands of miles longer, at an expense thousands of dollars greater, than would be required were the Nicaragua Canal completed. Upon its completion the American coasts, now so separated, will be brought closer together, the interests of our people will be unified, their associations made more intimate, and the love of country increased and intensified. In fact the United States, in justice to itself and to its own people, can not afford to do without the Nicaragua Canal, nor can it afford to allow its construction by a foreign corporation or by any other Government.

The Chamber therefore petitions Congress for immediate action looking to the consummation of this most desirable scheme.

The PRESIDENT *pro tempore*. The petition will lie on the table, the bill having been reported.

Mr. COCKRELL presented a petition of citizens of the District of Columbia, owners of lands in the Petworth addition to the city of Washington, praying that an appropriation be made for the completion of the sewerage of that tract of land; which was referred to the Committee on Appropriations.

REPORTS OF COMMITTEES.

Mr. HARRIS. By a majority of the Committee on Epidemic Diseases, I am authorized to report back with amendments the bill (S. 2707) granting additional quarantine powers and imposing additional duties upon the Marine Hospital Service. Hereafter I shall file a written report to accompany the bill.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

SUSPENSION OF IMMIGRATION.

Mr. CHANDLER. From the Committee on Immigration I report back favorably, with amendments, the bill (S. 3513) for the suspension of immigration for one year. I ask that the bill may be read, as it is a measure of importance.

The PRESIDENT *pro tempore*. The bill will be read at length.

The Secretary read the bill.

The PRESIDENT *pro tempore*. Does the Senator from New Hampshire desire to have the amendments read?

Mr. CHANDLER. I should like to have the amendments read.

The PRESIDENT *pro tempore*. The amendments will be read.

The Secretary read the amendments proposed by the committee.

Mr. CHANDLER. I ask that the bill may be placed upon the Calendar; and I desire to say that this subject is of such importance that there ought to be at the reassembling of Congress in January an immediate consideration of it. I shall therefore ask the Senate on the first day of its reassembling to take up the bill for consideration and action.

Mr. PLATT. This, as the Senator from New Hampshire reporting the bill has said, is a very important subject. The bill was therefore upon his request read at length, with the amendments proposed by the committee; but I venture to say that from the reading of the bill and the proposed amendments no Senator listening to it could understand just exactly what the committee proposes in its report or what the bill would effect if it should be passed into law with the amendments. I suggest to the Senator that the bill had better be printed in some way so that we can see it as it would be if the amendments were adopted.

The PRESIDENT *pro tempore*. Under the general practice of the Senate the Chair will state the bill will be printed with the proposed amendments. Does the Senator from Connecticut desire that it shall be printed in the RECORD with the proposed amendments?

Mr. PLATT. If the bill could be printed in the RECORD as it would stand if the amendments of the committee should be adopted, then we could see just what is proposed to be done.

Mr. CHANDLER. I should like to have that order made, Mr. President.

The PRESIDENT *pro tempore*. The order will be made if there be no objection. It is ordered that the bill be printed in the RECORD as it would stand if the amendments were adopted by the Senate.

The bill, as proposed to be amended by the Committee on Immigration, is as follows:

Be it enacted, etc., That the admission of alien immigrants for settlement or residence now allowed to enter the United States under the act of March 3, 1891, and the other immigration acts, is hereby suspended and prohibited for and during the term of one year from and after the 1st day of March, 1893, except as to immigrants coming from American countries who were citizens thereof and actually resident therein for not less than one year before their departure.

SEC. 2. That it shall be the duty of the Secretary of the Treasury to make and issue rules and regulations for the enforcement of the prohibitions of this act which shall not hinder or delay the admission of returning American citizens or of aliens coming only as visitors or for a temporary sojourn in the United States.

SEC. 3. That any alien immigrant entering the United States contrary to the provisions of this act shall be subject, in accordance with existing laws, to be sent back to the country from which he came, and all persons who shall bring into or land, or aid to bring into or land in the United States any such alien immigrant, shall be subject to the penalties now by law provided for bringing or landing or aiding in bringing or landing excluded immigrants.

Mr. HILL. Mr. President, in this connection I desire simply to say that I have not expressly concurred with the committee in the report of this bill. There is one feature of the bill to which I think I shall object. I think a bill can be framed which will meet the views of the country better than the measure proposed. I desire to reserve the right to present at some future time, in case I wish to do so, a minority report.

The PRESIDENT *pro tempore*. The bill with the favorable report will be placed on the Calendar.

BILLS INTRODUCED.

Mr. DOLPH introduced a bill (S. 3649) for the relief of William J. Cornell and Joseph M. Cornell; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Public Lands.

Mr. CASEY introduced a bill (S. 3650) to reduce the fees on domestic money orders, and for other purposes; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. CAMERON introduced a bill (S. 3651) to amend the articles for the government of the Navy; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. CULLOM introduced a bill (S. 3652) to remove the charge of desertion from the military record of Frederick Diss; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced a bill (S. 3653) for the relief of Joseph W. Parish; which was read twice by its title, and referred to the Committee on Claims.

He also (by request) introduced a bill (S. 3654) for the relief of Elias E. Barnes; which was read twice by its title, and referred to the Committee on Claims.

Mr. GORMAN (by request) introduced a bill (S. 3655) to incorporate the Washington, Burnt Mills and Sandy Spring Railway Company; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. PERKINS introduced a bill (S. 3656) to enable the people of the Territory of Oklahoma and of the Indian Territory to form a constitution and State government, and to be admitted into the Union on an equal footing with the original States, and for other purposes; which was read twice by its title, and referred to the Committee on Territories.

Mr. ALLEN introduced a bill (S. 3657) to provide for the survey of public lands in the State of Washington; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. MITCHELL (by request) introduced a bill (S. 3658) to prohibit electro-magnetizing, mesmerizing, or hypnotizing human beings, or affecting one person through another by electricity, and to declare the same to be a crime against the law of nations and to define its punishment; which was read twice by its title, and, with the accompanying papers, referred to the Committee on the Judiciary.

RED RIVER CART.

Mr. CASEY. I introduce a joint resolution and ask for its present consideration.

The joint resolution (S. R. 127) authorizing the Smithsonian Institution to lend to the North Dakota World's Fair Commission the Red River cart now in the National Museum was read the first time by title and the second time at length, as follows:

Resolved, That the secretary of the Smithsonian Institution be, and he hereby is, authorized to loan to the World's Fair Commission of the State of North Dakota for use as part of its exhibit at the Columbian Exposition the Red River cart now in the National Museum, and originally received from Pembina, Dak., in 1882: *Provided*, That such loan be made entirely on the responsibility of said North Dakota Commission, and shall be returned to the Smithsonian Institution in good order, and without expense to the Government, within one month after the close of the said Columbian Exposition.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AMENDMENT TO A BILL.

Mr. ALLEN submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Commerce, and ordered to be printed.

NICARAGUA CANAL.

Mr. SHERMAN. I submit a resolution for reference to the Committee on Printing.

The resolution was read, as follows:

Resolved, That 5,000 extra copies of the report of the Committee on Foreign Relations on Senate bill No. 1218, relating to the Nicaragua Canal, and the accompanying documents, be printed for the use of the Senate.

Mr. SHERMAN. My purpose is to restrict the number of copies so that the cost of printing may fall within the limit of $500. I respectfully ask the occupant of the chair to consider the matter.

The PRESIDENT *pro tempore*. The resolution will be referred to the Committee on Printing.

REGULATION OF IMMIGRATION.

Mr. CHANDLER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That 1,000 copies be printed for the use of the Senate of the immigration act, Public No. 152, of March 3, 1891.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on this day approved and signed the following acts and joint resolution:

An act (S. 869) to provide an American register for the barge Sea Bird, of Perth Amboy, N. J.;

An act (S. 1956) to make Punta Gorda a subport of entry;

An act (S. 2451) authorizing the Secretary of the Treasury to reconvey to Lucius U. Maltby and Louise W. Maltby, his wife, Margaret Elizabeth Lucas, and the Sea Girt Land Improvement Company a piece of land selected as a site for the Squan Inlet light station, New Jersey, but found to be unsuitable for the purpose of said station;

An act (S. 3188) to extend to Duluth, Minn., the privileges of the first section of an act entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," approved June 10, 1888;

An act (S. 3418) making Saturday a half holiday for banking and trust company purposes in the District of Columbia; and

A joint resolution (S. R. 73) authorizing the Secretary of War to receive for instruction at the Military Academy at West Point Francisco Alcantara, of Venezuela.

MINERAL LANDS.

Mr. STEWART. I ask unanimous consent to call up the bill (S. 54) to amend chapter 6 of title XXXII of the Revised Statutes, relating to mineral lands and mining resources. The bill has been read and amended, and was laid over with a view perhaps to present further amendments. It will take but a moment I think to dispose of it.

By unanimous consent, the Senate, as in Committee of the Whole, resumed the consideration of the bill.

The PRESIDENT *pro tempore*. The bill has heretofore been read as in Committee of the Whole, and certain amendments of the Committee on Mines and Mining have been agreed to, the Chair understands.

Mr. STEWART. Yes, and the amendments in regard to time will have to be changed, because when the bill goes into operation and passes the other House it will be a year later.

On page 3, line 55, in section 1 of the bill, I desire to have the amendment of the committee reconsidered and changed to three instead of two. There are several amendments to be made of this character, which are merely formal.

The PRESIDENT *pro tempore*. The amendment will be stated.

The SECRETARY. On page 3, line 55, amend the committee's amendment by striking out "two" and inserting "three;" so as to read, "in the year 1893."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. STEWART. In line 57, on page 3, I move to amend the committee's amendment by striking out "one" and inserting "two;" so as to read, "in the year 1892."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. STEWART. In line 58, on page 3, I move to amend the committee's amendment by striking out "two" and inserting "three;" so as to read, "in the year 1893."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. STEWART. In section 2, line 54, I ask the Senate to disagree to the amendment of the committee proposing to insert the words, "Or land that is chiefly valuable for building stone." That clause should be stricken out, as a special act has been passed on the subject.

The PRESIDENT *pro tempore*. The Senate, as in Committee of the Whole, agreed to that amendment, and a motion will have to be made to reconsider.

Mr. STEWART. I make that motion.

Mr. MCPHERSON. I should like to know what the effect of this proposed legislation is to be upon the existing law?

Mr. STEWART. It makes no radical change. It makes a few small changes to harmonize the proposed act with the present condition of things. The substantial provisions of the law are retained. One of the principal provisions that is changed is the time for the performance of annual work. The work under the law as it now stands must be performed within one year, the year terminating on the 21st day of December, in midwinter. Then the claim becomes liable to be relocated; but in midwinter in most of the localities it is almost impossible to go upon the ground. The bill changes that time to October. There are other changes of that kind which have appeared necessary in the course of practice under the mineral-land law, which has not been amended since it was passed in 1872.

This bill has been before the mining communities and the courts and has been published and republished for several years. It has been reported in substantially the same form three or four times by the Committee on Mines and Mining, and twice passed the Senate in substantially the same form with some slight variation, but it has failed in the other House. We have not pushed it because we wanted time for the courts and the practitioners to understand the little matters that are arranged under the bill. Most of them are mere matters of practice. They do not go to the substantial merits of the law as it stands, and it is entirely satisfactory.

Mr. MCPHERSON. Then practically all the bill does is to extend the time in which work may be done upon mining lands?

Mr. STEWART. It does not extend the time, but it fixes the termination at a different period, when it is convenient for people to go on the ground. That is the most substantial change made in the bill. Then there is another provision in the bill which should be mentioned. As the law now stands, parties can get any number of claims in the same application. This limits it to a reasonable amount, so that there can be only one application for a patent. Each change has been thoroughly examined by the parties who are engaged in this business, and I believe the report of the committee is substantially unanimous. I do not know whether my friend from Colorado [Mr. WOLCOTT] has any further amendment that he desires to propose.

Mr. WOLCOTT. I think I can answer the Senator from New Jersey. The whole bill looks to accomplishing two results. The first is to so amend the mining law as that there shall be definiteness as to when the annual work is to be done upon a mining claim. The present provisions of the law are that each year upon unpatented claims so much work, $100 worth of labor, must be done. The bill fixes the time when the year shall commence, so as to make it uniform upon all mining claims. It also changes somewhat the character of the testimony which the Land Office shall receive before issuing a patent. The old law required the affidavits of two people. This, I think, requires but one affidavit.

Outside of that the bill seems to be unimportant and free from criticism. It is simply a bill going to the details of the patenting of mining claims, and in no wise enlarges the law or enlarges anybody's rights.

Mr. HUNTON. Mr. President, I believe I am entitled to the floor after the routine morning business is over, and I ask my friend from Nevada not to interfere further with the regular order.

Mr. STEWART. There is nothing more to be said on the bill.

The PRESIDENT *pro tempore*. The Senator from Nevada moves that the vote, whereby the committee's amendment on page 8, line 54, in section 2, was agreed to be reconsidered. If there be no objection it is so ordered. The Senator from Nevada asks that the committee amendment be disagreed to.

The amendment was rejected.

The bill was reported to the Senate as amended and the amendments were concurred in.

Mr. SHERMAN. I do not wish to delay the passage of the bill, but I do not understand it, and I suppose the Senate does not. I call the attention of the Senator from Nevada to the importance of having a brief report in regard to a bill of this kind. Its title will naturally excite attention, as in the case of any legislation in regard to the mining laws, which affects the interest of the United States, and I think we ought to have placed on our files a report showing the general purpose of the bill and why it is required. Otherwise we are all laboring in the dark. I shall take the statements of the Senator from Nevada as sufficient, but it would be a wise thing to have a report.

Mr. STEWART. All the parties who represent that region have studied this bill very thoroughly, and a report, unless it was very elaborate, explaining the whole mining law, would be incomprehensible to those not familiar with the slight changes made by the bill. The Senator from Colorado nearest me [Mr. TELLER] has assisted me in preparing the bill, and we have done it with great care. It has been printed and reprinted many times in all the newspapers of the West. I hope the bill will not be delayed now on that account.

Mr. PLATT. May I inquire whether the amendment on page 8, inserting at the top of the page the words "or petroleum," has been agreed to or disagreed to?

Mr. STEWART. That amendment has been agreed to.

Mr. PLATT. Then, may I inquire further whether it has been determined in the office of the Secretary of the Interior hitherto that ground on which petroleum deposits are found is mineral land, or whether the bill proposes to change or add to the law in that respect?

Mr. STEWART. It has been held to be mineral land, but the question was whether to apply the placer rule to it or the vein rule. The law is indefinite in that respect, and those engaged in that work want it made more definite.

Mr. PLATT. I suppose that the places where petroleum deposits occur are very limited in the United States?

Mr. STEWART. They are limited.

Mr. PLATT. There are very few of them.

Mr. STEWART. There are very few of them. In the southern portion of the State of California there is some petroleum, and some of it is on mineral land, and the Department is at a loss

as to what rule to apply in determining the size of the claims. This provision in the bill appears to be satisfactory.

Mr. PLATT. I know very little about these matters, but it struck me that we were adding quite an important item to the mineral laws in relation to petroleum. I suppose it will be all right. I do not know anything to the contrary.

Mr. STEWART. I think it is all right.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM B. BARNES.

Mr. WILSON. I desire the Senator from Virginia [Mr. HUNTON] to yield to me for a moment that I may ask the Senate to proceed to the consideration of the bill (S. 2730) granting an honorable discharge to William B. Barnes. If the bill excites any discussion I will withdraw the request. I think the bill can go through without discussion.

Mr. HUNTON. Without discussion how long will it take?

Mr. WILSON. I do not think it will take three minutes.

Mr. HUNTON. I yield to the Senator from Iowa, but I hope no other Senator will ask me to yield the floor.

The PRESIDENT *pro tempore*. The Senator from Iowa asks unanimous consent that the Senate proceed to the consideration of the bill indicated by him.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of War to issue an honorable discharge to William B. Barnes, late major of the Eleventh New York Heavy Artillery.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM M'GARRAHAN—VETO MESSAGE.

The PRESIDENT *pro tempore*. Under the order of the Senate, the Senate resumes the consideration of the bill (S. 1958) to submit to the Court of Private Land Claims, established by an act of Congress approved March 3, 1891, the title of William McGarrahan to the Rancho Panoche Grande, in the State of California, and for other purposes. The question is, Shall the bill pass, the objections of the President of the United States to the contrary notwithstanding? on which the Senator from Virginia [Mr. HUNTON] is entitled to the floor.

Mr. HUNTON. Mr. President, in tracing the history of the McGarrahan claim I had gotten to the point where the last act of the executive department of the Government had been finished and the last decision of the Supreme Court of the United States upon the subject had been made. Senators will recollect that in the course of my remarks I took the ground that the Supreme Court of the United States, when it delivered its final judgment dismissing the petition of Mr. Gomez or Mr. McGarrahan, was in utter ignorance of the fact that the executive department of the Government had passed upon this claim of Gomez for a patent favorably, that the President had signed the patent and sent it back to the Land Department for recordation and for the counter signature of the recorder of the General Land Office.

That statement of mine is borne out in a wonderful degree by the opinion of the Supreme Court of the United States delivered in the case of McGarrahan against the New Idria Mining Company, found in the ninety-sixth volume of the United States Supreme Court Reports. As I stated yesterday, the Supreme Court in passing upon the title of McGarrahan to the property in question in that ejectment suit, declared that the title of McGarrahan was only defective because the recorder had not countersigned the patent. The irresistible and only inference to be drawn from that declaration of the Supreme Court is that if the signature of the recorder had been attached to that patent and copied upon the record, Mr. McGarrahan would have had a perfect title to the land in question and be entitled to recover in that action of ejectment.

I say it is a confirmation from the highest court in the land of the position I took earlier in the remarks which I have submitted. A coördinate and coequal department of the Government had passed favorably upon the claim of Gomez to this land. The President had signed the patent and sent it to the Land Department to be recorded and issued. The only defect about it was that the recorder of that office, whose duty was merely executive, and whose absolute duty under the law was to countersign a patent which had been signed by the President of the United States, failed to sign it.

But for that omission on the part of the recorder, occurring in the General Land Office, which as I showed in the earlier part of the remarks I submitted in this case, was at all times from the beginning of this controversy down to, I would say a very late period, hostile to the claim of Gomez and working in favor of the New Idria Mining Company—but for (I was about to say) the accidental omission of the recorder (but it may have been the intentional omission of the recorder) McGarrahan's title to the property occupied by the New Idria Mining Company in the opinion of the Supreme Court of the United States would have been perfect and complete. But the recorder did not countersign the patent, and the Supreme Court decided that by his failure to do that act of duty, which the law enjoined upon him, the title of McGarrahan to the property occupied by the New Idria Mining Company was not such a title as he could maintain an action of ejectment upon.

From that day to this, having exhausted his efforts before the Executive Department of the Government, as well as the judicial department of the Government, McGarrahan appealed to the only other department, the Congress of the United States. From the time that case was decided in the Supreme Court by Judge Clifford, down to the present time, William McGarrahan has pursued this claim of his before the two Houses of Congress. In the progress of that pursuit fifteen committees, either of the House or of the Senate, have reported upon the McGarrahan title. Two committees have reported adversely; a third was equally divided between a favorable and an unfavorable report. With the exception of those three committees, all the rest have reported in favor of this grant in some shape or form.

In the progress of legislation it was impossible to get a bill through both Houses during the same Congress, and by reason of the difficulty in getting it before the two Houses during the existence of the same Congress, the claim of William McGarrahan lingered before the two Houses until the first session of this present Congress, when both Houses agreed upon the bill under discussion.

Mr. President, we all know that this bill was passed by the Senate of the United States practically with unanimity; there was no division when it came to a vote, and there is not the vote of a Senator on the floor recorded against the McGarrahan bill when it passed the Senate of the United States at the last session of the Senate. The bill went from this body over to the House of Representatives, and under a suspension of the rules it passed the House in identically the same form that it passed the Senate by 7 more than two-thirds of that body.

So the bill now under consideration was passed practically unanimously by the Senate and by more than two-thirds of the House of Representatives. This bill, coming from the Judiciary Committee of the Senate and the Committee on Mines and Mining of the House of Representatives, and, as we have a right to suppose, thoroughly considered and discussed by these two committees, and passing the two Houses in the manner it did, we had a right to suppose that it would become a law; but the President of the United States returned the bill to the Senate without his signature and with the reasons for his failure to attach his signature of approval to it.

In the proposition to pass that bill, notwithstanding the objections of the President, we must look to its provisions to see whether or no it is a proper bill and whether it ought to pass the two Houses of Congress under the constitutional requirement notwithstanding the objections of the President. While I have no time to go into a critical analytical discussion of the provisions of the bill, I desire to call the attention of the Senate to its general features and to show that the only effect of it, if the bill becomes a law, will be to turn McGarrahan back to the beginning of this controversy, to file his application before a court of the United States composed of five judges. In that court he has to establish his right to this property step by step, just as he had in the court of California when the case came up originally before the land commission, thence to the district court of the United States, and to the Supreme Court of the United States.

Let us look at the provisions of the bill and see whether there is a single feature of it to which anybody ought to object who believes that McGarrahan has a claim as the assignee of Gomez to the Rancho Panoche Grande.

Upon the subject of a grant, I take it for granted that there is nobody who has examined the evidence in this case who has at this moment a single doubt that a grant was made by Micheltorena to Vicente P. Gomez, because while the Supreme Court, through Judge Clifford, did say that the grant was not established to his satisfaction, since that time we have taken the testimony of four or five witnesses, who altogether establish beyond a peradventure that Gomez had a grant from the governor of California to this identical land.

Mr. FAULKNER. Will the Senator permit me to ask him a question?

The PRESIDENT *pro tempore*. Does the Senator from Virginia yield to the Senator from West Virginia?

Mr. HUNTON. Yes, sir.

Mr. FAULKNER. Was not all the evidence to which the Senator refers as applying to the grant from Mexico taken by the committee of which the then Senator from Indiana [Mr. Mc-

Donald] was chairman, and prior to the report he made in which he found that the grant had never been in existence?

Mr. HUNTON. That is an argument of the Senator from West Virginia, and I submit to him in all kindness and candor that that argument would better be made in answer to my remarks.

I do not care where the testimony was taken. I do not care what the tribunal before which it was taken did. I state the fact that the testimony taken since the decision of the court by Judge Clifford establishes beyond peradventure that that grant was made.

Mr. FAULKNER. The Senator will understand me of course as only asking that question by reason of the statement which he made that there was no difference of opinion as to the existence of the grant by reason of the evidence.

Mr. HUNTON. I state now, and reaffirm the statement I made a while ago, that if any Senator upon this floor will take the testimony which was taken before the land commission in the State of California and supplemented by the testimony taken since, and there being no countervailing testimony from any source, he can not fail as a candid lawyer to come to the conclusion that Gomez had the grant from Micheltorena.

But that is not all. This fight has been made and continued, not by the Government of the United States, but by the New Idria Mining Company. We have in the papers the testimony of a man by the name of Gibbs, who was at one time the backbone of the New Idria Mining Company, in which he said the company admitted that Gomez had the grant, and at one time by resolution that company determined that they would cease to fight McGarrahan and compromise; but, as I stated some time ago, Mr. McGarrahan is not a man to compromise a claim when he knows he has a just right to it. Failing to compromise, the New Idria Mining Company determined to renew their fight. So I say the only party who has ever fought McGarrahan in the case, or who has ever had any interest to fight McGarrahan in the case, has admitted by the testimony of one of its own members, that this grant from Micheltorena was given to Vicente P. Gomez for the very land in question.

That being so, I wish to ask the Senate, and I wish to ask the Senator from West Virginia, has not the Government of the United States failed to live up to the requirements and the treaty obligations of the Government as embodied in the treaty of Guadalupe-Hidalgo? If this is a valid Mexican claim and a grant made, as the evidence proves, was it not the duty of the United States Government, the highest duty known among the nations of the earth, to stand by its treaty obligations and to say that Gomez or his assignee had the title to the property which the United States guaranteed to him in the treaty of Guadalupe-Hidalgo? I say, instead of debating what sort of relief and whether any should be given in this case, the Congress of the United States and especially the Senate of the United States, which is the only legislative body which has anything to do with treaties, ought to hasten with quick step to live up to the obligations of their treaty and protect the Mexican grant of the governor of California to Vicente P. Gomez. Yet, sir, while that, in my opinion, is the duty of the Government, of both Houses of Congress, and especially of this body, we find Senators here hesitating about whether they will by their votes live up to the requirements of the Government as embodied in the highest stipulation among nations, to wit, the treaty between the United States and Mexico.

Mr. President, if this be so, if this was a grant to Gomez when this treaty was made and the Government of the United States stood pledged to protect that grant, every step in this controversy from the time that treaty was made down to the present, by which the Government failed to stand up to its treaty obligations and protect the grant of Gomez, places it before the eyes of the civilized world as the violator of its own most solemn contract—a treaty.

This being the duty, in my humble judgment, of the Government of the United States, and more especially when you come to the legislative department, it being especially the duty of the Senate of the United States—when at this late period, after William McGarrahan has spent years of toil and labor and trial and tribulation and has at last gotten from the two Houses of Congress a bill which does not give him his rights under the treaty, but which puts him in a way of obtaining his rights after a struggle before the courts, it may be for years to come, and when this bill has passed both Houses of Congress under the circumstances I have stated, we find the President of the United States sending the bill back with his objections, and Senators upon this floor unwilling at this late day to render justice to this honest claimant.

Mr. President, what does this bill provide? It provides, in the first place, that Mr. McGarrahan, the assignee of Gomez, shall file his petition in the new land court, a court composed of five gentlemen appointed by the President of the United States, whose salaries are paid by the Government of the United States. Mr. McGarrahan, by the provisions of this bill, is allowed to carry his claim to that court, which takes the place of the district court of California under the law passed in 1851 to settle private land grants in the State of California. When that petition is filed and the evidence is laid before that court, McGarrahan has to satisfy that court just as Gomez had to satisfy the land commissioners and the district court in California that he had a valid grant through his assignor, Gomez, from Micheltorena, governor of California.

The bill does not come forward and say the Government will protect this grant, which the proof shows was unquestionably made to Gomez, but it says to Mr. McGarrahan, "You may go into that court and you may have the privilege of proving forty years after the grant was made"—I believe it was forty-eight years after the grant was made—"you shall have the poor privilege of going into that court and proving that you had a valid grant for this tract of land." But unless he proves that he has a valid grant, unless he satisfies the court that the grant to Gomez was a valid and a legal grant, his case fails, he goes out of court, and there is an end of the McGarrahan case. But if the court believes from the testimony that there was a valid grant made by the governor of California to Gomez, then this bill provides that the court shall go on and ascertain what has been done with the land which was granted to Gomez and owned by McGarrahan from 1857 down to the present time. If the court shall find that the Government has patented any of this land to any of Mr. McGarrahan's adversaries, such land is to be excepted from the patent which shall issue to him for the residue of the tract.

Criticism has been made upon that, but are McGarrahan and his claim to be criticised and damned forever because there is excepted from the patent a tract of land or a portion of his land which the United States wrongfully dispossessed him of and wrongfully withheld from him the title which would enable him to assert his claim against the New Idria Mining Company?

This bill excepts all lands patented by the Government to anybody else. It is a very small quantity; it amounts to about 2,000 acres out of 4 square leagues of land; and it is a mere bagatelle so far as this land is concerned compared with the whole grant. If the court finds that Mr. McGarrahan had a valid grant to this land, and the United States, in violation of its treaty obligations, has patented a portion of that land to somebody else, the bill provides that that shall be excepted out of the patent to be issued to William McGarrahan, and for that property thus taken from Mr. McGarrahan by the Government the bill provides that he shall be compensated. That is not objectionable. If he had this grant and was entitled to his patent by the decision of the President of the United States and two Secretaries of the Interior, and the Government has, by the wrongful act of its Land Department, deprived him of the means of asserting his title to this land, the United States ought to pay him for the use and occupation of the land which they have patented to others.

Mr. FAULKNER. If the Senator will permit me, I should like him to inform the Senate, or give me the information, as I am very anxious to learn—what does he mean by the term "use and occupation"?

Mr. HUNTON. The Senator knows as well as I do.

Mr. FAULKNER. What compensation, I mean, is to be given for the use and occupation of this land during the last forty-five years?

Mr. HUNTON. The Senator knows as well as I do, and it seems curious that the Senator should ask such a question, if he will excuse my remark.

Mr. FAULKNER. I will state what I understand it to be and see whether the Senator and myself agree. As I understand, under that clause of the bill the court would have to ascertain what would be a fair and reasonable rental value for the last forty-odd years for this entire grant, if it is established by the court in the proceedings authorized by this bill. It would not be as to whether or not the Government received any benefit from the land; it would not be as to whether anyone else received any benefit from it, but what is a fair and reasonable rental value of that land during the period from 1857 to the present time.

Mr. CULLOM. As the Senator has been interrupted by the Senator from West Virginia [Mr. FAULKNER], I should like to call attention to two or three things which seem to be contemplated.

Mr. HUNTON. One at a time, please. I hope the Senator will wait till I get through with the Senator from West Virginia.

Mr. CULLOM. My suggestion is in harmony with what the Senator was talking about. He was speaking of the value of the use and occupation of the land. The bill goes on to say:

and of the minerals or other valuable substances so extracted.

And there are some other items. Now, while the Senator is speaking on that feature of the bill I should like to know if he has any idea how much it would cost the Government.

Mr. HUNTON. I mean to come to that. I do not mean to omit that. Whether asked the question or not I had intended to refer to it.

Mr. CULLOM. Very well. I shall be glad to have the Senator do it.

Mr. HUNTON. I mean to argue the case fully and fairly, as far as I am able.

Mr. CULLOM. I should like the Senator to give us definite information on that point.

Mr. HUNTON. I will.

In regard to the question submitted by the Senator from West Virginia [Mr. FAULKNER], it is the use and occupation of that portion of the property which has been taken away from the grant.

Mr. FAULKNER. Is not that all the property?

Mr. HUNTON. No, sir. The report of the Secretary of the Interior says there were two thousand and some odd acres of land only for which patents have been issued, and 4 square leagues is the amount of the grant. Two thousand acres of land compared with 4 square leagues is a mere bagatelle, and those 2,000 acres are not valuable except for the minerals they may contain; it is wild mountain land, and the price for the use and occupation of it would be almost nothing. It would not be 5 cents an acre during the period of its occupancy by the New Idria Mining Company or anybody else.

Mr. FAULKNER. I suggest to the Senator, unless he has particular information, which I have not, whether part of the Southern Pacific land grant is not included within the boundaries of this supposed grant. If that is true, and those lands have not yet been forfeited—I am not informed as to that—that takes over 8,000 acres out of the 17,000 acres of this grant.

Mr. HUNTON. Seventeen thousand acres?

Mr. FAULKNER. Yes.

Mr. HUNTON. How does the Senator get that?

Mr. FAULKNER. I think the Commissioner of the General Land Office reports 17,000 acres as the amount embraced within this grant.

Mr. HUNTON. It far exceeds that amount. The Senator is a fine arithmetician, and I beg him to sit down at his desk while I am talking and figure up how many acres there are in 4 square leagues. He will find it greatly beyond 17,000 acres. Four square leagues make a large territory.

Mr. FAULKNER. That point is not material. The Commissioner reports 8,700 acres of land taken by the Government unless that grant to the Southern Pacific Railroad Company has been forfeited.

Mr. HUNTON. I hope my friend will not interrupt me any more than is necessary, because I am under a pledge to finish what I have to say to-day.

In regard to that use and occupation, it is merely for the use of the surface of that land held by other people, and I say it is a mere bagatelle. But if the Government has been in default and failed to protect this grant, and by its failure has allowed these adverse claimants to take possession of it, is it not fair and right and just that the Government should pay for the use and occupation of that land?

The Senator from Louisiana [Mr. WHITE] asked me some days ago whether the question of liability for use and occupation was an open question. I say it is not; that if the court finds that this was a valid grant and that Gomez was entitled to it, and McGarrahan is his assignee, then he is absolutely entitled to what the court shall say is a fair value for the use and occupation of this land that has been used by others under Government permission. That is all right.

You know, Mr. President, that if a man brings an action of ejectment for a piece of land which a party has held without any right to hold it, he has a right to recover the land and for use and occupation of the land in an action of ejectment.

Mr. SANDERS. Mr. President——

Mr. HUNTON. Let me finish my sentence.

The PRESIDING OFFICER (Mr. DUBOIS in the chair). Does the Senator from Virginia yield to the Senator from Montana.

Mr. HUNTON. No sir, not yet.

If that man should take violent possession of the property of another and had committed a trespass upon the property which went beyond the use and occupation of that property, Senators know he would be liable to an action of trespass, and a recovery of damages for that trespass in an action brought by the owner of the land against the trespasser.

Now I will yield to the Senator from Montana.

Mr. SANDERS. If Vicente P. Gomez filed an application for a grant and secured the order of the governor whereby an inchoate title was vested in him—which, in order to be perfected, must have other legal proceedings—if the Republic of Mexico had continued in the possession of the land applied for from the time the inchoate right, the inceptive right was created until the final confirmation of the grant, in law or equity would the Republic of Mexico have been liable to Vicente P. Gomez for the use and occupation of the land applied for while it was *sub judice?*

Mr. HUNTON. I ask the Senators on both sides of the Chamber not to interrupt me any more, if they please, as I can not finish to-day if they do.

I will say to the Senator from Montana that we are not trying this case under Mexican law; we are trying it upon the pledge of the Government of the United States in its treaty with Mexico and the law of Congress passed in compliance with that treaty obligation. If the Government is not liable under the treaty or the law the claimant can not recover. That is my answer to the Senator.

If I was right in saying that the owner of the land had the right to bring his action of ejectment and recover the land and for its use and occupation, that is exactly the provision here. When we come to the minerals, it is likened further to the case of the landlord owning the land and the tenant going there without permission, and not only occupying the premises, but committing a trespass upon it by taking from a safe in that house the jewels of the true owner. We know, in addition to recovering the property, and for the use and occupation, he would have the right to bring his action of ejectment and recover the value of the jewels taken from it. So this bill proposes that McGarrahan, if he had a valid grant, shall have the right to recover the land or compensation for it from the Government, and he shall have the right to recover for the use and occupation from the time the New Idria Mining Company or somebody else took possession of it. He has a right also to recover what was taken from the bowels of the ground embraced in that grant by some trespasser against his rights. That is all the bill provides.

Therefore it is provided that if the land court, to which we have to go in the trial of this case, and the Supreme Court of the United States upon appeal, say that under the laws of the United States the grantee of a Mexican grant, protected as he is by the treaty between the two Governments and the laws of the United States, is entitled in law and in equity to the minerals under the surface, then it is further said that the Government shall be held responsible for the minerals taken out of the land.

Mr. President, I beg to say that McGarrahan has tried everything that the human intellect could devise to make the Government stop the trespass of the New Idria Mining Company. I will show you what he did.

On the 7th of June, 1860, which was before any considerable trespassing had occurred by the New Idria Mining Company, William McGarrahan, at that time the owner of the grant, urged the Attorney-General, the Hon. Jere Black (who, while he was defending for the United States, was attorney for the New Idria Mining Company) to enjoin the New Idria Mining Company as a trespasser in illegal possession, McGarrahan not then being in a position to enjoin or eject the trespasser. The Attorney-General was reminded that the same course had been taken by him in the Almaden case, a case exactly similar to this, where the trespasser upon that mine was enjoined by the Government until the title of the mine had been settled by the courts.

Again, on the 24th of June, 1861, the counsel of McGarrahan addressed a letter to the Attorney-General, requesting him to enjoin and restrain the New Idria Mining Company from further waste of the property. Nothing was done. In the Forty-second Congress McGarrahan applied to the Judiciary Committee of the House of Representatives to instruct the Commissioner of the General Land Office to proceed against that company. Then, the House of Representatives in the Forty-third Congress passed a resolution requesting the Commissioner of the General Land Office to institute proceedings against the New Idria Mining Company.

Not one thing was done by the Government, although implored by McGarrahan, to take steps to protect this property, which the Government was bound to make good to him under the treaty of Guadalupe Hidalgo. The Government folded its arms, though it knew of the trespass committed by the New Idria Mining Company, and refused to intervene until the title to the property had been settled, and although they had intervened in the Almaden grant. Now we are told by Senators upon this floor, notwithstanding that McGarrahan had his property destroyed with the knowledge of the Government, with the acquiesence of the Government, he is to get no compensation for it, although he would have been perfectly able to protect himself if the Government had lived up to its treaty obligations, and given him his title. It is too late for Senators to say that the Government ought not to pay McGarrahan for the minerals

taken out by the New Idria Mining Company, if the courts shall say under the law that the mines passed with the grant of Micheltoreno upon the acquisition of this territory by the United States.

I was somewhat struck with the argument of the Senator from Montana [Mr. SANDERS]. He said in one part of his argument that this bill would give millions of dollars to McGarrahan, and in the subsequent part of his remarks he took the ground, and argued most vociferously—I beg pardon of the Senator for saying "most vociferously"—but most earnestly that Mr. McGarrahan had not the right to a single dollar's worth of the mineral under the surface when that grant was given. I do not see how the Senator can reconcile those two positions, because, if the court shall decide, as the Senator argued, that Mr. McGarrahan was not entitled to the minerals, he gets nothing but the bare earth embraced in that grant to Gomez, less what was patented afterwards to the New Idria Mining Company and some others. I do not know how the court will decide this question. I presume the Senator from Montana does not know; but if the court shall decide that when this grant was made and the territory was acquired by the United States, the royal prerogative of Mexico and Spain followed the land and vested that royal prerogative in the Government of the United States, then McGarrahan gets nothing for his minerals.

Mr. MITCHELL. May I ask the Senator a question in order to see whether I understand the facts exactly as he does?

Mr. HUNTON. Yes, sir.

Mr. MITCHELL. If the court should ultimately decide in this case, provided this bill should become a law, that the minerals, gold, silver, quicksilver, and the precious metals, did not pass by the original grant, then McGarrahan would not get a dollar?

Mr. HUNTON. Not a dollar or a cent for the minerals.

Mr. SANDERS. But the Senator——

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from Montana?

Mr. HUNTON. I ask the Senator not to interrupt me. I have but a few moments left.

Mr. SANDERS. We will certainly give the Senator all the time he desires, but he certainly would not put me in the wrong.

Mr. HUNTON. I would not do it if I knew it.

Mr. SANDERS. I know that. Section 3 of this bill provides:

That if said court shall find and adjudge that the said grant from said Governor Manuel Micheltorena to said Vicente P. Gomez was valid and protected under and by virtue of the treaty—

Then section 4 provides:

That if the court shall adjudge in favor of said William McGarrahan, as provided in section 3—

Namely, that the grant was valid and was protected by the treaty with Mexico—

the United States—

This is a legislative provision—

the United States shall indemnify the said William McGarrahan for such portion of land as may have been heretofore and may hereafter be disposed of by the United States within the aforesaid boundaries, and for the use and occupation of the same, "and for any mineral or valuable substance whatever extracted from said lands by any person or corporation other than the said William McGarrahan."

There is a phrase following that which I think an analysis of the original section shows has been clerically misplaced, and it is claimed by the Senator from Colorado [Mr. TELLER] that it is a condition inserted after all that I have read; but it reads like this:

And if the said court shall find that the said William McGarrahan is or was entitled in law or equity to the minerals or valuable substances on, in, or under said lands.

Mr. HUNTON. There is no trouble about that. This bill provides that if the court shall find that by law and equity William McGarrahan was entitled to the minerals he shall get judgment for them. I will ask the Senator from Montana how on earth the court could give judgment for the minerals if they found Mr. McGarrahan was not entitled to them.

Mr. SANDERS. Mr. President——

Mr. HUNTON. I can not be interrupted. I ask the Senator to excuse me.

How can the court give a judgment for minerals under this section of the bill if the court finds that Mr. McGarrahan is not entitled to them?—because the bill says if he is entitled the court shall give the judgment. Could the court give the judgment if he was not entitled? With great respect to Senators who see differently, it is so absolutely plain to my mind that there is no room for two opinions about it.

Granting that McGarrahan has no chance to recover for the minerals—the Senator from Montana says he has not the ghost of a chance—then the courts will have to decide that this royal prerogative which belonged to the King of Spain and the Emperor of Mexico to own all the mines has passed by the treaty to this republican Government.

Mr. SANDERS. That has been decided already.

Mr. HUNTON. I am not going to discuss that question, because that question will be left to the court, and must be discussed before the court; but if that court find, notwithstanding the opinion of the Senator from Montana, that McGarrahan was entitled to these minerals, then the bill does provide that he shall be paid for what was taken out by the New Idria Mining Company, I was about to say, with the connivance of the Government of the United States, because McGarrahan begged the Government to intervene; and the House of Representatives passed a resolution instructing the parties to sue the New Idria Mining Company and enjoin them from trespassing. Therefore, I say I am not overstating the case when I contend that this mineral was taken from the mines of the Rancho Panoche Grande, with the connivance of that portion of the Government of the United States, which alone could have prevented it.

It is said if Mr. McGarrahan is entitled to the minerals the recovery under this bill will be fabulous. I do not know what it will be. I have not the remotest conception, but I say, as the Senator from Colorado [Mr. TELLER] said the other day, that whatever it may be this Government is too big and too rich to say "We will not pay an honest debt because it is a large one;" and I trust, sir, so long as I occupy a seat in the Senate of the United States I shall never take the position as a Senator which I would not take as an individual that I withhold payment from a creditor of mine, not because the claim is not a just one, but because the claim is a large one. If the Government is not able to pay it, if the Government is bankrupt, that is another question; but if the Government is able to pay McGarrahan his just rights in the premises then it is the duty of the Government, whether the claim be large or small, to meet it and meet it under its solemn obligation to the Government of Mexico as embodied in the treaty of Guadalupe Hidalgo.

But, Mr. President, upon the subject of the value of the New Idria mine I have but one single point of evidence which I will give to the Senate, and that is in the testimony of D. O. Mills, a name familiar to every Senator upon the floor. He was examined January 24, 1868, before a committee of the House of Representatives, and I read from his testimony:

D. O. Mills sworn and examined by Mr. Lake, counsel for the New Idria Quicksilver Mining Company:

Q. You are a resident of California, and are the president of the Bank of California?

A. Yes, sir.

Q. Can you state some of the principal stockholders in the New Idria Mining Company?

A. Barron & Co., consisting of Mr. W. E. Barron, Mr. Thomas Bell, and Joseph Barron, and some others whom I do not know—being in foreign countries—owned perhaps one-half of the stock. I own about one-eighth of it, and Mr. Ralston owns about one-eighth.

Q. (By Mr. Woodbridge.) What, in your judgment, is the property worth?

A. I should think it is worth from $500,000 to $750,000 in gold. That may be overestimating it.

Q. (By Mr. Eldridge.) How much of the mining estate do you include in that?

A. I include the whole mining estate; the whole Idria mine proper.

Q. What do you claim that that covers?

A. The mine, as developed, does not cover nearly what the company has put in for. I think the company has put in for three or four thousand acres.

And yet the fancy of Senators here has magnified the probable claim until I do not know what it will amount to. D. O. Mills said the ultimate value of the property was $750,000, but it has been magnified upon this floor into untold millions. I ask in all seriousness, if the amount be $500,000 or whether it be ten times that amount, if it is an honest debt arising under the treaty obligation of the great Government of the United States, if a Senator on this floor ought to hesitate about paying it because the amount is large?

I read also an extract from the testimony of D. O. Mills, taken on behalf of the New Idria Company before the Judiciary Committee of the House of Representatives January 24, 1868:

Q. Mr. Ralston is cashier of the Bank of California?

A. Yes, sir.

Q. When did you and Barron and Ralston purchase in?

A. About two years ago.

Q. Something has been said about the New Almaden Quicksilver Mining Company controlling the market for quicksilver. Explain.

A. The New Almaden Company does not control the quicksilver market. The only connection it has that way is that Barron & Co. made a contract nearly two years ago for the production of the New Almaden mine, to run for two years, or up to the 1st April next, to the extent of 50,000 flasks. The Barrons also contract for the product of the New Idria mine. They are not only part owners of the mine, but are the commercial agents for it.

By the CHAIRMAN:

Q. Is there a similar arrangement with the other quicksilver mines in California?

A. Yes, sir; nearly or quite all the quicksilver produced in California goes into the hands of Barron & Co., and is distributed by them over the world.

Q. Can you state any reason for that arrangement being made?

A. Barron & Co. made certain large advances to the New Almaden Company; and to repay those advances and a considerable debt which the company already owed to the Barrons, the sale of this large amount of quick-

silver was made to the Barrons, to run for two years. It was then to the advantage of the Barrons and to the advantage of the New Idria Mining Company that they should also control the product of that mine.

Q. For what purpose?

A. I suppose for the purpose of getting a fair price for the quicksilver. The market for quicksilver is limited. The markets of the world only take a certain amount, and any competition or any urging of the sale of quicksilver would be disadvantageous.

Q. What other quicksilver mining companies do the Barrons control under this system?

A. They control "I Excel" Company, and the Guadalupe or Santa Clara Mining Company, but they are small producers. There are one or two other small producers that are just getting started.

Q. Then under this arrangement the Barrons have control of the quicksilver market?

A. Yes, sir.

Q. Do you know what attorneys held claims against the company, Idria, at that time?

A. I think that Mr. Black, the Attorney-General, was employed, and Mr. Goold.

Q. Do you know at what time they were employed by the New Idria Company?

A. I never had charge of the accounts of the company, and am therefore not familiar with the facts.

Q. Do you know when they were first employed by the company?

A. I do not; perhaps some years before we bought in.

Q. (By Mr. Eldridge.) Did you know of Mr. Sweet being employed?

A. Mr. Sweet had some interest, but what it was I am unable to state.

Q. Was he a former partner of President Lincoln?

A. I believe he was.

Q. (By the CHAIRMAN). How many of the stockholders in the New Idria Company are stockholders in the Bank of California?

A. The Barrons are stockholders in the Bank of California, and Mr. Ralston and myself are stockholders in the Bank of California.

Q. What is the extent of interest in the Bank of California of the persons who are stockholders in the New Idria Mining Company?

A. The Barrons hold perhaps three thousand shares of the Bank of California. Mr. Ralston stands on the books for three thousand shares, and I stand on the books for three thousand shares. The shares are $100 each.

There is another view of this question which I merely desire to present and not to argue. This bill provides that McGarrahan shall give a quitclaim deed to the Government for the land that is excepted out of his patent. Therefore the Government will have a perfect right to what it never had any right to before—because the property belonged to McGarrahan, and if they had improperly, by design or otherwise, given away a portion of this property, they have given away that which did not belong to them—they have a right to file a bill and set aside the patent to these lands, and when that shall have been accomplished, then the New Idria Mining Company and all others are responsible to the United States Government, just as the Government is responsible to McGarrahan by the provisions of this bill.

I take it, sir, that it would be difficult to find a lawyer who would undertake to controvert that proposition. Mr. McGarrahan can not hold them responsible when he gets his patent, because the statute of limitations bars him of that right; but that statute does not apply to the Government, and when that patent is set aside by the Government of the United States the Government has a right to sue this enormously rich corporation, the New Idria Mining Company, and recover back from that company every dollar which it has to pay to Mr. McGarrahan under the provisions of this bill.

Mr. President, where is the enormity of this bill? I have looked at it with diligence and care and as far as I can see, as far as I can learn from a diligent study of the bill, it gives to Mr. McGarrahan his smallest rights after forty years of toil on his part to obtain them from the Government. Ought we to hesitate a moment to give him those rights so long delayed by the action of the Government itself?

Mr. President, allow me to call the attention of the Senate for a few minutes to the objections of the President. When this bill reached the President of the United States, he says himself that he was immersed in business; it was just at the close of the session of Congress; he had hundreds of other bills to examine, and he had no time or opportunity to make himself familiar with the provisions of this bill or of the history of the McGarrahan case. I ask you, sir, and I ask any Senator upon this floor, if President Harrison had known the history of the McGarrahan case as we know it now, and as I have tried to tell it to the Senate, is there a Senator who believes that he would have hesitated one minute to have signed the bill, which proposes, after forty years, to give an honest claimant his rights? He could not do it.

The President says in two places in his veto message that McGarrahan is entitled to relief. Here is what he says:

This bill came to me on the 20th instant, at a time when very many other bills were submitted for my consideration, and it has not been possible for me to make such examination of the history of Mr. McGarrahan's claim as would be necessary to form an intelligent judgment as to its merits and just extent.

When the President of the United States starts out in a veto message with a confession of ignorance—not criminal on the part of the President, but absolutely impossible to avoid, because he had never studied this case and he had not the time to study it when the bill came before him, and he says in his message that he had not time to learn the merits or demerits of the McGarrahan bill—if he had known them as we know them, we have a right to suppose, and I do suppose, he would not have hesitated to append his approval to the bill; but he says:

It is quite possible that he has been wronged—

That is putting it rather mildly, but still the President believes, just from a casual glance at the claim and the history of the case, that McGarrahan has been wronged—

and that he has a claim for some reparation from the Government.

When the President of the United States admits that a claimant in a bill passed by the two Houses of Congress has a just claim for reparation, I ask the Senators around me if the *quantum* of reparation, if the mode of reparation, ought not by the President of the United States to have been left to the two Houses of Congress which had investigated the claim and knew its history? When the President of the United States in his veto message admitted that McGarrahan had a claim to reparation, I say that it became the duty of the President of the United States to leave the amount of that reparation to the two Houses of Congress; it was not such legislation as our fathers intended should be vetoed by the President of the United States unless there was something vicious in the bill itself, and the President says twice in his message that McGarrahan is entitled to reparation at the hands of the Government of the United States.

A step further. The President says:

I can not, however, think that this bill proceeds upon a just basis. It provides that Mr. McGarrahan shall file his claim as the assignee of Gomez in the Court of Private Land Claims for the lands described in the title; and that if the court establishes the grant to Gomez it shall be confirmed to McGarrahan.

That is practically true as the President states it; but why is it true? Does not every man who has been in the Congress of the United States for the last twenty-five years know that McGarrahan has the title that Gomez had to this grant? Does he not know, as I do, that Gomez deeded the land to McGarrahan, and that deed, which I have in my desk, is on record in California, by which Gomez conveyed to McGarrahan all his right and title to the Rancho Panoche Grande under the grant of the governor of California?

The only intervening right which can be put up here by any Senator on the floor is that Pacificus Ord had a contingent fee for one-half of the land if he succeeded in confirming the grant; but Pacificus Ord's title to that one-half, whatever it may have been, has been long ago extinguished. And every committee—I will not say every committee—but committees of both Houses of Congress have passed upon the title of McGarrahan and reported that if Gomez had the title McGarrahan has it. The only outstanding title that can possibly be conceived of so far as the papers go is the claim of Pacificus Ord. Pacificus Ord lives in the city of Washington; he is a brother of General Ord; he has been living here for the last ten years, or it may be twenty years, and he has never put up a single claim to this land. There is not a single human being who has examined this case who does not know that the title of McGarrahan to the Rancho Panoche Grande is good if that of Gomez was good.

The President's criticism might have something in it if we did not know the facts better than the President, but knowing the facts as we do, it does not matter whether McGarrahan is presumed to be the owner of Gomez's title or not, because we know he is. It seems to me, therefore, that there is nothing in the objection of the President to that part of the bill. The President further says:

If the claim is established it is provided, in substance, that all lands, part of said grant, which have been conveyed by the Government or are in the occupancy of actual settlers, or "upon which there are any smelting or reduction works, or the lands claimed in connection with such reduction or smelting works," shall be excepted from the patent which the Secretary of the Interior is directed to issue to McGarrahan. By this provision the title of the New Idria Mining Company, which has long contested with McGarrahan the title to a large part of this property, is established and that company is relieved from any responsibility to account for the profits made in mining.

Yet one provision of the bill provides that a deed from McGarrahan shall be made to the Government of the United States for his right and title to this property, which is excepted out of this patent. As I said awhile ago, the Government would have a right under that deed of McGarrahan to set aside the patent of the New Idria Mining Company and all the other patents and hold the patentees to the responsibilities to which this bill holds the Government so far as McGarrahan is concerned.

On the other hand, the United States waives all benefit of judicial proceedings which have resulted in its favor and gives Mr. McGarrahan an opportunity *de novo* to try all such questions.

I think I have satisfied the Senate that under the circumstances he is entitled to that new trial, not only by what has occurred in the executive department, which if known to the judicial department would have prevented a decree of the Supreme Court of the United States against him, but McGarrahan is entitled to try this question *de novo* because there is evidence now of the grant and of its bona fides which the Supreme Court did not have at the time this question was passed upon.

Mr. MITCHELL. May I ask the Senator a question?

Mr. HUNTON. Certainly.

Mr. MITCHELL. I understand that when the case was in the court heretofore Mr. McGarrahan did not have the benefit before the court of the alleged fact that the patent had been issued by the Government?

Mr. HUNTON. Not at all.

Mr. MITCHELL. Could he by the exercise of reasonable diligence have had the benefit of that fact in the former trial?

Mr. HUNTON. No, sir, because that fact was suppressed in the Land Department and concealed from McGarrahan and his counsel, and not until 1870 was it unearthed by McGarrahan and the distinguished Senator from Iowa [Mr. WILSON].

Mr. FAULKNER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from West Virginia?

Mr. HUNTON. My dear sir, I have only ten minutes left.

Mr. FAULKNER. I should like merely to add that certainly the Supreme Court did pass upon the whole question of this patent in a subsequent decision.

Mr. TELLER. That was another patent, and a mutilated patent.

Mr. FAULKNER. That is the one that was in evidence before all the committees, and the only one we have heard of in this case.

Mr. TELLER. It is not.

Mr. HUNTON. No, sir. The Senator will have an opportunity to present that patent, and when we get to that bridge we will cross it.

Mr. President, these are the objections of the President of the United States. Then he goes on to say about what may possibly be recovered under this bill, to which I have already called the attention of the Senate. I do not propose to discuss the President's message any more, because he admits that McGarrahan is entitled to reparation, and the two Houses of Congress are the proper tribunals to determine the amount of reparation where reparation is unquestionably due, as the President admits in his veto message.

Now, Mr. President, I am done. But I want to call the attention of the Senate to the fact that McGarrahan has been pursuing this claim, to which he believes he has as honest a title as ever a man had to any species of property that he owned. He has pursued this fight not against the Government of the United States, but the officials of the Government of the United States, who in many instances were corrupted by the gold of the New Idria Mining Company that was coined out of the minerals extracted from the land belonging to McGarrahan and used by the New Idria Mining Company to defeat the claim; which they themselves acknowledged by resolution of the company to be absolutely just and proper.

Mr. President, this case, taken in all of its ramifications, sounds to me more like a romance. A man like McGarrahan, entitled even according to the declaration of the President of the United States in his veto message to reparation, and being entitled to reparation is entitled to the grant, and being entitled to that grant he has pursued his claim with an honesty of purpose and a diligence in its pursuit that no man could have employed who did not know that he had an honest and a just claim.

Mr. President, we have seen Mr. McGarrahan around the corridors of this Capitol for the last twenty-five years. I do not believe there is a Senator upon this floor or a member of the other House who ever heard a sentiment fall from the lips of that man which was not creditable to an honest man and did not show him to be a man of the highest integrity. If I am right, Mr. President—if I have stated this case correctly, and I have certainly tried to do it—if I have approximated the truth in the case, I ask you if it is not time that the great Government of the United States should live up to its treaty obligations, and right the wrongs which have been inflicted for the last forty years upon William McGarrahan?

The PRESIDENT *pro tempore*. The question is: Shall the bill pass, the objections of the President of the United States to the contrary notwithstanding?

Mr. FAULKNER. I do not suppose it is the purpose of Senators who favor the measure before the Senate to press it to a vote at this time. I know of several Senators who have remarks to make upon it, and the hour is within seven minutes of the time when we shall have to conclude any discussion upon the bill. I suggest to the Senator in charge of the bill whether it would not be better just by agreement to let it go over until after the holidays and retain its place before the Senate.

Mr. TELLER. I do not suppose of course that we can get a vote on the bill this morning. I should like, if possible, to fix a time to take the vote after the holiday recess. Taking up the bill soon after the recess, which terminates on the 4th of January, we might dispose of it very soon; but as several Senators have notified me that they would not return for the first few days after the recess, I suggest that we might agree to take the vote, say on the 17th of January. That would give ample time to discuss the bill and ample time for Senators to return who are away. I suggest that we agree to take the vote at half past 1 on the 17th day of January, the second Tuesday after the reassembling, there being, however, in the meantime opportunity given for anyone to debate the bill who wishes to do so. I do not want to shut off any debate.

The PRESIDENT *pro tempore*. The Chair will state the request. The Senator from Colorado asks the unanimous consent of the Senate that the vote upon the pending question be taken on the 17th day of January, 1893, at half past 1 o'clock. Is there objection?

Mr. MORRILL. There will be no objections to postponing the bill until the 17th of January, but there would be objection to any time being fixed for taking the vote.

The PRESIDENT *pro tempore*. Objection is made.

Mr. TELLER. I will then simply ask that the bill may stand over in the same order it now occupies until the next legislative day, to come up on the 4th of January of course, and we will either dispose of it then or dispose of it later.

Mr. HARRIS. Does the Senator mean that the bill is to be taken up immediately after the routine morning business as heretofore?

Mr. TELLER. Precisely as before, immediately after the routine morning business on the next legislative day. I suppose there will be no objection to that.

The PRESIDENT *pro tempore*. The Senator from Colorado asks the unanimous consent of the Senate that the pending measure be taken up during the morning hour on the next legislative day, after the conclusion of the routine morning business. Is there objection?

Mr. SANDERS. Would it not so stand without any order or without any agreement? Would it not be the order of business then?

The PRESIDENT *pro tempore*. It would not so stand without the unanimous consent or order of the Senate.

Mr. TELLER. No. We have no unfinished business of the morning hour.

The PRESIDENT *pro tempore*. Is there objection to the request of the Senator from Colorado? The Chair hears none, and it is so ordered.

COMMITTEE SERVICE.

Mr. WHITE. I ask to be excused from further service upon the Committee on Epidemic Diseases.

The PRESIDENT *pro tempore* The Senator from Louisiana asks the unanimous consent of the Senate to be excused from further service upon the Committee on Epidemic Diseases. Is there objection? The Chair hears none, and the Senator from Louisiana is excused.

Mr. HARRIS. I ask that the Chair fill the vacancy on the committee occasioned by the resignation of the Senator from Louisiana.

The PRESIDENT *pro tempore*. Is there objection to the Chair filling the vacancy upon the committee? The Chair hears none. The Chair appoints the Senator from Maryland [Mr. GIBSON] as a member of the Committee on Epidemic Diseases.

HOUSE BILL REFERRED.

The bill (H. R. 9527) to restore to the public domain a portion of the White Mountain Apache Indian Reservation in the Territory of Arizona, and for other purposes, was read twice by its title, and referred to the Committee on Indian Affairs.

DEALING IN "OPTIONS" AND "FUTURES."

The PRESIDENT *pro tempore*. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7845) defining "options" and "futures," imposing special taxes on dealers therein, and requiring such dealers and persons engaged in selling certain products to obtain license, and for other purposes, the pending question being on the amendment of Mr. DANIEL to strike out section 10.

The PRESIDENT *pro tempore*. Upon the pending amendment the Senator from Kansas [Mr. PEFFER] is entitled to the floor.

Mr. PEFFER. Mr. President, there have been some criticisms by Senators upon various portions of this bill, and while it is not my purpose to reply to any of them nor all of them in bulk, I wish to suggest for the consideration of the Senate that the bill will be construed as a whole if it ever passes into the courts. That is a rule of construction familiar to all lawyers, and in construing the effect of the bill while pending before this body it is well for us to remember that rule of construction.

Further, Mr. President, the bill as it is now framed, with amendments pending and proposed, presents to the Senate the

best thought of the strongest men in both branches of the present Congress. Besides that, the measure itself in the concrete has been considered time and time again by men of distinction in different parts of the country, and especially by men who are interested in agriculture, and with a rare unanimity the bill is favored by the agricultural classes.

I took occasion to suggest yesterday that the object of the bill is not to suppress the sale or the purchase of articles to be exchanged in the future, because that is a common and a necessary proceeding, but it is to suppress a fictitious commerce which injuriously affects the commercial industry in the country, or, if you prefer the expression, to eliminate the element of gambling from commerce.

It has been suggested that the bill has been framed in the interest of a particular class of manufacturers, namely, the millers. If when the bill becomes operative it should appear to have the effect of concentrating in the hands of millers the power which is now concentrated in the hands of the traders, the people would immediately proceed against the millers and clip their wings, just as it is proposed now to clip the wings of the traders in the great trade centers.

There has been some objection made to language which has been used by speakers upon the floor in describing the class of persons who are engaged in this business. The words may not have been elegant, but I am not certain that they were used in any offensive sense. Men are in the habit of wagering money and other valuable things upon the result of elections or upon the result of other pending or coming events. They are not classed in the law as gamblers, and yet such things come within the definition of the common word "gambling."

It seems to me that the only difference between this form and the ordinary gaming which the law prohibits, and where the persons engaged in such habits have the doors of respectable people closed against them, is that one plays dice upon a high plane where all the world sees him, and the stakes are great, not a dollar, nor five dollars, nor ten dollars, but thousands or a hundred thousand or a million dollars, it may be; that one has the protection of the law thrown about him, and the custom of society to approve his conduct, and the plaudits of admiring millions to encourage him, while the other is denounced by the law, his practice is prohibited, and his conviction is duly followed by punishment prescribed in penal enactments.

It is not expected that this or any other one act of Congress will restore former conditions to business, nor is it expected that this bill will have the beneficent result to wholly do away with the particular evil at which it is aimed, for the business of dealing in futures is too strongly intrenched, and it will be difficult to dislodge it by one attack or by a dozen attacks from only one direction. So intimately has this nefarious business become interwoven in our commercial system, that boards of trade, stock exchanges, and other like bodies, at all the trading marts of the country come to its defense. They remonstrate against the passage of this and all similar bills and they send men of law learning and social influence here to help them.

To destroy this business would relieve from responsible duties a considerable number of Christian gentlemen whose solicitations are embarrassing at the business centers; they must be heard and their business defended, though they produce nothing and add not an atom to the wealth of the world or to the comfort or happiness of the people, while the men and women whose toil supplies the arteries of trade with the food on which commerce thrives—farmers, mechanics, wage-workers generally—must be pushed aside as unworthy of thought. To pass this bill is to disturb the harmony of the privileged classes who have so long been petted by our lawmakers that they have come to regard their special privileges as of first importance in the economy of the Government. The business of dealing in futures and options has defenders in every body of speculators in every great city and in every line of business which is enjoying special advantages by reason of our peculiar legislation. They are all but parts of one stupendous wrong which has grown up under our vicious laws. What affects one of them injuriously arouses the opposition of all the rest. Attack one and the others fly to its rescue. It would be impossible to capture such an enemy by the firing of a single gun or by the use of a single battery.

In this connection I desire to call attention briefly to some considerations which I have not heard referred to in this discussion. They may not appear to be altogether relevant, yet it seems to me that they are pertinent. While I concur in the conclusions of Senators who favor this bill with respect to the evils of the business which it is intended to remove; I do not believe the depression in agriculture is wholly chargeable to option dealing. We all have observed steady tendencies of prices upward or downward during certain well-defined periods when speculation in farm products was quite as active as it is now.

Take the cereals, for example. The total number of bushels of corn, wheat, oats, barley, rye, and buckwheat raised in the United States in the year 1867 was 1,329,729,400, of the value of $1,284,037,300, an average of 96 cents per bushel. That was the value of the cereals in 1867. Coming down twenty years, to 1887, we find the total production of the same crop to have been 2,660,457,000 bushels, of the aggregate value of $1,204,289,370, being an average value of 46 cents per bushel.

But this great depreciation was not a steady and regular decline during the whole period of twenty years, and that is a point to which I wish to call the attention of the Senate. There was a period of depression; then again a rising period; and another period of fall. The amount of cereals in 1878 was 2,302,254,950 bushels, and the aggregate value of the crop was $913,975,920, equal to 40 cents per bushel. The number of bushels produced in 1882 was 2,699,394,496, of the value of $1,469,693,393, or equal to 54 cents per bushel.

It appears that the value of the grain had fallen lower in 1878 than it has been at any time since. It appears further that in 1882 the price had risen 33 per cent above the price in 1878; and that from and after 1882 the price fell to 46 cents a bushel in 1887; and it has been about that ever since.

Then if we will compare the years 1867 down to 1887 in three-year periods we will find that there were fluctuations in price during those periods. I have a table before me showing the acreage and the total amount of crops with the aggregate price for four separate periods of three years each, which I present in order that the fluctuations during those periods may be seen:

Periods.	Total production.	Total area of crops.	Total value of crops.
	Bushels.	*Acres.*	
Three years, 1867, 1868, 1869	4,272,130,500	201,810,132	$3,496,422,071
Three years, 1876, 1877, 1878	6,444,611,696	288,027,165	2,884,555,842
Three years, 1879, 1880, 1881	7,221,705,371	346,575,306	4,077,582,623
Three years, 1886, 1887, 1888	8,712,778,000	429,961,971	3,686,706,678

The average price per bushel for the first period, from 1867 to 1869, was 81¼ cents per bushel; for the second period, from 1876 to 1878, the average price was 44¾ cents per bushel; for the third period, from 1879 to 1881, the price was 56½ cents per bushel; and for the fourth period, from 1886 to 1888, the price was 42½ cents per bushel.

So it appears that to take the prices of products, whether of grain or of manufactured articles, for one year and then jump over a long period of years to another one, and select years in order to suit the particular view of the calculator, is not a fair method. While prices of farm products and prices of manufactured products have been falling they have also been rising and falling during certain years of long periods of time.

In connection with that (and this is a point to which I call attention particularly) I wish to state that during the first period we had a very large amount of money in circulation, beginning, say, with 1866, when we had 5-20 bonds outstanding amounting to $722,205,500. Passing over to the report for 1869 we find that the amount had been increased to $1,602,671,100, showing an absorption of currency in the three years equal to $880,465,600. That amount of the circulating money of the country had been withdrawn during the three years, and while that was going on the prices of farm products and the prices of all other products fell very nearly in the proportion that our circulating medium was diminished. That is a point to which I wish to call the special attention of the Senate, and still more especially the attention of the friends of the bill who believe that in the enactment of a law like this we shall have a universal panacea for the ills that affect agriculture.

Then, beginning with 1879, the national banks began to largely increase their circulation, and from that period of time to 1882 the operation of the Bland silver act was active in giving an average of perhaps $25,000,000 annually of silver money. The banks were increasing their circulation at the rate of between $8,000,000 and $9,000,000 a year, giving us, with the two agencies of increase, about $33,000,000 or $34,000,000. During the time of that rapid increase of the currrency prices began to rise again, as the figures to which I have called attention plainly show. The increase in the bank circulation continued until 1882. Then the banks began to withdraw their paper, and from that time until 1890, when the contraction largely ceased, the amount of bank-note circulation withdrawn was somewhere between $230,000,000 and $240,000,000, and during that time of the withdrawal of the bank notes prices again began to fall. So, in my judgment, this diminution and enlargement of the circulating money of the country had something to do with the fall and the rise of prices—that in connection with these other matters.

While I am satisfied that option and future dealing injuriously affects the business of farming and occasions much loss to other callings, I am not satisfied from anything which has

been said in this debate that the extent of such injury and loss can be exactly determined. There are two parties to each of all contracts in this business—bears and bulls, so called because it is to the interest of one party to pull prices down, while it is equally to the interest of the other party to push prices up. Between the two opposing interests markets are often feverish, farmers are frequently subjected to losses on that account, and these losses are never made good to them. And in addition to this irreparable injury, consumers suffer quite as much as the producer, for the scale is against him quite as often as it is against the farmers. The speculator alone profits by his trade.

But what is the net amount of loss to agriculture for which future dealing is directly responsible, we shall probably never know. Whatever it is, it is not reasonable to charge to that source all of the misfortunes which have fallen upon farming as a business, for many other departments of industry have suffered in like manner. Prices quite generally have fallen, and as to a great many articles so affected they are not handled by the "operators." Options and futures are limited to a comparatively few articles. Besides, competition and invention have had some influence in depressing values, and extortion and usury have been powerful agencies in the same direction.

I do not desire to detract an atom from what has been said concerning the evils of this business. I only wish to call the attention of the friends of the bill to other agencies which have been operating in connection with this to depress prices, and that our efforts ought to be combined quite as firmly and quite as strongly in other directions as well.

In conclusion, Mr. President, permit me to suggest what has already become painfully apparent to every thoughtful observer of the times. The gambling spirit is rife among the people. The public conscience is being blunted by this prevailing moral malady. It is rapidly making its way into every department of our society. Whole columns of metropolitan periodicals are taken up with reports of proceedings in the stock market; men are sent a thousand miles to report a prize fight, and Christians read the sickening recitals in the morning before they attend divine service; a game of ball is telegraphed to a thousand newspapers; respectable gentlemen gamble on a horse race; patriotic citizens stake wagers on elections; even the church is becoming tainted with this debauching vice.

Option and future speculation is only one of many symptoms of a disease which is deeply seated in our national character. What we most need now is to get rid of these evil agencies, quicken the public conscience, get more honor in our politics and more justice in our laws. From what I have said it must not be inferred that I am as one without hope. I am not a pessimist. I believe in progress—a grand, glorious progress for the American Republic.

I believe that in the pregnant years to come this nation will be, as it has been the last hundred years, the leading nation of the world; and that for us, with us, and around us and about us will be always active those elements of progress which have brought us thus far, only they will grow stronger and more powerful as the years to come reach us, moving us onward and upward as we go.

I have faith, Mr. President, in the energy, intelligence, and the moral courage of our own people to so great an extent that I believe we are amply able to solve all these problems ourselves with the aid of the Power above us. But what I am trying to do in my weak way is to call attention to existing evils and to join hands with others in arresting pernicious tendencies and in restoring the Government of the country to the people for whose protection its powers were organized.

Now, Mr. President, I wish to thank the Senate for the courtesy which has been extended to me. My remarks have gone far beyond what I expected they would in the matter of time.

Mr. WASHBURN. Mr. President——

Mr. QUAY. I desire to move that the Senate proceed to the consideration of executive business.

Mr. WASHBURN. I wish the Senator would withhold that for a few moments. I wish to make a statement, and then I will renew the motion.

Mr. QUAY. Very well.

Mr. WASHBURN. I intended to make that motion before I sat down. I presume it is impossible to have a vote on the pending bill to-day, although I had hoped that such a vote might be had before taking the holiday recess. As there are other Senators to speak, and as I understand no one is prepared to go forward to-day, I will directly move an executive session. Before doing that, however, I should like very much if we could agree upon some time, after the reconvening of Congress on the 4th of January, when the vote can be taken. Of course as far as I am concerned I propose that everybody shall have a full opportunity to discuss this measure to the fullest extent, but I should very much like to have some reasonable time fixed, after reconvening, when a vote may be taken.

Mr. HARRIS. The Senator from Minnesota will allow me to suggest to him that the Senate is now too thin for one reason. Another reason is that there are several Senators I know who desire to debate the measure, not at any great length, but we can not tell at what length until the time is reached. For that reason we could not afford now to fix an hour of a day upon which the vote shall be taken; but I think the Senator may rest assured that at some reasonably early day in January an agreement will be reached. When various Senators have had an opportunity to give their views upon the question, we can then reach with absolute certainty an hour of a day upon which we can commence voting upon the measure.

Mr. WASHBURN. I desire to call the attention of the Senate to the fact that this bill was passed through the other House in June by an overwhelming majority. It is very evident that there is a pronounced majority in this body in favor of it. In my opinion nine-tenths of the people in the country are looking anxiously for the passage of this bill, and ninety-nine one-hundredths of the farmers of the country are praying for it. I feel that an early day should be fixed upon for the final vote; and while I am very much obliged for the suggestion of the Senator from Tennessee, I shall feel it my duty when we reconvene to ask the Senate to proceed with the consideration of the bill continuously until we reach a vote, even though it is done at the expense of long sessions. After six weeks have been occupied in this Chamber in discussng the bill, and when it was so long since passed by the popular branch of Congress, I feel that I should be false to my duty unless I pursued that course after the Senate reconvened.

I now move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were reopened, and (at 2 o'clock and 45 minutes p. m.) the Senate adjourned, the adjournment being under the concurrent resolution of the two Houses, until Wednesday, January 4, 1893, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate December 22, 1892.

ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY.

Frederick J. Grant, of Washington, to be envoy extraordinary and minister plenipotentiary of the United States to Bolivia, vice Thomas H. Anderson, resigned.

SECRETARIES OF LEGATION.

George Creighton Webb, of New York, to be secretary of the legation of the United States at St. Petersburg, vice George W. Wurts, resigned.

Archibald C. Coolidge, of Massachusetts, to be secretary of the legation of the United States at Vienna, vice John J. Chew, resigned.

SECOND SECRETARY OF LEGATION.

Joseph R. Herod, of Indiana, to be second secretary of the legation of the United States to Japan, vice William R. Gardiner, jr., resigned.

CONSULS.

Nicholas Smith, of New York, now consul of the United States at Three Rivers, to be consul at Liege, to fill a vacancy.

Thomas Herran, a citizen of Colombia, to be consul of the United States at Medellin, to fill a vacancy.

Ferdinand C. Gottschalk, of California, to be consul of the United States at Stuttgart, vice Louis Gottschalk resigned.

Charles W. Dow, of Massachusetts, to be consul of the United States at Zanzibar, vice Joseph A. Jones, resigned.

POSTMASTERS.

Loyd V. Nanscawen, to be postmaster at Visalia, in the county of Tulare and State of California, in the place of Henry W. Dean, resigned.

George Mason, to be postmaster at Walsenburg, in the county of Huerfano and State of Colorado, in the place of David E. Muir, deceased.

Sherman F. Myers, to be postmaster at Anita, in the county of Cass and State of Iowa, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1892.

Florence M. Carpenter, to be postmaster at Foxboro, in the county of Norfolk and State of Massachusetts, in the place of Isaac P. Carpenter, deceased.

John W. Wright, to be postmaster at Litchfield, in the county of Meeker and State of Minnesota, in the place of August T. Koerner, resigned.

Grace Lamont, to be postmaster at Dillon, in the county of Beaver Head and State of Montana, in the place of David Lamont, deceased.

Walter E. Churchill, to be postmaster at Colebrook, in the county of Coos and State of New Hampshire, in the place of Silas L. Churchill, resigned.

Allen P. Dickey, to be postmaster at Waynesburg, in the county of Greene and State of Pennsylvania, in the place of John P. Teagarden, removed.

Henry C. Snowden, jr., to be postmaster at Media, in the county of Delaware and State of Pennsylvania, in the place of Joseph A. Thompson, deceased.

Joshua B. Bisland, to be postmaster at Orange, in the county of Orange and State of Texas, in the place of George F. Poole, removed.

PROMOTION IN THE ARMY.

Subsistence Department.

Col. John P. Hawkins, assistant commissary-general, to be Commissary-General of Subsistence, with the rank of brigadier-general, December 22, 1892, vice Du Barry, retired from active service.

CONFIRMATIONS.

Executive nominations confirmed by the Senate December 22, 1892.

ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY.

Fred J. Grant, of the District of Columbia, to be envoy extraordinary and minister plenipotentiary of the United States to Bolivia.

PROMOTION IN THE ARMY.

Commissary-General.

Col. John P. Hawkins, assistant commissary-general, to be Commissary-General of the Army of the United States.

POSTMASTERS.

Sherman F. Meyers, to be postmaster at Anita, Iowa.
John W. Wright, to be postmaster at Litchfield, Minn.
Allen P. Dickey, to be postmaster at Waynesburg, Pa.
Henry C. Snowden, jr., to be postmaster at Media, Pa.

HOUSE OF REPRESENTATIVES.

THURSDAY, *December 22, 1892.*

The House met at 12 o'clock, m. Prayer by the Rev. GEORGE H. COREY, of Washington, D. C.

The Journal of the proceedings of yesterday was read and approved.

PACIFIC RAILROADS.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting, in compliance with the deficiency act of July 28, 1892, a schedule of the claims certified by the accounting officers of the Treasury to be due to the several Pacific railroads; which was referred to the Committee on Appropriations.

Mr. DINGLEY. Mr. Speaker, I would like to have an order made to have that printed.

The SPEAKER. It will be ordered printed.

CONTRACTS ENTERED INTO BY THE WAR DEPARTMENT.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a statement of contracts entered into by the various bureaus of the War Department during the fiscal year ended June 30, 1892, which, with accompanying papers, was referred to the Committee on Expenditures in the War Department.

RIVER AND HARBOR IMPROVEMENTS.

The SPEAKER also laid before the House letters from the Secretary of War, transmitting, with letters of the Chief of Engineers, reports of preliminary examination of Lewis River, Washington, from its mouth to Speliah Creek; Yamhill River, Oregon, and the channel through Sabine Lake, Texas; which were severally referred to the Committee on Rivers and Harbors.

BOARD OF REGENTS OF THE SMITHSONIAN INSTITUTION.

The SPEAKER also laid before the House a communication from the secretary of the Smithsonian Institution respecting vacancy in the Board of Regents; which was referred to the Committee on the Library, and ordered to be printed.

STREETS AND HIGHWAYS IN FOREIGN COUNTRIES.

The SPEAKER also laid before the House the following Senate concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That there be printed 30,000 copies of the special consular report relating to streets and highways in foreign countries, heretofore published by the Department of State, of which 10,000 copies shall be for the use of the Senate and 20,000 for the House of Representatives.

ENROLLED BILLS SIGNED.

Mr. OHLIGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 6737) granting a pension to Delzell R. Bradford, Twenty-fourth Michigan Volunteers; and

A bill (H. R. 9417) to incorporate the Protestant Episcopal Cathedral Foundation of the District of Columbia.

JOSEPH S. HURST.

Mr. HITT, by unanimous consent, obtained leave to withdraw from the files the papers in the case of Joseph S. Hurst, filed in the Fifty-first Congress.

ORDER OF BUSINESS.

Mr. COBB of Missouri. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the Clerk's desk.

The Clerk read as follows:

A bill (H. R. 2923) for the relief of——

Mr. KILGORE. Mr. Speaker, I demand the regular order.

The SPEAKER. The demand for the regular order is equivalent to an objection.

Mr. McMILLIN. I move that the House adjourn.

Mr. REED. Will the gentleman from Tennessee withdraw his motion and allow me to offer a bill, which is of some importance, relating to the conduct of passengers on steamships?

Mr. McMILLIN. Does the gentleman desire to introduce it for reference?

Mr. REED. I desire to have the bill passed.

Mr. McMILLIN. The regular order has been demanded, and that stops all requests for unanimous consent.

The SPEAKER. The gentleman from Texas demands the regular order.

Mr. KILGORE (to Mr. REED). What is the character of the bill?

Mr. REED. It is a bill to allow officers of steamships to have some control of the passengers. It is a bill which has passed the Senate, and is favorably reported by the committee of the House.

Mr. OUTHWAITE (to Mr. KILGORE). To control passengers on steamboat excursions.

Mr. KILGORE. I am willing that the bill shall be read.

Mr. McMILLIN. I withdraw my motion for the present.

The SPEAKER. The matter immediately before the House at the moment the regular order was demanded was the request of the gentleman from Missouri [Mr. COBB] for unanimous consent.

Mr. ANTONY. Mr. Speaker, I do not think there is a quorum present, and I shall object.

Mr. McMILLIN. Then I move that the House adjourn.

Mr. STUMP. Mr. Speaker, the Committee on Immigration asks leave to file a report.

The SPEAKER. Without objection the Committee on Immigration will be permitted to file a report.

There was no objection.

Mr. BELTZHOOVER. Mr. Speaker, I ask leave to offer a resolution for reference.

The SPEAKER. That can be filed at the desk.

Mr. STUMP. Have I permission to file the report?

The SPEAKER. Permission has been granted.

Mr. McMILLIN. I move that the House do now adjourn.

Mr. BROSIUS. I ask unanimous consent——

The SPEAKER. Unless the motion of the gentleman from Tennessee is withdrawn that request can not be submitted.

Mr. BROSIUS. I ask the gentleman from Tennessee to withdraw his motion.

Mr. McMILLIN. The regular order has been demanded.

Mr. KILGORE. I will demand the regular order.

The question was taken on the motion to adjourn; and on a division there were—ayes 42, nays 48.

So the House refused to adjourn.

The SPEAKER. The regular order is demanded, which is the call of committees for reports.

LIGHT AND FOG SIGNAL, BUTLER FLATS, MASS.

Mr. RANDALL, from the Committtee on Commerce, reported back with a favorable recommendation an act (S. 1632) for the establishment of a light and fog-signal station near Butler Flats, New Bedford, Mass.; which was referred to the Committee of the Whole on the state of the Union, and, with the accompanying report, ordered to be printed.

SUSPENSION OF IMMIGRATION.

Mr. STUMP, from the Select Committee on Immigration and Naturalization, reported, as a substitute for H. R. 9980, a bill (H. R. 9999) for the establishment of a foreign quarantine and suspension of immigration under certain conditions; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

GOVERNMENT PRINTING OFFICE.

Mr. RICHARDSON, from the Committee on Printing, reported a joint resolution (H. Res. 176) making available the sum of $250,000 appropriated in 1890 and suspended in 1891 to provide accommodation for the Government Printing Office; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. The call of committees has been completed. The morning hour begins at 15 minutes past 12 o'clock. The call rests with the Committee on Indian Affairs.

Mr. PEEL. Mr. Speaker, there is evidently no quorum present, and I move that the morning hour be dispensed with.

The motion was agreed to.

Mr. HOLMAN. Mr. Speaker, it is obvious that there is no quorum here and the regular order has been demanded, so I move that the House do now adjourn.

The motion was agreed to; and the House accordingly, pursuant to concurrent resolution, adjourned until January 4, 1893, at 12 o'clock m.

REPORTS OF COMMITTEES.

Under clause 2 of Rule XIII, Mr. PEEL, from the Committee on Indian Affairs, reported the bill (S. 2398) for the relief of Henry W. Lee (Report No. 2194); which was delivered to the Clerk, ordered to be printed, and referred to the Committee of the Whole House.

BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills, resolution, and a memorial of the following titles were introduced and severally referred as follows:

By Mr. DALZELL: A bill (H. R. 9997) to authorize the Homestead and Pittsburg Bridge Company to construct a bridge over the Monongahela River from Pittsburg to Homestead—to the Committee on Interstate and Foreign Commerce.

By Mr. McKAIG (by request): A bill (H. R. 9998) to amend the act of May 6, 1890, fixing the rate of interest to be charged on arrearages of general and special taxes now due the District of Columbia—to the Committee on the District of Columbia.

By Mr. PARRETT: A joint resolution (H. Res. 180) relating to proof of citizenship of applicants for Indian-war pensions under the act of Congress approved July 27, 1892—to the Committee on Pensions.

By Mr. BROSIUS: A resolution to pay funeral expenses of Linton S. Cavey, deceased, late an employé of the House of Representatives—to the Committee on Accounts.

By Mr. BELTZHOOVER: A resolution fixing a day for the consideration of the bill (H. R. 546) to authorize the payment to the State of Pennsylvania of damages sustained during the late war, etc.—to the Committee on Rules.

By Mr. CRISP (by request): A memorial from the Legislature of Vermont, requesting the passage of a law establishing a uniform policy of immigration from foreign nations—to the Select Committee on Immigration and Naturalization.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as indicated below:

By Mr. BRIGHAM: A bill (H. R. 10000) to restore Capt. Francis M. Gibson, United States Army, retired, to active service—to the Committee on Military Affairs.

By Mr. CADMUS (by request): A bill (H. R. 10001) granting a pension to Mary E. Chamberlain—to the Committee on Invalid Pensions.

By Mr. HOLMAN: A bill (H. R. 10002) for the relief of Mrs. S. O. N. Pleasants—to the Committee on War Claims.

Also, a bill (H. R. 10003) for the relief of Julia Le Clerc, widow of John N. Le Clerc—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10004) for the relief of Nancy A. Fuller, mother of Samuel Phipps—to the Committee on Invalid Pensions.

By Mr. STONE of Kentucky: A bill (H. R. 10005) for the relief of Charles E. Barnes—to the Committee on Claims.

By Mr. JOHNSON of North Dakota: A bill (H. R. 10006) for the relief of John A. Rollings and James Gilfillan—to the Committee on Indian Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BELTZHOOVER: Two resolutions of churches of York, Pa., one of the Westminster Congregation, and the other of the Methodist Episcopal Church, against opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of the Presbyterian Congregation of Wrightsville, Pa., against the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of the select and common councils of the city of Philadelphia, Pa., in favor of an appropriation for the survey of the Raritan Bay Canal—to the Committee on Appropriations.

Also, resolutions of the International Association of Machinists, against the introduction of machinery in the manufacture of sugar into the United States at a lower duty than other machinery—to the Committee on Ways and Means.

Also, resolutions of the National League, for the protection of American institutions against sectarian appropriations in Indian schools—to the Committee on Indian Affairs.

By Mr. BINGHAM: Resolution of the select and common councils of the city of Philadelphia, Pa., relative to an appropriation for a channel between Raritan Bay and Delaware River—to the Committee on Rivers and Harbors.

By Mr. BOWMAN: Resolutions adopted at the twelfth annual session of the Farmers' National Congress, held at Lincoln, Nebr., November 22 and 24, 1892, relative to amending the interstate commerce law—to the Committee on Agriculture.

By Mr. DOLLIVER: Petition of citizens of Hamilton County, Iowa, favoring the passage of the Washburn-Hatch antioption bill—to the Committee on Agriculture.

By Mr. HARTER: Petition of Rev. W. W. Anderson and others of Perrysville, Ohio, asking for the closing of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. HERMANN: Memorial of the Chamber of Commerce of Portland, Oregon, favoring national aid to the Nicaragua Canal—to the Committee on Interstate and Foreign Commerce.

By Mr. MARTIN: Resolutions of citizens of Ossian, Ind., in favor of closing the World's Fair on Sunday and prohibiting the sale of intoxicating liquor on the grounds and in favor of the antioption and other bills—to the Select Committee on the Columbian Exposition.

By Mr. O'DONNELL: Protest of 23 citizens of Alamo, Kalamazoo County, Mich., protesting against any religious legislation by Congress—to the Select Committee on the Columbian Exposition.

Also, protest of the United Presbyterian Church of California, Branch County, Mich., against opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. VINCENT A. TAYLOR: Petition of 39 citizens of Kipton, Ohio, praying that the World's Fair shall not be opened on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 27 citizens of Perry, Lake County, Ohio, against Sunday opening of the Columbia Exposition—to the Select Committee on the Columbian Exposition.

By Mr. TRACEY: Petition of 140 citizens of Albany County, N. Y., that the World's Fair be closed on Sunday, and that no intoxicating liquors be sold on the Fair grounds—to the Select Committee on the Columbian Exposition.

SENATE.

WEDNESDAY, *January 4, 1893.*

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

WILLIAM B. ALLISON, a Senator from the State of Iowa, appeared in his seat to-day.

The Journal of the proceedings of Thursday, December 22, 1892, was read and approved.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had, on December 22, 1892, approved and signed the act (S. 2093) to provide for the disposal of certain abandoned military reservations in the State of Wyoming.

The message also announced that the President had, on December 28, 1892, approved and signed the following acts:

An act (S. 539) to amend and enlarge the act approved June 18, 1878, entitled, "An act to provide for the distribution of the awards made under the convention between the United States of

America and the Republic of Mexico, concluded on the 4th day of July, 1868;"

An act (S. 1647) to authorize the Alabama Grand Trunk Railroad Company to bridge across the Tallapoosa and Coosa Rivers; and

An act (S. 606) to amend and enlarge the act approved June 18, 1878, entitled, "An act to provide for the distribution of the awards made under the convention between the United States of America and the Republic of Mexico, concluded on the 4th day of July, 1868."

AGREEMENT WITH COMANCHE, KIOWA, AND APACHE INDIANS.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Indian Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith, for the consideration of Congress, a communication of the 23d of December, 1892, from the Secretary of the Interior, accompanied by an agreement concluded by and between the Cherokee Commission and the Comanche, Kiowa, and Apache tribes of Indians in the Territory of Oklahoma for the cession of certain lands, and for other purposes.

BENJ. HARRISON.

EXECUTIVE MANSION, *January 4, 1893.*

AGREEMENT WITH PAWNEE INDIANS.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Indian Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith for the consideration of Congress a communication of the 23d of December, 1892, from the Secretary of the Interior, accompanied by an agreement concluded by and between the Cherokee Commission and the Pawnee tribe of Indians, in the Territory of Oklahoma, for the cession of certain lands, and for other purposes.

BENJ. HARRISON.

EXECUTIVE MANSION, *January 4, 1893.*

PRESIDENTIAL ELECTORS.

The VICE-PRESIDENT laid before the Senate communications from the Secretary of State, transmitting, in pursuance of the provisions of the act of Congress approved February 3, 1887, certified copies of the final ascertainment of the electors for President and Vice-President appointed in the States of Pennsylvania, Rhode Island, Mississippi, Iowa, Nevada, Vermont, Idaho, Virginia, Massachusetts, and West Virginia; which were ordered to lie on the table.

INDIAN TRUST FUNDS AND DEPREDATION CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of December 20, 1892, a report from the Commissioner of Indian Affairs relative to certain Indian trust funds held by the United States, the amount of Indian depredation claims which has hitherto received the approval of the Department of the Interior, the amount of such claims which has been presented to the Court of Claims, etc.; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed.

REPORT OF PUBLIC PRINTER.

The VICE-PRESIDENT laid before the Senate a communication from the Public Printer, transmitting his annual report for the fiscal year ended June 30, 1892; which, with the accompanying papers, was referred to the Committee on Printing, and ordered to be printed.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the New York Board of Trade and Transportation, praying for the passage of legislation to prevent the immigration of undesirable immigrants; which was referred to the Committee on Immigration.

He also presented a resolution of the Union Park Congregational Christian Endeavor Society of Chicago, expressing their emphatic disapproval of any attempt to repeal the present law closing the World's Columbian Exposition on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

He also presented a petition of the Chamber of Commerce of San Diego, Cal., praying Congress to give to the construction of the Nicaragua Canal such aid and encouragement as will insure its speedy completion and for the passage of such legislation as will maintain the control of its construction and operation within and under the supervision of the United States; which was ordered to lie on the table.

Mr. CULLOM presented petitions of William A. Hunt and other citizens of Hamilton County; of Miles R. Dunn and other citizens of Johnson County; of Seibert Lodge, No. 3220, of Madison County; of Jacob Doerr and other citizens of Perry County; of C. P. Keeler and other citizens of Jasper County; of George E. Burnett and other citizens of Saline County; of William Rhodes and other citizens of Moultrie County; of Moonshine Lodge, Farmers Mutual Benefit Association, of Clark County; of August E. Genre and other citizens of Madison County; of C. E. Robertson and other citizens of Jefferson County; of John L. Binder and other citizens of Clark County; of D. D. Smith and other citizens of DeWitt County; of C. F. Brockmeyer and other citizens of Madison County, and of E M. Turner and other citizens of Wayne County, all in the State of Illinois, praying for the appointment of a Senate committee to investigate the combine formed to depreciate the price of grain now existing between the millers, railroads, and elevators; which were referred to the Committee on Agriculture and Forestry.

He also presented a petition of the State Grange of Illinois, Patrons of Husbandry, of Dunlap, Ill., praying for the passage of the Paddock pure food bill; which was referred to the Committee on Agriculture and Forestry.

He also presented petitions of Pleasant Plains Grange, Patrons of Husbandry, of Illinois, and of the State Grange, Patrons of Husbandry, of Illinois, praying for the passage of the Washburn-Hatch antioption bill; which was ordered to lie on the table.

He also presented a petition of the State Grange of Illinois, Patrons of Husbandry, adopted at its twenty-first annual session, held at Springfield, Ill., praying for Governmental control of railroads; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the State Grange of Illinois, Patrons of Husbandry, praying for the revival of the income tax; which was referred to the Committee on Finance.

He also presented a petition of the State Grange of Illinois, Patrons of Husbandry, praying for the free delivery of mails in rural districts; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the State Grange of Illinois, Patrons of Husbandry, praying for the establishment of United States postal savings banks; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the State Grange of Illinois, Patrons of Husbandry, praying for the free coinage of silver; which was referred to the Committee on Finance.

He also presented a petition of the State Grange of Illinois, Patrons of Husbandry, praying for the loaning of money by the Government directly to the people at 2 per cent per annum; which was referred to the Committee on Finance.

He also presented a petition of the State Grange of Illinois, Patrons of Husbandry, praying for the use of gold, silver, and paper as money limited in amount to the people's needs; which was referred to the Committee on Finance.

Mr. PEFFER presented the petitions of J. F. Rice and 23 other citizens of Louisville, Ky.; of W. A. Kackansen and 22 other citizens of Leavenworth, Kans.; of H. H. Riggs and 15 other citizens of Wichita, Kans.; of Henry C. Burmeister and 21 other citizens of Barton County, Kans.; and J. J. Singley and 14 other citizens of Butler County, Kans., praying for the appointment of a Senate committee to investigate the combine formed to depreciate the price of grain, and asking for the postponement of the Washburn-Hatch antioption bill until such committee shall report; which were referred to the Committee on Agriculture and Forestry.

He also presented a petition of the International Association of Machinists, of Richmond, Va., praying for the passage of legislation prohibiting the importation of any kind of machinery used in the manufacture of sugar into the United States at a lower rate of duty than other machinery; which was referred to the Committee on Finance.

He also presented resolutions of the Methodist Episcopal Church of Washington, Kans., tendering thanks to Congress for the passage of legislation closing the World's Columbian Exposition on Sunday, for the passage of the antilottery law, etc.; which were referred to the Committee on the Quadro-Centennial (Select).

Mr. MCMILLAN presented the petition of George W. Wood and 42 other citizens of Kalamazoo, Mich., praying for the appointment of a Senate committee to investigate the combine formed to depreciate the price of grain, and asking for the postponement of the Washburn-Hatch antioption bill until such committee shall report; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of Cleon Grange, No. 633, Patrons of Husbandry, of Harlan, Mich., praying for the passage of the Washburn-Hatch antioption bill; which was ordered to lie on the table.

He also presented a petition of the Journeymen Tailors' Union of Grand Rapids, Mich., praying for the passage of House bill 8535, limiting the free entry of wearing apparel of foreign manufacture; which was referred to the Committee on Finance.

He also presented a petition of the congregations of the Meth-

odist Episcopal, Baptist, and Presbyterian churches of Cass City, Mich.; a petition of 150 citizens of Montague, Mich.; a petition of the Lake Superior (Mich.) Association of Congregational Churches; the petition of Rev. D. B. Davidson, and 30 other citizens of Mount Pleasant, Mich., and the petition of Rev. Wm. H. Hoffman and 44 other citizens of Mount Pleasant, Mich., praying that the World's Columbian Exposition be closed on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

He also presented the memorial of Hiram Hatch and 14 other members of the Seventh-Day Adventist Church of Copernish, Mich., remonstrating against the commitment of the United States Government to a union of religion and the state by the passage of any legislation closing the World's Columbian Exposition on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

Mr. DOLPH presented a petition of citizens of Oregon, praying that an extension of time be granted for payment of forfeited railroad lands; which was referred to the Committee on Public Lands.

Mr. QUAY presented memorials of professors and students of the Reformed Presbyterian Seminary of Allegheny; of the First Reformed Congregation of Sunbury; of the First United Presbyterian Church of Allegheny; of the Methodist Episcopal Church of Myersdale; of the First Presbyterian Church of Sunbury; of the Union Presbyterian Church of Coleraine; of the United Presbyterian Presbytery of Allegheny; of the Sixth United Presbyterian Church of Allegheny; of the Ridge Avenue Methodist Episcopal Congregation of York; of the United Presbyterian Church of West Bellevue; and of St. Paul's English Evangelical Lutheran Congregation of York, all in the State of Pennsylvania, remonstrating against the repeal of the law closing the gates of the World's Columbian Exposition on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

He also presented a petition of the Journeymen Tailors' Union of Pittston, Pa., praying for the passage of House bill 8535, limiting the free entry of wearing apparel of foreign manufacture; which was referred to the Committee on Finance.

Mr. MITCHELL presented the petition of Marshall R. Hathaway, of Vancouver, Wash., praying that a pension be granted him on account of services in various Indian wars in the Territory of Washington; which was referred to the Committee on Pensions.

He also presented a petition of the Chamber of Commerce of Portland, Oregon, praying that the financial aid of the Government be extended in furtherance of the speedy completion of the Nicaragua interoceanic canal; which was ordered to lie on the table.

He also presented resolutions adopted by members of Columbia Harbor, No. 22, Astoria, Oregon; California Harbor, No. 15, and Marine Engineers, No. 35, of San Francisco, Cal., at recent meetings held by those bodies, reciting that the signers view with alarm the action of Congress in passing the so-called Cockran bill providing for the admission of foreign vessels to American registry, and protesting against the passage of any law whereby the foreign officers of said and similar vessels shall be continued in service on their respective vessels after transfer to the American flag, without regard to their qualifications as citizens of the United States; which was referred to the Committee on Commerce.

Mr. TELLER presented the petition of V. W. Mays and 22 other citizens of Arapahoe County, Colo., praying for the appointment of a Senate committee to investigate the combine formed to depreciate the price of grain, and asking for the postponement of the Washburn-Hatch antioption bill until such committee shall report; which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of sundry citizens of Colorado, remonstrating against the removal of the Southern Ute Indians from their present reservation in Colorado to Utah Territory; which was referred to the Committee on Indian Affairs.

He also presented a petition of the Journeymen Tailors' Union of Leadville, Colo., praying for the passage of House bill 8535, limiting the free entry of wearing apparel of foreign manufacture; which was referred to the Committee on Finance.

Mr. PERKINS presented a petition of Journeymen Tailors' Union, No. 20, of Wichita, Kans., praying for the passage of House bill 8535, limiting the free entry of wearing apparel of foreign manufacture; which was referred to the Committee on Finance.

He also presented resolutions of the Presbyterian and Methodist Episcopal churches of Cawker City, Kans., thanking Congress for the closing of the World's Columbian Exposition on Sunday, for the passage of the antilottery bill, and praying for the passage of the Washburn-Hatch antioption bill; for the renewal by Congress of its action excluding the sale of intoxicating liquors from the grounds of the World's Columbian Exposition; for the restriction of immigration by consular examinations, educational tests, and high tariff on immigrants, and the submission of the proposed sixteenth amendment to the Constitution; which were ordered to lie on the table.

Mr. WARREN presented resolutions adopted by the irrigation convention held in Las Vegas, N. Mex., praying that the Government grant in trust, upon such conditions as shall serve the public interest, to the States and Territories needing irrigation all lands now opened or hereafter acquired by the United States within such States and Territories; which were referred to the Select Committee on Irrigation and Reclamation of Arid Lands.

Mr. SHERMAN presented the petition of Hamer Grange, No. 451, of the State of Ohio, praying for the passage of the pure-food bill; which was referred to the Committee on Agriculture and Forestry.

He also presented the petition of the First Presbyterian Church of Tombstone, Ariz., praying Congress not to repeal the law closing the World's Columbian Exposition on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

He also presented resolutions of the Cincinnati (Ohio) Chamber of Commerce, favoring the construction of the Nicaragua Canal under the supervision of the United States; which were ordered to lie on the table.

He also presented the petition of Rev. H. A. Thompson, secretary of the Ohio Sabbath Association, praying that the World's Columbian Exposition be closed on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

He also presented petitions of Wellington Grange, Patrons of Husbandry; of Milton Grange, No. 733, Patrons of Husbandry; of the Greenwich Farmers' Institute Association; of the Lorain County Institute; of Sylvania Grange, Patrons of Husbandry; of Hamer Grange, No. 451, Patrons of Husbandry, and of Chapel Grange, No. 26, Patrons of Husbandry, all in the State of Ohio, praying for the passage of the Washburn-Hatch antioption bill; which were ordered to lie on the table.

Mr. COKE presented petitions of J. W. Rice and other citizens of Frio County; of J. S. Webb and other citizens of Fayette County; of J. R. Proctor and other citizens of Upshur County, and of James W. McKenzie and other citizens of Carlton, all in the State of Texas, praying for the passage of the Washburn-Hatch antioption bill; which were ordered to lie on the table.

Mr. VEST presented the petition of L. A. Meyer and other citizens of Saline and Lafayette Counties; a petition of the Farmers' Alliance and Industrial Union of Livingston County; the petition of Cyrus Henry and other citizens of Nevada, and the petition of B. K. Dunn and other citizens of Livingston County, all in the State of Missouri, praying for the passage of the Washburn-Hatch antioption bill; which were ordered to lie on the table.

He also presented a petition of Bancroft Grange, No. 406, Patrons of Husbandry of Missouri, praying for the passage of the Paddock pure food bill; which was referred to the Committee on Agriculture and Forestry.

He also presented the petition of B. K. Dunn and other citizens of Livingston County, Mo., and a petition of the Farmers' Alliance and Industrial Union of Livingston County, Mo., praying for the passage of the Conger lard bill; which were referred to the Committee on Agriculture and Forestry.

He also presented the petition of John N. Straat, and 16 other citizens of St. Louis, Mo., praying for the submission of an amendment to the Constitution of the United States to limit the term of President and Vice-President to six years; which was referred to the Committee on Privileges and Elections.

He also presented a petition of the Bar Association of the First judicial division of the Indian Territory, praying that additional jurisdiction be conferred upon the United States court in the Indian Territory; which was referred to the Committee on the Judiciary.

Mr. COCKRELL presented the petition of E. C. Morlan and sundry other citizens of Dublin, Mo., praying for the passage of the Washburn-Hatch antioption bill; which was ordered to lie on the table.

He also presented memorials of the New Providence Presbyterian Church of Ben Bow; of the First Presbyterian Church of Warrensburg; of the Methodist Episcopal Church South of Warrensburg; of the Cumberland Presbyterian Church of Warrensburg, and of the Christian Church of Warrensburg, all in the State of Missouri, remonstrating against any action being taken to repeal the present law closing the World's Columbian Exposition on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

Mr. COCKRELL. I present the memorial of Mrs. Caroline F. Corbin, of No. 597 Dearborn avenue, Chicago, Ill., on behalf of remonstrants against woman suffrage, and I ask that it be re-

ferred to the Select Committee on Woman Suffrage. I ask especially that at the next hearing of those who favor woman suffrage Mrs. Corbin and her friends may be allowed to be heard against it, so that the hearing will not be one-sided, as it has been for many years past.

The VICE-PRESIDENT. The memorial will be referred to the Select Committee on Woman Suffrage.

Mr. HARRIS presented a memorial of the Synod of Tennessee, remonstrating against any action being taken to repeal the present law closing the World's Columbian Exposition on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

He also presented a petition numerously signed by citizens of Shelby County, Tenn., praying for the passage of the Washburn-Hatch antioption bill; which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. VEST, from the Committee on Commerce, to whom was referred the bill (S. 3525) to authorize the construction of bridges across the Hiwassee, the Tennessee, and the Clinch Rivers, in the State of Tennessee, reported it with amendments.

He also, from the same committee, to whom was referred the bill (H. R. 6798) to authorize the construction of a bridge across the Warrior River by the Montgomery, Tuscaloosa and Memphis Railway Company, reported it with amendments.

Mr. WARREN, from the Select Committee on Woman Suffrage, to whom the subject was referred, submitted a report thereon, accompanied by a joint resolution (S. R. 129), proposing an amendment to the Constitution of the United States, extending the right of suffrage to women; which was read twice by its title.

Mr. VANCE subsequently said: I ask leave to submit the views of the minority of the Committee on Woman Suffrage on the joint resolution proposing an amendment to the Constitution extending the right of suffrage to women, in order that it may be printed with the report of the majority of the committee which was submitted this morning.

The PRESIDING OFFICER (Mr. PLATT in the chair). The views of the minority will be received and printed with the report of the majority of the committee.

Mr. HARRIS, from the Committee on Epidemic Diseases, submitted a report to accompany the bill (S. 2707) granting additional quarantine powers, and imposing additional duties upon the Marine Hospital Service, heretofore reported by him.

WATER WORKS IN ERIE, PA.

Mr. QUAY. I am instructed by the Committee on Public Buildings and Grounds to report back favorably, with amendments, the bill (H. R. 9826) granting certain rights and privileges to the commissioners of water works in the city of Erie, Pa. If there is no objection, I ask that the Senate proceed to the consideration of the bill at this time.

Mr. COCKRELL. Let it be read for information.

After reading, the Senate, by unanimous consent, proceeded to consider the bill as in Committee of the Whole.

The first amendment of the Committee on Public Buildings and Grounds was, in line 8, after the word "across," to insert "the land belonging to the United States on;" so as to read:

That the commissioners of water works in the city of Erie, in the State of Pennsylvania, be, and they are hereby, granted the right to lay, extend, and maintain their intake pipe from their present pumping station at the foot of Chestnut street, at Erie, Pa., across the Bay of Presque Isle to the peninsula, thence across the land belonging to the United States on the peninsula to the shore of Lake Erie, etc.

The amendment was agreed to.

The next amendment was, in line 15, after the word "also," to insert "the use of;" in the same line, after the word "land, to insert "belonging to the United States;" and in line 16, after the word "crossing," to strike out the words "and the use of same;" so as to read:

Also the use of such land belonging to the United States as may be required for a road, or roads, to and from the main land to place of crossing; all according to such plans and specifications as may be approved by the Secretary of War, and such plans shall be executed under his direction and supervision.

The amendment was agreed to.

The next amendment was to add the following additional section:

SEC. 2. The right to alter, amend, or repeal this act is hereby reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. QUAY. I move that the Senate request a conference with the House of Representatives on the bill and amendments.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate, and Mr. QUAY, Mr. MORRILL, and Mr. VEST were appointed.

BILLS INTRODUCED.

Mr. FRYE introduced a bill (S. 3659) authorizing the appointment of a commission to make a settlement of the claims growing out of the issue of bonds by the United States to aid in the construction of certain railroads and to secure to the United States payment of all indebtedness of certain railroad companies therein mentioned; which was read twice by its title, and referred to the Select Committee on the President's Message transmitting the Report of the Pacific Railway Commission.

Mr. COKE introduced a bill (S. 3660) for the establishment of a light-house, fog signal, and line lights at or near the mouth of the Brazos River, Texas; which was read twice by its title, and referred to the Committee on Commerce.

Mr. DAWES introduced a bill (S. 3661) for the relief of the estate of John R. Bigelow; which was read twice by its title, and referred to the Committee on Claims.

Mr. CHANDLER introduced a bill (S. 3662) to prohibit unlawful military organizations; which was read twice by its title, and referred to the Select Committee on the Employment of Armed Bodies of Men for Private Purposes.

He also introduced a bill (S. 3663) establishing additional regulations concerning immigration to the United States; which was read twice by its title, and referred to the Committee on Immigration.

Mr. MCMILLAN introduced a bill (S. 3664) creating form of real-estate deed for the District of Columbia; which was read twice by its title, and, with the accompanying papers, referred to the Committee on the District of Columbia.

Mr. QUAY introduced a bill (S. 3665) for the relief of George R. Burnett; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 3666) enlarging the limit for the construction of a post-office building at Allegheny, Pa.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. PERKINS introduced a bill (S. 3667) granting a pension to Willis Clayton; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3668) granting a pension to Mrs. Sarah Beardsley; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3669) granting a pension to Isaac Newman; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SAWYER introduced a bill (S. 3670) granting an increase of pension to Charles A. Lang; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MCMILLAN introduced a joint resolution (S. R. 130) to amend an act entitled "An act making Saturday a half holiday for banking and trust companies in the District of Columbia," approved December 22, 1892; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. CULLOM introduced a joint resolution (S. R. 131) giving the views of Congress on the construction of the swamp land act, approved September 28, 1850; which was read twice by its title, and referred to the Committee on Public Lands.

USE OF STREETS IN WASHINGTON.

Mr. GORMAN. I introduce a joint resolution and ask unanimous consent for its present consideration.

The joint resolution (S. R. 128) to authorize the Secretary of War to grant permits for the use of reservations and public spaces in the city of Washington, and for other purposes, was read the first time by its title and the second time at length, as follows:

Resolved by the Senate and House of Representatives, etc., That the Secretary of War is hereby authorized to grant permits to the executive committee on inaugural ceremonies for the use of any reservation, or other public space, in the city of Washington, on occasion of the inauguration of the President-elect on the 4th day of March, 1893, which in his opinion will inflict no serious or permanent injury upon such reservation or public space; and the Commissioners of the District of Columbia may designate for such and other purposes such streets, avenues, and sidewalks in the District as they may deem proper and necessary therefor.

The VICE-PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole.

Mr. HOAR. Let the joint resolution be read again.

The joint resolution was again read.

Mr. GORMAN. I will state to the Senator from Massachusetts that by the appropriation act of 1890 special provision was made that no seats or structures of any kind should be erected upon the streets in this city without the consent of Congress.

Mr. HOAR. I thought when I heard it first read that it was read as a Senate resolution solely, which was the reason for my asking that it be read again. It is all right if it is a joint resolution.

Mr. GORMAN. It is a joint resolution, and is all right.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AMENDMENT TO A BILL.

Mr. QUAY submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Public Buildings and Grounds.

WITHDRAWAL OF PAPERS.

On motion of Mr. PERKINS, it was

Ordered, That the papers in the case of Louis Volchhausen be withdrawn from the files of the Senate, there being no adverse report.

INTRODUCTION OF CHOLERA.

Mr. STEWART. I submit an amendment intended to be proposed to the joint resolution (S. R. 126) authorizing and directing the Secretary of the Treasury to suspend all purchases of silver bullion as provided in the act of July 14, 1890. I should like, if I can have unanimous consent, to submit some remarks at this time upon the joint resolution and the amendment I propose.

Mr. CHANDLER. If the Senator from Nevada will permit me, I desire unanimous consent that an order of the Senate may be made, which I ask to have read.

Mr. STEWART. I will give way to that, if I can have unanimous consent when it is concluded.

The VICE-PRESIDENT. The order proposed by the Senator from New Hampshire will be read.

The Chief Clerk read as follows:

Ordered, That on Friday next, after the routine business of the morning hour is transacted, and on Saturday if necessary, bills on the Calendar reported by the Committees on Epidemic Diseases and Immigration having relation to the danger of the introduction of cholera into this country during the present year shall be the special orders and have exclusive consideration on those days, without otherwise displacing the present unfinished business.

Mr. CHANDLER. Mr. President, I desire unanimous consent to say that the two bills referred to are the last bills on the Calendar. One is a bill for the suspension of immigration for one year, reported from the Committee on Immigration, and the other is a bill reported by the Senator from Tennessee [Mr. HARRIS], from the Committee on Epidemic Diseases, granting additional quarantine powers and imposing additional duties upon the Marine Hospital Service. It would seem that if there were any bills here that are entitled to preference these are the bills. They are urgent in their character. They represent two different methods of dealing with apprehended cholera, one the total suspension of immigration for one year and the other increased quarantine powers to the executive branch of the Government. I also understand that the Executive, without additional legislative authority, proposes to issue within a few days regulations concerning quarantine which will have an important bearing upon the subject under discussion.

I am willing that the bill reported by the Senator from Tennessee should be first considered, and to allow the bill providing for suspension of all immigration for one year to remain until after the legislation proposed by that committee shall be considered and disposed of; but I do think—and I appeal to the Senator from Tennessee to make a statement on this subject—that the measures which are to be adopted by the present Congress to prevent, or calculated to prevent, the introduction of cholera into this country during the present year should not be delayed by any business now pending before the Senate.

Mr. HARRIS. I quite agree with the Senator from New Hampshire that the questions referred to by him are of the highest importance, and if this Congress is to take action upon those measures at all it is very important that that action should be taken at the earliest day possible.

Mr. WASHBURN. Mr. President, I recognize the importance of the measures to which the Senator from New Hampshire refers. It is a very disagreeable thing to interpose any objection to the course indicated by him, but the bill now pending as unfinished business is, in my mind, the most important legislation, certainly with the exception of these two measures that we have before the Senate, and to which the country is looking with more anxiety than any proposed enactment.

Could there not be an understanding as to a vote on the pending measure some time next week? I had hoped to reach a vote this week. We have already spent six or eight weeks in discussing the measure. I thought from the intimations of the Senator from Tennessee that possibly this week we might agree on some time to take a vote. If that could be done I should interpose no objection to the request of the Senator from New Hampshire.

Mr. HARRIS. I should like to say to the Senator from Minnesota that I do not think there is any disposition anywhere to defeat a final vote upon the bill he has in charge. I am sure I desire to come to it as early as we conveniently can do so. I do not know how many Senators desire to be heard, but I know there are several, and I think they ought to have an opportunity to be heard. That opportunity can not be furnished this week.

I see no reason, however, in the condition of the business of the Senate, why we may not reasonably hope that at some time in the coming week we may come to a vote upon the bill the Senator from Minnesota has in charge. But whether unanimous consent shall or shall not be given to devote two days to the consideration of the measures referred to by the Senator from New Hampshire, I do not think it would be possible to come to a vote upon the antioption bill during the present week.

Mr. WASHBURN. I should like to ask the Senator from New Hampshire if one day will not probably be sufficient, and whether Saturday will not give him sufficient time for the consideration of the measures which he wishes to bring up.

Mr. CHANDLER. That would depend upon the opinion of the Senator from Tennessee rather than upon my opinion. I believe that one day will be sufficient to dispose of the legislation reported from the Committee on Epidemic Diseases. If the bill for the suspension of immigration for one year follows that in consideration it might not be possible to dispose of that bill also the same day. The bills we do not anticipate will take a great while, but they are not bills that either the Senator from Tennessee or myself feel warranted in asking to have disposed of in the morning hour, and we only ask that we may have Friday, and Saturday if necessary, not anticipating that Saturday will be necessary.

The difficulty, as the Senator from Minnesota will see, is that if we consent to take Saturday we are not certain to have so full an attendance in the Senate as ought to be found when a subject of this important character is being considered. I leave the question as to whether we shall have Friday or Saturday to the Senate.

Mr. WASHBURN. Under the circumstances, regarding the importance of the measures, I would very gladly agree to devote Saturday to them, and then if anything should turn up whereby more time should be required a future arrangement can be made. I suggest that the Senator from New Hampshire change the order so as to fix Saturday. To that I have no objection.

Mr. CHANDLER. I think the Senator had better give us Friday. If we start on Saturday and the subject is delayed, it may go over until next week, whereas if we start Friday we shall probably get through Friday, and it will not be necessary for the Senate to sit on Saturday, as it is very much disinclined to do.

Mr. HARRIS. I desire to suggest to the Senator from Minnesota that if the measures are taken up for consideration and one day shall be found insufficient to dispose of them, I am quite satisfied that the Senate and the Senator himself would concede such additional time as may be necessary to finally dispose of them. So I do not think it very material whether at this moment two days or one day shall be given.

Mr. WASHBURN. Very well. With that statement and with the general disposition there is to consider the question, I shall not interpose any objection so far as I am concerned.

The VICE-PRESIDENT. The order will be considered as agreed to by unanimous consent.

WILLIAM M'GARRAHAN—VETO MESSAGE.

Mr. TELLER. Mr. President, the bill known as the McGarrahan bill is the special order after the routine morning business to-day. The Senator from Nevada [Mr. STEWART] desires to occupy the floor upon another subject. I ask, in view of the order that has just been taken, that that bill may stand over until next Tuesday with the same right that it has this morning.

Mr. MILLS. I did not understand the statement of the Senator from Colorado.

Mr. TELLER. I ask that the McGarrahan case may go over until next Tuesday with the same privilege it has this morning, so that the Senator from Nevada may be heard at this time.

The VICE-PRESIDENT. That arrangement will be understood as agreed to, if there be no objection.

Mr. DAWES. I do not see the Senator from Missouri [Mr. VEST] in his seat. I should like to inquire the place on the Calendar of the joint resolution recently introduced by him in reference to a commission to be appointed to negotiate with the five civilized tribes. I understood that it was laid aside temporarily.

Mr. COCKRELL. My colleague [Mr. VEST] was here a moment ago. I will have him here in a minute.

The VICE-PRESIDENT. The joint resolution is on the table.

Mr. PLATT. I do not rise to object to the discussion of the McGarrahan claim or to any arrangement which has been made

with reference to the immigration and quarantine questions, but simply to say that at some time, and at no very distant time, I shall feel that it is my duty to insist upon the consideration of the agreement made by the Cherokee Commission for the purchase of the Cherokee Outlet. If that is not ratified by the 4th of March it falls to the ground. While I do not give any notice this morning, I feel that the importance of that measure is such that I shall be justified in asking for its early consideration by the Senate.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had passed without amendment the following bills:

A bill (S. 1786) granting a pension to Mrs. Jennie Gray;

A bill (S. 1831) to admit free of duty the wreckage of the ships Trenton and Vandalia presented by the United States to the King of Samoa;

A bill (S. 3029) authorizing the construction of a bridge across the Columbia River in the State of Washington; and

A bill (S. 3048) granting to the Blue Mountain Irrigation and Improvement Company a right of way for reservoir and canals through the Umatilla Indian Reservation in the State of Oregon.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 2395) granting a pension to D. M. Lang; and

A bill (H. R. 9824) to amend "An act to promote the construction of a safe deep-water harbor on the coast of Texas," approved February 9, 1891.

COINAGE OF SILVER.

Mr. STEWART. If there is no objection, I will now proceed.

The VICE-PRESIDENT. Is there objection to the request made by the Senator from Nevada?

Mr. HARRIS. I did not hear what the request was.

Mr. STEWART. I wish to make some remarks on the silver question.

The VICE-PRESIDENT. Is there objection? The Chair hears no objection, and the Senator from Nevada will proceed.

Mr. STEWART. I submit an amendment to Senate joint resolution 126, and ask that the joint resolution and the amendment be read.

The VICE-PRESIDENT. The joint resolution will be read.

The Chief Clerk read as follows:

A joint resolution (S. R. 126) authorizing and directing the Secretary of the Treasury to suspend all purchases of silver bullion as provided in the act of July 14, 1890.

Resolved by the Senate and House of Representatives, etc., That the Secretary of the Treasury be, and he hereby is, authorized and directed to suspend, until otherwise ordered by Congress, all purchases of silver bullion as provided in the first section of the act of July 14, 1890, entitled "An act directing the purchase of silver bullion and the issue of Treasury notes thereon, and for other purposes."

The VICE-PRESIDENT. The amendment intended to be proposed by the Senator from Nevada will be read.

The CHIEF CLERK. It is proposed to add to the joint resolution the following sections:

SEC. 2. That the silver coins of the United States shall be composed of standard silver. That of the silver coins the dollar shall be of the weight of 412½ grains, the half dollar of the weight of 206¼ grains, the quarter dollar of the weight of 103⅛ grains, and the dime or tenth part of a dollar of the weight of 41¼ grains. And that dollars, half dollars, quarter dollars, and dimes shall be legal tenders of payment, according to their nominal value, for any sum whatever.

SEC. 3. That silver bullion brought to any mint of the United States for coinage shall be received and coined by the proper officers for the benefit of the depositor: *Provided*, That it shall be lawful to refuse at the mint any deposit of less value than $100, and any bullion so base as to be unsuitable for the operations of the mint. And all silver bullion belonging to the United States shall be coined as rapidly as possible without delaying coinage.

SEC. 4. That the depositor of silver bullion at any mint of the United States for coinage shall receive therefor silver coin or Treasury notes of the United States, to be issued by the Secretary of the Treasury in such form and of such denominations, not less than $1 nor more than $1,000, as he may prescribe. The Treasury notes issued according to the provisions of this act shall be redeemable on demand at the Treasury of the United States, or at the office of any assistant treasurer of the United States, in either gold or silver coin, at the option of the United States; and such Treasury notes shall be a legal tender in payment of all debts, public and private.

Mr. STEWART. Mr. President, the repeal of the act of July 14, 1890, providing for the purchase of four and a half million ounces of silver bullion per month, and the issue of legal-tender Treasury notes thereon without substituting free coinage would be disastrous. To make the evils of such legislation understood it is necessary to review some of the facts relating to the production and use of gold and silver as money.

THE GOLD FIELDS OF CALIFORNIA AND AUSTRALIA.

The great gold fields of California and Australia were extraordinary. No similar discoveries had been made since the placer mines of Spain and Italy were exhausted, more than eighteen hundred years ago. No other similar gold fields are likely to be found. Gold placers are easily discovered because they furnish abundant evidence of their existence in the gravel and sand of the beds of the streams which drain the country where the mines are located. The world has been sufficiently explored to remove all reasonable probability of another California or Australia, unless it be found in the interior of Africa where the daring prospector has been unable to explore. The placers of California and Australia are about exhausted; and the world must hereafter obtain its supply of gold from silver mines where that metal is found in combination with silver; in the gleanings of the old placers fields, and in the few vein mines containing gold.

FULLY HALF THE SUPPLY OF GOLD DERIVED FROM SILVER MINES.

It is estimated that in ordinary times, and in the absence of such gold placers as were found in California and Australia, fully one-half of the supply of gold is derived from the silver mines. If silver mining were not prosecuted, the supply of gold would be reduced fully one-half. The attempt to maintain a gold metallic basis is about as revolutionary as the issuance of the French assignats and other unlimited issues of paper money. Gold never was and never can be used by the great mass of the people as money. Its quantity is too limited. Its function has been and must be to supplement silver for reserves in banks and moneyed institutions; not to be used as a general circulating medium.

RATIO OF PRODUCTION OF GOLD AND SILVER.

What would have been the condition of the civilized world for the 350 years preceding 1850 if gold had been the only money metal? During that period more than 32 ounces of silver were produced from the mines of the world for every ounce of gold. If the coinage ratio had followed the ratio of production, it would have required 32 ounces of silver to be equal in value to an ounce of gold. But the coinage ratio in Europe at no time exceeded 15½ ounces of silver to one ounce of gold.

UTTER DEMONETIZATION OF SILVER WOULD STOP SILVER MINING.

As before stated, the weight of silver produced during the period mentioned was more than thirty-two times greater than the weight of gold, and more than double the value of the gold produced. Assuming that one-half of this gold came from silver mines, the rejection of silver, which would have closed all silver mines, would have cut off half of the supply of gold. But if the output of gold was only one-half of the value of the product of silver, or one-third the aggregate of gold and silver, the demonetization of silver, which would have stopped silver mining, would have cut off half the supply of gold, and the gold produced during the period named would have been but one-sixth of the aggregate of the gold and silver which was actually extracted from the mines.

CIVILIZATION DEPENDENT UPON PRODUCTION OF PRECIOUS METALS.

Could modern civilization have been achieved if the production of the precious metals had been reduced five-sixths? Would it have been possible to distribute so small an amount of gold among the masses of the people, or would the gold have been confined to the rich and the great mass of people deprived of money?

PROSPECT FOR THE FUTURE UNDER GOLD STANDARD.

If the gold standard would have been disastrous in the past, what is the prospect for the future? The gold fields are about exhausted and the relative production of the two metals will soon assume their normal proportions. There will be at least two dollars of silver produced to one dollar of gold on the ratio of 16 to 1. The last report of the Director of the Mint shows how rapidly we are approaching former conditions which were interrupted by the gold from California and Australia.

A NEW ERA IN SILVER MINING.

For several years after 1850 the value of the product of gold was many times the value of the output of silver. But the discovery of the Comstock inaugurated a new era in silver mining; since which time the product of silver has increased, and the output of gold from all sources, except from the silver mines, has rapidly declined. In 1891, according to the report of the Director of the Mint (which probably exaggerates the products of both metals about equally), the coinage value of the annual product of silver in the world was $173,000,000, while the coinage value of the output of gold was only $125,000,000. If the silver mines had not been worked, no gold would have been produced from them, and the output of gold would not have exceeded $60,000,000. What would be the effect of such a meager supply of gold?

PRODUCT OF GOLD CONSUMED FOR NONMONETARY PURPOSES.

The entire annual product of gold from the mines has been consumed in the last nineteen years for nonmonetary purposes. The stock of gold coin which existed nineteen years ago has not been materially increased. The demand for gold in the arts is increasing with great rapidity. Dentistry, photography, gilding, ornamentation, jewelry, and numerous other demands absorb the entire output of the mines. If silver were entirely discarded and its money value destroyed, silver mining would cease. Un-

der such circumstances there would not be gold enough to supply the arts, and the existing gold coin would be rapidly absorbed for nonmonetary purposes.

METALLIC BASIS ONLY HALF WHAT IT WAS NINETEEN YEARS AGO.

At the time of the unfortunate legislation which excluded silver from the mints of the United States and Europe, it is estimated by statisticians that there were $7,500,000,000 of gold and silver coin in the world. In the language of the Royal Commission of England, all this coin constituted one money and formed a basis for paper circulation and credit. It was all good metallic money for every purpose, including reserves of banks and other monetary institutions. When silver was excluded from the mint and the money market for that metal destroyed, silver bullion declined in price as compared with gold.

THE BASIS OF CIRCULATION AND CREDIT.

The civilized world then discarded silver coin as money of ultimate payment or redemption. In other words, the credit and business of the world nineteen years ago rested on $7,500,000,000 of metallic money as a basis, but to-day, on account of the demonetization of silver, there is only half that amount, namely, $3,700,000,000, to sustain a volume of credit which has greatly extended and a volume of business which has enormously increased. The result is that the financial superstructure of the civilized world is tottering on its base and every financial institution in Europe and America is making desperate efforts to curtail credit, increase its reserves, and maintain solvency.

INSUFFICIENT QUANTITY OF GOLD FOR MONETARY PURPOSES.

How long can this condition of things continue without universal bankruptcy? The advocates of gold tell us they are aware of the fact that there is not gold enough for use as money. This is admitted on all hands, but they suggest no remedy. Some of them are willing to use a limited amount of silver redeemable in gold. Why use a limited amount of silver? If the amount of silver to be used is to be limited by law, and not by the quantity obtainable, why use silver at all? The only indispensable office which either gold or silver performs is limitation of quantity. If silver is denied that function, and legislation must limit the quantity, silver is only credit money depending upon redemption in gold for its value; and as credit money it is more expensive and not as convenient as paper. The only way the metallic basis can be enlarged is to use all the silver as well as all the gold for money which the people will take to the mint for coinage. Such has been the practice of all the ages; such is the duty of Congress under the Constitution of the United States.

EQUAL COINAGE RIGHTS FOR GOLD AND SILVER PREVIOUS TO 1873.

From prehistoric times until the passage of the mint act of 1873, the owner of silver bullion could take it to the mint and have it stamped or coined into money. The denial of this privilege to the owner of silver bullion by legislation in which the people had no voice, if persisted in, will be more destructive to civilization than all the calamities of war and pestilence which have inflicted mankind since the Dark Ages.

EXCLUSION OF SILVER FROM THE MINT DESTROYS ITS MARKET.

The most unreasonable argument used by the defenders of the act of 1873, demonetizing silver, is the suggestion that the silver in the silver dollar is not worth a dollar in gold. While 412½ grains of standard silver, which constitute a dollar, could be taken to the mint and coined, such quantity of silver was always worth as much as the 25.8 grains of standard gold which are contained in the gold dollar. It was the exclusion of silver from the mint which destroyed its market, impaired its value, and enhanced the value of gold.

The inconsistency of the men who passed or who defend the act of 1873 in using the results of that great wrong as a reason why the price of silver should not be restored by correcting the wrong which depreciated its price is insulting. The restoration of the market which was destroyed by excluding silver from the mint and the unlimited demand to be created by free coinage must restore the value of silver and place silver bullion on a par with gold bullion at the ratio of 16 to 1. If the market for gold had been destroyed by denying it the sovereign privilege of coinage, it would have declined in value and silver would have advanced equally with the advance which has taken place with regard to gold.

NOT TOO MUCH SILVER PRODUCED.

But it is argued that there is too much silver produced and that it must be discarded as money in consequence of its great quantity. If that be so, gold must be discarded on account of its small quantity. The output of silver has not at any time equaled the yield of gold forty years ago. But the product of silver, according to the experience of mankind, can be double the product of gold without disturbing their relative value. Twelve hundred million people use silver as money, and less than one hundred million ever used gold in actual circulation.

AN ATTEMPT MADE TO DEMONETIZE GOLD.

The change in the relative production of the two metals produced by California and Australia alarmed the money lenders. In 1852 the output of gold reached nearly $200,000,000. The contractionists contended that the yield of gold was so great that it ought not to be used as money. A vigorous effort was made to stop the coinage of gold. Germany, Austria, and Holland actually demonetized gold. If they had succeeded the disaster would have been great; but the injury would have been much less than the evils of demonetizing silver. Excessive production of silver can not be urged as an excuse for its demonetization. In 1873 there were only $81,000,000 of that metal produced. The increase of the combined product of the two metals since 1852 to the present time has been very gradual. Their coin value forty years ago was more than $200,000,000.

The rapid increase from 1848 to 1852 was a great blessing and harmed no one. The combined annual product of the two metals during that period rose from about $40,000,000 to over $200,000,000, and injured nobody. On the contrary, the business and prosperity of the world were enormously advanced and promoted by it. The increase of the annual products of the two metals combined during the last forty years has not reached $100,000,000. The coinage value of the gold and silver produced in 1891 was less than $300,000,000. If an increase of $160,000,000 in four years was beneficial, an increase of $100,000,000 in forty years could not be injurious. Such increase is not equal to the increase of population and business. It does not keep pace with the increased demand in the arts. The fear of overproduction of silver was not the cause of the legislation of 1873. The motive was to reduce the supply of money and enhance its value. There is no danger of too much of either gold or silver, or of both combined. No country in any age has had too much of the precious metals.

USELESSNESS OF UNITED STATES TO SEEK EUROPEAN COÖPERATION.

It is urged that the United States can not remonetize silver alone; that we must obtain the consent of Europe before we can legislate for the interests of our own people. We sent delegates to Europe to obtain permission from the gold kings to legislate for the United States. Our delegates have failed to obtain that permission. Why should the gold trust of Europe surrender to us the right to manage our own affairs as long as we will submit to be ruled by a foreign gold syndicate? Why have not the gold kings of the Old World the right to dictate what Congress and the Administration shall do so long as we will obey?

THE UNITED STATES CAN ABSORB ALL SILVER SHE CAN PROCURE.

Why can we not use all the silver we can procure? The entire product of silver is annually absorbed in the arts and for coinage. If the mints of the United States were open the balance of the world must take less silver than they now do, or we would obtain no more than 54,000,000 ounces per annum, which we now purchase under the act of 1890. Other countries would have to take much less than they now absorb before the United States could get sufficient for our purposes. But would they use less? Would they be less inclined to coin and use silver as money if silver were advanced by free coinage in this country to par with gold? The very fact that silver would be advanced in price by free coinage would create new demands for silver, because it is human nature to desire any commodity which is advancing in price.

NO DANGER OF A FLOOD OF SILVER.

It is contended that the free coinage of silver would make the United States the dumping ground for the coined silver of Europe. Would that be possible? Europe has only $1,100,000,000 of coined legal-tender silver. The silver money of Europe circulates on a par with gold at the ratio of 15½ to 1, which is at the rate of $1.33 an ounce. For what purpose would Europe send her coined silver here? If it were brought to our mint it would be coined into dollars at the ratio of 16 to 1, or $1.29 an ounce, a loss of over 3 per cent. After it was so coined it could not be taken back to Europe and used as money there. It would be only bullion and would be worth less than its original value in coin.

SILVER WOULD NOT DECLINE IN PRICE UNDER FREE COINAGE.

The advocates of gold assert that in case of free coinage the silver dollar would decline in value to the present bullion price of silver, say 83 or 84 cents an ounce. At the same time they tell us that the people of Europe would bring silver coin to the United States which is worth in Europe about $1.33 an ounce to be coined into our dollars which would be worth only 83 or 84 cents an ounce. Such arguments may deceive the unthinking, but they can not be made in good faith by intelligent men.

FREE COINAGE WILL NOT DRIVE GOLD OUT OF THE COUNTRY.

It is contended that free coinage would drive all the gold out of the country. This argument is stale. It is used on all occasions when an effort is made to right the wrong of 1873 and restore silver to its place as money. The fact that all such pre-

dictions have been contradicted by experience counts for nothing. There are three times as much gold in the country as there was when the Bland act was passed. A moment's reflection ought to satisfy every intelligent man that gold will not go until there is enough of some other kind of money to occupy its place. If there should be a deficiency of money in the United States as compared with Europe, prices would fall here below the European level and money would flow back. Property could be bought cheaper in the United States under such circumstances than elsewhere, and gold will always go where it will buy the most property.

If the United States could obtain silver enough for business purposes in this country, we could spare a portion of our gold to relieve the necessities of Europe. Who would be injured by such a transaction? Certainly not this country, because we would have plenty of money to sustain prices and stimulate production. Europe is the market for our surplus farm products. If money were plentier in Europe, prices would rise there and our farmers would receive more gold for their wheat and cotton. Would they be injured by plenty of money at home to aid production, and plenty of gold abroad to secure good prices for their surplus products?

NO DISASTER TO BE FEARED FROM PREMIUM ON GOLD.

But the contractionists predict that free coinage will advance gold to a premium, and assume that ruin would be the consequence. Gold rose to a premium during the war. Were the producing classes ruined? Gold is at a premium to-day in Mexico over the currency of that country, which is silver. Is Mexico suffering on that account? On the contrary, has she not been able, against all predictions and expectations, to pay her vast railroad subsidies without default, and did she not a few months ago borrow three millions in Europe without the slightest difficulty? Is not her credit better to-day than it ever was? Mexico has become a manufacturing country. She is doing her own work and using her own money. Cotton mills are being erected, vast reduction works for treating the gold and silver ores of the country are being established by our own citizens, because enterprises can be prosecuted to a better advantage in a country where money is plentiful. What is the cause of this unusual prosperity of Mexico if it is not free coinage of silver?

INDIA BENEFITED BY THE SILVER STANDARD.

Has India been ruined by the silver standard? The Royal Commission which investigated that matter decided that cheap silver had benefited India. While silver was at par with gold India depended upon England for manufactures, and was unable to export either wheat or manufactured textile fabrics in any considerable quantities. She now manufactures textile fabrics extensively for home consumption, and she exported during the year ending March 31, 1892, $50,000,000 in value of textile fabrics of her own manufacture, and $53,000,000 in value of raw cotton. She also exported during the same year 56,566,400 bushels of wheat. If there is any suffering in India in consequence of the low price of silver, it is certainly not among the producing classes of that country.

The persons who are most affected by cheap silver are Englishmen employed in India who are paid in silver and compelled to suffer a discount of 35 or 40 per cent in transmitting their savings to England. Indian credit is benefited in one way and injured in another by cheap silver. India owes a very large foreign debt payable in gold. Her revenues are collected in silver, and she is compelled to suffer the discount in buying gold to pay the interest on that debt. It was argued that such discount was disastrous.

THE PERSONS BENEFITED BY CHEAP SILVER.

But others contended before the Royal Commission that it was easier for India to raise the required revenue with silver at a discount than it was before the price of silver depreciated, and that the increased obligation of the foreign debt created by the advance of gold was more than compensated for by the increased production caused by plenty of money. The bondholders are not the only persons benefited by cheap silver for India. Operators who buy silver in the United States at the market price and exchange it at par in India for wheat, cotton, and other farm products make enormous profits. One of the principal arguments of Englishmen against the restoration of silver is that cheap silver liberates them from paying tribute to the United States and enables them to procure cheap food and cheap raw material from India.

The great advantage which India obtains over the United States in supplying Europe with wheat and cotton is illustrated by the fact that for many years the average price of a bushel of wheat in the Liverpool market has been an ounce of silver. The Indian farmer exchanges his bushel of wheat for an ounce of silver in that market and coins his ounce of silver into $1.37 in India. This is because the ratio of silver to gold in the Indian coinage is 15 to 1, which is about $1.37 an ounce. The American farmer obtains his ounce of silver in the same market for his bushel of wheat, and is compelled to sell it for 83 or 84 cents, according to the fluctuations in the market. Competition with India, under such circumstances, in supplying Europe with wheat is disastrous. The same is true of cotton and all other farm products.

FINANCIAL CONDITION OF THE UNITED STATES UNSATISFACTORY.

It is admitted that the financial condition of this country since the failure of the Barings has been unsatisfactory. The anxiety and dismay with which our people look upon the outflow of gold shows the dangerous condition of the money market. The advocates of gold suggest no remedy for the deficiency of gold, but continue to insist that nothing but gold shall form the basis of circulation and credit. We submit that free coinage is the only possible remedy for continued contraction, that the basis of circulation and credit can only be enlarged by the unlimited use of silver as money. Any limitation upon the use of silver as money destroys its essential function as a money metal. Silver itself must be the limitation, or silver has no place in our system of finance, because, if the quantity must be limited by legislation, such limitation can be applied to paper or some other substitute more convenient and cheaper than silver.

Will the advocates of gold consent that the admitted deficiency of gold shall be supplied by any means whatever? If so, what shall take the place of silver to supplement gold? Gold must flow out, because every moneyed institution in Europe is struggling to increase its reserves in gold. The money kings are constantly forcing new customers into the market to compete for gold. Austria has recently been compelled to discard her silver and buy gold to form a new and narrower basis for her circulation. She must have gold at any cost. A large part of it we must furnish. The resources of every country in Europe are heavily mortgaged for the gold they have acquired.

DISADVANTAGE OF UNITED STATES IN COMPETING FOR GOLD.

But Europe has an enormous advantage of the United States in the competition for gold. Europe holds stocks and bonds of the United States amounting, it is estimated, to $5,000,000,000. If Europe is forced to the wall by an effort on our part to buy gold, she must sell her stocks and bonds and other United States securities for what they will bring and buy the gold back as fast as we take it from her. We are the debtor nation, and before we have paid $5,000,000,000 in gold to Europe our resources will be seriously impaired. If we obtain European gold, we must pay a higher price for it than can be obtained elsewhere, which means that we must sell our wheat and cotton and all other commodities which we have to sell cheaper than they can be bought in either Europe or Asia.

In other words, we must bid higher for gold than Europe or we can not obtain it, and when we have offered a higher price for gold than Europe can afford to give, we are still in her power because we are her debtor and she can call the gold back by selling our securities. Such a contest for gold means continued falling prices, stagnation, and hard times. It means that the property and hard earnings of the masses must be transferred to the gold kings. It means tenant farmers and feudal lords. It means an approach toward the Dark Ages and feudalism.

FREE COINAGE WOULD SECURE FINANCIAL INDEPENDENCE.

It is the manifest duty of Congress to open the mints to the free and unlimited coinage of silver; to use the better metal—silver—and terminate this competition for gold. Such legislation would make this country financially independent. It would remove all fear of losing gold or being deprived of money with which to transact business. Europe would then recognize our advantage and remonetize silver. But whatever she might do our currency would be on a solid metallic basis. We would be using the better metal; the metal which has been the conservative regulator of the volume of money since civilization began; the metal which is not accidental, but which is procured by an established industry and is obtained in uniform quantities; the metal which has been used through all time by the great mass of the people; the only metal which has been in general circulation among the people at large; the metal which our own country produces. Such a policy would free us from all apprehension of panic or scarcity of money. Europe could no longer embarrass our finances or rob us of our circulating medium.

REMONETIZATION OF SILVER SAFE AND CONSERVATIVE.

The remonetization of silver is safe and conservative. The struggle to gain possession of the shrinking supply of gold has already produced disaster and must end in ruin. The Rothschilds and their associates in Europe and their followers in the United States use the press of both hemispheres to disparage and defame silver miners. They divert attention from the act by which silver was demonetized by asserting that free coinage is solely for the benefit of silver miners, and is urged by the sil-

ver miners to secure from the Government more for silver than its market price. The suggestion is unfair. The silver miners do not ask the Government to buy silver. They are opposed to the purchase of silver by the United States, but they demand the right, secured by custom from prehistoric times and guaranteed in the Constitution, to have their silver coined into money for the use of the people.

THE MANIPULATIONS OF THE GOLD KINGS.

The hue and cry against silver miners is the old trick of "stop thief!" The men who originated this clamor have already doubled the value of their property—money—and reduced the price of all other property fully 50 per cent. Nothing is said in the commercial press against the manipulations of the gold kings who have deprived the people of half of their coin and two-thirds of the future supply of money metal. No one would complain of the vast fortunes accumulated by the absorbers of wealth and the parasites of society if they obtained it honestly and by fair dealing, and not by controlling legislation. Silver mining was regarded as an honorable and useful industry until it interfered with the purpose of the gold monopoly. Now all who are engaged in that industry are slandered and abused by the united voice of the gold press of Europe and the United States.

BENEFITS OF SILVER MINING NOT CONFINED TO MINE OWNERS ALONE.

The agents of the gold monopoly tell us that the industry of silver mining benefits no one but the silver mine owner. They even contend that it is an unworthy and dishonest pursuit. By the demonetization of silver the value of gold has been enhanced more than 50 per cent, and the miners of gold have been largely benefited by the increased value of their product. Why not revile the gold miners for the gains they have made? The statesman who would contend that agriculture was beneficial only to the farmers would be listened to with impatience; or if he should contend that manufactures were injurious to all except those engaged in the industry the protectionist would revile him. A cause which can only be maintained by abusing honest men engaged in a great industry must fail.

THE ACT OF 1873 AN ACT OF CONFISCATION.

The motive of this wholesale abuse of silver miners is plain The wrongdoer hates the man he has injured, because his victim reminds him of his wickedness. The men who abuse the miners have robbed them. The act of 1873 was an act of confiscation. The miners explored the mountains and deserts of the continent and developed silver mines, which, if worked and the product used as money, would have continued the prosperity inaugurated by the great discoveries of California and Australia. It is not the fault of silver miners that the world is trembling upon the brink of bankruptcy and the masses of the people are suffering from dear money, stagnation, and hard times, because the mines which they developed were amply sufficient to supply the world with metallic money; but it was the act of 1873, passed and defended by the men who are now defaming the miners of the West, which has caused universal distress in a time of profound peace and abundant harvests.

SILVER HAS THE CONSTITUTIONAL RIGHT OF COINAGE.

The miners who explored the mountain ranges from Patagonia to Alaska had a right to believe that silver would always be used as money. Such had been the custom from prehistoric times; such was the mandate of the Constitution. The discovery and development of silver mines entitled their owners to protection from the manipulation of foreign syndicates or domestic money changers. The financial revolution inaugurated by the demonetization of silver violated every principle of justice and honor. It doubled the obligation of every contract. It robbed the people of money and destroyed the property of the pioneers of the West who had furnished a metallic basis for the credit of the United States which made it possible to preserve the Union.

DISHONESTY OF THE DEMONETIZATION OF SILVER.

The manipulators who destroyed the basis of credit founded upon gold and silver, and changed the obligation of every contract from an agreement to pay in either gold or silver to an undertaking to pay in gold alone, forfeited every right of protection of law or government. Their hypocritical cant about honest money disgusts the people. Was it honest to double the value of money by legislation? Was it honest to change all existing contracts? Was it honest to deprive the world of the rich heritage of precious metals which the pioneers of the West had discovered? Was it honest to substitute falling prices and hard times for progress and prosperity? Is it honest to continue such wrongs? Is a dollar honest which is worth twice as much as the debtor agreed to pay?

THE ALLEGED SIXTY-CENT DOLLAR.

What right have the men who reduced the price of silver, by excluding it from the mint and destroying its time-honored market, to sneer at the sixty-cent dollar and take advantage of their own wrong to prevent the restoration of silver to its proud place as money of equal value with gold? What is more unreasonable than the bold assertion that free coinage will not restore silver to par with gold, when previous to its demonetization silver never fell below par in gold during all the ages? Silver was par so long as its sovereign privilege of coinage was acknowledged. Why will not the par be restored when the privilege shall have been again accorded to silver, the better of the precious metals?

FREE COINAGE WILL MAINTAIN PARITY BETWEEN GOLD AND SILVER.

Like causes produce like effects. In the past free coinage maintained the parity between gold and silver. Why will it not in the future? Right the wrong of 1873. Nothing short of that will satisfy the people. Assertions and predictions of interested parties are unsatisfactory evidence against the experience of ages. The advocates of free coinage have long predicted the baneful results of the demonetization of silver. They have warned the gold kings that there was not gold enough for use as money. The gold produced in the last nineteen years, as before stated, has been absorbed in the arts and for other nonmonetary purposes.

REPEAL OF ACT OF 1890 WITHOUT A SUBSTITUTE DISASTROUS.

The repeal of the act of 1890 without a substitute will soon stop or so cripple silver mining as greatly to reduce the supply of gold which comes from silver mines. The arts will then make rapid inroads upon the stock of coined gold, and if the gold standard is maintained gold will advance with such rapidity as to destroy the producers of wealth. The obligations now in existence, if they must be paid in gold under such conditions, are sufficient to absorb all the property of the civilized world.

WHEAT AND COTTON CORRESPOND WITH PRICE OF SILVER.

An investigation of the question of the average price of commodities for the last twenty years will show that the price of wheat, cotton, and all other farm products have responded to and corresponded with the price of silver. Silver has not depreciated in value as compared with commodities. It is gold which has enhanced in value, because the supply is insufficient, because the demand for it as money is far in excess of the supply, and because there is not enough gold to sustain the credit and business of the world. The deficiency of gold is made painfully manifest by the struggles of every great financial institution in the civilized world to obtain gold to save itself from bankruptcy.

FREE COINAGE A NECESSITY FOR BETTER TIMES.

The demonetization of silver has already enhanced the price of gold as compared with commodities fully 40 per cent, and the work of contraction is but just begun. The price of commodities must decline so long as the gold standard is maintained. If it is desirable that the farmer should obtain a better price for his products; if it is desirable that he should be able to relieve himself from mortgages which have been doubled by legislation since they were executed; if it is desirable that there should be independent real-estate owners cultivating the soil; if it is desirable that our farmers should not be converted into tenants of the gold kings; if it is desirable that the productive energies of the country should be developed; if it is desirable that civilization should be maintained for all the people and its benefits not confined to the hoarders of gold alone, then silver must be remonetized, and no fair-minded man ought to complain if such restoration should repair a part of the loss which has already been sustained by silver miners.

THE ENORMOUS LOSS TO SILVER MINERS BY DEMONETIZATION.

The miners of the United States alone have already been robbed of more than $100,000,000 in discount in consequence of the act of 1873. Not only this, but the value of their mines has been destroyed. Poverty and misery prevail in large sections of our country where prosperity was at its greatest height when the secret and clandestine blow was struck which deprived the world of the best of its money metals. It is not possible to recompense those who have been ruined by the loss of fortunes in the confiscation of their property, but it may be possible to relieve silver mining from the odious discrimination against that industry and assist those who have not been absolutely destroyed in prosecuting a most necessary and useful employment.

FREE COINAGE WOULD FURNISH ABUNDANCE OF MONEY.

The prosperity of silver miners would be more beneficial to the people at large than the success of any other industry, because it would insure to all an abundance of metallic money. It was gold and silver mining which laid the foundation of the great States west of the Missouri. It was the pioneers engaged in mining who made it possible to found the empire of the West. The miners are a brave, generous, honest, and enterprising people. They are citizens of the United States, and it seems hard

that they should be destroyed to satisfy the greed of a combination organized to enhance the value of money at the expense of the masses of the people.

GOLD TRUST CONSTANTLY DISPARAGING SILVER.

The gold men demand the repeal of the act of 1890 and the utter destruction of the market for silver in Europe and America. If this can be done, silver bullion will fall very low, perhaps to 40 or 50 cents an ounce, and the silver miners will be ruined. The gold kings will then urge the great difference between the prices of gold and silver bullion as a reason for continuing the use of gold alone. They will maintain that silver is no more useful for money than iron, lead, or any other metal. Every decline in the price of silver has been used as an argument against its remonetization. The repeal of the act of 1890 is demanded to strengthen the hands of the gold kings and destroy the advocates of honest money.

The advocates of gold are willing at any time and at all times to do anything to disparage silver, and the repeal of the act of 1890, without substituting something better, would be the last and final blow which would bring disaster. If the gold kings can repeal the act of 1890 and close the silver mines, the farmers and producers will be at their mercy. In that event the gold now obtained from the silver mines would be cut off; the volume of gold coin would diminish year by year; the monopoly of the gold combination would be complete, and the will of the gold kings would be the law of the civilized world. Nothing could wrest their power from them but revolution. Let them take warning. The reëstablishment of the feudal system in this country can not be effected without revolution. In that revolution the gold kings may be dethroned.

THE FREE COINAGE OF SILVER THE PEOPLE'S CAUSE.

The free coinage of silver is the people's cause. The unrest and discontent now universal is the distant thunder before the storm. The people know that prices are falling, that the value of money is advancing, that business is stagnant, and that vicious legislation is the cause. Politicians may deceive them for a time. They may tell them that it is tariff schedules, civil-service reform, prohibition, or any other reason they can invent and divert them from the real cause of their troubles. This deception can not last. The people will discover that want of money resulting from gold contraction is the cause. Discontent is on the increase, and will continue so until it ripens into revolt against the tyrants whose cunning in financial legislation has usurped the civil and political power of the Government.

CUNNING AND FORCE.

Cunning is no more justifiable than force. Cunning is always the aggressor. Cunning enslaves; force liberates. Cunning absorbs wealth; force destroys the accumulation of cunning. The contest between cunning and force is perpetual and universal. The French Revolution is a conspicuous example of the results of this contest. Cunning transferred the wealth of the masses to the church and the nobles. Force tore down the Bastile erected to protect cunning and either destroyed or divided all accumulated wealth. While cunning absorbs wealth the end justifies the means; but after force has destroyed the acquisitions of cunning and liberated the people, impartial history explains the necessity of force and approves its use.

JUSTICE STANDS BETWEEN CUNNING AND FORCE.

Cunning is now victorious. By the act of 1873 cunning is transferring the wealth of the civilized world to a gold monopoly. Justice stands between cunning and force. Justice rebukes cunning and avoids force. The people are appealing to justice to right the wrong of 1873. If justice is deaf or powerless to enforce the right, history will repeat itself. The ownership of property must be general to be enduring. Large accumulations in the hands of the few are dangerous. Such accumulations acquired by cunning are condemned by reason and justice. Cunning relies on law and mocks justice. When law becomes powerless, force destroys or divides. Let the kings of avarice take warning in time, and let the voice of justice be heard before it is too late.

PROMISES OF THE REPUBLICAN AND THE DEMOCRATIC PARTIES.

In 1884 the Republican party was defeated because of hard times. The Democratic party promised free coinage of silver and financial relief, but that party failed to redeem its promises. The administration of President Cleveland maintained the corner on gold for the benefit of fixed capital. The convention which renominated Mr. Cleveland in 1888 made no mention of silver. The Republican party promised relief, and promised to use silver as money, and condemned the Democratic administration for its efforts to demonetize silver; but the Republican party failed to redeem its promises and adhered to the policy of the Democratic party which it condemned.

HARD TIMES CREATE DISCONTENT AND DISSATISFACTION.

Discontent increased. Hard times made the people restless and dissatisfied. The gold kings nominated both candidates for the Presidency and furnished them the same platform on the money question. The Democratic party promised relief by tariff reform. The Republican party promised nothing but adherence to existing conditions both as to tariff and money. The people rebelled against such existing conditions. They decided that no change could be for the worse, and that any change might be for the better. Some in their apathy and disgust remained away from the polls; others, and a sufficient number, voted for a change, and the Republican party was defeated.

The people put in a protest under the name of the Populist party. The Populist party was without position, without organization, without money, but by way of protest and without hope of success polled more than a million votes. The Democratic party has a lease of power limited to four years unless it mends its ways. If it maintains the corner on gold and does the bidding of the gold kings, the day of reckoning is at hand. The next election will bring another change, more radical and more decided than any that has taken place since the war.

THE OLD PARTIES HAVE JOINED HANDS ON FINANCIAL QUESTIONS.

The strongest evidence of the necessity of a new party consists in the fact that the two old parties in their conventions have joined hands on the financial question and have agreed to sustain the act of 1873. The same plank on the money question in both platforms is irritating to the people. This system of tactics is not new. The experiment was tried by the Whigs and Democrats in antebellum days. Examine the platforms of those parties from 1848 to 1860, and you will find that the Whigs and Democrats took common ground on the slavery question. They tried by that means to prevent agitation and to prevent the people voting on the question of the extension of slavery. But the effort to prevent agitation created agitation and brought into existence the Republican party, which overthrew both the old parties, abolished slavery, and cemented the Union on the basis of equal rights before the law without regard to race or color.

HISTORY OF THE GREAT POLITICAL PARTIES.

The Republican party started as a party of the people. It came into power without money and without corruption. It came into power because the people ordained it. Its record will always be the most conspicuous page in the history of the United States. But its leaders have surrendered it to the kings of avarice. The power conferred upon that great party by the people has been turned against the people. The Republican party is out of touch with the masses on the money question. The Democratic party, which has at times been near the people, is also trembling before the majesty of money kings.

The shadow of Lombard and Wall streets hangs as a cloud over the deliberations of the Democracy. Although nine-tenths of the voters of that great party are in favor of the free coinage of silver and the liberation of the masses, yet it is feared that the next administration may serve only the gold combination. I sincerely hope that such fear is without foundation, and that the operation of the Treasury Department may be under the influence of the great mass of the party.

GRAND OPPORTUNITY OF THE DEMOCRACY.

Foreign influence in our financial affairs is hateful to the people of the United States, and they will repudiate it. No party in the history of this country ever had such an opportunity as is now enjoyed by the Democracy. If the Democratic party will break the corner on gold, give back to the people the money of the Constitution, and restore prosperity to the masses, its lease of power will be indefinite. The pledge in its platform to do the work of the gold kings was obtained by strategy and is not binding upon the representatives of the people. Unless Congress repudiates the pledge to which the people were not a party, but which was secured by manipulating a convention, the lease of power which was obtained on account of the discontent of the people will be abruptly terminated.

THE CALL OF THE PEOPLE.

If neither of the old parties will respond when the people call, a new party, a party of the people, will come into power and take charge of the Government. Free local elections still exist. The will of the people can not be resisted so long as the ballot is free and local self-government remains. The gold kings, who now seem omnipotent, will be dethroned. They have passed the limits which the people can endure. Their rule must be ended.

The PRESIDING OFFICER (Mr. PLATT in the Chair). What action does the Senator from Nevada desire to be taken upon his proposed amendment?

Mr. STEWART. I ask that it be printed and lie on the table with the joint resolution.

The PRESIDING OFFICER That order will be entered.

HOUSE BILLS REFERRED.

The bill (H. R. 2395) granting a pension to D. M. Lang, was read twice by its title, and referred to the Committee on Pensions.

The bill (H. R. 9824) to amend "An act to promote the construction of a safe deep-water harbor on the coast of Texas," approved February 9, 1891, was read twice by its title, and referred to the Committee on Commerce.

COMPENSATION OF UNITED STATES MARSHALS AND DEPUTIES.

The PRESIDING OFFICER. The Chair does not fully understand what the order of the Senate was in relation to what is known as the McGarrahan claim, but supposes that the Calendar is now in order. The Secretary will report the first case on the Calendar under Rule VIII.

The bill (S. 419) fixing compensation of United States marshals and deputies, and for other purposes, was announced as first in order on the Calendar.

Mr. PERKINS. I ask that that bill be laid aside without losing its place upon the Calendar, as it is likely to lead to debate and take up time.

The PRESIDING OFFICER. The bill will be passed over without prejudice.

COMPENSATION OF CLERKS OF CIRCUIT AND DISTRICT COURTS.

The bill (S. 3196) fixing the compensation of the clerks of the circuit and district courts of the United States, and for other purposes, was announced as next in order.

Mr. ALLISON. Mr. President, if it will suit the convenience of the Senator from Missouri [Mr. VEST], who has charge of this bill, I should be glad that it might be passed over for the present. I think the general plan of the bill is a wise one; but I believe there are some inequalities as respects the salaries named in it, and I should like an opportunity of examining into it a little further.

The PRESIDING OFFICER. The bill will be passed over without prejudice.

Mr. VEST. Of course, if the Senator from Iowa wishes to examine the bill, I have no objection to its going over; but I wish to make a single remark about the three bills from the Judiciary Committee, which change the present system of compensation to United States attorneys, marshals, and clerks.

These bills have been carefully prepared. They substitute the salary system for fees, and I was instructed by the Judiciary Committee to ask the consideration of these bills specially by the Senate. I have discharged my duty from time to time as I could. Everybody seems to concede the propriety of the reform, because we are paying out now hundreds of thousands of dollars every year without any necessity for it. I shall be glad if the Senate will fix a day for the consideration of these three bills, although I have very little hope, in the scramble which will result from the shortness of time between now and the end of Congress, that anything can be done.

Mr. ALLISON. I am in entire sympathy with the Senator as respects these bills, and I will not object to proceeding with the bills now, if it is understood that they shall not reach a final conclusion to-day. I examined these bills last year as regards the salaries and compensation of the officers named, and I must say, with due respect to the Committee on the Judiciary, that I think so far as the salaries provided for the officers in the State in which I live are concerned, they are too small relatively. I only wish an opportunity to look into the matter again, and perhaps to offer an amendment or two. I shall not interpose any objection to the consideration of the bill which has been placed before the Senate.

Mr. VEST. Of course I have no disposition to push the bills through without examination by every Senator. The salaries named in the bills are fixed after consultation with the Attorney-General and the Auditor of the Treasury. I confess that I have no special personal information on the subject except in regard to my own State. We may have fixed the salaries too high in some places, and they may have been fixed too low in others.

I make no concealment of the fact that my principal object is to get rid of the present system of fees, which leads to all sorts of abuses as to the attorneys, marshals, and clerks. I have a calculation which I shall present to the Senate at the proper time showing the actual saving in money by the year by the passage of these bills. But that is an inferior consideration to the one which I shall always press in connection with that matter, the getting rid of the greed, avarice, and corruption that come from the present system, which makes the fees of the office the only pay received by these officers.

I should be glad if a time could be fixed for the consideration of the three bills, because they all belong, I may say, to the same subject.

Mr. ALLISON. I have no objection to that.

Mr. VEST. I have no objection to the Senator examining the bill. I hope he will, and I should like to have his suggestions. Of course the only object the committee had was to do its duty fully in the premises. If the Senate would agree to make these bills the special order after the next special order is disposed of I should be very well satisfied. I do not know, for I have not looked at the Calendar, what is the next special order, unless it be the antioption bill, as it is termed.

The PRESIDING OFFICER. There are several special orders.

Mr. VEST. Let the bills be made special orders after the next special order is disposed of.

The PRESIDING OFFICER. After the special orders now existing are disposed of?

Mr. VEST. Yes, sir.

Mr. GEORGE. Mr. President, as one member of the Judiciary Committee, I did not concur with the committee in the favorable report of the bills, and if one objection can prevent their being made special orders, I desire them considered as being objected to.

The PRESIDING OFFICER. The rule requires a vote of two-thirds to make a special order. The Chair understood the Senator from Missouri [Mr. VEST] to ask unanimous consent that the bills be made special orders.

Mr. VEST. I will make the motion, then, so as to dispose of them. I move that the three bills in regard to attorneys, marshals, and clerks be made special orders.

The PRESIDING OFFICER. There are only two bills on the subject on the Calendar under Rule VIII—Senate bill 419 and Senate bill 3196.

Mr. VEST. Then, let the order apply to the two bills named.

The PRESIDING OFFICER. They should be made special orders for a day certain.

Mr. VEST. The Presiding Officer has the Calendar before him. Let the bills be made special orders for the day after the last special order.

The PRESIDING OFFICER. The last special order was made for December 14, 1892, the time having already passed. The Chair understands that special orders are to be considered in the order of the date upon which they were made.

Mr. COCKRELL. Let it be considered in that way, then.

Mr. VEST. Coming in after the last special order.

The PRESIDING OFFICER. The Chair will suggest that some day should be named—January 10, or some other.

Mr. VEST. Say January 10. That will do.

The PRESIDING OFFICER. The Senator from Missouri moves that the two bills already referred to may be made special orders for January 10, at 2 o'clock in the afternoon.

Mr. WILSON. I hope the order will not be made in that form, because that may displace other special orders.

The PRESIDING OFFICER. The Chair understands that such an order would not displace any special order; that they are to be taken up according to the time when the orders were made, and not as to the date upon which the orders were to be considered.

Mr. WILSON. With the understanding that the present proposed order will not interfere with other special orders, I have no objection.

The PRESIDING OFFICER. The Chair understands that it will not under the rule. The question is on the motion of the Senator from Missouri [Mr. VEST], that the two bills which have been referred to be made the special orders of the Senate for January 10, at 2 o'clock in the afternoon. [Putting the question.] The Chair thinks two-thirds have responded in the affirmative.

Mr. GEORGE. I suggest that there is no quorum present.

The PRESIDING OFFICER. The Senator from Mississippi suggests that no quorum is present. The Secretary will call the roll of the Senate.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich,	Dawes,	Pasco,	Vance,
Allison,	Dubois,	Peffer,	Vest,
Berry,	Felton,	Perkins,	Vilas,
Blackburn,	Frye,	Platt,	Voorhees,
Blodgett,	George,	Proctor,	Walthall,
Butler	Gorman,	Pugh,	Warren,
Call,	Hansbrough,	Quay,	Washburn,
Carlisle,	Hill,	Sawyer,	White,
Chandler,	McMillan,	Sherman,	Wilson,
Cockrell,	Mills,	Shoup,	Wolcott.
Coke,	Mitchell,	Squire,	
Cullom,	Morgan,	Stewart,	
Daniel,	Morrill,	Teller,	

The PRESIDING OFFICER. Forty-nine Senators have responded to their names. A quorum of the Senate is present. The question recurs on the motion of the Senator from Missouri [Mr. VEST] to make Senate bill 419 and Senate bill 3196 special orders for January 10, at 2 o'clock in the afternoon.

Mr. SHERMAN. What bills are they?

The PRESIDING OFFICER. The bills will be reported by their titles.

The SECRETARY. A bill (S. 419) fixing compensation of United States marshals and deputies, and for other purposes, and a bill (S. 3196) fixing the compensation of the clerks of the circuit and district courts of the United States, and for other purposes.

Mr. SHERMAN. I do not know whether this question is debatable or not, but I wish the Senator from Missouri would agree to its postponement until to-morrow at least. It may be by that time that some arrangement can be made. For the present I shall vote against making anything a special order, but if the Senator will wait a day or two such an arrangement may possibly be made. I submit to his judgment whether, on the whole, it is not better to allow the matter to go over informally until to-morrow.

Mr. VEST. I have no objection to that course.

The PRESIDING OFFICER. The bills will be passed over without prejudice.

THE FIVE CIVILIZED TRIBES.

Mr. DAWES. I ask the Senator from Missouri to have the joint resolution which he submitted in regard to the five civilized tribes referred to the Committee on Indian Affairs. The committee have had the subject under consideration for a great while and have reported a bill. All discussion, therefore, upon the matter will be in order when the bill comes up on the Calendar.

Mr. VEST. I prefer that the joint resolution should lie upon the table. Several Senators have notified me that they desired to submit some remarks upon it, and two of them are not present to-day. I will say to the Senator that, as the bill to which he refers has been reported, the joint resolution can lie upon the table. After Senators have discussed it, it can either be referred to the committee or taken up and considered in connection with the bill.

The PRESIDING OFFICER. Does the Senator from Massachusetts make any motion?

Mr. DAWES I do not make any motion if the Senator from Missouri objects.

Mr. VEST. Let the joint resolution lie on the table.

The PRESIDING OFFICER. The next bill on the Calendar will be stated.

LESTER NOBLE.

The bill (S. 1664) for the relief of Lester Noble was considered as in Committee of the Whole.

The bill was reported from the Committee on Claims with amendments, in line 6, after the words "sum of," to strike out "one thousand six hundred and eighty-nine dollars and eighty-eight cents" and insert "five hundred dollars;" and in line 9, after the word "war," to insert "*Provided*, That the sum hereby appropriated be accepted in full of all claims on account of any and all the matters aforesaid;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he hereby is, authorized and directed, out of any money in the Treasury not otherwise appropriated, to pay to Lester Noble, of Springfield, Mass., the sum of $500, being for supplies, crops, and timber taken and used and land occupied by the Army during the late war: *Provided*, That the sum hereby appropriated be accepted in full of all claims on account of any and all the matters aforesaid.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDING AT MUSCATINE, IOWA.

The bill (S. 2996) providing for the erection of a public building at Muscatine, Iowa, was announced as next in order.

Mr. COCKRELL. Let that bill be passed over without prejudice.

The PRESIDING OFFICER. The bill will be passed over without prejudice, and the next bill on the Calender will be stated.

LEGAL REPRESENTATIVES OF JOHN ROACH.

The bill (S. 457) for the relief of the assignees or legal representatives of John Roach, deceased, to pay balance due on the United States steamer Dolphin, was announced as next in order.

Mr. COCKRELL. Let that bill be passed over without losing its place on the Calendar, in the absence of the Senator who reported it.

The PRESIDING OFFICER. The bill will be passed over without prejudice.

WETMORE & BROTHER.

The bill (S. 29) for the relief of Wetmore & Brother, of St. Louis, Mo., was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to Wetmore & Brother, of St. Louis, Mo., $220, being the amount in part of fees due them as attorneys in colored bounty cases, retained and covered into the Treasury.

Mr. CULLOM. I observe that the Senator who reported the bill is not present.

Mr. COCKRELL. There is a report which explains the whole case. Let that be read.

The PRESIDING OFFICER. The report will be read.

The Secretary read the following report, submitted by Mr. MITCHELL May 25, 1892:

The Committee on Claims, to whom was referred the bill (S. 29) for the relief of Wetmore & Brother, of St. Louis, Mo., having had the same under consideration, beg to submit the following report:

"A similar bill was before this committee at the first session of the Forty-eighth Congress, at which time a favorable report was made, being Report No. 545. This report states the facts of the case accurately and is readopted as the report of this committee. It is as follows:

"The said Wetmore & Brother, it appears from the proofs before your committee, were attorneys for a large number of colored men who had claims for bounty against the Government, growing out of military services rendered during the war of the rebellion. For some cause, to your committee unknown, the said Wetmore & Brother were suspended from practice in the Second Auditor's Office in bounty cases.

"When thus suspended, the Freedman's Bureau found that in the bounty cases pending, in which Wetmore & Brother were attorneys, there were due attorneys' fees and expenses amounting to $415.50. This amount was turned into the Adjutant-General's Office by the late chief disbursing officer of the Freedman's Bureau. Of said amount there was paid to Wetmore & Brother, on April 22, 1878, under instructions of the accounting officers of the Treasury, the sum of $195.50, and the balance ($220) was, on April 25, 1878, under instructions of the same officers, covered into the Treasury of the United States.

"In the opinion of the committee the officials of the Treasury had no right to withhold from attorneys fees which had been properly earned before suspension; and as this amount, $220, remains in the Treasury apparently earned by claimants and unclaimed by any other parties, in the opinion of your committee it should be paid to the claimants, Wetmore & Brother.

"Your committee therefore report back the bill (S. 391) with the recommendation that it do pass."

Your committee therefore report back the bill without amendment and recommend its passage.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DEALING IN "OPTIONS" AND "FUTURES."

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7845) defining "options" and "futures," imposing special taxes on dealers therein, and requiring such dealers and persons engaged in selling certain products to obtain license, and for other purposes.

The PRESIDING OFFICER. The pending question is on the amendment proposed by the Senator from Virginia [Mr. DANIEL], to strike out the tenth section of the bill.

Mr. WASHBURN. On that I call for the yeas and nays. I hope that the amendment will not be adopted.

The yeas and nays were ordered.

Mr. WHITE. The Senator from Virginia [Mr. DANIEL] is not in his seat. He doubtless did not suppose that there would be a vote on his amendment this morning. I do not see anything to be gained, as we can not vote finally on the bill to-day by taking a vote in his absence.

Mr. SHERMAN. Let it be passed over informally.

Mr. WASHBURN. Then we will pass over the amendment informally.

Mr. WHITE. I think that would be the best course.

Mr. WASHBURN. Let the amendment be passed over informally.

The PRESIDING OFFICER. The Senator from Minnesota asks that the amendment be informally passed over. Is there objection? The Chair hears none. Are there further amendments to be proposed to the bill as in Committee of the Whole?

Mr. WASHBURN. I move to amend the bill in section 2, page 3, line 35, by inserting after the word "made," the words "settled for by delivery or settlement of differences or by any other mode of performance or settlement;" so as to make the proviso read:

Provided, however, That such contract or agreement shall not be made, settled for by delivery or settlement of differences or by any other mode of performance or settlement in or upon any board of trade, produce, cotton, merchants', or other exchange, or other commercial association, or in any place or upon any premises where price quotations of said articles are announced, bulletined, or published, nor be subject to the rules or regulations of any such board, exchange or other commercial association.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Minnesota.

The amendment was agreed to.

Mr. WHITE. On page 3, section 3, line 2, after the word "corn," I move to insert the word "flour;" so as to read:

That the articles to which the foregoing sections relate are raw or unmanufactured cotton, hops, wheat, corn, flour, oats, rye, barley, pork, lard, and bacon.

Mr. WASHBURN. I shall not interpose any objection to the amendment offered by the Senator from Louisiana. As a matter of fact, there is not the slightest point to the amendment. The provisions of the bill are aimed at what is commonly called

gambling on the produce exchanges of this country, and the articles which are dealt in in that way are the only ones the bill proposes to deal with. The markets of the world in wheat, corn, pork, and cotton are made artificially on the different produce or cotton exchanges, and in my judgment the people of the country, those raising both cotton and wheat, are largely despoiled by the reduction of prices. The bill proposes to deal only with such articles as are bet upon or waited upon every day of the year on the produce exchanges.

As a matter of fact flour is not and from the nature of the case can not be thus dealt in. Flour is not sold by any general grade, but is sold upon its merits on a particular brand. No gambler on the Chicago Board of Trade can sell 100,000 barrels of flour made in Minneapolis by a certain mill, because he can not secure it. He can not fulfill his contract in the nature of the case.

So there is no earthly point in putting flour in the bill. Yet I have not the slightest objection, and if the Senator from Louisiana will feel any better in his mind on that account I hope it will go in. There is the same propriety precisely in putting in the bill cotton cloth made at the Wamsutta Mills or any of the great mills of New England that there is in putting in flour, and perhaps some gentleman may insist upon doing that.

As far as I am concerned, I have not the slightest objection to the amendment, and I hope it will be agreed to without any opposition.

Mr. WHITE. Do I understand the Senator from Minnesota to say that it is impossible that flour shall be covered by the provisions of the bill because flour is sold on the marks of the millers?

Mr. WASHBURN. I do not know that I understand the Senator's inquiry.

Mr. WHITE. Do I understand the Senator to say it is impossible that flour can be covered by the provisions of the bill because in the nature of things flour is sold under the brands of the millers by whom it is made, and therefore a contract in advance——

Mr. WASHBURN. No, no; that is not the point at all. Wheat is sold on the Chicago market under a certain grade, No. 2 wheat. Cotton is sold on the New Orleans market at a certain grade, middling or fair middling, whatever it is. Those grades sweep the products of the country. Mess pork and different articles are graded in that way, so that they can be sold upon the boards of trade, and those are the only articles the bill involves. Flour is never sold for future delivery on the boards of trade, because there is no grade of flour that makes it possible. In Minneapolis we have thirty mills making flour, and each mill sells its flour on its own merits, and the prices of what are called the same general grade of flour vary from 10 to 50 cents a barrel. So practically it cuts no figure whatever.

Mr. WHITE. If the Senator will allow me to interrupt him through the Chair, although of course he knows everything about flour and I know nothing, I am informed that his conception of the methods of dealing in flour is an entire mistake. I understand that flour is sold for future delivery, and I understand that the millers make flour and put no brand on it, and that the floor is shipped to the market without brand, and is branded to suit the convenience of the people who have bought it.

Mr. WASHBURN. The Senator misapprehends me entirely. I did not intimate that flour is not sold for future delivery. It is done every day in the year. Every day of the year flour is sold for thirty or sixty days delivery. But it is not sold on the Chicago Board of Trade, or the Minneapolis Chamber of Commerce, or the New York Produce Exchange, where the prices are made artificial. The man in London, or Liverpool, or Antwerp, buying flour for future delivery, buys a particular kind of flour and made at a particular mill. As to the idea the Senator alludes to, of flour going abroad without any mark, there is nothing of it. I am a practical miller, and have been for twenty-five years, and I say there is nothing of it, except that some of the very lowest grades of flour, the flour which is called in common parlance "red dog," which is very little better than offal, sometimes goes abroad without any particular brand; that is, not generally branded. But flour that has any reputation, of course, is branded by the mill where it is made and sold on its merits.

Mr. WHITE. I should like to send to the desk and have read a certificate.

The PRESIDING OFFICER. The Senator from Louisiana asks to have a paper read. If there be no objection, it will be read.

The Secretary read as follows:

BOARD OF TRADE OF THE CITY OF CHICAGO,
SECRETARY'S OFFICE,
Chicago, July 25, 1892.

DEAR SIR: Complying with your request, I have the honor to inform you that fully 75 per cent of the receipts of flour in the Chicago market are without any brand, the majority of buyers in this market preferring to receive their flour in blank, so that they, both shippers and buyers for domestic and foreign markets, can place upon this flour their own brand. By far the larger part of the sales of flour in this market is made by sample and not by brand. The sample is placed in my hands as chief inspector of flour, with instructions that the flour must conform in all respects to such sample.

Very respectfully,

R. W. RATHBORNE,
Chief Flour Inspector of the Board of Trade of Chicago.

Mr. CHARLES D. HAMILL,
President Chicago Board of Trade.

Mr. SHERMAN. Mr. President, I am very much gratified that the Senator from Minnesota accepted the amendment in respect to flour, because, whatever may be said in regard to the sale of flour, there has been a good deal of criticism in the papers, especially in those opposed to this bill, because flour is excepted. Although the statement made by the Senator from Minnesota may disclose a reason why it should not be included in the bill, I believe that it would be wiser to insert flour among the articles to be protected from improper competition.

In respect to the pending bill, personally I stand neutral. I am not entirely satisfied that the bill will accomplish the objects which are proposed, nor do I very much like the extension of the system of bringing about reforms by the exercise of the taxing power. That power has been exercised two or three times with great benefit, I think, to the people of the United States, especially during the civil war when it became necessary to get rid, if possible, of the State bank paper. But it is a principle that ought not to be extended, except for special reasons and to attain important objects.

However, I am disposed to vote for the bill in deference to the opinions of the great body of the farmers of the State of Ohio. I have received letters in favor of the bill from leading organizations of the farmers and from individual farmers whom I have known for a long time as dispassionate men. The farmers are entitled to enter the markets of our own country and of foreign countries without any disadvantage, without any combination, without any speculative bids or offers. They are entitled to receive the price fixed by the law of demand and supply, and that price ought not to be increased or diminished by outside transactions where there is no intention to deliver the property.

Now, most of the farmers believe that these gambling contracts tend at critical periods to depreciate the value of their products. That we ought to protect them against. The farmers especially, who are a conservative, law-abiding and influential class in our country, ought to be protected in their markets and in their productions against any gambling operations or against any unusual or unlawful or improper means.

The farmers have the idea strongly fixed in their minds that the sales condemned by the bill do injuriously depress the market at a critical period when they must sell. The farmers as a rule must sell their product shortly after it is produced and ready for the market. They can not wait over until the next year. Perhaps many of the fruits of their production have already been consumed by debt contracted or the like, and at a critical period to have their prices interfered with or reduced by gambling contracts is an injustice to them which we ought to prevent if possible.

Therefore, I am disposed to vote for this bill to secure the farmers of our country, to the producers of the great products which enter into the wealth of our country, from unlawful and improper contracts and combinations. I can see very well the injurious results to the farmers of the power that is now exercised in some of the chief marts of the country, especially in Chicago, by which the market price has become a mere bet, a mere speculation. Contracts to an immense amount, sometimes greater than the entire production of the whole country, are made upon speculative prices upon mere bets, which tend to influence the value of the farmers' product. Therefore I am in favor of the object of the bill.

I do not intend to enter into any argument upon the question. I would do by the farmer as I would do by any other producer of this country. I wish to secure to him the natural and normal value of his product as measured by the law of demand and supply. That, I think, ought to be done.

I am not so sure that it would be better, in order to secure that object, to prohibit such contracts; but the question is whether the United States have the power to prohibit contracts being made in a particular State without any special delivery in a foreign market. It is very doubtful whether it is within the constitutional power of Congress to regulate contracts and to make things lawful or unlawful unless they enter into interstate or foreign commerce. Many of these bets or contracts may be for execution at the place where they are made, and therefore they fall within the domain of the law of the State. The States have not protected their own citizens in many cases against these unlawful combinations and bets.

I think we ought in some way, if we can, under the power conferred by the Constitution of the United States, to secure to farm-

ers their fair and just market, without regard to these unlawful combinations. I have no doubt that cotton has been materially influenced in its price by bets, mere unlawful bets, no better than gambling anywhere, and not half as fair as the faro table. Many of our people in Ohio have been entirely ruined by being drawn into this kind of speculation. In order to protect themselves they have been ruined. The dealers or makers of these contracts and those who enforce the contracts have all the advantage. They have the whole power in their hands. Therefore, I think the object of the bill is right and ought to be, if possible, enacted into law in some constitutional way.

As I said before, I do not like to do it in the way that is proposed in the bill. There is a great deal of force in the argument made by the Senator from Mississippi [Mr. GEORGE]; but I do not think that we ought to forego even the extraordinary power of taxing these contracts, although they are confessedly illegal, in order to prevent them. Sometimes the same kind of legislation is applied in many of the States in regard to the liquor traffic, where it is legalized but by enormous and high licenses, and as the high license tends to prevent the improper sale of liquors it is considered just and defensible. The States are coming more and more to resort to the power of taxation to prevent unduly the sale of spirituous liquors, and as the Congress of the United States has the absolute power of taxation within certain limits we can resort to that power unquestionably whenever we think the occasion is sufficient to demand this extraordinary exercise.

If there is no other way to be pointed out by Senators to bring about the object proposed by the bill, to put a stop, to make illegal, null and void, and destroy all these illegal contracts, I think we are justified in resorting to the power of taxation, which, although intended mainly for the purpose of gaining revenue for the support of the Government yet may be resorted to for other high purposes for the public good and for the public interest. Therefore unless some other mode is devised it seems to me to be reasonable to carry into execution the purposes of this proposed law, and I am willing to vote for it as it is, asserting the taxing power in order to break down these combinations.

Mr. President, I feel, I know, that I speak the voice of all Senators. None of us think it right or just or proper that the interests of our people shall be affected in the slightest degree by contracts or obligations of this kind. They are innocent parties. The people who produce these great articles are the vital population of the country. Our farming class especially are conservative, quiet, orderly. All they want is not the advantage of these bets or unlawful contracts, but they want the advantage of a fair market, so that when the price abroad is high they may receive a high price accordingly. When the crop is short they expect to receive high prices. When the crop is abundant they do not wish their property still further depressed by an attempt to throw upon the market millions upon millions of bushels of wheat that do not exist except in the air or in the fancy of these speculators.

Therefore, Mr. President, without going into any argument about this matter, and hoping by making a very brief speech upon it that I may aid in bringing the measure to a vote, I simply make these few remarks. We have now less than two months in which to discharge all the ordinary duties of Congress for this year. We have yet to pass upon many important measures. We have to review and pass upon all the appropriations necessary for the support of the Government. There are other questions even more important than this that must demand the attention of Congress. I rose more for the purpose of aiding my friend from Minnesota to get speedy action on the bill, leaving each Senator to vote as his judgment dictates. On the whole, after the most careful reflection and after listening to the debate I intend to vote for the bill, in deference to the opinions of my constituents and also in accordance with my own judgment of what under the circumstances is the only thing that can be done to stop or mitigate, if we can do nothing else, gambling in the products of the people of this country.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Louisiana [Mr. WHITE], to insert the word "flour" in the third section.

The amendment was agreed to.

The PRESIDING OFFICER. If no further amendment is proposed——

Mr. WASHBURN. I move to strike out, on page 3, line 31, the words "or traffic."

Mr. WHITE. I suggest to the Senator that he is using the old print of the bill.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 3 of the print of December 12, 1892, section 2, at the end of line 36, after the word "consumption," strike out the words "or traffic," so as to read:

Nor to any contract or agreement made with any farmer or planter, nor to any contract or agreement made with any person to furnish and deliver to such person at any time, or within any designated period, any of said articles for the use, consumption of such person in his business, occupation, or manufacture, etc.

Mr. WHITE. The amendment suggested by the Senator would deprive the qualification of the general clause of the bill of all its efficacy. For instance, under the amendment, if a grocer desires to buy pork to sell in his store to his customers he will not be able to do it. In other words, the grocers of the country buying pork to sell to their customers and contracting for the future delivery of that pork, unless they intend to consume it themselves, under the amendment of the Senator they will not be able to do it. The words "or traffic" in the bill would leave it in the power of a person who is buying the actual goods, either for his own use or for a resale, to buy them for future delivery. The amendment of the Senator striking out the words "or traffic" would prevent any dealer in this country from buying for future delivery for the purposes of his business.

Mr. MITCHELL. I suggest to the Senator from Minnesota that the word "or" should be inserted before "consumption," in order to harmonize the sentence.

Mr. WASHBURN. Yes; I make that modification.

The PRESIDING OFFICER. The Senator from Minnesota modifies his amendment by inserting the word "or" before the word "consumption" in line 36.

Mr. WASHBURN. I am not specially anxious with regard to the amendment. The whole provision in which these two words occur was offered by me as an amendment before we adjourned last session, with the view and for the express purpose of making it perfectly clear that there should be nothing in this proposed law that would interfere with legitimate transactions, and especially the character of transactions referred to by the Senator from Louisiana. In looking it over I have felt by putting in the words "or traffic" the door might be opened a little too widely, and under the guise of the word "traffic" there might be transactions carried on that the law would prohibit. I think that if the Senator from Louisiana will read the provision carefully, or listen to my reading of it, he will see that there is not much point to the suggestion he has made. The provisions of this proposed law dare not interfere with or apply to —

any contract or agreement made with any farmer or planter, nor to any contract or agreement made with any person to furnish and deliver to such person at any time, or within any designated period, any of said articles for the use or consumption of such person in his business.

How does that interfere with a groceryman who wants to sell some bacon or ham to the Senator from Louisiana or to anybody else who desires to purchase it? If it does interfere with him, I would not for a minute assent to the word going out. If there is any question in the mind of any Senator in regard to it I shall withdraw the amendment because I do not think it is of enough importance to insist upon it.

Mr. WHITE. I call the Senator's attention to the fact that if he strikes out the words which he proposes to strike out the consequences which I suggest necessarily follow. Now, read the sentence. If those words are not inserted to allow what is necessary to be done, as I suggest, then the rest of the sentence would have no meaning. Let me read it:

Or within any designated period, any of said articles for the use, consumption, or traffic of such person in his business.

The theory of the Senator is that consumption in the business means the sale of the goods to the customer. The sale of goods is not the consumption of goods. There is a vast class of merchants in this country who buy goods for consumption to work over in their business. The goods that I buy for sale are not the goods that I buy to consume. The elementary meaning of the word "consumption" here stated by any lexicographer will exclude the contention which the Senator says is necessary to be in the bill. Yet he proposes to strike out of the bill the words which alone allow that to be done—which he himself admits is necessary to be done in order that the simplest business transactions may be carried on in this country.

There is not a barrel of pork to-day, there is not a barrel of flour, there is not a pound of bacon, there is not a single thing a merchant in this land buys from one end of it to the other that he does not watch the market reports and buy it for advance delivery when the market is favorable in order that he may supply his customers, the retail consumers, at a fair price. This provision, "or traffic," was written in for the very purpose of saving the business interests of this country the awful blow which will be struck at them if the section with the words stricken out passes Congress.

You can not say the word "consumption" is the word "sale." In no sense of the English language does it mean that. Yet, while the Senator admits that the power to sell for traffic must be left in the bill, and if it is not the hands of paralysis will fall upon every business interest in this country, he moves to strike out the word and leave in the word "consumption," which any

court in this land, under the ordinary rules of legal interpretation, will hold means consumption and does not mean traffic.

Mr. WASHBURN. There may possibly be some point made by the Senator from Louisiana, although I do not see it as he does. However, lest the effect may be as indicated by him, I shall withdraw the amendment.

The PRESIDING OFFICER. The Senator from Minnesota withdraws the amendment. Are there further amendments to be proposed as in Committee of the Whole?

Mr. WHITE. I move to strike out the proviso at the end of section 2.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. It is proposed to strike out the proviso at the end of section 2, in the following words:

Provided, however, That such contract or agreement shall not be made, settled for by delivery or settlement of differences, or by any other mode of performance or settlement in or upon any board of trade, produce, cotton, merchants', or other exchange, or other commercial association, or in any place or upon any premises where price quotations of said articles are announced, bulletined, or published, nor be subject to the rules or regulations of any such board, exchange, or other commercial association.

Mr. WHITE. Mr. President, I will explain the purpose of this amendment. The first section of the bill defines options. The second section of the bill defines future. To that section there is a qualification which allows the dealing in actual products by farmers or other people under certain conditions and subject to certain restrictions; in substance it declares that where there is an actual dealing for actual property for one's consumption or one's traffic such dealings are perfectly lawful transactions. In other words, dealings of this character the bill itself declares are lawful because necessary to the existence of the commerce of the country.

Having by its very terms admitted the right of a farmer to sell his products by future contracts, the bill morever admits that it is equally essential that the right of the merchant to buy the actual product needed for sale in his business should also exist, and that it is also equally essential that a man should have the right to buy by future contract that which is needed for his own consumption. Now, although the bill admits all these things, it then goes on to say that the contracts which the bill thus declares are lawful and necessary for the commerce of the country shall not be lawful if made in an organized commercial board of trade; that they shall not be lawful if made anywhere where a quotation as to market prices is to be found.

In other words, the bill forbids the actual dealing in actual property for future use as to a class of people and permits it as to another class. I submit that a more flagrant and a more outrageous example of class legislation could not be afforded than that which is thus found written in this bill. If Mr. A goes to-morrow to the city of Chicago to buy a thousand barrels of flour, of actual flour for actual use in his business, and if he should walk to a place where merchants congregate who have flour for sale and where they put up quotations to show the market price, under the proviso in this section that contract for actual property made for actual resale, declared to be legal under the bill, would become an illegal contract and be stricken with nullity.

In other words, as I had occasion to say once before, the effect of this provision is to make contracts lawful where they are made in a way where advantage can be taken of the person making them, and to forbid them where the contract can be made honestly and made to the best advantage. There is not an article of any importance dealt in to-day that dealers, buyers, and sellers do not gather to interchange views and make a market for.

I say if the bill admits, as it does, that it is lawful to buy property for future delivery for your actual use; if the bill admits it to be lawful to buy property by future contract which you intend to resell, then I want to know under what principle of free government, under what elementary conception of liberty are you going to say that a contract which you recognize to be a lawful contract, which you declare can be made by anybody all over this land, is to become unlawful when made by a specified class——

Mr. MITCHELL. Will the Senator from Louisiana allow me a suggestion?

Mr. WHITE. Certainly.

Mr. MITCHELL. Is it not a fact that the proviso simply relates to the place where the contract shall be made and not to the person? The proviso, I understand, does not prohibit any particular person from making a contract of that kind; it only provides that the contract shall not be made at certain particular places. It may be all wrong, as the Senator says, but I think he has placed a wrong construction on it.

Mr. WHITE. Then the drift of the Senator's question is this, that it is place not person. My argument addressed itself to the fundamentally iniquitous attempt in American legislation to anathematize person or place.

Mr. MITCHELL. If the Senator will allow me, I am not finding fault with his argument, but I was finding fault with the construction the Senator placed on the proviso. I think he misconstrued it. I admit that the proviso inhibits the making of this kind of a contract in certain places, but it does not inhibit any particular person from making that contract in every other place.

Mr. WHITE. Mr. President, that makes no difference, call it place.

A rose by any other name would smell as sweet.

The discrimination is, then, whether it be person or be place. The enormity of this discriminating provision as to contracts recognized as legal, finds no justification, no excuse under any theory of American legislation by changing the theater of the discrimination and leaving the discrimination as flagrant as it is found in the bill.

Mr. MITCHELL. I do not think it does myself. I agree with the Senator as far as that is concerned.

Mr. WHITE. Under the theory of the bill, then, it is within the power of Congress to-morrow to declare that a contract which they say is legal shall be legal in the State of Louisiana and shall be illegal in the State of Massachusetts. Why, the very elementary canon of just legislation as laid down in one of the earliest edicts of Justinian was that legislation in order to be just must be universal. In my State in the long ago in the history of her jurisprudence, when her court of last resort was presided over by men who rendered her system of judicature illustrious, when a municipal council attempted to pass an act discriminating against particular neighborhoods, that great court, in an opinion which is luminous with the instinct of American liberty, said that the fundamental concept of all American legislation was universality and that as the legislation was discriminating it was stricken with paralysis.

Now, are we going to put ourselves in the position of bitter and relentless partisans? Are we prepared to say to-day as Senators representing the American people that we are going to hold these contracts as legal and valid in all respects in one place and then declare them invalid because made in another place? Are we going to assert that the power exists to go to your State and into my State and pick out the condemned spots and draw the line of terror around them, and say, "lo, and behold, by the edict of the American Congress, lawful indeed are these contracts in every other place but in the spot where we breathe the anathema of illegality. If you step into that condemned place the contract is dead and that which is legal everywhere else becomes thus illegal there."

Mr. President, what is the wisdom of this provision? Are we going to destroy the very fundamental conception of commercial transactions? Suppose the Senator from Minnesota be right as to all the fallacies and phantoms which he conjures up, as I think, as to the awful consequences resulting from the commercial methods of the day. Suppose those phantoms be real instead of imaginary, does it follow that the evil has come from the place where the contracts are made? If right, the evil has come from the method. If you strike down the method by your bill, if your bill does what you think it does, if it prevents the doing of that which you say is necessary to prevent, unlawful future contracts, then in the name of reason why are you going further? When you have destroyed the method which you think necessary to destroy, why destroy places? Why destroy dealings in those places which have always been a part of business from the Middle Ages down? The aggregation of merchants meeting and consulting the exchanges in London, the bourse in Paris, all are the great centers of dealing. The market over in England was the cry of necessity.

Why, the very primitive concept of the farmer shows the justice of these views. Whence comes the county fair, where buyers and sellers meet? Why, under the terms of the bill the farmer might sell a pig at his farm, but if he drove the pig to the county fair, where a better price could be had, the sale would be illegal.

I say let us bear in mind the elementary conceptions of American freedom. Let us adhere to them, and let us not follow every jack o' the lantern which leads us to give up the faith and hope of our fathers. Our principles are everlasting, for they are true. If the methods of dealing are condemned, strike them down, but do not go further and strike at persons and places by a discrimination as unjust as it is unamerican.

Mr. WASHBURN. Mr. President, I trust the amendment will not be adopted, because the effect of it would inevitably destroy the force of this provision. The provision, the Senators will notice by the last print, is an amendment that was offered late last session. The amendment was suggested by the Senator from Rhode Island [Mr. DIXON] with the view of making it absolutely clear that there should be nothing in the law that would prevent legitimate transactions.

For instance, a cotton-spinner in Providence or Woonsocket or

in any other New England town who wishes to buy cotton desires the privilege of doing so without asking the party of whom he wishes to purchase in Memphis or Mobile whether he owns it or not. He wants to buy his cotton of a particular grade, to be used in his business. To meet such a case as this, or in order that a grocer who desires to sell his bacon or his ham to the proprietor of a hotel or a boarding house, or to anybody else, shall not be interfered with, is the whole purpose of that amendment.

I do not think it was at all necessary, because the bill itself is only directed to those cases where parties are not the owners of the property. That is the general provision of the bill. So I do not think, as the bill stood, there was the least necessity for that amendment coming from the Senator from Rhode Island; but to make it absolutely clear that current business, the business of everyday life, should not be interfered with, the proviso was inserted.

The bill is intended to prevent operators on the different produce exchanges from making prices, as they do to-day. It is intended to prevent operators from making artificial prices for the great products of this country, which, if we strike out that provision, they certainly could do. There is where the word "traffic" comes in and is of such great importance. If the Senate strike out that provision they will strike the lifeblood out of the bill and destroy its purposes. I hope the amendment of the Senator from Louisiana will be disagreed to.

Mr. CALL. Mr. President, I am heartily in favor of the objects of this bill—the prevention of contracts for the fictitious delivery of products of any kind. How that is connected with the proposition that there should be no contracts for the actual delivery of a product at a particular place called a board of trade or an exchange, I can not see.

This provision of the bill prohibits contracts being made on a board of trade or an exchange at a particular place for the actual delivery of any product that may be agreed upon. It is not the object of the bill to prohibit such acts being done at a particular place, and I think it is entirely impracticable. Men may meet anywhere and may agree that they will offer particular prices for the delivery of actual products. We can not regulate that. It is the contracts for fictitious delivery, gambling contracts, which are objectionable. I can not see that a provision that as a board of trade you shall not make that contract, you shall not assemble together if you make a price quotation, but if you leave the price quotation unmade, then the contract shall be valid, has any real or proper connection with the object of the bill.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Louisiana [Mr. WHITE].

Mr. WASHBURN. I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BLACKBURN (when his name was called). I am paired with the senior Senator from Nebraska [Mr. MANDERSON]. I do not know how he would vote if he were here. If he were present I should vote "yea."

Mr. CULLOM (when his name was called). I am paired with the Senator from Delaware [Mr. GRAY]. If he were present I should vote "yea," to strike that clause out.

Mr. FAULKNER (when his name was called). I am paired with my colleague [Mr. KENNA] on this bill. I do not know exactly how he would vote on this particular amendment if present, and I therefore simply announce my pair.

Mr. FELTON (when his name was called). I am paired with the Senator from Ohio [Mr. BRICE]. I do not know how he would vote on this question, but if he were present I should vote "yea."

Mr. HANSBROUGH (when his name was called). I am paired with the Senator from Montana [Mr. SANDERS]. Were he present I should vote "nay."

Mr. JONES of Arkansas (when his name was called). I have a general pair with the Senator from New York [Mr. HISCOCK]. As I have no idea how he would vote on this proposition I will withhold my vote. If he were present I should vote "yea."

Mr. MILLS (when his name was called). I am paired with the Senator from New Hampshire [Mr. GALLINGER]. If he were present, I should vote "yea."

Mr. MORRILL (when his name was called). I am usually paired with the Senator from Tennessee [Mr. HARRIS], whom I do not see in his seat, and therefore withhold my vote.

Mr. SAWYER (when his name was called). I am paired with the Senator from Minnesota [Mr. DAVIS] on this bill and on all the amendments to it, and therefore withhold my vote.

Mr. WALTHALL (when his name was called). I am paired with the junior Senator from Rhode Island [Mr. DIXON]. If he were present, I should vote "nay."

Mr. WILSON (when his name was called.) I have a general pair with the Senator from Georgia [Mr. COLQUITT], but I am informed that if he were present he would vote nay on this question, and therefore I vote "nay."

The roll call was concluded.

Mr. BUTLER. I am paired with the Senator from Pennsylvania [Mr. CAMERON]. If he were present I should vote "nay."

Mr. GIBSON. I am paired generally with the senior Senator from Michigan [Mr. STOCKBRIDGE]. If he were present I should vote "yea."

Mr. VEST (after having voted in the affirmative). I am informed that the Senator from Kansas [Mr. PERKINS] considers himself paired with me upon the bill and amendments, and I therefore withdraw my vote.

The result was announced—yeas 12, nays 20; as follows:

YEAS—12.

Call,	Gorman,	Mitchell,	Vilas,
Carlisle,	Hoar,	Platt,	White,
Daniel,	Hunton,	Stewart,	Wolcott.

NAYS—20.

Berry,	Dubois,	Peffer,	Teller,
Blodgett,	Frye,	Proctor,	Vance,
Cockrell,	George,	Pugh,	Warren,
Coke,	Morgan,	Quay,	Washburn,
Dawes,	Pasco,	Sherman,	Wilson.

NOT VOTING—55.

Aldrich,	Dixon,	Hiscock,	Pettigrew,
Allen,	Dolph,	Irby,	Power,
Allison,	Faulkner,	Jones of Ark.	Ransom,
Bate,	Felton,	Jones of Nev.	Sanders,
Blackburn,	Gallinger,	Kenna,	Sawyer,
Brice,	Gibson,	Kyle,	Shoup,
Butler,	Gordon,	McMillan,	Squire,
Cameron,	Gray,	McPherson,	Stanford,
Carey,	Hale,	Manderson,	Stockbridge,
Casey,	Hansbrough,	Mills,	Turpie,
Chandler,	Harris,	Morrill,	Vest,
Colquitt,	Hawley,	Paddock,	Voorhees,
Cullom,	Higgins,	Palmer,	Walthall.
Davis,	Hill,	Perkins,	

The PRESIDING OFFICER. No quorum having voted, the Secretary will call the roll of the Senate.

The Secretary called the roll, and the following Senators answered to their names:

Berry,	Felton,	Morgan,	Stewart,
Blackburn,	Frye,	Morrill,	Teller,
Blodgett,	George,	Pasco,	Vance,
Butler,	Gorman,	Peffer,	Vest,
Call,	Hansbrough,	Platt,	Vilas,
Cockrell,	Harris,	Proctor,	Walthall,
Coke,	Hill,	Pugh,	Warren,
Cullom,	Hoar,	Quay,	Washburn,
Daniel,	Hunton,	Sawyer,	White,
Dawes,	Mills,	Sherman,	Wilson,
Dubois,	Mitchell,	Squire,	Wolcott.

The PRESIDING OFFICER. Forty-four Senators having answered to their names, a quorum is present.

EXECUTIVE SESSION.

Mr. SHERMAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After eight minutes spent in executive session the doors were reopened, and (at 3 o'clock and 15 minutes p. m.) the Senate adjourned until to-morrow, Thursday, January 5, 1893, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate January 4, 1893.

MINISTER RESIDENT AND CONSUL-GENERAL.

Gilbert A. Pierce, of Minnesota, to be minister resident and consul-general of the United States to Portugal, vice George S. Batcheller, resigned.

ASSOCIATE JUSTICE SUPREME COURT TERRITORY OF UTAH.

George W. Bartch, of Utah Territory, to be associate justice of the supreme court of the Territory of Utah, vice Thomas J. Anderson, resigned.

PROMOTIONS IN THE REVENUE-CUTTER SERVICE.

First Lieut. Warrington D. Roath, of Connecticut, to be a captain in the Revenue-Cutter Service of the United States, to succeed J. G. Baker, deceased.

Second Lieut. Alexander P. R. Hanks, of Wisconsin, to be a first lieutenant in the Revenue-Cutter Service of the United States, to succeed Warrington D. Roath promoted.

Third Lieut. Richard O. Crisp, of Maryland, to be a second lieutenant in the Revenue Cutter Service of the United States, to succeed Alexander P. R. Hanks, promoted.

POSTMASTERS.

James B. Baldwin, to be postmaster at Terryville, in the county of Litchfield and State of Connecticut, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1893.

James H. Morrison, to be postmaster at Seymour, in the county

of Wayne and State of Iowa, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1893.

May L. White, to be postmaster at Kirwin, in the county of Phillips and State of Kansas, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1893.

Lyman W. Shepard, to be postmaster at Mittineague, in the county of Hampden and State of Massachusetts, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1893.

John Donald, to be postmaster at Marlette, in the county of Sanilac and State of Michigan, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1893.

Eugene H. Swain, to be postmaster at Sand Beach, in the county of Huron and State of Michigan, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1893.

Joseph E. Watson, to be postmaster at Bronson, in the county of Branch and State of Michigan, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1893.

Morgan E. Wescott, to be postmaster at Canby, in the county of Yellow Medicine and State of Minnesota, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1893.

Frank J. Loucks, to be postmaster at Dolgeville, in the county of Herkimer and State of New York, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1893.

Robert W. Matteson, to be postmaster at Caledonia, in the county of Livingston and State of New York, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1893.

William H. H. Lea, to be postmaster at Mansfield Valley, in the county of Allegheny and State of Pennsylvania, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1893.

Mrs. Sallie A. Ramsey, to be postmaster at McKees Rocks, in the county of Allegheny and State of Pennsylvania, the appointment of a postmaster for the said office having, by law, become vested in the President on and after July 1, 1892.

Henry B. Rupp, to be postmaster at Hummelstown, in the county of Dauphin and State of Pennsylvania, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1892.

Henry C. Shearer, to be postmaster at New Bloomfield, in the county of Perry and State of Pennsylvania, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1893.

Mrs. Lydia B. Walton, to be postmaster at Kennett Square, in the county of Chester and State of Pennsylvania, in place of John C. Walton, whose commission expired August 10, 1892.

Frank H. Hooper, to be postmaster at Eureka, in the county of McPherson and State of South Dakota, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1892.

Frank C. Cerveny, to be postmaster at South Superior, in the county of Douglas and State of Wisconsin, the appointment of a postmaster having, by law, become vested in the President on and after October 1, 1892.

PROMOTIONS IN THE ARMY.

Subsistence Department.

Lieut. Col. Thomas C. Sullivan, assistant commissary-general, to be assistant commissary-general with the rank of colonel, December 27, 1892, vice Hawkins, appointed commissary-general.

Maj. William H. Bell, commissary of subsistence, to be assistant commissary-general with the rank of lieutenant-colonel, December 27, 1892, vice Sullivan, promoted.

Capt. Charles A. Woodruff, commissary of subsistence, to be commissary of subsistence with the rank of major, December 27, 1892, vice Bell, promoted.

Pay Department.

Lieut. Col. William R. Gibson, deputy paymaster-general, to be assistant paymaster-general with the rank of colonel, January 3, 1893, vice Rodney Smith, retired from active service.

Maj. George E. Glenn, paymaster, to be deputy paymaster-general with the rank of lieutenant-colonel January 3, 1893, vice Gibson, promoted.

Artillery arm.

Second Lieut. Charles T. Menoher, First Artillery, to be first lieutenant December 23, 1892, vice Eaton, Third Artillery, appointed assistant quartermaster.

Second Lieut. T. Bentley Mott, First Artillery, to be first lieutenant December 23, 1892, vice Dudley, Second Artillery, appointed assistant quartermaster.

Second Lieut. Gustave W. S. Stevens, Fifth Artillery, to be first lieutenant December 23, 1892, vice Bliss, First Artillery, appointed commissary of subsistence.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 4, 1893.

CONSUL.

Charles W. Dow, of Massachusetts, to be consul of the United States at Zanzibar.

SECRETARIES OF LEGATION.

George Creighton Webb, of New York, to be secretary of the legation of the United States at St. Petersburg.

Archibald C. Coolidge, of Massachusetts, to be secretary of the legation of the United States at Vienna.

Joseph R. Herod, of Indiana, to be second secretary of the legation of the United States to Japan.

PROMOTIONS IN THE ARMY.

Subsistence Department.

Lieut. Col. Thomas C. Sullivan, assistant commissary-general, to be assistant commissary-general with the rank of colonel.

Maj. William H. Bell, commissary of subsistence, to be assistant commissary-general with the rank of lieutenant-colonel.

Capt. Charles A. Woodruff, commissary of subsistence, to be commissary of subsistence with the rank of major.

Pay Department.

Lieut. Col. William R. Gibson, deputy paymaster-general, to be assistant paymaster-general with the rank of colonel.

Maj. George E. Glenn, paymaster, to be deputy paymaster-general with the rank of lieutenant-colonel.

Artillery arm.

Second Lieut. Charles T. Menoher, First Artillery, to be first lieutenant.

Second Lieut. T. Bentley Mott, First Artillery, to be first lieutenant.

Second Lieut. Gustave W. S. Stevens, Fifth Artillery, to be first lieutenant.

POSTMASTERS.

Walter E. Churchill, to be postmaster at Colebrook, in the county of Coos and State of New Hampshire.

Joshua B. Bisland, to be postmaster at Orange, in the county of Orange and State of Texas.

George Mason, to be postmaster at Walsenburg, in the county of Huerfano and State of Colorado.

Florence M. Carpenter, to be postmaster at Foxboro, in the county of Norfolk and State of Massachusetts.

Grace Lamont, to be postmaster at Dillon, in the county of Beaver Head and State of Montana.

Mrs. Alice B. Bussey, to be postmaster at Cuthbert, in the county of Randolph and State of Georgia.

Richard H. Fesperman, to be postmaster at Seneca, in the county of Newton and State of Missouri.

Loyd V. Nanscawen, to be postmaster at Visalia, in the county of Tulare and State of California.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *January 4, 1893.*

The House met, pursuant to adjournment, at 12 o'clock m.

Prayer by the Chaplain, Rev. WILLIAM H. MILBURN, D. D.

The Journal of the proceedings of Thursday, December 22, 1892, was read and approved.

DRAWBACKS TO SUGAR REFINERS' COMPANY.

The SPEAKER laid before the House a letter from the Acting Secretary of the Treasury, transmitting, in response to House resolution dated August 5, 1892, information relating to "drawbacks allowed the American Sugar Refiners' Company during the past year; which was referred to the Committee on Ways and Means, and ordered to be printed.

DEFICIENCY APPROPRIATION FOR GEOLOGICAL SURVEY.

The SPEAKER laid before the House a letter from the Acting Secretary of the Treasury, transmitting an estimate of deficiency in the appropriation for the Geological Survey, submitted by the Secretary of the Interior; which was referred to the Committee on Appropriations, and ordered to be printed.

EXPENSES OF TIMBER EXPERTS.

The SPEAKER also laid before the House a letter from the Acting Secretary of the Treasury, transmitting an estimate of appropriation submitted by the Secretary of the Interior, to pay the expenses of timber experts, incurred in connection with the sale of lands of the Eastern Band of Cherokee Indians in North Carolina; which was referred to the Committee on Appropriations, and ordered to be printed.

UNITED STATES AND CHILEAN CLAIMS COMMISSION.

The SPEAKER also laid before the House a letter from the Acting Secretary of the Treasury, transmitting an estimate of appropriation, submitted by the Secretary of State, for the compensation and expenses of the United States and Chilean Claims Commission, under treaty of August 7, 1891; which was referred to the Committee on Foreign Affairs, and ordered to be printed.

UNITED STATES AND CHILEAN CLAIMS COMMISSION.

The SPEAKER also laid before the House a letter from the Acting Secretary of the Treasury, transmitting an estimate of appropriation, submitted by the Secretary of State, for the compensation and expenses of the United States and Chilean Claims Commission under treaty of August 7, 1891; which was referred to the Committee on Foreign Affairs, and ordered to be printed.

FINDINGS OF THE COURT OF CLAIMS.

The SPEAKER also laid before the House copies of the findings of the Court of Claims in the following-named cases; which were severally referred to the Committee on War Claims, and ordered to be printed:

William Irvin, deceased, *vs.* The United States; Reuben Claypool, deceased, *vs.* The United States; S. M. Turner, deceased, *vs.* The United States; William H. Lewis, deceased, *vs.* The United States; The Odd Fellows' Hall Association *vs.* The United States.

ANNUAL REPORTS POSTMASTER-GENERAL.

The SPEAKER also laid before the House a letter from the Postmaster-General, transmitting his annual reports to Congress, as required by sections 193, 194, and 413 of the Revised Statutes of the United States; which was referred to the Committee on Expenditures in the Post-Office Department, and ordered to be printed.

CENSUS OF THE SIOUX INDIANS.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting a census of the Sioux tribes of Indians; which was referred to the Committee on Printing.

PRESIDENTIAL ELECTORS.

The SPEAKER also announced that he had received from the Secretary of State and now laid before the House copies of the final ascertainment of the electors for President and Vice-President in the States of Rhode Island, Mississippi, Massachusetts, Nevada, Vermont, Pennsylvania, West Virginia, Virginia, Idaho, and Iowa; which were laid on the table.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. WASHINGTON for ten days, on account of important business.

DEEP-WATER HARBOR, TEXAS.

Mr. LONG. I ask unanimous consent for the present consideration of the bill which I send to the desk.

The Clerk read as follows:

A bill (H. R. 9824) to amend "An act to promote the construction of a safe deep-water harbor on the coast of Texas," approved February 9, 1891.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of said act be so amended as to extend the time of commencing said work five years from the 9th day of February, 1893.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. HOLMAN. If there is a report accompanying the bill I hope it will be read.

The SPEAKER. Without objection the report will be read.

The report (by Mr. CRAIN) was read, as follows:

The Committee on Interstate and Foreign Commerce have considered the bill (H. R. 9824) to amend "An act to promote the construction of a safe deep-water harbor on the coast of Texas," approved February 9, 1891.

The bill merely proposes to extend the time for commencing the work on the harbor, and the committee recommend its passage.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. WATSON. Reserving the right to object, I hope the gentleman from Texas [Mr. LONG] will give us some explanation of this measure.

Mr. LONG. The bill proposes merely to amend section 2 of the act formerly passed on this subject. The effect of this bill is simply to extend the time within which work shall be begun with the view of reaching deep water. The original act required that the work should be begun within two years.

A MEMBER. What work is it?

Mr. LONG. It is work on what is intended to be the Corpus Christi Harbor.

Mr. WATSON. I think we ought to know something as to the conditions which were imposed when the original work was authorized so that we may understand the effect of this extension. What advantage will the individuals concerned in this enterprise get by this bill?

Mr. LONG. Certain individuals propose to do this work themselves; they propose to extend the harbor, beginning at certain points which I do not now precisely remember, and going out a certain distance into the water. They are to perform this work without any cost whatever to the Government.

Mr. DINGLEY. With the right to collect tolls on vessels?

Mr. LONG. There are no wharves there now; nothing is established there at all yet; no collection of tolls.

Mr. WATSON. I think the original act should be read for the information of the House. The gentleman does not state where this harbor is at. [Laughter.]

Mr. LONG. I have here a copy of the original act.

The SPEAKER. Without objection it will be read.

The Clerk read as follows:

An act to promote the construction of a safe deep-water harbor on the coast of Texas.

Be it enacted, etc., That the Corpus Christi and Padre Island Harbor Company, created and existing under and by virtue of articles of incorporation drawn in accordance with and by authority of the general incorporation act of the State of Texas, and dated December 10, 1887, or its successors or assignees, be, and is hereby, authorized and empowered to construct, at their exclusive cost, as in their charter provided, a sea wall, breakwaters, and viaduct off the shore of Padre Island, on the coast of Texas, within the jurisdiction of the United States, subject to the terms and conditions herein set forth.

SEC. 2. That said company shall, within two years after the passage of this act, locate and commence the construction of said harbor at a point to be selected by them off Padre Island, coast of Texas. Commencing at the water's edge and running at an angle to the shore they shall construct a viaduct of the most approved modern plan, extending seaward until a depth of, say, 27 feet of water is reached; thence continuing in the same direction they shall construct a sea wall until 30 feet or more of water is reached; thence turning southward at an angle or curve which shall throw the sea wall parallel, or nearly so, with the shore line of Padre Island, they shall construct a sea wall 3,000 feet in length, said sea wall to be placed upon a base of riprap or other suitable foundation, upon which shall be constructed a wall of concrete of such form of structure as the engineer officer of said company may hereafter adopt, 22 feet thick, more or less, and 29 feet high, reaching 11 feet above mean low water. They shall also construct breakwaters of sufficient length and so placed as to protect the shore end of the viaduct, and another of sufficient length and so placed as to protect the entrance to the embayed space, thus forming an outer harbor sufficient in extent to afford dockage for, and accommodation at its wharves for, thirty of the largest ocean steamers afloat and two hundred or more smaller vessels or coasters at one time, and shall complete said work within four years from the commencement of the same. When completed, the embayed space or harbor shall be, and is hereby, declared to be a harbor of refuge for the vessels of all nations and such vessels as may touch for orders, free of charge, except such vessels as may land at the wharves.

SEC. 3. That in consideration of the free use of the embayed space or harbor as a harbor of refuge for the vessels of all nations, except vessels which land at and use the wharves, and in further consideration of the vast benefit to the general commerce of the whole country and in lieu of any money appropriations for the improvement of the said coast the said company shall be allowed to charge and collect such reasonable port charges and wharfage as may be prescribed by regulations that may be made by the Secretary of the Treasury of the United States, in conformity with the laws of the United States.

SEC. 4. That no wharfage or port charges shall be charged until after the said improvement shall have been inspected by a board of three engineers of the United States Army, appointed by the Secretary of War for the purpose, and found to have been fully completed in accordance with the terms of this act and until such report shall have been approved by the Secretary of War.

SEC. 5. That the United States Government specially reserves the right at its option to take said works upon payment to the owners thereof the actual value of the same at the time of taking, which value shall be determined by a board of engineers of the United States Army, to be appointed by the Secretary of War for the purpose.

SEC. 6. The rights herein granted to the "Corpus Christi and Padre Island Harbor Company" are upon the condition that there shall be no discrimination made in favor of or against any individual or corporation in regard to the use of said harbor or its approaches by land or water.

SEC. 7. That the said Corpus Christi and Padre Island Harbor Company be, and hereby is, authorized and empowered to construct bridges across Laguna Madre from the mainland to Padre Island, in accordance with such plans and specifications as the Secretary of War may approve.

Mr. DINGLEY. As I understand, the effect of this proposition is to extend the time for beginning the construction of this work two years longer—until 1895.

Mr. LONG. Five years, I believe it is.

Mr. TAYLOR of Illinois. I ask that the bill be again read.

The Clerk again read the bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. DINGLEY. I object for the present until I can have opportunity to examine the matter.

MESSAGE FROM THE PRESIDENT.

A message, in writing, from the President of the United States, was communicated to the House by Mr. PRUDEN, one of his sec-

retaries, who also announced that the President had approved and signed bills and joint resolutions of the following titles:

Joint resolution (H. Res. 167) relating to the discharge of certain official duties in the office of Register of the Treasury;

A bill (H. R. 8868) granting increase of pension to Mary North, a widow of a soldier of 1812, and who is one hundred years old;

Joint resolution (H. Res. 170) to pay the officers and employés of the Senate and House of Representatives their respective salaries for the month of December, 1892, on the 21st day of said month;

A bill (H. R. 8760) to provide for the sale of navy-yard lands in the city of Brooklyn; and

A bill (H. R. 6024) for the relief of William H. Taylor.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCOOK, its Secretary, announced that the Senate had passed, without amendment, bills of the following titles:

A bill (H. R. 9487) to amend an act approved April 22, 1890, authorizing the Natchitoches Cane River Bridge Company to construct and maintain a bridge across Cane River, in Louisiana;

A bill (H. R. 9488) to amend an act approved March 2, 1891, authorizing the construction of a bridge across the Red River, Louisiana, by the Rapides Bridge Company, limited;

It also announced that the Senate had passed with amendments the bill (H. R. 9826) granting certain rights and privileges to the commissioners of water works in the city of Erie, Pa.; in which the concurrence of the House was requested.

It also announced that the Senate had passed the bills and joint resolutions of the following titles; in which the concurrence of the House was requested:

A bill (S. 54) to amend chapter 6 of Title XXXII of the Revised Statutes, relating to mineral lands and mining resources;

A bill (S. 2576) for the relief of C. L. Coder;

A bill (S. 2730) granting an honorable discharge to William B. Barnes;

A bill (S. 3221) to provide for the adjustment and payment of the claim of Thomas Rhys Smith for work done and materials furnished for the breakwater at Bar Harbor, Me.;

Joint resolution (S. R. 127) authorizing the Smithsonian Institution to lend to the North Dakota World's Fair Commission the Red River cart now in the National Museum; and

Joint resolution (S. R. 128) to authorize the Secretary of War to grant permits for the use of reservations and public spaces in the city of Washington, and for other purposes.

It also announced that the Senate had agreed to the amendments of the House of Representatives to the joint resolution (S. R. 112) to print and bind 1,000 extra copies each of the Drill Regulations for Infantry, Cavalry, and Artillery.

MRS. JENNIE GRAY.

Mr. MILLER. I ask unanimous consent for the present consideration of the bill (S. 1786) granting a pension to Mrs. Jennie Gray.

The bill was read, as follows;

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jennie Gray, as widow of S. D. Smith, late surgeon of the Forty-first Regiment of Wisconsin Volunteers, and pay her a pension at the rate of $12 per month.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. PEARSON. Has the bill been considered by a committee of this House?

Mr. MILLER. It has been, and there is a unanimous report.

Mr. PEARSON. I would like to hear the report.

The report (by Mr. HARRIES) was read, as follows:

The Committee on Invalid Pensions have considered the bill (S. 1786) granting a pension to Mrs. Jennie Gray, and submit the following report:

The petitioner was formerly the widow of Samuel D. Smith, who served as surgeon and assistant surgeon First Kansas Infantry from June 7, 1861, to April 16, 1862, and as surgeon Forty-first Wisconsin Infantry from May 26, 1864, to September 24, 1864. The soldier died December 27, 1870, of dropsy, resulting from disease of liver, and his death has been accepted by the Pension Bureau as a result of his service; pension was accordingly allowed the widow at $17 per month from date of death to October 30, 1873, when she was married to one John G. Gray; pension was paid to Bessie, a child of the soldier, for the period from the mother's remarriage to October 9, 1883, when the child became 16 years of age; these allowances were made in April and December, 1891, respectively, and aggregated about $2,600, about $575 of which belonged to this petitioner.

On November 20, 1884, by the common pleas court of Erie County, Pa., the petitioner was divorced from her second husband, Gray, on her own complaint, on the ground, as she testifies, of failure to support and cruel and inhuman treatment. She has not married since said divorce; she is about 52 years of age, and has for ten or more years been dependent upon her own labor as a seamstress and the assistance of others, and that she has been provided a home in the family of a married sister. These facts are duly shown by evidence on file in the Pension Bureau and with this committee.

Your committee recommend the passage of the bill.

There being no objection, the House proceeded to the consideration of the bill; which was ordered to a third reading, read the third time, and passed.

BRIDGE ACROSS COLUMBIA RIVER, WASHINGTON.

Mr. WILSON of Washington. I ask unanimous consent for the present consideration of the bill (S. 3029) authorizing the construction of a bridge across the Columbia River, in the State of Washington.

The Clerk proceeded to read the bill.

Mr. WILSON of Washington. This is a bridge bill in the usual form. It has already been passed by the Senate, and has been reported favorably by the House Committee on Interstate and Foreign Commerce. It is recommended by the Chief Engineer of the War Department. I ask that the reading of the bill be dispensed with.

Mr. TRACEY. I object.

The bill was read.

Mr. BLAND. Is this bridge to be built by private enterprise?

Mr. WILSON of Washington. Yes, sir.

Mr. BLAND. Is it to be a toll bridge?

Mr. WILSON of Washington. No, sir. The purpose is to construct a railroad bridge across the Columbia River at a point in Kittitas and Douglas Counties, on the line of the Manitoba Railroad, otherwise known as the Great Northern Road. The road has been built on both sides of the river; and these parties have all the material there now to proceed with the construction of this bridge. I received a telegram this morning asking that this bill be passed at as early a date as possible in order that the work may be commenced.

There being no objection, the House proceeded to the consideration of the bill; which was ordered to a third reading, read the third time, and passed.

DEATH OF HON. EDWARD F. M'DONALD.

Mr. ENGLISH. Mr. Speaker, I ask unanimous consent at this time to offer, for present consideration, a resolution.

The Clerk read as follows:

Resolved, That Saturday, the 11th of February, 1893, beginning at 3 p. m., be set apart for the purpose of paying tribute to the memory of the Hon. Edward F. McDonald, lately a Representative from the Seventh district of New Jersey.

The resolution was considered and adopted.

APPROPRIATIONS FOR PUBLIC BUILDINGS.

Mr. SCOTT. Mr. Speaker, I ask unanimous consent for the present consideration of the following resolution.

The SPEAKER. The resolution will be read subject to objection.

The Clerk read as follows:

Whereas the Fifty-first Congress made appropriations for the establishment and erection of seventy-five public buildings, including the extension and improvement of those already erected; and

Whereas from the records of the Department having the construction of public buildings and letting the contracts for the same it appears that forty-seven of these buildings, for which appropriations were made more than two years ago, have not been contracted and no steps taken to let the same; and

Whereas it further appears that complete contracts for only fifteen of said buildings have been let and that partial and incomplete contracts have been let for ten others: Therefore,

Be it resolved, That the Secretary of the Treasury be, and he is hereby, requested to inform the House of Representatives why so large a number of these public works are not begun and why more than eight millions of appropriations have remained unexpended during the past two years while the public service suffers in various parts of the country for better facilities and accommodations.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. DINGLEY. That had better go to a committee, I think, Mr. Speaker.

The SPEAKER. Objection being made, the resolution will be appropriately referred.

BLUE MOUNTAIN IRRIGATION COMPANY, OREGON.

Mr. HERMANN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 3048) granting to the Blue Mountain Irrigation and Improvement Company a right of way for reservoir and canals through the Umatilla Indian Reservation, in the State of Oregon.

The bill was read, as follows:

Be it enacted, etc., That the Blue Mountain Irrigation and Improvement Company, a corporation organized and existing under the laws of the State of Oregon, may purchase so much of sections 1 and 2, in township 1 south, of range 33 east, Willamette meridian, in the Umatilla Indian Reservation, in the State of Oregon, as may be required by said company for the purpose of a reservoir, dam, and grounds accompanying, out of lands allotted to, or which may have been selected for allotment by, any Indians, if said company shall be able to agree with the Indian owners or allottees thereof upon the terms of such sale, and the Secretary of the Interior shall approve and ratify the same; but the said company shall have no right to compel the sale by any Indian owner or allottee of any lands for the purposes of reservoir or dam or accompanying grounds. And said company may also take of the lands in said sections 1 and 2 in said reservation, which have not yet been allotted, so much additional land as shall be required for the purposes of a reservoir and dam, and necessary grounds appurtenant thereto, upon making payment as hereafter provided in respect to the right of way. And upon and after acquiring by purchase as aforesaid, with the approval of the Secretary of the Interior, the necessary grounds for reservoir and dam, the right of way is hereby granted to said Blue Mountain Irrigation and Im-

provement Company for a main ditch or canal to commence at a point on McKay Creek north, 6° west of corner to sections 1, 2, 11, and 12, township 1 south, range 33 east, Willamette meridian, thence running across said Indian reservation to the city of Pendleton and to the Umatilla River, with the right to divert the waters of McKay Creek and its tributaries, and for such other purposes, to construct and maintain reservoirs, dams, flumes, ditches, and such other structures and devices as may be necessary for storing, conveying, and distributing water at such points as said company may desire to use the same. But all the rights herein granted are upon the express condition that during their continuance the grantees, or their assigns, shall furnish to occupants of said land on said reservation, so situated as to be capable of irrigation or supply from any ditch constructed by them hereunder, water sufficient for purposes of agriculture and domestic uses and irrigation, under such rules and regulations and on such terms as the Secretary of the Interior shall prescribe, and shall not divert or diminish the volume of water in said streams or exhaust either of them so far as to impair vested rights or to hinder or prevent the occupants of land on said reservation from the full enjoyment of said streams, either for power, irrigation, or domestic purposes.

For the purpose of determining the fairness of any agreement of sale negotiated with any of said Indian owners or allottees, and the wisdom of their making such sale to said company, the Secretary of the Interior shall appoint such commissioners, not exceeding three in number, as he shall think fit, to personally inquire into and report to him the facts in respect to said matter, and he shall approve and ratify or disapprove any such agreements he shall think the best interests of the Indians may require; and all expenses attending such inquiry shall be paid by the said Blue Mountain Irrigation and Improvement Company, security for the payment of which may be required in advance by the Secretary of the Interior.

SEC. 2. That the right of way to said company shall be 50 feet in width on each side of the center line of said ditch or canal, together with the ground adjacent to the said right of way for distributing ditches not exceeding 10 acres in the aggregate for every 10 miles of said ditch or canal. The company shall also have the right to enter upon lands adjacent to said canal or reservoir to take therefrom material, stone, earth, or timber necessary for the construction of said dam, ditch, or canal. But no land belonging to any Indian owner in severalty, or which shall have been selected for allotment by any Indian, shall be taken by the said company, nor shall the company have the right to take therefrom any material, stone, earth, or timber, except by agreement with the said Indian owner, approved by the Secretary of the Interior, or by first making compensation for the same, and any injury thereby caused to other lands of such Indian owner or allottee, to be determined by the Secretary of the Interior, after appraisal in the manner provided in section 1 of this act.

SEC. 3. That the Secretary of the Interior may appoint three commissioners to fix the amount of compensation to be paid to the Indian owners or allottees for right of way for the said main ditch or canal of the said company, which shall include the value of the land taken therefor and all damages to other lands of such owner or allottee caused by such taking, and also to fix the amount of compensation to be paid for any lands of the tribe not allotted or selected for allotment by individuals which may be required by the said company for reservoir and dam, and adjacent grounds, or for right of way, or for distributing ditches, which shall be fixed upon the same principle; and such compensation and damages shall be ascertained and adjusted and all surveys made pursuant to such regulations as the Secretary of the Interior shall prescribe, and shall be in all cases subject to his approval. In case of inability or refusal of any commissioner to act or continue in service after appointment, the Secretary of the Interior shall by appointment supply such vacancy or vacancies so caused. The Secretary of the Interior shall fix the compensation of such commissioners, not exceeding that allowed to the commissioners appointed under the provisions of an act of Congress, entitled "An act providing for the allotment of lands in severalty to the Indians residing upon the Umatilla Indian Reservation, in the State of Oregon, and granting patents therefor, and for other purposes," approved March 3, 1885, and the same shall be paid by the said Blue Mountain Irrigation and Improvement Company, and the Secretary of the Interior may require security for the payment thereof in advance of their appointment. The consent of the Indians upon said reservation to the granting of this right of way and the diversion of the water necessary to the accomplishment of the purposes of said company shall be obtained by the said company in such manner as the Secretary of the Interior shall prescribe before any right of way under this act shall accrue to this company. In all cases all lands which have been selected by any individual Indian upon said reservation for allotment shall be treated and regarded for the purposes of this act as belonging to such Indian allottee; but the Secretary of the Interior may hold any moneys agreed to be paid or awarded to him in compensation for lands sold or taken, or injuries resulting, until the approval by him of the allotment and the issuance of patent therefor; but the same shall then be paid over to or invested for such Indian owner as the Secretary of the Interior in his discretion may see fit. Payment for land in said reservation held by the Indians of said tribe in common, and of all damages awarded to them by reason of the construction of the dam and reservoir, ditch, or canal, are to be made to the confederated tribe in common occupying the reservation under the direction of the Secretary of the Interior.

SEC. 4. That said company shall not assign, transfer, or mortgage its rights of way for any purpose whatever until the said canal shall be completed, except, however, that the company may mortgage said franchise for the purpose of raising money to construct said reservoir and canals: *Provided*, That the right herein granted shall be lost and forfeited by said company unless the canal is constructed across the reservation within three years from the passage of this act.

SEC. 5. That the right of immediate entry upon the lands of said reservation for the purpose of making surveys of the line of the ditch or canal of said company is hereby granted, but no right of any kind in or to any part of the right of way or other grounds above mentioned shall vest in said company until plats thereof, made upon actual survey for the definite location of said ditch or canal, including the points for dams, reservoirs, and distributing ditches, with the amount of ground requisite for such purposes, shall be filed with the Secretary of the Interior, and until the compensation for said lands and for the services of said commissioners has been fixed and paid.

SEC. 6. That any failure in the performance of the conditions prescribed in this act shall be taken and deemed to work a forfeiture of the rights herein granted, without any act of Congress or judgment of court declaring the same.

SEC. 7. That the right to alter, amend, or repeal this act is hereby reserved.

Mr. BRETZ. Mr. Speaker, this is a very important bill, and I hope we will have some explanation of the matter. I would like to have the report read.

The report was read at length.

Mr. BRETZ. I do not think the information given in that brief report is sufficiently explanatory, and I shall object to the consideration of the bill unless there is some better statement as to the necessity for its passage than is there given.

Mr. HERMANN. I ask the gentleman from Indiana to withhold his objection for a few moments, so that I may be able to give an explanation of this matter.

Mr. BRETZ. Very well.

Mr. HERMANN. I am personally acquainted with the land which is designed to be improved by permitting this irrigation company to have a right of way over this Umatilla Reservation for the purpose of carrying the waters from the mountain streams and distributing them over that vast area of arid region. The lands, I will state to the gentleman, are largely of an arid character, and it has been discovered that it is utterly impossible to cultivate them or improve them in any way, unless they are artificially improved by bringing water to them in the manner here suggested.

Now, the ditch for this purpose has been constructed beyond the reservation and below it, and the difficulty has been to obtain a right of way to construct it across the reservation, which could only be done by a grant or through the permission of Congress. This bill is designed for the purpose of granting that permission. It has been submitted to the Secretary of the Interior and the Commissioner of Indian Affairs, meets their approval, and it passed the Senate after a careful consideration by the Senate Committee on Indian Affairs, it having been reported by the Hon. Senator VILAS, formerly the Secretary of the Interior, who is well known for his carefulness and fidelity in all matters pertaining to the interests of the Indians. The bill was particularly amended by him to meet what he believed to be the requirements of the case, and comes here with his indorsement.

Mr. BRETZ. The question I wish to ask the gentleman is as to how this company is to make compensation for the right of way; and what protection is given to the Indians for their interests which are involved?

Mr. HERMANN. I will state, in response to the inquiry of the gentleman, that the very greatest care is taken with regard to the compensation to be made to the Indians. No right shall vest in this company, and no interest be taken from the Indians, except with their own express consent.

The value of the lands, as well as any damages which may accrue, shall be assessed by a commission. The report of that commission must be carefully examined and approved by the Secretary of the Interior. Then the money shall be paid; and it shall be distributed to the Indians as provided in the bill. The Indians are to be regarded as allottees of the land; and the allotment is about completed at the present time. No right, as I before said, is to be taken from the Indians, nor are they to be divested of any interest they now have without first obtaining their consent. This is one of the most carefully guarded bills that ever passed this House.

Mr. OTIS. Mr. Speaker, I think that bill ought to be considered very carefully in committee.

Mr. HERMANN. I would suggest to the gentleman from Kansas that I am perfectly cognizant of the necessities for having this irrigation ditch through that reservation. There is no objection to it on the part of the Indians; in fact their future livelihood depends upon their having water provided. Every interest of the Indians is carefully guarded, and they are to be paid the fullest market value of the land.

Mr. OTIS. I think that the bill had better be considered in committee.

Mr. HERMANN. I will say to the gentleman from Kansas that this bill has been very thoroughly considered, and the interests of the Indians have been very carefully guarded. There are only a few miles remaining through the reservation. The Indians are all taking their allotments in severalty. There is absolutely no objection to the bill. I assure the gentleman that the bill was most carefully considered by the former Secretary of the Interior (Senator VILAS) who added a great many amendments to the bill and had stricken out the provisions which he thought were obnoxious. Now, the bill comes before this House with the most careful provisions for the interests of the Indians, and I hope it may become a law.

Mr. OTIS. Let it go over until to-morrow. (Cries of "Vote!")

The SPEAKER. Is there objection to the request of the gentleman from Oregon? [After a pause.] The Chair hears none.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. HERMANN, a motion to reconsider the vote by which the bill was passed was laid on the table.

DEEP-WATER HARBOR ON THE COAST OF TEXAS.

Mr. DINGLEY. Mr. Speaker, a few moments ago, when the bill was called up by the gentleman from Texas [Mr. LONG], I asked that it might lie over for a few moments until I could have an opportunity to examine it. I have examined the bill and now withdraw my objection.

The SPEAKER. The Clerk will read the title of the bill.

The Clerk read as follows:

A bill (H. R. 9824) to amend "An act to promote the construction of a safe deep-water harbor on the coast of Texas."

The SPEAKER. Is there objection to the consideration of this bill?

Mr. HOLMAN. Has that bill been read?

The SPEAKER. This is the bill which was offered by the gentleman from Texas [Mr. LONG] this morning, when the gentleman from Maine asked leave to look into it for a moment, and he now withdraws his objection. Is there further objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed for a third reading; and, being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. LONG, a motion to reconsider the vote by which the bill was passed was laid on the table.

WRECKAGE OF THE SHIPS TRENTON AND VANDALIA.

Mr. HOAR. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the Clerk's desk.

The bill was read, as follows:

A bill (S. 1831) to admit free of duty the wreckage of the ships Trenton and Vandalia, presented by the United States to the King of Samoa.

Be it enacted, etc., That the Secretary of the Treasury be, and is hereby, directed to admit free of duty the wreckage from the ships Trenton and Vandalia, presented by the United States Government to the King of Samoa for the benefit of the Samoan people, and to refund the sum of $7,128, being the amount of duties paid to the collector of San Francisco, to the proper parties in interest.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

Mr. SPRINGER. I would like to have the report of the committee read.

The SPEAKER. Without objection the report of the committee will be read.

The report (by Mr. BUNN) was read, as follows:

The Committee on Claims, to whom was referred the bill (S. 1831) to admit free of duty the wreckage of the ships Trenton and Vandalia, presented by the United States to the King of Samoa, having considered the same, report as follows:

In May, 1890, the United States Government relinquished all claim to the wrecks of the ships Trenton and Vandalia in favor of the King of Samoa, with the recommendation that a trustee be appointed to dispose of them for the benefit of the Samoan people. The gift was accepted with the approval of the King. Mr. W. Blacklock, vice-consul-general at Apia, was appointed trustee to execute the purposes of the gift.

Subsequently an agreement was made between Mr. Blacklock, as trustee, and John Wightman, of San Francisco, representing a company formed for the purpose of wrecking said vessels. According to this agreement the enterprise was to be worked on shares, the Samoans contributing the wrecks, and in consideration therefor Mr. Blacklock, as their trustee, was assigned an interest in the net proceeds.

Upon the entry of the wreckage into San Francisco it was assessed as merchandise at the several rates of duty levied on it under the provisions of the tariff act of 1890. The duties were paid under protest. The protest was not sustained, and the judicial remedy was lost by failure to lodge an appeal in due time.

The amount paid for duties represents thus far nearly the entire profits of the enterprise. The remission of these duties is asked because in no other way can this gift of the Government, which with others was made to the Samoans in partial recognition of their heroic sacrifices in saving the lives of our officers and men during the great hurricane, be made available.

The following letter from the Secretary of the Treasury shows the amount of duties paid upon the wreckage:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., March 8, 1892.

SIR: In reply to your letter of the 4th instant, received at this Department on the 7th instant, I have to inform you that the payments of duty were made on the wreckage of the steamers Vandalia and Trenton by Wightman Brothers, as follows, viz:

December 23, 1890	$2,089.11
July 27, 1891	1,885.97
August 24, 1891	1,672.30
December 12, 1891	235.20
December 30, 1891	1,240.41
Total	7,122.99

Respectfully, yours,

O. L. SPAULDING,
Acting Secretary.

Hon. SHERMAN HOAR,
House of Representatives.

The Secretary of the Treasury, to whom the bill was referred, replied as follows:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., February 10, 1892.

SIR: Your letter of the 30th ultimo, with inclosure of Senate bill No. 1831, is received.

You ask that the proper officer of this Department be instructed to report upon the bill, and also as to whether the legislation proposed should be enacted into law.

In reply I will state that the refund being dictated by considerations of national amity, the Department approves the bill as drawn.

Respectfully, yours,

O. L. SPAULDING,
Acting Secretary.

Hon. JUSTIN S. MORRILL,
Chairman Committee on Finance, United States Senate.

In view of the foregoing statement of facts, your committee recommend the passage of the bill, and that H. R. 4775 lie upon the table, it being the same subject-matter.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

Mr. DINGLEY. Mr. Speaker, I understand this is simply a a remission of the duty on the wreckage that was presented by our Government to the King of Samoa.

Mr. HOAR. Yes, sir.

Mr. DINGLEY. That is all right.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. HOAR, a motion to reconsider the vote by which the bill was passed was laid on the table.

The SPEAKER. Without objection, the bill (H. R. 4775) on the same subject will lie on the table.

There was no objection.

UNFINISHED BUSINESS.

Mr. MARTIN. Mr. Speaker, I desire to call up the regular order, which is the consideration of bills on the unfinished calendar.

The SPEAKER. The gentleman from Indiana calls up the regular order, which is the consideration of sundry pension bills which had been reported from the Committee of the Whole to the House, some with and some without amendments. An agreement was made that there might be fifteen minutes' debate on either side, the previous question having been ordered on the bills to their final passage. The Clerk will report the first of these bills remaining unacted upon. The House had disposed of a large number of them, but the Chair is informed there are others undisposed of.

The Clerk read as follows:

A bill (S. 111) for the relief of Orin R. McDaniel.

The bill was read.

The SPEAKER. The previous question has been ordered on this bill, and under the terms of the agreement fifteen minutes on each side is allowed for debate, if desired. The question is, Shall the bill pass?

Mr. BLAND. Mr. Speaker, I would like to have the report read as an explanation of the bill.

The SPEAKER. Has the bill been reported by the committee?

Mr. LANE. Yes, sir.

The SPEAKER. The Clerk is unable to find the report.

Mr. LANE. I understand it has been reported.

Mr. BLAND. If the report is not there, I suppose the bill can be explained. I should like to have some explanation of it.

Mr. LANE. Mr. Speaker, I will say that this claimant lives in my district and I know the man very well. He is now on the pension roll by virtue of a special act, and this bill will carry no additional burden on the Government. The trouble about the discharge was that he went home and became blind from the effect of his service in the Army. The testimony shows that he was unable to return to his regiment and became perfectly blind, or in a manner so, as I am informed he was entirely blind in one eye.

Mr. BLAND. I would like to know if the bill carries any right for arrears of pension?

Mr. LANE. The purpose of the bill is simply to remove the charge of desertion that is now standing against him. The facts are that he went home from the service because of the condition of his eyes, and as he became nearly blind he was unable to return for a year and a half or more, and was therefore marked a deserter. Since then he has been put on the pension roll by special act of Congress because the testimony showed that the injury was incurred in the service.

Mr. BLAND. Then he is already drawing a pension?

Mr. LANE. Yes, by virtue of a special act.

Mr. BLAND. Then what is the necessity for this bill?

Mr. LANE. This man wants to have his record cleared up. He does not want to have a charge of desertion against him, and wants his record corrected in that regard.

Mr. BLAND. A suggestion is made that there was an adverse report in this case.

Mr. LANE. As I understand, the adverse report was made by Mr. LOCKWOOD through mistake, but the committee reconsidered the matter; about this I may be mistaken.

Mr. BLAND. Has there been a favorable report since?

Mr. LANE. That I am unable to say. I will ask my colleague [Mr. NEWBERRY] whether he knows.

Mr. NEWBERRY. I do not know.

Mr. BLAND. Mr. Speaker, it seems to me that this is a case that the House ought to investigate somewhat. My understanding is that there has been an adverse report on this bill. I know nothing whatever about the merits of the case, but it does seem to me that a question of this kind ought to be considered rather critically by the House, inasmuch as I am informed, and it is acknowledged, that this bill has been adversely reported by a committee of the House.

Mr. LANE. If the gentleman will pardon me, I will say that I learn from my colleague [Mr. BUSEY], who has immediate charge of this bill, that it was adversely reported, but that the committee afterwards got leave to reconsider the matter, and made a favorable report, in consequence of which the bill was placed upon the Calendar, but about this I do not speak with certainty.

Mr. BLAND. It seems to me, Mr. Speaker, that we ought to have that favorable report read before we act upon the bill, unless we intend to vote it down, as probably we ought to do.

The SPEAKER. The clerks have been unable to find the report, and the Chair would suggest that the bill be laid aside informally until the report can be found.

There was no objection, and it was so ordered.

D. M. LANG.

The next bill considered was a bill (H. R. 2395) granting a pension to D. M. Lang.

The bill was read and passed.

STERLING KINGSLEY.

The next bill was a bill (H. R. 2396) granting a pension to Sterling Kingsley.

The bill was read.

Mr. KILGORE. Mr. Speaker, are these bills being considered in their regular order?

The SPEAKER. The Chair directed that they should be so called.

Mr. KILGORE. Are they being considered in the morning hour?

The SPEAKER. The Chair did not understand the gentleman's question. This is one of a number of Senate and House bills that were favorably reported from the Committee of the Whole and the previous question ordered upon them, with permission for fifteen minutes' debate on each side. There are some twenty or more of those bills that have not been disposed of.

Mr. KILGORE. There has been no Friday night session during this session of Congress.

The SPEAKER. No. This is one of a number of bills that had been reported from the Committee of the Whole during the previous session and not disposed of. The question is, Shall this bill pass?

Mr. BLAND. Mr. Speaker, is debate permitted?

The SPEAKER. Yes; fifteen minutes on each side.

Mr. BLAND. Let us have the report read.

The report (by Mr. WILSON of Missouri) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 2396) granting a pension to Sterling Kingsley, have considered the same and report:

The records of the Second Auditor's Office, Treasury Department, show that the claimant served from March 29, 1839, to June 20, 1839, in Capt. I. H. Byrd's company, Seventh Regiment, First Brigade, Florida Mounted Volunteers, Florida Indian war; also that he served from July 20, 1839, to November 21, 1839, in Capt. James B. Johnson's company, Florida Mounted Militia, in the same war.

On February 25, 1888, he filed an application at the Pension Bureau declaring that while serving as above he incurred rupture of right side and blind piles from hard riding; also that about the same time he incurred impaired sight and hearing caused by exposure and hardships incident to the service.

Some testimony was submitted in support of this claim, but not sufficient to meet the requirements of the Pension Bureau, and the applicant now swears he can furnish no more. He further swears that owing to old age and infirmity he is not able to labor sufficiently to support himself and his afflicted wife who has been unable to walk for nineteen years; also that he has no means of support except a small farm and hired help. He is now about 77 years old.

A petition, signed by 13 citizens of Brooks County, Ga., recites that the claimant is old, feeble, and unable to make a living for himself and helpless wife; also that he has not the means to support himself without his labor, a small farm and hired labor being his only source of support.

Your committee recommend that the bill be amended so as to spell the claimant's name "Sterling Kingsley," and to change the date of the war in which he served to "1839," and that the bill do pass as so amended.

Mr. BLAND. Mr. Speaker, it does seem to me that with such pension laws as we have, covering almost every kind and character of disability, and under which, it seems, almost anyone can get upon the pension roll through the Pension Office, it is time for Congress to call a halt in this matter of passing special pension bills. I do not know why the application in this case failed at the Pension Office, but the fact that proof could not be adduced there sufficient to justify the granting of a pension under the general law ought to be a sufficient monition to Congress to refuse to pass this special bill. I do not think that we ought to engage further in this special pension legislation, and it does seem to me that it is the duty of Congress to go to work to so amend the pension laws as not only to make an improvement in the administration of the Pension Bureau, but also in the action of Congress itself.

Mr. TURNER. If the gentleman will yield to me a moment, I desire to say to him that Sterling Kingsley, who is named as the beneficiary in this bill, is provided for by the Mexican pension bill which passed the House subsequent to the introduction of this measure, and that I, being the introducer of the bill, have no desire that it shall occupy further time; and now, if the House will permit me, I will withdraw it.

Mr. BLAND. Mr. Speaker, in connection with the observations I have already made, I was going on to say that I supposed the bill that we had passed the other day for the benefit of pensioners of the Mexican war would probably cover this case.

I think, sir, this Congress could do no better than follow the precedent laid down in the Mexican pension bill, which provided that pensioners should show absolute destitution; and, sir, if the disability pension bill with reference to the late war were put on the same basis, so that in those cases also pensioners should show absolute destitution, it seems to me it would only be a proper policy.

Mr. TURNER. I misled the gentleman inadvertently. I meant to refer to the Indian pension bill, not the Mexican pension bill.

Mr. BLAND. I think it is about time we should be putting all these cases upon an equal footing. It is the duty of the Pension Committee to report, and of Congress to pass, an act amending the disability pension bill so as to prevent the granting of pensions hereafter, except for the purpose of relieving parties who are entirely destitute; and there should be a further requirement that in the case of pensions heretofore granted no more money shall be drawn until a similar state of facts is shown.

The SPEAKER. The gentleman from Georgia [Mr. TURNER] who introduced this bill requests, as the Chair understands, that it be indefinitely postponed.

Mr. TURNER. I asked not that it be indefinitely postponed, but that I be permitted to withdraw the bill. I would not like to have the record show adverse action by the House.

The SPEAKER. There is a doubt in the mind of the Chair as to the power of a member to withdraw a bill after it has been acted upon by a committee of the House and by the House itself.

Mr. TURNER. Then I move that the bill be laid on the table.

The motion was agreed to.

SAMUEL M. CAMPBELL.

The next business in order was the bill (S. 2593) granting an increase of pension to Samuel M. Campbell.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel M. Campbell, of Marion County, Ind., late a private in Company C, Seventh Regiment Indiana Volunteers, and to pay him a pension at the rate of $30 per month, in lieu of the pension he is now receiving.

The SPEAKER. The question is, Shall this bill pass?

Mr. OATES. I would like to hear the report read.

The SPEAKER. The gentleman from Alabama [Mr. OATES] will be recognized as entitled to fifteen minutes, and the report will be read in his time.

Mr. MARTIN. I would like to say to the gentleman——

The SPEAKER. Does the gentleman from Alabama yield?

Mr. OATES. Yes, sir.

Mr. MARTIN. I beg leave to call the attention of the gentleman from Alabama and other members, to the fact that these bills have all been considered in Committee of the Whole where the reports have been read and favorable action taken. In view of this state of facts, I desire to ask whether the gentleman from Alabama desires to insist on the reading of the report?

Mr. OATES. I do not know anything about the consideration of this bill in the Committee of the Whole, as I was not present at the time. The reading of the bill showed it to be a proposition to increase the pension of some one to $30 a month; and as I think one of the great evils of our present pension system consists in paying too large amounts, I wanted to hear some good reason why this increase should be granted. That was my only reason for asking for the reading of the report, and I still desire to hear it.

The report (by Mr. MARTIN) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 2593) granting an increase of pension to Samuel M. Campbell, have had the same under consideration and now submit the following report:

This act passed the Senate April 22, 1892. All the facts in the case are set out in the Senate report, which is as follows, to wit:

"The soldier enlisted as a private in the Seventh Indiana Regiment on the 4th day of September, 1861. He served until December 31, 1862, when he was discharged for disability incurred in the service, as shown by his discharge. He reënlisted as a private in the Second Battery Indiana Light Artillery, and served until July 3, 1865, when he was again honorably discharged. He is now a pensioner at the rate of $17 per month, and his claim for increase has been rejected by the Pension Bureau on the ground that he is now receiving the highest rate that can be technically allowed him for his disability.

"The soldier is 47 years old, and it appears from the evidence that his wife is an invalid unable to work; that neither has any property; there are no children; the two are dependent upon the husband's pension for subsistence. The soldier is unable to do any kind of manual labor.

"It appears from the testimony of his comrades on file, and also from that of physicians, that he is now suffering from varicocele of the left side; also, that he has fistula of the rectum, one opening high up, from which there is

a constant discharge. He has a rapid heart, which beats ninety to the minute; is partially blind in the left eye. He has a bronchial affection, an emaciated and haggard appearance. He is described as a physical wreck, and as suffering from total disability.

"Under the circumstances the committee think there ought to be an increase of the pension in this case to the rate of $30 per month, and therefore report a bill for his relief and recommend its passage."

On further examination the Committee on Invalid Pensions find that an examination by the medical board at Indianapolis, October 22, 1890, was made showing his height to be 6 feet and his weight 150 pounds. The board rated him at four-eighteenths for varicocele of left side, two-eighteenths for varicocele of right side, six-eighteenths for disease of cords, seventeen-eighteenths for disease of rectum and piles.

An examination made by the board at Noblesville, Ind., September 9, 1891, shows his weight to be 138 pounds. His physical condition is stated to be as follows:

"Nutrition, very poor; tongue, red, fissured, and pointed; throat highly congested; chest at rest, 34½ inches; suspension, 35½; expulsion, 33½; left chest wall, 18 inches; apex beat of heart, 2 inches to right and 2 below left nipple; action, very irregular and intermitting, and weak, nervous, with mitral deficiency; dry crepitation in apex both lungs, with slight cavernous sounds in apex lung, and bronchial rale in center of chest; there are four external piles inflamed: can not use speculum on account canal fissure; no varicocele at present in either cord or testicle, but there is atrophy of both testicles with thickening cords; stomach very much disturbed and very tender upon pressure. Claimant is in such condition that he has no assurance of living six months, and we believe him to be wholly unable to perform manual labor, and recommend that he be placed on second grade, or $30 per month."

The committee, believing this to be a meritorious case, submit a favorable report and recommend the passage of the bill.

Mr. OATES. Mr. Speaker, from the reading of this report it would appear that the amount of pension recommended by the committee to be granted in this case is not too much, if the Government is going to undertake to provide for the family of the pensioner. If we are to extend the pension system so as to provide for all the helpless members of a pensioner's family, then in view of the physical condition of this pensioner the amount proposed is little enough. But the main reason offered in the report for the increase seems to be the fact of the poverty of the members of the pensioner's family and their inability to earn a living. I think the principle of paying increased pensions upon any such ground is one that ought not to be adopted, though this case seems to be a pretty hard one.

Mr. MARTIN. The report itself shows that this man, on account of his own physical infirmities, was rated by one board at $29 per month and by the next at $31 per month. That rating had no reference at all to the members of his family.

Mr. OATES. But the Pension Bureau decided that he was not entitled to more than $17 a month.

Mr. MARTIN. It did.

Mr. OATES. And that Bureau is the proper expositor of the law in these cases.

Mr. MARTIN. The fact that, upon all the proof in the case, including the reports by these different medical boards, the Pension Bureau allowed this man only $17 a month is the reason why this bill is here. This is not an extravagant bill. A pension of $30 a month for a man suffering as the report shows this man to be suffering seems to me moderate. The fact that he has a wife to support is one which it seems to me this House ought to know. That fact is not put in the report as a reason why the pension should be increased; but the reports made by the medical examining boards show the amount to which he is really entitled on account of his physical condition.

The fact that the man has a wife to support is only mentioned as an incidental consideration. This man is poor, without any means of support. He is unable to do any manual labor. He has a wife dependent on him. I think I am justified by the circumstances of the case in asking the House to sustain the action of the Committee on Invalid Pensions and the Committee of the Whole in reporting this bill favorably.

Mr. BLAND. Mr. Speaker, how much time is left in opposition to the bill?

The SPEAKER. Seven minutes, controlled by the gentleman from Alabama [Mr. OATES].

Mr. OATES. I yield the remainder of the time to the gentleman from Missouri [Mr. BLAND].

Mr. BLAND. Mr. Speaker, as I stated a few moments ago, I voted to put upon the pension list soldiers of the Mexican war who are entirely destitute; and I stated further that in my view the disability pension act now in operation ought to be amended so as to conform to the same principle, not only as to pensions hereafter to be granted; with regard to pensions already granted, I believe the same condition should be shown to entitle the pensioner to a continuance of the pension.

Now, here is a case which has been rejected by the Pension Department. Inasmuch as we have to-day a demand for the appropriation of $150,000,000, probably $160,000,000 or $170,000,000—I know not how much—for pensions for the coming fiscal year, and the list is constantly growing under the general law, it does seem to me that a due respect to the impoverished taxpayer demands that Congress should halt with regard to these special bills. Certainly the general statutes are liberal enough with regard to pensions. The medical boards usually prove to be equally liberal. Yet when, under these circumstances, applicants fail to get the amount they ask for, Congress is still besieged with these private bills proposing increase of pensions.

I am inclined to think that this House ought not to pass a single private pension bill unless the case be a very extraordinary one. Are we ever going to come to a halt in reference to these bills? Is there never to be an end of this pension business until the Government is bankrupt and the taxpayers rise in revolution? We are now in such a financial condition that we can not appropriate sufficient money for the public service. Already it is shown that the Treasury Department has withheld $8,000,000 appropriated for what were supposed to be necessary expenditures in connection with public buildings; and we know the reason that this amount has been withheld is a deficit in the public Treasury.

River and harbor improvements all over the country have ceased to go into execution; contracts have not been made, because we have not the money. Persons employed upon such improvements are not paid because we have not the money. We have no money because of the extraordinary squandering by Congress on pensions. Yet we are met here from day to day with private pension cases without limit—cases which have been rejected in the Department, where it is known more liberality is exercised than ought to be.

Mr. Speaker, instead of passing bills of this kind we ought to call a halt and take a few steps backward. We ought to insist on the Pension Committee of the House reporting a bill amending the disability pension law, so as to harmonize with the act passed the other day with regard to pensions to soldiers of the Mexican war. We should require these parties to show not only disability but absolute destitution, before the pension can be granted. I do hope that in view of the condition of the public Treasury, and of the many frauds which are committed under the existing laws with regard to pensions, we shall call a halt upon these measures so that there may be an end to these appeals to Congress for the passage of special bills. Why should this soldier be placed above other soldiers? Why should a certain number of pensioners be required to submit to the general laws, while others are made a special class, and because, perhaps, they have friends in Congress, are not only treated as more deserving, but their pensions increased more than double the amount received by others. This is wrong in principle and wrong in practice.

Mr. MARTIN. Mr. Speaker, the remarks of the gentleman from Missouri [Mr. BLAND], who has just taken his seat, have been directed, it seems to me, to the subject of our general pension legislation, and not to the merits of this bill. Should we call a halt upon this particular measure, presenting the merits that it does, simply on account of considerations that might be urged against the passage of general pension legislation? Or shall we do such justice to this man as the report of the committee shows that he deserves?

I trust I may be allowed another suggestion. The amounts paid by the Government in pensions have not been very largely increased on account of private pension bills. Even when the greatest number of these bills have been passed by previous Congresses, the amount of increase from this source was not very large. The increase on account of private pension bills reported in this Congress by the Committee on Invalid Pensions, has been very moderate. Although, of course, members of our committee are liable to error, these bills have been examined with very great care. We made the resolve to report to this House no bill as to which the members of the committee, each and all, could not, under the responsibility of their official oaths, ask the House to pass it.

The question here is not in regard to general pension legislation, but in regard to the merits of this bill. Here is a man who has exhausted every means of relief afforded by the general law. The Pension Office upon a mere technicality has refused to allow him what the medical boards who have examined his physical condition reported that he should be allowed. He now comes to Congress to ask, not for more than the medical boards have awarded him, but simply what those boards recommend should be allowed, and what the Pension Office (as we think without sufficient reason) has refused to him.

[Here the hammer fell.]

The SPEAKER. The time allowed for debate on this bill is exhausted.

The question was taken; and on a division (demanded by Mr. BLAND) there were—ayes 46, noes 28.

Mr. BLAND. No quorum.

The SPEAKER appointed as tellers Mr. BLAND and Mr. MARTIN.

Mr. MARTIN. Mr. Speaker, I believe I will demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 79, nays 64, not voting 186; as follows:

YEAS—79.

Amerman,	Cummings,	Huff,	Pearson,
Baker,	Dalzell,	Johnson, N. Dak.	Perkins,
Barwig,	Davis,	Jolley,	Pickler,
Belknap,	Dingley,	Kribbs,	Ray,
Bentley,	Donovan,	Lynch,	Seerley,
Boutelle,	Dungan,	Martin,	Shonk,
Bowers,	Flick,	McCreary,	Stone, W. A.
Bowman,	Funston,	McGann,	Storer,
Bretz,	Fyan,	McKaig,	Stump,
Brickner,	Greenleaf,	McKinney,	Taylor, Ill.
Broderick,	Halvorson,	Miller,	Taylor, E. B.
Brookshire,	Hare,	Milliken,	Taylor, J. D.
Brosius,	Harter,	O'Donnell,	Townsend,
Butler,	Haugen,	Ohliger,	Tracey,
Bynum,	Hayes, Iowa	O'Neill, Mass.	Waugh,
Campbell,	Henderson, Ill.	O'Neill, Pa.	Weadock,
Clark, Wyo.	Hermann,	Otis,	Wilson, Ky.
Clover,	Hilborn,	Page,	Wolverton,
Covert,	Hitt,	Parrett,	Wright.
Crosby,	Holman,	Patton,	

NAYS—64.

Abbott,	Dockery,	Lawson, Ga.	Pierce,
Antony,	Everett,	Lester, Ga.	Richardson,
Babbitt,	Fellows,	Livingston,	Sayers,
Beeman,	Forman,	Long,	Scott,
Bland,	Grady,	Mallory,	Shell,
Blount,	Hamilton,	McMillin,	Snodgrass,
Brawley,	Hemphill,	Meredith,	Steward, Ill.
Breckinridge, Ark.	Henderson, N. C.	Meyer,	Stewart, Tex.
Buchanan, Va.	Herbert,	Moore,	Stout,
Cate,	Hoar,	Newberry,	Tarsney,
Cobb, Mo.	Kilgore,	Oates,	Tillman,
Cockran,	Kyle,	O'Ferrall,	Turner,
Cox, Tenn.	Lane,	Outhwaite,	Warner,
Crain,	Lanham,	Patterson, Tenn.	Watson,
Crawford,	Lapham,	Paynter,	Winn,
Dickerson,	Lawson, Va.	Pendleton,	Wise.

NOT VOTING—186.

Alderson,	Coolidge,	Houk, Ohio	Rife,
Alexander,	Coombs,	Houk, Tenn.	Robertson, La.
Allen,	Cooper,	Hull,	Robinson, Pa.
Andrew,	Cowles,	Johnson, Ind.	Rockwell,
Arnold,	Cox, N. Y.	Johnson, Ohio	Rusk,
Atkinson,	Culberson,	Johnstone, S. C.	Russell,
Bacon,	Curtis,	Jones,	Sanford,
Bailey,	Cutting,	Kem,	Scull,
Bankhead,	Daniell,	Kendall,	Shively,
Bartine,	De Armond,	Ketcham,	Simpson,
Belden,	De Forest,	Lagan,	Sipe,
Beltzhoover,	Dixon,	Layton,	Smith,
Bergen,	Doan,	Lester, Va.	Snow,
Bingham,	Dolliver,	Lewis,	Sperry,
Blanchard,	Dunphy,	Lind,	Springer,
Boatner,	Durborow,	Little,	Stahlnecker,
Branch,	Edmunds,	Lockwood,	Stephenson,
Breckinridge, Ky.	Elliott,	Lodge,	Stevens,
Brown, Ind.	Ellis,	Loud,	Stockdale,
Brown, Md.	English,	Magner,	Stone, C. W.
Brunner,	Enloe,	Mansur,	Stone, Ky.
Bryan,	Enochs,	McAleer,	Sweet,
Buchanan, N. J.	Epes,	McClellan,	Taylor, Tenn.
Bullock,	Fitch,	McKeighan,	Taylor, V. A.
Bunn,	Fithian,	McLaurin,	Terry,
Bunting,	Forney,	McRae,	Tucker,
Burrows,	Fowler,	Mitchell,	Turpin,
Busey,	Gantz,	Montgomery,	Van Horn,
Bushnell,	Geary,	Morse,	Wadsworth,
Byrns,	Geissenhainer,	Moses,	Walker,
Cable,	Gillespie,	Mutchler,	Washington,
Cadmus,	Goodnight,	Norton,	Wever,
Caldwell,	Gorman,	O'Neill, Mo.	Wheeler, Mich.
Caminetti,	Griswold,	Owens,	Wheeler, Ala.
Capehart,	Grout,	Pattison, Ohio	White,
Caruth,	Hall,	Payne,	Whiting,
Castle,	Hallowell,	Peel,	Wike,
Catchings,	Harmer,	Post,	Willcox,
Causey,	Harries,	Powers,	Williams, N. C.
Cheatham,	Hatch,	Price,	Williams, Mass.
Chipman,	Haynes, Ohio	Quackenbush,	Williams, Ill.
Clancy,	Heard,	Raines,	Wilson, Wash.
Clarke, Ala.	Henderson, Iowa	Randall,	Wilson, Mo.
Cobb, Ala.	Hooker, Miss.	Rayner,	Wilson, W. Va.
Coburn,	Hooker, N. Y.	Reed,	Youmans.
Cogswell,	Hopkins, Pa.	Reilly,	
Compton,	Hopkins, Ill.	Reyburn,	

No quorum voting.

Mr. COBB of Alabama. I am paired with the gentleman from Illinois [Mr. POST], and withdraw my vote, having voted "no."

Mr. SMITH of Illinois. I find I am paired with the gentleman from Missouri [Mr. MANSUR] for this day, and withdraw my vote. I should vote in the affirmative.

Mr. BURROWS. Mr. Speaker, I would like to have my vote recorded.

The SPEAKER. Was the gentleman in the Hall and failed to hear his name called?

Mr. BURROWS. I can not say that I failed to hear it called.

The SPEAKER. The Chair can not, under the rule, as the gentleman is aware, entertain the request.

The following pairs were announced:

Until further notice:

Mr. HATCH with Mr. HARMER.

Mr. BRYAN with Mr. HOPKINS of Pennsylvania.

Mr. BAILEY with Mr. QUACKENBUSH.

Mr. DURBOROW with Mr. RUSSELL.

Mr. COBB of Alabama with Mr. POST.

Mr. CLARKE of Alabama with Mr. HOPKINS of Illinois.

Mr. ALDERSON with Mr. STEPHENSON.

Mr. HAYNES of Ohio with Mr. SCULL.

Mr. HOUK of Ohio with Mr. RANDALL.

Mr. ELLIS with Mr. GROUT.

Mr. GOODNIGHT with Mr. KETCHAM.

Mr. LAGAN with Mr. BELDEN.

Mr. MONTGOMERY with Mr. WEVER.

Mr. WASHINGTON with Mr. SANFORD.

Mr. FITHIAN with Mr. TAYLOR of Tennessee.

For this day:

Mr. ENLOE with Mr. HOUK of Tennessee.

Mr. OWENS with Mr. HOOKER of New York.

Mr. TURPIN with Mr. LODGE.

Mr. ROBERTSON of Louisiana with Mr. ENOCHS.

Mr. ARNOLD with Mr. HENDERSON of Iowa.

Mr. MANSUR with Mr. SMITH of Illinois.

Mr. STONE of Kentucky with Mr. MORSE.

Mr. MITCHELL with Mr. RIFE.

Mr. BLANCHARD with Mr. DALZELL, from December 17, 1892, until January 10, 1893.

The result of the vote was then announced as above recorded.

And then, on motion of Mr. MARTIN (at 2 o'clock p. m.), the House adjourned.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Military Affairs was discharged from the consideration of the bill (H. R. 9549) to remove the charge of desertion against George Stock, and the same was referred to the Committee on Naval Affairs.

BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. DICKERSON: A bill (H. R. 10007) to provide for lowering the height of a bridge proposed to be constructed across the Ohio River between Cincinnati, Ohio, and Covington, Ky., by the Cincinnati and Covington Rapid Transit Bridge Company—to the Committee on Interstate and Foreign Commerce.

By Mr. WILLIAM A. STONE: A bill (H. R. 10008) enlarging the limit for the construction of post-office building at Allegheny, Pa.—to the Committee on Public Buildings and Grounds.

By Mr. OTIS: A bill (H. R. 10009) to create a department of transportation, provide for the construction of the Nicaragua Ship Canal, and for other purposes—to the Committee on Interstate and Foreign Commerce.

By Mr. CULBERSON: A bill (H. R. 10010) to establish a court of appeals for the District of Columbia, and for other purposes—to the Committee on the Judiciary.

By Mr. MARTIN: A bill (H. R. 10011) to amend section 4837 of the Revised Statutes of the United States—to the Committee on Military Affairs.

By Mr. OUTHWAITE: A bill (H. R. 10012) to provide for the speedy and frequent redemption of United States paper currency and national-bank notes which have become soiled, impure, unclean, or otherwise unfit for use—to the Committee on Banking and Currency.

By Mr. MARTIN: A bill (H. R. 10013) concerning appointees in the civil service of the United States and limiting their tenure of office—to the Select Committee on Reform in the Civil Service.

By Mr. CLOVER (by request): A bill (H. R. 10014) to abolish divorces in the District of Columbia, etc., and for other purposes—to the Committee on the District of Columbia.

By Mr. EVERETT: A bill (H. R. 10015) to authorize the construction of bridges across the Hiwassee, the Tennessee, and the Clinch Rivers, in the State of Tennessee—to the Committee on Interstate and Foreign Commerce.

By Mr. ABBOTT: A bill (H. R. 10016) to authorize the Boliver Navigation Company to construct a deep-water channel or channels from Boliver Point across the shallow waters of Galveston Bay to the deep-water channel—to the Committee on Rivers and Harbors.

By Mr. WATSON: A bill (H. R. 10018) to prohibit the further issue of bonds, etc., under acts of 1875 and 1879—to the Committee on Ways and Means.

By Mr. WEADOCK: A bill (H. R. 10019) to impose duties on lumber, wood pulp, and other articles, in case any foreign country shall impose any export duties on the materials from which they are made—to the Committee on Ways and Means.

By Mr. JOSEPH: A bill (H. R. 10020) to establish a military post at or near the city of Santa Fe, in the county of Santa Fe, in the Territory of New Mexico—to the Committee on Military Affairs.

By Mr. HARTER: A joint resolution (H. Res. 181) providing for the cessation of silver bullion purchases by the United States of America—to the Committee on Coinage, Weights, and Measures.

By Mr. OUTHWAITE: A resolution directing the investigation into the use and control of certain historical documents in the State Department—to the Committee on the Library.

By Mr. SCOTT: A resolution requesting the Secretary of the Treasury to furnish certain information regarding certain public buildings—to the Committee on Public Buildings and Grounds.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as indicated below:

By Mr. BAKER: A bill (H. R. 10021) for the relief of Sylvester S. Van Sickel, a captain of the Twelfth Missouri Cavalry Volunteers—to the Committee on Military Affairs.

By Mr. BOWMAN: A bill (H. R. 10022) granting a pension to William Holden—to the Committee on Invalid Pensions.

By Mr. BROOKSHIRE: A bill (H. R. 10023) to pension Abraham Lane—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10024) to remove the charge of desertion against George B. Thompson—to the Committee on Military Affairs.

Also, a bill (H. R. 10025) to make and correct the military record of Sylvester Weaver—to the Committee on Military Affairs.

Also, a bill (H. R. 10026) to correct the military record of George Brown—to the Committee on Military Affairs.

By Mr. CHIPMAN: A bill (H. R. 10027) for the relief of William E. Tew—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10028) to grant an honorable discharge to Franklin Benham—to the Committee on Military Affairs.

By Mr. DE FOREST: A bill (H. R. 10029) to remove the charge of desertion from the record of Charles A. Whitlock—to the Committee on Military Affairs.

By Mr. FUNSTON: A bill (H. R. 10030) for the relief of Tazwell C. Merrill—to the Committee on War Claims.

Also, a bill (H. R. 10031) to place the name of James Sinkey on the pension roll—to the Committee on Invalid Pensions.

By Mr. HITT: A bill (H. R. 10032) granting a pension to Mrs. Ellen F. Miller—to the Committee on Invalid Pensions.

By Mr. JOSEPH: A bill (H. R. 10033) granting a pension to Sebastian Maxsam—to the Committee on Invalid Pensions.

By Mr. MILLIKEN: A bill (H. R. 10034) for the relief of Elmer Stickle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10035) for the relief of Adam Ball—to the Committee on Invalid Pensions.

By Mr. PERKINS: A bill (H. R. 10036) granting an increase of pension to Chauncey Welton—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BAKER: Petition and resolutions of the Methodist Episcopal and Presbyterian churches of Cawker City, Kans., in favor of Sabbath closing of the World's Fair—to the Select Committee on the Columbian Exposition.

By Mr. BELDEN: Memorial of Gardner H. Wheeler and others, of Syracuse, N. Y., representing the Grand Lodge of Independent Order of Good Templars, stating that the sale of intoxicants at the World's Columbian Exposition would be a public peril and national disgrace and against the laws of the State of Illinois—to the Select Committee on the Columbia Exposition.

By Mr. BELTZHOOVER: Six petitions of citizens of Pennsylvania, as follows: Of 1,800 citizens of Cumberland and York Counties, of members of West Street Methodist Episcopal Church of York, of 475 members of Zion Lutheran Church of York, of the members of Ridge Avenue Episcopal Church of York, of the First Presbyterian Church of York, and of citizens of Shiremanstown, all against opening the Columbian Exposition on Sunday—to the Select Committee on the Columbian Exposition.

Also, two resolutions of churches of Pennsylvania; one of the union meeting of all the churches of Newville, and the other of St. Paul's Evangelical Lutheran congregation of York—to the Select Committee on the Columbian Exposition.

By Mr. BENTLEY: Petition of physicians of Utica, N. Y., for an appropriation to defray the expense of the Pan-American Medical Congress—to the Committee on Appropriations.

By Mr. BYRNS: Petition of Eliza Dickerhoff, widow of Louis Dickerhoff, late of Company A, Cape Girardeau Home Guards, to accompany bill—to the Committee on Invalid Pensions.

By Mr. CHIPMAN: Two petitions of citizens of Detroit, Mich.; one of J. T. McAdam and others, and the other of many workingmen; both for the passage of House bill 9750, to protect American workingmen—to the Committee on Labor.

Also, petition of 10,000 mechanics and laborers of the northern frontier, for the passage of House bill 9750, to protect American workingmen—to the Committee on Labor.

By Mr. CLOVER: Petition of Nathalie Pollard, to abolish divorces, etc.—to the Committee on the Judiciary.

By Mr. CRISP: Memorial from the Legislature of Vermont, requesting the passage of a law establishing a uniform policy of immigration from foreign nations—to the Select Committee on Immigration and Naturalization.

Also, memorial from the New York Board of Trade, relating to immigration—to the Select Committee on Immigration and Naturalization.

By Mr. DAVIS: Petition of 124 of the medical men of the Fifth Congressional district of Kansas, asking for an appropriation to aid in holding a Medical Congress in Washington, D. C.—to the Committee on Appropriations.

Also, petition of 220 citizens of Manhattan, Kans., in favor of closing the Columbian Exposition on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of citizens of Republic County, Kans., against the closing of the Columbian Exposition on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. FUNSTON: Petition and papers to place the name of James Sinkey on the pension roll—to the Committee on Invalid Pensions.

By Mr. HARTER: Resolutions of the Nebraska Banks Association in relation to the purchase of silver bullion—to the Committee on Coinage, Weights, and Measures.

Also, petition of the Morrow County Farmers' Institute, for the closing of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. HAUGEN: Petition of A. Matteson and 43 others of Baldwin, St. Croix County, Wis., against opening the World's Columbian Exposition on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. HENDERSON, of Iowa: Two petitions of the International Association of Machinists of Iowa, one of Cliff B. Maynard Lodge, No. 223, of Eagle Grove, and the other of Waterloo, No. 314; both in regard to the importation of machinery used in the manufacture of sugar—to the Committee on Ways and Means.

Also, petition of the Ohio Sunday School Association, opposing the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 49 citizens of New Hartford, Iowa, in favor of opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. HERBERT: Joint memorial to Congress by the Alabama Legislature, relating to the Nicaragua Canal—to the Committee on Interstate, and Foreign Commerce.

By Mr. HITT: Three memorials and resolutions of churches and Christian associations of Illinois, as follows: One of 500 members of various churches and a Bible society meeting of Galena; the second, of the Ministerial and Epworth League Convention at Milledgeville, representing the Methodist Episcopal Church of Stephenson, Joe Daviess, Carroll, and parts of adjoining counties; and the third, of the Sabbath Association, all against opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, memorial and resolutions of Middle Creek Presbyterian Church, of Freeport, Ill., against the repeal of the Sunday-closing law of last Congress for the World's Fair—to the Select Committee on the Columbian Exposition.

By Mr. HOLMAN: Petition of Martha Bruce, widow of William Helms, with accompanying papers, asking for a pension—to the Committee on Invalid Pensions.

By Mr. JOHNSON of Ohio: Petition of the Rank and File Garrison, No. 77, Regular Army and Navy Union of the United States, of Cleveland, Ohio, favoring certain bills relating to the retirement of enlisted men in the Army and Navy after twenty-five years' continuous service, and also favoring the passage of a bill increasing the pay of noncommissioned officers—to the Committee on Military Affairs.

By Mr. JOSEPH: Memorial of citizens of Las Vegas, N. Mex., praying Congress to extend the Pecos National Park—to the Committee on the Public Lands.

By Mr. LOUD: Petition of the American Brotherhood of Steamboat Pilots and Marine Engineers' Association of San Francisco, Cal., against admission to American registry of the

officers of the steamship City of New York and City of Paris—to the Committee on Interstate and Foreign Commerce.

Also, memorial of the California Miners' Association, of hydraulic and drift mining—to the Committee on Mines and Mining.

By Mr. MARTIN: Memorial of the Indiana Yearly Meeting of Friends, in favor of closing the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, resolution of certain religious bodies of Bluffton, Ind., concerning closing the World's Fair on Sunday, and other subjects—to the Select Committee on the Columbian Exposition.

By Mr. O'NEILL of Pennsylvania: Resolution of the Preacher's Meeting of the Methodist Episcopal Church of Philadelphia and vicinity, urging Congress to pass a law to prevent the sale of all intoxicating drinks within the grounds of the World's Columbian Fair—to the Select Committee on the Columbian Exposition.

Also, petition of the Maritime Exchange of Philadelphia, favoring the establishment of national quarantine in the manner suggested by the Secretary of the Treasury—to the Committee on Interstate and Foreign Commerce.

By Mr. OTIS: Petition of Lodge No. 24, International Association of Mechanics of Topeka, Kans., asking that all machinery used in the manufacture of sugar and imported from a foreign country be subject to the same duty as any other machinery—to the Committee on Ways and Means.

By Mr. OUTHWAITE: Petition of citizens of Camp Chase, Ohio, protesting against the repeal of the law closing the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. PAGE: Petition of George L. Littlefield and 46 others, for the repeal of the act closing the World's Columbian Exposition on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of the Pawtuxet Valley Business Association of Rhode Island, for a national highway commission—to the Select Committee on the Columbian Exposition.

By Mr. PERKINS: Petition of the Plymouth Presbyterian Church of Akron, Iowa, against opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. SEERLEY: Petition of citizens of Henry County, Iowa, asking Congress to take action in behalf of certain American citizens now in British prisons—to the Committee on Foreign Affairs.

By Mr. SMITH of Illinois: Two petitions of the State executive board of the Farmers Mutual Benefit Association of Illinois, one of Johnson County and the other of Perry County, both in relation to a combination between the millers, railroads, and elevators, for the purpose of depressing the price of wheat, and praying for a Congressional investigation—to the Committee on Interstate and Foreign Commerce.

By Mr. STORER: Petition of M. M. Murphy, in favor of opening the World's Columbian Exposition on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. EZRA B. TAYLOR: Petition of citizens of Portage County, Ohio, against opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. TOWNSEND: Petition of Col. H. C. Merriam Garrison, No. 55, of Fort Logan, Colo., to secure the passage of the bill relative to retirement of enlisted men of the Army and Navy after twenty-five years' service—to the Committee on Military Affairs.

Also, protest of the United Presbyterian Congregation of Loveland, Ohio, against opening the World's fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. WARNER: Memorial of the Chamber of Commerce of the State of New York, in favor of a national quarantine—to the Select Committee on Immigration and Naturalization.

Also, petition of Capt. Robert M. Davis, for increase of pension, with arrears, etc.—to the Committee on Invalid Pensions.

By Mr. WHEELER of Michigan: Joint resolution of the Legislature of Michigan, to provide for the publication of the names of all pensioners—to the Committee on Invalid Pensions.

SENATE.

THURSDAY, *January 5, 1893.*

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting, in response to a resolution of December 12, 1892, a letter from the Chief of Engineers submitting a report, with two maps, from Capt. O. M. Carter, Corps of Engineers, relative to the condition of the present ship channel between Cumberland Island, Georgia, and Fernandina, Fla.; which was read.

Mr. CALL. I ask that that communication be referred, with the accompanying papers, to the Committee on Commerce, and printed.

Mr. FRYE. The communication is accompanied by two maps. Is there any necessity to print the maps?

Mr. CALL. I should hardly think so.

Mr. FRYE. It would cause considerable delay to require the maps to be printed.

The VICE-PRESIDENT. The communication from the Secretary of War, together with the accompanying papers, will be printed except the maps, and referred to the Committee on Commerce.

Mr. CALL. That is right.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of the Senate of June 1, 1892, a copy of a communication from the Commissioner of Indian Affairs, relative to the employment of attorneys or agents by Indians for obtaining recognition of claims against the United States; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Indian Affairs.

He also laid before the Senate a communication from the Attorney-General, transmitting, in response to a resolution of the Senate of December 20, 1892, a list of Indian depredation claims already filed in the Court of Claims, the number of cases entitled to priority of consideration, and the amounts of judgments rendered, etc.; which, with the accompanying papers, was referred to the Select Committee on Indian Depredations, and ordered to be printed.

REPORT OF BUREAU OF ANIMAL INDUSTRY.

The VICE-PRESIDENT presented a communication from the Secretary of Agriculture, transmitting a report of the operations of the Bureau of Animal Industry for the year 1892, in compliance with the requirements of section 11 of the act approved May 29, 1884, for the establishment of that Bureau; which, with the accompanying papers, was ordered to lie on the table and be printed.

PETITIONS AND MEMORIALS.

Mr. GEORGE presented a petition of citizens of Russum, Miss., praying for the passage of the Washburn-Hatch antioption bill; which was ordered to lie on the table.

He also presented the petition of W. T. Holland, W. L. Hardy, and J. L. Carter, of Jackson, Miss., praying for the passage of a resolution directing the Secretary of State to communicate to the Senate the present status of their claim for indemnity for damages occasioned to them by illegal arrest on board the brig Georgiana off the coast of Yucatan by a Spanish warship in May, 1850, and their subsequent imprisonment; which was referred to the Committee on Foreign Relations.

Mr. VOORHEES presented a petition of South Bend Lodge, No 212, International Association of Machinists, of South Bend, Ind., praying for the suppression of the evil perpetrated on brother machinists by an officer in charge of Government work at the arsenal at West Troy, N. Y., by requesting one operator to run two or more machines; which was referred to the Committee on Appropriations.

He also presented a petition of the Business Men's Association, of Evansville, Ind., praying for the early completion of the Nicaragua Canal, and that it should be controlled, owned, and protected by the Government; which was ordered to lie on the table.

He also presented a memorial of the Presbytery of Indianapolis, Ind.; a memorial of the Ohio Sabbath Association; a memorial of the Third Presbyterian Church of Indiana; a memorial of the Christian Endeavor Society of the Third Presbyterian Church of Fort Wayne, Ind.; a memorial of the Presbyterian, Methodist, and other churches of Bluffton, Ind.; a memorial of the Pastors' Club of La Porte, Ind.; a memorial of the First Presbyterian Church of Ossian, Ind.; a memorial of the United Presbyterian Church of Princeton, Ind., and a memorial of the Sabbath Association of Illinois, remonstrating against a repeal of the law closing the World's Columbian Exposition on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

He also presented a memorial of the International Association of Machinists (headquarters at Richmond, Va.), remonstrating against the admission of machinery used in the manufacture of sugar into the United States at a lower rate of duty than other machinery; which was referred to the Committee on Finance.

He also presented petitions of the Journeymen Tailors' Unions of Huntington, Greenfield, Anderson, Lafayette, Terre Haute, South Bend, Richmond, Muncie, and Columbus, all in the State of Indiana, praying for the passage of House bill 8535, limiting the free entry of wearing apparel of foreign manufacture; which were referred to the Committee on Finance.

He also presented petitions of J. D. Adams and 17 other citizens of Marion; of Garret M. Walrod and 17 other citizens of Marion County; of S. A. Billeys and 16 other citizens of Worcke: of Christian Low and 20 other citizens of Virgo; of W. B. King and 17 other citizens of Lafayette County; of Nicolaus Roussel and 21 other citizens of Randolph; of J. R. Henderson and 21 other citizens of Vincennes, and of Charles W. Tritt and 19 other citizens of Randolph, all in the State of Indiana, praying for the appointment of a Senate committee to investigate the combine formed to depreciate the price of grain, and now existing between the elevators, millers, and railroads at Minneapolis, Minn., and at St. Louis, Mo., and asking for the postponement of the Washburn-Hatch antioption bill until such committee shall report; which were referred to the Committee on Agriculture and Forestry.

Mr. BERRY presented a memorial of citizens of the Cherokee Nation residing or having improvements in what is known as the Cherokee Outlet, remonstrating against the ratification of the Cherokee agreement until their rights in that Territory are properly provided for; which was referred to the Committee on Indian Affairs.

Mr. ALLISON presented the petition of T. Thorson and other citizens of Winneshiek County, Iowa, praying for the passage of the Washburn-Hatch antioption bill; which was ordered to lie on the table.

He also presented petitions of the Journeymen Tailors' Unions of Ottumwa, Des Moines, Fort Dodge, Cedar Rapids, and Burlington, all in the State of Iowa, praying for the passage of House bill 8535, limiting the free entry of wearing apparel of foreign manufacture; which were referred to the Committee on Finance.

He also presented the memorial of J. Wesley Brown, of Emery, S. Dak., remonstrating against the importation of tea and coffee into the United States as being unwholesome beverages; which was referred to the Committee on Finance.

He also presented the petition of J. Wesley Brown, of Emery, S. Dak., praying for the passage of a law making persons committing perjury in Federal courts and before registers and receivers of United States land offices responsible in damages to the party injured by the same, and also allowing the prosecuting party one-half of all money collected as fines or forfeiture in such cases; which was referred to the Committee on the Judiciary.

He also presented a joint resolution of the Legislature of Iowa, a petition of citizens of Polk County, Iowa, and the petition of W. W. Blair and other citizens of Lamoni, Iowa, praying for the passage of the Washburn-Hatch antioption bill; which were ordered to lie on the table.

He also presented memorials of Beuna Vista Grange, No. 544, Patrons of Husbandry, of Murphy, of four churches of Keota; of the Presbyterian Synod of Burlington, and of the Presbyterian Church of Keokuk, representing 2,500 members, all in the State of Iowa, remonstrating against the repeal of the law closing the World's Columbian Exposition on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

Mr. CULLOM presented petitions of F. M. Miller and other citizens of Jefferson County; of D. Akin and other citizens of Franklin County; of Ferdinand Long and other citizens of St. Clair County; of Joseph Diel and other citizens of Jasper County, and of James E. Stevens and other citizens of Hardin County, all in the State of Illinois, praying for the appointment of a committee to investigate the combine formed to depreciate the price of grain, and asking for the postponement of the Washburn-Hatch antioption bill until such committee shall report; which were referred to the Committee on Agriculture and Forestry.

Mr. SHERMAN presented petitions of the Ohio State Grange, Patrons of Husbandry; of the Eastern Erie County Farmers' Institute; Jennings Grange, No. 1320, Patrons of Husbandry; of 77 citizens of Franklin County; of 18 citizens of Henry County; and of Scioto Grange, No. 1388, Patrons of Husbandry, all in the State of Ohio, praying for the passage of the antioption bill; which were ordered to lie on the table.

He also presented a petition of the Board of Trade of Cleveland, Ohio, praying for the passage of a national quarantine law with ample appropriations to secure its proper execution, and the enactment of such other regulations as will protect the United States from the introduction of cholera; which was referred to the Committee on Epidemic Diseases.

He also presented memorials of the Young People's Society of Christian Endeavor of the Presbyterian Church of Chicago; of citizens of Lockland; of the Presbytery of Steubenville; of the Second United Presbyterian Church of New Concord, and of the Reformed Presbyterian Congregation of New Concord, all in the State of Ohio, remonstrating against the repeal of the law closing the World's Columbian Exposition on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

Mr. HOAR. I present a petition very largely signed by the most eminent merchants and bankers of Boston, Mass., representing, I am quite sure, the unanimous opinion of all classes of persons in that community, praying for the repeal of the present law for the purchase of silver bullion. I move that the petition be referred to the Committee on Finance.

The motion was agreed to.

Mr. QUAY presented a petition of the select and common councils of Philadelphia, Pa., praying that an appropriation be made for an examination, survey, and report for a channel between the Delaware River and Raritan Bay; which was referred to the Committee on Commerce.

He also presented the petition of Mrs. Brennan, widow of Bernard Brennan, and sundry other citizens of Philadelphia, Pa., praying for the removal of the charge of desertion against the military record of Bernard Brennan, alias Barney O'Brine, of Company H, Forty-eighth Regiment Pennsylvania Volunteers; which was referred to the Committee on Military Affairs.

He also presented memorials of the Cumberland Presbyterian Church of Carmichaels, Pa.; of the First United Presbyterian Church of Mercer, Pa.; of the Quarterly Meeting of the Ministerial Union of Philadelphia, Pa.; of the First Methodist Episcopal Church of York, Pa.; of the Presbyterian Church of Wrightsville, Pa.; of the Meyersville Council, No. 144, Junior Order of American Mechanics, of Meyersville, Pa.; of the Presbytery of Pittsburg, Pa.; of the Meeting of the Presbytery of Redstone, held at Markleton, Pa.; of the Presbyterian Church of New Bedford, Pa.; of the United Presbyterian Church of New Bedford, Pa.; of the Second Street Lutheran Congregation of Columbia, Pa., and of the Upper Ten Mile Congregation, of Washington County, Pa., remonstrating against the sale of intoxicating liquors at the World's Columbian Exposition and the repeal of the present law closing the Exposition on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

Mr. CAMERON presented a petition of the select and common councils of Philadelphia, Pa., praying that an appropriation be made for an examination, survey, and report for a channel between the Delaware River and Raritan Bay; which was referred to the Committee on Commerce.

He also presented a petition of the Maritime Exchange of Philadelphia, Pa., praying for the passage of a national quarantine law; which was referred to the Committee on Epidemic Diseases.

He also presented memorials of the First Presbyterian Congregation of York, Pa., and the United Presbyterian Presbytery of Allegheny, Pa., remonstrating against the repeal of the present law closing the World's Columbian Exposition on Sunday; which were ordered to lie on the table.

Mr. PROCTOR presented the memorial of Rev. C. W. Morse and members of the Methodist Episcopal Church of Peacham, Vt., remonstating against the passage of legislation repealing the provision closing the World's Columbian Exposition on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

Mr. FELTON presented a petition of the survivors of the crew of the late United States steamer Rodgers, of the Jeanette search expedition, praying for the passage of legislation for their relief; which was referred to the Committee on Naval Affairs.

Mr. PERKINS presented the petition of John Fuller, sr., and 23 other citizens of Seneca, Kans., praying for the adoption of the sixteenth amendment to the Constitution of the United States prohibiting any State from passing any law respecting religion; which was referred to the Committee on the Judiciary.

Mr. COCKRELL. Presuming that a petition is a matter of right, I present the petition of Mrs. Effie G. Snow, of Schell City, Mo., praying for an investigation of the cause of the death of her daughter, Laura Snow, a teacher in the Presbyterian mission school at Richfield, Utah Territory, October 4, 1889, accompanied by a very elaborate statement, and a very elaborate appendix to such statement. I move that the petition be referred to the Committee on Education and Labor.

The motion was agreed to.

Mr. BRICE presented a petition of the Cleveland (Ohio) Board of Trade, adopted December 30, 1892, praying for the passage of legislation relative to the establishment of a national quarantine; which was referred to the Committee on Epidemic Diseases.

He also presented a petition of the Builders' Exchange of Cincinnati, Ohio, praying for the passage of the Torrey bankruptcy bill; which was referred to the Committee on the Judiciary.

He also presented a petition of Rank and File Garrison, No. 77, Regular Army and Navy Union, of Cleveland, Ohio, praying for the passage of legislation providing for the retirement of enlisted men after twenty-five years of faithful service; to increase the pay of noncommissioned officers in the Army; to construe the allowances of enlisted men so as to include fuel and quarters, and to provide a retired list for enlisted men of the Army; which was referred to the Committee on Military Affairs.

He also presented a petition of the Cincinnati (Ohio) Chamber of Commerce praying for the passage of legislation favoring the construction of the Nicaragua canal under the supervision and guaranty of the Government; which was ordered to lie on the table.

He also presented the petition of A. Hurd, of Findlay, Ohio, praying for the passage of legislation making certain reforms in the pension system; which was referred to the Committee on Pensions.

He also presented petitions of F. G. Thompson and 19 other citizens of Springfield, Ohio; of Frank R. Packum and 17 other citizens of Springfield, Ohio, and of grain growers of various parts of the United States, praying for the appointment of a Senate Committee to investigate the combine formed to depreciate the price of grain, and asking for the postponement of the Washburn-Hatch antioption bill until such committee shall report; which were referred to the Committee on Agriculture and Forestry.

He also presented memorials of 28 citizens of Perry; of the Ohio Sunday School Association; of Rev. J. P. Sharp, of Findlay; of the congregation of the First Presbyterian Church of Toledo; of Rev. J. A. Crayton, of Westerville; of Thomas H. Pearce, of Xenia; of M. M. Murphy, of Ripley; of the congregation of the Presbyterian Church of Clifton; of several church organizations of East Liverpool, aggregating over 3,000 communicants; of J. S. Postle and 26 other members of the Young People's Society of Christian Endeavor; of Rev. F. A. Wilber, pastor Presbyterian Church of Mount Vernon and president of Knox County (Ohio) Sabbath Association; of Rev. J. W. Best, pastor Second Presbyterian Church of Carrollton; of Rev. E. P. Thorson, in behalf of the Second Presbyterian Church of Springfield; and of the congregation of the Second United Presbyterian Church of New Concord, all in the State of Ohio, remonstrating against the passage of any legislation opening the gates of the World's Columbian Exposition on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

He also presented petitions of the Ohio Farmers' Institute; of H. Nettleton, of Windfall; of Charles O. Hale, of Summit County; of the State convention Ohio Farmers' Alliance; of the Farmers' Institute of Erie County; of Homer Grange, No. 451, Patrons of Husbandry, of Georgetown; of Chapel Grange, No. 26, Patrons of Husbandry, of Xenia; of Sylvania Grange, No. 1188, Patrons of Husbandry, of Lucas County; of Washington Hall Alliance, No. 240, of Carrollton; of Huron Grange, No. 186, Patrons of Husbandry, of Greenwich; of the Farmers' Institute of Portage County; of the Farmers' Institute of Polk and Wellington; of the Wellington (Ohio) Grange, No. 1339, Patrons of Husbandry; of Victory Association, No. 1646, Patrons of Husbandry of North America, Liberty Center; of Wyandot Grange, No. 549, Patrons of Husbandry; of Jennings Grange, No. 1330, Patrons of Husbandry, of Venedocia; of Scioto Grange, No. 1333, Patrons of Husbandry, of Circleville; of Progressive Grange, No. 1362, Patrons of Husbandry, of Festonia; of the Ohio State Grange, Patrons of Husbandry; of Wilbur L. Sparks, of Clyde; of Greenwich Farmers' Institute Association, of Greenwich; of St. Clair Grange, No. 1377, Patrons of Husbandry; of Milton Grange, No. 733, Patrons of Husbandry; of Albert Hale, president of the Farmers' Institute of Summit County; of M. J. Grimes and 17 other farmers of Henry County; of 53 citizens of Spring Mills and vicinity; of Madison Grange, No. 194, Patrons of Husbandry, of Canal Winchester; of Pomona Grange, No. 64, Patrons of Husbandry, of Huron County; of Eldorado Grange, of Eldorado, and of Twin Valley Grange, of Lewisburg, all in the State of Ohio, praying for the passage of the Washburn-Hatch antioption bill; which were ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. DOLPH, from the Committee on Commerce, to whom was referred the bill (S. 3568) providing for the establishment and enforcement of rules and regulations for the use and navigation of United States canals and similar works of navigation, and for other purposes, reported it with amendments.

Mr. COKE, from the Committee on Commerce, to whom was referred the bill (H. R. 9824) to amend "An act to promote the construction of a safe deep-water harbor on the coast of Texas," approved February 9, 1891, reported it with an amendment.

Mr. VEST, from the Committee on Commerce, to whom was referred the bill (H. R. 9930) for the construction and maintenance of a bridge across the St. Lawrence River, reported it with an amendment.

RAFT-TOWING ON THE GREAT LAKES.

Mr. FRYE. I am instructed by the Committee on Commerce to report back favorably, without amendment, the joint resolution (S. R. 124) directing the Secretary of War to investigate the subject of raft-towing on the Great Lakes and their connecting waters. I was requested by the committee to ask immediate consideration, as the commission should be appointed before the spring opens.

Mr. COCKRELL. Let the joint resolution be read for information, then, subject to objection.

Mr. FRYE. It is very simple.

After reading, the Senate, by unanimous consent, proceeded to consider the joint resolution as in Committee of the Whole. It directs the Secretary of War to appoint a board, to consist of three officers of the Engineer Corps of the Army, to investigate the subject of raft-towing on the Great Lakes and their connecting waters, and to report to Congress as to what restrictions, if any, should be placed upon the size and manner of constructing and towing rafts upon the Great Lakes and their connecting waters.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. IRBY introduced a bill (S. 3671) for the relief of Louisa G. Heyward and others; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. CAMERON introduced a bill (S. 3672) to amend the act approved June 8, 1880, relating to the pay of the Judge-Advocate-General of the Navy; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Naval Affairs.

Mr. COCKRELL introduced a bill (S. 3673) granting a pension to Eli Browning; which was read twice by its title.

Mr. COCKRELL. In connection with the bill I present a petition of citizens of Bates County, Mo., praying for the granting of the pension, and the affidavits of William C. Thompson, Edwin Heavilin, and Dr. E. E. Gilmore, and I move that the bill be referred, with these papers, to the Committee on Pensions.

The motion was agreed to.

Mr. COCKRELL introduced a bill (S. 3674) granting a pension to Lucy F. Watson, widow of Joseph W. Melton, deceased; which was read twice by its title.

Mr. COCKRELL. I present a petition in behalf of this widow, accompanied by the affidavits of John H. Reid and Martha C. Reid. I move that the bill and accompanying papers be referred to the Committee on Pensions.

The motion was agreed to.

Mr. COCKRELL introduced a bill (S. 3675) granting a pension to Maria Hall, widow of Joseph E. Doak, deceased; which was read twice by its title.

Mr. COCKRELL. I present with the bill the petition of Mrs. Hall, and the affidavits of S. J. Snow, Morris Edwards, Martin Rice, and John Bynum, and a Pension Office letter of August 10, 1892. I move that the bill and accompanying papers be referred to the Committee on Pensions.

The motion was agreed to.

Mr. COCKRELL introduced a bill (S. 3676) granting a pension to James F. Crump; which was read twice by its title.

Mr. COCKRELL. I present a petition to accompany the bill, with an affidavit, and I move their reference, with the bill, to the Committee on Pensions.

The motion was agreed to.

Mr. COCKRELL introduced a bill (S. 3677) granting a pension to John G. Hanna; which was read twice by its title.

Mr. COCKRELL. The bill is accompanied by the unverified petition of Mr. Hanna. I move that the bill and petition be referred to the Committee on Pensions.

The motion was agreed to.

Mr. COCKRELL introduced a bill (S. 3678) granting a pension to Margaret Garrison, widow of James G. Garrison; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3679) for the relief of Eliza Dickerhoff, widow of Louis Dickerhoff, deceased, of Company A, Cape Girardeau (Mo.) Home Guards; which was read twice by its title.

Mr. COCKRELL. I also present a petition from the widow, praying for a correction of the military record of her husband and for the granting of a pension; I suppose the bill ought to go to the Committee on Pensions. I move that it be so referred, with the accompanying petition.

The motion was agreed to.

Mr. COCKRELL introduced a bill (S. 3680) for the relief of Bernard J. D. Irwin; which was read twice by its title, and referred to the Committee on Claims.

Mr. QUAY introduced a bill (S. 3681) to provide for the retirement of Lieut. Col. James Cooper McKee, surgeon United States Army, as full colonel; which was read twice by its title, and, with

the accompanying paper, referred to the Committee on Military Affairs.

Mr. TELLER (by request) introduced a bill (S. 3682) to narrow California avenue within Bellair Heights, District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also introduced a bill (S. 3683) to prevent the abatement of actions against officers of the United States; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. ALLISON introduced a bill (S. 3684) authorizing the Secretary of War to correct the military record of Bernt G. Anderson; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. COCKRELL introduced a bill (S. 3685) to permit Anna M. Colman, widow, to prosecute a claim; which was read twice by its title, and referred to the Committee on Claims.

CLAIM OF W. L. HARDY AND OTHERS.

Mr. GEORGE submitted the following resolution; which was referred to the Committee on Foreign Relations:

Resolved, That the Secretary of State be, and he is hereby, directed to communicate to the Senate the present status of the claim of W. L. Hardy, John L. Carter, and William T. Holland against the Government of Spain for damages occasioned by their illegal arrest on board the brig Georgiana off the coast of Yucutan by a Spanish war ship in May, 1850, and their subsequent imprisonment; what obstacles exist to the enforcement of said claim and what action, if any, is needed to be taken by Congress in reference to the settlement of the same.

PROPOSED SUSPENSION OF IMMIGRATION.

Mr. HILL. I submit a resolution, and ask for its present consideration.

The resolution was read, as follows:

Resolved, That the Clerk of the Senate be directed to transmit to the honorable the Secretary of State a copy of Senate bill No. 3513, now pending in this body, entitled "A bill for the suspension of immigration for one year," and that the Secretary of State be, and is hereby, respectfully requested to inform the Senate at his earliest convenience whether the provisions of the said bill absolutely suspending immigration for the period of one year are in conflict with any treaties now existing between the United States and any foreign countries; and, if so, with what countries, and any further information which he may deem necessary for the information of the Senate in relation to the propriety of the enactment of the said bill in its present form.

The VICE-PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. CHANDLER. I ask that the resolution may go over.

The VICE-PRESIDENT. The resolution will go over and be printed, objection being made.

GERMAN LABOR STATISTICS.

Mr. CHANDLER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of State be directed to transmit to the Senate the report of Mr. W. H. Edwards, consul-general at Berlin, on the labor statistics of the German trades union for the year 1891.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on this day approved and signed the following acts:

An act (S. 570) to provide for the removal of the remains of the late Ensign D. F. Terrill, United States Navy, from Sitka, Alaska, to his home in the State of Mississippi; and

An act (S. 3059) for the relief of the Old Dominion Steamship Company.

COINAGE OF SILVER.

Mr. McPHERSON. I give notice that on Monday morning, immediately after the routine morning business, I desire to make some observations upon the joint resolution which I had the honor to introduce, being the joint resolution (S. R. 126) authorizing and directing the Secretary of the Treasury to suspend all purchases of silver bullion as provided in the act of July 14, 1890, if I can have the indulgence of the Senate at that time without interfering with the pending business before the body.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House has passed the following bills:

A bill (S. 2187) granting a pension to Margaret M. Rice; and

A bill (S. 2593) granting an increase of pension to Samuel M. Campbell.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the Vice-President.

A bill (H. R. 9487) to amend an act approved April 22, 1890, authorizing Natchitoches Cane River Bridge Company to construct and maintain a bridge across Cane River, in Louisiana.

A bill (H. R. 9488) to amend an act approved March 2, 1891, authorizing the construction of a bridge across the Red River, Louisiana, by the Rapides Bridge Company, limited; and

A joint resolution (S. R. 112) to print and bind 2,000 extra copies each of the drill regulations for infantry, cavalry, and artillery.

CHOCTAW AND CHICKASAW INDIAN PAYMENTS.

Mr. JONES of Arkansas. I ask the unanimous consent of the Senate to call up the joint resolution (S. R. 119) authorizing the Secretary of the Treasury to retain and cover into the Treasury certain moneys, etc.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Arkansas? The Chair hears none.

Mr. JONES of Arkansas. There is a House joint resolution, No. 166, in exactly the same terms as the joint resolution reported from the Committee on Indian Affairs and on the Calendar. I ask unanimous consent to substitute the House joint resolution for the pending joint resolution reported from the Senate committee.

The VICE-PRESIDENT. Is there objection? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the joint resolution (H. Res. 166) to authorize the Secretary of the Treasury to cover back into the Treasury $48,800 of the appropriation to Choctaw and Chickasaw Indians. It directs the Secretary of the Treasury to retain and cover back into the Treasury $48,800 of the appropriation made by Congress to pay the Choctaw and Chickasaw tribes of Indians for their interest in lands of the Cheyenne and Arapahoe Reservation, dated March 3, 1891; which amount has been ascertained, by a recount of the allottees of the Cheyennes and Arapahoes, to be by that amount more than is due the Choctaws and Chickasaws upon the purchase and settlement for their interest.

Mr. PLATT. I propose an amendment to the joint resolution.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to add to the joint resolution the following proviso:

Provided, however, That neither the passage of the original act of appropriation to pay the Choctaw and Chickasaw tribes of Indians for their interest in the lands of the Cheyenne and Arapahoe Reservation, dated March 3, 1891, nor of this joint resolution shall be held in any way to commit the Government to the payment of any further sum to the Choctaw and Chickasaw Indians for any alleged interest in the remainder of the lands situated in what is commonly known and called the leased district.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Connecticut [Mr. PLATT].

Mr. JONES of Arkansas. Mr. President, I hope the Senator from Connecticut will not insist on that amendment. I take it that this Congress can not undertake to limit the power of any future Congress to determine whether the Government owes the Choctaws and Chickasaws for any other land in the Indian Territory. If any future Congress believes there is anything due those Indians for any future claim that Congress will settle the question for itself, and this Congress ought not to undertake to limit that power.

But my material objection to the amendment is that, while I regard it as amounting practically to nothing, if the joint resolution is amended now it must go back to the House of Representatives, and the embarrassed condition of public business in that body and the short time that is now before us would render it next to impossible to get up the measure for consideration there.

For that reason, as the amendment can have no bearing whatever upon the joint resolution now pending, I hope the Senator from Connecticut will not insist on the amendment, but will allow the joint resolution to pass without being encumbered and having to go back to the other House.

Mr. PLATT. I entertained the hope that the Senator who called up the joint resolution would not object to this amendment. I do not think there is anything to the point he makes that it would probably embarrass the passage of the joint resolution when it went back to the other House. I do not know how much I may be out of order in making the suggestion I am now making, but I think the other House ought to adopt the amendment, and that it probably would do so.

I have no desire by discussion to delay action upon the joint resolution, but I should like to make a little statement as to what the amendment means. Senators will probably remember that we had a pretty full and extensive discussion of the question as to whether the President should pay to the Choctaws and Chickasaws an appropriation which was inserted by an amendment in an appropriation act, and that at the last session the Senate took the view that no further legislation was needed. The attention of Congress had been called to that appropriation by a message from the President, who detailed certain objections that lay in his mind against the payment of the money; but the Senate, after discussion, thought no further legislation necessary. Therefore I suppose it is entirely profitless to bring up that matter again.

I will say, however, that the action of the Senate did not change my mind at all as to the propriety of the payment of that

appropriation, and if that stood by itself, helped out as it would be to some extent by this joint resolution, I should say nothing further on the subject. It will be remembered that when this matter was before Congress at the last session I contended that there was $50,000 more carried by the appropriation than upon any theory or basis adopted by the advocates of the measure it could possibly be made to amount to. But that made no difference to the Senate. It voted practically to pay the whole sum, notwithstanding it was $50,000 more than anybody claimed it ought to be. At this session the President calls attention once more to the matter in his message, and speaks of the fact that there was $50,000 too much in the appropriation. He says:

> My special message was intended to call the intention of Congress to the subject, and in view of the fact that it is conceded that the appropriation proceeded upon a false basis as to the amount of lands to be paid for, and is by $50,000 in excess of the amount they are entitled to (even if their claim to the land is given full recognition at the rate agreed upon), I have not felt willing to approve the deed, and shall not do so, at least until both Houses of Congress have acted upon the subject.

He then goes on to say in his message:

> I desire further to call the attention of Congress to the fact that the recent agreement concluded with the Kiowas and Comanches relates to lands which were a part of the "leased district," and to which the claim of the Choctaws and Chickasaws is precisely that recognized by Congress in the legislation I have referred to. The surplus lands to which this claim would attach in the Kiowa and Comanche Reservation is 2,500,000 acres, and at the same rate the Government will be called upon to pay to the Choctaws and Chickasaws for these lands $3,125,000. This sum will be further augmented, especially if the title of the Indians to the tract now Grier County, Tex., is established.

When this matter was in discussion before the Senate at the last session one of the objections I made to reaffirming, as it were, the appropriation was that it would be held to be a precedent upon which the Choctaws and Chickasaws would claim the same amount of payment for all the balance of the lands which were similarly situated. Several Senators who discussed the matter, especially the Senator from Massachusetts [Mr. DAWES], said that they would not regard it as such, and I think the Senator from Arkansas said he would not regard it as a precedent. Yet I am satisfied that it will be regarded as a precedent, and that unless something in the nature of this amendment is adopted at this time we shall have the claim of the Choctaws and Chickasaws presented for payment as to all the other lands just the same as the claims were presented to the lands from which the Cheyennes and Arapahoes were removed by the agreement.

Agreements have been made by which the Wichitas are to be removed and by which the Kiowas, Comanches, and Apaches are to be removed, and the matter will come up at once whether the same amount shall not be paid to the Choctaws and Chickasaws for the remainder of the lands similarly situated as was paid in the case of the Cheyenne and Arapahoe Reservations. Whatever Senators may say here, it will be presented to Congress as being a matter which Congress has passed upon, and it will be claimed that thereby Congress has recognized the right of these Indians to have the same amount of payment for the other lands.

All that I desire is the affirmance of the statements of Senators when this matter was under discussion, that the appropriation for payment to the Choctaws and Chickasaws for the Cheyenne and Arapahoe lands shall not be regarded as a precedent and that there may be some legislative declaration to that effect. That is all I mean by the amendment. It does not foreclose the question whether they are to be paid hereafter; it simply says that nothing we have done or shall do to-day will commit the Government. I do not think the Senator from Arkansas ought to object to it. I do not see how he can. That is all I ask.

Mr. JONES of Arkansas. Mr. President, I have no disposition to prolong this discussion. The simple facts in the case are these: When about two years ago Congress appropriated money to pay the Chickasaws and Choctaws for their claims for certain lands occupied by the Cheyennes and Arapahoes there was a deduction made from the rate of $1.25 an acre for the entire tract, for homesteads to be given to each of the Cheyennes and Arapahoes who lived in the territory, of 160 acres of land each. The Indian agent at the time estimated that the number of those Indians was about 600. The estimate for the deduction was upon that basis. When the President declined to pay the money for certain reasons, which he brought to the attention of Congress subsequently in a special message, the statement was made by the Senator from Connecticut at that time that the number of those Indians had proved to be 850 and not 600, and that therefore there ought to be a greater deduction than that which had been previously made, by the amount of $50,000.

As I understood at that time, it was not accurately known what number of Indians were among those. It subsequently turned out that there were 840, not 850, and not 600. These 840 Chickasaws and Choctaws, as I believe it is claimed, did not all live south of the Canadian, and were not entitled to homesteads in that case; but waiving that point, to get rid of an objection which had been made by the opponents of the appropriation, and to be perfectly fair, the proposition of the pending joint resolution is that there shall be rebated in favor of the Government the amount of money necessary to cover the additional homesteads of the 240 other Indians. There certainly can be no objection to it on the part of the Government. If anybody has a right to object to it the Indians have. I understand they believe now that the original computation made was the correct one, and that the 240 Indians in excess of the 600 were really not entitled to homesteads in this tract of country; but for the purpose of buying their peace, for the purpose of settling this controversy they are willing to yield the point, whether it is right or not, and to abate this much of their claim. This is all there is of it.

I regret to see the joint resolution encumbered with any sort of an amendment, because I would prefer to have the matter disposed of and not have to take the chances of sending it back to the House of Representatives. But as the Senator from Connecticut insists on it, I shall not object further to his amendment, and will agree that it shall be made to the joint resolution, if it meets the approval of the rest of the Senate.

Mr. DAWES. The Senator from Connecticut [Mr. PLATT] has alluded to some remarks I made when the original joint resolution was pending. I was about to seek the floor to suggest to the Senator from Arkansas [Mr. JONES] what he has said in the conclusion of his speech, that he should not object to this amendment of the resolution. I think it would be perfectly fair to those Indians to say to them what the amendment proposes in future negotiations. When I advocated the joint resolution originally adopted I expressly stated, as the Senator from Connecticut has repeated to-day, that I considered this as an equitable and not a legal claim, and that I regretted the phraseology in the original joint resolution, which intimated that it was a good claim in law. That it was an equitable claim I thought I made clear—I certainly did to myself—and being an equitable claim, it was just what those who dealt with it as honorable men should deem as fair. The men who determined that $1.25 an acre should be paid were the very men who were asked to reconsider and repeal that law, and upon precisely the same evidence, which I thought did not justify an annulment of the law itself. But I said—and that is the ground of my appeal to the Senator from Arkansas, which he has taken out of my mouth—whenever this matter comes up again, if those who deal with it anew shall believe that $1.25 an acre was too much for that equitable claim, they will have it in their power to adjust it in all future negotiations.

I thought then—I do not know whether I said it in my remarks—that it was too much for simply that part of the claim, but not too much for the whole equity. It came in at $1.25 an acre, following the precedent of the Creeks and Seminoles, which seemed to me not to be precisely like this. One of those tribes had a claim in law, for there was a recital in the deed that they ceded the land for the exclusive use of the Indians; in the other case it was not recited in the deed, but recited in the preamble. But these Indians decided absolutely in equity without any recital anywhere. It was, however, perfectly evident to my mind that it was part of one original transaction, that these Indians were induced, precisely like the others, to part with their land for a nominal sum, under the belief that it was to be appropriated to the use of Indians whom they were willing to have come among them. But the necessity of the subsequent treatment of the Indians on the part of the Government was such that the land was applied to another purpose, and in honor we were bound to make the Choctaws and Chickasaws whole.

That is the ground upon which I put it, and I think it to be absolutely free from any inference on the part of the Indians in subsequent negotiations that the United States promised them a dollar and a quarter an acre. We simply say to them, "Hereafter we will treat this subject with you thoroughly and openly as if it were a new subject, applicable simply to the remainder of this reservation."

I think it is wise that this amendment should be attached to the joint resolution, and I am very glad that the Senator from Arkansas has consented to it.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the joint resolution to be read a third time.

The joint resolution was read the third time, and passed.

The VICE-PRESIDENT. Senate joint resolution 119, on the same subject, will be indefinitely postponed.

Mr. PERKINS. I move that the Senate request a conference with the House of Representatives on the joint resolution and amendment.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate, and Mr. JONES of Arkansas, Mr. DAWES, and Mr. PLATT were appointed.

WHEELOCK SIMMONS AND WIFE.

Mr. DOLPH. I ask unanimous consent for the present consideration of Senate bill 3382. It is a mere private bill and will take but a moment. It was reported unanimously by the Committee on Public Lands, and is merely correcting a mistake in the description of lands in a patent by the Interior Department.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3382) to authorize a corrected patent to be issued for the donation land claim of Wheelock Simmons and wife.

The bill was reported from the Committee on Public Lands with amendments, in line 5, after the word "patent," to insert "to show upon its face that it is issued in lieu of the patent heretofore issued to them;" in line 16, after the word "south," to strike out "thirty-nine" and insert "fifty-nine;" and in line 24, after the words "thirty-nine and," to strike out "ninety-eight" and insert "ninety-three," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to cause to be issued to said Wheelock Simmons and wife a corrected patent, to show upon its face that it is issued in lieu of the patent heretofore issued to them, for the lands described in a special plat of a survey of their donation land claim approved November 8, 1862, and certified by the surveyor-general of Oregon to the local land office August 8, 1867, described as follows, to wit: Beginning at a point 5.5 chains west and 15.65 chains north from the northeast corner of section 1, township 1 south, range 3 west; thence west 40 chains; thence south 59°, west 24 chains; thence south 25°, west 20.13 chains; thence south 30° 30', east 48.25 chains; thence east 26.50 chains; thence south 1.75 chains; thence east 58.85 chains; thence north 57.75 chains; thence west 39.93 chains; thence north 15.65 chains to the place of beginning; to be divided between husband and wife, as in the original patent, and that said patent shall have the same force and effect as to the title of all purchasers and grantees of any portion of said land claim from said patentees, or either of them, as if the same had been executed and delivered at the date of the execution of said patent, dated April 20, 1866.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading; read the third time, and passed.

The preamble was agreed to.

M. P. DEADY.

The VICE-PRESIDENT. The Calendar, under Rule VIII, is in order, and the first bill will be stated.

Mr. MITCHELL. Before the Calendar is taken up, I ask unanimous consent of the Senate for the present consideration of Order of Business 1162, being Senate bill 3537, a small bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3537) for the relief of M. P. Deady.

The bill was reported from the Committee on the Judiciary with an amendment, in line 3, before the name "M. P. Deady," to strike out "the said;" so as to make the bill read:

Be it enacted, etc., That M. P. Deady, United States judge for the district of Oregon, may, at his option, resign as such district judge on or after the 4th of March next, and thereupon shall receive the same salary during the period of his natural life as he is now receiving, in the same manner as if he had reached the age of seventy years at the time of his resignation, as provided by section 714 of the Revised Statutes of the United States.

The amendment was agreed to.

Mr. COCKRELL. Let the report be read, which is very short.

Mr. MITCHELL. I hope the report will be read.

The VICE-PRESIDENT. The report will be read.

The Secretary read the following report, submitted by Mr. MITCHELL December 20, 1892:

The Committee on the Judiciary, to whom was referred the bill (S. 3537) entitled "A bill for the relief of M. P. Deady," having had the same under consideration, beg to submit the following report:

The following facts have been made to appear to your committee by the records of the Senate, and other evidence:

M. P. Deady was, on the 15th day of March, A. D. 1853, appointed by President Pierce an associate justice of the Territory of Oregon, under which appointment and by a subsequent appointment of February 1, 1854, and confirmation by the Senate on the 4th day of February, 1854, he served as such associate justice until the admission of Oregon as a State, February 14, 1859. On the 7th day of March, A. D. 1859, he was appointed by President Buchanan, and on the 9th day of the same month confirmed by the Senate, United States district judge for the district of Oregon, and under such appointment he has served in such capacity to the present time, a period of nearly thirty-four years, making a continuous service as a United States judge of nearly forty years.

It has further been made plain to your committee that, by reason of bodily ailments which are permanent, Judge Deady has been rendered physically unable to longer perform the duties of such office. It is further shown that he will not reach the age of 70 years until the year 1894.

Therefore your committee, while recognizing the distinguished judicial services rendered by Judge Deady during his long service and his eminence as a jurist, in view of the foregoing facts, report back the bill (S. 3537) with the following amendments and so amended recommend its passage:

First amendment. Strike out the preamble.

Second amendment. Strike out the following words in line 3 of the bill: "the said."

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was rejected.

DELIVERY AND SALE OF ICE ON SUNDAY.

The VICE-PRESIDENT. The first bill on the Calendar will be stated.

The bill (H.R. 8367) regulating the delivery and sale of ice within the District of Columbia on the Sabbath day, commonly known as Sunday, was announced as first in order.

Mr. MORGAN. Let that bill go over.

The VICE-PRESIDENT. The bill will be passed over.

LEGAL REPRESENTATIVES OF JOHN ROACH.

Mr. MITCHELL. Yesterday, when Order of Business 790, Senate bill 457, was reached, I happened to be out of the Chamber, and at the suggestion of the Senator from Missouri [Mr. COCKRELL] the bill went over without prejudice. I ask that it be taken up now.

Mr. COCKRELL. It is on the present Calendar.

Mr. MITCHELL. Certainly.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 457) for the relief of the assignees or legal representatives of John Roach, deceased, to pay balance due on the United States steamer Dolphin.

The bill was reported from the Committee on Naval Affairs with an amendment, in line 6, after the words "sum of," to strike out "$45,447.32" and insert "$28,160.25;" so as to make the bill read:

Be it enacted, etc., That there be paid to George W. Quintard and George E. Weed, assignees of John Roach, deceased, or the legal representatives of said Roach, out of any money in the Treasury not otherwise appropriated, the sum of $28,160.25 for labor and material furnished for the United States gunboat Dolphin, by said Roach, which sum is in full settlement and payment of all claims and demands on said gunboat Dolphin by said George W. Quintard and George E. Weed, assignees of John Roach, deceased, or the legal representatives of said Roach, for labor and material furnished to said gunboat Dolphin.

The amendment was agreed to.

Mr. VEST. Is there a report accompanying that bill?

Mr. MITCHELL. Yes, there is a report; but the report is very lengthy, including the report made by the committee of the Senate, which occupies but a few pages, but it refers to the House report and makes it a part of the report of the Senate committee.

Mr. COCKRELL. Let the Senate report be read. That will give us an explanation of the bill.

Mr. MITCHELL. The two pages of the Senate report will, I think, state the case.

Mr. VEST. I should like to know how it happens that this claim comes up now if there was a contract between these parties and the Government?

Mr. MITCHELL. This is merely to pay the balance due under the contract.

Mr. VEST. I do not know that this is necessary. If there was a contract I suppose Congress appropriated the amount to pay the contract price.

Mr. MITCHELL. I ask that the first two pages of the report be read, which include what the Senate committee say on the subject.

The VICE-PRESIDENT. The report will be read.

The Secretary read from the report submitted by Mr. MITCHELL May 25, 1892, as follows:

The Committee on Claims, to whom was referred the bill (S. 457) "for the relief of the assignees or legal representatives of John Roach, deceased, to pay balance due on the United States steamer Dolphin," having had the same under consideration, beg to submit the following report:

This bill proposes to pay to George W. Quintard and George E. Weed, assignees of John Roach, deceased, or the legal representatives of said Roach, out of any moneys in the Treasury not otherwise appropriated, the sum of $45,447.32, balance alleged to be due on the construction of the gunboat Dolphin.

On November 10, 1885, the Dolphin was received and accepted by the proper officers of the United States, and went into the use of the Government as of that date. There was then due the contractor, John Roach, the sum of $73,160.75. Of this amount $25,000 was a portion of the appropriation of March 3, 1885, for the care of the Government vessel Puritan. (See 23 Stats., 459.) Of this total amount the sum of $45,000 was paid the assignees of said Roach September 10, 1886, leaving the balance of $28,160.75. This amount was deducted by the Government on the ground, believed to be true at the time by the Secretary of the Navy, that the Dolphin had not been properly constructed, and that she was structurally weak, and although the Government had accepted the vessel, it was insisted that unless this deduction was made by the assignees, no amount whatever would be paid, and claimant would be compelled to go into the Court of Claims for the purpose of establishing his right to the $73,160.75 claimed. Under this state of the case it was agreed to accept the said $45,000, and a receipt in full was given.

Subsequent history clearly demonstrated beyond the possibility of controversy that the claim that the Dolphin was not properly constructed or was structurally weak was not well founded. This clearly appears from the annual report of the honorable Secretary of the Navy, dated November 30, 1889, which contains the following paragraph in regard to the Dolphin:

"The record of the Dolphin, which vessel began with a speed of 15.11 knots on her contract trial, and which has recently returned from a cruise around the world, is not less satisfactory. The results of the inspection of the vessel, after she has been three years and nine months in commission, are reported by the board of inspection, under date of October 2, 1889, as follows:

"The material used in the construction of this vessel and the workman-

ship speak well for the designers and the builders. Aside from the slight repairs to her bearings she is ready for another cruise. By the most liberal estimates the work in the construction department can be done inside of a month. This, the first of the new Navy, makes a splendid showing for structural strength, fine material, and good care.

"Her captain reports that she can average 14 knots an hour for any length of time, and under favorable circumstances she can run 16 at sea.

"In the course of her cruise the Dolphin has run 58,000 miles in twenty months and has been under steam 9,000 hours. In this prolonged run she has been stopped for repairs but once, and then for only two hours. This performance is probably without a parallel in the history of naval vessels and bears conclusive testimony to the high skill of American artisans and the excellence of their work. Nor is it the less remarkable in view of the confident predictions with which, at the outset of her career, the official condemnation of the vessel was somewhat prematurely pronounced by expert and by inexpert judges.

"It is therefore proved by the test of actual cruising that the first modern experiments of the Department have come close to the highest standard of speed which had been reached at the date of their design, and that in structural strength, endurance, and workmanship they are not inferior to anything now afloat."

The record of the Dolphin since November 30, 1889, when the above was written, has been equally good.

It will thus be seen no vessel belonging to the Government has ever been put to a greater test than has the Dolphin, and it has thus been demonstrated, as stated, that she was properly constructed, and that, therefore, the Government in withholding payment and deducting the $28,169.75 did an act of injustice to claimant, and in the opinion of your committee the Government should now pay this $28,169.75.

The claimant claims interest on the same and also on the $20,000 detained from March 3, 1885, being moneys due on account of the Puritan, as hereinbefore stated, and this has been allowed by the House committee of two separate Congresses. Your committee, however, are not inclined to allow any interest.

The facts in connection with this case are substantially set out in a report heretofore made by the Committee on Claims of the House of Representatives, being No. 2166, first session Fifty-first Congress, and which is hereto attached and adopted in so far as it does not conflict with the conclusions at which your committee have arrived.

Mr. McPHERSON. My attention has just been called to this bill, and I think it ought to go over. It seems the bill has been reported from the Committee on Claims, a most competent committee, it is true, who, I have no doubt, have investigated this case with great care and have come to the conclusion stated in the report which has been read. Cases of this character heretofore have been referred to the Committee on Naval Affairs for investigation, and this is purely a matter which pertains to that committee. It is practically a question of fact, and involves no legal question at all.

If I remember aright a bill of this character was once presented to the Committee on Naval Affairs, who, I think, did not decide to report it favorably.

Mr. CHANDLER. Will the Senator allow me?

Mr. McPHERSON. I will allow the Senator to interrupt me for a correction if I am wrong.

Mr. CHANDLER. Does not the Senator remember that the Committee on Naval Affairs took no action whatever upon the bill, but suggested its reference to the Committee on Claims as being a subject appropriate for the consideration of that committee?

Mr. McPHERSON. I thank the Senator for his statement, because it simply confirms what I have already stated, that the Committee on Naval Affairs took no action on this bill. I remember distinctly that such a bill was before the Committee on Naval Affairs. I do not think that I was present at the meeting of the committee which shirked the responsibility of an investigation of this question; but it is well known to every Senator that before the change of administration from a Democratic administration in 1889 there was a great deal of criticism visited upon the Secretary of the Navy, who, upon the report of a competent board of naval officers, declared that the Dolphin was structurally weak. Is it now true that another board of naval officers has been able to ascertain that the ship is a remarkably strong one? Here is an antagonism as between these two boards of naval officers with respect to this ship.

With respect to all these cases regarding naval affairs, even the old resurrected cases of ships built during the late civil war, coming here day after day for increased sums of money for expenditures said to have been incurred by reason of some default on the part of the Government, and we are paying out thousands and hundreds of thousands of dollars upon cases which have absolutely been settled and receipted for two or three times over. To make myself more clearly understood, I can call to mind now two or three cases in which settlements had been made with the contractors, and they had receipted in full to the Government for all demands. They came in and asked for a second board of naval officers, and another settlement was made and another receipt in full given. We then supposed that we had settled all the equities of the cases, but we find now more tribunals call upon us for a third installment of money out of the public Treasury.

I have not examined this bill to the extent that I should like to do, and I do not care to interfere with the wish of the Committee on Claims. I shall, therefore, content myself, if the Senate is disposed to consider the bill this morning, by voting against it, but I think the bill ought to go over, and I think that certain members of the Committee on Naval Affairs, who have given this matter a great deal of study, ought to take it up and give the Senate the benefit of such information as they may have.

Mr. MITCHELL. Mr. President——

Mr. CHANDLER. Will the Senator allow me to say a word?

Mr. MITCHELL. Certainly.

Mr. CHANDLER. I find the record confirms my suggestion to the Senator from New Jersey. The bill was introduced on the 10th of December, 1891, and referred to the Committee on Naval Affairs. On the 21st of January, 1892, the Committee on Naval Affairs was discharged from its consideration, and the bill was referred to the Committee on Claims. So there was no consideration whatever given to the bill by the Committee on Naval Affairs.

I was afraid the Senator from New Jersey would give the impression that there had been an investigation in that committee and an adverse opinion on the bill, which was not the case, because it was distinctly understood that the bill would not be considered by the Naval Committee, but would be referred to the Committee on Claims, from which this report was made.

Mr. McPHERSON. I think I have some faint recollection of what transpired in the Committee on Naval Affairs, and if I am not reporting the secrets of the committee, I would say that, if I remember correctly, it was the impression of the Committee on Naval Affairs that no appropriation of money should be made for such a purpose under the circumstances.

Mr. HARRIS. I should like to ask the Senator from New Jersey [Mr. McPHERSON], or the Senator from New Hampshire [Mr. CHANDLER], or the Senator from Oregon [Mr. MITCHELL], whosoever may know the facts, if the justice of this claim depends to any extent upon the perfection of the construction of the vessel out of which the claim grows?

Mr. McPHERSON. Most assuredly that is the sole question; and let me say further to the Senator that some of these vessels, and I think probably the Dolphin, were built upon plans and specifications furnished by Mr. Roach himself. So Mr. Roach practically, for a certain specified sum of money, gave the Government just such a ship as he pleased. Mr. Whitney, while Secretary of the Navy, upon the recommendation, after full investigation, by a board of naval officers that the ship was structurally weak and did not answer the requirements of the contract, refused to settle for the ship. Subsequently a bill was introduced here to appropriate a sufficient sum of money to pay the full demand of Mr. Roach or his assignees or legal representatives, and this bill, as I understand, is to close up the whole transaction and pay for this ship just the same as though she had been in all respects acceptable to the Navy Department, whose duty it was to accept her from the hands of the builders or reject her.

Mr. HARRIS. It seems to me that if the justice of this claim and the question of whether it should be allowed or not depends upon the perfection of the structure of the vessel turned out, it ought of necessity to go to the Committee on Naval Affairs. If it be a simple claim, and if there is no such technical question as that involved in it, then I think it is eminently proper that the bill should have gone to the Committee on Claims, but if the question suggested by the Senator from New Jersey is involved in it, and the allowance or disallowance of the claim shall depend upon that question, it ought to go to the Committee on Naval Affairs, and that committee ought to investigate it thoroughly before any action by the Senate upon it.

Mr. MITCHELL. Mr. President, that is a question which would have been more properly raised in the Senate when this bill was introduced. Perhaps, however, it can be raised at this time. The bill came to the Committee on Claims; it has been investigated by that committee, and in the view of the committee it is a very simple, plain case, notwithstanding all that has been said heretofore in regard to the Dolphin.

As stated by the Senator from New Jersey, there were diverse reports of boards designated by the Secretary of the Navy to examine this ship. One of those reports was to the effect that she was "structurally weak"—that was the language of the report, "structurally weak." The report of the committee does not criticise the late Secretary of the Navy, but upon the contrary it states that it was believed at the time by the Secretary of the Navy that this boat was structurally weak. Therefore he withheld the sum of $28,169.75, which it was admitted would have been due, and was due under the contract, provided the vessel had been completed according to the contract.

The Government took possession of the vessel—that is a matter of public history—and put her into service. It is a matter of public history known to the Senator from New Jersey and to every other Senator, I presume, that no vessel ever built in this country has ever made any better record than has the Dolphin, a service which has not been confined to a few months or to a trip or two here or there, but, according to the report of the present

Secretary of the Navy incorporated into and made a part of the report of the Senate committee, prior to November 30, 1889.

In the course of her cruise the Dolphin has run 58,000 miles in twenty months, and has been under steam nine thousand hours. In this prolonged run she has been stopped for repairs but once, and then for only two hours. This performance is probably without a parallel in the history of naval vessels, and bears conclusive testimony to the high skill of American artisans and the high excellence of their work. Nor is it the less remarkable in view of the confident predictions with which, at the outset of her career, the official condemnation of the vessel was somewhat prematurely pronounced by expert and by inexpert judges.

It is therefore proved by the test of actual cruising that the first modern experiments of the Department have come close to the highest standard of speed which had been reached at the date of their design, and that in structural strength, endurance, and workmanship they are not inferior to anything now afloat.

The committee adds this comment, which is borne out as a matter of public history:

It will thus be seen no vessel belonging to the Government has ever been put to a greater test than has the Dolphin, and it has thus been demonstrated, as stated, that she was properly constructed and that, therefore, the Government in withholding payment and deducting the $28,169.75 did an act of injustice to claimant, and in the opinion of your committee the Government should pay this $28,169.75.

I will state in this connection that $20,000 of the amount found to be due at the time the Dolphin was accepted by the Government, was an appropriation made on the 4th of March previous, to pay John Roach for certain services in connection with the steamer Puritan. So when this vessel was accepted by the Government there was found to be a total amount of $73,160.75, $20,000 of that sum having been the amount stated by me a moment ago, which was appropriated on the 4th of March. Out of that amount $45,000 was paid, a balance of $28,169.75 being retained.

If it be true, as suggested by the Senator from Tennessee [Mr. HARRIS], that this claim involves the question as to whether the Dolphin was or was not structually weak, it does seem to me that, in view of this public history as to the service rendered by this vessel, there ought to be any contention or question by the Senate or any officer of the Government in regard to the payment of this money.

The whole question turns upon the single point that one board had reported that the Dolphin was structurally weak. No vessel which is structurally weak could have ever performed the service which the public records of the country show this vessel has performed. Therefore, if she was not structurally weak—and in the face of this history we must certainly conclude she was not—is it not but an act of simple justice, tardily administered, that this money should be paid?

The House report proposed to allow interest, making the whole sum forty-odd thousand dollars. The Senate committee allows no interest, but simply allows the balance due. The theory that the vessel was structually weak, which was believed to be true, I have no doubt, by the Secretary of the Navy at the time, has been demonstrated beyond question to have been ill-founded. That is all there is in this case.

Mr. MCPHERSON. Mr. President, I do not wish the Senator from Oregon to get the impression that I am in any manner criticising the present Secretary of the Navy, because of the fact that he has favorably reported this case upon the strength of a report made to him by a board of naval officers. The present Secretary of the Navy is an able officer; his administration has been a distinguished one. Among all the administrations, starting with that of our distinguished friend from New Hampshire [Mr. CHANDLER], down to the present time, the present administration of the Navy is perhaps not less to be commended than any which has ever preceded it.

Mr. MITCHELL. I did not understand the Senator from New Jersey at all as criticising the present Secretary of the Navy.

Mr. MCPHERSON. That was precisely what I did think the Senator's remarks meant. But the Senator avoids the point at issue. He knows that there was some criticism visited upon a former administration of this Government by reason of the fact that reports were made by boards of naval officers to the Secretary of the Navy that the Dolphin was structurally weak. It was called political persecution. It proves nothing that the Dolphin may have traveled so many thousand miles. The question is, Can the Dolphin, under a certain amount of power applied to her engines, and under certain conditions of sea way, perform all the conditions that that ship was intended to perform? She might float around the world for twenty years and never be tested to her speed; she might be in that way prevented from coming in contact with heavy seas; and in this way perhaps perform some service; but when you come to test her for the actual necessities of some case which may confront her at some future time, you may find your ship unequal to the emergency.

I claim that nothing has been settled. One board of naval officers, equally competent with the one upon which the Senator from Oregon bases his report, declares the vessel is structurally weak. For that reason the then Secretary of the Navy withheld the appropriation. A second board of naval officers, supported as they are, by the fact that the ship has made a long cruise—and that cruise proves nothing as to the structural strength of the ship—have reported that the money which Mr. Roach would have been entitled to receive had the ship been acceptable to the Navy Department should be paid. I have nothing further to say about the matter.

Mr. MITCHELL. Only one word. It does seem to me that there can be no better way——

The PRESIDING OFFICER (Mr. PASCO in the chair). The Chair reminds Senators that the Senate is proceeding under the five-minute rule. If there be no objection, however, the Senator from Oregon will be recognized. The Chair hears none.

Mr. MITCHELL. I wish to make a single remark; and that is, that there is no better way in which the question whether a vessel is or is not structurally weak can be settled than by the service to which the vessel is put.

Mr. VEST. Mr. President, I should say nothing about this case, but for the fact that it seems to me it proposes to establish a precedent which may do infinite harm in future legislation. I have never been able to appreciate why the Congress of the United States should set aside well established doctrines of equity and law in order to meet the demands of certain claimants.

No principle is better established, and no lawyer would dare to controvert it, than that it is to the interest of the Republic that there should be an end to litigation. If solemn compromises made deliberately without fraud and with full understanding of all the facts upon the proposition of the parties themselves are to be set aside by Congress upon the finding of naval boards or military commissions or anybody else, then there can be no safety, there can be no adjustment finally of questions between the Government of the United States and its citizens. If this Congress takes up this matter in the absence of Mr. Whitney, and without reference to what adjustment was made between the Government when he was Secretary of the Navy and these parties, look in what an attitude the first Administration of Cleveland and of the Navy Department will be placed. It is a criticism upon Mr. Whitney. He, after examination, and after the report of a naval board, said that this vessel was structurally weak; the parties were advised of this objection, and they deliberately made this proposition quoted in the report made by the Senator from Oregon.

APPENDIX C.

Received from the United States the sum of $45,000 in full payment and satisfaction of all claims and demands whatsoever growing out of or in any manner connected, directly or indirectly, with the contract of the undersigned John Roach for the construction of the United States dispatch boat Dolphin, dated July 23, 1883, save and except an unsettled demand of $4,396.24 for "changing shafts," which is reserved for the further consideration and action of the Secretary of the Navy, this settlement not affecting the rights of either party so far as such unsettled demand is concerned. The said payment of $45,000 is in full satisfaction of all claims and demands for or on account of the sum of $25,000 reserved, under and by virtue of the agreement dated November 3, 1885, relating to the completion of the Dolphin, from moneys due the said John Roach on "other transactions," being the balance of appropriation for use of shipyard and care and storage of the monitor Puritan as per act of March 3, 1885 (23 Stat. at L., 459) this settlement being made in pursuance of a proposition from the assignees of John Roach, dated April 30, 1886, and accepted by the Secretary of the Navy, June 25, 1886.

Witness our hands and seals this 10th day of September, A. D. 1886.

JOHN ROACH, [SEAL.]
GEO. W. QUINTARD, [SEAL.]
GEO. E. WEED, [SEAL.]
Assignees of John Roach.

In presence of—
JAMES MOONEY.

Here is a proposition made by the claimant. There is no allegation of fraud, no allegation of deceit, no allegation of concealment of facts; not one single iota of any of the grounds upon which a court would set aside a solemn settlement like this; and the report of the committee, made by the Senator from Oregon, puts it upon the ground not of fraud, not of any equitable jurisdiction, but says that the ruinous delay in the Court of Claims and in the action of Congress induced Mr. Roach to make this settlement.

The language of the committee is:

The judgments of the Court of Claims, affirmed by the Supreme Court after March 3, 1889, and those rendered by the Court of Claims after that day and unappealed from, will not be appropriated for until the end of the present session of Congress, and should a deficiency bill not be passed will go over until the next session of Congress. The crowded dockets of the Court of Claims and the Supreme Court, together with the tardiness of Congress in paying final judgments, combined to make the "law's delay" a practical denial of justice to a man who had assigned for the benefit of his creditors and was anxious to resume business for himself.

Who ever heard before that a court would go in and usurp the judgment once exercised by a claimant, set aside the legitimate action which he had suggested himself, and do it upon the ground that he, having considered all the facts, had done a thing which he ought not to have done?

Why, Mr. President, if we are to adopt this principle there will be no end to litigation. Claimants can come here after they have deliberately proposed in writing to accept a payment and have received the money and used it in their business, and years

afterwards say it was a hardship, it turned out that the facts do not seem to have justified the conclusion which we arrived at, and therefore the tax money of the people ought to be paid.

It is not necessary to reiterate what was said by the Senator from New Jersey. One cruise of this vessel does not prove that the allegations of Mr. Whitney were incorrect; but whether incorrect or not, I stand upon the higher plane that after the parties, without fraud, without deceit, without concealment of facts, have made a proposition of settlement with the Government, and the money has been paid and the matter closed, it is an absolute injustice to the Government and to every taxpayer under it to reopen the case.

Mr. MITCHELL. Will the Senator allow me to ask him a question, as I can not reply?

Mr. VEST. Certainly.

Mr. MITCHELL. There was $73,160.75, admitted on all hands to be due by the Government, if I am not mistaken, provided the vessel proved to be sound as provided in the contract. The only point is that it was structurally weak, as supposed by the Secretary of the Navy at the time, on the information then before him. If the Senator will examine the report carefully, he will see it shows that on the conclusion reached by the then Secretary of the Navy he absolutely refused to pay a dollar of the $73,000, $20,000 of which had been appropriated a few months before, on another account entirely; and he called upon Messrs. Quintard, or the parties representing Mr. Roach, to submit a proposition as to how much they would take rather than be compelled to go to the Court of Claims for the whole amount, including the $20,000 which had been appropriated for another matter. Then, in pursuance of that, the Senator will find that this proposition was submitted.

Now, the question I wish to ask the Senator from Missouri is this: Suppose it turns out now as a matter of fact, suppose it is demonstrated beyond question, as I think it is, that all parties were laboring under a mistake at that time; that Secretary Whitney was mistaken, and this proposition was submitted, the money accepted and receipt given under that mistake, and in view of that mistake, and because of that mistake, now when it is demonstrated there was a mistake is there any reason why the money should not be paid notwithstanding the receipt in full?

Mr. VEST. Mr. President, no rule of law or equity is better established than that where there is a plain mistake of fact mutually between the parties——

Mr. MITCHELL. That is this case.

Mr. VEST. A court of equity will interfere. But there never was a case before any intelligent chancellor when a judgment of a court or a compromise was set aside because there was a mistake as to conclusions after the facts were known to the parties.

Mr. MITCHELL. The mistake here was as to the fact.

Mr. VEST. But the mistake, I submit, is in the Senator from Oregon when he assumes as conclusive the fact that a mistake did exist because this vessel subsequently made a long cruise and did not sink. That is the mistake. All the facts that existed at the time were known to the parties. These men were not for a single instant imposed upon as to any material fact. They made a claim and asserted it. The Secretary of the Navy refused to pay it. Finally, as a compromise, as an adjustment of the whole affair without fraud, concealment, or the suppression of any fact, they made their own proposition in writing, and said, "We will take $45,000 and close the whole matter rather than have delay." The money was paid to them, and I submit if this claim can be reopened and $28,000 of the tax money of the people paid to these persons it is impossible that there ever can be, under seal or in any other way, a final adjustment made of any claim against the people of the United States.

Mr. CHANDLER. Mr. President, this case as it now presents itself, is an appeal to the sense of equity and justice of the Senators on this floor and to the similar sense of justice of the members of the House of Representatives. It is not an attempt to reopen a case decided at law or in equity. If it were it would meet with the fate the Senator from Missouri has suggested. It is appropriately presented at this time as an appeal to the United States to correct a mistake. It is an appeal to the Senator from New Jersey and to the Senator from Missouri and to all other Senators upon this floor to restore to the estate of this dead man $25,000, which was withheld from him by reason of a mistake of fact which is now well established.

It is not necessary and I certainly wish to avoid going into a long discussion of the history of the Dolphin or of Mr. Roach's dealings with the Government, but it is clear upon the facts as they now appear to the world and to the Senate that when Secretary Whitney insisted upon the deduction of $28,000 from the amount which was due the assignees of Mr. Roach, and refused to pay a sum amounting to about $75,000, the facts which made him so insist were mistaken by him. If the Secretary of the Navy, Mr. Whitney, were here upon the floor at this time I should confidently appeal to him—the Senator from Oregon would confidently appeal to him—to make the admission that as facts have subsequently appeared this deduction, which was an arbitrary deduction from the amount due the Roach estate, was mistakenly made.

That is the whole case, Mr. President. There is not any doubt about the fact that the Dolphin was not structurally weak, and I believe that Mr. Whitney would make that admission if he were here. I believe that he would make that admission if he were asked the question by either the Senator from Missouri or the Senator from New Jersey.

Now, Mr. President, we have this case: These assignees were endeavoring to save Mr. Roach's estate. They were administering a difficult trust. The estate was heavily involved, and money was necessary in order to enable them to close up the estate. They deemed it impossible for them to get along without the money due them from the Navy Department, and which Mr. Whitney declined to pay unless they would consent to this deduction.

Under these circumstances they consented, and, at his suggestion, made the offer the Senator from Missouri has alluded to, and signed the receipt which the Senator has read. Undoubtedly they are barred at law from recovering in the Court of Claims, or anywhere else, except in the forum of conscience, to which it is now brought for a hearing, and on an appeal to the sense of equity and justice of Senators. Those assignees went on. They succeeded in restoring Mr. Roach's estate to a solvent condition, and there has been saved for his wife and children considerable property. Now we ask under these circumstances that the Congress of the United States will not keep this $28,000, but will give it to the wife and children of Mr. Roach.

I submit the case, Mr. President, with the utmost confidence that the Senator from New Jersey, who does know all these facts, although he seems to have forgotten some of them, will not be willing to keep in the Treasury of the United States the $28,000, but will prefer to do this act of justice towards a dead man and towards the wife and children he has left, and to whom belong what has been saved by the assignees from the wreck of Mr. Roach's estate. I confidently appeal to the Senators to withdraw their opposition and to consent to give to Mr. Roach's heirs the $28,000, which I believe Mr. Whitney knows to-day as well as I know should not have been, under the circumstances, exacted from him.

Mr. McPHERSON. Mr. President, permit me to say a single word more in regard to this matter.

The PRESIDING OFFICER. The Senator from New Jersey can only proceed by unanimous consent. If there be no objection he will proceed. The Chair hears no objection.

Mr. McPHERSON. Mr. President, I wish to say as one Senator on this floor that I do not think I can afford to be charitable with the money which belongs to the taxpayers of the United States. I have a great deal of sympathy for Mr. Roach and his wife and children, for whom the Senator from New Hampshire [Mr. CHANDLER] makes so earnest an appeal, but still I can not afford to vote this money out of the public Treasury without some further assurance that the defect which was pronounced a defect under the administration of Mr. Whitney has been remedied, or that the defect never existed.

The whole question is in a nutshell. It can be easily understood by stating a single fact that when advertisement is made by the Navy Department for the construction of ships they are to have a certain amount of horse-power and a certain amount of speed. When the ship is constructed it is put through a severe test. It is tested up to the requirement of the contract for both power and speed. Mr. Whitney, in accordance with his duty, appointed a board of competent naval officers to go aboard that ship to make the test. They reported, among the defects found in the ship, that she was structurally weak.

It is unnecessary here in this presence to tell any Senator that that is a most serious defect of a ship of war built for war purposes; that if she is structurally weak she is practically condemned and almost absolutely worthless. It is needless to say to the Senate that in a ship structurally weak the machinery can not be kept in working order, and that the lifetime of the ship has been dimished by at least 50 per cent.

That was the state of the case when the present Administration came into power. In justice I think I should say, as regards the report of the present Secretary of the Navy, that nowhere does it appear, I understand, that the present Secretary put the ship Dolphin to the same severe test that Mr. Whitney had put her, but that she had floated around the world, had covered something like 50,000 miles at half speed, as everybody knows; for when a ship is cruising she is cruising under a very low pressure of steam, and generally with auxiliary sail power, and I believe this ship is supplied with sail power. It is really no test

at all. The Dolphin is almost a new ship. Even if structurally weak, with great care on the part of the officers, being on board the ship and considering their own safety as well, they would use every precaution in a heavy seaway.

But let me say to the Senator from Oregon a ship is built for the United States Navy at a great cost of money, and it requires also a great cost annually to keep the ship in repair. Until this ship is again subjected to that severe test which the contract required to make her a fit ship for war, I shall object to paying one dollar of this money to the heirs of Mr. Roach.

I have great confidence in the present Secretary of the Navy that if he will appoint a board of officers and put that ship to the severe test the terms of the contract required, and then report to Congress that he considers the ship in all respects up to the terms of the contract, I will willingly vote, if it becomes a matter of equity, to give Mr. Roach's heirs the money.

Mr. MITCHELL. Mr. President, just a word. I ask for a vote.

Mr. PEFFER. Mr. President, I hope this bill will pass. I do not care to go into an argument sustaining it, for the report of the committee sets out the facts very clearly and the remarks of the Senator from Oregon [Mr. MITCHELL] add to the force of the committee's report, if that be possible.

It seemed to me at the time when the proceedings concerning the Dolphin and Mr. Roach's connection with it were had that a great outrage was being practiced upon Mr. Roach. I watched the proceedings very carefully and I think without any prejudice, but it seemed to me then, and it seems to me now, that the treatment which Mr. Roach received as the builder of the Dolphin was by reason of a supposed party exigency; that a victim was required upon the inauguration of a new administration and that Mr. Roach was the most favorably situated for such a sacrifice.

I repeat, Mr. President (my remarks may perhaps be subject to criticism outside of the Chamber at least), that the treatment upon the part of the Government of Mr. Roach was unprecedented in American history, and that it was without any reasonable excuse, except, as I said, that the exigency of the situation seemed to render it necessary that a victim must be slaughtered, and Mr. Roach was the victim.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business, which is the bill (H. R. 7845) defining "options" and "futures," imposing special taxes on dealers therein, and requiring such dealers and persons engaged in selling certian products to obtain license, and for other purposes.

Mr. MITCHELL. I ask unanimous consent that the unfinished business be temporarily laid aside for the purpose of proceeding with the bill which has been under consideration.

Mr. MCPHERSON. I will say to the Senator from Oregon that I should like very much to have the bill go over until I can make some further investigation into the matter.

Mr. MITCHELL. Very well; if the Senator from New Jersey desires to have the bill go over until to-morrow let it go over.

The PRESIDING OFFICER. The request is withdrawn.

INTERSTATE COMMERCE TESTIMONY.

Mr. WILSON. I desire to ask that the unfinished business may be temporarily laid aside in order that the Senate may proceed to the consideration of the bill (S. 1933) to amend section 860 of the Revised Statutes of the United States.

Mr. WASHBURN. Will it lead to any discussion?

Mr. WILSON. I think it will not lead to discussion. If so, I shall not press it.

The PRESIDING OFFICER. Is there objection to the consideration of the bill indicated by the Senator from Iowa?

Mr. DOLPH. Let it be read for information.

The bill was read; and, there being no objection, the Senate as in the Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on the Judiciary with an amendment, to strike out all after the enacting clause and insert:

That no person shall be excused from testifying in any criminal case or proceeding based upon or growing out of any alleged violation of the provisions of an act entitled "An act to regulate commerce," approved February 4, 1887, as amended March 2, 1889, and February 10, 1891, on the ground or for the reason that his testimony might tend to criminate himself or to subject him to penalty or forfeiture. But such person shall not be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he may testify in any such case or proceeding: *Provided*, That no person so testifying shall be exempt from prosecution and punishment for perjury committed in so testifying.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill concerning testimony in criminal cases or proceedings based upon or growing out of alleged violations of an act entitled 'An act to regulate commerce,' approved February 4, 1887, as amended March 2, 1889, and February 10, 1891."

DEALING IN OPTIONS AND FUTURES.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7845) defining "options" and "futures," imposing special taxes on dealers therein, and requiring such dealers and persons engaged in selling certain products to obtain license, and for other purposes, the pending question being on the amendment of Mr. WHITE to strike out the proviso at the end of section 2, in the following words:

Provided, however, That such contract or agreement shall not be made, settled for by delivery or settlement of differences, or by any other mode of performance or settlement in or upon any board of trade, produce, cotton, merchants', or other exchange, or other commercial association, or in any place or upon any premises where price quotations of said articles are announced, bulletined, or published, nor be subjected to the rules or regulations of any such board, exchange, or other commercial association.

Mr. VILAS. Mr. President, I presume this will be as convenient a time as any for the Senate to listen to some observations which I wish to make in regard to the pending bill, and which may properly be made in part with reference to the pending amendment.

The influences which have promoted this bill, and more particularly the expressions which appeared to come up from certain interests of the country at the last session, have been of a nature calculated to carry much political weight. They have been well marshaled, and for a time their combined energy was applied to Congress with activity. It is not to be denied that the indication was presented of such a feeling among a large class as might well excite an apprehension that to oppose their wishes would incur their resentment. The measure which the House sent to us seemed to have been driven through it by a fierce blast of sentiment, before which all opposition was doubled down like the feeble stalks of the fields before a summer gale.

It is well known that all these influences were skillfully plied upon this body. Argument and appeal were not submitted to the committee alone which had the bill under consideration. Probably every Senator felt something of the flood which for a time poured hitherward in the form of petitions, resolutions, newspaper articles and various demands, menaces, even, by mail and by telegraph. Unquestionably there was sufficient evidence that large numbers of our people believed that benefits would follow its enactment far greater than the injury which would be done. And they were people whose wishes and interests ought to command most respectful and painstaking consideration. Every circumstance, indeed, attending its introduction and promotion demanded a deferential and fair examination of all that could be urged in its favor, not less than of the reasons which oppose it.

The measure has certainly received from this body the examination that its asserted importance, both in possible usefulness and possible injury, reasonably requires so far as it can be done by the means at hand. Not alone in the protracted and faithful inquiry by the committee, nor in the long debate in this Chamber, but to a far more than common extent it has commanded the personal study of individual Senators for themselves. In common with others I have felt this obligation, and attempted to meet it, and have not reached the determination to vote against the bill without reviewing the argument and testimony fairly, and with the purpose only of discharging the duty incumbent on me. Nor have I an interest, direct or indirect, not a wish nor a tie, to lead me to oppose it, other than my interests as a citizen and my duty as an occupant of a seat here.

We can not but know, sir, that oftentimes the appearance of public favor is well simulated by skillful manufacture of the various forms of appeal addressed to Congress, nor fail to see some evidence of these methods in much of what has been urged upon us to favor this bill, in the midst of all which is the genuine exhibit of opinions, honestly entertained, whatever their value. Nor, I think, can we fail to recognize that there has been a considerable subsidence of the sentiment which at one time appeared so strong. There is nothing extraordinary in this. Although liable to the temporary gusts which sway popular feeling and expression, the public opinion of the country rarely fails to settle upon the right side.

And, in all the circumstances, I see nothing to cause any reasonable doubt that after the laborious consideration this measure has received and will yet receive in this Chamber, the final disposition of it by the Senate will be accepted with the respect justly due the effort to obtain a wise solution. However that may be, the consequences can affect the action of no one here.

But from respect to those who have special responsibility for my action, not less than to discharge my duty here, I crave indulgent leave to set forth somewhat at large the reasoning

which governs my conclusion, even at some cost of time in repetition of ideas already, perhaps, sufficiently advanced. I desire to present with some completeness the line of thought I have pursued; but I trust nowhere to unreasonably dwell on a part or a detail.

I oppose this bill because it is unconstitutional; and to that objection I shall mainly address my remarks. It is not merely that the act is unauthorized by the Constitution, transcending the proper limits of Congressional power. Far more. It will directly invade the sovereignty and peculiar governmental functions of the States in a manner of the highest consequence and most dangerous significance. It is a step, a flagrant advance, to centralization. It involves, in my opinion, the characteristics of most odious paternalism.

I. What are the objects of this measure, and what the effects it is aimed to produce?

In undertaking to answer that question, first I desire particularly to invite the attention of the distinguished Senator from Minnesota (Mr. WASHBURN), who is promoting this bill, because I wish to ask him whether I state the objects truly.

The arguments for it resolve themselves into two branches: The first, that "option" and "future" contracts, including in the latter those now universally employed in the chambers of commerce, boards of trade, and produce exchanges of the country in relation to all leading staples of husbandry, are essentially gambling contracts, immoral, illegitimate, and vicious in their nature, deserving of suppression by law; and, secondly, that dealing in them operates to depreciate, and especially in the hands of our husbandmen, the prices of their produce below what otherwise they naturally would command. For these reasons, and more particularly the latter, it is the object of the bill to interdict and suppress all "option" or "future" contracts for the sale of any of those chief products of our farmers enumerated in the bill which these commercial boards have been established to trade in.

To accomplish this object the bill proposes to tax—

1. All dealers in such "options" or "futures," which now comprises all the members of every chamber of commerce, board of trade, or produce exchange in every city of the country, and many besides, by an oppressive license fee.

2. The seller in every "option" or "future" contract by a surely deterrent tax abundantly sufficient to render its making ruinous.

The bill is designed to raise no revenue; it does not seek to gather money for the Treasury. The so-called taxes or licenses are not to be exacted as reasonable contributions by the citizen to the support and promotion of governmental services, but as pecuniary penalties or mulcts inflicted for doing what the measure seeks to interdict and prevent. And the entire administrative machinery which the bill would create, with all the methods and rules of business it prescribes and the penal inflictions it denounces; in short, the entire scope and utility of the measure, are addressed to the one leading and principal purpose of it, the absolute suppression not only of "options" but also of "future" contracts as now practiced in all our marts of commerce.

I think I may abridge the argument, perhaps otherwise necessary, by an appeal at this point directly to the well-known candor of the distinguished Senator from Minnesota who is in charge of the bill in this Chamber. I beg to ask him, therefore, whether I have not correctly stated in this summary way the object, method, and scope, substantially, of the remedial measure he proposes for enactment?

Mr. WASHBURN. Mr. President, I think the Senator from Wisconsin has in the main stated the object and the aim of the bill, except to leave somewhat uncertain the character of future sales. There is nothing in the bill which prevents anyone owning property as named in section 3 of the bill from selling it for future delivery, and the party buying selling to another party, and so over and over again until the time for future delivery arrives. The bill is not aimed at that kind of commerce or trade, but it is aimed at the transactions which now overshadow all the produce exchanges of this country; in a word, the making of contracts for property that does not exist, which there is never any thought of delivering or of receiving, but simply a wager on the price the property will have at some future time.

I have been trying to find in some remarks I made last July the exact figures. For instance, on the produce exchange in New York, where these transactions are carried on in a small degree as compared with Chicago, there were one day sold 6,000 bushels of wheat for actual delivery. The same day there were 44,000,000 bushels sold for future delivery or in transactions as wagers. In the month of November last, on the produce exchange in the city of New York, there were actually sold 22,600 bales of cotton. In the same period there were 8,100,000 bales sold of these future contracts or whatever you may call them. The price of the cotton actually sold was not one-third of the amount paid in commissions for these fictitious sales.

I speak of these transactions to show what the bill is aimed to do. It is aimed to break down the making of artificial prices on the boards of trade and produce exchanges by the sale of what does not exist. Having watched this matter for many years, having seen it grow up from its infancy until its monstrous proportions of to-day, it is my belief that the great products of this country have been depressed in price from year to year by throwing these fictitious amounts upon the market.

If I have reached the point of the Senator's question, I will not take up any more time.

Mr. VILAS. The statement of the distinguished Senator from Minnesota amply and completely reaches the point. The only thing which he has found it necessary to be specific about is drawing the line of distinction about the contracts which the bill seeks to suppress the making of. The object, the nature of the bill, the distinguished Senator, as I expected, has fairly admitted to be as I stated.

I wish to ask the Senator just an additional word or two in reference to it. Does he entertain any idea that after the bill shall become a law it will be practically possible for any dealer in the staples enumerated in the bill to pay the required sums imposed on sales by future contracts and carry on business in that manner?

Mr. WASHBURN. No, sir; that is not the intention. The object of the bill is to destroy this species of transactions.

Mr. VILAS. Also, whether he believes that any revenue will be raised to the Treasury from the proposed taxes on sales by options or futures, or by the avocation tax on dealers in options or futures? I understand that is not proposed.

Mr. WASHBURN. No, it is not.

Mr. VILAS. Now, the distinguished Senator has unquestionably stated with openness and fairness, for which I thank him, the true purposes and objects of the bill he is seeking to promote the passage of. Its obvious aim is easily demonstrable; and I should like to add one word to show how well advised the admission is. The gist of it lies in the fourth section, which imposes—

1. A tax or license fee of $1,000 annually upon every dealer in options or futures as in the act previously defined. I shall not contest any definition of what is proposed to be suppressed. Upon that point I accept as correct, from his intimate understanding of it, the definition by the distinguished Senator.

2. It imposes a tax of 5 cents per pound, to be paid by the seller, for every pound of cotton, hops, pork, lard, or bacon, and 20 cents for every bushel of wheat, corn, oats, rye, or barley that may be bargained for sale by any such contract.

The market value of these staples, speaking with approximate accuracy only, but quite sufficient for the occasion, is at this time as follows: In the first list, of cotton, 9 to 10 cents per pound; of hops, 20 to 25 cents; of pork, lard, and bacon, 6 to 10 cents; and of the enumerated cereals in the great Chicago market, of wheat, for the principal grade, 70 to 72 cents per bushel; of corn, 40 to 43 cents; of rye, 48 to 50 cents; of barley, from 40 to 70 cents for the highest valued. Traders in those articles, whose sale in this manner is taxed at 5 cents per pound, are accustomed to look upon a profit of even less than one-quarter of a cent per pound as amply enticing and satisfactory, and in those taxed by the bushel rate of 20 cents to be allured by a profit of no more than 1 cent per bushel.

Necessarily it reproaches his intelligence to impute to any person the belief that the proposed tax will not, therefore, absolutely inhibit such contracts, or that such a pecuniary imposition can be anything but a prohibitory penalty for making them; and, of consequence, that a heavy license fee for the privilege of conducting a business every transaction of which is so subject to a ruinous fine is to be taken as only an additional *cave canem* at the door, the tender caution of the law to one who might inconsiderately contemplate entering upon such an avocation.

The elaborate and able speech of the Senator from Minnesota [Mr. WASHBURN] delivered at the last session is pregnant with this admission. The burden of his argument was to establish the immorality of these sales of futures as gambling contracts, their injury to the trade which he esteems to be alone legitimate, their baneful effect in subjecting prices to the will of the board of trade gamblers. And so with the skillful constitutional argument of the distinguished Senator from Oregon [Mr. MITCHELL]. Its scope and theory went to maintain the right to use the taxing power to suppress this system of gambling for the general welfare of the nation. None of those who have supported the measure advocate it as a revenue bill.

It may be summed up absolutely as beyond question, therefore, that the object and purpose of this measure are not to raise revenue, but to apply the Federal power, as with hydraulic pressure, to the extinction of the now universal method of making sales of the enumerated articles by the "future" contract, which, not less than "options," the bill condemns.

I beg to add a moment's further attention to some results of the bill with more particularity.

And, first, to the character of the contract which it is proposed to suppress. I speak here only of the legitimate "futures," not of the mere avowed gambling transactions, which are illegal by State law, denounced and forbidden by all reputable boards of trade and commerce. The suppression by Federal power of such alone is neither called for nor would promote the real objects sought by this legislation.

But the legitimate and usual "future" is a contract simply for the sale and delivery of a lawful object of trade; a contract in every case, or at least in most cases, between citizens of the State in which it is made, and to be performed entirely within the State; and it is a contract which the laws of every State in the Union authorize and support, and which the courts of every State will enforce upon the parties. So far as this bill reaches to any others they may be disregarded for present purposes, because unquestionably in the main the "futures" which will be extinguished by its enactment are purely of the nature mentioned, and their destruction being necessarily involved, as well as essential to the ends of the proposed legislation, its character is fairly to be judged by its effect upon these, and it only withdraws attention from the true point presented to this Chamber to discuss mere gambling transactions. I deal with the bill as it has relation to legitimate transactions based upon and supported by the laws of every State in the Union.

It hardly needs a word of authority to support the proposition that these contracts are lawful and valid. The law was summarily but surely stated by the learned Cooley, of acknowledged high repute among our jurists, in Gregory *vs.* Wendell, 29 Mich., 337, in the words, "A dealer has a clear right to sell and agree to deliver at some future time that which he then has not, but expects to go into the market and buy." The Supreme Court of the United States, in Roundtree *vs.* Smith, 108 U. S., 269, recognized as of course that these are lawful and enforceable engagements, not "bets upon the future price of the article." I have the authority on my table.

Mr. MITCHELL. It must appear that he expects to go on the market.

Mr. VILAS. No, in order to invalidate it, it must be shown that both parties expected he would not. You are not obliged to support by proof of honest intention a contract honest upon its face. If a contract which relates to a lawful subject of trade is in its terms lawful and proper within the State law, that contract will be enforced by the courts unless proof be furnished to the courts that its apparent purpose is in truth a fraudulent one and that it is designed to cover an iniquitous and forbidden intention.

Mr. WASHBURN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Minnesota?

Mr. VILAS. Certainly.

Mr. WASHBURN. Does the Senator consider that one of the contracts referred to would come under the view of Judge Cooley in the decision quoted; that is to say, where a man assumes to sell property he does not own, does not expect to own, does not expect to deliver, and the party assuming to purchase it does not expect to receive it—would a transaction of that kind come under Judge Cooley's decision?

Mr. VILAS. The answer to the Senator is simple. There is the legitimate and enforcible contract, and there is the illegitimate and illegal contract. If the contract upon its face and by its terms is such as the law will recognize and support and the courts will lend their aid to enforce, then it will be carried into effect unless proof be furnished that this fair seeming is only a cover designed by both parties to enable the carrying forward of a transaction which the law condemns, because it is, as the Supreme Court said, a bet upon the future price of the article alone.

Mr. WASHBURN. Let me ask the Senator if he thinks that one of the contracts I have described would be enforced by any court in this country.

Mr. VILAS. Clearly not.

Mr. WASHBURN. When the fact was absolutely proven that neither party expected the delivery of the article?

Mr. VILAS. Clearly not; and nothing that I have to say in this debate will have the least reference to any such contract as that, except to entirely distinguish and set it apart from those with which the bill is chiefly concerned.

Mr. WASHBURN. Then 95 per cent of the transactions which the bill is aimed at would not be enforced by court, because 95 per cent of the transactions on the produce exchanges and cotton exchanges are of precisely this character, and are so recognized the world over.

Mr. VILAS. If the distinguished Senator wishes to limit his bill to gambling transactions, and the Senate will agree with him, it will be very easy to draw an amendment which will leave no doubt about its effect and purpose. I shall have no difficulty whatever in agreeing at least to the desirability of the suppression of gambling contracts whenever they are defined and distinguished. Of course the constitutional power is another thing, and the method of dealing with such transactions is another thing.

Mr. WASHBURN. I hope before we get through the Senator will offer an amendment to that effect, because that is what I am aiming at.

Mr. VILAS. It may be that I shall advantage myself of that invitation; and I should now like to ask the distinguished Senator from Minnesota if I may expect his acceptance of an amendment when it is proposed carefully distinguishing and limiting legitimate from illegitimate contracts?

Mr. WASHBURN. If I believed, after consideration of any amendment or any bill, that the object which I am seeking to attain could be reached, I do not care whether it is an amendment or a bill, I should vote for it. However, I should want to feel very sure that it would not be absolutely futile, but would do what the bill has attempted and what I believe it will do—put a stop to this character of dealing.

Mr. VILAS. As the Senator has been kind enough to give me attention on that point, I should like to ask him whether he would accept an amendment which should limit the effect of the bill to such contracts as both parties intended should not be followed by a delivery of the article?

Mr. WASHBURN. I do not think I would, because I do not think it would be effective. I think it would be evaded. I think it would be like a rope of sand. I do not think it would amount to anything. Any general bill of that kind I do not think would be effective. Perhaps someone more ingenious and skillful than anyone who has been connected with this bill might draw up such a measure, but I have never seen it.

Mr. VILAS. If that can not be done, then the distinguished Senator must admit, with reference to the subjects which this bill seeks to cover, that there is a line of division, upon one side of which are gambling contracts and upon the other side of which are legitimate future contracts, which the courts of the States will enforce and maintain. The Senator nods his head in admission of the proposition.

Once again I say that with the gambling contracts on the black side of the line I have no further dealing, except that the constitutional power of Congress is just as little to be invoked for that end as for any other. But I address particularly the argument to the lawful contracts upon the other side of this line of division; and after what has passed, I think I may now safely declare that the proposition is consequently beyond fair dispute, that by this legislation Congress must enter the domain of the State to prohibit to its citizens the privilege of making contracts expressed and designed to be entirely performed within the State and sanctioned by the laws of the State. So far forth the Federal Legislature assumes to do no less than nullify the legislation of the several States and forbid to its citizens the enjoyment thereof.

Another effect also concerns State legislation as well as special classes of persons. In all the leading commercial cities of the country there are numerous citizens who are engaged in the avocation of dealing in these staples of husbandry or in some of them. They constitute a large portion of the active, enterprising, wealthy, and useful promoters of our trade and commerce.

At a later stage I may have something more to say with reference to them, but at this point I do not care to pause to dwell upon them. In recognition of their importance and to facilitate and augment their commercial transactions the States have established them as corporate bodies with various designations, as chambers of commerce, boards of trade, or produce exchanges, and have endowed them with special powers for the regulation and enforcement of contracts among themselves.

In all of them these legitimate future contracts, sanctioned by the laws of the respective States, constitute an important and special feature of their affairs and in a very large degree are recognized as of vast consequence in their corporate operations. Certainly it may be affirmed that the States have recognized and approved by their charters their right to conduct this species of trading, and declared, impliedly and expressly, the public value of such corporate agencies for the promotion of this trade. And while it may not follow upon the enactment of this bill that these corporate institutions will be entirely crushed, as so many declare, it can not but be evident that their operations and business will be so largely impaired and circumscribed as to greatly abridge their functions and seriously diminish their value to commerce. It is equally certain that large numbers of persons who have long pursued this avocation will be driven from it.

Mr. WASHBURN. It was the same in the case of the Louisiana lottery people. They were driven from their avocation in the same way, were they not?

Mr. VILAS. I am speaking of legitimate business. But I

should like to say that what drove the Louisiana lottery from existence, as I understand the facts, was one of the bravest, one of the most conscientious, one of the most honorable exhibitions of the power of the people of a State to redress the evils within their own borders that has ever been exhibited to approve and commend our system of government. I sum up, then, this second effect——

Mr. WASHBURN. Let me inquire, before the distinguished Senator proceeds, whether it was the Legislature of Louisiana or the act of Congress that really crushed that monster.

Mr. VILAS. It is my understanding that what crushed the monster was the people of Louisiana, and I desire to attribute to them a great measure of honor for the achievement. Perhaps at another point I may make a remark upon the act to which the distinguished Senator alludes. It is not at this point apposite to the argument. I am not now, indeed, making the argument that I design to make so much as stating the premises upon which I am desirous of building the argument.

I call attention, then, to the second consequence from the facts I have just stated, that it must be, therefore, an undeniable proposition that Congress will by this means invade a domain hitherto entirely under State law, to expel from their business and livelihood many who have long pursued it with the sanction of their States, and to attack and gravely injure corporate agencies which the States have chosen to establish for the promotion of commerce within their respective borders.

Having said this much in answer to the first question, as to what were the objects and purposes of the bill, I desire to address a moment's attention to the next point in natural order.

II. By what means is it proposed in this measure to accomplish the ends set to it?

Although already shortly stated, I desire to add a few explanatory words. Under the name of taxes the bill seeks to impose pecuniary penalties upon all who shall engage in the business it condemns, and special and particular fines for each and every transaction of the inhibited kind; and these penalties and fines are sufficiently severe and grievous to operate as complete deterrence, as if the law were professedly written in the form of a criminal statute. It does not alter the nature of these provisions to speak of them as measures of taxation instead of penal denunciations. They are not intended to tax, but, like statutes defining and punishing *mala prohibita*, to bring certain things, heretofore permissible, henceforth under the ban of the law and denounce consequences of its violation sufficient to deter it.

There is no real difference—unless we choose to cheat ourselves with names and words—between the original bill and the substitute proposed by the distinguished Senator from Mississippi, except that the substitute adds the possibility of imprisonment for a violation, while the original bill only provides a pecuniary mulct. The substitute possesses indeed the merit of direct and open assertion, in the use of terms more appropriate to the legislation; and if the thing is to be done at all, this ought to commend the substitute as the proper form in which to enact the decree.

The limit of its declared fine also is perhaps less than that which may result to the offender under the original bill.

III. Having thus seen, Mr. President, the object and effects proposed by this bill and the means by which they are to be attained, the question follows: By what power delegated to Congress in the Constitution can it rightfully adopt this measure?

I need enter upon no general inquiry as to possibilities. The friends of this legislation have unquestionably made exhaustive search and research, and what they propose must include every delegation worthy of thought. And they suggest but two clauses of the Constitution as furnishing warrant for the bill.

The proponents of the original bill rest solely upon the power "to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and the general welfare of the United States."

The proponents of the substitute, denying authority in the taxing power, profess to find warrant in the power "to regulate commerce with foreign nations and among the several States."

The two claims are entirely independent and the supporters of each deny the sufficiency of the other. They must properly be considered independently therefore, each as if it were the sole basis upon which the proposed legislation must rest. And the taxing power, with the original bill, invites first disposition.

Here I desire at the outset to fix one admission, which appears to be as expressly avowed and it is necessarily implied, by Senators who find in the right of Federal taxation authority to enact this bill, which is, that otherwise there is no warrant in the Constitution for it. From the standpoint they assume, entirely discarding here the commerce clause, the proposition stands confessed and established that, except by virtue of the right to tax, there has been conferred upon Congress no authority to destroy this particular class of traders or suppress the species of trading conducted by "future" contracts within the several States respectively.

Unquestionably this admission is well advised. The proposition that legislative authority over contracts of this class is reserved to the States exclusively by the Constitution can be open to no question. If there be any subject clearly committed to State governments in the partition of sovereignty between the States and the Union, control over domestic contracts for sales of personal property, made and to be performed within the State by her own citizens, assuredly is so left with the State. Sovereign power over land not belonging to the United States, over the domestic relations of her citizens, over the education of her youth, for the preservation of peace and the prevention of crime within her borders, is not more absolutely guaranteed by the Federal Constitution to the several States as a reservation of their original and undelegated sovereignty than is such power over such domestic contracts. It is for the Legislatures of States to prescribe, it is solely and exclusively their prerogative to declare, what contracts are lawful within their respective States in respect to subject, to form, to enforceability. The Federal Government possesses no more authority to define what shall be a valid contract between two citizens of a State relating to the sale of a subject within it than to legislate concerning the contract of marriage.

To this principle it is idle and needless to collect judicial decisions or the writings of statesmen. Whoever will dispute it or disregard it is beyond reach of authority or reason. He must have neither respect for constitutions nor veneration for the wisdom of men.

In the creation of this great dual government the idea which more than any other first found acceptance as the basis of its establishment was that there should be a line of division between the powers of sovereignty, and some should belong to the nation, the rest to the States or the people. The line was drawn in the Constitution, and whatever may be its indefiniteness or obscurity in some points, there is no vapor of uncertainty over this subject of contracts. The Federal Government can no more write a statute of frauds—as this bill undertakes to do—for the States of the Union than can the Parliament of England. The sovereignty of the State as abundantly guarantees to its citizens the privileges of its laws respecting domestic contracts as the sovereignty of the United States guarantees the freedom of citizenship; and the one is rightfully as equal in dignity, in strength, in exemption from invasion or impairment, as the other.

The question which confronts us now is, as the exigency of this argument presents it, can this clear, long-recognized partition of powers consist with the power of Federal taxation, as bestowed on Congress by the Constitution, or does the taxing power override and destroy it? It is a question of interpretation, and the ruling canon of interpretation is, what was the meaning originally intended? Is it to be said now, after a hundred years of universal acceptance of that principle of divided sovereignty, which has been our distinction and boast as the peculiar invention and chiefly blessed feature of our composite nation, that the power of taxation was designed to overthrow it whenever and however Congress might choose? That this cardinal doctrine of our Government is not constitutionally guaranteed, but, as in England, stands subject only to the pleasure of our parliament?

To my understanding, sir, such a conclusion is destructive, revolutionary, revolting. It finds support neither in the language of the Constitution, in any judicial determination, the writings of our statesmen, nor the facts of our history; nor in all the learned arguments which have engaged our attention since this bill has been before the Senate.

Giving due weight to all these aids to interpretation, striving only to "think straight and see clear," is not all the seeming conflict of opinions, theories, and facts of history capable of resolution upon a basis which reconciles them with the Constitution and without impairment of its essential features? I venture to think so; and if I could not, then my choice would lie upon the side which limits and restrains the assumption of authority to overstep the ancient boundary of Federal jurisdiction.

I have no purpose to reënter at length the familiar field of discussion whether taxation may in any case be nominal and prohibitory, not money-getting. Yet I do not myself hesitate in my reading of the disputed clause. When we place ourselves where the makers of the Constitution and the people who adopted it stood at the date of that great creation, its meaning appears natural and simple. Out of the several sovereignties of the independent States they carved a grant of so much as appertained purely to the common nationality; they confided to the Federal Government the powers only which were appropriate to that object, and so drew the line between the inherent powers of a State's natural sovereignty as to distinguish what should govern the domestic affairs of each State from what each then possessed,

to govern intercourse with the others and all the world beside, with apparent clearness and satisfaction. Having thus defined and created the bounds of a federal government, it was a mere necessity to provide it with money means requisite to the performance of its defined functions. And so they said, in the clear language which interest and ingenuity have long striven to distort, that Congress should have the power "to lay and collect taxes, duties, imposts, and excises," in order therewith "to pay the debts and provide for the common defense and general welfare of the United States."

To my mind, these words I introduce, "in order therewith," add nothing to the unmistakable purport of the clause as it was written. That is not a tax which does not tax, however it be so unauthorizedly denominated. A tax is an exaction of money, or goods in kind, from the citizen for a public purpose; not a penalty denounced to sanction the prohibition of an act, which, if he observe the purpose of the law in the prohibition, will not be imposed. Taxes were to be laid and collected, laid in order to be collected, and not with a wild and unbridled license; but, if Congress shall observe the limitation its members are sworn to defend, the power is exercisable only for the objects prescribed, and the money raised is to be rightly employed only in the discharge of the duties and the performance of the functions which the Constitution otherwise confides to the National Government of the Federal Union.

But, Mr. President, I recognize certain facts in our experience, and a certain line of argument in the writings of judges and eminent personages of our past and present, which give color of support to a wider interpretation. It is true that duties and imposts, if not taxes and excises, have many times been laid—and once, at least, a tax—with the purpose of prohibition; and it is further true that the judicial tribunals have not been called upon, or have found themselves unable, to decide, in respect to these instances, that Congress had, in such levies, so far transcended the discretionary powers conferred upon it that they could be declared void for unconstitutionality.

These facts have served with some writers of even great reputation to furnish a basis for a generalization which appears to me unwarranted. They have very nearly treated them as an extension of the power given to Congress to tax sufficient, seemingly, to carry that power beyond the limits which the words of its grant justly import. Some of these opinions have been given to the Senate at the last session in support of his able argument by the learned Senator from Oregon [Mr. MITCHELL]. Still, I desire to remark they are all qualified and all come short of the necessities of this bill.

I shall attempt, sir, to discuss rather facts and adjudged cases than mere opinions. But, sir, with a respectful deference, I hope, for the opinions of others, it has seemed to me that all these exercises of power by Congress in the past—which are justly supportable at all—and perhaps not all are or have been so held—are sustainable, and have rested upon other foundations than the right to tax, so unwarrantably overextended by construction.

There are two general bases upon which the courts and eminent lawyers have found it impossible to denounce such acts as void, upon one of which such acts are constitutionally sustained, by the other of which the veil is drawn between Congress and the courts; and I hope I do not unreasonably trespass upon the indulgence of the Senate in discussing them.

The first of these is that the power to do a thing which Congress may have in substance done by the agency of a prohibitory tax or duty is otherwhere in the Constitution conferred upon the Federal Legislature. In such case, though the name of tax or duty be employed, though the power be exerted in a bill for raising revenue, the thing done is not the levying or exaction of a tax, but the imposition of a deterrent penalty to prevent what Congress desires to inhibit; the power exerted is not the right of taxation, for no tax is levied, but it is the power to take whatever measures entirely to prevent the doing of the thing in exercise whereof Congress may esteem the particular imposition of a pecuniary mulct suitable and sufficient. Names are nothing here but lulls to the superficial thinker, the glossy veneer which sometimes serves an effective purpose with the people.

To particularize and illustrate. Under its exclusive right "to regulate commerce with foreign nations" Congress is perhaps empowered to absolutely forbid imports, at least in particular cases; and to the extent that such power exists it is within it to resort to whatever means may be regarded most feasible, among them a fine for violating the prohibition, or a license fee for the privilege of entering our ports.

And especially was this the foundation of authority in the only instance in which the resort of Congress to an internal tax for the purpose of suppression has received judicial discussion, the tax on the circulation of State bank bills. To that instance I desire to ask most particular attention. The power directly and in terms to prohibit such circulation exists in Congress. The Supreme Court so explicitly resolved in the case of which so much has been already said in this discussion—Veazie Bank vs. Fenno, 8 Wall., 548—and thus drew the conclusion for which I am contending. I read from their words:

> Having thus, in the exercise of undisputed constitutional powers, undertaken to provide a currency for the whole country, it can not be questioned that Congress may constitutionally secure the benefit of it to the people by appropriate legislation. To this end Congress has denied the quality of legal tender to foreign coins, and has provided by law against the imposition of counterfeit and base coin on the community. To the same end, Congress may restrain, by suitable enactments, the circulation as money of any notes not issued under its own authority.

I do not forget that the court, or the learned Chief Justice who wrote the opinion, also said in that case that because "the power to tax may be exercised oppressively upon persons," or "if a particular tax bears heavily upon a corporation, or a class of corporations, it can not for that reason only be pronounced contrary to the Constitution," and perhaps in another connection shall recall attention to it.

Mr. MITCHELL. What the Senator has read was stated in the first instance, and then the court proceeded to give another reason why the act should be held to be constitutional.

Mr. VILAS. I shall endeavor to remove that hallucination, and if I do not do it by my own argument, I am happy to state that since I prepared this argument I have been able to find that the Supreme Court has done it by its own authority. But first I ask the attention of the Senator from Oregon [Mr. MITCHELL] to this point in reference to that remark of the Chief Justice. That if Congress possessed the absolute power to "restrain, by suitable enactments, the circulation as money of any notes not issued under its own authority," and the imposition of this penalty for doing it was a suitable enactment—and so the court held—then any discussion of the use of the taxing power as an independent authority was in fact *obiter dictum* in whatever order it may be found in the opinion; for if the power existed under another clause of the Constitution undeniably, what significance was there in the judge who wrote the opinion discussing his theory about the possibility of its existence under the power to tax? That then became only what all lawyers recognize familiarly as the side-bar opinion of the judge, not essential to the determination of the case, and not authority except as it may be the opinion of a good, able, and learned man.

Mr. MITCHELL. Mr. President, if the Senator will allow me, what the Supreme Court may have said since in regard to that opinion I am not discussing now; but the Senator is discussing what was decided in that particular case. That is the question before the Senate, as I understand.

Mr. VILAS. Yes, sir.

Mr. MITCHELL. It seems to me that there is no room for doubt that the Supreme Court of the United States sustained the validity of the act, first, upon the ground that the claim that the tax was prohibitory did not violate in the Constitution, and then, after having sustained the act upon that ground, the court proceeded to give another reason why the act was constitutional. "But there is another reason," in the language of the court, and then the court proceed to state the proposition which has been very correctly stated by the Senator, to the effect that Congress had power to legislate on that subject.

Mr. VILAS. Mr. President, before I shall finish I hope to show how erroneous is the idea of that case of the distinguished Senator from Oregon as he has just stated it. The court, not only in the majority opinion but in the view of the members of it who wrote a dissenting opinion, sedulously refrained from touching the question of the purpose of the act. What the Chief Justice said as to the first reason when he passed it by was only this, and I assent to it, and everybody must assent to it, that because "the power to tax may be exercised oppressively upon persons," or "if a particular tax bears heavily upon a corporation, or a class of corporations, it can not for that reason only be pronounced contrary to the Constitution." That was all. I assent to that.

Mr. MITCHELL. The Senator will allow me. The claim as stated by the court was precisely this:

> It is insisted, however, that the tax in the case before us is excessive, and so excessive as to indicate a purpose on the part of Congress to destroy the franchise of the bank, and is, therefore, beyond the constitutional power of Congress.

And it was in response to that claim that the Chief Justice then said what has just been repeated by the Senator from Wisconsin.

Mr. VILAS. Mr. President, that is correct; but, again, what the Chief Justice said there was his own opinion in respect to a claim of authority or a claim of invalidity of the act, which it was outside the necessities of the case to discuss, because the unquestioned power to pass the enactment was decreed by the whole court upon another foundation.

I find myself able, most fortunately, to supplement and enforce the entire argument I have submitted on this point, by a most acceptable authority, whose weight all will acknowledge, the

opinion of that learned and powerful judge, the late, the lamented Justice Miller, declaring the unanimous judgment of the Supreme Court in the Head-money cases, 112 U. S. Reports, 580, decided in 1884. It was in those cases contended at the bar that the so-called duty of 50 cents for each passenger, imposed by the act of 1882 upon the owners of immigrant-carrying vessels entering our ports was void for noncompliance with the limitations of the taxing clause in the Constitution; and from the comments of the learned judge I extract what is here directly apposite. Said he (on page 594, *et seq.*, of the report):

But counsel for plaintiffs, assuming that Congress, in the enactment of this law, is exercising the taxing power conferred by the first clause of section 8 of Article I of the Constitution, and can derive no aid in support of its action from any other grant of power in that instrument, argues that all the restraints and qualifications found there in regard to any form of taxation are limitations upon the exercise of the power in the case.

And after quoting the clause and briefly discussing the objections he proceeds:

But the true answer to all these objections is that the power exercised in this instance is not the taxing power. The burden imposed on the shipowner by this statute is the mere incident of the regulation of commerce, of that branch of foreign commerce which is involved in immigration.

* * * * * * *

It is true not much is said about protecting the shipowner. But he is the man who reaps the profit from the transaction, who has the means to protect himself, and knows well how to do it, and whose obligations in the premises need the aid of the statute for their enforcement. The sum demanded of him is not, therefore, strictly speaking, a tax or duty within the meaning of the Constitution. The money thus raised, though paid into the Treasury, is appropriated in advance to the uses of the statute, and does not go to the general support of the Government.

What would he have said of a bill that did not profess to raise money?

It constitutes a fund raised from those who are engaged in the transportation of these passengers, and who make profit out of it, for the temporary care of the passengers whom they bring among us and for the protection of the citizens among whom they are landed.

If this is an expedient regulation of commerce by Congress and the end to be attained is one falling within that power, the act is not void, because, within a loose and more extended sense than was used in the Constitution, it is called a tax. In the case of Veazie Bank *vs.* Fenno, 8 Wall., 533, 549, the enormous tax of 8 per cent per annum on the circulation of State banks [was it not 10?], which was designed, and did have the effect, to drive all such circulation out of existence, was upheld because it was a means properly adopted by Congress to protect the currency which it had created, namely, the legal-tender notes and the notes of the national banks. It was not subject, therefore, to the rules which would invalidate an ordinary tax pure and simple.

Mr. MITCHELL. The case was decided on both grounds.

Mr. VILAS. The Supreme Court says this was the ground upon which it was decided, and—

It was not subject, therefore, to the rules which would invalidate an ordinary tax pure and simple.

So also in the case of The Packet Company *vs.* Keokuk, 95 U. S., 80, the city of Keokuk having by ordinance imposed a wharfage fee or tax for the use of a wharf owned by the city, the amount of which was regulated by the tonnage of the vessel, this was held not to be a tonnage tax within the meaning of the constitutional provision that "no State shall, without the consent of Congress, lay any duty of tonnage." The reason of this is that, though it was a burden or tax in some sense, and measured by the tonnage of the vessel, it was but a charge for services rendered or for conveniences furnished by the city, and was not a tonnage tax within the meaning of the Constitution. This principle was reaffirmed in the case of Packet Company *vs.* St. Louis, 100 U. S., 423.

We are clearly of opinion that, in the exercise of its power to regulate immigration, and in the very act of exercising that power, it was competent for Congress to impose this contribution on the shipowner engaged in that business.

I am sure I do not overstrain the just expectation I have when I ask my distinguished friend from Oregon if he does not recognize that that case makes beyond all question the special words in the opinion of the learned Chief Justice in the former case *obiter dicta?*

Mr. MITCHELL. I answer that by asking the Senator a question. Is it not a fact that the only question decided in the two cases to which reference has just been made by the Senator was the question that the tax, whatever it was, which was imposed in the two cases was not an exercise of the taxing power; that it did not purport in either case to be an exercise of the taxing power—that was the question before the court—but that it was the exercise of another constitutional power? If that be so—and I take it the Senator must answer in the affirmative—then, in view of what the Senator stated a little while ago, everything else stated in the opinion was *obiter dicta.*

Mr. VILAS. Mr. President, I have only referred to these cases, and to this case particularly, with care and at length because it has been urged by the proponents of this bill to furnish a foundation upon which they could do this unconstitutional thing, that it was furnishing an excuse for us to overstep the legitimate boundaries of our power. I am not striving to make a foundation for anything that I depend upon, but I have removed utterly, I submit to every candid mind, the possibility of its furnishing any support to the pretext that we can invade the rights of the States by the power of taxation.

Another act of the Congress of the United States which has not received judicial interpretation has been more or less mentioned as indicative of precedent to us for this step we are asked to take, the oleomargarine law.

But before discussing that I wish to recur a moment to the case I have been discussing, in order to draw the attention of the Senate to another case this moment handed to me by the distinguished Senator from Connecticut [Mr. PLATT] and the distinguished Senator from Louisiana [Mr. WHITE], in which Chief Justice Waite states again the ground of the decision in the case of The Veazie Bank *vs.* Fenno. I read from the case of The National Bank *vs.* The United States, in 101 United States Reports, page 1. The case involved the reëxamination of the question in Veazie Bank *vs.* Fenno, and the headnote is:

Section 3413 of the Revised Statutes, which enacts that "every national banking association, State bank or banker, or association, shall pay a tax of 10 per cent on the amount of notes of any town, city, or municipal corporation paid out by them," is not unconstitutional.

Chief Justice Waite, in delivering the opinion of the court, began by stating:

The only question presented is as to the constitutionality of section 3413 of the Revised Statutes, the objection being that the tax is virtually laid upon an instrumentality of the State of Arkansas.

We think this case comes directly within the principles settled in Veazie Bank *vs.* Fenno (8 Wall., 533), where it was distinctly held that the tax imposed by that section on national and State banks for paying out the notes of individuals or State banks used for circulation was not unconstitutional. The reason is thus stated by Mr. Chief Justice Chase.

Then he reads the exact words which I had the honor to read to the Senate from my notes as the reason of the decision, and he adds:

The tax thus laid is not on the obligation, but on its use in a particular way, etc.

I desire now to turn to the subject I mentioned, the oleomargarine law. It has been said that that furnishes an instance by Congress of the use of the taxing power for the purpose of suppression or prohibition. I presume every Senator is familiar with that law, but I desire to call attention to the bill as it was originally introduced in the House of Representatives on the report of the Committee on Agriculture, for the purpose of showing that section 8 of the bill then read:

That upon oleomargarine which shall be manufactured and sold, or removed for consumption or use, there shall be assessed and collected a tax of 10 cents per pound, to be paid by the manufacturer thereof.

Section 10 provides that if imported from foreign countries the tax shall be 15 cents per pound.

That bill in its origin was unquestionably inspired by the same motive which has been so frankly admitted to underlie this one, to suppress, as in competition with husbandmen in this country, the trade in oleomargarine and prevent its manufacture. It became the subject of great discussion, and there were strong intimations afloat in the newspapers and in the speech of persons about this Capitol that it would encounter Executive dissent if the tax were imposed for that purpose.

As the bill passed the House of Representatives the tax was reduced to 5 cents per pound, to be paid by the manufacturer. When the bill came into the Senate its unconstitutionality, for the reason I am now contending for, was so obvious and confessed, that the Senate changed the original purpose and reduced the tax to 2 cents a pound, made it a revenue bill, and the only question remaining for the Senate to consider was whether it was desirable to have that revenue.

Let us see now upon what ground it was approved by the President of the United States. I have heard it intimated by some persons who did not carefully examine what he declared on that subject that his act might not perhaps be entirely consistent with the principles he is known to maintain. Let me read from the message which he sent to Congress, together with his approval of the bill:

This upon its face and in its main features is a revenue bill, and was first introduced in the House of Representatives, wherein the Constitution declares that all bills for raising revenue shall originate.

The Constitution has invested Congress with a very wide legislative discretion both as to the necessity of taxation and the selection of the objects of its burdens. And though, if the question was presented to me as an original proposition, I might doubt—

What?

the present need of increased taxation, I deem it my duty in this instance to defer to the legislative branch of the Government, which has been so emphatically announced in both Houses of Congress upon the passage of this bill.

Moreover—

And I hope this may commend itself—

those who desire to see removed the weight of taxation now pressing upon the people from other directions may well be justified in the hope and expectation that the selection of an additional subject of internal taxation, so well able to bear it, will in consistency be followed by legislation relieving our citizens from other revenue burdens rendered by the passage of this bill even more than heretofore unnecessary and needlessly oppressive.

It has been urged as an objection to this measure that while purporting to be legislation for revenue, its real purpose is to destroy, by the use of the taxing power, one industry of our people for the protection and benefit of another.

If entitled to indulge in such a suspicion as a basis of official action in this

case, and if entirely satisfied that the consequences indicated would ensue, I should doubtless feel constrained to interpose Executive dissent.

But I do not feel called upon to interpret the motives of Congress otherwise than by the apparent character of the bill which has been presented to me, and I am convinced that the taxes which it creates can not possibly destroy the open and legitimate manufacture and sale of the thing upon which it is levied. If this article has the merit which its friends claim for it, and if the people of the land, with full knowledge of its real character, desire to purchase and use it, the taxes exacted by this bill will permit a fair profit to both manufacturer and dealer.

Now, Mr. President, how has that declaration been sustained by the facts? The Treasury has ever since the enactment of that bill received its million dollars a year substantially from the oleomargarine tax. The law has never operated in the least to interfere with the manufacture and sale of the article. I have been told by those who have more experience on that subject than I that the oleomargarine trade has even flourished to a greater degree than before, and the indirect purpose originally contemplated has failed entirely. But the truth is—a truth which must be acknowledged upon the facts which I have called attention to from the record—that the purpose which originally inspired that measure, of passing a deterrent and prohibitory tax, was changed, and the bill as it was amended performs the only service that its fathers and promotors desired it to perform, by having oleomargarine branded as such, with the internal-revenue stamp and the notice put upon it provided by the seventh section of the law, which reads as follows:

That every manufacturer of oleomargarine shall securely affix, by pasting on each package containing oleomargarine manufactured by him, a label on which shall be printed, besides the number of the manufactory and the district and State in which it is situated, these words: "NOTICE—The manufacturer of the oleomargarine herein contained has complied with all the requirements of law. Every person is cautioned not to use either this package again or the stamp thereon again, nor to remove the contents of this package without destroying said stamp, under the penalty provided by law in such cases."

Is it not obvious, then, that you can not base one particle of right to pass this bill upon the precedent of the oleomargarine law?

What shall we say about the constitutionality of the bill to suppress lotteries? Was that a bill to exert the taxing power? No; the Senator from Minnesota [Mr. WASHBURN] says it was not. It was a bill passed in the exercise of the power to establish post-offices and post-roads. Why, then, need we spend a moment's time in the discussion of that?

Mr. President, I know of no other cases; I have heard of none brought forward in this whole argument upon which there can be the pretext of authority raised to frame this legislation except these which I have discussed.

Not to protract the argument, I shall venture to close this point with the remark that I think no instance will be found of the exercise by Congress of the ostensible power of taxation, not to raise money, but to prohibit or suppress the doing of something in which the true source of the power of such inhibition is not referable to some other grant of the Constitution. Whatever may be the abstract theories of any however eminent, and whatever the purposes which may sometimes have guided legislation, never has the open usurpation, the flagrant disregard of the limits and uses of the taxing power as a means to an unconstitutional end, which is now proposed to us, receive the final sanction of Congress. If this is to be law, it will be upon us to bear the reproach, not of evil precedent following, but evil precedent making.

The other ground which, although it furnishes no base for legislation, has often sufficed to restrain judicial tribunals from declaring a statute unconstitutional, is the just and decent respect due from the judiciary to the coördinate legislative branch of government. This restrains, probably forbids, the imputation of an intention in the enactment of a statute to misapply a power. It must indeed be a base perversion to an evil purpose of a power granted for a very different end which can ever authorize such a decision. Perhaps it may be said—such assuredly ought to be the justice and moderation of the National Legislature in all cases that it ought to be safely said—the courts never may rightfully denounce the constitutional invalidity by any inquiry into legislative intention. The repugnancy between an act and the Constitution must be certain and clear to give warrant to the judiciary to overthrow what the legislature has undertaken to decree for the public good.

Thus said Marshall in Fletcher *vs.* Peck, 6 Cranch, 128:

But it is not on slight implication and vague conjecture that the Legislature is to be pronounced to have transcended its powers, and its acts to be considered as void. The opposition between the Constitution and law should be such that the judge feels a strong and clear conviction of their incompatibility with each other.

And again, in the Dartmouth College case, 4 Wheat., 625, he repeated:

On more than one occasion this court has expressed the cautious circumspection with which it approaches the consideration of such questions, and has declared that, in no doubtful case, would it pronounce a legislative act to be contrary to the Constitution.

This principle must obviously operate to sustain in the courts many conceivable exertions of the taxing power which would none the less be unconstitutional as abusive of the spirit of that instrument. It is in that sense that some of the laws imposing custom duties have been asserted to be unconstitutional as abuses of the spirit in which the power was given to Congress.

Upon this ground appears to rest the remarks of Chief Justice Chase, in Veazie Bank *vs.* Fenno, which the learned Senator from Oregon [Mr. MITCHELL] quoted, and to which I made reference not long since. Even the two dissenting justices in that case refrained from basing their opinion in any degree upon the obvious purpose which governed the 10 per cent tax law, concluding their opinion with that remark: "We say nothing as to the purpose of this heavy tax * * * upon the banks," etc.

And this leads me to another observation which seems pertinent to this discussion: That for the reason just given the opinions of judicial tribunals can not furnish to Congress the same aid when the constitutionality of a proposed act is to be determined from the real purposes and uses intended by it, which may be derived when the question is one merely of construing the words of a grant. The rightful inquiry in the former case is very different in the courts from what beforehand it must be in this body.

Without meaning, therefore, sir, to intimate any criticism, much less disparagement, of the views of others, and especially since this is peculiarly for individual judgment, I must say for myself that the theory sometimes urged to induce withdrawal of opposition to this measure, that the members of this body may pass the point of its constitutionality, resolving doubts in its favor, and leave it to the Supreme Court to decide that question, can not find acceptance in my judgment.

I do not say this from distrust of the result which might follow upon this particular subject, for, so strong is my conviction, I can not apprehend the consequence of judicial examination.

But, sir, the Constitution was not ordained to be observed and enforced by the Supreme Court alone. Not differently and not less devotedly than judges do the members of this exalted body enter on their functions with the solemn promise before God and our countrymen to support and defend it. Upon each and every constituent of the Federal Legislature rests as high, as exigent an obligation to interpret it here with the same painstaking intelligence and integrity demanded of all who occupy the seats of justice, and to maintain not only the word, but the spirit of the word, found in the great charter of American free government.

Of course I know this rule of duty will find no dissentient in this Chamber, but a universal acknowledgment, and I utterly disclaim the presumption of invoking it didactically. I recall it only to invite attention—in answer to the persuasive suggestion that doubts shall be resolved against the Constitution—to what seems to be its inevitable corrollary. With deference, I beg to submit that legislative maintenance of the Constitution is more exacting of a submissive, faithful, anxious tenderness of caution that no violence be done the true spirit and design of that instrument than even the judicial obligation.

The element of finality imparts to the juridical view a vast importance, indeed. But that review can go no step beyond the power of the word of trust.

In these Halls, sir, far more profound must be the inquiry of faithful interpretation and the temper of obedience. Our minds must penetrate to the spirit of the power, and with the fine lines of limitation discerned by the impartial and instructed wisdom of statesmanship must compare the proposed enactment as it stands disclosed in its true aims and purposes, not in the seeming of its words, by which alone the court may judge it.

Wisely, and with the confidence in human excellence which must underlie all free government, the Constitution confided to Congress by general terms the great powers of Federal sovereignty yielded by the States. But, sir, the great trust was given accompanied by a still greater charge, which, though at first it was surely enough implied, yet the wise jealousy of liberty would have there in express phrase the charge that "All powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

Of all the adjustments of that marvelous piece of statesmanship, so truly declared by the great minister of England and leader of her liberal progress the most wonderful single achievement of the human brain, this reservation transcends in importance and deserves the most reverent obedience; for it enunciates the peculiar conception, the special gift of liberty, copied from no experience of men, by which is distinguished and upon which is raised the structure of our Government, novel, distinctive, and magnificent; and there especially rest our hope and our guaranty of its perpetual beneficence to our countrymen, its continuing example to mankind.

And shall the perilous doctrine find prevalence here that Congress, the special confidant of this charge as administrator of the trust, may, whenever interest or desire press for increase of power—instead of soliciting further grant from the people by constitutional amendment—simply raise or declare doubts and resolve them against the States and the people, and by such excursions at pleasure over the sacred boundary obscure, obliterate, and finally destroy it? Are we not rather bound by the familiar rule which undeniably governs all lesser trusts, that doubts are the protection of the donor, certainties only the rights of the trustee? And still more when it is considered that these attempted snatches of authority are but incursions upon the privileges and liberties of the people, which they may, by their local self-government, exercise already to the full measure their interests demand?

Doubly exigent appears to me the obligation of this principle when it becomes applicable to cases where the illegality lies in the purpose with which a necessary power is perverted and misapplied. For there the legislature is left alone, beyond judicial correction, to justify the constitutional trust in the honor and fidelity of man.

I can not but think it to be always a reproach, that it ought always to inflict a pang, when the Supreme Bench declares to them, who have as Senators and Representatives in Congress assembled, their breach of the great charter they solemnly engaged to support and defend, albeit the consequence merely of mistake or neglect. How much sharper the sting of conscious perversion—can never be known to any Senator now in this Chamber, or anyone worthy to occupy a seat within it!

Mr. President, I am rejoiced that appeal for maintenance of this partition line between the States and the Federal Government now addresses itself to the favor of Senators on both sides of this Chamber with equal force. It no longer involves partisan principle or partisan feeling. The time has been, it is true, when the mere cry of "States' rights" was enough to array the ranks of hostile parties, and men fell into line upon opposing sides to this old shibboleth of party battle. That time has passed away. The course of events has carried the nation far beyond it. The great civil war itself, in which the victors oft urged their cause as in enmity to "States' rights," has operated consequences that wake again the sound and conservative arguments which maintain that doctrine when rightly defined, understood, and applied.

There is a law of gravitation for bodies political as well as bodies terrestrial, and in the united mass of forty-four great Commonwealths, with our history behind us, the centripetal force is too surely preponderant to leave open the thought of peril from disintegration by individual State action. If sectional discord be ever again to affright us, which Heaven forbid, the sources and elements of it will not be found in the jealous independence of individual States. Thoughtful men in every political association of our time are discerning the possibility of the opposite menace to republican liberty to be worth again, as it was with the studiously instructed fathers of the Constitution, their watchful anxiety. The growing weight of the central power, the historic source of republican decay and final ruin, is the obvious fact of national tendency in this generation. Increasing wealth and its concentration in threatening masses array powerful social forces on that side.

The people have come to look too much to the Federal Government, to forget too much the value of the State. Throughout the country are found schemes and schemers, gathering classes and combinations of special interests, with their plans of social progress and their fantastic remedies, their champions and their charlatans, all crusading on the Federal Government for the measures of benefit or relief they demand. This Congress has been deluged with petitions marking this increasing popular misbelief of the nature of our National Government. Mainly, too, they resort to this same taxing clause for the source and means of Congressional interference. That familiar of the morning hour in the last session, the cigarette petition, invoking our correction of a disagreeable and pernicious habit of young America capitally touches the point.

There are contributory causes for this in dangerous and pernicious legislation, for which Congress must be chargeable, the discussion of which would be foreign to the present subject. But is it not plain, sir, that we must make a stand where our oaths emphasize and point our special duty, and support and defend the Constitution? Shall we contribute more to the tendencies so hostile to it, to the popular error and unrest, by this further employment of the taxing power in a gross and dangerous way, not to say with fraudulent misuse, writing words of one import on the statute book to work another vastly different meaning in their operation?

This bill provides for the levy of a tax. Who believes it means to lay a dollar of revenue?

It provides a license fee for dealing in a recognized trade. Who believes it means the trade shall continue?

With many words, in apparent care of money-getting, it provides for applications for license, for books to be kept by collectors of the internal revenue, for books to be kept by dealers, for reports by dealers to collectors, for monthly returns by collectors to the Commissioner, and all the machinery of immense and constant affairs in all the Union. Who does not know that every book need have but one leaf, that reports will be silent, and returns but *nihil*?

Here, with multiplied phrase, are new duties set to the Commissioner and collectors of the internal revenue, the officials of a service which yields above a hundred and twenty-five millions a year, as if a vast addition were to be made to this income. Yet what in good truth is this new employment set to these officials? Simply their transformation into detectives to ferret the violation of this new-crime-creating law and discover its offenders!

Is it thus that an American Congress is to write the laws of a government of liberty to a plain and honest people? Kinglake, the historian of the Crimean war, said with bitter irony of the craft of the Third Napoleon:

> Long before the moment had come for bringing his crooked science into use he had learnt how to frame a constitution which should seem to enact one thing and really enact another. He knew how to put the word "jury" in laws which robbed men of their freedom; he could set the snare which he called "universal suffrage;" he knew how to strangle a nation in the night-time with a thing he called a Plebiscite.

A similar characterization would hardly be out of place applied to this thing before us called a bill for raising revenue, and which, in touching deference to the Constitution, was caused by its promoters to "originate in the House of Representatives."

For this fraudulent pretense and false seeming are by far its least odious characteristics. I have shown you already, sir, that it relates in the truth of its purposes and all its possible effect to a subject which belongs entirely to the Legislatures of the several States respectively to govern. I have shown that by at least implied acknowledgment of the proponents of this bill there is no other power in the Constitution given to warrant the invasion of those rights. I have shown there is no precedent for such a use of this power, all other such apparent acts being based on other grants of undeniable sufficiency for the end proposed.

And now, sir, is it not easy to see that if Congress may do this thing under the taxing clause there is no limit which can be placed to the possibilities of its use for invasion of the rights of the States and the people except that which bounds the utmost audacity of ingenuity and invention? If a legal infrastate contract for the sale of pork, lard, or bacon may be made penal under Federal law by fines denounced in the name of taxation, why may not the same rule be carried to contracts for the sale of swine, for the sale of sheep, horses, goods, or any form of personalty?

Why may we not have laws to regulate marriages, denouncing excessive taxation on all who otherwise engage in that sweet and holy communion? Why not choose by a taxing law, from among the particular denominations of religion, the clergy most agreeable to the party in power—as we do now to pray for us—by imposing a dealer's license fee on others, easily to be fixed, alas! beyond the slender incomes of those zealous servitors of our consciencies?

Nay! Why stop with contracts. Good men have been speculating and pushing long for uniformity in the laws of divorce. Behold your remedy, social philosophers! Lay a dealer's license fee of ten thousand a year on lawyers who engage in divorce-making for any but the specified causes, and superadd a tax of thousands on the plaintiff in every judgment or decree not so conformable.

Why not go further in these reformations and purge the medical profession of the quacks and mountebanks who sell their nostrums to a deluded people, to the depreciation of the employment and the incomes of the gentlemen of the regular faculty? A dealer's license fee to be paid by all not entered after such examination as Congress shall prescribe, large enough, say, perhaps of forty thousand a year would suffice.

Yea, let the good work go on. Reformations are sought on every hand. Why not carry this paternalistic care for mistaken people to their spiritual needs and bring religion to its true standard, with uniform fidelity to the great truth given from on high, as Congress must surely know it? The great remedial agency of Federal taxation is adequate to all these needs, spiritual not less than temporal.

Is it to be answered that this overrides the preserving boundaries of constitutional guaranty? It can not be. For have we not been told by the Supreme Court in the case quoted by the distinguished Senator from Oregon that—

> The power of Congress to tax is a very extensive power. It is given in the Constitution with only one exception and two qualifications. Congress can not tax exports, and it must impose direct taxes by the rule of apportionment and indirect taxes by the rule of uniformity. Thus limited, and thus only, it reaches every subject and may be exercised at discretion.

And also from the same tribunal—

That the power to tax involves the power to destroy!

Mr. President, I do not need to add that every one of those observations has just as much force to support every illustration I have made as it has to support this bill. Perhaps it will be said, however, that these supposititious cases are wildly extravagant. Is it so? They fairly illustrate the possibilities, and it can not be safely denied that when once you misemploy the great power of taxation confided to Congress for limited public uses by transcending the just and plain boundary of Federal legislation there is no stop where the rights of the States and the liberties of the people are constitutionally safe.

Extravagant, indeed! Who could have said a few years since that it would be gravely debated for months in the American Senate whether the taxing power should be employed to destroy a system of internal domestic business protected by the laws of the States, involving annually hundreds of millions of dollars, under the control of corporate agencies established by the States, conducted by men of the first consideration in the markets of the world; and not alone to destroy their avocation, but to brand them with legal odium from the central throne of national power? Nothing can be safe because it may be extravagant beyond the reach of good sense, if nothing is safe behind the shield of constitutional defense.

I will not, sir, longer protract this discussion by multiplied argument against a heresy which must be so clear to the intelligent penetration and wisdom of the Senate.

From the moment the pending bill was proposed there has been no hour when I could bring myself to believe that in the final judgment of this great body the power confided to its keeping for beneficent ends could possibly be abused in a manner so perilous, so menacing, to the lines and courses of the foundation walls upon which our great Government stands.

I submit it, sir, with confidence that such a violation of the Constitution is simply impossible at the hands of this body. In any case, these are, to me, arguments of compelling force, which leave me no choice but to deny the claim of right to enact this law by virtue of the authority given to raise money by taxation.

Sir, I have already occupied more time than I expected to have done. At a later day in the course of the debate I shall ask the indulgence of the Chair and the Senate to submit some observations in regard to the other source of power upon which the substitute is proposed.

EXECUTIVE SESSION.

Mr. WASHBURN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 4 o'clock and 30 minutes p. m.) the Senate adjourned until to-morrow, Friday, January 6, 1893, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate January 5, 1893.

PROMOTIONS IN THE NAVY.

Capt. William T. Sampson, United States Navy, to be Chief of the Bureau of Ordnance in the Department of the Navy, to fill a vacancy.

Passed Assistant Engineer Herschel Main, to be a chief engineer in the Navy from November 11, 1892, vice Chief Engineer D. P. McCartney, retired.

Passed Assistant Engineer Holland N. Stevenson, to be a chief engineer in the Navy from December 14, 1892, vice Chief Engineer Henry D. McEwan, retired. [Subject to the examinations required by law.]

Assistant Engineer Thomas F. Carter, to be a passed assistant engineer in the Navy from April 12, 1892. [To be subject to the examinations required by law.]

Assistant Engineer James M. Pickrell, to be a passed assistant engineer in the Navy from May 16, 1892. [To be subject to the examinations required by law.]

Assistant Engineer Martin Bevington, to be a passed assistant engineer in the Navy from June 22, 1892. [To be subject to the examinations required by law.]

Assistant Engineer Frederick C. Bowers, to be a passed assistant engineer in the Navy from July 1, 1892. [To be subject to the examinations required by law.]

Assistant Engineer George R. Salisbury, to be a passed assistant engineer in the Navy from July 27, 1892. [To be subject to the examinations required by law.]

Walter M. McFarland, to be a passed assistant engineer in the Navy from September 15, 1891.

Benjamin C. Bryan, to be a passed assistant engineer in the Navy from October 3, 1891. [To be subject to the examinations required by law.]

Harold P. Norton, to be a passed assistant engineer in the Navy from October 12, 1891. [To be subject to the examinations required by law.]

Clarence A. Carr, to be a passed assistant engineer in the Navy from February 16, 1892.

Edward H. Scribner, to be a passed assistant engineer in the Navy from March 2, 1892.

Andrew M. Hunt, to be a passed assistant engineer in the Navy from April 5, 1892.

Frank M. Bennett, to be a passed assistant engineer in the Navy from April 24, 1892.

Passed Assistant Surg. Charles T. Hibbett, to be a surgeon in the Navy from December 26, 1892, vice Surgeon Henry P. Harvey, deceased.

Brownlee Robertson Ward, a resident of Connecticut, to be an assistant surgeon in the Navy from December 30, 1892, to fill a vacancy in that grade.

Lieut. (junior grade) Valentine S. Nelson, to be a lieutenant in the Navy from November 18, 1892, vice Lieut. John C. Irvine, resigned. [Subject to the examinations required by law.]

Lieut. (junior grade) Edward E. Wright, to be a lieutenant in the Navy from December 4, 1892, vice Lieut. William H. Reeder, promoted.

POSTMASTERS.

Reece B. Patton, to be postmaster at Bridgeport, in the county of Jackson and State of Alabama, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1892.

Jane E. Loveland, to be postmaster at Menlo Park, in the county of San Mateo and State of California, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1892.

Harvy D. Bush, to be postmaster at Covington, in the county of Newton and State of Georgia, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1893.

William Gallaher, to be postmaster at Sandersville, in the county of Washington and State of Georgia, in the place of John B. Roberts, removed.

James P. Davis, to be postmaster at Bonaparte, in the county of Van Buren and State of Iowa, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1893.

George E. Moore, to be postmaster at Nora Springs, in the county of Floyd and State of Iowa, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1893.

John S. Hammer, sr., to be postmaster at Ardmore, in the county of Chickasaw Nation, Indian Territory, in the place of Robert J. Cutts, deceased.

James T. Brotherton, to be postmaster at Dunkirk, in the county of Jay and State of Indiana, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1893.

George M. Fountain, to be postmaster at New Carlisle, in the county of St. Joseph and State of Indiana, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1893.

August Schreiber, to be postmaster at Tell City, in the county of Perry and State of Indiana, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1893.

John Zimmerman, to be postmaster at Cannelton, in the county of Perry and State of Indiana, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1893.

Harriet R. Weir, to be postmaster at Greenville, in the county of Muhlenberg and State of Kentucky, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1893.

Leonard G. Babcock, to be postmaster at Lexington, in the county of Middlesex and State of Massachusetts, in the place of Leonard G. Babcock, whose commission expired January 31, 1892.

Robert F. Shaw, to be postmaster at Weymouth Center, in the county of Norfolk and State of Massachusetts, the appointment of a postmaster for said office having, by law, become vested in the President on and after January 1, 1893.

William E. C. Worcester, to be postmaster at Hudson, in the county of Middlesex and State of Massachusetts, in the place of William E. C. Worcester, whose commission expires February 13, 1893.

Thomas Morrison, to be postmaster at Wayne, in the county of Wayne and State of Michigan, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1893.

Jocl J. Nash, to be postmaster at Marcellus, in the county of Cass and State of Michigan, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1893.

Reuben Albert, to be postmaster at Fredericktown, in the county of Madison and State of Missouri, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1893.

Charles W. Griffith, to be postmaster at Greenfield, in the county of Dade and State of Missouri, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1893.

William Smith, to be postmaster at Marshfield, in the county of Webster and State of Missouri, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1893.

William T. Ager, to be postmaster at Beaver City, in the county of Furnas and State of Nebraska, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1893.

Dennis Tracy, to be postmaster at Cedar Rapids, in the county of Boone and State of Nebraska, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1893.

Solon S. Evans, to be postmaster at Woodsville, in the county of Grafton and State of New Hampshire, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1893.

Edward H. Todd, to be postmaster at Rockaway, in the county of Morris and State of New Jersey, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1893.

Thomas C. Williams, to be postmaster at Lansford, in the county of Carbon and State of Pennsylvania, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1893.

Alexander H. Marriatt, to be postmaster at Pierre, in the county of Hughes and State of South Dakota, in the place of Ransom E. Gregory, resigned.

Mrs. Mary W. Morrow, to be postmaster at Abilene, in the county of Taylor and State of Texas, in the place of Mrs. Mary W. Morrow, whose commission expired January 4, 1893.

James B. Shea, to be postmaster at Velasco, in the county of Brazoria and State of Texas, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1893.

Duncan G. Ingraham, to be postmaster at Waitsburg, in the county of Wallawalla and State of Washington, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1893.

Herbert M. Knowlton, to be postmaster at Waterloo, in the county of Jefferson and State of Wisconsin, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1893.

Fred. Wightman, to be postmaster at Elroy, in the county of Juneau and State of Wisconsin, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1893.

CONFIRMATIONS.

Executive nominations confirmed by the Senate, January 5, 1893.

POSTMASTERS.

Morgan E. Wescott, to be postmaster at Canby, in the county of Yellow Medicine and State of Minnesota.

James H. Morrison, to be postmaster at Seymour, in the county of Wayne and State of Iowa.

John Donald, to be postmaster at Marlette, in the county of Sanilac and State of Michigan.

Frank C. Cerveny, to be postmaster at South Superior, in the county of Douglas and State of Wisconsin.

James B. Baldwin, to be postmaster at Terryville, in the county of Litchfield and State of Connecticut.

Lyman W. Shepard, to be postmaster at Mittineague, in the county of Hampden and State of Massachusetts.

Joseph E. Watson, to be postmaster at Bronson, in the county of Branch and State of Michigan.

Eugene H. Swain, to be postmaster at Sand Beach, in the county of Huron and State of Michigan.

Mrs. Lydia B. Walton, to be postmaster at Kennett Square, in the county of Chester and State of Pennsylvania.

Mrs. Sallie A. Ramsey, to be postmaster at McKees Rocks, in the county of Allegheny and State of Pennsylvania.

May L. White, to be postmaster at Kirwin, in the county of Phillips and State of Kansas.

HOUSE OF REPRESENTATIVES.

THURSDAY, *January 5, 1893.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of yesterday was read and approved.

AGREEMENT WITH COMANCHE, KIOWA, AND APACHE INDIANS.

The SPEAKER laid before the House the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Indian Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith for the consideration of Congress a communication of the 23d of December, 1892, from the Secretary of the Interior, accompanied by an agreement concluded by and between the Cherokee Commission and the Comanche, Kiowa, and Apache tribes of Indians in the Territory of Oklahoma for the cession of certain lands, and for other purposes.

BENJ. HARRISON.

EXECUTIVE MANSION, *January 4, 1893.*

AGREEMENT WITH PAWNEE INDIANS.

The SPEAKER also laid before the House the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Indian Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith for the consideration of Congress a communication of the 23d of December, 1892, from the Secretary of the Interior, accompanied by an agreement concluded by and between the Cherokee Commission and the Pawnee tribe of Indians, in the Territory of Oklahoma, for the cession of certain lands, and for other purposes.

BENJ. HARRISON.

EXECUTIVE MANSION, *January 4, 1893.*

EXPENSES INTERNATIONAL NAVAL RENDEZVOUS.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting an estimate of appropriations submitted by the Secretary of the Navy to pay the expenses of the international naval rendezvous and review; which was referred to the Committee on Appropriations.

EMPLOYÉS OF THE WAR DEPARTMENT.

The SPEAKER laid before the House a letter from the Secretary of War, transmitting, as required by section 194 of the Revised Statutes, lists of the names of the clerks and other persons employed in that Department from December 1, 1891, to November 30, 1892; which was ordered to be printed and referred to the Committee on Expenditures in the War Department.

BUILDINGS FOR GARRISONS, ATLANTIC AND GULF COASTS.

The SPEAKER laid before the House a letter from the Acting Secretary of the Treasury, transmitting an estimate of appropriation submitted by the Secretary of War for buildings for garrisons at Atlantic and Gulf coasts; which was ordered to be printed and referred to the Committee on Appropriations.

PRELIMINARY EXAMINATION OF SUNDRY RIVERS, ETC.

The SPEAKER laid before the House letters from the Secretary of War, transmitting, with letters of the Chief of Engineers, reports of preliminary examination of the following rivers: The Ohio River, between the cities of Ludlow and Covington, Ky., and Cincinnati, Ohio; the Neches River, Texas, from the mouth to Shooks Bluff; Bayous Black and Terrebonne, Louisiana; which were ordered to be printed and referred to the Committee on Rivers and Harbors.

SENATE BILLS REFERRED.

The SPEAKER laid before the House the following Senate bills; which were read a first and second time, and referred to the committees named below:

A bill (S. 54) to amend chapter 6 of Title XXXII of the Revised Statutes, relating to mineral lands and mining resources—to the Committee on Public Lands.

A bill (S. 2576) for the relief of C. L. Coder—to the Committee on Military Affairs.

A bill (S. 2730) granting an honorable discharge to William B. Barnes—to the Committee on War Claims.

A bill (S. 3221) to provide for the adjustment and payment of the claim of Thomas Rhys Smith for work done and materials furnished for the breakwater at Bar Harbor, Me.—to the Committee on Claims.

Joint resolution (S. R. 127) authorizing the Smithsonian Institution to lend to the North Dakota World's Fair Commission the Red River cart now in the National Museum—to the Committee on the Library.

Joint resolution (S. R. 128) to authorize the Secretary of War to grant permits for the use of reservations and public spaces in the city of Washington, and for other purposes—to the Committee on the District of Columbia.

HOUSE BILL WITH SENATE AMENDMENT REFERRED.

The SPEAKER laid before the House the bill (H. R. 9826) granting certain rights and privileges to the commissioners of waterworks of the city of Erie, Pa., with Senate amendments thereto; which was referred to the Committee on Public Lands.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. WHITING, indefinitely, on account of illness.

To Mr. WHEELER of Alabama, for two days, on account of important business.

To Mr. MORSE, indefinitely, on account of sickness.

To Mr. ALDERSON, indefinitely, on account of sickness in his family.

To Mr. HOPKINS of Pennsylvania, for the remainder of this week, on account of sickness in his family.

To Mr. STEPHENSON, indefinitely, on account of important business.

To Mr. FELLOWS, for one week, on account of important business.

To Mr. DIXON, until January 20, on account of important business.

HENRY W. LEE.

Mr. LYNCH. Mr. Speaker, I ask unanimous consent that the Committee of the Whole on the Private Calendar be discharged from the further consideration of the bill (S. 2398) for the relief of Henry W. Lee, and that it be considered in the House.

The SPEAKER. The bill will be read; after which the Chair will ask if there be objection to the request of the gentleman from Wisconsin.

The bill was read at length.

The SPEAKER. The gentleman from Wisconsin [Mr. LYNCH] asks unanimous consent to discharge the Committee of the Whole on the Private Calendar from the further consideration of this bill, which has been read, and for its present consideration in the House. Is there objection?

Mr. BELTZHOOVER. Mr. Speaker, I think we had better have the regular order. We will reach the Private Calendar to-morrow, under the rule.

SAMUEL M. CAMPBELL.

The SPEAKER. The gentleman from Pennsylvania [Mr. BELTZHOOVER] demands the regular order, which is equivalent, of course, to an objection. The regular order is the consideration of the bill which was before the House at the hour of adjournment yesterday, the title of which the Clerk will report.

The Clerk read as follows:

A bill (S. 2393) granting an increase of pension to Samuel M. Campbell.

The SPEAKER. The Clerk will report the bill.

The bill was read.

The SPEAKER. Upon this question the yeas and nays were ordered yesterday upon the final passage of the bill, and the call of the roll disclosed the absence of a quorum, whereupon the House adjourned. The question now is, Shall the bill pass?

The question was taken; and there were—yeas 97, nays 73, not voting 159; as follows:

YEAS—97.

Amerman,	Coombs,	Hilborn,	Perkins,
Baker,	Cummings,	Hitt,	Pickler,
Barwig,	Curtis,	Holman,	Raines,
Belknap,	Cutting,	Hopkins, Ill.	Ray,
Bentley,	Daniell,	Houk, Ohio	Rockwell,
Bingham,	Davis,	Hull,	Seerley,
Bowers,	DeForest,	Johnson, N. Dak.	Shively,
Bowman,	Dingley,	Jolley,	Shonk,
Bretz,	Dolliver,	Kribbs,	Stone, W. A.
Brickner,	Donovan,	Loud,	Stump,
Broderick,	Dungan,	Lynch,	Taylor, Ill.
Brookshire,	Dunphy,	Martin,	Taylor, E. B.
Brosius,	Flick,	McKaig,	Townsend,
Brown, Md.	Fyan,	McKinney,	Tracey,
Burrows,	Geissenhainer,	Miller,	Walker,
Butler,	Greenleaf,	O'Donnell,	Waugh.
Bynum,	Grout,	Ohliger,	Weadock,
Cadmus,	Hallowell,	O'Neil, Mass.	Wheeler, Mich.
Caldwell,	Halvorson,	O'Neill, Pa.	White,
Campbell,	Hare,	Otis,	Wilson, Ky.
Causey,	Harmer,	Page,	Wilson, Wash.
Chipman,	Haugen,	Parrett,	Wolverton.
Clark, Wyo.	Heard,	Patton,	
Clover,	Henderson, Iowa	Payne,	
Cogswell,	Henderson, Ill.	Pearson,	

NAYS—73.

Abbott,	Clarke, Ala.	Fellows,	Lawson, Va.
Antony,	Cobb, Mo.	Grady,	Lawson, Ga.
Sabbitt,	Cockran,	Hamilton,	Lester, Ga.
Beeman,	Compton,	Henderson, N. C.	Little,
Bland,	Cox, Tenn.	Herbert,	Livingston,
Blount,	Crawford,	Hoar,	Long,
Brawley,	Culberson,	Jones,	Mallory,
Breckinridge, Ark.	De Armond,	Kilgore,	Mansur,
Breckinridge, Ky.	Dockery,	Kyle,	McLaurin,
Buchanan, Va.	Edmunds,	Lane,	McMillin,
Cate.	Everett,	Lanham,	McRae,
Meredith,	Patterson, Tenn.	Stewart, Tex.	Warner,
Meyer,	Peel,	Stone, Ky.	Watson,
Moore,	Pendleton,	Stout,	Wilson, W. Va.
Moses,	Richardson,	Tarsney,	Winn,
Newberry,	Sayers,	Terry,	Wise.
Oates,	Scott,	Tillman,	
O'Ferrall,	Shell,	Tucker,	
Outhwaite,	Steward, Ill.	Turner.	

NOT VOTING—159.

Alderson,	Cowles,	Johnson, Ind.	Rife,
Alexander,	Cox, N. Y.	Johnson, Ohio	Robertson, La.
Allen,	Crain,	Johnstone, S. C.	Robinson, Pa.
Andrew,	Crosby,	Kem,	Rusk,
Arnold,	Dalzell,	Kendall,	Russell,
Atkinson,	Dickerson,	Ketcham,	Sanford,
Bacon,	Dixon,	Lagan,	Scull,
Bailey,	Doan,	Lapham,	Simpson,
Bankhead,	Durborow,	Layton,	Sipe,
Bartine,	Elliott,	Lester, Va.	Smith,
Belden,	Ellis,	Lewis,	Snodgrass,
Beltzhoover,	English,	Lind,	Snow,
Bergen,	Enloe,	Lockwood,	Sperry,
Blanchard,	Enochs,	Lodge,	Springer,
Boatner,	Epes,	Magner,	Stahlnecker,
Boutelle,	Fitch,	McAleer,	Stephenson,
Branch,	Fithian,	McClellan,	Stevens,
Brown, Ind.	Forman,	McCreary,	Stockdale,
Brunner,	Forney,	McGann,	Stone, C. W.
Bryan,	Fowler,	McKeighan,	Storer,
Buchanan, N. J	Funston,	Milliken,	Sweet,
Bullock,	Gantz,	Mitchell,	Taylor, Tenn.
Bunn	Geary,	Montgomery,	Taylor, J. D.
Bunting,	Gillespie,	Morse,	Taylor, V. A.
Busey,	Goodnight,	Mutchler,	Turpin,
Bushnell,	Gorman,	Norton,	Van Horn,
Byrns,	Griswold,	O'Neill, Mo.	Wadsworth,
Cable,	Hall,	Owens,	Washington,
Caminetti,	Harries,	Pattison, Ohio	Wever,
Capehart,	Harter,	Paynter,	Wheeler, Ala.
Caruth,	Hatch,	Pierce,	Whiting,
Castle,	Hayes, Iowa	Post,	Wike.
Catchings,	Haynes, Ohio	Powers,	Willcox,
Cheatham,	Hemphill,	Price,	Williams, Mass.
Clancy,	Hermann,	Quackenbush,	Williams, N. C.
Cobb, Ala.	Hooker, Miss.	Randall,	Williams, Ill.
Coburn,	Hooker, N. Y.	Rayner,	Wilson, Mo.
Coolidge,	Hopkins, Pa.	Reed,	Wright.
Cooper,	Houk, Tenn.	Reilly,	Youmans.
Covert,	Huff,	Reyburn,	

So the bill was passed.

The following pairs were announced:

Until further notice:

Mr. BAILEY with Mr. QUACKENBUSH.

Mr. DURBOROW with Mr. RUSSELL.

Mr. BRYAN with Mr. HOPKINS of Pennsylvania.

Mr. ELLIS with Mr. MORSE.

Mr. COBB of Alabama with Mr. POST.

Mr. ALDERSON with Mr. STEPHENSON.

Mr. HAYNES of Ohio with Mr. SCULL.

Mr. GOODNIGHT with Mr. KETCHAM.

Mr. LAGAN with Mr. BELDEN.

Mr. MONTGOMERY with Mr. WEVER.

Mr. WASHINGTON with Mr. SANFORD.

Mr. FITHIAN with Mr. TAYLOR of Tennessee.

Mr. HATCH with Mr. HARMER.

For this day:

Mr. ENLOE with Mr. HOUK of Tennessee.

Mr. TURPIN with Mr. LODGE.

Mr. MITCHELL with Mr. RIFE.

Mr. ROBERTSON of Louisiana with Mr. ENOCHS.

Mr. OWENS with Mr. HOOKER of New York.

Mr. HOOKER of Mississippi with Mr. RANDALL.

Mr. CARUTH with Mr. VINCENT A. TAYLOR.

Mr. BLANCHARD with Mr. DALZELL, from December 17, 1892, to January 10, 1893.

Mr. COBB of Alabama. Mr. Speaker, I am paired with the gentleman from Illinois [Mr. POST]. If he were present I would vote "nay."

The result of the vote was then announced as above recorded.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. DOCKERY. Mr. Speaker, I am directed by the Committee on Appropriations to report the bill (H. R. 10038) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1894, and for other purposes. I ask that it be printed and referred to the Committee of the Whole House on the state of the Union.

The title of the bill was read, as follows:

A bill (H. R. 10038) making appropriations for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1894, and for other purposes.

The SPEAKER. This bill will be printed and referred to the Union Calendar.

Mr. BLAND. I reserve all points of order.

The SPEAKER. All points of order will be reserved.

NORFOLK AND WESTERN RAILWAY COMPANY.

At the request of Mr. OUTHWAITE, by unanimous consent, an

order was made to reprint the bill (H. R. 3591) to authorize the Norfolk and Western Railroad Company of Virginia to extend its line of road into and within the District of Columbia, and for other purposes, and the report of the committee thereon.

PHILIP G. DUNN.

The SPEAKER. The Clerk will report the next bill on the Calendar.

The Clerk read as follows:

A bill (H. R. 4023) granting a pension to Philip G. Dunn.

The bill was read.

Mr. BLAND. Let us have the report read. We ought to know something about these bills.

The report (by Mr. Wilson of Missouri) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 4023) granting a pension to Philip G. Dunn, have considered the same and report:

The claimant was a private in Company C, Third Louisiana Volunteers, and served from May 10 to August 17, 1846, in the war with Mexico. He filed an application on May 10, 1887, under the Mexican war service pension act of January 29, 1887, and the same was allowed August 5, 1887, at $8 per month.

Subsequently (on July 6, 1889) he filed an application at the Pension Office alleging that at Fort Brown, opposite Matamoros, Tex., he incurred injury of abdomen, right shoulder, hip, head, and breast by being run over by a runaway team while on duty. The records of the War Department fail to show the alleged injury, and the claimant has declared that by reason of his inability to find his officers and comrades he is unable to furnish the evidence necessary to prove his invalid claim.

The claimant was examined by the Plattsmouth (Nebr.) board of examining surgeons April 23, 1890, and they certified that he was 71 years old and a sufferer from an injury of left hand, nervous tremor, impaired vision, and general debility. His disabilities are attributed by the board mainly to his advanced age.

The gentleman who introduced the bill in the House certifies that Mr. Dunn is wholly incapacitated by mental and bodily infirmities from doing work of any kind by which to support himself; also, that he has no property aside from a small home.

Your committee recommend that the bill be amended so that its title will read: "A bill granting an increase of pension to Philip G. Dunn;" also by striking out in lines 7 and 8 the words "from January 29, 1887," and insert in lieu thereof the words "said amount to be in lieu of the pension now drawn by him."

And your committee further recommend that the bill do pass as so amended.

Mr. OATES. Mr. Speaker——

The SPEAKER. The gentleman from Missouri has the floor.

Mr. BLAND. I yield to the gentleman from Alabama.

Mr. OATES. Mr. Speaker, I wish to make an inquiry of the chairman of the committee about this case. Does it not fall completely within the provisions of the Senate bill which this House passed a day or so before the recess?

The SPEAKER. The Chair is informed that this bill has been reported by the Committee on Pensions, and not by the Committee on Invalid Pensions.

Mr. OATES. It occurs to me that it falls completely within the provisions of that bill. It provided that the soldiers of the Mexican war who were completely disabled, so as not to be able to provide for themselves, should have an increase of their pension to $12 a month.

The SPEAKER. The Chair will state to the gentleman from Alabama that this bill was reported from the Committee on Pensions and not from the Committee on Invalid Pensions.

Mr. OATES. Yes.

Mr. MARTIN. Mr. Speaker, I suggest that my colleague [Mr. PARRETT], who introduced that bill, can answer the inquiry of the gentleman from Alabama [Mr. OATES].

Mr. PARRETT. Mr. Speaker, in answer to the gentleman from Alabama——

Mr. BLAND. I want to reserve my time.

The SPEAKER. The Chair understood the gentleman to yield to the gentleman from Alabama.

Mr. OATES. To make an inquiry and to call the attention of the House to the fact that the object of this bill is covered by the one passed before the recess, so far as an increase to $12 a month is concerned.

Mr. BLAND. I did not wish to take the gentleman off the floor, but thought he had concluded and yielded to the gentleman from Indiana.

The SPEAKER. The Chair will recognize the gentleman from Indiana [Mr. PARRETT] to control the time in favor of the bill.

Mr. PARRETT. Mr. Speaker, I am under the impression that this bill comes within the purview of the bill passed by the Senate and the House a few days ago, but it was recommended for passage before that time. I therefore ask that it now be laid on the table.

The SPEAKER. The gentleman who introduced the bill asks that it be laid on the table. Without objection that order will be made.

There was no objection.

GEORGE E. BOWEN.

The next bill on the Calendar was the bill (H. R. 6276) to authorize the Secretary of War to remove the charge of desertion as to George E. Bowen, late of Company E, Sixteenth Massachusetts Volunteers.

The bill was read.

Mr. BLAND. Let us have the report in this case.

The report (by Mr. CROSBY) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H.R. 6276) to authorize the Secretary of War to remove the charge of desertion as to George E. Bowen, late of Company E, Sixteenth Massachusetts Volunteers, having examined the same, recommend that the bill pass.

The records in the War Department show that this soldier enlisted on the 15th day of October, 1861, and was mustered into the service on the said 15th day of October for three years. The records in the Adjutant-General's Office for the State of Massachusetts show him to have been killed at the second battle of Bull Run on the 29th day of August, 1862.

As a matter of fact, instead of being killed, he was taken prisoner at this battle and afterwards paroled and went to Columbus, Ohio, where he remained until the close of the war. He did not reënter the service, as he was told by the Government officers that he need not return until he was exchanged. He appears to have acted in good faith and without any desire to abandon the service.

Upon the evidence presented the committee recommend that the bill do pass, with the following amendment. Add at the end of the bill the following words:

"*Provided, however*, That no pay or emoluments shall become due by reason of the passage of this act."

Mr. BLAND. Mr. Speaker, the words added to the bill, although seemingly intended to prevent any claim for pension or any other matters in consequence of removing the charge of desertion, can not have that effect. Of course the bill itself does not pretend to give any emoluments; but the mere fact that the charge of desertion is removed will in itself give the party a right to apply for a pension under the general law. The departments that have investigated this matter have evidently found that the soldier is not entitled to an honorable discharge. The law is very liberal upon that question, and where proper proof is made the department itself may grant the relief demanded. No matter how many general enactments we have, or however much we may liberalize the general pension law, or the power of the departments to relieve from charges of desertion, we are appealed to here constantly by bills for special relief.

It seems impossible to prevent special legislation on this question of pensions. I hope, sir, that this bill will be voted down, and that all bills intended to reverse the action of the Department will be voted down. We ought to encourage the Departments of this Government in acting in strict harmony with the interests of the taxpayers of the country. This side of the House especially has been in the habit of charging the Pension Bureau and all the Departments with extreme liberality in the matter of claims against the Government. Are we going to extend that liberality ourselves, notwithstanding our pretensions to economy? Are we going to overrule the Pension Bureau when it rejects these claims and then turn around and denounce the administration of that Bureau for its liberality? Are we going to set ourselves up here to criticise the Pension Bureau and the other bureaus of the Government in this respect and yet, when they reject claims and those claims are presented here, act more liberally ourselves than they have ever done?

If so, we must confess to ourselves that we are not honest in our criticisms, and that the Departments of the Government act more in the interests of the people of this country than we do ourselves. It seems to me that the proper position for this House to take is to encourage these rejections of unfounded claims, instead of overruling them by special legislation here.

Mr. PICKLER. Mr. Speaker, I was surprised yesterday when the gentleman from Missouri [Mr. BLAND], undertaking to impress upon this House the necessity of economy, advised that that economy should begin with our pensions. As shown by the RECORD this morning, the gentleman advises that all pensions of all soldiers, of all soldiers' widows, of all soldiers' orphans shall be cut off unless the pensioners can show that they are in destitute circumstances.

I do not believe, Mr. Speaker, that the people of this nation agree with the gentleman from Missouri. It is a strange thing, sir, that upon all occasions when the expenses of the Government are under discussion in many of the newspapers, or elsewhere, and economy is urged, we are advised to begin to economize by cutting off the pensions of our soldiers. Economy in any other direction is not urged upon us. The gentleman from Missouri [Mr. BLAND] almost wept yesterday because we could not have the money that is now going to the soldiers and the widows and orphans of the soldiers who served the Union to expend upon rivers and harbors, and for other purposes. I do not know how much of the river and harbor appropriations go to the gentleman's district, but I venture to say that he has in his district a large number of soldiers who are receiving pensions, and that they are at least as justly entitled to that money as are those who claim the appropriations for rivers and harbors.

The gentleman said further that the law which we passed a short time ago, giving pensions to veterans of the Mexican war, did not allow those pensions unless the claimants were in desti-

tute circumstances. I do not understand that to be the case. I understand exactly the reverse to be the case. I remember that when the gentleman from Missouri [Mr. WILSON] reported that bill a few days ago it provided, as was represented, that all Mexican veterans should have pensions regardless of their condition, and the amendment made by the House was to place the Mexican veterans on the same footing with the soldiers of the last war. That was the statement of the gentleman in charge of the bill, and it should be the law. I relied on the statement of the gentleman having the bill in charge.

I do not think, Mr. Speaker, that the time has come when the people of this nation desire to say to the men who saved it that they shall not be pensioned unless they are subjects for the poorhouse. I want to say further that it is no favor to the soldiers of this country to tell them that they will be pensioned if they can show that they are in destitute circumstances and fit subjects for the poorhouse, because the poorhouses of the country are open to people in such circumstances whether they have been soldiers or not. I believe it is the sentiment of the soldiers of the country, and of the people of this country generally, that while they desire no extravagant legislation, and while they want to have all fraudulent claims cut off if there are any such, they do not desire that a soldier shall go to the poorhouse, or shall be a fit subject for the poorhouse before he receives a pension.

As to these alleged fraudulent claims we hear much, but generally the charge is without any substantial foundation. By the report of the Commissioner of Pensions just issued it appears that such number of 325 examiners as were required, who are at his command, have been sent out into the field to look up fraudulent claims or alleged fraudulent claims, and that in every instance where there has been any complaint made in regard to a pension an examination has been made or attention given to it. Even the writing of an anonymous letter is sufficient to open up an examination as to a pension claim. But it appears further from the report that out of something over 3,000 cases referred to these examiners, only 122 were found to be fraudulent, only 122 of the claimants were indicted. So that the fraudulent pension claims are really a mere bagatelle when compared with the great aggregate of pensions. The number of pension claims that are ascertained by these examiners, who go into the subject fully and ransack the whole country for evidence of fraud, is comparatively very small.

Much is said here about "deserters," and the gentleman objected a while ago to a bill which proposed to correct the record of a soldier charged with desertion. Mr. Speaker, I have not a word to say in favor of a man who left his comrades in arms and deliberately deserted the service of his country. I have nothing to say in palliation of such an offense as that. But on the "deserters' roll" there are thousands of cases where there were palliating circumstances, where for instance boys sick in the hospital were advised by their parents to come home, and then when they had recovered their health were advised by their friends that it would not be well to return to the army because they had been reported as deserters and would be punished. Then there are cases where husbands with letters urging them to come to the bedside of dying wives or children left their commands and under those circumstances were reported as "deserters." There are thousands of such cases where there were palliating circumstances. Again, in numberless instances where soldiers were reported as deserters they reënlisted and again entered the service. It seems to me that when thirty years have elapsed since the close of the war this nation can afford in cases of this kind to show sufficient magnanimity to remove the charge of desertion.

I think that a nation does not deserve to exist if it will not take care of its defenders in their old age. I believe that the people of this country are not ready to clasp hands with the gentleman from Missouri in support of the doctrine that a soldier must be in destitute circumstances before he shall be regarded as entitled to a pension. I believe that such is not the sentiment of the country. I believe that the people of the country want a careful, wise conduct of the Pension Department. But I believe they are in favor of a liberal interpretation of the general laws as they now stand with regard to pensions, and I think it would be a disgrace to this nation if we should accept any such proposition as that the defenders of this country, now that gray hairs have come, now that old age has overtaken them (they having lost years from the active service of life in the army while others were acquiring a competency), should now be regarded as not entitled to pension except to save them from the poorhouse.

Mr. LIVINGSTON. Are you in favor of pensioning deserters?

Mr. PICKLER. No, sir; and I will say to the gentleman that no deserter is pensioned.

Mr. LIVINGSTON. That is the effect of this bill.

Mr. PICKLER. No, sir; there are no deserters pensioned. When an application goes to the Pension Department the first business of the office is to inquire into the soldier's record, and as long as he stands on the record as a deserter he gets no pension. That is where all this misrepresentation comes in, with which the attempt is made to arouse opposition against the pension policy of the nation. Sir, we might believe from what is said in some of our newspapers and from the speeches which are made here and there over the land that it was the bounty-jumpers and the deserters who fought the war for the Union. We might actually so conclude from what we hear.

But, sir, there are no deserters pensioned. It may possibly be that some special bill has slipped through—I know of no such case—granting a pension to a soldier against whom the charge of desertion was standing. But under the general pension law there is no pensioning of deserters; and this cry of deserters drawing pension is not true in fact. When the charge of desertion is removed from a man's record, then, of course, he stands pardoned, and is entitled to the same rights under the law as any other soldier.

Mr. LIVINGSTON. Is it not the purpose of this bill to remove the charge of desertion in this case and give the man a pension?

Mr. PICKLER. I do not understand that this bill has reference to a case of desertion; the last one did.

Several MEMBERS. Oh, yes.

Mr. PICKLER. Well, Mr. Speaker, I listened to the reading of the report on the case of the man who was wounded at Bull Run, and I thought the bill was laid aside and we had gone on to another bill. I am talking of pension policy generally, and not to any particular argument as to the bill pending.

A MEMBER. This is a new bill entirely.

Mr. PICKLER. I am talking of general principles, and it makes little difference in regard to the merits of any particular bill. The principle is the same. Yesterday the point of "no quorum" was made here, and this House adjourned pending a pension bill. I am talking about the general principle involved in this question. I do not know what the policy of this House may be at the present session; but it seems to me that it is time we should be ascertaining it. If it is to be the policy of the House, as announced by the gentleman from Missouri [Mr. BLAND], who has been so many years in service here, that all pensioners are to be stricken from the rolls unless they can show that they are in destitute circumstances, and that all widows and orphans of soldiers should be subjected to the same rule, we should be glad to know it.

I believe the people of the country are not ready for any such action as that. It is the men who are opposed to pensions on all lines who are always talking about "deserters," "bounty-jumpers," "bummers," "camp followers," and these and similar epithets are rolled as sweet morsels under the tongues of these gentlemen who are opposed to pensions *per se*. It is because they have no better excuse.

I have stated, Mr. Speaker, that no deserters draw pensions, and that disposes of that question which has been raised by the gentleman from Missouri. As far as bounty-jumpers are concerned, what was technically a bounty-jumper? It was a man who had enlisted and deserted for the purpose of reënlistment, and by that reënlistment to acquire a larger bounty. Now, in such cases he is reported on his first desertion, and appears on the rolls of the Government as a deserter. Therefore the bounty-jumper gets no pension until the charge of desertion standing against him is removed. As to camp followers, we hear something said of them and also of bummers.

These terms have no signification known to the pension law. I have known some of the best of soldiers designated bummers, and camp followers were not in the service. These charges dwindle to nothing when analyzed. It is extremely difficult for a fraudulent pension to be granted, and far more difficult for it to be long continued, if granted, under the present rigid administration of the pension laws.

Mr. ANDREW. Will the gentleman allow me to ask him a question?

Mr. PICKLER. Certainly.

Mr. ANDREW. Do you favor this bill?

Mr. PICKLER. Certainly I do.

Mr. ANDREW. Well, I am very glad to hear it. It ought to pass, and we would like to have a vote upon it.

Mr. PICKLER. I am very much obliged to the gentleman. I have the floor.

Mr. ANDREW. I withdraw the remark. [Laughter.]

Mr. PICKLER (continuing). And I should be very much gratified indeed if the honorable gentleman from Massachusetts, representing as he undoubtedly does soldiers himself, when such attacks as have been made on this floor on his side of the House as by the gentleman from Missouri on yesterday against the pension rolls of the Government, would take a little time himself

here to defend the soldiers of the Union. I do not propose allowing such attacks to stand without protest.

Mr. CURTIS. Mr. Speaker, I think the subject of pension legislation has been discussed very thoroughly and quite fully on this bill without giving any consideration to the real question now before the House, and I desire to call the attention of the House briefly to the particular measure now pending before it. This bill is to remove the charge of desertion against George E. Bowen, late of Company E, Sixteenth Massachusetts Volunteers. I wish to call the attention of the House to the report of the Committee on Military Affairs, made by the gentleman from Massachusetts [Mr. CROSBY] who is not now in his seat.

The report states that this soldier enlisted on the 15th day of October, 1864——

Mr. DINGLEY. Is that not a misprint, I would ask the gentleman from New York. Should it not be 1861?

Mr. CURTIS. I can not tell, but I apprehend that it is an error, and that it should have been printed 1861, instead of 1864.

Mr. DINGLEY. It appears that this man was taken prisoner at the second battle of Bull Run, which took place in 1862.

Mr. CURTIS. I will first read the report as made by the Committee on Military Affairs. It states:

> The records in the War Department show that this soldier enlisted on the 15th day of October, 1864, and was mustered into the service on the said 15th day of October for three years. The records in the adjutant-general's office for the State of Massachusetts show him to have been killed at the second battle of Bull Run, on the 29th day of August, 1862.

It is more than likely that there is an error in printing the report, making it read 1864 instead of 1861, as the date of his enlistment. The report goes on to say:

> As a matter fact, instead of being killed, he was taken prisoner at this battle, and afterwards paroled and went to Columbus Ohio, where he remained until the close of the war. He did not reënter the service, as he was told by the Government officers that he need not return until he was exchanged. He appears to have acted in good faith and without any desire to abandon the service.

The question before the House is not one of pension legislation in general or in particular, but is whether or not this soldier who was supposed by his commanding officer, and was reported at the time of the engagement, to have been killed in action, but who as a matter of fact survived the action in which he was taken prisoner, and subsequently regularly paroled and sent North did acquit himself in compliance with the rules and regulations of the service. Is he to have an honorable discharge, put upon a footing with other soldiers who faithfully served. That is the question and the sole question before us.

Mr. BRECKINRIDGE of Kentucky. Will the gentleman allow me to propound this question to him? As a matter of fact was this prisoner ever exchanged as a paroled soldier?

Mr. CURTIS. He was not. He was simply paroled.

Mr. BRECKINRIDGE of Kentucky. How did it occur that he ever went back into the service?

Mr. CURTIS. He did not go back into the service.

Mr. BRECKINRIDGE of Kentucky. He never did?

Mr. CURTIS. No, sir; he went home and remained there and was told that it was not necessary for him to go back until he was exchanged. That was the information given to him by the Government officers.

Mr. BRECKINRIDGE of Kentucky. Is there any evidence exhibited in the record to show that he ever informed anybody that he was a paroled soldier?

Mr. CURTIS. I have nothing more than this report, which seems to have been carefully prepared by the Committee on Military Affairs. The gentleman from Massachusetts, who prepared the report, has given attention to this matter, and I take the facts as I find them herein set forth. This indicates that this man was a paroled prisoner; that he went into a certain town in Ohio, and there remained under the impression that he need not reënter the service until he was exchanged.

Mr. BRECKINRIDGE of Kentucky. Does the report show when he enlisted?

Mr. PICKLER. The report states the reason why he did not go back.

Mr. BRECKINRIDGE of Kentucky. I have not the report before me, but the reason I asked the question was that my understanding was that the report stated that the man enlisted some two years after he was killed!

Mr. CURTIS. Let me read from the report:

> He did not reënter the service, as he was told by the officers that he need not return until he was exchanged.

Mr. BRECKINRIDGE of Kentucky. Does not the report say that he enlisted in 1864?

Mr. CURTIS. The report states that, but it is a misprint, unquestionably, because he was captured at the second battle of Bull Run, in 1862.

Mr. BRECKINRIDGE of Kentucky. When does the report say he enlisted?

Mr. CURTIS. The report says he enlisted in 1864.

Mr. BRECKINRIDGE of Kentucky. When was he killed?

Mr. CURTIS. Here is the official record from the State of Massachusetts——

Mr. BRECKINRIDGE of Kentucky. No, when does the report state he was killed?

Mr. CURTIS. On the 26th of August, 1862. And here from the Commonwealth of Massachusetts, from the adjutant-general's office, is a certificate that he enlisted on the 15th day of October, 1861.

Mr. BRECKINRIDGE of Kentucky. So the date stated in the report is a misprint.

Mr. BURROWS. It is simply a misprint in the report.

Mr. CURTIS. That is unquestionably the fact.

Mr. BRECKINRIDGE of Kentucky. The fact being that he enlisted in 1861, and was reported as killed in 1862.

Mr. CURTIS. Yes, at the second battle of Bull Run, on the 26th of August, 1862.

Mr. OATES. There was no battle on the 26th.

Mr. CURTIS. There was some very warm skirmishing about that time——

Mr. OATES. No, not on the 26th. I happened to be there.

Mr. CURTIS. I should have said the 29th. The report says that it was the 29th. I stated the 26th, by mistake.

Mr. BUSHNELL. If the gentleman will allow me, I understand that there is no evidence that this man ever reported to anybody after being paroled.

Mr. CURTIS. He went to Columbus, Ohio, and was informed that it was not necessary to perform any duty until he was exchanged.

The SPEAKER. The time for debate in favor of this measure is exhausted. The gentleman from Missouri [Mr. BLAND] has nine minutes remaining.

Mr. BLAND. Mr. Speaker, the gentleman from South Dakota [Mr. PICKLER] seems to misapprehend what I said on yesterday, as well as what I have said on this bill. Either the gentleman himself is mistaken or I am, as to the effect of the bill passed a short time ago, for the relief of soldiers of the Mexican war. That was a mere service-pension bill, and unless I am very badly misinformed, and unless I cast my vote under a misapprehension, the bill that passed the House was the identical bill that came from the Senate. My colleague [Mr. WILSON], chairman of the Committee on Pensions, advocated and undertook to secure the passage of an amendment to that bill, which would have placed all Mexican soldiers on the pension list at $12 a month, instead of $8, after they had reached a certain age; but the bill as it came from the Senate, and as it passed the House, simply placed those upon the pension roll who from physical infirmities were unable to earn a living, who had no property for their support, and who were destitute.

Mr. PICKLER rose and shook his head.

Mr. BLAND. The gentleman from South Dakota [Mr. PICKLER] shakes his head.

Mr. PICKLER. I have not examined the bill to-day, but I remember it very well——

Mr. BLAND. I remember the bill very well, and I stated that my colleague [Mr. WILSON of Missouri] offered an amendment and advocated it, but afterward withdrew it, and the bill passed the House precisely as it came from the Senate.

Mr. PICKLER. The bill as it finally passed I understood to be a bill placing Mexican soldiers on the same footing with the soldiers of the last war.

Mr. BLAND. Not at all. Now, Mr. Speaker, I have never advocated on this floor the idea of limiting pensions to those who were destitute. I will go as far, in justice to the taxpayers of this country and to the pensioners themselves, in justice to the soldiers who were wounded and diseased in the service—I will go as far in placing them on the pension list as equity and justice demand. Indeed, I would rather repeal the disability bill and turn over every dollar of the amount we are to pay to the men who were wounded and diseased in the service. If we want to grant liberal pensions, let them be given to soldiers who are deserving of pensions.

The soldiers who were wounded or contracted disease in the service are themselves investigating this matter as to whether or not political pensions are being granted by Congress, and money squandered on parties merely for political purposes, to gain their votes without regard to merit, and whether a system of that kind will not ultimately redound to the injury of the honest pensioner and meritorious soldier.

Why, this disability pension bill, Mr. Speaker, has opened the door to an unlimited expenditure of money for pensions. Men are drawing pensions to-day on a claim of disability occurring since the war, who in my own knowledge, in many instances, are not only able-bodied, but are possessed of a sufficiency to maintain themselves and their families in not only the necessaries of

life, but in luxury also. That it is abused, we all understand. If we are to have service pensions granted, let it be done upon the theory that the party absolutely needs it for his support; that he is not only disabled by reason of being bereft of property, but that he has no other means of support. That is the theory of the Mexican pension bill, and it was upon that line of argument that we proceeded in applying a service pension to all pensions granted for wounds and disabilities received in the war.

Now, this report, Mr. Speaker, if it shows anything, shows that this case has been before the Departments of the Government, and all the proof that could be gathered there did not justify the Department in removing this charge of desertion. What is the proof here? What further proof have we heard from this committee other than that which was submitted to the Department. It is here in the nature of an appeal from the Department itself from the same evidence and the same circumstances, the same thing.

I reiterate what I stated yesterday, that when we give service pensions, they ought to be limited to men who are disabled and who are destitute. When we go beyond that we are subjecting the people of this country to taxation that, in my opinion, sooner or later will work to the injury of the honest and meritorious pensioners.

I yield what time I may have to the gentleman from Iowa [Mr. BUTLER].

Mr. BUTLER. Mr. Speaker, I only rise to make the record complete in one matter. On the last day of the last session we were considering these bills which are on the Calendar of unfinished business. What has happened to-day has brought very clearly to my mind something which happened that evening.

The gentleman from South Dakota [Mr. PICKLER] is very anxious to-day to pass pension bills. On the last day of the last session the same gentleman demanded the reading of the report in thirteen cases, in order to delay these very same pension bills.

Were it not for the fact that he demanded the reading of the reports on these bills at the time, every one of them now on the Calender might have passed, and would have passed in half an hour if he had let them go on, but he stood in the way, and demanded a reading of the reports; therefore, I say it does not come with very good grace from a man who has objected to the passage of pension bills to champion the removal of a charge of desertion. Instead of being in favor of pension bills his action shows that he is in favor of deserters. I have been in favor of pensions, but not in favor of deserters.

I think the gentleman has made a record for himself, and when the people read it they will understand that he is for a pension every time, with words, but when it comes to helping by getting out of the way and allowing business to proceed he does not do it. We are delayed today because of the obstruction of the gentleman from South Dakota [Mr. PICKLER] at the close of the last session.

Mr. PICKLER. The gentleman never uses his tongue to the delay of the House as he now attempts to twit me with doing!

Mr. BUTLER. I use it to some purpose when I do, as is apparent in this case.

Mr. PICKLER. In your opinion.

The SPEAKER. The time for debate is exhausted. The question is on the amendment.

The amendment was read, as follows:

Provided, however, That no pay or emolument shall become due by reason of the passage of this act.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill as amended.

The question was taken; and the Speaker announced that the noes seemed to have it.

Mr. PICKLER. I demand a division.

The House divided; and there were—ayes 48, noes 41.

Mr. BLAND. I make the point of no quorum.

The SPEAKER. The gentleman from Missouri makes the point that no quorum has voted, and the Chair will appoint as tellers the gentleman from Missouri [Mr. BLAND] and the gentleman from South Dakota [Mr. PICKLER].

After some time spent in the count,

Mr. BRECKINRIDGE of Kentucky said: Mr. Speaker, I desire to submit a proposition to the House. I gave notice before the recess that I would ask the House to take up the fortification bill to-day. I now ask the gentleman from Missouri to withdraw the point of no quorum on the vote for the engrossment and third reading of the bill. If that be done, the bill would be advanced only one step; and then I ask the gentleman in charge of the bill to allow me to call up the fortification bill, and as soon as we get through with it he would have the same right on this bill that he has at the present time.

Mr. OUTHWAITE. There can be no objection to that.

Mr. BRECKINRIDGE of Kentucky. If that be the correct parliamentary status, I make that proposition.

The SPEAKER. The status of the bill is as stated by the gentleman from Kentucky. The bill was ordered to its engrossment and third reading and the gentleman from Missouri [Mr. BLAND] made the point of order that no quorum had voted. If the gentleman should withdraw that point the status of the bill would be that it was ordered to be engrossed and read a third time; and if gentlemen are willing by unanimous consent that the matter shall stand over in that condition, the House can proceed to the consideration of the general appropriation bill.

Mr. BLAND. I withdraw the point of no quorum.

Mr. PICKLER. I do not want to agree to anything.

Mr. REED. I understand that the gentleman from South Dakota declines to make an agreement?

Mr. PICKLER. I do not want to make any agreement about anything. Let things take their course.

Mr. ANTONY. I renew the point of no quorum, Mr. Speaker.

Mr. BRECKINRIDGE of Kentucky. Mr. Speaker, as I understand now, the gentleman from Missouri [Mr. BLAND] has withdrawn the point of no quorum, and the gentleman from South Dakota [Mr. PICKLER] declines to make an agreement?

Mr. REED. The gentleman from Texas renews the point of no quorum. That settles that question, and it is unnecessary for the gentleman from South Dakota to take any position in the matter.

Mr. BRECKINRIDGE of Kentucy. Now, Mr. Speaker, I suggest to the gentleman from Ohio, the chairman of the committee in charge of the bill, that he allow me to make a motion to go into Committee of the Whole for the consideration of the fortifications bill.

Mr. REED. How can that be done with the point of no quorum pending?

Mr. BRECKINRIDGE of Kentucky. I understood the gentleman from Missouri [Mr. BLAND] to withdraw the point.

Mr. REED. But the gentleman from Texas [Mr. ANTONY] has renewed it.

Mr. BRECKINRIDGE of Kentucky. I hope the gentleman from Texas will withdraw the point of no quorum.

Mr. ANTONY. I withdraw it.

Mr. OUTHWAITE. We have no objection to the proposition of the gentleman from Kentucky.

The SPEAKER. Then the Chair will announce that the——

Mr. PICKLER (interposing). Mr. Speaker, before that is done I want to make a suggestion. It is probable that on the passage of this bill no gentleman will raise the point of no quorum, and I therefore suggest to the gentleman from Ohio [Mr. OUTHWAITE] and the gentleman from Kentucky [Mr. BRECKINRIDGE] that they let us vote upon the bill, and then they can go on with the fortifications bill. I do not believe that anybody will raise the question of a quorum on this bill, but at all events let it be voted up or down now.

The SPEAKER. The question is, Shall this bill pass?

Mr. BLAND. Mr. Speaker, I move to reconsider the vote by which this bill was ordered to be engrossed and read a third time.

Mr. BRECKINRIDGE of Kentucky. Mr. Speaker, a parliamentary inquiry: Can I now, pending the motion to reconsider the vote by which the bill was ordered to a third reading, make a motion that the House resolve itself into Committee of the Whole for the purpose of considering general appropriation bills?

The SPEAKER. The previous question having been ordered on this bill to its passage gives it priority. The question is on the motion of the gentleman from Missouri [Mr. BLAND] to reconsider the vote by which the bill was ordered to be engrossed and read a third time.

The motion was agreed to.

The SPEAKER. The question now is, Shall the bill be engrossed and read a third time?

The question was taken; and the Speaker announced that it was decided in the negative.

Mr. PICKLER. Mr. Speaker, I demand a division.

Several MEMBERS. Too late.

The SPEAKER. The gentleman is too late. He does not bring himself within the rule. The gentleman from Kentucky [Mr. MCCREARY], the Chair understands, desires to submit a resolution for present consideration.

THE LATE REPRESENTATIVE KENDALL OF KENTUCKY.

Mr. MCCREARY. Mr. Speaker, I ask unanimous consent for the present consideration of a resolution fixing a time for paying tribute to the memory of the Hon. John W. Kendall, deceased, late a Representative from the Tenth district of Kentucky.

The SPEAKER. The resolution will be read, after which the Chair will ask if there be objection.

The resolution was read, as follows:

Resolved, That Saturday, the 4th day of February, 1893, beginning at 3 o'clock p. m., be set apart for the purpose of paying tribute to the memory of Hon. John W. Kendall, deceased, late a Representative from the Tenth district of Kentucky.

The SPEAKER. Is there objection to the present consideration of this resolution?

There was no objection, and the resolution was adopted.

ORDER OF BUSINESS.

Mr. BRECKINRIDGE of Kentucky. Now, Mr. Speaker, I move that the House resolve itself into Committee of the Whole for the purpose of considering general appropriation bills.

Mr. MARTIN. Mr. Speaker, before the question is put upon that motion I desire to have it understood that this course is to be taken by unanimous consent. So far as I am concerned I am willing to agree to it, but with the understanding that after the passage of the fortifications appropriation bill we shall proceed under the regular order.

Mr. REED. What is the understanding? Is the regular order another pension bill?

The SPEAKER. The regular order is another pension bill.

Mr. REED. Then does not the arrangement now proposed require unanimous consent?

The SPEAKER. As the Chair understands, the gentleman from Indiana [Mr. MARTIN] simply waives his right for the moment to call up pension bills and allows this motion of the gentleman from Kentucky [Mr. BRECKINRIDGE] to be made, intending to call up pension business again as soon as the bill of the gentleman from Kentucky is disposed of.

Mr. BRECKINRIDGE of Kentucky. I consulted with the gentleman from Indiana before making the motion.

Mr. REED. If the gentleman from Indiana who has charge of these matters withdraws them for the time being, of course there is nothing more to be said.

Mr. BRECKINRIDGE of Kentucky. I would not have made the motion without first consulting the gentleman from Indiana.

The motion of Mr. BRECKINRIDGE of Kentucky, that the House resolve itself into Committee of the Whole for the consideration of general appropriation bills, was agreed to.

FORTIFICATION APPROPRIATION BILL.

The House accordingly resolved itself into Committee of the Whole on the state of the Union (Mr. BYNUM in the chair), and proceeded to the consideration of the bill (H. R. 9923) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

Mr. BRECKINRIDGE of Kentucky. I ask unanimous consent that the first reading of this bill be dispensed with and that it be read at once by paragraphs for consideration under the five-minute rule.

There being no objection, the first reading of the bill was dispensed with.

Mr. BRECKINRIDGE of Kentucky. I desire to state further that with the consent of the gentleman from Massachusetts [Mr. COGSWELL] it has been agreed that there shall be no general debate on this bill, but that we may proceed at once to its consideration by paragraphs.

The CHAIRMAN. In the absence of objection, general debate will be dispensed with, and the bill will be read by paragraphs for amendment and debate under the five-minute rule.

There was no objection.

The Clerk proceeded to read the bill.

Mr. DINGLEY. Mr. Chairman, I observe in the report a statement that the appropriations for fortifications and ordnance during the last five fiscal years have aggregated $15,947,608. I would be glad to have the gentleman state, if he has the figures at hand, what have been the expenditures for similar purposes during that period?

Mr. BRECKINRIDGE of Kentucky. I am not able at this moment to give the figures, but I will hereafter insert them in the RECORD.

Mr. DINGLEY. That is all I desire.

The Clerk resumed and concluded the reading of the bill.

Mr. BRECKINRIDGE of Kentucky. I move that the committee rise and report the bill to the House with a favorable recommendation.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. BYNUM reported that the Committee of the Whole House on the state of the Union having had under consideration the bill (H. R. 9923) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, had directed him to report back the same with a recommendation that it pass.

Mr. BRECKINRIDGE of Kentucky. I move the previous question on the engrossment and third reading of the bill.

The previous question was ordered; and under the operation thereof the bill was ordered to be engrossed and read a third time; and it was accordingly read the third time.

Mr. BRECKINRIDGE of Kentucky. I move the previous question on the passage of the bill.

The previous question was ordered; and under the operation thereof the bill was passed.

On motion of Mr. BRECKINRIDGE of Kentucky a motion to reconsider the last vote was laid on the table.

MARGARET M. RICE.

Mr. MARTIN. I call for the regular order.

The SPEAKER. The Clerk will report the next pension bill.

The bill (S. 2187) granting a pension to Margaret M. Rice was read.

The SPEAKER. The question is on the passage of this bill.

Mr. PICKLER. Mr. Speaker, I wish to say that I am in favor of this bill and hope it may pass. I desire further to thank the gentleman from Iowa [Mr. BUTLER] for going so far out of his way a few minutes ago as to read me a lecture in regard to my conduct on the last evening of the last session. The gentleman is as far from stating the facts of the matter as he was last fall in his campaign at home, when he asserted at a public meeting, to his great chagrin afterward, that the Fifty-first Congress, at its first session, passed no river and harbor bill. The last evening of the last session I did call for the reading of a few reports, but not for delay. I do not deny that I was seeking to get forward a bill in which soldiers were interested, a bill granting to ex-soldiers employed in the Departments here certain privileges during the ensuing Grand Army encampment; that in the interest of the soldiers I was anxious to have that bill considered before taking up these bills upon which the previous question had been ordered, and in regard to the consideration of which there could be no doubt.

The gentleman goes far out of his way in trying to make it appear that I have opposed any of these bills.

He says he is delighted to hear that I favor bills to remove charges of desertion. Now, Mr. Speaker, when I believe that that there are palliating circumstances connected with desertion, or when there is a charge of desertion against a man which is an improper one, I think it ought in many instances be removed, and I believe that such a man is entitled to fair treatment as any other citizen of the United States is entitled to fair treatment. I may say that many of these men make good citizens. While many were at fault, yet at the same time we must remember that some little palliation can be found where the record shows a man to have been wounded on the field of battle, went home on the advice of friends, was never exchanged, and was advised by Government officers that he need not return into the service. I am not ashamed to vote to remove charges of desertion in such cases as that; but it is reprehensible to oppose pension legislation generally under cover of opposing deserters.

I am in favor of the passage of this bill.

Mr. BUTLER. Mr. Speaker——

Mr. MARTIN. Mr. Speaker, I rise to a question of order. I desire to present a request, or assert a right, if I am entitled to it, to control the time in favor of the bills reported from the Committee on Invalid Pensions.

The SPEAKER. The Chair will always recognize the gentleman for that purpose, but did not observe that he rose to claim the time, and recognized the gentleman from South Dakota.

Mr. PICKLER. I hope the gentleman from Indiana will not become sensitive in regard to the matter.

Mr. MARTIN. I rose to address the Chair for that purpose.

The SPEAKER. The Chair begs the gentleman's pardon, but was not aware of the fact, or he would certainly have been recognized to control the bills reported from his committee.

Does the gentleman from South Dakota desire to reserve his time, or will he yield his time to the gentleman from Indiana?

Mr. PICKLER. I yield with pleasure the right in favor of the gentleman from Indiana. I am in favor of the bill.

Mr. JOSEPH D. TAYLOR. Well, let it pass.

Mr. PICKLER. I hope the gentleman charges nothing for his advice.

I yield five minutes to the gentleman from Indiana.

Mr. MARTIN. Unless I can be recognized to control all the time remaining I do not desire any.

The SPEAKER. The Chair will then recognize the gentlemen from Iowa who addressed the Chair a few moments ago.

Mr. BUTLER. I wish, Mr. Speaker, simply to rise for the purpose of accepting the apology of the gentleman from South Dakota, and to say that under the circumstances, having explained it so nicely, I will not call him out.

The SPEAKER. The question is on the third reading of the Senate bill.

The bill was ordered to a third reading; and being read the third time, was passed.

CHARLES B. STEWARD.

The next business reported from the Calendar of Unfinished Business was the bill (H. R. 6982) to remove the charge of desertion from the name of Charles B. Steward.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to cause the charge of desertion to be removed from the record of Charles B. Steward, who, under the name of Edwin S. Button, served in Company H, Seventeenth Regiment New York Volunteers; also, under same name, in Company M, Fifth Regiment New York Heavy Artillery, and cause to be issued to said Charles B. Steward an honorable discharge.

The committee recommend the adoption of the following amendment:

Add to the bill: "*Provided*, That no pay or allowances become due by virtue of this act."

Mr. PICKLER. I would like to ask the chairman of the committee what is intended by that amendment?

Mr. MARTIN. This is a bill that comes from the Committee on Military Affairs.

Mr. HULL. The object is to prevent any back pay, and attaches to all bills of this character reported from the Committee on Military Affairs.

The SPEAKER. The first question is on the amendment recommended by the committee.

The amendment was adopted.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

The question being upon its passage,

Mr. LITTLE said: Can the report be read?

The SPEAKER. The matter is debatable.

Mr. LITTLE. I would like to have some information as to the facts.

The SPEAKER. The report will be read.

The report (by Mr. PATTON) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 6982) for the removal of the charge of desertion from the name of Charles B. Steward, have had the same under consideration and submit the following facts and recommendations:

From the records of the War Department it appears that Charles B. Steward, under the name of Edwin S. Button, was enrolled in Company H, Seventeenth New York Volunteers, on May 3, 1861, to serve two years; that he served faithfully until June 2, 1863, when he was mustered out of service with his command by reason of expiration of term of enlistment; that he again enlisted December 30, 1863, under same name, in Company M, in the Fifth New York Heavy Artillery, to serve three years; that he served faithfully until November 10, 1864, when he is reported to have deserted.

From evidence submitted it appears that on October 20, 1864, the soldier, being sick, was furloughed for thirty days, and that he went to his home, where his health failed to improve, and, being under the care and treatment of his family physician, he requested said physician, who is now dead, to report his condition to his officers, which he thought was done. But subsequent facts fail to show that this report was ever made, and after the expiration of said furlough he was marked as a deserter.

The soldier not recovering his health sufficiently to return to service and not wishing to go to a hospital, remained at home ignorant of the charge that had been entered against him until his command was mustered out of service, July 19, 1865.

These facts being fully proven by numerous affidavits of persons who were intimately acquainted with the circumstances covering the entire period of absence of the soldier, verified by his own sworn statement, the soldier's faithful service extending over a period of three years, with the facts and evidence herewith submitted, we recommend the following amendment to the bill: "*Provided*, That no pay or allowances become due by virtue of this act," and when so amended it do pass.

[General Headquarters, State of New York, adjutant-general's office.]

BUREAU OF RECORDS OF THE WAR OF THE REBELLION,
Albany, June 15, 1891.

The records of this office show that one Edwin S. Button, a private of Company H, Seventeenth Regiment of Infantry, New York Volunteers, enlisted on the 24th day of May, 1861, to serve for the period of two years; that he was mustered in the service of the United States on the 24th day of May, 1861, and that he was honorably discharged and mustered out from that service on the 2d day of June, 1863, with company.

By the direction of the adjutant-general of the State.

FRED. PHISTERER,
Colonel and Chief of the Bureau.

Mr. McMILLIN. I wish to ask some member of the committee reporting this bill whether there is any fact developed showing why this soldier enlisted under an assumed name? It seems his enlistment was under an assumed name, and there is no explanation given of it.

Mr. PATTON. With reference to that particular point, with regard to the name, I would say that the evidence shows he enlisted under the assumed name because of his being connected with a family of that name, and he was known under the name of Button at home. He enlisted under that name, while his real name was Steward.

Mr. McMILLIN. He was known under one name, while another was his real name.

The SPEAKER. The question is, Shall the bill pass?

The question was taken, and the bill was rejected.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. McCOOK, its Secretary, announced that the Senate had passed with an amendment, joint resolution to authorize the Secretary of the Treasury to cover back into the Treasury $48,800 of the appropriation to Choctaw and Chickasaw Indians; asked a conference with the House on the joint resolution and amendments, and had appointed Mr. JONES of Arkansas, Mr. DAWES, and Mr. PLATT as the conferees on the part of the Senate.

It also announced that the Senate had passed bills and joint resolutions of the following titles; in which the concurrence of the House was requested:

A bill (S. 1664) for the relief of Lister Noble;

A bill (S. 1933) concerning testimony in criminal cases or proceedings based upon or growing out of alleged violations of an act entitled "An act to regulate commerce," approved February 4, 1887, as amended March 2, 1889, and February 10, 1891;

A bill (S. 3382) to authorize a corrected patent to be issued for the donation land claim of Wheelock Simmons and wife;

A bill (S. 3537) for the relief of M. P. Deady; and

Joint resolution (S. R. 124) directing the Secretary of War to investigate the subject of raft-towing on the Great Lakes and their connecting waters.

ENROLLED BILLS SIGNED.

Mr. SCOTT, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 9487) to amend an act approved April 22, 1890, authorizing the Natchitoches Cane River Bridge Company to construct and maintain a bridge across Cane River, in Louisiana;

A bill (H. R. 9488) to amend an act approved March 2, 1891, authorizing the construction of a bridge across the Red River, Louisiana, by the Rapides Bridge Company (limited); and

A joint resolution (S. R. 112) to print and bind 2,000 extra copies each of the Drill Regulations for Infantry, Cavalry, and Artillery.

PLEASANT R. ISRAEL.

The next business in order was the bill (H. R. 4049) for the relief of Pleasant R. Israel.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and is hereby, authorized and directed to place upon the pension roll, subject to the provisions and limitations of the pension laws, the name of Pleasant R. Israel, late private in Company C, First Regiment Indiana Volunteers, in the war with Mexico, and pay him the sum of $20 per month, in lieu of pension now received by him.

With an amendment, as follows:

In line 8 strike out the word "twenty" and insert in lieu thereof the word "twelve."

Mr. MARTIN. Mr. Speaker, I desire to ask that my colleague [Mr. PARRETT], from the Committee on Pensions, present the facts to the House in connection with this bill.

Mr. WISE. Mr. Speaker, let us have the report read.

The SPEAKER. The Chair will recognize the gentleman from Indiana [Mr. PARRETT] to control the fifteen minutes in favor of the proposition, and then will recognize the gentleman from Virginia [Mr. WISE] to control the time in oposition to it, if he wishes to oppose the bill.

Mr. PARRETT. Mr. Speaker, all I know about this bill is contained in the bill itself and the report. The report, however, shows that it comes precisely within the purview of the general law with reference to Mexican soldiers. Therefore, unless there is something to be said to the contrary by some one directly representing the bill, I will move that it will lie upon the table.

The SPEAKER. The gentleman from Indiana [Mr. PARRETT] moves that the bill lie upon the table.

The motion was agreed to.

Accordingly the bill was ordered to lie upon the table.

HARRIET COTA.

The next business in order was the bill (H. R. 9233) to grant a pension to Harriet Cota.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension rolls, subject to the provisions and limitations of the pension laws, the name of Harriet Cota, permanently helpless daughter of John S. Cota, late a private of Company H, One hundred and sixth Regiment New York Volunteers, and pay her a pension at the rate of $12 per month.

Mr. MARTIN. Mr. Speaker, I desire to be recognized to control the time in favor of the bill, if there is to be any opposition to it, and I will yield that time to the gentleman from New York [Mr. CURTIS].

The SPEAKER. The Chair will recognize the gentleman from New York [Mr. CURTIS], if he desires to occupy the floor, for fifteen minutes.

Mr. CURTIS. Mr. Speaker, I will not occupy the time unless

there is opposition to the bill. I apprehend there will be no opposition to it, and accordingly will reserve my time.

Mr. WISE. I would like to hear the report read.

Mr. PICKLER. I call for the reading of the report.

The SPEAKER. The report will be read.

The report (by Mr. CURTIS) was read, as follows:

The Committee on Invalid Pensions have considered the bill (H. R. 9233) granting a pension to Harriet Cota, and submit the following report:

The petitioner is the daughter of John S. Cota, who served in Company H, One hundred and sixth New York Volunteers, from August 20, 1862, until he died October 10, 1864, of wounds received in action, as shown by records of the War Department.

It is shown that she has no property or means of support whatever; that she is supported by an uncle, her mother's brother, and that her mother died in 1860; that the petitioner is partially paralyzed and has been an invalid since she was 2 years old, she being now 33 years of age.

These facts are shown by testimony of John B. Lewis, Corydon Person, and Smith S. Thomas, the petitioner's uncle. Dr. D. W. Finneman of Potsdam, N. Y., testifies that the petitioner is now a paralytic, having suffered from a shock which affected the left side of face, right arm, and left leg; right arm much atrophied, 3½ inches difference at biceps. In walking she is liable to fall, due to weakness of left leg and foot. It is impossible for her to do any kind of work.

The soldier's widow, his second wife, was pensioned from the date of his death until January 28, 1868, when she married John Shaw. This petitioner and a son, John, were then pensioned until each attained the age of 16 years, which in the case of John, the younger, was January 15, 1879, since which date no pension has been paid.

Your committee recommend the passage of the bill.

Mr. BLAND. Mr. Speaker, I have just sent for that report. There was so much confusion that I could not hear the reading of the report, and I would be glad to have it read again in my own time.

The SPEAKER. That can be done. The Clerk will again read the report.

The report was again read.

Mr. BLAND. Mr. Speaker, I think this bill shows to what extent this Congress and previous Congresses have been willing to go upon the pension question. Is it a fact that we are not only to pension minors until they become 16 years of age, but for life? I do not believe it will be the policy of this House to pass any such a bill as that. It was supposed that to pension minors of soldiers until they were 16 years of age under the general statute was liberal enough. This is the law of to-day; but here is a bill that proposes to make an exception, and to pension a minor not only up to the age of 16, but up to the age of 33, and I suppose for life; so that if this policy is to be adopted, not only the soldiers, but their descendants, and probably their descendants to the third and fourth generation, are to be pensioned.

Mr. COX of Tennessee. Provided they are sick.

Mr. BLAND. If there is any necessity for this character of pensions let us pass a general law. We have no right to select out a few individuals and pension them and to neglect all the others in similar circumstances. If this pensioner is entitled to a pension under the general law she certainly ought not to come to Congress. If she is not entitled to a pension under the general law we ought to enact a general law that will not only cover this case but all like it. But are we ready to proceed that far? Is this House ready to go into that character of legislation, to set a precedent to pension the descendants of soldiers after they arrive at age? Unless we intend to set that precedent of course we ought not to pass this bill.

As I have stated before, it simply exemplifies the disposition of Congress to saddle burdens upon the people of this country without limit, by increasing the amounts to be paid for pensions, until probably we will have $250,000,000 on this account alone.

The time has come, and I think the last election showed that, when the country wants us to call a halt in this business. If there was one thing at issue in the last election, as I understand it, it was the enormous expenditures of the Federal Government; and no one will claim that the expenditures of the Federal Government are so far in excess of what is necessary in any direction as in that of pensions. We will probably appropriate $550,000,000 or $600,000,000 for the next fiscal year. If pensions are to grow in this way, without reform, but on the contrary in the direction of extravagance, the time will very soon come when we will have to appropriate seven or eight hundred millions of dollars to meet expenditures.

Then will come the time when the people will demand not only that unmeritorious pensions shall be done away, but the real meritorious soldier himself will be deprived of the pension that he ought to have. I am willing, as I said awhile ago, to give even extravagant pensions to a soldier who was wounded or contracted disease in the service, and to pension him to the time of his death; but we have no right to go to work and pension his descendants, as that bill proposes. I think it will be well for this House to set a precedent by which the next House may be guided, and by which the demands of the people of this country for economy and retrenchment may be granted.

There is no demand for greater economy and retrenchment in any Department of this Government than in that of the Pension Department, for at last there is where these extravagant appropriations are required. Outside of pensions our taxes to meet the requirements of the Government would not be so onerous; but if we are to appropriate $150,000,000 to $200,000,000 for pensions, and probably reaching beyond that, the day will come when the honest pensioner will thank those who stand between him, the legitimate pensioner, and the repudiation of all pensions.

Mr. CURTIS. Mr. Speaker, the chairman of the committee which reported this bill has assigned me to defend it before this House. I desire to confine myself to the bill before the House, and not to enter upon that general discussion of pensions which my friend from Missouri [Mr. BLAND] has invited, not only to-day, but previously, and which my friend from South Dakota [Mr. PICKLER] has taken up with great alacrity. I hope this bill will not be opposed upon any other ground than that of the propriety of its adoption, and not be linked with a general policy which may hereafter be inaugurated by the majority of this House.

The principle involved in this bill has been settled by previous Congresses, and settled in a dozen or more cases in the last session of this Congress, to pension those children who need the care of a parent, and who have been left destitute and helpless; and the gentleman from Missouri has not before raised his voice against that policy.

If you pension a mother of a soldier who died in the service because the mother has lost her support, or that of a child of tender years because of the failure of paternal support, then it is as just and legitimate to pension it during a period of imbecility or infancy, as it is to name any specific time.

It is believed by many good lawyers that the act of 1890 properly covers all these cases; but every act of Congress is interpreted by the Secretary of the Department by which it is to be executed; and his interpretation is the law of the land until it is construed by the courts or modified by a subsequent act. An attempt has been made in bills of this character to so interpret that act, in respect to helpless children, that their names shall be put upon the roll. A general act should be passed by Congress.

I will not enter into a political discussion, because it is not the proper time, coming so soon after the election to which my friend has alluded. In the discussion which took place before that election the friends of the gentleman from Missouri were generous in their promises to give liberal treatment to the soldiers. If there is to be a modification of the past policy, if the gentleman is to speak by the authority of the great party of which he is an honored member, and is to bring forward a new policy in this House, or into any subsequent House as the settled policy and purpose of his party, and it is to refuse these just pensions authorized by previous Congresses, then I think it will be worth while to give it political consideration and answer it, and to state the views of the Republican party in a manner to have them understood by the country. But on this special bill I have no desire to be drawn into a discussion of the policy of a great party on the question of pensions. This bill provides for a helpless child who in its infancy was stricken with paralysis, whose mother was dead, whose father was wounded in the service, and who died as a result of that service. If this is not a wise and judicious measure consistent with the past policy of this and other Congresses, let it fail on its merits, let it fail because it does not come up to the requirements of that policy which has met such generous approval and support from the people of the country at large. I make no reference to its want of support from any section or any party. I do not intend to plead party questions or party measures in the consideration of this bill. I am the introducer, I prepared the report on behalf of the committee that brought it before this House. I speak of matters within my own personal knowledge. I bring to you, gentlemen, a bill which has been heretofore approved in principle by all the Congresses from the war to this, and in a dozen cases, in the first session of this present Congress. I do not think it is the will or the purpose of this body to abandon so abruptly its past policy, as advised by my friend from Missouri [Mr. BLAND], that beneficent policy which it has pursued in the past, of which it has given me pleasure to say, in discussing the acts of this Congress, that just and meritorious pension cases had been fairly treated by my friends as they sit on either side in this House, and by those who stood on different sides in the conflict out of which arose the necessity of granting these pensions.

Mr. BLAND. Mr. Speaker, I know of no such precedents as those of which the gentleman speaks. I do know, however, that this House heretofore has legislated extravagantly in the interest of pensioners; so much so that the country has protested. I know also that, so far as the general statutes are concerned—

and they must speak for the general policy of Congress—there is no provision in them, as the gentleman confesses, for allowing pensions like this. His own party, having had control of this Government almost continuously since the war, has refused to pass any statute providing for pensions of this character, and therefore, so far as the question of precedent is concerned, I can only answer him that if we are to follow the precedents of his own party in this respect we must refuse to pass this bill.

We ought not to take up these special bills and pass them where general laws will apply, and if there is any necessity or justification for a general law covering cases of this sort, why did not the gentleman's party pass such a law many years ago? As I stated a few moments ago, the last disability bill passed has so widened the door in this matter of pensions that the whole country has become alarmed, and especially the meritorious pensioners, whose pensions we would like to increase from time to time according to their merits, but are unable to do so because of the enormous squandering of money upon the unmeritorious. Shall we enter now upon the policy of pensioning the descendants of soldiers during life? I understand that this applicant is a married woman——

Mr. CURTIS. She is a single girl, an infant in everything except years.

Mr. BLAND. Well, I have been misinformed on that point. But, Mr. Speaker, are we to have our sympathies enlisted here in favor of one particular class? How is the money to be procured to pay these pensions? Who is it that pays into the public Treasury the enormous amounts that flow out so liberally in this stream of pensions? It is the poor girls of the country, who pay it in their proportion; it is the hard-working, the poor, and even the destitute people of this country from whom we collect that money; because under our system of tariff and internal-revenue taxation the taxes are imposed on the poverty of the country instead of on its wealth. The poor man to-day pays as much under our system as does the millionaire. We are simply oppressing one class of our people to give special privileges and to build up an aristocratic class in this country.

[Here the hammer fell.]

Mr. CURTIS. Mr. Speaker, I yield the remainder of my time, five minutes, to the gentleman from Indiana [Mr. MARTIN], the chairman of the Committee on Invalid Pensions.

Mr. MARTIN. Mr. Speaker, I desire to call the attention of the House to one fact. If this woman had been under 16 years of age on the 27th day of June, 1890, she would have been entitled to a pension under the provisions of the law which was intended to apply to paralytic or imbecile or otherwise utterly helpless children of soldiers who lost their lives in battle. Now, then, simply because of the fact that she was beyond the age of 16 years on the 27th day of June, 1890, under a ruling of the Department she is not entitled to a pension.

Mr. BLAND. Will the gentleman permit me to interrupt him?

Mr. MARTIN. Yes, sir.

Mr. BLAND. In order to test the sense of the House as to the principle which the gentleman advocates, I ask him why not bring in a general bill to cover all such cases instead of showing this favoritism to particular individuals by special bills?

Mr. MARTIN. Mr. Speaker, at the last session of this Congress the members of the Committee on Invalid Pensions and many other gentlemen upon this floor strove for hours to secure the passage of a bill reported by that committee covering just such cases as this. We were not able to get action on the bill and it was not passed, but that is not the fault of the committee nor of this House.

Now, this proposition meets us squarely this wise. Here is a case of a man who enlisted in defense of his country. He went into battle and there received wounds which resulted in the loss of his life. He left a paralyzed child 2 years of age, a child who is without means of support and utterly unable to take care of herself in any way, and I put the question to every member upon the floor of this House: Who owes this girl a support? Neighbors? Relatives? Or the Government for whose defense this soldier, because of his patriotism, lost his life?

Cases of this kind have been passed before in this body, and I put it to the gentleman from Missouri whether or not the people in his district, including the hired girls of whom he speaks, would hesitate one moment in raising their voices to say, "We cheerfully pay our share of the tax in order that this helpless girl, the daughter of a soldier of the Union, may be supported by the Government for which he gave his life."

The SPEAKER. The question is on the engrossment and third reading of the bill.

The question being taken, there were on a division (called for by Mr. BLAND) ayes 64, noes 20.

Mr. WISE. No quorum.

Mr. MARTIN. I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 104, nays 66, not voting 157; as follows:

YEAS—104.

Amerman,	Cummings,	Huff,	Ray,
Andrew,	Curtis,	Hull,	Reed,
Baker,	Cutting,	Johnson, N. Dak.	Robinson, Pa.
Bartine,	Daniell,	Jolley,	Scott,
Belknap,	Davis,	Kribbs,	Seerley,
Bentley,	Dingley,	Lane,	Shively,
Bingham,	Dolliver,	Loud,	Smith,
Bowers,	Donovan,	Lynch,	Snow,
Bretz,	Dunphy,	Martin,	Springer,
Broderick,	Funston,	McAleer,	Stone, W. A.
Brookshire,	Fyan,	McGann,	Storer,
Brosius,	Geissenhainer,	McKaig,	Stout,
Brown, Ind.	Hall,	McKinney,	Taylor, Ill.
Burrows,	Hallowell,	Miller,	Taylor, E. B.
Butler,	Halvorson,	Newberry,	Taylor, J. D.
Bynum,	Hare,	Ohliger,	Townsend,
Cadmus,	Harmer,	O'Neil, Mass.	Tracey,
Caldwell,	Haugen,	O'Neill, Pa.	Wadsworth,
Campbell,	Henderson, Ill.	Otis,	Walker,
Castle,	Hermann,	Parrett,	Waugh,
Cheatham,	Hilborn,	Patton,	Weadock,
Clark, Wyo.	Hitt,	Payne,	White,
Clover,	Hoar,	Pearson,	Wilson, Ky.
Cobb, Mo.	Holman,	Pendleton,	Wilson, Wash.
Cogswell,	Hopkins, Ill.	Pickler,	Wolverton,
Covert,	Houk, Ohio	Raines,	Wright.

NAYS—66.

Abbott,	De Armond,	Pierce,	Shell.
Antony,	Dockery,	Livingston,	Steward, Ill.
Babbitt,	Edmunds,	Long,	Stewart, Tex.
Beeman,	Elliott,	Mallory,	Stone, Ky.
Bland,	Everett,	Mansur,	Terry,
Blount,	Grady,	McLaurin,	Tillman,
Brawley,	Heard,	McMillin,	Tucker,
Breckinridge, Ark.	Hemphill,	McRae,	Turner,
Brown, Md.	Henderson, N. C.	Meredith,	Warner,
Buchanan, Va.	Jones,	Meyer,	Watson,
Cate,	Kyle,	Moses,	Wheeler, Mich.
Causey,	Lanham,	Mutchler,	Wike,
Clarke, Ala.	Lapham,	Oates,	Wilson, W. Va.
Compton,	Lawson, Va.	O'Ferrall,	Winn,
Cox, Tenn.	Lawson, Ga.	Patterson, Tenn.	Wise.
Crawford,	Lester, Ga.	Paynter,	
Culberson,	Little,	Peel,	

NOT VOTING—157.

Alderson,	Cooper,	Hooker, Miss.	Rayner,
Alexander,	Cowles,	Hooker, N. Y.	Reilly,
Allen,	Cox, N. Y.	Hopkins, Pa.	Reyburn,
Arnold,	Crain,	Houk, Tenn.	Richardson,
Atkinson,	Crosby,	Johnson, Ind.	Rife,
Bacon,	Dalzell,	Johnson, Ohio	Robertson, La.
Bailey,	De Forest,	Johnstone, S. C.	Rockwell,
Bankhead,	Dickerson,	Kem,	Rusk,
Barwig,	Dixon,	Kendall,	Russell,
Belden,	Doan,	Ketcham,	Sanford,
Beltzhoover,	Dungan,	Kilgore,	Sayers,
Bergen,	Durborow,	Lagan,	Scull,
Blanchard,	Ellis,	Layton,	Shonk,
Boatner,	English,	Lester, Va.	Simpson,
Boutelle,	Enloe,	Lewis,	Sipe,
Bowman,	Enochs,	Lind,	Snodgrass,
Branch,	Epes,	Lockwood,	Sperry,
Breckinridge, Ky.	Fellows,	Lodge,	Stahlnecker,
Brickner,	Fitch,	Magner,	Stephenson,
Brunner,	Fithian,	McClellan,	Stevens,
Bryan,	Flick,	McCreary,	Stockdale,
Buchanan, N. J.	Forman,	McKeighan,	Stone, C. W.
Bullock,	Forney,	Milliken,	Stump,
Bunn,	Fowler,	Mitchell,	Sweet,
Bunting,	Gantz,	Montgomery,	Tarsney,
Busey,	Geary,	Moore,	Taylor, Tenn.
Bushnell,	Gillespie,	Morse,	Taylor, V. A.
Byrns,	Goodnight,	Norton,	Turpin,
Cable,	Gorman,	O'Donnell,	Van Horn,
Caminetti,	Greenleaf,	O'Neill, Mo.	Washington,
Capehart,	Griswold,	Outhwaite,	Wever,
Caruth,	Grout,	Owens,	Wheeler, Ala.
Catchings,	Hamilton,	Page,	Whiting,
Chipman,	Harries,	Pattison, Ohio	Willcox,
Clancy,	Harter,	Perkins,	Williams, Mass.
Cobb, Ala.	Hatch,	Post,	Williams, N. C.
Coburn,	Hayes, Iowa	Powers,	Williams, Ill.
Cockran,	Haynes, Ohio	Price,	Wilson, Mo.
Coolidge,	Henderson, Iowa	Quackenbush,	Youmans,
Coombs,	Herbert,	Randall,	

So the bill was ordered to be engrossed and read a third time; and it was accordingly read the third time.

The following additional pairs were announced:

For the rest of this day:

Mr. WILLIAMS of Illinois with Mr. GROUT.

Mr. HERBERT with Mr. BOUTELLE.

Mr. SAYERS with Mr. Henderson of Iowa.

On this vote:

Mr. OUTHWAITE with Mr. REYBURN.

REPORTS ON SHEEP INDUSTRY, ETC.

Mr. O'NEILL of Pennsylvania, by unanimous consent, introduced the following resolution; which was referred to the Committee on Printing:

Resolved, That there be printed for the use of the members of the House of Representatives —— copies, and for the use of Senators —— copies of

each of the special reports on the Sheep Industry of the United States, and on the Diseases of Cattle and Cattle Feeding, prepared by the Bureau of Animal Industry of the Department of Agriculture.

HARRIET COTA.

The House resumed the consideration of the bill (H. R. 9233) granting a pension to Harriet Cota.

The question being taken on the passage of the bill,

The SPEAKER *pro tempore* (Mr. COBB of Missouri). The ayes seem to have it.

Mr. BLAND. I call for a division.

The question being again taken, there were—ayes 59, noes 18.

Mr. BLAND. No quorum.

Mr. CURTIS. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 97, nays 52, not voting 181; as follows:

YEAS—96.

Amerman,	Curtis,	Jolley,	Raines,
Andrew,	Cutting,	Kribbs,	Ray,
Baker,	Daniell,	Lane,	Reed,
Bartine,	Davis,	Loud,	Sayers,
Belknap,	Dingley,	Lynch,	Scott,
Beltzhoover,	Dolliver,	Martin,	Smith,
Bentley,	Donovan,	McAleer,	Snow,
Bingham,	Dungan,	McGann,	Steward, Ill.
Bowers,	Funston,	McKaig,	Stone, W. A.
Bretz,	Geissenhainer,	McKinney,	Stout,
Brookshire,	Greenleaf,	Miller,	Taylor, Ill.
Brosius,	Hallowell,	Milliken,	Taylor, J. D.
Burrows,	Halvorson,	O'Donnell,	Townsend,
Butler,	Hare,	Ohliger,	Tracey,
Bynum,	Harmer,	O'Neil, Mass.	Wadsworth,
Cadmus,	Harter,	O'Neill, Pa.	Walker,
Caldwell,	Haugen,	Otis,	Waugh,
Campbell,	Hermann,	Parrett,	Weadock,
Chipman,	Hitt,	Patton,	Wheeler, Mich.
Clark, Wyo.	Hoar,	Payne,	White,
Clarke, Ala.	Holman,	Pearson,	Wilson, Ky.
Clover,	Hopkins, Ill.	Pendleton,	Wilson, Wash.
Cobb, Mo.	Houk, Ohio	Perkins,	Wolverton,
Cogswell,	Hull,	Pickler,	Wright.

NAYS—52.

Abbott,	Dickerson,	Long,	Richardson,
Babbitt,	Dockery,	Mallory,	Shell,
Blount,	Everett,	Mansur,	Stewart, Tex.
Brawley,	Grady,	McLaurin,	Terry,
Breckinridge, Ark.	Hemphill,	McMillin,	Tillman,
Brown, Md.	Jones,	Meredith,	Tucker,
Buchanan, Va.	Kyle,	Moses,	Turner,
Cate,	Lanham,	Mutchler,	Warner,
Causey,	Lapham,	Oates,	Watson,
Compton,	Lawson, Va.	O'Ferrall,	Wike,
Cox, Tenn.	Lawson, Ga.	Patterson, Tenn.	Wilson, W. Va.
Crawford,	Lester, Ga.	Paynter,	Winn,
Culberson,	Livingston,	Peel,	Wise.

NOT VOTING—181.

Alderson,	Covert,	Hilborn,	Reilly,
Alexander,	Cowles,	Hooker, Miss.	Reyburn,
Allen,	Cox, N. Y.	Hooker, N. Y.	Rife,
Antony,	Crain, Tex.	Hopkins, Pa.	Robertson, La.
Arnold,	Crosby,	Houk, Tenn.	Robinson, Pa.
Atkinson,	Cummings,	Huff,	Rockwell,
Bacon,	Dalzell,	Johnson, Ind.	Rusk,
Bailey,	De Armond,	Johnson, N. Dak.	Russell,
Bankhead,	De Forest,	Johnson, Ohio	Sanford,
Barwig,	Dixon,	Johnstone, S. C.	Scull,
Beeman,	Doan,	Kem,	Seerley,
Belden,	Dunphy,	Kendall,	Shively,
Bergen,	Durborow,	Ketcham,	Shonk,
Blanchard,	Edmunds,	Kilgore,	Simpson,
Bland,	Elliott,	Lagan,	Sipe,
Boatner,	Ellis,	Layton,	Snodgrass,
Boutelle,	English,	Lester, Va.	Sperry,
Bowman,	Enloe,	Lewis,	Springer,
Branch,	Enochs,	Lind,	Stahlnecker,
Breckinridge, Ky.	Epes,	Little,	Stephenson,
Brickner,	Fellows,	Lockwood,	Stevens,
Broderick,	Fitch,	Lodge,	Stockdale,
Brown, Ind.	Fithian,	Magner,	Stone, C. W.
Brunner,	Flick,	McClellan,	Stone, Ky.
Bryan,	Forman,	McCreary,	Storer,
Buchanan, N. J.	Forney,	McKeighan,	Stump,
Bullock,	Fowler,	McRae,	Sweet,
Bunn,	Fyan,	Meyer,	Tarsney,
Bunting,	Gantz,	Mitchell,	Taylor, Tenn.
Busey,	Geary,	Montgomery,	Taylor, E. B.
Bushnell,	Gillespie,	Moore,	Taylor, V. A.
Byrns,	Goodnight,	Morse,	Turpin,
Cable,	Gorman,	Newberry,	Van Horn,
Caminetti,	Griswold,	Norton,	Washington,
Capehart,	Grout,	O'Neill, Mo.	Wever,
Caruth,	Hall,	Outhwaite,	Wheeler, Ala.
Castle,	Hamilton,	Owens,	Whiting,
Catchings,	Harries,	Page,	Willcox,
Cheatham,	Hatch,	Pattison, Ohio	Williams, Mass.
Clancy,	Hayes, Iowa	Pierce,	Williams, N. C.
Cobb, Ala.	Haynes, Ohio	Post,	Williams, Ill.
Coburn,	Heard,	Powers,	Wilson, Mo.
Cockran,	Henderson, Iowa	Price,	Youmans.
Coolidge,	Henderson, N. C.	Quackenbush,	
Coombs,	Henderson, Ill.	Randall,	
Cooper,	Herbert,	Rayner,	

No quorum voting.

The following additional pairs were announced for the rest of the day:

Mr. OUTHWAITE with Mr. REYBURN.

Mr. ARNOLD with Mr. GRISWOLD.

Mr. HENDERSON of North Carolina with Mr. SWEET.

The result of the vote was then announced as above recorded.

Mr. MARTIN. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 3 o'clock and 30 minutes p. m.) the House adjourned.

REPORTS OF COMMITTEES.

Under clause 2 of Rule XIII, Mr. STONE of Kentucky, from the Committee on War Claims, reported the bill (H. R. 9605) for the relief of Alfred M. Burnham (Report No. 2199); which was delivered to the Clerk and referred to the Committee of the Whole House.

BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. HENDERSON of North Carolina: A bill (H. R. 10017) authorizing the Fourth Assistant Postmaster-General to approve postmasters' bonds—to the Committee on the Post-Office and Post-Roads.

By Mr. RICHARDSON: A bill (H. R. 10037) creating form of real estate deed for the District of Columbia—to the Committee on the District of Columbia.

By Mr. BRECKINRIDGE of Arkansas: A bill (H. R. 10039) to narrow California avenue within Bellair Heights district—to the Committee on the District of Columbia.

By Mr. WISE (by request): A bill (H. R. 10040) to punish robbery upon or wrecking of trains engaged in interstate commerce—to the Committee on Interstate and Foreign Commerce.

By Mr. HEMPHILL: A bill (H. R. 10041) to amend an act approved December 22, 1892, entitled "An act making Saturday a half holiday for banking and trust company purposes in the District of Columbia"—to the Committee on the District of Columbia.

By Mr. STORER: A bill (H. R. 10042) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and amended March 2, 1889—to the Committee on Interstate and Foreign Commerce.

By Mr. ANDREW: A bill (H. R. 10043) to make engravings in wood by American artists free of duty—to the Committee on Ways and Means.

By Mr. STORER: A bill (H. R. 10044) regulating the holding of United States circuit and district courts in certain cases—to the Committee on the Judiciary.

By Mr. TUCKER: A bill (H. R. 10045) for facilitating commerce among the States—to the Committee on the Judiciary.

By Mr. BURROWS: A resolution directing the Secretary of the Treasury, War, and Navy, and Attorney-General to report to this House the number, amount, and particulars of claims growing out of the late war of the rebellion—to the Committee on War Claims.

By Mr. CHIPMAN: A resolution relative to counting the electoral vote for President and Vice-President—to the Select Committee on Election of President and Vice-President and Representatives in Congress.

By Mr. O'NEILL of Pennsylvania: A resolution to print —— copies of the report of the Bureau of Animal Industry on sheep culture, diseases of cattle, and cattle feeding—to the Committee on Printing.

By Mr. RICHARDSON: A resolution to print —— copies of the Digest and Manual, second session Fifty-second Congress—to the Committee on Printing.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred, as indicated below:

By Mr. BOWERS: A bill (H. R. 10046) directing the Secretary of War to issue an honorable discharge for James M. McIvey—to the Committee on Military Affairs.

Also, a bill (H. R. 10047) to place William H. Bailhache on the retired list of the Army of the United States—to the Committee on Military Affairs.

By Mr. BROOKSHIRE: A bill (H. R. 10048) granting a pension to Nancy A. Pittman—to the Committee on Invalid Pensions.

By Mr. BOUTELLE: A bill (H. R. 10049) for the relief of Peter Dalot, late a private in Company I, Fifth United States Cavalry—to the Committee on Military Affairs.

By Mr. CAMPBELL: A bill (H. R. 10050) for the relief of Thomas Thacher—to the Committee on Claims.

By Mr. CASTLE: A bill (H. R. 10051) for the relief of George R. Burnett—to the Committee on Military Affairs.

By Mr. COBB of Missouri: A bill (H. R. 10052) to permit Ann

M. Colman, widow, to prosecute a claim—to the Committee on War Claims.

By Mr. COBB of Alabama: A bill (H. R. 10053) for the relief of Robert C. Burton—to the Committee on Claims.

By Mr. HENDERSON of Illinois: A bill (H. R. 10054) granting an increase of pension to Sylvenus Cole—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10055) granting an honorable discharge to Adam Hand—to the Committee on Military Affairs.

By Mr. McCREARY: A bill (H. R. 10056) for the relief of Dr. O. P. Hill—to the Committee on War Claims.

By Mr. PATTERSON of Tennessee: A bill (H. R. 10057) for the relief of Absalom B. Jewell—to the Committee on Pensions.

By Mr. PATTISON of Ohio: A bill (H. R. 10058) to remove the charge of desertion against F. E. Williams—to the Committee on Military Affairs.

By Mr. STONE of Kentucky: A bill (H. R. 10059) for the relief of Cordelia A. Ritchie—to the Committee on War Claims.

Also, a bill (H. R. 10060) for the relief of Augustus P. Green—to the Committee on War Claims.

By Mr. WISE: A bill (H. R. 10061) for the relief of John M. Blankenship—to the Committee on Naval Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on Clerk's desk and referred as follows:

By Mr. ANDREW: Petition of Henry B. Bowyer, Joseph W. Howard, John I. Monroe, and 500 others, of Massachusetts, praying for the repeal of the act to prohibit the coming of Chinese persons into the United States, approved May 5, 1892, and known as the "Geary bill," excepting the first section thereof—to the Committee on Foreign Affairs.

Also, petition of 15 citizens of Boston, Mass., praying for the repeal of the Geary bill—to the Committee on Foreign Affairs.

By Mr. BELKNAP: Petition of Hon. A. B. Turner and 87 others, representing the business interests of the city of Grand Rapids, Mich., for free postal delivery when practicable by good roads—to the Committee on the Post-Office and Post-Roads.

Also, petition of A. A. Lyon and 54 others of Pewamo, Mich., to open the World's Columbian Exposition on Sundays—to the Select Committee on the Columbian Exposition.

By Mr. BELTZHOOVER: Petition of the members of the Methodist Church of Shermanstown, Pa., against the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of the Chamber of Commerce of New York, for the enactment of a suitable law placing the control of quarantine in New York, and all other places, under national control—to the Select Committee on Immigration and Naturalization.

By Mr. BOUTELLE: Memorial of citizens of Pembroke, Me., in favor of legislation for the preservation of the Sabbath, and other purposes—to the Select Committee on the Columbian Exposition.

Also, petition of physicians of Penobscot County, Me., in favor of an appropriation for a medical congress in September, 1893—to the Committee on Appropriations.

By Mr. BRETZ: Petition of the Ohio Sabbath Association, protesting against reconsidering the proposition to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. BRODERICK: Petition of George Taylor and others, of Meriden, Jefferson County, Kans., in favor of restricting foreign immigration—to the Select Committee on Immigration and Naturalization.

By Mr. CHIPMAN: Claim of William E. Tew, to accompany House bill for the relief of William E. Tew—to the Committee on Invalid Pensions.

Also, petition of Charlotte Davis, for damages during the late war—to the Committee on War Claims.

Also, petition of Detroit Lodge, No. 2, International Association of Machinists, in favor of retaining the duty on sugar-making machinery so long as a bounty is paid to sugar producers—to the Committee on Ways and Means.

Also, petition of citizens of Ohio and Michigan, in favor of the passage of the House bill, No. 9750, entitled "To protect American workingmen"—to the Committee on Labor.

By Mr. CRISP: Memorial from the Savannah Cotton Exchange, requesting the passage of the bill entitled "An act to regulate commerce"—to the Committee on Interstate and Foreign Commerce.

By Mr. CUTTING: Memorial of the Chamber of Commerce of San Francisco, Traffic Association of California, California State Board of Trade, San Francisco Produce Exchange, Board of Trade of San Francisco, Board of Trade of Oakland, Cal., Geographical Society of the Pacific, California League of Progress, and the Manufacturers' Association of California, urging speedy enactment of legislation for the construction of the Nicaragua Canal under control of the United States—to the Committee on Interstate and Foreign Commerce.

By Mr. DINGLEY: Petition of the board of managers of the National Temperance Society, for the prohibition of the sale of intoxicating liquors within the grounds of the Columbian Exposition—to the Select Committee on the Columbian Exposition.

By Mr. GEISSENHAINER: Petition of the First Presbyterian church of Cranbury, N. J., in favor of closing the World's Fair on the Sabbath day—to the Select Committee on the Columbian Exposition.

By Mr. HARE: Two papers, one a protest of the Sabbath Association of Illinois, and the other a memorial of the Sabbath Association of Ohio; both against the repeal of law closing the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. HARTER: Petition of the Young People's Christian Endeavor, of Chicago, Ohio, asking that the World's Fair be closed on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of citizens of Morrow County, Ohio, praying for an appropriation to assist in defraying the expenses of the Pan-American Medical Congress—to the Committee on Appropriations.

By Mr. HEARD: Petition of members of the faculty of Central College of Fayette, Mo., in favor of the adoption of the metric system of weights and measures in the Government customs service—to the Committee on Coinage, Weights, and Measures.

Also (by request), petition of E. L. Phillips for extra services performed—to the Committee on Accounts.

By Mr. HENDERSON of Illinois; Resolutions of the Ministerial Association of the Dixon district of the Rock River conference, in relation to the opening of the World's Columbian Exposition on the Sabbath—to the Select Committee on the Columbian Exposition.

By Mr. HITT: Memorial and resolutions of Middle Creek Presbyterian Church of Freeport, Ill., against the repeal of the Sunday-closing law of last Congress for the World's Fair—to the Select Committee on the Columbian Exposition.

Also, petition of Mrs. Ellen F. Miller, to accompany House bill 10032, asking that her pension be reissued—to the Committee on Invalid Pensions.

By Mr. LANE: Petition of William Rhodes and citizens of Moultrie County, Ill., relative to a combination between millers, railroads, and elevators for the purpose of depressing the price of wheat, and praying for a Congressional investigation—to the Committee on Agriculture.

By Mr. O'NEILL of Pennsylvania: Memorial from the Philadelphia Board of Trade, urging legislation for Government aid in constructing the Nicaragua Canal by passing the bill reported to the Senate by the Committee on Foreign Relations or by some similar bill—to the Committee on Interstate and Foreign Commerce.

Also, memorial of the Philadelphia Board of Trade, favoring pooling by an amendment to the interstate-commerce law—to the Committee on Interstate and Foreign Commerce.

By Mr. PEARSON: Petition of John F. Grimes and 64 voters of Belpre, Ohio, asking that the sale of intoxicating liquors be forbidden at the World's Columbian Exposition—to the Select Committee on the Columbian Exposition.

By Mr. RICHARDSON: Petition of B. W. Warner and others, asking for an appropriation to complete the sewerage of "Pitworth Addition to the city of Washington"—to the Committee on Appropriations.

By Mr. SHIVELY: Petition of Merrell E. Boulton and 34 others, of Ekhart County, praying that the World's Fair be not opened on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. SCOTT: Petition of G. W. Hughes and others, of Dewitt, Ill., relative to a combination between millers, railroads, and elevators for the purpose of depressing the price of wheat, and praying for a Congressional investigation, etc.—to the Committee on Agriculture.

Also, petition of the State Grange of Illinois, Patrons of Husbandry, praying for the revival of the income tax—to the Committee on Ways and Means.

By Mr. WILLIAM A. STONE: Resolutions of the United Presbytery of Alleghany, against opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. STORER: Petition of L. M. Hosea and sundry citizens of Cincinnati, Ohio, for the passage of a bill decreasing postage to 1 cent—to the Committee on the Post-Office and Post-Roads.

Also, petition of H. F. Almstead and sundry citizens of Lockland, Ohio, against opening the Columbian Exposition on Sunday—to the Select Committee on the Columbian Exposition.

Also, resolutions of the Cincinnati Chamber of Commerce, in favor of the Nicaragua Canal bill—to the Committee on Interstate and Foreign Commerce.

By Mr. WAUGH: Petition of 14 members of the medical profession of Hamilton County, Ind., for an appropriation to assist in defraying the expenses of the Pan-American Medical Congress—to the Committee on Appropriations.

Also, petition of 418 citizens of Indiana, against opening the gates of the Columbian Exposition on Sunday—to the Select Committee on the Columbian Exposition.

SENATE.

FRIDAY, *January 6, 1893.*

Prayer by the Chaplain, Rev. J. G. BUTLER, D.D.

The Journal of yesterday's proceedings was read and approved.

PRESIDENTIAL ELECTORS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of State, transmitting, in pursuance of the provisions of the act of Congress approved February 3, 1887, a certified copy of the final ascertainment of the electors for President and Vice-President appointed in the State of Washington at the election held therein on the 8th of November, 1892, as certified to him by the governor of that State; which was ordered to lie on the table.

PAYMENT TO ATTORNEYS FROM INDIAN FUNDS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of the Senate of July 12, 1892, a letter from the Commissioner on Indian Affairs, together with a detailed statement showing amounts paid to attorneys out of appropriations made by the Fifty-first Congress, and also the contracts made between Indian tribes and attorneys for the recovery of moneys, etc., under which such payments were made; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. WILSON presented the petition of A. E. Booth and 80 other citizens of Adams County, Iowa, praying for the passage of the Washburn-Hatch antioption bill; which was ordered to lie upon the table.

Mr. SHERMAN presented memorials of 27 citizens of Camp Chase; of the Congregational and Disciple Societies of Christian Endeavor of Chagrin Falls, and of the Ministerial Association of Osborn, all in the State of Ohio, remonstrating against the repeal of the law closing the World's Columbian Exposition on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

He also presented a petition of 63 citizens of Belpre, Ohio, praying for the passage of a law prohibiting the sale of intoxicating liquors on the grounds of the World's Columbian Exposition; which was referred to the Committee on the Quadro-Centennial (Select).

Mr. CULLOM presented petitions of sundry laborers and farmers of Saline County and of citizens of Gallatin County, all in the State of Illinois, praying for the appointment of a Senate committee to investigate the combine formed to depreciate the price of grain and asking for the postponement of the Washburn-Hatch antioption bill until such committee shall report; which were referred to the Committee on Agriculture and Forestry.

Mr. HANSBROUGH presented a petition of Gen. C. H. Smith, Garrison No. 83, Regular Army and Navy Union of Fort Yates, N. Dak., praying for the passage of legislation providing for the retirement of enlisted men after twenty-five years' service; which was referred to the Committee on Military Affairs.

Mr. QUAY presented a memorial of Trinity Church of the Evangelical Association of Sunbury, Pa., and a memorial of the Methodist Episcopal Church of Sunbury, Pa., remonstrating against the repeal of the law closing the World's Columbian Exposition on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

He also presented a memorial of sundry Methodist preachers of Philadelphia, Pa., remonstrating against the sale of intoxicating liquors at the World's Columbian Exposition; which was referred to the Committee on the Quadro-Centennial (Select).

Mr. PERKINS presented a memorial of the Presbyterian Church of Humboldt, Kans., remonstrating against the repeal of the present law closing the World's Columbian Exposition on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

Mr. PASCO presented the petitions of George E. Pace and 33 others, of C. D. Yoder and 31 others, of John E. Walton and 7 others, of F. H. Parsons and 34 others, of P. W. Butler and 35 others, and of M. W. Lovell and 36 others, all citizens of the United States, who are largely interested in the mining and shipment of phosphate rock, etc., of Florida, praying that such appropriation may be made as may be necessary to protect the entrance to Cumberland Sound and the harbor of Fernandina, Florida, and prevent the destruction of the work already commenced; which were referred to the Committee on Commerce.

Mr. HOAR presented a petition of merchants and other business men of Boston, Mass., praying for the passage of legislation repealing the present law for the purchase of silver bullion by the Treasury, commonly known as the Sherman act of 1890; which was referred to the Committee on Finance.

REPORTS OF COMMITTEES.

Mr. HANSBROUGH, from the Committee on the District of Columbia, to whom was referred the bill (S. 2265) for the removal of snow and ice from the sidewalks, crosswalks, and gutters in the cities of Washington and Georgetown, and for other purposes, reported it with amendments and submitted a report thereon.

SATURDAY BANK HALF HOLIDAY.

Mr. MCMILLAN. I am directed by the Committee on the District of Columbia, to whom was referred the joint resolution (S. R. 130) to amend an act entitled "An act making Saturday a half holiday for banking and trust companies in the District of Columbia," approved December 22, 1892, to report it with an amendment in the nature of a substitute and to ask for its immediate consideration, as it is a matter of importance to the District.

The VICE-PRESIDENT. The joint resolution will be read for information, if there be no objection.

Mr. COCKRELL. Has it just been reported?

The VICE-PRESIDENT. It has just been reported from the Committee on the District of Columbia.

Mr. MCMILLAN. It refers to an act which was passed by the Senate at the last session and became a law in December. The act did not cover Georgetown or Anacostia. It is an amendment to that act so as to cover those two parts of the District.

The VICE-PRESIDENT. The proposed substitute to the joint resolution will be read, if there be no objection.

The CHIEF CLERK. The Committee on the District of Columbia report to strike out all after the resolving clause and insert:

That section 1 of the act of Congress approved December 22, 1892, entitled "An act making Saturday a half-holiday for banking and trust company purposes in the District of Columbia," be, and it is hereby, amended so as to read as follows:

SECTION 1. That every Saturday which under existing laws shall not become a legal holiday in its entirety, in the District of Columbia, shall therein be a legal holiday, from 12 o'clock at noon, for all purposes respecting the presentation for payment or acceptance or the protesting or giving notice of the dishonor of bills of exchange, bank checks, drafts, promissory notes, and all commercial paper whatsoever, whether made in or beyond the said District, or whether made before or after the passage of this act, and all such bills of exchange, bank checks, drafts, promissory notes, and commercial paper which otherwise would be due and payable, or presentable for acceptance or payment, in said District, on such half-holiday Saturday, shall, therein, be due and payable or presentable for acceptance or payment on the secular or business day next succeeding: *Provided, however*, That any acceptance or payment thereof with interest thereon to said date when the same bears interest made on such half-holiday Saturday, before 12 o'clock noon, shall be lawful.

And all bills of exchange, bank checks, drafts, promissory notes, and commercial paper whatsoever, which, but for existing law, would be due and payable, or presentable for acceptance or payment, in said District, on any day which is a full legal holiday, or on Sunday, shall, therein, be payable, or presentable for acceptance or payment, on the secular or business day next succeeding, and all acts and parts of acts so far as inconsistent with this act are hereby repealed.

The VICE-PRESIDENT. If there be no objection, the joint resolution is before the Senate as in Committee of the Whole.

Mr. HOAR. I should like to inquire how the joint resolution comes up at this time.

Mr. MCMILLAN. It is a report made by the Committee on the District of Columbia, relating to the former act which was passed by the Senate at the last session. It is requested by all the bankers here and it covers the whole District, giving a half-holiday to the banks. The act did not cover Georgetown or Anacostia, and the proposed amendment of it covers all the banks of the District. It also provides for all classes of commercial paper and so corrects some inaccuracies which were found in the present law when an attempt was made to put it into operation.

Mr. HOAR. I wish the Senator would allow the joint resolution to remain pending until Monday, or if it has any advantage by being reported now he can withdraw the report and it can be made just as well at another time.

Mr. MCMILLAN. The only objection is that to-morrow is Saturday, and the joint resolution ought to be passed at once.

Mr. HOAR. It is a serious subject, affecting the time of the maturity of negotiable paper, and I should like to have an opportunity to glance at it before it is passed. The Senator can bring it up later in the day, perhaps.

Mr. McMILLAN. All right, I have no objection.

The VICE-PRESIDENT. The joint resolution will be laid aside informally.

BILLS INTRODUCED.

Mr. BUTLER introduced a bill (S. 3686) for the relief James B. McElhose; which was read twice by its title, and referred to the Committee on Claims.

Mr. HUNTON (by request) introduced a bill (S. 3687) for the relief of Thomas H. G. Todd; which was read twice by its title, and, with the accompanying papers, referred to the Committee on the Judiciary.

Mr. McMILLAN introduced a bill (S. 3688) to authorize the Washington and Marlboro Electric Railway Company to extend its line within the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. HIGGINS introduced a bill (S. 3689) for the relief of the owners of the schooner Henry R. Tilton, and of personal effects thereon; which was read twice by its title, and referred to the Committee on Claims.

Mr. COCKRELL introduced a joint resolution (S. R. 132) to print 100,000 copies of special report of the Bureau of Animal Industry on diseases of cattle and on cattle feeding; which was read twice by its title, and referred to the Committee on Printing.

NICARAGUAN CANAL.

On motion of Mr. MORGAN, it was

Ordered, That 3,000 copies of the Senate bill No. 1218 be printed for the use of the Senate.

INTRODUCTION OF REINDEER IN ALASKA.

Mr. TELLER submitted the following resolution; which was considered by unanimous consent and agreed to:

Resolved, That the Commissioner of Education be directed to transmit a copy of the latest report of Dr. Sheldon Jackson on the introduction of domesticated reindeer into Alaska.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had passed the joint resolution (S. R. 123) to fill vacancies in the Board of Regents of the Smithsonian Institution.

The message also announced that the House had agreed to the amendment of the Senate to the joint resolution (H. Res. 166) to authorize the Secretary of the Treasury to cover back into the Treasury $48,800 of the appropriation to Choctaw and Chickasaw Indians.

The message further announced that the House had passed a bill (H. R. 9923) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, in which it requested the concurrence of the Senate.

PROPOSED SUSPENSION OF IMMIGRATION.

The VICE-PRESIDENT. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Chief Clerk read the resolution submitted yesterday by Mr. HILL, as follows:

Resolved, That the Clerk of the Senate be directed to transmit to the honorable the Secretary of State a copy of Senate bill No. 3513, now pending in this body, entitled "A bill for the suspension of immigration for one year," and that the Secretary of State be, and is hereby, respectfully requested to inform the Senate at his earliest convenience whether the provisions of the said bill absolutely suspending immigration for the period of one year are in conflict with any treaties now existing between the United States and any foreign countries; and, if so, with what countries, and any further information which he may deem necessary for the information of the Senate in relation to the propriety of the enactment of the said bill in its present form.

Mr. CHANDLER. Mr. President, there is no objection to the adoption of the resolution. Immediately after the bill referred to therein was taken up for consideration by the Committee on Immigration the questions suggested by the resolution were asked informally of the Secretary of State, and he is now ready to reply to them. Therefore I hope that the resolution may be passed, although I see that the Senator from New York [Mr. HILL] it absent. I desire to say that upon consultation with the Senator from Ohio [Mr. SHERMAN] it is thought the resolution ought to have certain verbal changes which I send to the desk and move as amendments to the resolution.

Mr. CARLISLE. The Senator from New York [Mr. HILL] is necessarily absent this morning, and requested me to have the resolution passed over without losing its place until he should return; but I have examined the amendments suggested by the Senator from New Hampshire, and I am satisfied that with those amendments, if the Senator from New York were here, he would desire to have the resolution passed, so I do not ask to have it go over.

The VICE-PRESIDENT. The amendments will be stated.

The CHIEF CLERK. It is proposed to amend the resolution so as to read:

Resolved, That the Secretary of the Senate be directed to transmit to the Secretary of State a copy of Senate bill numbered 3513, now pending in this body, entitled "A bill for the suspension of immigration for one year," and that the Secretary of State be, and is hereby, directed to inform the Senate, whether the provisions of the said bill absolutely suspending immigration for the period of one year are in conflict with any treaties now existing between the United States and any foreign countries; and, if so, with what countries, and any further information which he may deem necessary for the information of the Senate during the consideration of said bill.

The VICE-PRESIDENT. The question is on agreeing to the amendments submitted by the Senator from New Hampshire.

The amendments were agreed to.

The resolution as amended was agreed to.

HOUSE BILL REFERRED.

The bill (H. R. 9923) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes; was read twice by its title, and referred to the Committee on Appropriations.

ADDITIONAL QUARANTINE POWERS.

The VICE-PRESIDENT. Is there further morning business? If not, pursuant to the agreement already reached, the Chair lays before the Senate the bill (S. 2707) granting additional quarantine powers and imposing additional duties upon the Marine Hospital Service.

Mr. QUAY. I rose to move that when the Senate adjourns to-day it adjourn to meet on Monday next. I make that motion.

Mr. CHANDLER. I desire unanimous consent to remind the Senator from Pennsylvania that to-day and to-morrow have been assigned as a special order to consider the quarantine bills. It may be that we shall not need to-morrow and that at the close of the day we can adjourn until Monday, but until it is entirely certain that we shall get through with this subject, as we do not wish to displace the unfinished business next week, I hope the Senator will withdraw the motion, renewing it later in the day if there be occasion for it.

Mr. QUAY. Upon the suggestion of the Senator from New Hampshire I will withdraw the motion.

The VICE-PRESIDENT. The motion is withdrawn.

Mr. MITCHELL. I desire to inquire whether the special orders for to-day and to-morrow are to commence immediately after the morning business. If otherwise, I ask that we proceed with the Calendar until 2 o'clock.

Mr. CHANDLER. The consideration of the bills is to commence after the routine morning business.

The VICE-PRESIDENT. The agreement will be read.

The Chief Clerk read the order adopted on the 4th instant, as follows:

Ordered, That on Friday next, after the routine business of the morning hour is transacted, and on Saturday if necessary, bills on the Calendar reported by the Committees on Epidemic Diseases and Immigration having relation to the danger of the introduction of cholera into this country during the present year shall be the special orders and have exclusive consideration on those days, without otherwise displacing the present unfinished business.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2707) granting additional quarantine powers and imposing additional duties upon the Marine Hospital Service, which had been reported from the Committee on Epidemic Diseases with amendments.

The first amendment was in section 1, line 3, before the word "vessel," to insert the word "other;" so as to read:

That it shall be unlawful for any merchant ship or other vessel from any foreign port, etc.

Mr. DOLPH. I should like to ask the Senator in charge of the bill if that would not subject the vessels of our Navy returning from foreign ports to the quarantine regulations of the States?

Mr. HARRIS. I did not hear the question of the Senator from Oregon.

Mr. DOLPH. If the amendment inserting the word "other," in line 3 of the first section, is adopted, would it not subject one of our naval vessels arriving after a cruise from a foreign port to State quarantine regulations?

Mr. HARRIS. I think it affects all vessels sailing from a foreign port to the ports of this country, whether they be our own or those of foreign countries.

Mr. CHANDLER. That is the present law, I understand. Our naval vessels are expected, when coming from any foreign port or any infected port, to comply with the State quarantine regulations.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The next amendment was, in section 1, line 4, after the word "port," to insert "or place;" so as to read:

That it shall be unlawful for any merchant ship or other vessel from any foreign port or place to enter any port of the United States except in accordance with the provisions of this act and with such rules and regulations of State and municipal health authorities as may be made in pursuance of or consistent with this act.

The amendment was agreed to.

Mr. WHITE. I wish to ask the chairman of the committee, through the Vice-President, whether we are now simply acting upon the committee amendments?

Mr. HARRIS. Yes.

Mr. WHITE. And whether other amendments will be excluded if not offered now?

Mr. HARRIS. Other amendments will be in order in Committee of the Whole and in the Senate after the bill shall have been reported from the committee.

The next amendment of the Committee on Epidemic Diseases was, in section 3, line 26, after the word "another," to strike out "which" and insert "and;" in the same line, after the word "when," to insert "said rules and regulations have been," and after the word "secretary," at the end of line 27, to insert "they;" so as to read:

The Marine Hospital Service shall report the facts to the Secretary of the Treasury, who shall, if in his judgment it is necessary and proper, order said Marine Hospital Service to make such additional rules and regulations as are necessary to prevent the introduction of such diseases into the United States from foreign countries, or into one State from another, and when said rules and regulations have been so made and approved by the Secretary, they shall be promulgated by the Marine Hospital Service and enforced by the sanitary authorities of the States and municipalities, where the State or municipal health authorities will undertake to execute and enforce them; but if the State or municipal authorities shall fail or refuse to enforce said rules and regulations the President may detail an officer or appoint a proper person for that purpose.

The amendment was agreed to.

The next amendment was to insert as a new section the following:

SEC. 6. That on the arrival of an infected vessel at any port not provided with proper facilities for treatment of the same, the Marine Hospital Service may remand said vessel, at its own expense, to the nearest national or other quarantine station where accommodations and appliances are provided for the necessary disinfection and treatment of the vessel, passengers, and cargo; and after treatment of any infected vessel at a national quarantine station, and after certificate shall have been given by the United States quarantine officer at said station that the vessel, cargo, and passengers are each and all free from infectious disease, or danger of conveying the same, said vessel shall be admitted to entry to any port of the United States named within the certificate. But at any ports where sufficient quarantine provision has been made by State or local authorities the Marine Hospital Service may direct vessels bound for said ports to undergo quarantine at said State or local station.

The amendment was agreed to.

The VICE-PRESIDENT. The next committee amendment will be stated.

Mr. PLATT. Was the last amendment agreed to, Mr. President?

The VICE-PRESIDENT. It was agreed to.

Mr. PLATT. I do not think I quite understand it; but I do not know that it is important that I should.

The VICE-PRESIDENT. The amendment will be again read.

Mr. PLATT. I do not ask to have it read, but I should like to know what the last clause of the section means? It reads:

But at any ports where sufficient quarantine provision has been made by State or local authorities the Marine Hospital Service may direct vessels bound for said ports to undergo quarantine at said State or local station.

Suppose the authorities will not take them?

Mr. HARRIS. It simply refers to the plant necessary to treat an infected vessel by disinfecting the vessel and its cargo, and where a State quarantine happens to be nearer the port of entry than another quarantine, if that State quarantine is equipped with such plant, it gives the Marine Hospital Service authority to send the vessel to that quarantine for treatment.

The next amendment of the Committee on Epidemic Diseases was to insert as a new section the following:

SEC. 7. That whenever it shall be shown to the satisfaction of the President that by reason of the existence of cholera or yellow fever in a foreign country there is serious danger of the introduction of the same into the United States, and that notwithstanding the quarantine defense this danger is so increased by immigration that a suspension of the same is demanded in the interest of the public health, the President shall have power to suspend immigration from such countries or places and for such period of time as he may deem necessary.

Mr. CHANDLER. I ask the Senator from Tennessee to allow that amendment to pass over without being voted upon until after I shall have submitted some remarks upon the bill.

Mr. HARRIS. I have no objection to complying with the request of the Senator.

The VICE-PRESIDENT. The amendment will be passed over for the present.

Mr. HARRIS. In section 2, line 14, after the word "satisfied," I move to insert the word "that;" so as to read:

To be satisfied that the matters and things therein stated are true.

The amendment was agreed to.

Mr. HARRIS. In line 20 of the same section, after the word "of," I move to insert "furnishing information and." These are amendments suggested by the Marine Hospital Service and the Secretary of the Treasury.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. In section 2, line 20, after the word "of," it is proposed to insert "furnishing information and;" so as to read:

The President, in his discretion, is authorized to detail any medical officer of the Government to serve in the office of the consul at any foreign port for the purpose of furnishing information and making the inspection, etc.

The amendment was agreed to.

Mr. HARRIS. In section 3, line 39, after the word "exists," I move to insert "or from which the President has reason to believe that infected articles of merchandise are being shipped."

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. In section 3, line 39, after the word "exists," it is proposed to insert "or from which the President has reason to believe that infected articles of merchandise are being shipped;" so as to read:

The Marine Hospital Service shall make such rules and regulations as are authorized by the laws of the United States and necessary to be observed by vessels at the port of departure and on the voyage, where such vessels sail from any foreign port or place at which contagious or infectious disease exists or from which the President has reason to believe that infected articles of merchandise are being shipped to any port or place in the United States, to secure the best sanitary condition of such vessel, her cargo, passengers, and crew.

The amendment was agreed to.

EXECUTIVE SESSION.

Mr. SHERMAN. I move that the Senate proceed to the consideration of executive business. It will take but a few minutes.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

COMMITTEE SERVICE.

The VICE-PRESIDENT. The Senator from Maryland [Mr. GIBSON] wishes to be excused from further service upon the Committee on Epidemic Diseases, and asks that the Senator from Louisiana [Mr. WHITE] be appointed thereon.

Mr. HARRIS. I ask that the Chair fill the vacancy.

The VICE-PRESIDENT. That order will be made.

ADDITIONAL QUARANTINE POWERS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2707) granting additional quarantine powers and imposing additional duties upon the Marine Hospital Service.

Mr. HARRIS. In section 2, I move to strike out the word "and," being the last word in line 30. I see the word is repeated.

The amendment was agreed to.

Mr. CHANDLER Mr. President, it is my duty and privilege to support this bill (S. 2707) granting additional quarantine powers and imposing additional duties upon the Marine Hospital Service. It has been reported by the Senator from Tennessee [Mr. HARRIS], who has for many years given the subjects of quarantine and of epidemic diseases his close attention as chairman of the Committee on Epidemic Diseases. I had occasion to serve during the Fiftieth and Fifty-first Congresses as a member of that committee, and retired in the present Congress in order that my colleague [Mr. GALLINGER], who, I believe, is the only physician in this body, might appropriately have a place upon it. I have had abundant opportunity to notice the intelligence and fidelity which the Senator from Tennessee has brought to the preparation of measures to be acted upon by Congress concerning quarantine and the exclusion of infectious diseases either seeking to enter from foreign countries into this country or to pass from State to State, and I take it for granted that the details of this bill which has been submitted by him are in the main wise and judicious.

I am in favor of every possible step which can be devised for the protection of this country from cholera during the coming season. All the powers of the State governments should be put in motion to prevent its introduction, and all the powers of the National Government should be exerted for the same purpose. To be specific, I believe that the Treasury Department should, without a day's delay, promulgate rules and regulations prescribing the quarantine methods to be adopted to prevent the introduction of disease by sea, which rules and regulations should govern the immigrants for a certain period on the other side of the water before they take ship, should prescribe the regimen to be adopted and the precautions to be resorted to on shipboard during the voyage, and should also provide the sanitary measures to

be taken by way of quarantine or otherwise in our own ports upon the arrival of the vessels. I believe, moreover, that after the Treasury Department have formulated such regulations as existing law authorizes, they should be given by this bill, or any other bill which may be needful, all the further power and all the additional authority which they may ask for or of which they can by any possibility make use to keep the scourge of cholera from either entering the country or spreading after it has made its entry.

Even further, I believe that when the Treasury Department has done all that it can now do, and when the bill which the Senator from Tennessee has reported from the Committee on Epidemic Diseases shall have become a law and shall have been acted on, it will still be expedient for this Congress to go further and to pass Senate bill 3513, which has been reported from the Committee on Immigration, for the entire suspension of the admission of alien immigrants into the United States for one year.

Mr. President, I do not think that the danger which is to be apprehended from cholera during the present year is sufficiently comprehended by the American people. It is the characteristic, I think, of our people that we are apparently fearless concerning disease and danger until they actually arrive, and then we are very apt to become panic stricken and to resort to measures of unnecessary rigidity. It is to defeat the arrival of cholera within our borders, if possible, and to prevent any panic, that I believe the bill should pass totally suspending immigration for one year.

The Committee on Immigration was directed by a resolution of the Senate of July 16, 1892, to continue its investigation into the subject of immigration from foreign countries. In pursuance of that direction, a meeting of the committee was held at the Fifth Avenue Hotel, in New York, on the 26th day of November, at which were present Senators HALE, PROCTOR, HISCOCK, FAULKNER, GRAY, CALL, and myself. We requested a considerable number of eminent physicians of the city of New York to meet us at that time and advise us informally concerning the apprehended danger of cholera.

Those physicians, without compensation, gladly came and made their statements, and there was a full and free conference. Subsequently they were requested to reduce their opinions to writing and forward them to the committee, which they have done; and those statements are to be found printed in the document which I hold in my hand, which is now in type for the use of the committee. I desire to place on record for the information of Senators the statements of these physicians, all concurring in the opinion that there is imminent danger of an invasion of cholera during the beginning of the present year. These questions were asked the physicians:

I. Is there, or not, a feeling of apprehension in the public mind and among physicians of a visitation from Europe of cholera in the spring or summer of 1893?

II. What is the character and extent of the danger according to your view of the subject?

Dr. W. A. Ewing said in answer to the two questions:

There is a widespread feeling of apprehension, both in the minds of the public and among physicians, lest there be an epidemic of cholera during the coming year, either from dormant germs already here or from fresh importation.

Dr. Stephen Smith said, in answer to the two questions:

These questions I answer emphatically in the affirmative. I may add that the most eminent medical experts of Europe are of the opinion that there will be a recurrence of cholera in the cities and towns where it prevailed in 1892, and that the pestilence, spreading from those centers, will be more widespread in 1893 than it was last year.

If travel and traffic with the seaport towns of Europe continue unrestricted and unregulated cholera will, in my opinion, be introduced into this country very early in the coming season and will be widely distributed to interior cities.

Dr. E. G. Janeway says:

A feeling of apprehension exists in the public mind, and amongst the greater number of physicians with whom I am thrown in contact, that there will be a visitation of cholera from Europe in the spring or summer of 1893.

The extent of this danger is, in my opinion, very considerable. The history of past cholera epidemics forces the conviction upon me that the disease will lie dormant here and there in Russia, Germany, France, and Holland during the winter, to spring into activity so soon as the temperature suitable to the growth of the germs causative of the disease is reached. Where conditions favorable to the disease exist outbreaks may even occur during the winter. How many centers of development may show themselves is a matter about which we are necessarily in the dark. The future alone will reveal how thoroughly and successfully the contest against the germs of cholera has been waged during the past summer and autumn. According to the statement of those who studied the outbreak of cholera in this country in 1873, the first cases made their appearance in New Orleans as early as February; others occurred in March. Later the cholera visited Cincinnati, St. Louis, Chicago, and numerous smaller cities and towns west of the Allegheny Mountains.

Dr. Joseph D. Bryant answered:

The business public, in my opinion, apprehend a visitation of cholera here in the spring and summer of 1893. That the physicians conversant with the past and present state of affairs have this apprehension I have not the slightest doubt.

Dr. Joseph E. Winters says:

There is a decided apprehension in the minds of the public and of physicians that there will be a visitation of cholera from Europe to this country during the spring and summer of 1893, unless means are taken to prevent it.

The extent of the danger to us will depend entirely upon the means taken to exclude it.

Dr. Lewis A. Sayre says:

There is considerable apprehension both among the profession and the public that there will be a revisitation of cholera in 1893.

The very able and faithful sanitary superintendent of the health department of the city of New York, Dr. Cyrus Edson, says:

The first question I must answer without qualification. There is a deep feeling of apprehension, both among physicians and the public generally, that the danger of an epidemic of Asiatic cholera during the spring and summer of 1893 is imminent.

The character and extent of the danger is, in the present condition of affairs, in proportion as (*a*) the disease is prevalent, and as (*b*) quarantine is ineffective.

(*a*) Reliable reports from the cities of Northern Europe indicate that thus far the disease is surviving cold weather, and is likely to survive the entire winter. Should it do so, we must expect that Northern Europe will suffer from a severe epidemic of cholera that will commence sometime during the spring of 1893. This will put us close at hand to the disease at least three months earlier in 1893 than in 1892. In other words, the disease will have at least three more months favorable weather and conditions than it had in 1892, and the danger that it will find an entrance and obtain a foothold will be proportionately greater than was the case in 1892. The history of Asiatic cholera in this country during the past, as was shown by President Wilson's testimony, leads to the conclusion that this danger is a very great one.

Mr. Charles G. Wilson, president of the health department of the city of New York, answers as follows:

In answer to the first question, permit me to say that I am of the opinion that there is a well-founded feeling of apprehension, not only among physicians and sanitarians, but also in the public mind, that unless the most strenuous measures are adopted the country will have a visitation of cholera in the spring or summer of 1893.

Then he proceeds to give a carefully prepared history of the previous visitations of cholera, showing that where the cholera appeared in any year it invariably manifested itself much earlier the next year.

Dr. George F. Shrady says:

There is a well-founded apprehension that cholera may visit the United States during the summer of 1893.

Dr. Alfred L. Loomis says:

Answer to query 1: There is.

Answer to query 2: I think it imminent. Unless means are taken to prevent its introduction, we are almost sure to have an epidemic.

These opinions were so forcible and so unmistakable that the Committee on Immigration did not feel at liberty to neglect to take action upon them.

Mr. VEST. Will it interrupt the Senator if I make an inquiry?

Mr. CHANDLER. Certainly not.

Mr. VEST. The document from which the Senator has read is not accessible to Senators generally, at least I have not been able to obtain it.

Mr. CHANDLER. There are copies to be had.

Mr. VEST. I understood it was printed for the use of the committee.

Mr. CHANDLER. Some copies have been brought to the Senate.

Mr. VEST. Has the Senator from New Hampshire a statement from Dr. Hamilton, the former Surgeon-General of the Marine Hospital Service?

Mr. CHANDLER. There is not printed any opinion from Dr. Hamilton, but I will make a statement in reference to Dr. Hamilton, if the Senator desires it, a little later. Dr. Hamilton's opinion is the same as those of the other physicians whom I have quoted.

Mr. VEST. Dr. Hamilton has been examined by the committee.

Mr. CHANDLER. He has been present with the Senator from Tennessee and myself on the visit to New York, but his statement has not been taken in writing.

Mr. VEST. If the Senator will permit me, while I wish, of course, to do what is necessary to preserve the health or the lives of the people, I confess that my disposition is to go very slowly in regard to a measure so drastic as that which is submitted now to the Senate.

I happened the other day to accidentally meet Dr. Hamilton in a railroad train, and he himself brought this matter up. He stated that he had appeared before the committee and was on his way to Washington to appear, as I understood, again. He said to me that there was no necessity for excluding immigrants; that the cholera germ, as he expressed it, was fully understood by the advanced thought of the medical profession, and could be controlled by them. He further expressed the apprehension that if this measure should be adopted it would result in the worst class of immigrants, the filthiest, and the most diseased coming through Alaska and Mexico.

Mr. HARRIS. Will the Senator from Missouri and the Senator from New Hampshire yield to me for a second?

Mr. VEST. I will with pleasure.

Mr. HARRIS. Dr. Hamilton is decidedly in favor of the passage of Senate bill 2707, which is now under consideration.

Mr. VEST. Which excludes immigrants?

Mr. HARRIS. By no means. There is a pending amendment to the bill, which has not yet been acted upon, which gives to the President authority, when he is satisfied that there is an exigency demanding it, to suspend immigration for such time as he deems absolutely necessary to the prevention of the importation of disease. That amendment is pending. I saw that the Senator was addressing himself to a bill which is not now under consideration.

Mr. VEST. I was addressing myself to the remarks of the Senator from New Hampshire.

Mr. CHANDLER. I understood the Senator to be speaking not with reference to the bill of the Senator from Tennessee.

Mr. VEST. I understood the Senator from New Hampshire to say that he favored and his committee favored the exclusion of immigration for twelve months.

Mr. CHANDLER. I understood the Senator to be addressing himself to that proposition.

Mr. VEST. I was. I will state that Dr. Hamilton made that statement to me, and as he has had control of our quarantine regulations for a number of years, both during Democratic and Republican administrations, I am disposed to give his opinion great weight. Therefore, I asked the Senator if Dr. Hamilton's testimony had been taken and printed.

Mr. CHANDLER. Mr. President, when I was interrupted by the Senator from Missouri (Mr. VEST) I was showing to the Senate, by the opinion of these doctors, that there is imminent danger of cholera coming into the country during the present year. The Senator interrupted me to state the opinion that had been given to him by Dr. Hamilton, that it was not necessary, in order to prevent an incursion of cholera, that immigration should be totally suspended for one year; which may be true so far as the opinion of Dr. Hamilton is concerned; and the Senator himself may be correct in entertaining the same opinion. The proposition is open for discussion and has two sides to it; but Dr. Hamilton does not differ from the doctors whose opinions I have just been reading, that there is imminent danger of the entry of cholera during the coming spring. I suppose the Senator from Missouri does not understand that Dr. Hamilton underrates in the least the danger of the advent of cholera, but only that Dr. Hamilton believes, as many of these doctors do, that the disease may be held in check and even kept out of the country without the necessity of the suspension of immigration for one year.

Mr. VEST. That is all I stated. Dr. Hamilton stated to me that there was necessity for strict quarantine regulations, but not to the total exclusion of immigrants.

Mr. CHANDLER. Dr. Hamilton does not differ from the physicians whom I have quoted upon the proposition, that there is great danger of cholera coming into this country during the coming spring, unless the most rigid and effective methods of exclusion are resorted to.

Mr. President, after the Committee on Immigration returned from New York, where they had this conference with these physicians, a consultation took place, the result of which was the reporting by the Committee on Immigration of Senate bill 3513 for the total suspension of immigration for one year.

Realizing that this is a harsh measure, and one that no person will wish to resort to unless the circumstances absolutely require it, the members of the Committee on Immigration, myself as chairman especially, immediately entered into conference with the Senator from Tennessee and ascertained that it was his purpose to press the consideration by the Senate of the bill now pending granting additional quarantine powers to the Treasury Department.

It was also the opinion of the Senator from Tennessee and myself that any measures which the Treasury Department might think it important to prescribe to exclude cholera from our borders should be adopted by that Department without any further delay, and without saying that they were waiting for additional legislation by Congress. Upon consideration of this point it occurred to me to write a letter to the Secretary of the Treasury, which I will ask the Secretary to read.

The VICE-PRESIDENT. The letter will be read.

The Secretary read as follows:

UNITED STATES SENATE,
Washington, D. C., December 22, 1892.

SIR: Realizing that it is important that the policy and measures of the United States Government in reference to immigration and the introduction of cholera into this country in the spring of 1893 shall be known and announced to European nations at as early a date as possible, so that preparations abroad may be made accordingly, I have endeavored to ascertain the situation in Congress with reference to the probabilities of legislation, with the following result:

I. There is pending a proposition to exclude all immigration from European countries for the coming year. This is quite likely to be adopted, but it is not certain that it will be.

II. There is pending a proposition for a national quarantine system which will wholly abolish the State system now existing in New York State. This proposition may be accepted in the next Congress, but the controversy it arouses will prevent its adoption by the present Congress, which ends March 4.

III. There are pending propositions to make more specific and to enlarge the powers of the President and Secretary of the Treasury to deal with immigration and apprehended infection—notably the Senate bill of Senator HARRIS of Tennessee, chairman of the Committee on Epidemic Diseases. These propositions are intended to authorize this Government to establish severe sanitary rules and regulations to be put in force in Europe as well as on the steamers and after their arrival in our ports; and there will be no opposition to making such national rules and regulations superior to those of any State with which they may come in conflict.

IV. It is my judgment that legislation in this last direction should not wait a single moment by reason of the pendency of the first two propositions. Such additional legislative power as the Executive may need for dealing promptly and effectively with the danger of disease from Europe during the coming spring should be perfected and passed through both Houses at the earliest possible day in January, and immediately thereafter any new rules or regulations essential to the public safety, made necessary by such legislation, should be announced to the world so that all persons or corporations concerned, at home or abroad, may know the prohibitions and requirements of this Government, to which they must rigidly conform.

Senator HARRIS is, I am sure, ready to confer with you with reference to the details of the bill introduced by him; and in a conference on this subject the other Senators and Members who are most interested therein will, I doubt not, gladly participate. I write to impress upon you my own conviction that the holiday recess should not pass without a successful effort to bring the details of any needed legislation into the best possible shape for presentation, on the day of reassembling, to both Houses of Congress.

Moreover, while I do not doubt that some new legislation will be adopted, yet I trust the Executive will not wait therefor before preparing and promulgating certain national rules to govern intercourse from Europe with this country in the spring of 1893. No legislation will be likely to interfere with or weaken such rules, and it is desirable that they shall be proclaimed early in January whatever may be the situation or prospect of legislation.

Very respectfully,

W. E. CHANDLER.

Hon. CHARLES FOSTER,
Secretary of the Treasury.

Mr. CHANDLER. In response to this letter, Secretary Foster invited the Senator from Tennessee and myself to call upon him. We did so on the 23d, and also had an interview with Assistant Secretary of the Treasury Spaulding, the assistant in charge of quarantine and immigration questions. The result of these conferences was that the Senator from Tennessee and myself went to New York on the 28th day of December, and on the 29th and 30th we examined the present preparations for the exclusion of cholera from that city. It is well known to Senators that 90 or 95 per cent of the immigration into the United States comes into the city of New York, and that the most danger of cholera is to be apprehended from vessels arriving at that port.

Before we went to New York the following memorandum was sent to Assistant Secretary Spaulding, which I will ask the Secretary to read.

The VICE-PRESIDENT. The paper will be read.

The Secretary read as follows:

Memorandum for the Secretary of the Treasury, furnished by Senators HARRIS and CHANDLER December 23, 1892.

I.

Please inform us what is the present statutory authority under which the President's proclamation was issued establishing a twenty days quarantine of immigrants.

II.

What additional law, if any, is desired confirming or conferring power in the Executive in reference to quarantine.

III.

Please examine Senate bill No. 2707, as reported December 22, and suggest at once any desirable amendments, either in form or substance.

IV.

It is suggested that the Executive regulations to be observed abroad, on the voyages, and in our own ports, for the prevention of the introduction of cholera or other disease, during the year 1893, be framed and promulgated immediately and without waiting for new legislation.

Mr. CHANDLER. Upon arriving in New York we found the preparations made by the State authorities were these: They have upon Hoffman Island a large hospital, or rather barracks, intended as a general rule for the accommodation of quarantined passengers who are not diseased. These Hoffman Island buildings are now in excellent condition. They were subjected during the dangers of last year to severe criticisms by a committee of the Chamber of Commerce of the State of New York, and in a report on that subject, which has been recently printed, the report of the special committee on quarantine, those criticisms of the buildings and other plants upon Hoffman Island are recited, but in a latter portion of the report it is stated that the defects which the committee found have been measurably remedied. As Hoffman Island appeared to me, it seemed to be in every way admirably designed as a quarantine station.

Directly below Hoffman Island is Swinburne Island, and that is covered with hospital buildings. It is intended for the detention of passengers among whom there may be some cases of

cholera. The buildings upon Swinburne Island are therefore arranged upon the pavilion plan, and in addition to the main or central buildings there are a number of pavilions located at different points about the island, in order to provide for the separation of patients. I think the Senator from Tennessee will concur with me in saying that Swinburne Island is also thoroughly equipped for the purposes for which it is intended to be used. Those two large establishments upon those islands now stand empty. They are only occupied by attendants, and they are ready for use. They belong to the State of New York. I should suppose they were of great value; perhaps, in round numbers, $500,000 each, or $1,000,000, would represent the money investment of the State of New York in these properties.

It is, however, not the purpose of the State quarantine authorities to treat any cases of cholera actually entering the port upon Hoffman or Swinburne Island, but they intend to have and now have distinctly in view a floating hospital, believing that cases of actual cholera can be better treated, or at least with more safety, upon a floating hospital than at either Hoffman or Swinburne Island or anywhere upon the land.

Mr. HARRIS. The floating hospital is in the course of construction at this time.

Mr. CHANDLER. The floating hospital is now in the course of construction.

These constitute the quarantine preparations of the State of New York, the State quarantine being under the control of Dr. William T. Jenkins, who accompanied the Senator and myself, and showed us what facilities were possessed by the State of New York for keeping out disease. We were also informed that the State had acquired Fire Island as an additional quarantine station, but that we did not visit.

On the next day, the Senator from Tennessee being unable to accompany me, I examined the preparations which had been made by the city health department of New York. That department is under the charge of the city board of health, of which Mr. Charles G. Wilson is president and Dr. Cyrus Edson is the sanitary superintendent. The preparations which the city authorities make is for dealing with cholera if any cases actually enter the city, and for dealing with other similar diseases which so enter. If a case of cholera passes the State and National authorities and reaches the city, or if the disease breaks out in the city, it is taken in charge by the city authorities. The preparations which the city has for dealing with contagious or deadly diseases are as follows: They have a sanitary station on the East River at the foot of Sixteenth street, I think. There is a reception hospital there, and a hospital that has existed for many years, called the Willard Parker Hospital, and there is now building at this point a large modern model hospital for the treatment of patients with infectious diseases; but it is not designed to keep such patients for any length of time at the reception hospital.

The main reliance of the health department of the city is upon the Riverside Hospital at North Brother Island, which is up the East River beyond Blackwells Island and this place I visited. I found it to be a central hospital with many pavilions now existing and others in the course of construction. This is where the typhus fever patients of last February were taken, and where all the cases of deadly contagious disease are taken for treatment. It is a most admirably arranged establishment. The preparations for avoiding the transmission of disease from one patient to another are of the most perfect character. If I may be allowed to judge, I can not conceive of any better hospital that can be constructed for such a purpose than the Riverside Hospital at North Brother Island, belonging to the city of New York.

In addition the health department of the city controls a large vacant island called Rikers Island, about half a mile from North Brother Island, and upon that it is designed, if there is a great outbreak of cholera, to treat patients in tents. I found that the plan of treating persons who are threatened with or have cholera in tents out of doors is regarded favorably at North Brother Island. Steam pipes have been carried out into the open spaces, coils of pipe have been erected, wooden floors have been laid down, and hospital tents have been placed over them and they are heated by these coils. I was informed that there was no trouble even in the coldest weather in treating cases of infectious disease in those tents; that is to say, the patients can be treated without any more danger to their own lives than if they were kept inside of a brick or wooden building, and there is less danger of communicating the contagion to others.

The Senator from Tennessee [Mr. HARRIS] and myself also examined the national preparation to keep out cholera.

Mr. PLATT. Before the Senator comes to that will he allow a question?

Mr. CHANDLER. Certainly.

Mr. PLATT. Who appoints the health officer of the port of New York, Dr. Jenkins?

Mr. CHANDLER. Dr. Jenkins is a State official appointed by the governor. Dr. Cyrus Edson is at the head of the health department of the city of New York, and I have stated the distinction between the two jurisdictions.

Mr. PLATT. The health department of the city has nothing to do with the disease until it gets on land?

Mr. CHANDLER. No, sir; the line of demarcation is, that it is the business of the State quarantine authorities to keep disease from getting into the city, and the health department of the city has nothing to do with that duty. After the disease has entered the city it is the business of the health department of the city to take care of it and suppress it, if they can; and they have nothing to do with quarantine.

Now as to the preparations of the national authorities. Last summer, in pursuance of the general power of the Secretary of the Treasury, and I suppose with the funds which were given to him by a vote first taken in the Senate (the amendment having been reported by the Senator from Iowa, Mr. ALLISON), the United States officials undertook to make preparation for cholera, and went down below Swinburne Island to Sandy Hook, just out of the line of the main ship channel, which makes a right angle at this point, and erected temporary barracks. This is Camp Low, at Sandy Hook. The buildings are of wood, with a large wooden hospital remote from the barracks. Large numbers of quarantined passengers, among whom disease had not developed, were taken and kept there some six or eight days last summer, and Camp Low remains subject to be enlarged and improved, and I think it is in every way an available station for quarantining passengers, or even for the treatment of passengers who may be diseased.

Mr. PLATT. It is on the United States reservation.

Mr. CHANDLER. It is on the United States military reservation, up the Hook as far away as possible from the military station and from the light-house, but not over to the Jersey shore, because the Hook proper is separated by a bare neck from the main land of New Jersey, and there can be no possible objection to the use of this end of Sandy Hook as a quarantine station.

This appears to be the whole national preparation for cholera. It is not to be forgotten, however, that there is Ellis Island, the immigration station, where all immigrants go after they have passed the State quarantine and the national quarantine, where certain inspections are made in order that the immigration act of March 3, 1891, may be complied with, and where immigrants who happen to be sick are taken care of, by means of ample hospital accommodations, although it is not intended that persons who may be afflicted with contagious or infectious disease shall be treated upon Ellis Island.

Mr. CULLOM. A large building has been recently erected there?

Mr. CHANDLER. There is a very large building, but it is needed for immigration purposes. Whether there is much or little immigration it is needed for immigration purposes and would not be available as a cholera hospital.

Mr. PLATT. It would not be needed if immigration were entirely suspended, I suppose?

Mr. CHANDLER. If immigration were entirely suspended it might be possible to get along without Ellis Island, but I do not think that under any suspension for one year we should be without a certain number of steerage passengers, and those steerage passengers it would be judicious to send to Ellis Island, as all immigrants are now taken to Ellis Island.

Mr. PLATT. What does the Senator mean by that? Does he mean that there would be steerage passengers coming as tourists, or for pleasure, or temporarily?

Mr. CHANDLER. I see the purpose of the Senator, and will be very happy to discuss that point with him at some time; but the suspension of all immigration for one year does not in terms abolish steerage passage. It will still remain the duty of the immigration officers to enforce the laws, and they will have occasion to use Ellis Island. Besides, Ellis Island is so near to the Jersey coast that I am quite sure the Senator from New Jersey [Mr. MCPHERSON], who was afraid to have a naval powder magazine there, would certainly object to its being used as a cholera hospital.

Mr. President, I was favorably impressed with the preparations at New York, national, State, and municipal, for keeping out cholera and for treating cholera cases if cholera makes its advent into the city. I have nothing to find fault with, nothing to censure, nothing to complain of. I think that substantially all the preparation has been made that is demanded by the situation, except that I believe the Secretary of the Treasury should without a week's delay put Camp Low into the most perfect condition, and I think that a large contingency or emergency appropriation should be given to the President and the Secretary of the Treasury before Congress adjourns on the 3d of March.

Mr. CULLOM. If it will not interrupt the Senator, as this

seems to be a sort of joint stock arrangement between the State and National Government, I wish to inquire if the Senator is entirely satisfied with it himself?

Mr. CHANDLER. Mr. President, it is not a joint stock arrangement. There is a national jurisdiction and there is a State jurisdiction on the subject of quarantine. Under the existing laws of the United States it is the duty of the national authorities to aid the State authorities. While I am aware that the inconveniences of this double jurisdiction are so great that at no distant day it may be deemed necessary or advisable by Congress to take entire control by national authority of the subject of quarantine, yet the difficulties which would surround an attempt to do so at this time are so great that I am not myself in favor of making the attempt at this session of Congress. That is the point the Senator wished to call to my attention.

Mr. CULLOM. That is what I desired to hear the Senator give his expression upon. I do not pretend to indicate that this is not the best that can be done under the circumstances, but I wanted to ascertain whether the Senator thinks it is satisfactory.

Mr. CHANDLER. My own tendency is toward an exclusive national quarantine, but Senators will remember that on August 1, 1888, we passed a bill for the establishment of several new quarantine stations. A very fine quarantine hospital was established at San Francisco, and all along our coast national preparation was made for excluding disease. The exceptions were at New Orleans, New York, and Boston, I believe. If there are any other State quarantines maintained in full vigor the Senator from Tennessee will correct me. Therefore Louisiana, New York, and Boston have large quarantine establishments. The States have invested a great deal of money at their stations, and by the deliberate decision of the act of Congress of 1888, which established eight national quarantine stations, it was determined that national quarantine should not supercede State quarantine at New Orleans, New York, and Boston; and there has been no serious attempt to wipe out those State quarantine establishments until now.

I am inclined to believe, as I have already stated, that at no very distant day Congress will deem it advisable to take sole possession of the quarantine stations at Boston, at New York, and at New Orleans; but Senators will see how difficult it is to do it at this time. Shall we pass an act of Congress wholly excluding the New York State quarantine authorities from helping exclude cholera during 1893? Shall we do that? If so, shall we get along without Hoffman Island and Swinburne Island, or shall we take possession of them? Can we purchase them by negotiation, or can we take possession of them by condemnation in season to deal with the disease of cholera which is, I am afraid, already lurking at our doors?

Mr. President, I deal with the subject not theoretically, because theoretically I am in favor of national quarantine, but I deal with the subject practically. Notwithstanding there were some differences of opinion last year between the national and State authorities, I am not in favor of undertaking to bring on the conflict which would arise at once if we should undertake by an act of Congress at the present time to wipe out all State quarantines, and now, on the eve, for ought we know, of a terrible incursion of cholera, attempt to take possession of the Louisiana State property, the Massachusetts State property, and the New York State property, and assume the sole responsibility for the National Goverment of excluding cholera in the coming spring from admission into those ports.

Mr. PLATT. May I ask the Senator whether he intends to throw the entire responsibility of excluding cholera in those ports upon the State authorities?

Mr. CHANDLER. I do not. My proposition is that we shall pass the bill which the Senator from Tennessee has reported. I found that Senator adverse to any such radical measure as the Senator from Connecticut is in favor of. I found the Senator from Tennessee, who as I said has been dealing with this subject in the Senate for ten years and who has added so much useful legislation to that which was upon the statute book, adverse to radical and hostile legislation. As we had gone from 1888 to 1892 upon the deliberate policy of allowing a State quarantine to prevail at the mouth of the Mississippi, at Boston Harbor, and at New York Harbor he was averse to undertaking at one blow, when we ought to be making direct preparations for the appearance of cholera, to destroy the State quarantine and establish as the sole protection of the country a national quarantine in those three ports.

I must confess, Mr. President, that I have been influenced by a desire to accommodate myself to the views of the Senator from Tennessee and to many other Senators who I know are opposed at this time and under the circumstances to attempting to secure legislation for the establishment of exclusive national quarantine, which perhaps one year from now, after the exigencies and the great danger which is now upon the country has passed, may meet with general approval.

So, Mr. President, I think we should pass the bill which the Senator from Tennessee has reported. I think we should give to the Executive the fullest power in the premises. I think we should make the power of the Executive supreme over the power of the State whenever there may be a conflict of opinion or judgment between them.

Mr. CULLOM. Does this bill do that?

Mr. CHANDLER. I think so.

Mr. PLATT. I should like the Senator to explain how this bill does it.

Mr. CHANDLER. I will leave the discussion of the details of the bill to the Senator from Tennessee. There is no doubt at all that whatever the United States enacts on this subject is superior to anything which the State may enact. That is not a proposition which is subject to dispute. It is not necessary to put into this bill that whatever is done by the national authority in pursuance of the bill shall be supreme over State action, because it is a well-settled doctrine that this being a regulation of commerce, the regulation of intercourse between nations, the national power when it acts is supreme, and any control of the State over the question is solely with the permission of the national authority.

Mr. FRYE. Will the Senator allow me?

Mr. CHANDLER. Certainly.

Mr. FRYE. Has the Senator examined the laws and the practice of two States; for instance, of Alabama and Georgia?

Mr. CHANDLER. I have not.

Mr. FRYE. I am informed by very intelligent shipmasters that the whole thing is simply a farce: that the law is used for the purpose of levying fees on vessels; that a vessel will get within 16 or 18 miles of Mobile, for instance, when there is no danger of cholera or anything else, and that some person entirely ignorant of his duty will come on board perhaps 8 miles further off, take a tin vessel and burn some sulphur, call it fumigating, and charge the vessel with very heavy fees. Our shipmasters at any rate think that the whole thing down in those two States they have written about has been run simply for the purpose of levying fees from American vessels.

Mr. CHANDLER. That may be true, Mr. President. There is no State quarantine establishment in Alabama or in Georgia that I think would be interfered with if the United States took sole control of quarantine in the ports of those States. If I am wrong the Senator from Tennessee will correct me, but I think that under the existing statutes the national authorities can take exclusive control of quarantine in the ports of Alabama and Georgia. If under these circumstances extortionate fees for useless services are being exacted by the authorities of those States, there ought to be a bill passed by Congress at once to prohibit such exactions. But I am dealing only with the situation that is presented by the existence of the three large State quarantine establishments at Boston, New York, and New Orleans. The more I have thought of them the more have I realized that it is practically impossible at this time by an act of Congress and proceedings thereunder to safely and judiciously wipe out the State quarantine establishments at those ports.

Therefore, I think that we should go on as we are; that the two sets of authorities should protect Boston and New York and the mouth of the Mississippi River, and that the State authorities and the United States authorities should get on harmoniously together in the great effort which the spring is to impose upon us of keeping cholera out of those three ports. The governor of the State of New York should put at the head of his quarantine establishment, if such a man is not now there, a superintendent who will get on well with the United States authorities, and the Secretary of the Treasury should put at the head of the national quarantine establishment in the city of New York, if he is not already there, a man who will get on well with the State authorities; and there should be a public sentiment in this country that will not tolerate questions of etiquette or petty quarrels between the national authorities and the New York State authorities during the coming cholera season.

Mr. President, while I have endeavored to forward the national and State preparation that is being made to keep cholera out, and while I cheerfully and cordially support the bill which the Committee on Epidemic Diseases have reported, after all I believe the danger is so great that we ought to suspend immigration for one year, and I deem it to be my duty to place some argument in favor of such a suspension before the Senate.

The evidence is conclusive and overwhelming that cholera does not come in the cabins of the steamships. It comes with immigrants in the steerage. This is not an invidious distinction to make. It is a distinction that is forced upon us by irrefutable facts. It is not a difference between the poor man and the rich man. It is a difference between the clean man and the man

who is not clean. It is the difference between healthy persons who start with healthy surroundings at the port of departure and have them on the voyage over and persons who start under unfavorable circumstances, who are brought under conditions that are unclean and unhealthy, and who therefore bring the cholera with them while the more favored classes of passengers do not bring it.

Mr. MITCHELL. May I ask the Senator a question?

Mr. CHANDLER. Certainly.

Mr. MITCHELL. Does not the Senator believe that there would be just as much danger of bringing contagion into this country by permitting aliens to come in who do not come here to reside or to settle on lands, but simply come here as temporary visitors, as there would be from the other class?

Mr. CHANDLER. Not if they do not come in filthy steamship steerages.

Mr. MITCHELL. But that is begging the question, it seems to me. The bill inhibits the coming to this country of aliens who are coming as immigrants for the purpose of residing here and of making settlement on lands, while it leaves the door open as to all other aliens who come here, not for the purpose of residing, not for the purpose of settling upon lands, but for a temporary purpose, for the purpose of visiting the country.

Mr. CHANDLER. Will the Senator hear the evidence before he makes up his mind? I say frankly that the object of the suspension for one year of alien immigrants is to break up steerage passages.

Dr. Ewing says:

To my mind the chief danger lies in the immigrant and his luggage coming to our shores, and that danger is very great under the methods heretofore in vogue.

Dr. Stephen Smith says:

The cholera germ may be transported in a viable state in a warm, moist medium, as soiled old clothing. The conditions favorable for the transmission of the cholera germ, therefore, are found in steerage passengers (the common immigrants) and their personal effects. The immigrants, also, are far more liable to be exposed to personal contact with cases of cholera in foreign ports than ordinary travelers. It follows that cholera is more likely to be conveyed by immigrants than by any other means known.

Dr. Janeway says:

Almost all of the danger of the introduction of cholera into the United States will be by means of steerage passengers and their effects. This is almost equivalent to saying by means of immigrants and their effects. There is no reasonable doubt that the suspension of all immigration for one year from March 1, 1893, except that from North and South American ports, would tend very strongly to prevent the introduction of cholera.

Mr. MITCHELL. Will the Senator allow me to interrupt him again?

Mr. CHANDLER. I want the Senator to hear the whole evidence before he reaches an opinion.

Mr. MITCHELL. Will he allow me just one question at that point? If it be true, as stated in that testimony and as is claimed by the Senator, that the great danger lies in steerage passengers, would it not be better that the Senator should draw his line of distinction as between steerage passengers and passengers who are not steerage rather than between aliens who come here to settle and reside and aliens who come here for temporary purposes?

Mr. CHANDLER. Undoubtedly the object should be accomplished in the most practicable way. It can be reached either by the exclusion of all immigrants coming for settlement or by the abolition of all steerage passages. It is a fair question between the two methods. But if you were to abolish all steerage passages, then you would not allow your own citizens abroad to come home in the steerage. There are these two methods, one or the other of which I think ought to be adopted, and as I have studied the subject, it seems to me that the most practicable and feasible method is to suspend the coming of all immigrants for settlement.

Dr. Joseph D. Bryant says, after having stated the quarantine measures which he thinks ought to be adopted:

If, however, for any reason, the preceding propositions be not feasible for the present or for the future time, then the only remaining one is the adoption of the second method, which is the exclusion for a proper time of the infection-breeding and infection-carrying agents—the immigrants themselves.

Dr. Lewis A. Sayre says:

The danger to be apprehended from immigrants and their belongings is very great.

Dr. Joseph E. Winters says:

It is certain that cholera will reappear in Europe during the coming year and it is equally certain that unrestricted immigration from Europe to this country will bring the scourge to us.

Foreign immigrants in the steerages of the European steamships, or immigration in any form or shape whatever, will be the certain means of keeping all European visitors from this country during the spring and summer of 1893.

Dr. Cyrus Edson says:

The great danger is that the disease will be brought into this country by immigrants arriving here from European ports.

Dr. Shrady says:

The history of every epidemic in this country has proven that the disease entered our ports on account of defective quarantine, and that it has been carried to us mainly by filthy immigrants.

Dr. Loomis says:

I think its introduction will be entirely through immigrants coming to this country in the steerage of the steamships.

Moreover, Mr. President, this is the view entertained by other authorities than those who appeared before the committee. There is before the Senate Executive Document No. 13, Fifty-second Congress, second session, a letter to the Secretary of the Treasury of December 5, 1892, from Dr. E. O. Shakespeare, port physician of the city of Philadelphia, who has given full and diligent study to this subject. He says the cholera will come in—

Unless constant care be taken to guard against the probability that the germs of the disease may be transported in the clothing and personal effects of those classes of transatlantic travelers who usually come to this country in the steerage.

And he goes on to prove by the prior history of cholera that such is the fact. He speaks of the cholera coming on former occasions, and says:

Again in 1873 epidemic outbreaks of cholera occurred in Ohio, Minnesota, and Dakota, which were caused by cholera poison packed up in the household effects of emigrants from Holland, Sweden, and Russia, respectively.

These immigrants sailed from healthy ports in healthy vessels, and were subjected to the usual sanitary requirements of the period (that is, mere boarding by the quarantine officer and hurried inspection). They passed through New York and the intermediate territory without injury to the public health; but when their infected goods were unpacked in the interior of the continent, they liberated the poison which gave rise to the local outbreaks.

In the discussion of this question I can not too severely emphasize the well-known fact that cholera has never been brought to the Atlantic coast of North America except by vessels transporting this class of filthy people from Europe. I have repeatedly pointed out that it is practically only people of this class and condition who, during time of prevalence of cholera in any portion of Europe whence they are likely to proceed or through which they may migrate, expose this country to the danger of cholera.

To persistently and relentlessly, winter and summer, adhere to the policy of rigid exclusion from all our ports of these dangerous classes until cholera shall have entirely vanished from Europe, is to strike at the root of the difficulty, and, in my opinion, is the only way to certainly succeed in protecting the country during the whole time it is threatened with the infection of this disease.

Dr. Shakespeare further says in an article in the Medical News of September 10, 1892:

To my mind, in the case of the United States, so far distant from the source of cholera, and so remote from European shores, we need only to fear, during the prevalence of a widespread epidemic of cholera in the northern portion of Europe, the introduction of the disease here through the numerous hordes of emigrants constantly arriving from Europe.

It is a fact beyond dispute that cholera preys upon and breeds among those living in squalor and filth, and closely follows their movement. It is exceptional, even in Bengal, the home of cholera, that the Englishmen there are attacked by the disease. It is true, also, in filthy and frightfully unsanitary localities in Southern and Eastern Europe, that the intelligent and well-to-do classes suffer to no great extent during the period of cholera epidemic. There is but little danger of the class of people who constitute the cabin passengers of the transatlantic steamers bringing with them, either on their persons or in their clothing, the infection of cholera. It is for this reason that I hold most confidently that the chief and, I may say, the only source of danger of cholera finding a foothold, when inspection is properly performed at quarantine, lies in its introduction by the emigrant classes.

Dr. John H. Rauch, who is the secretary of the Illinois State board of health, takes the same view of the subject in an address delivered at the opening of the national conference of the State boards of health, held in the city of St. Louis, October 13 and 15, 1884:

It may be necessary to absolutely prohibit immigration, for a time, at least, from infected countries. Every one of our cholera epidemics has been directly and unmistakably traceable to the arrival of immigrants infected in person or in baggage and household goods. It was the crowded troopship and transport which brought the contagion into France from China and Egypt. It is the crowded pilgrim steamer and passenger vessel which carries it from Bombay and Calcutta into Europe and elsewhere, as already instanced. It is the steerage of the immigrant vessel, with its crowd-poison and other conditions favorable to the development of a specific contagion, which we have to fear.

And this, Mr. President, is the summing up by the Treasury Department in a circular to collectors and other officers of the customs, issued by Acting-Secretary O. L. Spaulding, November 16, 1892:

Experience has demonstrated that the principal danger of infection through immigration arises from passengers brought over in the steerage. The crowding of immigrants to the extreme limits of the steerage accommodations of many of the ships, the considerable quantity and the character of their baggage and personal effects, and the consequent difficulty of maintaining those conditions of cleanliness and ventilation which are demanded by sanitary laws, are among the causes which create special danger of infection from the class of immigrants referred to. These perils do not arise from the transportation of passengers in the cabin, and the Department finds no occasion to interfere with the landing of the latter, after they have passed the inspection of local health authorities.

Mr. President, here, as I submit, is conclusive evidence that that there will be no great danger of the introduction of cholera this year unless it comes in the steerages, brought by the immigrants. There will be no considerable danger that a quarantine will have to be established which will seriously interfere with the Columbian Exposition at Chicago, unless there is the danger

of the admission of cholera through immigrants coming from Europe. It is my fear that whatever quarantine regulations may be established, if immigration continues to come, the cholera will come. Let the bill of the Senator from Tennessee be passed, let the most rigid rules be prescribed by the Treasury Department for quarantine on the other side of the ocean, for the surveillance of passengers while on the voyage, and for quarantine in our own ports, and nevertheless if these immigrants come the cholera will come with them, and the quarantine will not be successful.

Mr. President, I desire to read on this point from the statement already in print of Dr. Cyrus Edson, the sanitary superintendent of the New York City health department. Dr. Edson says:

> In regard to effectiveness of quarantines. It is an almost universally accepted fact that 70 per cent of what are termed good quarantines fail. In other words, where attempts have been made to keep a given contagious or infectious disease out of the country, in only about 30 per cent have the quarantine officers been successful. A perfect quarantine is only a theoretical possibility. The enormous amount of detail necessary to a perfect quarantine can not, in my opinion, be covered by the work of any man or men. I do not by this statement wish to be taken as condemning quarantine. The latter, when properly conducted, is of great value in reducing the danger.

That is the matured opinion written out by himself of the health officer of the city of New York, who feels that, notwithstanding all the quarantine preparation either national or State authorities may make, he will be obliged to deal next summer with cholera present within the precincts of the city.

I need only refer to the typhus-fever cases of one year ago. The steamship Massilia, which left Marseilles January 1, 1892, and Naples on the 7th of January, and reached New York Harbor January 30, brought from Naples about 450 Italians and about 270 immigrants of Russian origin from Marseilles. No serious disease being detected, they were nearly all allowed to land. Ten days later, on February 11, cases of typhus fever were discovered among the Russians, and after prompt efforts to find and discover all the immigrants and isolate them the disease was finally suppressed, the outcome being as follows:

Among the Massilia's passengers there were 138 cases, and 13 of the patients died. Sixty residents of New York were taken sick, and 15 died. Eleven of the health department employés, including nurses, helpers, and police, had the disease, and 5 died, making the total deaths 33 out of 209 cases.

A careful examination of the New York State quarantine officer, Dr. William M. Smith, health officer of the port of New York, whose assistant, Dr. E. C. Skinner, passed all the immigrants, showed that these officers had no reason to suspect the presence of typhus among the passengers.

The inspection made by the United States officers at Ellis Island was attended with a like conclusion. Several passengers were detained for various sicknesses, but typhus was not suspected until February 12, after it had broken out in New York City, and the few persons at Ellis Island then supposed to have typhus recovered.

Now, here was an absolute failure by medical inspection on the other side, by surveillance on shipboard, and by the investigation of the national and State officials on this side to keep typhus fever out of New York. It came in. It was dealt with afterward with remarkable success, in my judgment, for it is a disease much more malignant and more likely to be transmitted than cholera; and yet it was not dealt with until after all these deaths had taken place. Senators will notice that the deaths were more numerous among citizens of New York than they were among the infected immigrants themselves, and that typhus fever has not left New York yet. It appeared to be stamped out last winter.

There was little heard of it during last summer and fall, but now in the cold weather of the winter that very typhus fever has reappeared in the city of New York, and since the Senator from Tennessee and myself left that city there have been twenty or thirty cases of such fever fully developed in the crowded lodging houses in the city of New York. So I say that quarantine will not be sufficient; that sanitary preparation will not be sufficient, and that the only radical plan and complete measure the United States can adopt to keep out this dreadful disease, which is not much feared now because it has not yet come, but which will create a panic when it does come, is to practically break up steerage passages, and to keep out alien immigrants who wish to come here for settlement during the present year, 1893.

Mr. HANSBROUGH. Will the Senator yield to a question?

Mr. CHANDLER. Certainly.

Mr. HANSBROUGH. I will ask the Senator if he does not think that the suspension of immigration at the American ports would divert the stream of immigration into this country through the ports at Halifax, Quebec, and by way of the Great Lakes and the Canadian Pacific Railroad.

Mr. CHANDLER. I do not, Mr. President. I do not think that if this radical measure is adopted by the United States the immigrants are going to be allowed to embark on board the steamships, and I certainly do not believe that Canada is going to protect herself any less rigidly than we will protect ourselves.

Without going at length into the subject but to answer the question directly, I am not afraid, if the bill passes for the suspension of immigration for one year, that there will be any cholera-breeding immigration which will come into this country by land. So I say that we ought to pass a one-year suspension bill. I believe that before the 3d of March arrives we shall conclude to pass it. I believe before that time the Senator from Tennessee will conclude, from the cholera manifestations in Europe and from reflection upon the subject, that more radical measures than quarantine measures will be necessary in order to protect the sixty-seven millions of American people from an advancing and terrible scourge of pestilence which even now threatens them.

Mr. President, a suspension of immigration for one year, and the prohibition during that period of any entry into the United States, for settlement, of persons from European countries where cholera prevails is not a great hardship. Immigration has been already almost suspended, and we ought to take advantage of its breakdown and prevent the reëstablishment of such steerage passages as have prevailed. The steamship companies already profess that they have given up taking steerage passengers, and that the recent extensive arrival of immigrants has only resulted from the fact that many prepaid tickets have been sold, and that immigrants are making haste to use them.

But the steamship companies have discontinued since the first day of January the sale in this country of prepaid tickets, and it is only necessary to take advantage of the fact and by law make a legal suspension for one year and no great harm will be done. If we delude ourselves into the belief that quarantine regulations will be sufficient, and that the Treasury Department and Dr. Jenkins will keep the cholera out of New York City, and if immigrants understand that they are to be admitted, and the stream of immigration is to be resumed in the spring, we shall find out to our sorrow, in my judgment, after Congress has adjourned on the 4th day of March, that we made a mistake in not adopting more stringent measures than are proposed, except in the bill which has been reported by the Committee on Immigration.

Mr. PLATT. Will the Senator permit a question?

Mr. CHANDLER. Certainly.

Mr. PLATT. If the introduction of cholera is simply a question of passengers coming, as it is called, in the steerage, why may it not be avoided under section 2 of the bill of the Senator from Tennessee, requiring every vessel to have a bill of health and comply with certain sanitary regulations in order to get that bill of health? In other words, can we not refuse to receive any immigrants who come in the steerage? Can we not abolish the steerage although the vessels are foreign vessels?

Mr. CHANDLER. We can undoubtedly abolish steerage passages if we wish to do so. I spoke of it as an alternative method of legislation. That would be compelling, however, all our own citizens who are abroad to return in the third cabin. That is an alternative proposition. I prefer myself to say to foreigners who want to come here to settle, stay away for a year. That rule practically abolishes steerage passages, and no foreigners will come, except as visitors, and they will come in the cabin, and they will be an entirely different class of persons from those from whom cholera is to be apprehended.

Mr. FRYE. Mr. President——

The PRESIDING OFFICER (Mr. PERKINS in the chair). Does the Senator from New Hampshire yield to the Senator from Maine?

Mr. CHANDLER. Certainly.

Mr. FRYE. The Senator from Connecticut [Mr. PLATT] asked a question which the Senator from New Hampshire did not reply to. It was whether under the bill now pending and under rules and regulations which might be prescribed under the terms of the bill steerage passengers could not be provided against without any further legislation than the pending bill. That was the question the Senator from Connecticut asked.

Mr. CHANDLER. I reply to both Senators that undoubtedly steerage passengers can be excluded.

Mr. FRYE. Under the pending bill?

Mr. CHANDLER. Not as it now stands.

Mr. FRYE. Now, I should like to ask the Senator another question: Section 7, which appears in the bill as a proposed amendment, I suppose has been adopted.

Mr. HARRIS. No; that is the pending amendment.

Mr. FRYE. Section 7, which is a proposed amendment, provides that whenever the President of the United States is satisfied that immigration ought to be stopped he may himself stop it by proclamation for such time as he thinks proper. Does not

that answer to a certain extent the requirements of the Senator from New Hampshire?

Mr. CHANDLER. Without intending to give offense, I desire to say that I consider it cowardly legislation to push the responsibility for suspending immigration off upon the President. It is not a question of what we will do when cholera actually breaks out. The Senator from Tennessee and I know very well that this country will approve anything the President may do, whether he has law for it or not, when cholera breaks out. The question is, What shall we do in apprehension of cholera? I say it is a cowardly way to legislate to say, "Mr. President, you stop this immigration whenever you think best."

Mr. HARRIS. Will the Senator allow me to ask him if this be cowardly legislation, whether all legislation that lodges a discretionary power with a public officer is not equally cowardly?

Mr. CHANDLER. No, it is not. The Senator's question does not deter me. There are certain discretionary powers that should be given to the President of the United States, and we are doing this every day in legislation; but there are certain other subjects, as the Senator from Tennessee very well knows, upon which we do not trust to the President's discretion, but as to which Congress undertakes to determine the policy, and this should be one of them.

Mr. President, if we pass the 7th section and leave the subject there the Senator from Maine and I know very well that President Harrison will not between now and the 4th of March suspend immigration unless there is a widespread breaking out of cholera in Europe, or unless it actually appears in this country. He will not do it. Immigrants will not understand that they can not come; they will prepare to come. There is not one chance in one hundred that between now and the 4th of March President Harrison will do what we have not the courage to do.

Mr. PLATT. What will happen then?

Mr. CHANDLER. What will happen after the 4th of March? The new Administration will have a great deal on its hands for thirty or sixty days after the 4th of March, and the President may have more troublesome subjects to deal with even than contagious and infectious disease. Will he on the 5th day of March, immediately after he is inaugurated, take up this subject as the first thing and say, "I see I am authorized to keep the cholera out, and now I will issue a proclamation and notify immigrants that they can not come, whom Congress ought to have notified three months ago that they could not come?"

Mr. FRYE. If the Senator will allow me, the President who is to come in the 4th of March evidently has courage enough to issue such a proclamation if in his judgment it is necessary, because long before the 4th of March he issued a proclamation to prevent what he believed to be infection of the Senate. [Laughter.]

Mr. CHANDLER. Mr. President, I dislike the way the Senator from Maine has of introducing his humor into the discussion of a serious subject. I know very well that eight years ago the President-elect, who is now again the President-elect, in the month of February issued a proclamation on the subject of the free coinage of silver, and requested that Congress would pass a bill suspending the law for the purchase of 2,000,000 ounces of silver a month; and before deciding whether to vote in favor of the bill of my friend, the Senator from New Jersey [Mr. McPHERSON] I shall wait for the February pronunciamento of the President-elect. I wish to hold myself in reserve as to that bill until I hear from him.

But, Mr. President, I do not think that he has any views that will be of use to us concerning the suspension of immigration on account of cholera. I do not believe that he wishes after the 4th of March to take this subject up, and to answer the Senator from Tennessee over again, I think that here is a question which, under existing circumstances and with the widespread danger that exists in this country, we should not commit to the discretion either of the present President or the incoming President. I think that here and now in January we ought to say that steerage passages shall be broken up and that no alien immigrants shall come here to stay during the year 1893.

If we do this it will not be necessary to impose lengthy quarantine upon our passenger steamships. Cabin passengers, tourists, visitors to Chicago can come feeling that they will not be detained at quarantine, while if we do not adopt such laws and regulations that European visitors may feel sure that they are not to have a lengthy detention at quarantine they will not come to the World's Fair, and moreover, Mr. President, if after our apathy and neglect cholera breaks out in this country the Columbian Exposition will be a failure.

Mr. President, I earnestly hope that advantage may be taken of the present suspension of immigration to continue that suspension, not only until the World's Fair has passed, but until we can devise ways and means for the resumption of immigration under different and proper conditions.

I introduced in the Senate a bill, No. 3663, on the 4th of January, 1893, which has been referred to the Committee on Immigration, and which contains my views as to what should be the permanent legislation of this country with reference to immigration. I will insert a copy of its provisions in my remarks:

A bill establishing additional regulations concerning immigration to the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1 of the act of March 3, 1891, in amendment of the immigration and contract labor acts, be, and hereby is, amended by adding to the classes of aliens thereby excluded from admission into the United States the following:

"I. All persons physically capable and over 12 years of age who can not read and write with reasonable facility their own language, except that an aged person not so able to read and write, who is the parent or grandparent of an admissible immigrant, may accompany or be sent for by such immigrant.

"II. All persons not provided, in addition to means of reaching their final destination, with sufficient money of their own or of the heads of their families, for their comfortable support for two months after their arrival; the amount to be required not to exceed $100 for each single person or head of a family, and $25 for each member of a family accompanying or sent for by such head of a family.

"III. Persons blind or crippled, or otherwise physically imperfect, so that they are wholly or partially disabled from manual labor, unless it is affirmatively and satisfactorily shown on special inquiry that such persons are sure of an abundant support and not likely to become a public charge.

"IV. Persons belonging to societies which favor or justify the unlawful and criminal destruction of property or life."

SEC. 2. That every person entering by sea and every alien entering by land into the United States (except those coming directly from American countries who are citizens of the United States, or are citizens of other American countries and have resided therein for one year or more next prior to their departures) shall upon such entry sign a declaration stating the name, with first and last name in full, the sex, and whether under or above twenty-one years of age, the nationality, the town, city, or other place of last residence, and in the case of an alien whether the entry is as a visitor or settler. The head of a family may sign the declaration for himself and the other members of his family, and guardians or other proper representatives may sign the declarations for persons under their charge. All such declarations shall be received by the proper officers of the United States and shall be recorded and filed within the customs districts where the persons enter.

Agents of steamship companies and of the owners of vessels may make the declarations hereby required in behalf of their officers and seamen who intend to continue with the ships. Any person entering the United States without the declaration required by this section shall be deemed to have entered unlawfully and shall be dealt with accordingly under the provisions of existing law.

SEC. 3. That any alien who is about emigrating to the United States may make application to any United States consul, declaring his purpose, and that he is not excluded from admission into the United States, and thereupon said consul shall make due inquiry and shall examine such evidence as may be submitted to him, and if he shall be satisfied of the truth of the declaration he shall so certify thereon. Such application shall be in triplicate, and may be sworn to before such consul as well as any other officer authorized by the laws of the locality to administer oaths. Any applicant may include in his declaration any members of his family intending to emigrate with him. Two of the triplicate applications, with the consular certificate thereon, shall be returned by the consul to the applicant and the third shall be kept by the consul. The two carried by the applicant shall be delivered by him to the proper inspection officers on arriving in the United States; and if said applicant and the persons therein named, if any, are admitted, the fact and date of admission shall be written or stamped thereon, and one shall be returned to the applicant and the other retained by the inspection officers. The presentation to the inspection officers of any such application and consular certificate shall not give to any person the right of admission into the United States, but such inspection officers shall make due and sufficient inquiry as now by law required before granting any such admission. Blank applications for use in accordance with this section shall be prepared and printed by the Secretary of State and furnished to the various consular officers. They shall be printed in the English language, and also in such other language as may be appropriate, in which case both the English version and its translation shall be upon the same sheet of paper, and each shall be signed and executed. Suitable regulations and instructions for carrying into effect the provisions of this section shall be issued by the Secretary of State, and the Secretary may fix a schedule of fees to be paid by applicants hereunder. Any person making an application and declaration as in this section allowed, who shall make any false statement therein, or who shall submit any false evidence in support of such application and declaration, and any consular officer who shall make any false certificate on any application and declaration made to him under this section shall be punished by fine not exceeding $500 and by imprisonment not exceeding six months, and may be tried for his offense in any court of the United States in any district where he may at the time be found.

SEC. 4. That section 1 of "the passenger act, 1882," approved August 2, 1882, entitled "An act to regulate the carriage of passengers by sea," shall be, and is hereby, amended as to the dimensions of the compartments or spaces for passengers carried in a steamship by requiring for each compartment or space on the main deck, or on the first deck next below the main deck, 200 cubic feet for each passenger carried instead of 100 cubic feet as now required, and by requiring for each passenger carried on the second deck below the main deck 250 cubic feet instead of 120 cubic feet as now required, and it shall not be lawful to carry or bring any passengers upon any deck which is situated more than 5 feet below the water line. Section 2 of "the passenger act, 1882," aforesaid shall be, and is hereby, amended so as to require that each berth of an emigrant passenger shall be located fore and aft and not across the vessel, and section 3 of said act shall be, and is hereby, amended so as to require that there shall not be less for male passengers than three closets for the first 150 such passengers, nor less than four closets for the first 200 such passengers, and an additional closet for every additional 100 such passengers, and so as to require that each ventilating tube or pipe of exit shall be of sufficient capacity to allow a cross-section area of at least 3 inches for each passenger occupying a portion of a compartment as mentioned in said section; and the following clause in said section 3 is hereby repealed, namely, "in any steamship the ventilating apparatus provided, or any method of ventilation adopted thereon, which has been approved by the proper immigration officers at the port or place from which said vessel was cleared, shall be deemed a compliance with the foregoing provisions."

Said section 3 is hereby further amended by adding thereto the following provision:

"All ventilation shall be from and to the air above the uppermost deck, where the pipes must be properly protected and secured from the action of

the sea, and no dependence shall be placed on ventilation by air ports through the vessel's sides. In every steamship the ventilating apparatus provided and the method of ventilation adopted thereon shall be subject to the approval of the sanitary or medical inspector appointed by the authorities of the United States, and in cases where such inspector may find the ventilating apparatus of any steamer defective, inadequate, or incomplete, it shall be his duty to notify the master and the collector of the port of his disapproval of the same, and it shall be unlawful for such steamer to land another load of passengers at any port in the United States until the apparatus has been made perfect, adequate, and complete.

"In case ventilating apparatuts has been required embracing fans and blowers, they must be kept in motion whenever necessary for proper ventilation, and any failure to so keep them in motion shall subject the master of the vessel for each offense to the penalty provided in said section 3."

SEC. 5. That every petition for naturalization as a citizen of the United States shall be filed at least sixty days before the same shall be heard and tried by the court, and notice thereof shall be given in writing to the district attorney, solicitor, or public prosecutor, whose duty it is to represent the United States, or the State, district, or Territory in such court; and upon the hearing, if in a United States court, the United States shall be represented by the district attorney or his assistant, and if in a State court the State may be represented by the United States district attorney or his assistant, or by the State's attorney, solicitor, or public prosecutor; and it shall be the duty of such officers to appear against such petition and to require that the allegations thereof shall be fully proven. Upon the hearing there shall be produced, if practicable, the original or a copy of any consular certificate which may have been issued to the applicant, and of any declaration which may have been made by him upon entry into the United States.

One of the most important provisions of this bill is a condensation of another bill that is now pending, requiring better accommodations for passengers coming from Europe in the steerages of the great steamship lines, more cubic feet of space, better ventilation, and improved accommodations in various ways. I believe there is no subject to which this Congress can give attention of more importance than the requirement that our immigrants, such as we admit, shall have better accommodations on their passage. We do not want any $10 immigrants. The price of steerage passages has at times been reduced as low as $11.

I have been told that the steamship companies bringing immigrants from the Mediterranean have discovered that they can feed an immigrant for 17 cents a day; that to bring an immigrant in ten days from the Mediterranean will cost for subsistence a dollar and seventy cents; that they can make money by bringing them at $11, and that they can make $10 each for bringing immigrant passengers when they charge nineteen or twenty dollars. Mr. President, we do not want such immigrants. We do not want any man or woman or any family, whether they come as tourists or whether they come for settlement, so poor as to come with such steerage accommodations as the transatlantic lines have been in the habit of furnishing.

Mr. DAWES. Then, if I understand the Senator, our great gain in immigration is what the passenger brings with him and not what he is himself.

Mr. CHANDLER. The Senator from Massachusetts has not correctly stated my theory, as I think he must see. It is not what the passenger brings with him of personal property or of money that is in itself important to us, but it is important that the people who come here shall be cleanly; that they shall be immigrants of good habits; that they shall be of those classes of the population of Europe that will make good citizens. What I say is that immigrants who are willing to come and do come under some conditions that prevail do not make good citizens whether they bring one dollar or a hundred dollars with them.

Mr. DAWES. I took the Senator as he stated it, that he did not want anybody to come here who was so poor that he could not pay nineteen dollars, or such a matter, for his passage, who could not come in any other way than in the steerage. Now he says that he alluded to the character of the party. I suppose that an immigrant's character does not depend upon the amount of money he has. I suppose that a man may be a man of excellent character and habits and cleanly and be very poor at the same time. It may be so. The Senator may have a different opinion.

Mr. CHANDLER. Mr. President, he can not be cleanly if he comes in the steerages of the steamships as they are now conducted. The Senator from Massachusetts does not wish to misrepresent my point.

Mr. DAWES. Certainly not.

Mr. CHANDLER. I am not now arguing directly in favor of the exclusion of immigrants; I am arguing in favor of establishing such conditions of transportation that the immigrants will be healthy and will be cleanly; and if these requirements do result in such increased passage money that some immigrants stay away while others come, I do not care. The primary object is not to increase the cost of coming, nor to exclude poor people from coming. It is to make it sure that all persons shall come under favorable, decent conditions, such as human beings of any country ought to be entitled to if they travel on steamships.

Mr. DAWES. I beg the Senator's pardon if he thought I was misrepresenting him. I would not misrepresent him. I do not think the Senator intended any such thing as that. All I desired was that he should not be misrepresented.

Mr. FRYE. I desire to remind the Senator from New Hampshire that we exclude by law entirely from immigration into this country the most cleanly people on the face of the earth—the Chinese.

Mr. DAWES. If the Senator will allow me a little further, he after all makes the amount of money a man has in his pocket the test. He measures his character by that in his statement when he does not mean that. I beg the Senator to put it in a different shape.

Mr. CHANDLER. I am very glad that, although the Senator imputed a meaning to me which I did not entertain, he now has corrected my position. I am much obliged to him for that.

Mr. DAWES. No, I do not put a different meaning upon it. I want to draw the Senator out so that those who read his speech will not put a different construction upon it from what he intends himself. The Senator having stated what he understands, why does he make the test of the character which he commends and desires to encourage a question of poverty?

Mr. CHANDLER. I do not. I have not done it anywhere. I say that such and such accommodations shall be provided which safety to life and safety to health require the steamship companies should furnish, and then if immigrants can not get here they may stay away.

I propose further in Senate bill 3663—and I should like the opinion of the Senator on that point—that immigrants who come here shall have money enough to live on for sixty days after coming here. Why not? If a man has no money how is he to live? We have a law on the statute book providing that if he has found somebody who will employ him to work he shall not come in. It is the rigid, unalterable law of this country that if a man has a contract either expressed or implied under which he can get work by which he can live he shall not come in, and we deport him back across the ocean. If under those circumstances a man comes in without any money how would the Senator dispose of him? I say as long as the contract-labor law remains upon the statute book so that no man can come in who knows how he is going to get a living we should require him to have money enough to live on sixty days while he is finding work which will support him and prevent him from becoming a pauper.

Mr. DAWES. Is it not as easy, if the Senator will allow me, to modify the contract-labor law as it is to provide that a man shall not come in the steerage, no matter what his character is, while if the man arrives in the cabin there is no exclusion of him?

Mr. CHANDLER. I will say that I think the contract-labor law in the case of some individual immigrants works a hardship. The primary object of the law was to prevent employers of laborers in large numbers, in case of a strike, from sending out of the country and making contracts with gangs of workmen to come in here and take the places of the striking employés.

With that object of the law I sympathize, but it works a great hardship in some individual cases, because it is a rigid rule that if an immigrant come here without any money and yet has an understanding with some person that he will give him work, he can not come in, and we inexorably send him back across the water. If that rule is to continue it is utter folly for us to allow people to come in without any money, because for the first sixty days they are in imminent danger of going upon the public authorities for support. Therefore, I argue that it is reasonable to require immigrants coming under such circumstances to have enough money to be sure of a support at least during the first sixty days after they arrive.

Mr. President, I not only ask the help of Congress to make the conditions of steerage passages to the United States more tolerable and more decent, but I also ask the assistance of a higher power than Congress, that is to say, the steamship companies themselves, and of yet a greater power, that of the press of America. I find in the Washington *Post* of January 2, 1893, published by my former associate, Mr. Hatton, a Republican who is not sound on negro suffrage, and by my genial friend, Mr. Beriah Wilkins, a Democrat who is not sound on free trade, an article headed as follows:

A GRIDIRON LAHN PARTY—THE FAMOUS CLUB'S WATCH-NIGHT DINNER ON AN OCEAN STEAMER—FEASTING AND FUN AFLOAT—NEWSPAPER MEN AND THEIR WIVES THE GUESTS OF THE NORTH GERMAN LLOYD STEAMSHIP COMPANY.

I will omit some portions of this notable article. This North German Lloyd Steamship Company is the favorite route for the Secretary of the Treasury and the Assistant Secretary of the Treasury and the commissioners of immigration and other Treasury officials when they go abroad, and the company is very kind to them. It always gives them the best accommodations, and if they find themselves lacking money when they are on the other side and Congress has been negligent in providing the means for their transit and their support over there, it loans

them money. The North German Lloyd Steamship Company is also always very courteous to our friends of the press, and gives the Gridiron Club an annual dinner on one of its great ocean steamers. This is the account, which under the circumstances I deem worthy to be perpetuated in the CONGRESSIONAL RECORD:

The members of the Gridiron Club and their wives returned to the city last night. They had been the guests of President Gustav Schwab, of the North German Lloyd Steamship Company, and Dr. George O. Glavis, of this city, at a dinner given on board the transatlantic steamer Lahn, the company's crack ship, at its wharf in Hoboken. The event, occurring as it did on New Year's Eve, proved a happy and jolly method of bidding farewell to the old year and welcoming the new.

The trip of the club to Jersey City was a delightful introduction to the festivities of the evening. The Pennsylvania Railroad had placed two well-stocked parlor cars at the disposal of the Gridironers, and as Mr. Robert A. Parke, of the Pennsylvania Company, was in the party as a guest, it need hardly be said that no detail of comfort was overlooked. At Philadelphia Mr. George W. Boyd, assistant general passenger agent, met the train and was royally welcomed, but was unable to accompany the party.

Almost the whole of the railroad officials seem to have turned out to welcome this party, and inasmuch as according to the interstate-commerce law the Pennsylvania Railroad Company could not carry these gentlemen of the press without being paid for the transportation, it is clear that for the ordinary passage-money paid by these excursionists there was returned a most liberal and unusually cordial greeting by the railroad officers.

Arriving at Jersey City, the travelers were conveyed in a steamer to the Lahn. After the guests had clambered up the steep gang-plank to the deck of the magnificent ship, they were met by President Schwab and Capt. Hellmers, the latter a handsome German of commanding presence, who welcomed them to the hospitalities of the steamer.

The tables laid in the spacious saloon presented an attractive appearance when, at 5 o'clock, the guests seated themselves, happy in the knowledge that no one ever became seasick on an ocean steamer when it was tied to a wharf. The American and German colors were appropriately intertwined. The piratical Gridiron flag—an immense white gridiron on a black ground—which had been flying from the masthead, covered the wall of the forward end of the saloon, and was a conspicuous object. At a distance the tables presented the appearance of a flower garden, but closer inspection disclosed the masses of color to be beautiful corsage bouquets ,or the ladies.

In a graceful speech of welcome, Mr. Schwab surrendered the post of honor to Mr. Frank Hatton, the recently elected president of the club, who, on this occasion, took up the gavel for the first time. From that moment the Gridironers had everything their own way. They sang, talked, told stories, interrupted the guests with witty questions and comments, and in innumerable ways contributed to a memorable entertainment.

Here I will omit various statements of the Post, but there was a large gathering of 90 or more persons. Assistant Secretary Spaulding was present and graced the ceremonies; and I am informed that a year ago the commissioner of immigration in New York City, Col. John B. Weber, was also present—the Commissioner of Immigration whose duty it is to enforce against these steamship companies the rigid law of March 3, 1891, which was placed upon the statute book to be obeyed, and not to be disregarded.

Now, Mr. President, I seek the assistance of the North German Lloyd Steamship Company, and of the members of the newspaper press in general and of the Gridiron Club in particular, in improving the condition of the steerages of the North German Lloyd steamers and of the other steamers which bring immigrants into this country, immigrants who do not ride in Pullman cars on the Pennsylvania Railroad and who do not live in the first cabin of this magnificent steamer, the Lahn, and who, when night comes, are not laid away in the sumptuous staterooms of such steamers.

I wish to call the attention of the Senate to Mr. Schwab's testimony before the Committee on Immigration. He appeared here representing the steamship companies, and his platform in reference to the immigration laws was substantially the platform of the railroad companies, "let us alone and we will do about what is right." The railroad managers of this country are utterly unable to comprehend why anybody should think that, without law and without regulation, they will not treat the people of this country well because it is for their interest to do so, and Mr. Schwab endeavored to convince us that it is more for the interest of the steamship companies than of the Congress and people of the United States to take good care of immigrants and to do about what is right on the subject of immigration. The acting chairman, Senator HALE, called Mr. Schwab's attention to an extract from the Baltimore Sun of December 16, as follows:

STILL AHEAD OF NEW YORK.

The disposition of New York to boast of unusual occurrences in that city is shown in a dispatch yesterday concerning the number of passengers landed by a single steamship. The performance bragged about in this instance has been eclipsed many times by Baltimore.

The dispatch says: "The biggest load of steerage passengers that ever came into any port in this country on one vessel arrived here to-day on the North German Lloyd steamer Stuttgart, from Bremen. She carried 2,223. The largest previous number was brought here last May on the Darmstadt, of the same line, and was 2,094."

On April 14, 1892, the Oldenburg, of the North German Lloyd line, landed in Baltimore 2,493 passengers, and again, on April 28, 1891, the Weimar landed 2,428. It may be added that if the Federal quarantine had not been so restrictive against Baltimore the Stuttgart would not have landed the 2,223 passengers at New York, but would have come to Baltimore, where all would have been landed, examined, and forwarded toward their destinations in eight hours, as was the case with the number on the Oldenburg and Weimar.

Then Senator HALE asked Mr. Schwab:

Is it a fact, as stated here, that in one ship of your line you have brought over 2,200 steerage passengers?

At first Mr. Schwab did not seem to know much about it.

Mr. SCHWAB. That refers to Baltimore, does it not?

The ACTING CHAIRMAN. This dispatch is from New York.

Mr. SCHWAB. As to Baltimore I do not feel competent to answer.

The ACTING CHAIRMAN. This refers to a steamer, the Stuttgart, which arrived in New York.

Mr. SCHWAB. In New York? It is a fact that she arrived there with 2,200 immigrants, steerage passengers. It was probably simply due to the fact that a large accumulation of prepaid passengers had come together, partly booked before September 1 and partly representing families and residents in this country.

Mr. President, the doctors who appeared before this committee have some opinions on the subject of the steerages of ocean steamers. Dr. Stephen Smith, a man of superior authority, who would not say what he did not believe, says:

The extreme filthiness of immigrant ships has long been a crying evil. Steamships arrived at the port of New York during last September, carrying upwards of 1,000 steerage passengers among whom cholera prevailed, which were so filthy that quarantine officials were nauseated by the sights and smells. The neglect of the officers of these steamships to enforce common cleanliness of the steerage deserves the punishment of a forty days' quarantine.

He also says:

The entire neglect of the steerage passengers by the proper officers of the ship in all matters that pertain to their cleanliness, comfort, and health has long been the subject of bitter complaints on the part of the immigrants themselves, and was strikingly apparent during the summer. The food is usually poor in quality and insufficient in quantity, and is served without tables and table appliances; the water is often unfit to drink; the bunks are filthy; the closets are foul; bathing facilities are absent or inadequate; the sick are not properly attended, and disorder and discomfort reign throughout the steerage. The appearance of these quarters on some of the cholera-infected steamships in September last showed the most criminal neglect by the officers.

Dr. Shakespeare, port physician of Philadelphia, in his letter of December 5, has something to say on this subject. He says:

The herding of these people (that is, the class of people who, in ordinary times, cross the Atlantic in the steerage) into the miserably ventilated and frightfully unsanitary quarters usually provided for the steerage passengers on transatlantic steamships, the modern rapidity of ocean travel, and the great facility with which these swarms of people are soon distributed all over our country, tend to multiply the danger to the public health.

He also recommends the Philadelphia board of health to so enforce the President's proclamation suspending immigration as will insure the public health against the dangers which are sure to arise from the subterfuges and evasions systematically practiced by the transatlantic steamship companies, or by the westward-bound steerage passengers themselves, or both, in order to defeat the only purpose which can justify the issuance of the President's proclamation, viz, the protection of the United States against the introduction of cholera infection through the persons or apparel and effects of the class of people who, in ordinary times, travel in the steerage.

Dr. Shakespeare further says:

I contend that the conditions of the steerage, for which the transportation companies are responsible, are unfit surroundings for American citizens at any time, much more so when they may be further endangered by close association with immigrants who may have in their persons or personal effects the infection of cholera.

I wish in this connection to emphasize the fact that there is no Atlantic transportation steamer with the steerage full that ever came into an American port, even after some effort to make a decent appearance, clean enough to escape indictment and punishment for maintaining a public nuisance if the same law were applied to them that is now almost daily enforced for the protection of Philadelphia against the slovenliness of some of her own citizens.

* * * * * * *

The business and trade of the ports of Boston, New York, Philadelphia, and Baltimore have been made to suffer solely because of the greed of these companies for the profits by this traffic in human freight in quarters but little better than those provided for the transportation of cattle.

Mr. President, if any reputable physician, if any person not interested in the steamships, familiar with this subject has ever asserted that the transportation of immigrants in large numbers across the North Atlantic by the steamship companies is conducted under conditions of suitable cleanliness and proper protection to the health of the immigrants, I have yet to hear from that authority.

Many years ago we used to hear of the horrors of the middle passage when negroes were kidnapped in Africa and brought here to establish the system of American slavery. I will not say that there are any such horrors in the steerages of the North Atlantic steamship companies, but I do undertake to assert that when 2,000 immigrants are crowded into one of these ships and bad weather comes on and the portholes are closed and the hatches are covered, the conditions which exist below deck—not in the cabins and saloons where the newspaper friends of these steamship companies are entertained—the conditions below in the steerages are dishonoring to the steamship companies which permit them, are disgraceful to humanity, and are a discredit either to the laws or the administration of the laws of the United States.

Mr. MCPHERSON. Will the Senator permit me to ask him a question?

Mr. CHANDLER. Certainly.

Mr. MCPHERSON. I understand the Senator from New Hampshire to give his sanction to the bill of the Senator from Tennessee. If all the evils which he is talking about occur in the passage from the other side to this, why has not the Senator provided in some way that those evils in transportation shall cease? The bill is very defective in that part. Otherwise the Senator should not inveigh against the steamship companies for a condition of things which he might remedy by a single section in the bill providing that they shall not carry so many passengers in a given space or shall better take care of them.

Mr. CHANDLER. Mr. President, no bill can be passed that the steamship companies are not willing to have passed. We are legislating with their consent; that is all. Just so far as they agree, and their newspaper friends are willing to help, we can legislate, and no further. These details as to the steerages are reported on good authority.

Mr. WOLCOTT. I should like to ask the Senator a question. I should like to ask why not?

Mr. CHANDLER. Because the influences that from time to time have been exerted by the steamship companies have prevented any progress in legislation.

Mr. WOLCOTT. May I ask the Senator another question?

Mr. CHANDLER. Yes, sir.

Mr. WOLCOTT. I ask the Senator who is the subject of such influence? I suppose he can speak only for himself in this body.

Mr. CHANDLER. I will not go into any personal discussion with the Senator from Colorado. I have made no charges of illegitimate influence, but what I have said about the North German Lloyd Steamship Company has been openly and frankly stated. The Senator can read what I have said. If he wishes to make any personal issue with me I will not go into it at this time.

Mr. WOLCOTT. I do not wish to do that.

Mr. DAWES. I wish to make an inquiry of the Senator, for I have not been able to study his bill quite so much as I ought perhaps. I ask him whether in that bill which is the favorite with him, he has provided effectively against this influence?

Mr. CHANDLER. Against what influence?

Mr. DAWES. Against the influence he is denouncing, the fact that we must legislate with the consent of the steamship lines and of the press.

Mr. CHANDLER. I will give an illustration of what I mean, and Senators may draw their own inferences, the Senator from Colorado or anybody else. There is a bill now upon the statute book, perhaps it came from the Committee on Commerce, which provides very carefully for the ventilation of steamships. It states exactly what the ventilating apparatus shall be, and how it shall be constructed, and then there follows this clause:

> In any steamship the ventilating apparatus provided, or any method of ventilation adopted thereon, which has been approved by the proper emigration officers at the port or place from which said vessel was cleared, shall be deemed a compliance with the forgoing provisions.

Now, will the Senator tell me why we should put any such provision as that into our law, why we should elaborate rules for the ventilation of steamships and write them down in our statute book to be enforced by our officials, and then put into the law a comfortable clause that, notwithstanding all the provisions we have made, if the immigration officers of the country abroad approve of such ventilating apparatus as the foreign companies furnish, then all the provisions which we have enacted may go for nothing?

Mr. DAWES. Why should I answer the Senator? I do not believe in any such thing.

Mr. CHANDLER. By a provision in Senate bill 3663, which I have introduced, that clause is repealed. I think it is degrading to the United States to pass a carefully detailed law about the requirements as to the steerages of steamships and then deliberately wipe it all out by saying that if the foreign officials approve of the steerages, then the ships may come with immigrants, the provisions in our law to the contrary notwithstanding.

Mr. PLATT. Mr. President——

The VICE-PRESIDENT. Does the Senator from New Hampshire yield?

Mr. CHANDLER. I am endeavoring to finish and have almost finished.

Mr. PLATT. I will not interrupt the Senator.

Mr. CHANDLER. I have entirely expressed my opinions, Mr. President. I invoke the assistance of the North German Lloyd Steamship Company and ask them to carry out their promise not to bring 2,200 passengers on any one of their steamships, and I invoke in all sincerity the newspaper press of this country, which is wholly represented in this city by the Gridiron Club, to aid in this great work of beneficence and humanity, the improvement of the steerage of immigrant steamers, so that we may feel assured that when the club next year have their annual excursion to New York in the luxurious cars of the Pennsylvania Railroad Company, and are hospitably treated on board that magnificent steamer, the Lahn, they may congratulate themselves that there has come some fruit of their labors, and that not only are these steamship companies able to give to their cabin passengers and their newspaper guests and their official guests the kind of entertainment they enjoy and the kind of quarters they occupy, but that also when the steamers start on their long voyages across the ocean down in the depths of the steerages there may be immigrants who, if they learn to whom they are indebted for their improved accommodations, may utter blessings on the Gridiron Club.

Mr. MCPHERSON. Mr. President, after the long period of investigation in which the honorable Senator from New Hampshire has been engaged during the winter as the chairman of the Committee on Immigration, he finally recommends the absolute suspension of immigration for one year.

Mr. HARRIS. Will the Senator from New Jersey allow me to make an appeal to him?

Mr. MCPHERSON. I will.

Mr. HARRIS. The bill granting additional powers and imposing additional duties upon the Marine Hospital Service is now under consideration. It does not involve, except so far as the seventh section may possibly indirectly involve, the question of immigration; and I do earnestly hope that whatever debate there is to be upon the question of prohibiting immigration for one year or other period will be postponed until the bill of the Senator from New Hampshire, which is the next measure in order after the disposition of this bill, may come up.

Mr. MCPHERSON. I have listened with great consideration to the Senator's request, but I shall not change the direction in which I was first steering, because I expect to get back to the Senator's bill in a few moments. The Senator from New Hampshire, chairman of the Committee on Immigration, with the committee, has undertaken to prepare a bill intended to protect the people of this country against the invasion of cholera or other infectious diseases. Pending that the Senator from Tennessee, chairman of the Committee on Epidemic Diseases, has reorganized a bill which I think was before the Senate at its last session, and he now comes before the Senate with his plan for preventing cholera and other infectious diseases from obtaining a lodgment on our shores. Both the bills are here. The Senator from New Hampshire has discussed both of them. It seems as though the two bills were really hunting in couples with the intention to act first upon the bill of the Senator from Tennessee and then to be followed by the bill of the Senator from New Hampshire.

Mr. HARRIS. Will the Senator allow me to interrupt him?

Mr. MCPHERSON. Certainly.

Mr. HARRIS. So far from "hunting in couples," while I am very earnestly in favor of the passage of the bill I have reported, I am equally earnestly opposed to the bill of the Senator from New Hampshire.

Mr. MCPHERSON. I can not say that I am opposed to either bill, but surely I can not consistently vote for both on the same day. I am not opposed to the bill of the Senator from Tennessee, because it gives some additional precautions, and as an auxiliary to other legislation it would be a very fit and proper bill to pass. But the bill of the Senator from Tennessee is entirely insufficient to reach the difficulties of the case. He proposes to give additional powers to the marine officer. What are the powers he proposes to bestow upon that officer? The power to make certain rules and regulations and do certain acts, but at the same time he is left, in the Sentor's bill, entirely at the mercy of the local quarantine officer. He enjoins upon the Federal officer to act in concert with the State authorities. The only step forward the Senator has made in his bill is to require that there shall be a medical examination of the immigrants at the place where they are shipped. That is virtually all the Senator's bill proposes to do so far as the machinery of quarantine is concerned.

Mr. HARRIS. I am sure the Senator from New Jersey would not intentionally misrepresent the provisions of the bill. If he will examine section 3 he will find that it not only lodges the power with the Federal authorities to make rules and regulations where none exists, but to make additional rules and regulations where they do exist, that are deemed insufficient. It does authorize the State authorities to execute their own rules and such additional rules as may be made where they consent to do so; but if they fail or refuse to execute them efficiently, then it is made the duty of the President to detail or appoint persons to execute them. So the execution of the rules is rendered as certain as legislation can render it.

Mr. MCPHERSON. Will the Senator while upon his feet an-

swer me a question? After your Federal officers have made your rules and regulations, what have the Federal Government in the form of appliances to assist them in the execution of those rules? Thay must rely entirely upon the State quarantine and upon such provision as the State has made for quarantine.

Mr. HARRIS. The appliances at the quarantine stations, I mean the national ones, are very far from being perfect at this time; but if the rules and regulations provided for by this proposed act shall be made at such places as the proper authorities deem necessary to have them executed, this legislation will necessarily be followed up by providing the appliances and the stations and the things necessary for their government.

Mr. McPHERSON. That is exactly what I object to now. The time to make such legislation is to make it now. It is to prepare a bill and submit it to Congress which will cover this whole question, to embody it in one bill and leave nothing to be done in the future. I believe that this quarantine question should go into the hands of the Federal authorities and be lodged there, and nowhere else. Especially do I believe this with respect to the great port of New York. More than 90 per cent of all the immigration to this country comes through that port. It is impossible for the State authorities, with any appliances they now have or any that they are likely to get, to afford the necessary facilities to protect the country against the invasion of disease which is likely to happen. The London Times the other day, in a long article giving statements made by sanitarians of Europe, conveys the idea that there is a widespread opinion among the sanitarians of Europe to-day that the seeds of cholera have been sown all over those states.

All the great seaport towns during the past summer have been victims of the cholera. The great steamship lines running from European ports come directly to the port of New York, and many of them have had cholera on board their ships. It will be impossible to keep it out even if you suspend immigration, although I think that would be a very great aid.

But, sir, what we require is to place this whole question where it rightfully belongs, in the hands of the Federal Government.

Mr. SQUIRE. May I ask the Senator a question?

Mr. McPHERSON. Certainly,

Mr. SQUIRE. I have just returned from a trip to the State of Florida, as a member of the subcommittee of the Committee on Immigration. The subcommittee there learned much upon the subject we are now discussing from the State officials of Florida, who provide the means for resisting the approaches of contagious and epidemic diseases. The statement made to me by Dr. Porter, who is the principal officer of the board of health of that State, was that it had taken that board nine months to prepare the very excellent quarantine station which now exists on an island near Tampa; that is provided with all the facilities for disinfecting vessels by the use of the bichloride of mercury and by the use of the gases from the burning of sulphur, so as to apply these remedies directly from the wharf to the ships. Also by the use of an immense cylinder for the disinfecting of clothing and other effects by the application of steam heat and dry heat upon the wharf. But it takes time to prepare such an apparatus; and it would be impossible, should an effort be made now to turn this business all over to the United States authorities, to prepare what will be necessary in time to resist the encroachment of cholera or other epidemic disease in the incoming spring.

Therefore I ask the consideration of this point by the Senator; that now we are almost in the immediate presence of the danger expected, and that it will not do, perhaps, to depend entirely upon what may be provided by the Federal Government; that we must avail ourselves of the preparations which have already been made in the States of Florida, Louisiana, South Carolina, and other places. I understand that we have no such adequate provision in the city of New York.

The question arises, are we to neglect to avail ourselves of the efficient arrangements already provided at great expense by the different State governments—arrangements that have been perfected by the skill and experience of the best experts on this subject—arrangements that have required time, to the extent of many months, for their completion.

Is it right that all this preparation shall be rendered useless, and that an attempt be made to establish a new regime and to indoctrinate new men as to their duties so as to supersede these officials of the State boards of health with Federal officials who may not be familiar with local conditions, and thus to introduce an entirely new system just at this time when the dreaded disease is so soon to be expected?

Is it not better to follow substantially the lines of the bill now engaging the attention of the Senate, which proposes to recognize all that is efficient in the past work of the State boards of health, and to inaugurate the Federal work whenever and wherever may be found necessary to supplement the work of the State?

Mr. McPHERSON. I have no idea of turning the quarantine stations all over this country into the hands of the Federal Government at the present time, for the reason that the appliances now used are abundantly sufficient to perform all the duty which may be required of them at the seaport towns where there is but little commerce and less travel. So far as the State quarantines are concerned, they may be made efficient with such aid as the Federal Government may be able to give them, and I think under the bill of the Senator from Tennessee the Federal Government will be able to give them at least the benefit of advice and to assist in making regulations.

But there ought to be the best possible quarantine in the great port of New York. The people of all the States of the American Union ought not to be held responsible for dereliction of duty in the State or city of New York in the management of its quarantine. If inefficient men or inefficient appliances are all that are found there for the reception of immigrants or the reception of other passengers coming across the water in the great steamship lines, then the people living in the States in the interior have a right to complain and have a right to demand that the general Government shall protect them against the inefficiency of a quarantine established at the port of New York simply to protect its own people.

The Senator from New Hampshire [Mr. CHANDLER] has spoken about the appliances found in the harbor of New York, all of which he confesses are to-day under the control of the State authorities. He has spoken of Hoffman Island, Swinburne Island, and other points. I have had some little experience myself of those things, and the view I had of the whole surroundings there, taken from the deck of a quarantined steamship, leads me to believe that we want none of these appliances. Let New York keep them. The Federal Government owns property enough to-day in the neighborhood of New York to establish a quarantine to guard against all diseases, a place far removed from the centers of population, far removed from any danger of infection by anybody, and within sixty days abundant quarantine facilities could be placed there to prevent cholera reaching the port of New York or any part of the United States.

Mr. CHANDLER. Will the Senator allow me to ask him whether he would advise preparations to be made for meeting cholera in New York Harbor this spring, without using Hoffman or Swinburne Island?

Mr. McPHERSON. I would never allow an infected ship to pass by Fire Island. It is 40 miles, you may say, from Sandy Hook, directly in the line of all incoming vessels, where the Government owns a large amount of property for light-house purposes. It is a natural location.

Mr. CHANDLER. Is there any harbor there?

Mr. McPHERSON. An excellent harbor on the inside of the island.

Mr. CHANDLER. Such a harbor that the large Atlantic liners incoming could lie there?

Mr. McPHERSON. Not at all; the Atlantic liners could not lie there, because the water is not deep enough; but a Government boat could go out and meet an incoming ship, and if it carried disease and infected passengers bring them ashore.

Mr. CHANDLER. How can you deal with a heavily laden ship out at sea practically, supposing it is rough weather? I understand that when passengers were sent to Fire Island last summer the sea was rough, and there was trouble about landing them.

Mr. McPHERSON. There is no time at which passengers could not be disembarked from a ship at Fire Island.

Mr. CHANDLER. I had the impression, if the Senator will allow me, that Fire Island was practically out at sea.

Mr. McPHERSON. Fire Island is but a short distance from the coast. But that is foreign to the question entirely. I had hoped that something would be done with respect to the regulation of immigration. We are receiving to-day immigrants from all over the world, very largely through the agency of the steamship companies, who have their agencies in every country in Europe soliciting patronage. They have provided facilities on their ships for steerage passengers. They want to fill up the steerage apartments at all times, and they secure passengers by whatever means it may be necessary for them to take.

I have somewhere heard it stated, and I believe it to be true, that even the pauper houses and the prisons in some of the countries of Europe have been emptied out, and there is a suspicion that even the governments themselves have been engaged in assisting this class of people to emigrate to the United States in order that they might be got rid of permanently. Here are diseased people, infirm people, and all that class of people are now invited to come here and become a burden upon our Government, paupers and criminals as well.

No one would go further than I to assist immigration from for-

eign countries to this country, provided the immigrants were of that class who ought to be received in the United States; but if they are simply to be transferred from one country to another, to fill our prisons, our poorhouses, and reformatory institutions, then I think there should be some regulation with respect to the character of people we should admit. All these things should be taken into consideration and be regulated by rigid laws.

The simple fact of suspending for a single year all immigration means what? It means to keep out thousands and tens of thousands of worthy and desirable immigrants whom we might want to come to our country. The effect of it will be that at the expiration of that time we shall have made no progress whatever, we shall have passed no law to regulate the subject. We find in this bill of the Senator from Tennessee [Mr. HARRIS] a simple provision that immigrants shall be examined upon the other side for contagious or infectious diseases, and for nothing else. That is all the purpose this legislation contemplates.

I wanted to begin at this session of Congress the preparation of a bill turning over at least the great immigration quarantine station at the port of New York to the Federal authorities, and let the Federal authorities prepare suitable facilities for quarantining passengers when they are found to come from an infected port or in an infected ship. That is the true policy. The idea of trying to work the quarantine stations of this country, the large ones particularly, by the joint authority of Federal and State superintendence is something that can not be done.

Mr. MILLS. Mr. President, it seems to me that this is a most extraordinary measure, and one that ought not to be adopted except in the presence of actual and extraordinary peril to the people of the United States.

This bill proposes to give power to certain officers of the Marine Hospital Service to control the whole of our foreign commerce, growing up towards two thousand million dollars. It invests certain officers with power to prohibit the entry of vessels bearing this enormous commerce into our ports. I wonder if our friends have considered how much the prosperity, the very subsistence, and the profitable employment of our working people in the vast hives of our industry are dependent upon the unobstucted movement of this commerce. It is a tremendous power; it is one that might well be exerted in the presence of war or when war was actually threatened, or when some great pestilenee was threatening to visit the land.

It seems to me that our scientific people have become dreadfully alarmed about the cholera in one single spot on the continent of Europe. What other government, Mr. President, has become stampeded and is proposing to imperil its whole foreign commerce on account of the cholera in the city of Hamburg, in Germany? Has Great Britain, so dependent upon her commercial relations with the Continent of Europe, with her people enjoying free intercourse with all the peoples of the Continent, taken any steps to lay an embargo on the shipping all around her borders? We have heard nothing of the sort. Has France done it? What steps has Germany taken to prevent the spread of this terrible contagion throughout her own borders? Nobody but the people of the United States seem to be alarmed, and alarmed to such an extent that they will put our entire foreign commerce, involving the employment of the whole of our people, within the power of a few marine hospital employés throughout the country, wherever they may be sent under the provisions of this bill.

This is all done, Mr. President, upon the predictions of the scientists. They are gentlemen for whom I have great respect, though they live far up in the realms of imagination. It was only a short time ago that the credulous people of this planet of ours were frightened almost to death by the predictions of the scientists that Beila's comet was going to crush us into smithereens, and the people were sitting up all night watching for the coming of this marauder, this wanderer throughout the universe, threatening the existence of all the primaries and secondaries in the universal creation; but Beila's comet did not come, and the scientists have been greatly at fault.

Now we are told because the cholera is at Hamburg, in Germany, that there is danger to the whole 70,000,000 people of the United States so imminent and threatening that the power of stopping the movement of the vast volume of our commerce is to be placed in the hands of a few men.

I read not long ago the predictions of another scientist down in the State in which I live. He, too, was predicting what terrible ravages the cholera was going to bring to this country, but he said the scourge was to come from Mexico and not from across the Atlantic. What does your bill propose to do to prevent Texas from being swept by this pestilence coming from Mexico? What provision does this bill make to prevent social intercourse all along the border between our country and Canada? How many people do you suppose come annually from Canada to the United States? I will astonish you directly when I read a letter from one of the most distinguished men in Canada on that subject.

Mr. HARRIS. Will the Senator allow me to suggest to him that the act of 1890 clothes the Marine Hospital Service with ample power to protect the Mexican and Canadian borders and ample power over interstate commerce?

Mr. MILLS. In addition to this bill? Then, this bill, I take it, is merely supplementary to the other; and I suppose the provisions of the law, which I have not examined, to which the Senator from Tennessee refers, are as arbitrary and extensive as the provisions of this bill in putting the commerce between the United States and Canada and the commerce between the United States and Mexico into the hands of a few scientific people, who are to determine whether a vessel is healthy or not before it sails. One of these scientific gentlemen at Liverpool, or at Havre, or at some other point, is called upon to inspect a vessel loaded with a cargo valued at a million or five million dollars, and to determine whether that vessel is healthy or not. The scientific man holds in his fist the destiny of a vessel, and holds in his grasp the wealth and the fortunes of the men whose property is embarked in its hold. He is to determine the healthful condition of this vessel.

Mr. GRAY. May I ask the Senator from Texas, if he would not have a scientific man to do this work, what sort of a man would he have?

Mr. MILLS. I would not have anybody. I would not place that power in the hands of a scientific or a nonscientific man. If the cholera breaks out in Europe to such an extent that it threatens the health and safety of the people of the United States, it is an old doctrine of that party to which the Senator from Delaware and myself belong that the States are invested by their own citizens with the power to take care of the health of their own people. The States have done it heretofore as far as it was possible to do it.

But suppose that each one of the officers to be appointed under this bill should stop a ship from sailing and go to the extent, on the supposition that that vessel could do mischief, of preventing it, can he stop goods, with perhaps cholera or the yellow fever in the goods themselves, from coming on vessels which have their certificates of good health?

I remember a few years ago, during the unpleasantness between our friends north of the Ohio and those on the south side of it, that a distinguished citizen of the State of Kentucky was charged by some of our friends north of that border with shipping blankets across the river into the northern country among their people, with the intention of sending yellow fever to them in those blankets. It was a false charge. He was a gentleman of the highest integrity; but the scientists knew, or at least they taught, that these contagious diseases could be sent in goods. Can the scientific officer whom you place at these ports, who goes over the decks of a vessel and sees that the decks are washed clean and sees that the vessel is clean, tell whether or not the germs of disease are in the goods, placed there by the diseased person who handled and made those goods? The germs can come through the goods; they can come in the clothing of the saloon passengers, as well as in that of those in the steerage of the vessel, for pestilence is no respecter of persons. Whatever scientists may say to the effect that nobody but those who are clothed in rags and poverty carry disease, it is a fact that the wealthiest and the best people of the country will be stricken with it as well as the lowliest and the humblest.

I remember when I was a boy I went to Texas. I was an immigrant. It was in 1849, and there was cholera in the United States. I went down the Mississippi River and up the Red River. There were passengers on the vessel who had the cholera. They were just such people as we; they had on as good clothes, though they did not pay quite as much for them as we pay for ours. I stood by and nursed them, and helped to bury them when they were dead. The people who will come in the cabins and saloons of your foreign vessels and will dine at the tables, characterized by my friend as the tables around which sat the Gridiron Club, a small club of respectable gentlemen, but not all of the respectable gentlemen connected with the press of the United States, all of them may be subject to be attacked by the cholera.

This measure is not a proper measure to prevent the introduction of cholera into the United States. If it is carried out unwisely it may seriously affect the commerce of the people of the United States. While being unable to protect their health, it may seriously affect their commerce, and in seriously affecting that seriously affect the employment of hundreds of thousands and millions of poor people whose successful and constant employment is both meat and bread to their own mouths and the mouths of their wives and children.

I can not see any possible good that can come from this measure, and therefore I shall vote against placing this extraordinary power in the hands of these gentleman, and I shall vote very cheerfully against placing in the hands of the President of the United

States, whether he be a Republican or a Democrat, any such extraordinary power as that, to suspend immigration to this country at his pleasure.

It has been the cherished policy of our Government from its very infancy to extend open arms to the people of all the countries of Europe to come and make their homes with us, to live in and help develop our country. They have helped to extend the boundaries of our frontier to the Pacific Ocean, and now have obliterated it entirely. They work down in our mines under the surface of the earth; they work in our forests; they fight in our armies.

Yes, sir, I remember to have seen them in that same period of unpleasantness to which I referred, touching elbows with me, and confronting me sometimes too closely on the other side for my comfort. I have seen their regiments when the commands were given to them in their own mother tongue, when they could not understand the language of the country they were defending, and for which they were dying on the field. I do not intend under the alarm of any scientists to prevent these people from coming and finding happy homes in our midst. They died for your side, too, Senators on the other side; at least they served by the thousands, yes, and died by the thousands, too. You found them everywhere just like the rest of us, all of them believing with the gallant Decatur, if they did not express it as beautifully as he did, "My country—may she always be right; but right or wrong, my country."

They loved the spot where they lived; they gave their blood and their service and their lives for it, too; and I do not intend to vote for any measure that may be brought here to stop immigration under the pretense of preventing the spread of the cholera. That is the pretense; but really I am apprehensive that away down below that the intention is to prevent the spread of Democracy in this country. I have noticed after these people have been here a little while, when they cut down the forests and dig the ores out of the mines and extend the lines of settlement and establish their little homes, the next thing they do is to vote the Democratic ticket. It is not the spread of cholera that some of our people dread so much as the spread of that liberty-loving sentiment which pervades the bosoms of those people who have suffered from despotism, as our fathers did a hundred years ago.

We are much more sleepy, much more confident in our fancied security about our institutions than our fathers were a hundred years ago; and those people who come to infuse fresh blood into our veins love liberty with greater jealousy than we do; that is, we are disposed to be more confident that liberty is secure, and they dread encroachments upon it. They stand faithful sentinels on the outposts, and they are ready to challenge every invader who comes to the camp.

There must be some great and overruling peril which threatens the safety of our people to induce me to give to the President of the United States, whoever he may be, the power by a fiat to stop the whole immigration of people from other countries coming to this.

For these reasons, sir, I have come to the conclusion that this bill ought not to pass. If some Senator who has had longer experience in this body than I, and who is more familiar with its rules of procedure, had given voice to the sentiments I have uttered I should not have spoken, but I felt that it was my duty to express them. I have done so. I will leave to the States to prescribe the laws which have prevented the introduction of contagious diseases, believing that they have the right and the power to do so, and that they can do it much more efficiently than can the General Government.

Perhaps it is unnecessary for me to read now the letter to which I referred, though as I said I would do so, I will read it, notwithstanding what my friend the Senator from Tennessee [Mr. HARRIS] has said. I confess I was astonished when I read this letter from Mr. Farrer, a distinguished subject of the Queen living in Canada, in relation to the immigration coming annually from that country to this. He says:

How large the exodus, as it is called, has become may be gathered from the Canadian blue books. At the census of 1881 the population of the Dominion was 4,325,000. At the census of 1891 it was 4,833,000. Between 1881 and 1891 the government reported the arrival of 850,000 emigrants from Europe, secured at a cost of $3,000,000. The natural increase may be put at 14 per cent, say 600,000 for the decennium, without counting that among the emigrants. Hence the population in 1891 ought to have shown a numerical increase of at least a million and a half, whereas it was only 508,000, so that a round million of native and European born Canadians must have crossed the line. An invader who should overrun the country could not do worse than deport 100,000 of the choicest men and women every year. Annexation could not be expected to stop the exodus absolutely, for northern people will always turn their faces to the sun, but it would certainly diminish it by bettering the economic environment.

I simply read this to show how many people are annually pouring across the line from the north into our States, by whom we might expect cholera to be brought, because Canada is taking no steps to prevent the importation of this disease; she is not taking any steps, as I am informed, to prohibit the entry of vessels into her ports; and if all Europe is overrun with this disease and we lay an embargo around our entire coast, immigrants can still come to us through Canada.

Mr. PLATT. Mr. President, I had supposed that the Senator reporting this bill would explain to the Senate what additional powers, if any, are given to the United States in cases where State quarantines are already established. I think we ought to have that information. It is entirely familiar, of course, to the Senator who has reported the bill, but not so familiar to other Senators.

Mr. HARRIS. Mr. President, if the Senator will allow me, referring to section 3, he will find that it gives to the Federal authority the power to make quarantine rules and regulations at such ports and places in the United States as have no such regulations at this time; and where quarantine rules and regulations exist, if deemed by the Federal authority not sufficient to prevent the importation of contagion, to make additional rules, which, in the opinion of the Federal authority, will be sufficient. When these additional rules and regulations have been made, it authorizes the State organization to execute those together with their own. If, however, the State authorities fail or refuse to execute them, it is made the duty of the President of the United States to detail or appoint proper persons to execute the State rules as well as the additional rules, and to see that rules which will prevent the introduction of contagious diseases are executed.

Mr. PLATT. Mr. President, I am not advised as to whether that is an additional power given to the United States. I suppose that under present laws the United States could take charge of quarantine matters in New York Harbor; at least I am informed that it did so last summer to a considerable extent under laws which already exist. I do not know how far this may be giving to the United States additional powers in this respect. My own judgment is, from the very cursory examination which I have been able to give the law as it stands at the present time, complicated as it is by several different enactments, that it does not give any additional power to the United States to deal with the danger of the approach or the existence of cholera in those ports where State quarantines have been established.

Section 3 of this bill is a very peculiar section. The power of the United States to deal with quarantine affairs in all our ports I suppose is unquestioned, at least I did suppose so until I heard the remarks of the Senator from Texas [Mr. MILLS]. It is only where the United States has failed to provide law for the exercise of that power that the States may exercise it. But this seems to be a bill which makes the United States of secondary importance, and the United States power a secondary power to the power of the States; in other words, the whole feature of this section seems to be that wherever a State has undertaken at all to establish quarantine stations, and to exercise power to prevent the approach or the influx of contagious disease, there the United States must only coöperate with the State authorities; and there is an intimation here that it is very doubtful whether in law they may even do that. The very first lines of the section are:

SEC. 3. That the Marine Hospital Service shall coöperate with and, so far as it lawfully may, aid State and municipal boards of health in the execution and enforcement of the rules and regulations of such boards and in the execution and enforcement of the rules and regulations prepared by the Marine Hospital Service and approved by the Secretary of the Treasury to prevent the introduction of contagious or infectious diseases into the United States from foreign countries, and into one State from another.

What does that mean? The Marine Hospital Service may aid the State authorities in so far as they may lawfully aid them. I suppose that is intended to raise the question in this bill whether, if a State has established sufficient quarantine laws, the United States Government has any power whatever in such a case.

Mr. HARRIS. Will the Senator allow me to suggest——

The VICE-PRESIDENT. Does the Senator from Connecticut yield to the Senator from Tennessee?

Mr. PLATT. Certainly.

Mr. HARRIS. I desire to suggest to the Senator that the language which he criticises means only this, or was intended to mean only this: Congress has power "to regulate commerce with foreign nations and among the several States." Local and municipal boards of health not only deal with quarantine matters, but with a great many other sanitary matters.

Speaking for myself alone, I do not believe that Congress has any constitutional power to enter a city in the State of New York or Tennessee for the purpose of doing sanitary work. While it has the absolute right under the Constitution to so regulate commerce with foreign nations and amongst the several States as to strip it of contagion, to that extent the Federal Government may enter a State; but when a board of health en-

ters upon mere sanitary local work, I deny the power of Congress to intervene.

Mr. PLATT. The only thing which is referred to in the clause which I have read is the enforcement of rules and regulations to prevent the introduction of contagious and infectious diseases into the United States from foreign countries and into one State from another.

Mr. HOAR. To what section does the Senator refer?

Mr. PLATT. Section 3. So it proceeds to enact that in so far as the Government "lawfully may," it may aid the State in doing that.

My whole trouble about this section—I shall refer to it a little further on in some other particulars—is that it seems to be drawn upon the line that the Government has to ask permission of the State to take any hand whatever in quarantine affairs, and that only when the measures which have been adopted by the State are deemed to be insufficient can it make any additional rules or regulations to those which have been made by the State. Then the General Government has to rely upon the State in the first instance to enforce those additional rules and regulations. However, it is provided that if the State fails or refuses to enforce them then the President may detail an officer or appoint a proper person for that purpose. It makes the Government subordinate to the State in the matter of dealing with quarantine.

I do not stop to speak of the indefinite way in which the Secretary of the Treasury is to find out that the State regulations are insufficient. The bill says he must take the opinion of the Marine Hospital Service. I do not know how he is going to get the opinion of the Marine Hospital Service. I never heard before of getting the opinion of a bureau to act upon and to form additional rules and regulations upon. The bill does not provide for taking the opinion of any officer, but simply the opinion of the Marine Hospital Service. When the Secretary of the Treasury gets that opinion—how in the world he is to get it nobody knows—then he can do these things in so far as they are allowed by this bill; but, as I said before, if he makes additional regulations, they are still to be enforced by the sanitary authorities of the State where they will undertake to execute and enforce them; and the only power which is given by this section is, that when all this has failed, when the quarantine establishments of the States are insufficient, and additional regulations have been made, then, if in the opinion of the Secretary of the Treasury or some one else, the State authorities do not properly enforce the rules and regulations which have been made by the Government, a detail may be made of an officer by the President to do it. If any way can be devised more ingeniously calculated to precipitate and create a conflict between the State and national authorities I should like to know what it is.

Mr. VEST. I understand that the State of New York and the municipality of the city of New York have a very perfect system of quarantine. Does the Senator from Connecticut propose that that quarantine system in the State and city shall be ignored entirely, and that no use shall be made of it if cholera threatens this country?

Mr. PLATT. The Chamber of Commerce of the State of New York supposes so according to a document which I have in my hand, and which will perhaps answer the suggestion made by the Senator as well as it can be answered. It is not very long, and I shall read it. It is recent action being dated January 3, 1893, a petition addressed to the Senate and House of Representatives.

CHAMBER OF COMMERCE OF THE STATE OF NEW YORK.

To the honorable the Senate and House of Representatives of the United States of America in Congress assembled:

May it please your honorable body:

Your memorialists, the Chamber of Commerce of the State of New York, at a largely attended meeting, called to consider the report of their special committee on quarantine, unanimously adopted the following resolutions, among others:

Resolved, That the Chamber of Commerce memorialize the President and the Congress of the United States to enact as speedily as may be a suitable law placing the control of quarantine at New York and at all other places under national control.

Resolved, That the attention of Congress is respectfully directed to the injurious influences that continued indiscriminate immigration may have upon the welfare of this country, in the hope that careful investigation relative thereto may be promptly had.

The arguments in favor of a national quarantine, drawn from the recent experiences of New York, were declared to be the following:

1. The Federal Government, being an indispensable factor in every quarantine crisis, it is only by giving to the Federal Government complete control that conflicts of authority and the weakening effects of official jealousy can be avoided.

2. The Federal Government, in every crisis, through the various arms of the public service, is able to command an amount of expert coöperation entirely beyond the reach of a State department.

3. The Federal Government has at command the trained men who have to be summoned to the help of the State in time of peril. It is better to have the Federal Government directly responsible, instead of indirectly.

4. To these may be added the further consideration that the coöperation of consuls with the quarantine officials is a matter of growing importance. The health officer complains that he failed to receive the aid from this quarter to which he was entitled. It is clear that these officers would be less likely to be at fault as towards Federal officials.

5. An international supervision of infectious diseases is a probable and a very desirable outcome of recent experiences. Such an outcome of itself would necessitate a national quarantine.

To these arguments might be added many others, not the least of which appear to your memorialists the opportunity, through Federal control, of obtaining a uniform basis for quarantine in all places, and that a high scientific basis; and the preventing of needless quarantine of one American port against all others. In view of the not improbable outbreak again of cholera in the spring, and in view of the importance of time for making the needful preparations, your honorable body is urged to take decisive action speedily, and to equip whatever authorities may be charged with the responsibility of conducting the Federal quarantine with ample powers and with ample funds to enable them to cope adequately with any emergency.

And your memorialists will ever pray.

ALEXANDER E. ORR, *Vice-President.*
[SEAL.] GEORGE WILSON, *Secretary.*

It is not signed by the president, Seth Low, but the whole history of what the Chamber of Commerce did during the difficulties which arose between the State and Federal authorities in New York with reference to the exclusion of the cholera I think warrants the inference that it is according to his view of what should be done.

We have, then, this body in the State of New York, than which none stands higher and than which none exerts a greater or more powerful influence, asking Congress to put the whole matter of quarantine at the port of New York in the hands of the Federal authorities. As the Senator from New Jersey [Mr. McPHERSON] has well said, a neglect to do it, in my judgment, imperils the health of the American people.

No one can read the account of the attempt to deal with cholera last fall in the port of New York by the authorities of the State without being convinced that quarantine ought to be in the hands of the Government, ought to be in the hands of Government officials with Government power and Government funds back of them, to do what is needful to prevent the introduction and spread of cholera.

Just so long as we legislate upon the ideas that the Government is only to be secondary in whatever it does to the State authorities, just so long, it seems to me, we shall have insufficient quarantine, insufficient regulations to prevent the introduction of disease, and insufficient dealing with it when it comes into port.

I do not know why there should be such hesitation about the matter. I do not know why the State of New York, into which I am informed 90 per cent of all immigration to this country comes, should assume to deal with that immigration in the matter of bringing here infectious diseases. It is not alone the State of New York which is interested. The State of my friend who sits near me, the Senator from Illinois [Mr. CULLOM], is as much interested as the State of New York. The success, I had almost said the opening of the doors of the World's Exposition in the city of Chicago depends upon keeping the cholera from effecting a lodgment on our shores. Why should the State of New York assume the right to deal with it as it approaches those shores, to deal with it upon the high seas and before the vessel has touched the jurisdiction of the State of New York? There is a great deal of tenderness about this matter.

As I said, there is no question about the law; there is no question about our constitutional power. That was settled long ago. There seems to be some idea that in some way we ought to be very courteous to these authorities. My idea is that the National Government should go ahead. Then, if the State authorities wish to coöperate with the National Government, all right; but the idea of this bill is that the State authorities shall go ahead and then the Government shall be permitted to coöperate with those authorities in so far as it lawfully may.

Mr. HOAR. I should like to ask the Senator from Connecticut, who has given much attention to this question, whether there is anything, in his judgment, that ought to be done to keep out infectious diseases which possibly can be done which is not provided for reasonably by this bill; and, if so, what?

Mr. PLATT. I must have been singularly unfortunate in what I have said either in clearness or emphasis if the Senator has not understood me. I have said that I thought the thing which ought to be done, and the only thing which should be done, was to put the whole matter into the hands of the Government, which has ample power, which has officers who have had experience, and who know better how to deal with infectious diseases than do the State authorities.

Mr. HOAR. The Senator does not understand my question. I did not mean to ask the Senator whether he thought that someone not provided for by this bill ought not to do it, or that things ought not to be done in that way, but whether any particular thing, the detention of passengers, or any particular examination of passengers, or any particular exclusion of passengers, or anything which the experience of mankind and medical science suggests ought to be done, is not provided for in this bill; that is, whether there is not somebody whose authority and duty it is to do it—if somebody else could do it better?

Mr. PLATT. Subject to the power of the State authorities, undoubtedly.

Mr. HOAR. That is not my question.

Mr. PLATT. Undoubtedly if there was no conflict generated between the officer whom the President might appoint and the State board, the officer whom the President appointed might go on and act. The State arrangements may be entirely inadequate, so that no officer detailed by the President in the emergency can cope with the disease. The disease when it comes may find an absolute and entire want of the arrangements, scientific and other, which are necessary to enable the disease to be coped with, when, if it were put in the hands of the Government, the Government might have made preparation in advance for the coming of the disease, which everybody knows or expects will come.

Mr. HOAR. But if the States have not made sufficient preparation in advance, is there not full power lodged by this bill in the national officers do that very thing?

Mr. PLATT. I will answer the Senator from Massachusetts categorically that I do not think there is.

Mr. HOAR. Perhaps the Senator will pardon me for adding one suggestion.

Mr. PLATT. Certainly.

Mr. HOAR. The difficulty in my honorable friend's attitude, in my view, is this: We find dealing with this subject to-day certain existing quarantine arrangements, powers, hospitals, lands, State officers——

Mr. HARRIS. General equipment.

Mr. HOAR. I agree with the Senator that it might have been better in the beginning that the States never should have touched and that the nation should have taken possession of the whole thing; but we must recognize existing conditions. I understand that the bill—without entering upon the question whether the Senator is right or whether I am right in this *a priori* idea—says: "We will authorize the national authority to look into this matter, and wherever the State regulations are insufficient, whether we see that insufficiency in advance or discover it later, when the time arises instantly to step in and supplement them and do everything that the State has not provided for.

If we do not do what this bill proposes in that way we have to improvise within the next three months a full national system, put it in operation, select our officers, get our hospitals, condemn our land, and throw away and make absolutely useless and worthless everything that New York or Massachusetts or Louisiana or any other State has now prepared for the purpose. It is not a question of original policy, it is not a question what would be the best for ten years or twenty years; it is a question what is best for the next three or six months. Therefore, if that be the nature of the question with which we are dealing, then to answer that question it seems to me it is important for some Senator to rise in his place and say, "Here is this particular thing which ought to be done, which is essential to be done, and which you will not get done if this bill is all the law in addition to State regulation which exists on the subject." It is to that particular point I call my friend's attention.

Mr. PLATT. I do not propose at this time to enter into the history of the attempt to exclude cholera from the port of New York last fall. It is enough to say that cholera effected a landing, and that, in my judgment, if the matter had been in the hands of the Federal Government or the Marine Hospital Service when news was telegraphed from Hamburg that cholera was there and was likely to come on a certain ship, it would not have effected a landing. Cholera came into the city as the result of ineffective quarantine.

Mr. CHANDLER. Will the Senator allow me?

Mr. PLATT. Yes, sir.

Mr. CHANDLER. I think the Senator is mistaken and has not studied the facts with his usual care. There were only ten cases of suspected cholera in the city. The doctors came to the conclusion, after making microscopic examinations and other investigations, that those ten cases were cholera cases. I think only three of the patients died, and there is doubt in my mind whether any one of those ten cases, even if it was cholera, was anything but sporadic cholera or exaggerated cholera morbus. At all events, I am not convinced that it came into the city of New York from Europe. In my judgment the methods adopted by Dr. Edson and the city health department were such as to prevent the cholera making any headway in the city. So, when the Senator argues that the State quarantine establishment did not keep cholera out of New York City last year, he is arguing from mistaken premises. It did keep it out of the city very effectually.

Mr. PLATT. If one cholera patient was found in the city of New York I should hold that that cholera patient did not contract cholera in the city of New York. Cholera is not a New York disease. If the Senator says there was no case of cholera there, going against what has been the public understanding and what has been the opinion of the highest medical authorities of New York, then he has the best of the argument; but if one cholera patient was found in the city of New York, the inference is almost irresistible that it was because of an insufficient quarantine, and it is an open and notorious fact that for want of patrol people were escaping from the ships and getting to shore more or less during that whole quarantine; in other words, no one can read the history of that quarantine without knowing that it was notoriously inefficient, unskillful, and unscientific.

Mr. WHITE. Will the Senator allow me to ask him a question?

Mr. PLATT. Certainly.

Mr. WHITE. Suppose all the facts he states are true, under what theory does he propound the belief that they will not exist if this bill giving power to the Marine Hospital Service passes?

Mr. PLATT. Upon the theory that the State quarantine authorities in New York, when this bill passes, will say, "Oh, yes, the Government recognizes that we are to deal with cholera; the Government simply is coming in in case of an emergency;" and whenever a question arises as to whether their arrangements are perfect, whether their rules are perfect, whether the people who are dealing with it are competent to deal with it, there immediately arises a conflict between the President and the State of New York, the President and the Secretary of the Treasury insisting that the Government ought to take hold, make the quarantine efficient, and keep out the cholera, and at the same time protest going up from the State of New York that the health officers of the State of New York, appointed for political reasons and not on account of their scientific ability, are entirely capable of dealing with it and are dealing with it in proper shape. Then, if the President overrides the State authorities and sends a health officer there, there is not a Senator here who does not know that there will be an immediate conflict of authority and every effort made to prevent his proper discharge of the duties of his office.

Mr. HARRIS. Will the Senator from Connecticut allow me to ask him a question?

Mr. PLATT. Certainly.

Mr. HARRIS. I ask purely for information. Does he or does he not recognize the possibility or probability of quarantine regulations which are not strictly regulations of commerce, perhaps not regulations of commerce at all, which fall within the powers known as police powers of the States, over which Congress has no control?

Mr. PLATT. In so far as relates to the control of disease upon the water, no.

Mr. HARRIS. I do not know exactly where the line which divides regulations of commerce from the exercise of police powers is located, but I have never been absolutely clear that a State may not in the exercise of police powers make quarantine regulations which go even beyond the regulations of commerce. That is the question I wanted to submit to my friend.

Mr. PLATT. I do not see how any State board can make any rule or regulation for the keeping out of disease, or for the treatment of it while it is on board a ship before the passengers have landed, which can in any way be said to be carrying out the police powers of the State.

Mr. TELLER. I should like to ask the Senator if he means to say that a ship having come within the jurisdiction of the State of New York, and the Government of the United States having taken no cognizance of this question, the State can not interfere to protect its citizens?

Mr. PLATT. Again I am unfortunate in making the Senator hear me or in being able to express myself.

Mr. TELLER. I was following the Senator very closely and heard every word he said.

Mr. PLATT. I said the law undoubtedly was that where Congress failed to act the State might take entire control of the matter

Mr. TELLER. The Senator qualifies it now, as I understand him, that this being a question of commerce the State can not interfere. I understand, if the Senator will allow me, that it does not make a particle of difference whether it is a commercial question or not the State still has the power to protect its citizens against the bringing in of diseased persons.

Mr. PLATT. So long as the State does not interfere with commerce it has, but when it goes to the extent of interfering with commerce then it trenches upon the powers of the United States.

I do not know that I desire to pursue this matter further except to say that the argument is now made that we have not time as a government to deal with this matter; that the States have taken such steps that they only are able to deal with the matter, and the Government has no time between now and the probable approach of cholera to make the necessary arrangements.

Mr. VEST. Does the Senator mean to say that a State has not the right to stop all commerce in order to protect the lives and health of its citizens? That is the question. Has not the Supreme Court of the United States decided absolutely that the State has that right, notwithstanding Congress has exclusive control over commerce with foreign nations and among the States?

Mr. PLATT. Not to my knowledge.

Mr. VEST. Over and over again.

Mr. PLATT. I understand the law to be that the State may not interfere with commerce in the exercise of its police power.

Mr. VEST. With great deference to the Senator, the State has the right to protect the lives and health of its citizens in any event. That is an absolute right of all sovereignty; and the States as to their internal affairs and the health and morals of their citizens are sovereign under the Constitution of the United States.

Mr. PLATT. I do not think a State can shut out commerce from its borders upon the pretense of protecting the health of its citizens.

Mr. VEST. That is another question. Whether it is a pretense or not, would be a question which would be decided by the Supreme Court, but the State can act in any emergency of that sort, and that is one of the highest duties of the State.

Mr. PLATT. The State can not, as the Supreme Court has decided, prevent the sale of a bottle of liquor in the original package. That case must be so recent as to not have passed from the memory of the Senator.

I was about to answer the argument that if we establish national quarantine in New York, Massachusetts, and Louisiana, there is no time to make the proper arrangement to prevent the introduction of cholera. The cholera came to New York last fall about September 3, and the health officer of the State of New York puttered with it until the Secretary of the Treasury discovered that something must be done. He sent an officer over there, one of the surgeons of the Department, and in eight days Camp Low was built, equipped, put in readiness, and received passengers from infected ships under the control of Surgeon-General Hamilton. That was one of the greatest feats of construction the country has ever known or seen. The entire laundry machinery for that camp, very extensive, was contracted for, built, and put in operation in forty-eight hours. That is the way the Government can deal with this subject; it is not the way that State health officers do deal with it.

I do not know what may be the conditions of things down in Tampa. I know that the Government has undertaken the control of quarantine stations everywhere except in New York, Massachusetts, and Louisiana, and I, not knowing, have great hesitancy in saying what I believe; but I believe that in an emergency the Government in ten days can duplicate all that Florida has done in keeping out infectious diseases.

With regard to the statute of 1890, which the Senator from Tennessee says provides for the keeping out of cholera and infectious diseases from Mexico and Canada, I do not understand that such is the effect of it at all. I know it has been said that this statute did not give the Government any power to deal with cholera when it had once effected a lodgment in a State except to meet it at the State line and keep it from going into another State. I understand that that is the opinion of a very high official of the Government, so that the act of 1890 has not been utilized for the purpose of dealing with cholera or infectious disease after it shall have reached a State. But to my mind there is ample power given under that statute to stamp out cholera, yellow fever, the plague, the smallpox or any infectious disease, although it exists in a State. I wish to read the language of the statute:

> That whenever it shall be made to appear to the satisfaction of the President that cholera, yellow fever, smallpox, or plague exists in any State or Territory, or in the District of Columbia, and that there is danger of the spread of such disease into other States, Territories, or the District of Columbia, he is hereby authorized to cause the Secretary of the Treasury to promulgate such rules and regulations as in his judgment may be necessary to prevent the spread of such disease from one State or Territory into another, or from any State or Territory into the District of Columbia, or from the District of Columbia into any State or Territory, and to employ such inspectors and other persons as may be necessary to execute such regulations to prevent the spread of such disease. The said rules and regulations shall be prepared by the Supervising Surgeon-General of the Marine Hospital Service under the direction of the Secretary of the Treasury. And any person who shall willfully violate any rule or regulation so made and promulgated shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not more than $500, or imprisonment for not more than two years, or both, in the discretion of the court.

That statute in its terms plainly says that whatever is necessary to be done when the cholera or any infectious disease has effected a lodgment in one State to prevent its spreading into another the Government may do. Why not? If cholera has made a lodgment in the city of New York is the Government powerless and its hands tied as to everything except standing on the border line between New York and New Jersey and seeing it does not come over into the latter State? How many men must it employ to patrol the entire State line to see that it does not spread from the State where it is lodged into the State where it is feared it may spread? Is not there as much power to stamp out cholera in a State as there is to stamp out pleuropneumonia in a State? If the Secretary of the Treasury may, in defiance of State authority, enter into a State and slaughter *ad libitum* the herds of citizens of a State for the purpose of stamping out pleuropneumonia, may not the United States to prevent the spread of this terrible disease, to prevent its going westward to Chicago, to prevent its interference with the great Exposition, make rules and regulations as to how it shall be treated in the State where it is found?

I have not any doubt of the power of the Government to do that. I believe it was for that that the act was passed. There is no other reasonable construction which can be put upon that act. It is ludicrous to say that the Secretary of the Treasury is to make such rules and regulations as in his judgment may be necessary to prevent the spread of such diseases from one State or Territory into another only by going and establishing a line of patrol and quarantine along the State lines of the State within which it exists.

The act was passed for the purpose of enabling the Government to deal with such a disease in the States where it might effect a lodgment, and I believe the Government has entire power to do so. I believe it is for the interest of all the people of the United States and for the interest of commerce between the States that it should be done by the Government rather than by local boards of health, which must manifestly have less capacity and less ability to deal with it. I think, as the Senator from New Jersey does, that we make a mistake when we simply attempt to supplement what a State authority may do.

Mr. SQUIRE. May I ask the Senator a question?

Mr. PLATT. Certainly.

Mr. SQUIRE. Would the Senator have the establishments provided by the several States ignored? Would he have them rendered useless?

Mr. PLATT. I might answer by saying that I would have the State supplement the national authority. It never seems to have entered the minds of Senators that a State could possibly supplement the national work of dealing with these diseases, but that the United States must supplement the State work. I say we proceed entirely on a wrong theory.

Mr. DOLPH. Mr. President, I quite agree with the Senator from Connecticut [Mr. PLATT], both as to the power of the United States to assume control of the subject of quarantine and as to the desirability of the General Government doing so; but it is apparent to every one that whatever is to be done must be done quickly. The bill has been reported from the committee having jurisdiction of the subject-matter of the proposed legislation, and I assume that it is now too late to change the method of dealing with this question. Therefore, I desire to make some suggestions in regard to the bill. I think it is somewhat loosely drawn and might have been greatly improved as a bill to adopt and supplement State quarantine regulations and to aid in their execution.

So far as the section that I understand is under discussion is concerned, by which it is proposed to authorize the President whenever it shall appear to him that, notwithstanding the quarantine defense, the danger from yellow fever and cholera is so increased by immigration that a suspension of the same is demanded in the interest of the public health, to suspend immigration from such countries and for such period of time as may deem necessary, I have no objection to it; although I wish now to say in regard to this section and in regard to a bill which has been reported from the Committee on Immigration, Senate bill 3513, for the suspension of immigration for one year, which I suppose is advocated partly upon the ground that it is necessary to protect this country against cholera, I have not a particle of faith in being able to protect the country against cholera by the suspension of immigration.

Cholera is no respecter of persons. It enters the hovel and the palace. It enters the city and the country. It followed the immigration to California in 1848 out from the Missouri River onto the plains and into the Rocky Mountains and attacked its victims in the pure air of the great plains. In my judgment cholera may come to this country as well in the cabin as in the steerage. It may be brought as well by the American citizens as by subjects of foreign countries. It may be brought as well by the subject of a foreign country who comes to this country to visit the country. It may be brought as well by vessels and those who come for a temporary sojourn in the United States as by those who come here to make their home in this country and become permanent residents. So I have not a particle of faith, I repeat, in being able to protect this country against the coming of cholera by simply suspending immigration.

I shall not attempt to suggest all the amendments I think might be made to the pending bill, but I call the attention of the Senator from Tennessee to some clauses of the bill. I find in section 2 a provision which requires vessels clearing at foreign ports to obtain from the consul, vice-consul, or other consular officer a bill of health, in duplicate, in the form prescribed by the Marine Hospital Service and approved by the Secretary of the Treasury. I do not know that I quite understand what is meant by "the Marine Hospital Service."

If it means anything which can be applied and enforced it must mean the persons who are engaged in that service, the officers and employés of the Government. If it means the Surgeon-General of the Marine Hospital Service, then that ought to be stated. If it means all the physicians engaged in that service, then it would be impracticable for them to get together in order to act in the form prescribed by the service. It would be necessary to have them called together in a legal manner, to meet in a legal manner, and to act all together, or a majority of them.

Mr. HARRIS. If the Senator will allow me, I have no objection to using the term "the Surgeon-General of the Marine Hospital Service," but "the Marine Hospital Service" means the statutory bureau in the Treasury known by that name.

Mr. DOLPH. When amendments are in order, I will move to strike out "the Marine Hospital Service and approved by," so that it will read, "in the form prescribed by the Secretary of the Treasury." The Marine Hospital Service is a bureau under the Secretary of the Treasury.

Mr. HARRIS. I shall have no objection to it, if the Senator will prepare the amendment.

Mr. DOLPH. I have stated it, and will offer it at the proper time.

Mr. HARRIS. I shall have no objection whatever to that form of amendment.

Mr. DOLPH. I shall offer an amendment in the next line, line 9. The word "history" is used there in the statement that this bill of health shall set "forth the sanitary history of said vessel." I think "condition" probably is a better word, and I shall move that amendment.

Mr. VEST. Say "history and condition."

Mr. HARRIS. I do not think the Senator should move to strike out the word "history," but I shall have no objection to his adding the word "condition."

Mr. DOLPH. Will the Senator from Tennessee inform me how a consular officer can get the sanitary history of a vessel?

Mr. HARRIS. From the records of the vessel and the officers of the vessel it can be very easily obtained.

Mr. TELLER. I should like to suggest to the Senator from Oregon that the history of the vessel of course means its past condition, whether it has been subject to the disease, and so on. It is very important to have that history, because the vessel may have been already affected by disease, which, of course, should be known.

Mr. DOLPH. Then I will modify my amendment. In line 2, of section 3, I move to strike out "so far as it lawfully may," to meet the criticism of the Senator from Connecticut. I wish the Senator from Tennessee would notice the proposed amendment.

Mr. HARRIS. The Senator will please repeat it. I was diverted for a moment.

Mr. DOLPH. In line 2, of section 3, I propose to meet the criticism of the Senator from Connecticut by striking out the words "so far as it lawfully may."

Mr. HARRIS. I shall have no objection to that amendment. That language was inserted following the idea I expressed a moment ago, that certain things the Federal Government have power to do and other things the board of health do that the Government has no power to do.

Mr. DOLPH. In line 5 I shall move to strike out the word "prepared" and insert the word "made," as conveying the meaning that the regulations have been already adopted, and in line 6 I propose to strike out "the Marine Hospital Service and approved by," so as to require the rules and regulations to be made by the Secretary of the Treasury.

Mr. HARRIS. I have no objection to either of those amendments.

The VICE-PRESIDENT. If the Senator from Oregon will state his amendments in order they will be stated from the desk. The Senator will first state his first amendment.

Mr. DOLPH. Is it proposed to act on the amendments now?

Mr. HARRIS. I shall be glad, if the clerks have not taken down the amendments, to go back to the first amendment, and act upon each amendment in its order.

Mr. DOLPH. My first amendment is in lines 7 and 8, of section 2, on page 2, after the word "the," to strike out the words "Marine Hospital Service and approved by the;" so as to read:

By the President for that purpose, a bill of health, in duplicate, in the form prescribed by the Secretary of the Treasury.

The VICE-PRESIDENT. The amendment will be agreed to, if there be no objection.

Mr. CALL. I should like the Senator from Oregon to state some reason why Congress should not prescribe a particular method for this action by the Treasury Department? Why should it not require the Secretary of the Treasury to have an official report from the Bureau charged by Congress with the duty of being informed on this subject?

Mr. DOLPH. This is the mere preparation of the form of certificate to be issued by a consular officer.

Mr. CALL. I understand it is that provision of the bill which requires the Marine Hospital Service to ascertain certain facts and report those facts to the Secretary of the Treasury.

Mr. HARRIS. The Secretary of the Treasury is required to approve additional rules and regulations or such rules and regulations as may be made. The Marine Hospital Service is a bureau in the Department in preparing such rules, and he can avail himself of that bureau and all other sources of information he chooses. There can be no objection to the amendment.

Mr. CALL. As I understand it, I think there is objection to it. Instead of Congress in its authority directing the Secretary of the Treasury as to the manner in which he shall obtain this information, namely, upon the report of a bureau charged by Congress with this duty——

Mr. DOLPH. It is not a report upon anything at all. We have not reached that point in the bill. This amendment is proposed to section 2.

Mr. CALL. That is the matter to which I have referred. Let us see the language.

Mr. DOLPH. This simply prescribes the form of certificate to be issued by the consul, vice-consul, or other consular officer. It simply prescribes the form of a document.

Mr. CALL. The language is:

A bill of health, in duplicate, in the form prescribed by the Marine Hospital Service and approved by—

Why should it not be in the form prescribed by the Marine Hospital Service? What Department of this Government is so capable of prescribing the form including the particulars upon which that certificate shall be given?

Mr. DOLPH. The term "Marine Hospital Service" may have a legal significance, but if it means anything it means the personnel of that service.

Mr. CALL. Unquestionably.

Mr. DOLPH. It means the physicians who are engaged in that service.

Mr. CALL. Undoubtedly.

Mr. DOLPH. To require anything to be done of them, in my judgment, would require them to be assembled at a meeting duly called and duly held, and a majority of them to agree to it. Then I have another objection to the clause. I have an objection to authorizing officers of the Government to make regulations that are to have the force of law. If we are going to authorize such regulations to be made I would rather authorize a member of the Cabinet to make them than the chief or the personnel of one of the bureaus subordinate to the head of the Department.

Mr. CALL. I submit for myself that I think those are very insufficient reasons. The Marine Hospital Service means the action of that Bureau under its chief and according to the rules prescribed by act of Congress or the Treasury Department. This provision of the bill requires that this most important document, the certificate for the bill of health, shall be in the manner and contain the particulars prescribed by the Marine Hospital Service.

Mr. DOLPH. Oh, no; the Secretary may approve or disapprove it; he may write an entire new one or prescribe what form is to be used. What is the use in having that inserted when he can call upon every officer of the Government? He can call upon the Attorney-General for an opinion. He can call probably through the Department of State for an opinion from the consul and vice-consul of the United States, or he can call for an opinion of the Surgeon-General of the Marine Hospital Service. He at last has got to pass upon them, and what is the use of this provision? Why not require him at once to issue the certificate.

Mr. CALL. That is very true, but the Senator's objection does not reach the point. He says it is not important that from this Bureau, charged by Congress with the duty of ascertaining what kind of a certificate shall be granted, the Secretary of the Treasury should be required before approval to have that statement. He proposes to allow the Secretary of the Treasury to make such a form as he sees fit, disregarding the advice and opinions of anybody in the service charged specially with the duty.

Mr. DOLPH. The bill as it stands does that.

Mr. CALL. Oh, no.

Mr. DOLPH. Yes, it does. The certificate must be approved by him. If he disapproves it that is the end of it.

Mr. CALL. That does not make any difference. If the bill does so provide it is not at all material to the point. The bill provides that a Bureau, the Marine Hospital Service, shall perform certain duties. The Senator objects to that.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from Oregon [Mr. DOLPH].

The amendment was agreed to.

Mr. DOLPH. In line 9 of section 2, after the word "history," I move to insert the words "and condition;" so as to read:

Setting forth the sanitary history and condition of said vessel.

Mr. HARRIS. There is no objection to that amendment.

The amendment was agreed to.

Mr. DOLPH. In line 2 of section 3, on page 3, after the word "and," I move to strike out the words "so far as it lawfully may;" so as to read:

That the Marine Hospital Service shall coöperate with and aid State and municipal boards of health, etc.

The amendment was agreed to.

Mr. DOLPH. In line 6 of the same section I move to strike out the words "the Marine Hospital Service and approved by."

Mr. HARRIS. The Senator's suggestion as to line 5, to strike out the word "prepared," was not agreed to.,

Mr. DOLPH I propose to strike out the word "prepared" and insert the word "made," in line 5.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. In line 5 of section 3, after the word "regulations," strike out the word "prepared" and insert the word "made;" so as to read:

Rules and regulations made by, etc.

The amendment was agreed to.

Mr. DOLPH. Now let the amendment in line 6, striking out the words "the Marine Hospital Service approved by," be agreed to.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. In line 6 of section 3, after the word "by," strike out the words "the Marine Hospital Service approved by;" so as to read:

And enforcement of the rules and regulations made by the Secretary of the Treasury, etc.

Mr. CALL. I submit again that this bill, which otherwise has met my approval, in vesting absolute and arbitrary authority in the Secretary of the Treasury and not in the President of the United States to disregard all the opinions of the Bureau specially charged to gather information upon this subject, would be made objectionable by the amendment of the Senator from Oregon.

It does not matter that the head of the Department is properly responsible. Why shall not Congress require him to take the opinion of the officers, the scientific men, charged with this duty and supported by the Government for the very purpose of preparing this information and directing the action of the Treasury Department in this respect? The criticism, I think, is not an important one. Certainly it would be a very proper thing in Congress to require the Marine Hospital Service to furnish this information if it is worth anything, and it is the most efficient Bureau in the Government and has performed its duty satisfactorily. There is no reason in saying that the Secretary of the Treasury shall be absolutely independent of that Bureau and may disregard it entirely in this service.

Mr. DOLPH. I ask for a vote on my amendment.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Oregon.

The amendment was agreed to.

Mr. DOLPH. In line 12 of section 3, after the word "the," I move to strike out "Marine Hospital Service" and insert "Secretary of the Treasury;" so as to read:

In the opinion of the Secretary of the Treasury.

The amendment was agreed to.

Mr. DOLPH. In line 18 of section 3, after the word "the," I move to strike out "Marine Hospital Service" and insert "Secretary of the Treasury;" so as to read:

In the opinion of the Secretary of the Treasury.

The amendment was agreed to.

Mr. DOLPH. In line 20 of section 3, after the word "the," I move to strike out the words "Marine Hospital Service shall report the facts to the;" so as to read:

Or into one State from another, the Secretary of the Treasury, etc.

The amendment was agreed to.

Mr. DOLPH. In line 21 of section 3, after the word "Treasury," I move to strike out "who;" so as to read:

The Secretary of the Treasury shall, if in his judgment.

The amendment was agreed to.

Mr. DOLPH. In line 22 of section 3, after the word "proper," I move to strike out the words "order said Marine Hospital Service:" so as to read:

It is necessary and proper to make such additional rules and regulations as, etc.

The amendment was agreed to.

Mr. DOLPH. In line 27 of section 3, after the word "been," I move to strike out the word "so;" so as to read:

And regulations have been made.

The amendment was agreed to.

Mr. DOLPH. After the word "made," in line 27 of section 3, I move to strike out the words "and approved by the Secretary;" so as to read:

Have been made they shall be promulgated by the Marine Hospital Service, etc.

And I move in lines 28 and 29 to strike out the words "Marine Hospital Service," and insert "Secretary of the Treasury."

The amendment was agreed to.

Mr. DOLPH. In line 34 of section 3, after the word "the," I move to strike out "Marine Hospital Service" and insert "Secretary of the Treasury."

The amendment was agreed to.

Mr. DOLPH. In line 41 of section 3, after the word "crew," I move to strike out the words "and when said rules and regulations have been approved by the Secretary of the Treasury they" and insert "which."

Mr. VEST. What does the Senator from Oregon propose to do with the first line of section 3? Does he propose to leave it as it is with the words "the Marine Hospital Service?"

Mr. DOLPH. Yes; that simply requires them to coöperate with the State officials. I suppose it might be considered a direction addressed to every physician and every agent employed.

Mr. MORGAN. Just say "the Secretary of the Treasury and the Marine Hospital Service."

Mr. DOLPH. I have no objection to that, but I do not want to be hypercritical about it. However, that seems to be a thing that can be directed by Congress. Let the pending amendment be acted upon.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 5, line 41, section 3, after the word "crew," strike out the words "and when said rules and regulations have been approved by the Secretary of the Treasury they" and insert "which."

The amendment was agreed to.

Mr. TELLER. I wish to suggest to the Senator from Oregon, who seems to be following the bill rather closely, that lines 33 and 34 provide that if the States "shall fail or refuse to enforce said rules and regulations the President may detail an officer or appoint a proper person for that purpose." It seems to me it would be a great deal better to say "he shall enforce the same," that is, enforce the regulations, without directing how he shall do it. He might want a dozen officers or a dozen or a hundred persons.. I suggest to strike out, after the word "President," the words "may detail an officer," in the thirty-third line, and the words "or appoint a proper person for that purpose," in the thirty-fourth line, and insert "shall enforce the same."

Mr. DOLPH. The amendments I propose are all of the same order. As we have entered upon this method of changing the bill, I wish the Senator would allow that matter to stand over. It may meet with some opposition.

Mr. TELLER. I thought that as we went along it would be better to correct the text in that respect also. However, I will withdraw my amendment for the present.

Mr. DOLPH. Has my last amendment been adopted?

The VICE-PRESIDENT. The last amendment proposed by the Senator from Oregon was agreed to.

Mr. CULLOM. I should like to have the clause of the bill read as amended by the last amendment of the Senator from Oregon.

The VICE-PRESIDENT. The clause will be read as amended.

The SECRETARY. On page 5, section —, line 41, after the word "crew," the words "and when said rules and regulations have been approved by the Secretary of the Treasury they" were stricken out and the word "which" inserted; so as to read:

The Secretary of the Treasury shall make such rules and regulations as are authorized by the laws of the United States, and necessary to be observed by vessels at the port of departure and on the voyage, where such vessels sail from any foreign port or place at which contagious or infectious disease exists, or from which the President has reason to believe that infected articles of merchandise are being shipped, to any port or place in the United States, to secure the best sanitary condition of such vessel, her cargo, passengers, and crew, which shall be published and communicated to, etc.

The VICE-PRESIDENT. The amendment has been agreed to.

Mr. DOLPH. In line 9 of section 4, I move to strike out the words "Marine Hospital Service" and insert "Secretary of the Treasury."

Mr. CHANDLER. Have those words been stricken out in line 1?

Mr. DOLPH. I did not move to strike out the words there. That is simply a direction that the Marine Hospital Service, under the direction of the Secretary of the Treasury, shall perform particular duties in respect to quarantine. It seems to me that is a direction we may make, and it will be binding upon any officer in the Bureau.

Mr. HARRIS. It is exactly the same character of amendment with various others that have been agreed to.

The VICE-PRESIDENT. The amendment proposed by the Senator from Oregon will be stated.

The SECRETARY. On page 5, section 4, line 9, after the word "the," strike out "Marine Hospital Service" and insert "Secretary of the Treasury."

The amendment was agreed to.

Mr. DOLPH. I move the same amendment in line 10, to strike out "said Marine Hospital Service" and insert "Secretary of the Treasury."

Mr. CHANDLER. There is no need to insert anything there, but strike out the words "to said Marine Hospital Service."

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 5, section 4, line 10, after the word "to," strike out the words "said Marine Hospital Service" and insert "the Secretary of the Treasury."

The amendment was agreed to.

Mr. DOLPH. In section 4, line 13, I move to strike out the words "said Marine Hospital Service may, with the approval of."

The amendment was agreed to.

Mr. DOLPH. On page 6, in line 14 of section 4, after the word "Treasury," I move to insert the word "shall;" so as to read:

Such forms as the Secretary of the Treasury shall prescribe.

The amendment was agreed to.

Mr. DOLPH. In line 14 of section 4, page 6, after the word "the," I move to strike out the words "Marine Hospital Service" and insert "Secretary of the Treasury;" so as to read:

And the Secretary of the Treasury shall also obtain, etc.

The amendment was agreed to.

Mr. DOLPH. In line 22 of section 4, I move to strike out the words "said service" and insert "him;" so as to read:

And other pertinent information received by him, and shall also, etc.

The amendment was agreed to.

Mr. DOLPH. In line 27 of section 4, after the word "of," I move to strike out "its" and insert "his;" so as to read:

Shall make an annual report of his operations.

The amendment was agreed to.

Mr. DOLPH. In line 23 of section 4, after the word "as," I move to strike out "it" and insert "he;" so as to read:

As far as he may be able.

The amendment was agreed to.

Mr. DOLPH. In line 28 of section 4, I move to strike out the words "Secretary of the Treasury, who shall transmit the same to," and require the Secretary to report to Congress.

Mr. VEST. He is to report to himself, then?

Mr. DOLPH. That is to be stricken out. That will leave it so that the Secretary of the Treasury shall make annual reports of his operations to Congress with such recommendations, etc.

Mr. HARRIS. That perfects the sentence.

Mr. DOLPH. Let the amendment be stated.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. In section 4, line 28, after the word "to," strike out the words "the Secretary of the Treasury, who shall transmit the same to;" so as to read:

And shall make an annual report of his operations to Congress.

The amendment was agreed to.

Mr. DOLPH. In lines 1 and 2 of section 5, I move to strike out the words "the Marine Hospital Service shall, with the approval of;" so as to read:

That the Secretary of the Treasury, from time to time, issue to the consular officer of the United States, etc.

The amendment was agreed to.

Mr. DOLPH. After the word "Treasury," in line 2 of section 5, I move to insert the word "shall;" so as to read:

That the Secretary of the Treasury shall, from time to time, issue, etc.

Mr. ALLISON. I should like to hear that part of the section read as proposed to be amended.

Mr. DOLPH. It will then read:

That the Secretary of the Treasury shall, from time to time, issue to consular officers of the United States, and to the medical officers serving at any foreign port, and otherwise make publicly known the rules and regulations made by him.

I am going to make it read by striking out the words on the top of the next page, page 7.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. In line 2 of section 5, after the word "Treasury," insert the word "shall;" so as to read:

That the Secretary of the Treasury shall, from time to time, issue, etc.

The amendment was agreed to.

Mr. DOLPH. In line 6 of section 5, page 7, I move to strike out the words "it and approved by the Secretary of the Treasury" and insert "him;" so as to read:

Made by him, to be used and complied with by vessels in foreign ports, etc.

The amendment was agreed to.

Mr. DOLPH. In line 3 of section 6, after the word "the," I move to amend by striking out the words "Marine Hospital Service" and inserting "Secretary of the Treasury;" so as to read:

For treatment of the same, the Secretary of the Treasury may remand said vessel, etc.

The amendment was agreed to.

Mr. DOLPH. In line 15 of the same section, after the word "the," I move to strike out "Marine Hospital Service" and insert "Secretary of the Treasury;" so as to read:

But at any ports where sufficient quarantine provision has been made by State or local authorities the Secretary of the Treasury may direct vessels bound for said ports, etc.

The amendment was agreed to.

Mr. ALLISON. I move that the bill with the amendments already agreed to, as in Committee of the Whole, be printed for the convenience of the Senate.

Mr. VEST. Will the Senator from Iowa allow me to offer a few amendments about which there will be no controversy?

Mr. ALLISON. I suggest that the bill be ordered printed after all the amendments to be offered to-day have been acted upon.

Mr. VEST. I wish to offer an amendment to the third section.

Mr. HARRIS. Let the Senator from Missouri offer his amendment so that we can have all of the amendments printed.

Mr. ALLISON. Certainly.

Mr. CULLOM. It is not to be acted upon, I understand.

Mr. PLATT. No, it will be printed.

The VICE-PRESIDENT. The amendment proposed by the Senator from Missouri will be stated.

The SECRETARY. Before the word "shall," in line 1, of section 3, insert:

Shall, immediately after this act takes effect, examine the quarantine regulations of all State and municipal boards of health and—

So as to read:

SEC. 3. That the Marine Hospital Service shall, immediately after this act takes effect, examine the quarantine regulations of all State and municipal boards of health and shall coöperate with, etc.

The VICE-PRESIDENT. Does the Senator from Missouri ask for present action upon his amendment?

Mr. VEST. Yes, sir.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from Missouri.

Mr. HARRIS. There is no objection to the amendment.

Mr. HOAR. I should like to hear the amendment read once more.

Mr. PLATT. I presume it had better go over until to-morrow.

Mr. CULLOM. Let it be printed.

Mr. HOAR. If the Secretary of the Treasury has to read every municipal board of health regulation in the country he will be in some trouble.

Mr. FRYE. It is the Marine Board.

Mr. HOAR. Is it confined to the Marine Board?

Mr. VEST. Yes, the Marine Hospital Service.

The VICE-PRESIDENT. If there be no objection the amendment will be considered as agreed to.

Mr. PLATT. I wish to examine it. I think it had better be printed and go over.

The VICE-PRESIDENT. The amendment, then, will go over as an amendment to be proposed to the bill.

Mr. VEST. I offer another amendment which I ask to have read.

The VICE-PRESIDENT. The second amendment submitted by the Senator from Missouri will be read.

The SECRETARY. In line 9 section 3, after the word "State," insert "or Territory, or the District of Columbia from another State, or Territory, or the District of Columbia."

Mr. HARRIS. That is a very proper amendment. Let it go on the bill.

The amendment was agreed to.

Mr. VEST. On page 4, line 25, section 3, the same amendment should be made.

Mr. CALL. I offer an amendment which I ask to have printed, and which I shall propose to the pending bill to-morrow.

Mr. MORGAN. I offer an amendment to the bill, and ask that it be read and printed.

The VICE-PRESIDENT. Does the Senator from Florida desire to have his amendment read?

Mr. CALL. Yes, sir.

The VICE-PRESIDENT. The amendment intended to be proposed by the Senator from Florida will be first read.

The CHIEF CLERK. Amendment to come in on the ninth page, after line 10, as section 9:

Whenever the proper authorities of a State shall surrender to the United States the use of the buildings or disinfecting apparatus at a State quaran-

tine station, the Secretary of the Treasury shall be authorized to receive them and to pay a reasonable compensation to the State for their use.

The VICE-PRESIDENT. The amendment intended to be proposed by the Senator from Alabama [Mr. MORGAN] will be read.

The CHIEF CLERK. It is proposed to add to the bill the following:

SEC. —. Whenever any State shall set apart any place within its territorial limits for quarantine purposes in respect of interstate or foreign or coastwise commerce, travel or immigration, and shall sell or donate the same to the United States, the President shall appoint a board of three persons skilled in such matters to exercise therein, under the supervision and control of the Marine Hospital Service, the powers and duties in this act specified.

Mr. TELLER. I desire to call the attention of the Senator who has the bill in charge to section 7. I desire to offer an amendment to come in after the word "places" in the ninth line of that section. I wish to insert the words "as he shall designate." The section is a little indistinct as to what countries the President may prohibit immigration from, or what is meant by the words "the President shall have power to suspend immigration from such countries or places." It may refer to those countries which have yellow fever and cholera alone. I desire that he may have the power to suspend immigration from countries adjoining and in the neighborhood, if he sees fit, and therefore I move to insert after the word "places," in the ninth line, the words "as he shall designate."

Mr. HARRIS. I have examined the amendment of the Senator from Colorado, and I think it is a very proper one, and is unobjectionable.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. In section 7, line 9, after the word "places," insert "as he shall designate;" so as to read:

The President shall have power to suspend immigration from such countries or places as he shall designate and for such period of time as he may deem necessary.

The VICE-PRESIDENT. If there be no objection the amendment will be considered as agreed to. It is agreed to.

Mr. MCPHERSON. I wish to offer an amendment.

Mr. CHANDLER. If the Senator from New Jersey will allow me, the last amendment was an amendment to an amendment, and the vote on inserting section 7 has been reserved. That amendment has not yet been adopted.

Mr. TELLER. Mine is an informal amendment.

The VICE-PRESIDENT. There seems to be no objection to the amendment proposed by the Senator from Colorado to the amendment of the committee, and it can be agreed to although the committee amendment stands to be acted upon hereafter.

Mr. CHANDLER. The amendment to the amendment is agreed to, but the amendment of the committee is not agreed to.

The VICE-PRESIDENT. The amendment as amended is not agreed to.

Mr. MCPHERSON. I desire to call the attention of the chairman of the committee to the penalty which is provided, which is entirely inadequate to prevent a ship from running into port. In section 1, line 11, before the word "thousand," I move to strike out the word "one" and insert "five."

Mr. HARRIS. That is, the fine shall not be more than $1,000, and the Senator from New Jersey proposes to strike out "one" and insert "five," which will make it read, "not exceeding $5,000." It leaves it within the discretion of the courts. I shall not object to the Senator's amendment.

The VICE-PRESIDENT. The amendment will be stated.

Mr. DOLPH. Before that is adopted, I desire to ask the Senator from Tennessee whether there is any reason why a minimum fine is not fixed?

Mr. HARRIS. I should prefer leaving the matter to the discretion of the courts. I do not want to fix any iron rule about the penalty. I am willing to make the maximum large enough to prevent what is prohibited.

Mr. MCPHERSON. Then on page 3, line 24, the same amendment should be made.

The VICE-PRESIDENT. The first amendment submitted by the Senator from New Jersey will be stated.

The SECRETARY. On page 1, line 11, section 1, after the word "exceeding," strike out "one" and insert "five;" so as to read:

Not exceeding $5,000.

The amendment was agreed to.

Mr. MCPHERSON. On page 3, line 24, section 2, there is a like amendment to be made. In the clause "not more than $1,000," I move to strike out "one" and insert "five." I do not know that it occurs anywhere else in the bill.

Mr. HARRIS. I do not think it does.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. In line 24 of section 2, after the word "than," strike out "one" and insert "five;" so as to read:

Not more than $5,000.

The amendment was agreed to.

Mr. TELLER. I desire to call the attention of the Senator from Tennessee, who has the bill in charge, to another amendment, which I think should be offered. On page 4, in lines 33 and 34, section 3, it is provided that if these regulations and rules are not enforced by the States the President "may detail an officer or appoint a proper person for that purpose." It seems to me that the proper thing to do is to strike out those words and insert "shall enforce the same."

Mr. HARRIS. The Senator's object would be accomplished, it seems to me, by making "officer" plural, "officers" and "person" plural, saying "persons."

Mr. TELLER. If that is more agreeable to the Senator from Tennessee I will accept it.

Mr. HARRIS. I am perfectly indifferent. I have no sort of objection to accomplishing the Senator's object, and I think it eminently proper.

Mr. TELLER. It seems to me if we simply say the President shall enforce these regulations that is enough. He takes his own method to do it. I move to strike out the words "may detail an officer or appoint a proper person for that purpose," in lines 33 and 34 of section 3, and to insert "shall enforce the same."

Mr. DOLPH. I suggest to the Senator from Colorado whether it would not be better after the word "President" to insert "shall execute and enforce the same and," so as to read "shall execute and enforce the same and may detail an officer or officers and appoint proper persons."

Mr. HARRIS. To enforce the same necessarily carries with it the power to detail or appoint persons to execute it.

Mr. TELLER. If that is agreeable to the Senator who has the bill in charge I am quite willing to amend it in that way.

Mr. HARRIS. I believe the suggestion of the Senator from Oregon was to insert the language suggested by the Senator from Colorado, and to retain the words he proposes to strike out, but he must make plural the words "officer" and "person." It should read "officers" and "persons" if that clause is to be retained in the bill.

Mr. TELLER. I think the suggestion made by the Senator from Oregon is a good one, and with the consent of the Senate I will withdraw my amendment and move to insert after the word "President" the words "shall execute and enforce the same and," and to make the words "officer" and "person" plural, striking out "a" and "an" where they occur.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 4, section 3, line 33, after the word "President," insert the words "shall execute and enforce the same and," and after the word "detail" strike out "an officer" and insert "officers," and in line 34 strike out "a proper person" and insert "proper persons;" so as to read:

But if the State or municipal authorities shall fail or refuse to enforce said rules and regulations, the President shall execute and enforce the same and may detail officers or appoint proper persons for that purpose.

The amendment was agreed to.

Mr. ALLISON. Is it understood that the bill now, with the amendments agreed to, shall be printed, and also the other amendments offered? The latter will of course be printed separately.

The VICE-PRESIDENT. The bill will be printed as amended, and the amendments intended to be offered will be printed separately.

Mr. ALLISON. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 20 minutes p. m.) the Senate adjourned until to-morrow, Saturday, January 7, 1893, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

FRIDAY, *January 6, 1893.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of yesterday was read and approved.

CAVALRY AND ARTILLERY SCHOOL, FORT RILEY.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting an estimate of appropriation submitted by the Secretary of War for the cavalry and light artillery school at Fort Riley, Kans.; which was referred to the Committee on Military Affairs.

CLAIM OF OWNERS OF SCHOONER KATHLEEN.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting a letter from the Secretary of the Navy submitting, for appropriation, papers in the claim of the owners of the schooner Kathleen for damages sus-

tained by said vessel in collision with the United States steamer Chicago; which was referred to the Committee on Claims.

BUREAU OF ANIMAL INDUSTRY.

The SPEAKER also laid before the House a communication from the Secretary of Agriculture, submitting report of the operations of the Bureau of Animal Industry for the year 1892; which was referred to the Committee on Agriculture.

PRESIDENTIAL ELECTORS, WASHINGTON.

The SPEAKER also laid before the House a certified copy of the final ascertainment of the electors for President and Vice-President of the State of Washington; which was laid upon the table.

REFERENCE OF SENATE BILLS.

The SPEAKER also laid before the House Senate bills; which were severally read twice, and referred as indicated, namely:

A bill (S. 1664) for the relief of Lister Noble—to the Committee on War Claims.

A bill (S. 1933) concerning testimony in criminal cases or proceedings based upon or growing out of alleged violations of an act entitled "An act to regulate commerce," approved February 4, 1887, as amended March 2, 1889, and February 10, 1891—to the Committee on Interstate and Foreign Commerce.

A bill (S. 3382) to authorize a corrected patent to be issued for the donation land claim of Wheelock Simmons and wife—to the Committee on Private Land Claims.

A bill (S. 3537) for the relief of M. P. Deady—to the Committee on the Judiciary.

Joint resolution (S. R. 124) directing the Secretary of War to investigate the subject of raft-towing on the Great Lakes and their connecting waters—to the Committee on Interstate and Foreign Commerce.

WETMORE & BROTHER.

The SPEAKER also laid before the House the bill (S. 29) for the relief of Wetmore & Brother, of St. Louis, Mo.

Mr. COBB of Missouri. Mr. Speaker, I ask unanimous consent for the present consideration of this bill.

The SPEAKER. The bill will be read, after which the Chair will ask if there be objection.

The bill was read at length.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. COBB of Missouri. I will ask that the report be read.

The SPEAKER. There is no House report accompanying the bill.

Mr. COBB of Missouri. I ask that the Senate report be read.

The Senate report was read at length.

Mr. KILGORE. I would like to make some inquiry in regard to this bill. This is a Senate bill, I understand?

The SPEAKER. It is.

Mr. KILGORE. Has it been considered by a committee of the House?

The SPEAKER. The gentleman from Missouri can answer the question.

Mr. COBB of Missouri. It has not been reported by a House committee; but the amount being small and it having been passed unanimously by the Senate, I deem it unnecessary that such action should be taken, in view of the insignificance of the amount involved. It carries only $200.

Mr. KILGORE. I object to its consideration because it has not been considered by a House committee.

Mr. COBB of Missouri. It is a very small matter.

Mr. KILGORE. I do not know anything of the merits of the case, but I think that all of these bills should go through the regular channel.

The SPEAKER. Objection is made, and the bill will be referred to the Committee on Claims.

CLAIMS OF THE CHOCTAW AND CHICKASAW INDIANS.

The SPEAKER also laid before the House the Senate amendment to the joint resolution (H. Res. 166) to authorize the Secretary of the Treasury to cover back into the Treasury the sum of $48,800 of the appropriations for the Choctaw and Chickasaw Indians.

Mr. PEEL. I ask for the reading of the Senate amendment, with a view of moving concurrence.

The SPEAKER. The Senate amendment will be read.

The Clerk read as follows:

Add the following proviso:

"*Provided, however*, That neither the passage of the original act of appropriation to pay the Choctaw and Chickasaw tribes of Indians for their interest in the lands of the Cheyenne and Arapahoe Reservation, dated March 3, 1891, nor of this joint resolution shall be held in any way to commit the Government to the payment of any further sum to the Choctaw and Chickasaw Indians for any alleged interest in the remainder of the lands situated in what is commonly known and called the leased district."

Mr. PEEL. I move to concur in the Senate amendment. It simply provides that this, as well as preceding legislation on the subject, shall not establish a precedent for other appropriations of a similar character.

The Senate amendment was concurred in.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. ELLIS, for five days, on account of important business.

To Mr. DOAN, indefinitely, on account of sickness in his family.

Mr. CAMPBELL. Mr. Speaker, I ask leave of absence for one week from Monday next.

The SPEAKER. Without objection, this request will be granted.

There was no objection.

ORDER OF BUSINESS.

Mr. JOHNSON of Indiana. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. JOHNSON of Indiana. I ask unanimous consent to introduce the resolution which I send to the Clerk's desk and for its reading, and that it be then referred to the Committee on Printing, which is the appropriate committee.

The SPEAKER. The resolution can be referred. The Chair understands that the gentleman desires to have it read.

Mr. JOHNSON of Indiana. I ask unanimous consent to have it read.

The SPEAKER. The gentleman from Indiana [Mr. JOHNSON] asks unanimous consent to have the resolution read for reference.

Mr. RICHARDSON. I object.

Mr. JOHNSON of Indiana. The gentleman need not object to this——

Mr. RICHARDSON. Let it be referred under the rules.

The SPEAKER. Objection is made.

Mr. JOHNSON of Indiana. This is a resolution to which I want to call the attention of the House by having it read; that is all.

Mr. RICHARDSON. Let it take the regular course.

BOARD OF REGENTS, SMITHSONIAN INSTITUTION.

Mr. CUMMINGS. Mr. Speaker——

The SPEAKER. The Chair understands that the gentleman from New York [Mr. CUMMINGS] has a resolution respecting the filling of a vacancy in the Board of Regents of the Smithsonian Institution.

Mr. CUMMINGS. Mr. Speaker, I ask unanimous consent to report back a resolution to fill a vacancy in the Board of Regents of the Smithsonian Institution. It is from the Committee on the Library. I ask for its immediate consideration.

The SPEAKER. The Clerk will report the title of the resolution.

The Clerk read as follows:

Joint resolution (S. R. 123) to fill vacancy in the Board of Regents of the Smithsonian Institution.

The SPEAKER. The gentleman from New York [Mr. CUMMINGS] asks unanimous consent for the consideration of this resolution, and the Clerk will read it, after which the Chair will ask if there be objection.

The resolution was read, as follows:

Resolved, etc., That the vacancy in the Board of Regents of the Smithsonian Institution, in the class other than members of Congress, be filled by the reappointment of James B. Angell, of Michigan, whose term of office expires January 19, 1893.

The SPEAKER. Is there objection to the present consideration of this resolution?

Mr. HOLMAN. I did not understand its purport.

Mr. CUMMINGS. If the Clerk will read the report, it will be satisfactory to the gentleman, I think.

The SPEAKER. This is a joint resolution providing for the filling of a vacancy in the Board of Regents of the Smithsonian Institution. The Clerk will again report it, so that the House will understand it.

The Clerk again read the resolution.

The SPEAKER. Is there objection to the consideration of the resolution?

Mr. DINGLEY. Do I understand from the gentleman from New York that an amendment to the resolution is proposed?

Mr. CUMMINGS. No amendment whatever. This is the original Senate joint resolution.

The SPEAKER. The Chair hears no objection.

The resolution was ordered to a third reading; and was accordingly read the third time, and passed.

On motion of Mr. CUMMINGS, a motion to reconsider the last vote was laid on the table.

MUSTER AND PAY OF CERTAIN MEMBERS OF THE VOLUNTEER FORCES.

The SPEAKER. On the 17th of December last there was before the House the bill (H. R. 6649) called up by the Committee

on Military Affairs, the Chair believes. By unanimous consent, the vote upon it was postponed until January 6, 1893, it appearing on the vote then taken that there was no quorum. Now, the Clerk will report the bill, so that the House will know what it is.

The Clerk read as follows:

A bill (H. R. 6649) to extend the provisions of an act to provide for the muster and pay of certain officers and enlisted men of the volunteer forces.

Be it enacted, etc., That the provisions of an act to provide for the muster and pay of certain officers and enlisted men of the volunteer forces, approved June 4, 1884, as amended by an act approved February 5, 1887, be, and the same are hereby, revived and extended for a period of three years from the 3d day of June, 1892.

Mr. OUTHWAITE. I have discovered a clerical error in the bill, and I ask unanimous consent to change the word "four," in line 5 of the printed bill, to the word "third," and the word "fifth," in line 6, to the word "third."

Mr. MCMILLIN. Mr. Speaker, how does this bill come before the House?

The SPEAKER. On the 17th of December last this bill was before the House. Under the operation of the previous question it was ordered to be engrossed and read a third time, and it was accordingly engrossed and read a third time; and on the question, Shall the bill pass? the ayes were 70 and the noes 5, whereupon the gentleman from Texas [Mr. LONG] made the point of no quorum. Tellers were appointed, and pending the discharge of their duty the gentleman from Ohio [Mr. OUTHWAITE] made the following request:

Mr. Speaker, it appears that there is not a quorum present, and I ask unanimous consent that this bill go over until the 6th day of January, to be voted upon immediately after the first morning hour.

The SPEAKER. Is there objection to the request of the gentleman from Ohio that the consideration of the pending bill go over until January 6, immediately after the first morning hour.

And there was no objection. That is the way in which the bill comes before the House now.

Mr. KILGORE. I want to make a point of order upon this.

Mr. MCMILLIN. Have we entered upon the first morning hour?

The SPEAKER. The Chair does not think the committees have been called.

Mr. MCMILLIN. Then it would not be in order until that is done.

The SPEAKER. The Chair will direct the Clerk to call the committees.

Mr. OUTHWAITE. It makes no difference about that.

Mr. MCMILLIN. The only difference is, that if we get into consideration in the morning hour it might not be concluded in the hour, and that would be the difference.

Mr. BELTZHOOVER. Mr. Speaker, I believe I am entitled to be recognized to make a privileged motion.

The SPEAKER. The Clerk will call the standing and select committees for reports.

The Clerk proceeded to call the committees for reports.

POST TRADERSHIPS.

Mr. OUTHWAITE, from the Committee on Military Affairs, reported back favorably the bill (S. 3117) relating to post traderships; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

BIG HORN SOUTHERN RAILROAD.

Mr. PICKLER, from the Committee on Indian Affairs, reported back favorably the bill (S. 3317) extending the time for the construction of the Big Horn Southern Railroad through the Crow Indian Reservation; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

BRIDGES ACROSS THE HIWASSEE, THE TENNESSEE, AND THE CLINCH RIVERS, TENNESSEE.

Mr. GEARY, from the Committee on Commerce, reported back favorably the bill (H. R. 10015) to authorize the construction of bridges across the Hiwassee, the Tennessee, and the Clinch Rivers, in the State of Tennessee; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

The call of committees was resumed and concluded.

MUSTER AND PAY OF CERTAIN OFFICERS AND ENLISTED MEN OF THE VOLUNTEER FORCES.

The SPEAKER. This completes the call of the standing and select committees. Now, under the order, the House will consider the bill referred to by the gentleman from Ohio, which the Clerk will again report.

Mr. KILGORE. Mr. Speaker, I desire to assail the validity of the order heretofore made by the House in relation to that bill with a point of order. When the agreement was concurred in by the House the statement was made in that connection that there was no quorum present; and if there was no quorum present, it was not competent for the House to enter into any agreement or make any order which would be binding upon any subsequent session of this body.

The SPEAKER. "There was not a quorum voting." [Laughter.]

Mr. REED. I hope the gentleman from Texas [Mr. KILGORE] understands the distinction. It is a perfectly legal one.

Mr. KILGORE. I think the order read that there "was no quorum present."

The SPEAKER. The Chair will state to the gentleman from Texas that the vote was taken on a division, and it appeared that there was no quorum voting. The point was made, whereupon tellers were ordered, and just at that stage this agreement was made.

Mr. KILGORE. The statement is made by the gentleman from Ohio himself that he was satisfied that there was no quorum present, and for that reason asked that the further consideration of the bill be postponed without prejudice.

The SPEAKER. The trouble is, that although the gentleman from Ohio might be satisfied, it does not follow that there was not a quorum present.

Mr. OUTHWAITE. There is nothing to indicate that the House was satisfied.

The SPEAKER. The Clerk will again report the bill, so that the House may understand it.

The bill was again read.

Mr. OUTHWAITE. I move the previous question on the passage of the bill.

Mr. HOLMAN. I hope the gentleman will permit the report to be read.

Mr. OUTHWAITE. The report was read when the bill was up before, and I do not know whether the order permits any debate. The order is that the vote shall be taken at this time.

Mr. MCMILLIN. I will state to the gentleman that while the order does not in strictness permit of debate, the report might be read by unanimous consent.

Mr. OUTHWAITE. I have no objection whatever to that.

Mr. MCMILLIN. I would suggest that.

Mr. BELTZHOOVER. Mr. Speaker, can it be read without unanimous consent?

A MEMBER. It is submitted "without objection." The report can be read if there be no objection.

The SPEAKER. The previous question had been ordered, and the Chair does not think it can be read, because the terms of the order is that the vote shall be taken.

Mr. BELTZHOOVER. I understand the order.

The SPEAKER. The gentleman from Ohio [Mr. OUTHWAITE] had requested the correction of clerical errors as to dates. Without objection these corrections will be made. [After a pause.] The Chair hears none, and it is so ordered. The question now is, Shall the bill pass?

The question was taken, and the bill was passed.

On motion of Mr. OUTHWAITE, a motion to reconsider the vote by which the bill was passed was laid on the table.

ORDER OF BUSINESS.

Mr. BELTZHOOVER. Mr. Speaker, I move that the House resolve itself into Committee of the Whole for the purpose of considering business on the Private Calendar.

Mr. MARTIN. Mr. Speaker, I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. MARTIN. I desire to inquire whether the first thing in order is not the taking of a vote on the bill which was under consideration when the House adjourned?

The SPEAKER. The Chair will state to the gentleman from Pennsylvania [Mr. BELTZHOOVER] and the House that there are pending certain pension bills reported to the House from the Committee of the Whole at the Friday evening sessions, upon each one of which bills the previous question has been ordered to its final passage, and under the practice of the House that operates to make those bills in order immediately after the reading of the Journal. Therefore the vote must first be taken on those bills, although under the rules of the House generally it is in order on Friday, immediately after the first morning hour, to make a motion to go into Committee of the Whole for the consideration of business on the Private Calendar.

If the gentleman from Indiana [Mr. MARTIN] had waived the point by not calling attention to it, the Chair might not have brought it to the attention of the House, because his mind would not have been directed to it; but as the gentleman from Indiana makes the point, the Chair thinks that those bills on which the previous question has been ordered to their final passage have priority and are properly in order at this time.

Mr. BELTZHOOVER. I hope the gentleman from Indiana [Mr. MARTIN] will give way.

The SPEAKER. The Clerk will report the first bill.

Mr. BELTZHOOVER. I want to be heard a moment, Mr. Speaker, before that is done. I make the point of order that the Chair had recognized me to make my motion under the rules before the gentleman from Indiana called attention to this matter.

The SPEAKER. But the gentleman from Pennsylvania [Mr. BELTZHOOVER] will bear in mind that after he had been recognized and had made his motion, as he has stated, the gentleman from Indiana [Mr. MARTIN] rose to a question of order, which he had a right to do. That point of order was, that the bills on which the previous question had been ordered to their final passage were entitled to priority, and the Chair thinks the point well taken.

Mr. RICHARDSON. In addition to the point of order made by the gentleman from Pennsylvania [Mr. BELTZHOOVER], I desire to make the further point that the gentleman from Indiana [Mr. MARTIN] did not call up his bills immediately after the reading of the Journal, but that the House then proceeded to the consideration of other business, so that the gentleman from Indiana waived for the time the priority of the bills which he desired to have considered, if they had such priority. He should have called them up immediately after the reading of the Journal.

The SPEAKER. The Chair does not think that there was any waiver of the gentleman's rights. Indeed, in strictness it was the duty of the Chair to have announced, when the regular order was demanded, that these bills were the regular order, but the Chair did not have the matter specially in mind at that time.

Mr. MCMILLIN. Besides, Mr. Speaker, another order had been made by the House subsequent to the rule, which order controlled for the time.

The SPEAKER. Undoubtedly the bill called up by the gentleman from Ohio [Mr. OUTHWAITE] had priority, because the order for its consideration was made after the one relating to these bills.

Mr. BELTZHOOVER. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BELTZHOOVER. Is it the ruling of the Chair that these private pension bills take priority of all other business after the morning hour until they are disposed of?

The SPEAKER. Not because they are private pension bills, but because the previous question has been ordered upon them to their final passage. The character of the bills does not enter into the parliamentary question at all.

Mr. BELTZHOOVER. Another inquiry, Mr. Speaker. Can I raise the question of consideration against these bills?

The SPEAKER. The trouble about that is that the previous question has been ordered upon the bills. The Chair will call attention to the rule.

Mr. DOCKERY. Mr. Speaker I think it is the well settled practice of the House that when the previous question is ordered upon the passage of a bill the question of consideration can not be raised against that bill.

The SPEAKER. The Clerk will read the part of the first paragraph of Rule XVII, which applies to this matter.

The Clerk read as follows:

PREVIOUS QUESTION.

1. There shall be a motion for the previous question, which, being ordered by a majority of members present, if a quorum, shall have the effect to cut off all debate and bring the House to a direct vote upon the immediate question or questions on which it has been asked and ordered.

The SPEAKER. So it seems to the Chair that the ordering of the previous question has the effect, as expressed in the rule, to bring the House to a direct vote upon the passage of the bill or bills.

Mr. BELTZHOOVER. Notwithstanding the intervention of all these other proceedings?

The SPEAKER. Notwithstanding the intervention of the other proceedings.

HARRIET COTA.

The SPEAKER. The Clerk will report the bill pending at the adjournment yesterday.

The bill (H. R. 9233) to grant a pension to Harriet Cota was read.

The SPEAKER. On the passage of this bill the yeas and nays were ordered; and the vote having been taken, the absence of a quorum was disclosed. The question therefore recurs now on the passage of the bill, and the vote will be again taken by yeas and nays.

The question was taken; and there were—yeas 112, nays 61, not voting 156; as follows:

YEAS—112.

Amerman,	Belknap,	Bretz,	Butler,
Atkinson,	Beltzhoover,	Broderick,	Bynum,
Baker,	Bingham,	Brookshire,	Cadmus,
Bartine,	Boutelle,	Brown, Ind.	Caldwell,
Barwig,	Bowers,	Burrows,	Campbell,
Castle,	Hallowell,	McKaig,	Seerley,
Causey,	Halvorson,	McKinney,	Shonk,
Chipman,	Hare,	Miller,	Smith,
Clarke, Ala.	Harmer,	Newberry,	Snow,
Clover,	Harter,	O'Donnell,	Springer,
Cobb, Mo.	Haugen,	Ohliger,	Steward, Ill.
Cummings,	Hayes, Iowa	O'Neil, Mass.	Stone, W. A.
Curtis,	Henderson, Ill.	Otis,	Stout,
Cutting,	Hitt,	Outhwaite,	Stump,
Dalzell,	Hoar,	Page,	Tarsney,
Davis,	Holman,	Parrett,	Taylor, Ill.
Dingley,	Hopkins, Ill.	Patton,	Taylor, J. D.
Dolliver,	Johnson, Ind.	Payne,	Townsend,
Donovan,	Johnson, N. Dak.	Pearson,	Tracey,
Dungan,	Johnson, Ohio	Pendleton,	Wadsworth,
Dunphy,	Jolley,	Perkins,	Walker,
Flick,	Jones,	Pickler,	Waugh,
Fyan,	Kribbs,	Raines,	Weadock,
Geary,	Lane,	Ray,	White,
Geissenhainer,	Loud,	Reed,	Wilson, Ky.
Greenleaf,	Lynch,	Reyburn,	Wolverton,
Grout,	Martin,	Rockwell,	Wright,
Hall,	McAleer,	Scott,	Youmans.

NAYS—61.

Babbitt,	Dockery,	Livingston,	Richardson,
Bailey,	Edmunds,	Long,	Sayers,
Beeman,	Everett,	Mallory,	Snodgrass,
Bland,	Grady,	Mansur,	Stewart, Tex.
Blount,	Hamilton,	McCreary,	Stone,
Bowman,	Heard,	McLaurin,	Terry,
Brawley,	Hemphill,	McMillin,	Tillman,
Breckinridge, Ark.	Henderson, N. C.	McRae,	Tucker,
Brown, Md.	Herbert,	Meredith,	Turner,
Buchanan, Va.	Johnstone, S. C.	Meyer,	Warner,
Cate,	Kyle,	Moore,	Watson,
Cockran,	Lanham,	Moses,	Williams, Mass.
Cox, Tenn.	Lawson, Va.	Oates,	Winn.
Crawford,	Lawson, Ga.	O'Ferrall,	
De Armond,	Lester, Ga.	Paynter,	
Dickerson,	Little,	Peel,	

NOT VOTING—156.

Abbott,	Coolidge,	Hooker, N. Y.	Rayner,
Alderson,	Coombs,	Hopkins, Pa.	Reilly,
Alexander,	Cooper,	Houk, Ohio	Rife,
Allen,	Covert,	Houk, Tenn.	Robertson, La.
Andrew,	Cowles,	Huff,	Robinson, Pa.
Antony,	Cox, N. Y.	Hull,	Rusk,
Arnold,	Crain,	Kem,	Russell,
Bacon,	Crosby,	Kendall,	Sanford,
Bankhead,	Culberson,	Ketcham,	Scull,
Belden,	Daniell,	Kilgore,	Shell,
Bentley,	De Forest,	Lagan,	Shively,
Bergen,	Dixon,	Lapham,	Simpson,
Blanchard,	Doan,	Layton,	Sipe,
Boatner,	Durborow,	Lester, Va.	Sperry,
Branch,	Elliott,	Lewis,	Stahlnecker,
Breckinridge, Ky.	Ellis,	Lind,	Stephenson,
Brickner,	English,	Lockwood,	Stevens,
Brostus,	Enloe,	Lodge,	Stockdale,
Brunner,	Enochs,	Magner,	Stone, C. W.
Bryan,	Epes,	McClellan,	Storer,
Buchanan, N. J.	Fellows,	McGann,	Sweet,
Bullock,	Fitch,	McKeighan,	Taylor, Tenn.
Bunn,	Fithian,	Milliken,	Taylor, E. B.
Bunting,	Forman,	Mitchell,	Taylor, V. A.
Busey,	Forney,	Montgomery,	Turpin,
Bushnell,	Fowler,	Morse,	Van Horn,
Byrns,	Funston,	Mutchler,	Washington,
Cable,	Gantz,	Norton,	Wever,
Caminetti,	Gillespie,	O'Neill, Pa.	Wheeler, Ala.
Capehart,	Goodnight,	O'Neill, Mo.	Wheeler, Mich.
Caruth,	Gorman,	Owens,	Whiting,
Catchings,	Griswold,	Patterson, Tenn.	Wike,
Cheatham,	Harries,	Pattison, Ohio	Willcox,
Clancy,	Hatch,	Pierce,	Williams, N. C.
Clark, Wyo.	Haynes, Ohio	Post,	Williams, Ill.
Cobb, Ala.	Henderson, Iowa	Powers,	Wilson, Wash.
Coburn,	Hermann,	Price,	Wilson, Mo.
Cogswell,	Hilborn,	Quackenbush,	Wilson, W. Va.
Compton,	Hooker, Miss.	Randall,	Wise.

So the bill was passed.

The following pairs were announced:

Until further notice:

Mr. TURPIN with Mr. LODGE.

Mr. ENLOE with Mr. HOUK of Tennessee.

Mr. BLANCHARD with Mr. DOAN.

Mr. HATCH with Mr. HARMER.

Mr. WHEELER of Alabama with Mr. SWEET.

Mr. FITHIAN with Mr. TAYLOR of Tennessee.

Mr. WASHINGTON with Mr. SANFORD.

Mr. MONTGOMERY with Mr. WEVER.

Mr. LAGAN with Mr. BELDEN.

Mr. GOODNIGHT with Mr. KETCHAM.

Mr. HAYNES of Ohio with Mr. SCULL.

Mr. ALDERSON with Mr. STEPHENSON.

Mr. COBB of Alabama with Mr. POST.

Mr. ELLIS with Mr. MORSE.

Mr. DURBOROW with Mr. RUSSELL.

Mr. BRYAN with Mr. HOPKINS of Pennsylvania.

For this day:

Mr. WILLIAMS of Illinois with Mr. QUACKENBUSH.

Mr. ARNOLD with Mr. HENDERSON of Iowa.

Mr. CARUTH with Mr. VINCENT A. TAYLOR.

Mr. HOOKER of Mississippi with Mr. RANDALL.

Mr. OWENS with Mr. HOOKER of New York.
Mr. ROBERTSON with Mr. ENOCHS.
Mr. MITCHELL with Mr. RIFE.
Mr. STOCKDALE with Mr. GRISWOLD.
Mr. ALLEN with Mr. ATKINSON.

E. DARWIN GAGE.

The SPEAKER. The Clerk will read the next pension bill in order.

The bill (H. R. 9366) for the relief of E. Darwin Gage, late lieutenant-colonel of the One hundred and forty-eighth New York Infantry, was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to recognize E. Darwin Gage as lieutenant-colonel of the One hundred and forty-eighth Regiment of New York Volunteer Infantry, and to amend the records of said regiment so as to show said Gage to have been lieutenant-colonel thereof from October 16, 1864, the date from which he was commissioned to take rank, to October 27, 1864, the date on which he was killed in action at Fair Oaks, Va., said Gage having actually discharged the duties of lieutenant-colonel of said regiment for the period above specified.

Mr. RAINES. I ask unanimous consent that Senate bill No. 3314, which has been passed by the Senate and is exactly similar in its provisions to this House bill, be substituted for it.

Mr. BLAND. Let the Senate bill be read, so that we may see whether it is identical.

The SPEAKER. The Senate bill will be read.

The Clerk read as follows:

A bill (S. 3314) for the relief of E. Darwin Gage, late lieutenant-colonel of the One hundred and forty-eighth New York Infantry.

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to recognize E. Darwin Gage as lieutenant-colonel of the One hundred and forty-eighth Regiment of New York Volunteer Infantry, and to amend the records of said regiment so as to show said Gage to have been lieutenant-colonel thereof from October 16, 1864, the date from which he was commissioned to take rank, to October 27, 1864, the date on which he was killed in action at Fair Oaks, Va., said Gage having actually discharged the duties of lieutenant-colonel of said regiment for the period above specified.

The SPEAKER. The request of the gentleman from New York [Mr. RAINES], as the Chair understands, is that the Committee on Military Affairs be discharged from the further consideration of the Senate bill just read, and that this bill be substituted for the House bill now under consideration.

There being no objection, it was so ordered.

Mr. RAINES. Mr. Speaker, I am informed that the Senate bill has been favorably acted upon by the House committee, and that the bill with the report is in the desk of the chairman, who is not here.

The SPEAKER. Leave has been granted to discharge the committee, no report having been made. The question is on ordering the Senate bill to a third reading.

Mr. BLAND. I ask that the report be read.

The report (by Mr. WHEELER of Alabama) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 9366) entitled "A bill for the relief of E. Darwin Gage, late lieutenant-colonel of the One hundred and forty-eighth New York Infantry," have had the same under consideration and report it back favorably and recommend its passage.

Gage was mustered as captain of Company D, of said regiment, September 14, 1862, to serve three years, and was present for duty to April 30, 1864. He was wounded June 16, 1864, and was killed in action while in command of his regiment at Fair Oaks, Va., October 27, 1864, and was commissioned lieutenant-colonel of said regiment November 29, 1864, to take rank from October 16, 1864, and he actually performed the duties of lieutenant-colonel from said date last mentioned until he was killed in action as aforesaid.

Your committee are of the opinion that Gage is entitled to be recognized as lieutenant-colonel in accordance with the provisions of the bill, as he evidently would have been had the case come within the terms of the law warranting such action by the Department. The fact that one Manning appears to have been commissioned the same day with Gage, to likewise take rank October 16, 1864, does not, in the judgment of your committee, overcome the equity of Gage's claim, because the latter was performing the duties of his rank and Manning was not. The fact that claimant was killed while gallantly performing his duty, and therefore never received his commission, certainly should not prejudice his claim for recognition as lieutenant-colonel of his regiment.

The bill was ordered to a third reading, and it was accordingly read the third time.

Mr. BLAND. I ask the gentleman from New York [Mr. RAINES] to state what is the object of this bill.

Mr. RAINES. In response to the request of the gentleman from Missouri, I will briefly state the facts in this case. E. Darwin Gage was a captain in the One hundred and forty-eighth New York Volunteers. While actually in command of the regiment as lieutenant-colonel he was recommended for promotion to that position. Pending the receipt of that commission, Gage was killed in action at Cold Harbor. After his death the commission was issued, and we simply ask now that he be mustered and recognized as a lieutenant-colonel, the rank he would have held had he not been killed in that action, the commission having been issued.

The effect of the bill, I would state to the gentleman from Missouri, would be to give his widow a slightly increased pension.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

ELLEN HEWETT.

The next business reported from the Committee of the Whole was the bill (H. R. 4047) granting a pension to Ellen Hewett.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ellen, mother of Frank Hewitt, late of Company K, Eleventh Ohio Volunteer Cavalry, at the rate of $12 per month.

Mr. BLAND. Let the report be read.

The report (by Mr. PEARSON) was read, as follows:

The Committee on Invalid Pensions have considered the bill (H. R. 4047) granting a pension to Ellen Hewett, mother of Frank Hewett, and submit the following report:

It is shown by the records of the War Department that John F. Hewett enlisted in Company K, Eleventh Regiment Ohio Cavalry, June 1, 1864, and "died June 2, 1866; cause, poisoned; suicide," and the mother's claim has been rejected by the Pension Bureau on the ground that the soldier's death was not incurred in line of duty.

Dr. J. G. Riddler testifies that he was in charge of the United States General Hospital at Fort Laramie in 1865 and 1866, and that he was called to treat Frank Hewett, of Company K, Eleventh Ohio Cavalry, who had taken a large dose of tincture of opium with suicidal intent, and who died from the effect of the poison: that Hewett had no cause for suicide, as he was a favorite with men and officers, and it is affiant's opinion that he was mentally deranged, basing this opinion on his suicidal mania and his reputation for eccentricity.

Mrs. Hewett states under oath that she is the mother of John Franklin Hewett; that she is 78 years of age, has no property nor means of support, and is wholly dependent upon distant relatives; that the soldier was born February 4, 1844, and never was married to her knowledge.

James A. Baumgartner and Stephen Glass testify that the claimant is the mother of the soldier, and that she has no property or means of support.

No claim for pension has ever been filed on account of this soldier except by this claimant, his mother.

Because of the soldier's death in the service from suicide, presumably due to mental derangement, and the mother's present dependence, your committee return the bill with the recommendation that it do pass, after being amended by striking out the word "Hewitt" in the title of the bill and also in two places in line 6, and inserting in lieu thereof the word "Hewett" in each place.

Mr. BLAND. I would like to inquire if the effect of this bill is to give arrearages?

Mr. COBB of Missouri. It is not, but simply to give a pension from the time of the passage of the bill. There is nothing in the bill that requires or asks for arrears.

The amendments recommended by the Committee of the Whole were adopted, and the bill as amended ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

The title of the bill was amended to conform.

SOPHIA KAGWAICH.

The next business reported from the Committee of the Whole was the bill (H. R. 8498) to pension Sophia Kagwaich.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension rolls the name of Sophia Kagwaich, mother of Samuel Kagwaich, alias Kagnatz, late private in Company K, First Regiment Michigan Sharpshooters, at the rate of $15 per month.

The committee recommend the adoption of the following amendments: Insert in line 4, after the words "pension rolls," "subject to the provisions and limitations of the pension laws;" and strike out all after the word "sharpshooters" in line 8.

The amendments recommended by the Committee of the Whole were concurred in, and the bill as amended ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

SARAH COWGILL.

The next business reported from the Committee of the Whole was the bill (H. R. 6330) to pension Sarah Cowgill, a hospital nurse.

Mr. MARTIN. Mr. Speaker, inasmuch as the general law passed at the last session of Congress covers this case, which was reported before the passage of the general law, I move that it be laid on the table.

The motion was agreed to.

JOHN M. ROBERTS.

The next business reported from the Committee of the Whole was the bill (S. 317) granting an increase of pension to John M. Roberts.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John M. Roberts, and pay him a pension of $10 per month, in lieu of the pension he is now receiving.

Mr. LONG. Can we have the report in that case read?

The report (by Mr. MARTIN) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 317) granting an increase of pension to John M. Roberts, have considered the same and submit the following report:

The facts in this case are fully set forth in the Senate report, which is as follows:

"The beneficiary in said bill is John M. Roberts, who is a resident of Os-

good, Ripley County, Ind., and who was late a private in Company F, Eighty-third Regiment Indiana Volunteer Infantry, in the war of the rebellion in 1861. He enlisted August 15, 1862, and was discharged at Indianapolis, on the 26th of October, 1864, on account of disability, the result of a wound received in battle with the enemy. He was struck by a ball which went clear through his body. He was color guard, and was wounded in this way, while facing the enemy, in his place and in the line of duty. This occurred at Vicksburg, Miss., on the 19th of May, 1863. The ball weighed 1¼ ounces, and was extracted on the 10th day of June, at Memphis, Tenn. After a partial recovery from this wound he rejoined the regiment and remained with it, although not able for active duty, until his discharge as above stated.

"The wound never healed, and internal abscesses have since been continually forming and breaking. The claimant is wholly broken in health. The sworn statement of the physician, dated May 16, 1892, certifies that the claimant 'is suffering from a severe gunshot wound through the upper abdominal region in the right side, with evidences of severe abscesses of the liver resulting therefrom. The upper portion of the liver was undoubtedly penetrated by the ball. He suffers constant pain and is unable to perform any manual labor whatever.'

"The claimant is now drawing a pension of $30 per month. His claim for increase has been rejected by the Bureau of Pensions on the ground that he was already drawing as high a rate as the technical rules of allowance permit, there being no fixed rate and no equivalent for a wound through the body. The claimant is now 60 years old, in narrow circumstances, unable to work for a livelihood, with a family of six children, some of whom are yet dependent upon him for support, with no certain means of income except his pension.

"We are therefore of the opinion that there ought to be somewhat of increase granted in this case.

"We recommend that the bill be amended as follows: Strike out all after the word "Roberts," in lines 6 and 7 of the bill, and insert the following words: "and pay him a pension of $40 per month, in lieu of the pension he is now receiving," and when so amended we recommend the passage of the bill."

The Committee on Invalid Pensions of the House concur in the Senate report and recommend the passage of the bill.

The SPEAKER. The question is on the third reading of the Senate bill.

The question was taken; and upon a division there were—ayes 40, noes 34.

Mr. SNODGRASS. No quorum.

Mr. MARTIN. I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 88, nays 53, not voting 188; as follows:

YEAS—88.

Amerman,	Davis,	Johnson, N. Dak.	Scott,
Atkinson,	Dingley,	Jolley,	Seerley,
Baker,	Dolliver,	Kribbs,	Shively,
Barwig,	Donovan,	Lynch,	Shonk,
Belknap,	Dungan,	Martin,	Smith,
Beltzhoover,	English,	McAleer,	Snodgrass,
Bingham,	Flick,	McGann,	Snow,
Boutelle,	Fyan,	Miller,	Steward, Ill.
Bretz,	Geissenhainer,	O'Donnell,	Stump,
Brookshire,	Hall,	Ohliger,	Taylor, Ill.
Brosius,	Hallowell,	O'Neill, Pa.	Taylor, E. B.
Brown, Ind.	Halvorson,	Outhwaite,	Taylor, J. D.
Burrows,	Harmer,	Page,	Townsend,
Butler,	Harter,	Parrett,	Tracey,
Bynum,	Haugen,	Patton,	Wadsworth,
Cadmus,	Hayes, Iowa	Pearson,	Walker,
Caldwell,	Henderson, Ill.	Pendleton,	Waugh,
Campbell,	Hermann,	Perkins,	Wilson, Ky.
Castle,	Hitt,	Pickler,	Wilson, Wash.
Clover,	Holman,	Raines,	Wolverton,
Cummings,	Hopkins, Ill.	Ray,	Wright,
Curtis,	Johnson, Ind.	Reyburn,	Youmans.

NAYS—53

Abbott,	Dickerson,	Mallory,	Shell,
Antony,	Edmunds,	McKaig,	Stewart, Tex.
Bailey,	Everett,	McLaurin,	Stone, Ky.
Beeman,	Grady,	McMillin,	Stout,
Breckinridge, Ark.	Hemphill,	McRae,	Terry,
Brown, Md.	Johnson, Ohio	Meredith,	Tillman,
Buchanan, Va.	Johnstone, S. C.	Moore,	Tucker,
Clarke, Ala.	Jones,	Moses,	Turner,
Cobb, Mo.	Kyle,	Oates,	Warner,
Compton,	Lanham,	O'Ferrall,	Watson,
Cox, Tenn.	Lawson, Va.	Paynter,	Williams, Mass.
Crawford,	Lawson, Ga.	Pierce,	
Culberson,	Livingston,	Richardson,	
De Armond,	Long,	Sayers,	

NOT VOTING—188.

Alderson,	Buchanan, N. J.	Covert,	Funston,
Alexander,	Bullock,	Cowles,	Gantz,
Allen,	Bunn,	Cox, N. Y.	Geary,
Andrew,	Bunting,	Crain,	Gillespie,
Arnold,	Busey,	Crosby,	Goodnight,
Babbitt,	Bushnell,	Cutting,	Gorman,
Bacon,	Byrns,	Dalzell,	Greenleaf,
Bankhead,	Cable,	Daniell,	Griswold,
Bartine,	Caminetti,	De Forest,	Grout,
Belden,	Capehart,	Dixon,	Hamilton,
Bentley,	Caruth,	Doan,	Hare,
Bergen,	Catchings,	Dockery,	Harries,
Blanchard,	Cate,	Dunphy,	Hatch,
Bland,	Causey,	Durborow,	Haynes, Ohio
Blount,	Cheatham,	Elliott,	Heard,
Boatner,	Chipman,	Ellis,	Henderson, Iowa
Bowers,	Clancy,	Enloe,	Henderson, N. C.
Bowman,	Clark, Wyo.	Enochs,	Herbert,
Branch,	Cobb, Ala.	Epes,	Hilborn,
Brawley,	Coburn,	Fellows,	Hoar,
Breckinridge, Ky.	Cockran,	Fitch,	Hooker, Miss.
Brickner,	Cogswell,	Fithian,	Hooker, N. Y.
Broderick,	Coolidge,	Forman,	Hopkins, Pa.
Brunner,	Coombs,	Forney,	Houk, Ohio
Bryan,	Cooper,	Fowler,	Houk, Tenn.
Huff,	McKeighan,	Randall,	Storer,
Hull,	McKinney,	Rayner,	Sweet,
Kem,	Meyer,	Reed,	Tarsney,
Kendall,	Milliken,	Reilly,	Taylor, Tenn.
Ketcham,	Mitchell,	Rife,	Taylor, V. A.
Kilgore,	Montgomery,	Robertson, La.	Turpin,
Lagan,	Morse,	Robinson, Pa.	Van Horn,
Lane,	Mutchler,	Rockwell,	Washington,
Lapham,	Newberry,	Rusk,	Weadock,
Layton,	Norton,	Russell,	Wever,
Lester, Va.	O'Neill, Mass.	Sanford,	Wheeler, Ala.
Lester, Ga.	O'Neill, Mo.	Scull,	Wheeler, Mich.
Lewis,	Otis,	Simpson,	White,
Lind,	Owens,	Sipes,	Whiting,
Little,	Patterson, Tenn.	Sperry,	Wike,
Lockwood,	Pattison, Ohio	Springer,	Willcox,
Lodge,	Payne,	Stahlnecker,	Williams, N. C.
Loud,	Peel,	Stephenson,	Williams, Ill.
Magner,	Post,	Stevens,	Wilson, Mo.
Mansur,	Powers,	Stockdale,	Wilson, W. Va.
McClellan,	Price,	Stone, C. W.	Winn,
McCreary,	Quackenbush,	Stone, W. A.	Wise.

No quorum voting.

The Clerk announced the following additional pair.

For the rest of this day.

Mr. HERBERT with Mr. PAYNE.

Mr. COBB of Alabama. Mr. Speaker, I am paired with the gentleman from Illinois [Mr. POST]. If he were here, I would vote no.

The result of the vote was then announced as above recorded.

Mr. MARTIN. Mr. Speaker, I move a call of the House.

Mr. BLAND. Pending that I move that the House do now adjourn.

The question being taken on the motion of Mr. BLAND, the Speaker *pro tempore* announced that the ayes seemed to have it.

On a division (demanded by Mr. PAYNE) there were—ayes 33, noes 37.

So the House refused to adjourn.

The question being taken on the motion of Mr. MARTIN for a call of the House, the Speaker *pro tempore* announced that the noes seemed to have it.

On a division (demanded by Mr. MARTIN) there were—ayes 53, noes 5.

Accordingly a call of the House was ordered.

Mr. BLOUNT. I move that the House do now adjourn.

The SPEAKER *pro tempore*. That motion has been voted down and is not now in order.

The Clerk proceeded to call the roll, when the following members failed to answer to their names:

Alderson,	Clancy,	Herbert,	Powers,
Alexander,	Coolidge,	Hilborn,	Price,
Allen,	Cooper,	Hoar,	Quackenbush,
Antony,	Covert,	Hooker, Miss.	Randall,
Arnold,	Cowles,	Hooker, N. Y.	Reed,
Atkinson,	Cox, N. Y.	Hopkins, Pa.	Reilly,
Bacon,	Crain,	Hull,	Rife,
Bankhead,	Crosby,	Jones,	Robertson, La.
Bartine,	Daniell,	Kem,	Robinson, Pa.
Belden,	Dixon,	Kendall,	Rusk,
Bentley,	Doan,	Ketcham,	Russell,
Bergen,	Durborow,	Lagan,	Sanford,
Blanchard,	Elliott,	Layton,	Scull,
Boatner,	Ellis,	Lester, Va.	Shell,
Bowers,	Enloe,	Lewis,	Simpson,
Branch,	Enochs,	Lind,	Smith,
Breckinridge, Ky.	Epes,	Lockwood,	Sperry,
Brown, Ind.	Fellows,	Lodge,	Stahlnecker,
Brunner,	Fitch,	Magner,	Stephenson,
Bryan,	Fithian,	McClellan,	Stockdale,
Buchanan, N. J.	Forman,	McKeighan,	Sweet,
Bullock,	Forney,	Meredith,	Taylor, Tenn.
Bunn,	Fowler,	Milliken,	Taylor, Vincent A.
Bunting,	Funston,	Mitchell,	Turpin,
Busey,	Gantz,	Montgomery,	Van Horn,
Byrns,	Gillespie,	Morse,	Washington,
Cable,	Goodnight,	Mutchler,	Wever,
Caminetti,	Gorman,	Norton,	Wheeler, Ala.
Capehart,	Griswold,	O'Neill, Mo.	Whiting,
Caruth,	Harries,	Owens,	Willcox,
Castle,	Hatch,	Patterson, Tenn.	Williams, N. C.
Catchings,	Haynes, Ohio,	Patton,	Williams, Ill.
Cate,	Henderson, Iowa	Payne,	Wilson, Mo.
Cheatham,	Henderson, N. C.	Post,	

The SPEAKER. The Clerk will now call the names of absentees. On this call excuses are in order.

The Clerk proceeded to call the names of absentees.

Mr. BABBITT (when the name of Mr. BUSEY was called). Mr. Speaker, the gentleman from Wisconsin [Mr. BUSEY] is called away on account of the sickness of one of his children. I ask that he be excused.

There was no objection, and it was so ordered.

Mr. WIKE. Mr. Speaker, I ask that my colleague [Mr. WILLIAMS of Illinois] be excused because of severe sickness in his family.

There was no objection, and it was so ordered.

The Clerk completed the calling of the names of absentees.

Mr. MARTIN. I desire to know whether there is a quorum present.

The SPEAKER. There is a quorum present, 186 gentlemen having answered to their names.

Mr. MARTIN. I move that all further proceedings under the call be dispensed with.

The motion was agreed to.

GEORGE E. BOWEN.

Mr. CURTIS. Mr. Speaker, I desire to enter a motion to reconsider the vote by which the House refused to order to engrossment and third reading the bill (H. R. 6276) to authorize the Secretary of War to remove the charge of desertion as to George E. Bowen, late of Company E, Sixteenth Massachusetts Volunteers.

The SPEAKER. That motion can be entered at this time, but it can not be considered now, another matter being pending.

Mr. CURTIS. I simply enter the motion.

JOHN M. ROBERTS.

The SPEAKER. The question is on the third reading of the bill (S. 317) granting an increase of pension to John M. Roberts. On this question the yeas and nays have been ordered.

The question was taken; and there were—yeas 95, nays 56, not voting 178; as follows:

YEAS—95.

Amerman,	Dalzell,	Johnson, Ind.	Reyburn,
Andrew,	Davis,	Johnson, N. Dak.	Rockwell,
Atkinson,	Dingley,	Jolley,	Seerley,
Baker,	Dolliver,	Kribbs,	Shively,
Barwig,	Donovan,	Loud,	Shonk,
Belknap,	Dungan,	Lynch,	Smith,
Beltzhoover,	Dunphy,	Martin,	Snow,
Bingham,	Flick,	McAleer,	Steward, Ill.
Bretz,	Funston,	McKinney,	Stone, C. W.
Broderick,	Fyan,	Miller,	Stone, W. A.
Brookshire,	Geissenhainer,	Newberry,	Taylor, Ill.
Brosius,	Greenleaf,	O'Donnell,	Taylor, E. B.
Burrows,	Grout,	Ohliger,	Taylor, J. D.
Butler,	Hall,	O'Neil, Mass.	Townsend,
Bynum,	Hallowell,	Otis,	Tracey,
Cadmus,	Halvorson,	Page,	Walker,
Caldwell,	Haugen,	Parrett,	Waugh,
Campbell,	Henderson, Ill.	Patton,	Wheeler, Mich.
Castle,	Hermann,	Pearson,	White,
Chipman,	Hitt,	Pendleton,	Wilson, Ky.
Clark, Wyo.	Hoar,	Perkins,	Wilson, Wash.
Clover,	Holman,	Pickler,	Wolverton,
Cogswell,	Hopkins, Ill.	Raines,	Youmans.
Cummings,	Huff,	Ray,	

NAYS—56.

Abbott,	Everett,	Mansur,	Snodgrass,
Bailey,	Grady,	McCreary,	Stewart, Tex.
Beeman,	Hemphill,	McKaig,	Stone, Ky.
Blount,	Johnson, Ohio	McLaurin,	Stout,
Breckinridge, Ark.	Johnstone, S. C.	McMillin,	Terry,
Clarke, Ala.	Jones,	Meredith,	Tillman,
Cobb, Mo.	Kyle,	Moore,	Tucker,
Compton,	Lanham,	Moses,	Turner,
Cox, Tenn.	Lapham,	Oates,	Warner,
Crawford,	Lawson, Va.	O'Ferrall,	Watson,
De Armond,	Lawson, Ga.	Outhwaite,	Wike,
Dickerson,	Lester, Ga.	Pierce,	Williams, Mass.
Dockery,	Long,	Richardson,	Wilson, W. Va.
Edmunds,	Mallory,	Sayers,	Winn.

NOT VOTING—178.

Alderson,	Causey,	Hamilton,	Mitchell,
Alexander,	Cheatham,	Hare,	Montgomery,
Allen,	Clancy,	Harmer,	Morse,
Antony,	Cobb, Ala.	Harries,	Mutchler,
Arnold,	Coburn,	Harter,	Norton,
Babbitt,	Cockran,	Hatch,	O'Neill, Pa.
Bacon,	Coolidge,	Hayes, Iowa	O'Neill, Mo.
Bankhead,	Coombs,	Haynes, Ohio	Owens,
Bartine,	Cooper,	Heard,	Patterson, Tenn.
Belden,	Covert,	Henderson, Iowa	Pattison, Ohio
Bentley,	Cowles,	Henderson, N. C.	Payne,
Bergen,	Cox, N. Y.	Herbert,	Paynter,
Blanchard,	Crain,	Hilborn,	Peel,
Bland,	Crosby,	Hooker, Miss.	Post,
Boatner,	Culberson,	Hooker, N. Y.	Powers,
Boutelle,	Curtis,	Hopkins, Pa.	Price,
Bowers,	Cutting,	Houk, Ohio	Quackenbush,
Bowman,	Daniell,	Houk, Tenn.	Randall,
Branch,	De Forest,	Hull,	Rayner,
Brawley,	Dixon,	Kem,	Reed,
Breckinridge, Ky.	Doan,	Kendall,	Reilly,
Brickner,	Durborow,	Ketcham,	Rife,
Brown, Ind.	Elliott,	Kilgore,	Robertson, La.
Brown, Md.	Ellis,	Lagan,	Robinson, Pa.
Brunner,	English,	Lane,	Rusk,
Bryan,	Enloe,	Layton,	Russell,
Buchanan, N. J.	Enochs,	Lester, Va.	Sanford,
Buchanan, Va.	Epes,	Lewis,	Scott,
Bullock,	Fellows,	Lind,	Scull,
Bunn,	Fitch,	Little,	Shell,
Bunting,	Fithian,	Livingston,	Simpson,
Busey,	Forman,	Lockwood,	Sipe,
Bushnell,	Forney,	Lodge,	Sperry,
Byrns,	Fowler,	Magner,	Springer,
Cable,	Gantz,	McClellan,	Stahlnecker,
Caminetti,	Geary,	McGann,	Stephenson,
Capehart,	Gillespie,	McKeighan,	Stevens,
Caruth,	Goodnight,	McRae,	Stockdale,
Catchings,	Gorman,	Meyer,	Storer,
Cate,	Griswold,	Milliken,	Stump,
Sweet,	Van Horn,	Wheeler, Ala.	Wilson, Mo.
Tarsney,	Wadsworth,	Whiting,	Wise,
Taylor, Tenn.	Washington,	Willcox,	Wright.
Taylor, V. A.	Weadock,	Williams, N. C.	
Turpin,	Wever,	Williams, Ill.	

The SPEAKER *pro tempore* (Mr. O'NEIL of Massachusetts in the chair). On this question the yeas are 95 and the nays 56. No quorum has voted.

Mr. BLAND. I move that the House adjourn.

Mr. MARTIN. Mr. Speaker, I move a call of the House.

Mr. BLAND. Pending that, I move that the House adjourn.

The question was taken; and the Speaker *pro tempore* announced that the ayes seemed to have it.

Mr, BURROWS. Division, Mr. Speaker.

The House divided; and there were—ayes 66, noes 59.

Mr. BURROWS. Yeas and nays, Mr. Speaker.

The question was taken; and there were—yeas 49, nays 111, not voting 169; as follows:

YEAS—49.

Abbott,	Cockran,	Lane,	Stevens,
Antony,	Cox, Tenn.	Lanham,	Stewart, Tex.
Babbitt,	De Armond,	Long,	Taylor, Ill.
Bailey,	De Forest,	Mallory,	Terry,
Beeman,	Dickerson,	McAleer,	Tillman,
Bingham,	Dolliver,	McLaurin,	Tucker,
Bland,	Edmunds,	Moses,	Turner,
Bowman,	English,	O'Neil, Mass.	Waugh,
Bynum,	Grady,	Pearson,	Wike,
Caldwell,	Hare,	Richardson,	Winn.
Causey,	Huff,	Seerley,	
Clarke, Ala.	Jones,	Shell,	
Cobb, Mo.	Kilgore,	Snodgrass,	

NAYS—111.

Amerman,	Cummings,	Johnson, N. Dak.	Ray,
Atkinson,	Curtis,	Johnstone, S. C.	Reed,
Baker,	Cutting,	Jolley,	Reyburn,
Barwig,	Dalzell,	Kribbs,	Rockwell,
Belknap,	Davis,	Kyle,	Sayers,
Beltzhoover,	Dingley,	Lapham,	Scott,
Boutelle,	Dockery,	Lawson, Ga.	Shively,
Bowers,	Donovan,	Loud,	Shonk,
Brawley,	Everett,	Lynch,	Sipe,
Breckinridge, Ark.	Flick,	Mansur,	Smith,
Breckinridge, Ky.	Funston,	Martin,	Steward, Ill.
Bretz,	Fyan,	McCreary,	Stone, C. W.
Broderick,	Geissenhainer,	McKaig,	Stone, W. A.
Brookshire,	Greenleaf,	McKinney,	Stone, Ky.
Brosius,	Grout,	Miller,	Stout,
Brown, Md.	Hallowell,	Oates,	Taylor, E. B.
Buchanan, Va.	Halvorson,	O'Donnell,	Taylor, J. D.
Burrows,	Harmer,	O'Ferrall,	Townsend,
Butler,	Haugen,	Ohliger,	Warner,
Cadmus,	Hemphill,	O'Neill, Pa.	Watson,
Castle,	Henderson, Ill.	Otis,	Weadock,
Cate,	Hermann,	Outhwaite,	Wheeler, Mich.
Chipman,	Hilborn,	Page,	White,
Clark, Wyo.	Hitt,	Parrett,	Wilson, Ky.
Clover,	Hoar,	Patton,	Wilson, Wash.
Coburn,	Holman,	Perkins,	Wolverton,
Crawford,	Hopkins, Ill.	Pickler,	Youmans.
Culberson,	Houk, Tenn.	Raines,	

NOT VOTING—169.

Alderson,	Crain,	Kem,	Randall,
Alexander,	Crosby,	Kendall,	Rayner,
Allen,	Daniell,	Ketcham,	Reilly,
Andrew,	Dixon,	Lagan,	Rife,
Arnold,	Doan,	Lawson, Va.	Robertson, La.
Bacon,	Dungan,	Layton,	Robinson, Pa.
Bankhead,	Dunphy,	Lester, Va.	Rusk,
Bartine,	Durborow,	Lester, Ga.	Russell,
Belden,	Elliott,	Lewis,	Sanford,
Bentley,	Ellis,	Lind,	Scull,
Bergen,	Enloe,	Little,	Simpson,
Blanchard,	Enochs,	Livingston,	Snow,
Blount,	Epes,	Lockwood,	Sperry,
Boatner,	Fellows,	Lodge,	Springer,
Branch,	Fitch,	Magner,	Stahlnecker,
Brickner,	Fithian,	McClellan,	Stephenson,
Brown, Ind.	Forman,	McGann,	Stockdale,
Brunner,	Forney,	McKeighan,	Storer,
Bryan,	Fowler,	McMillin,	Stump,
Buchanan, N. J.	Gantz,	McRae,	Sweet,
Bullock,	Geary,	Meredith,	Tarsney,
Bunn,	Gillespie,	Meyer,	Taylor, Tenn.
Bunting,	Goodnight,	Milliken,	Taylor, V. A.
Busey,	Gorman,	Mitchell,	Tracey,
Bushnell,	Griswold,	Montgomery,	Turpin,
Byrns,	Hall,	Moore,	Van Horn,
Cable,	Hamilton,	Morse,	Wadsworth,
Caminetti,	Harries,	Mutchler,	Walker,
Campbell,	Harter,	Newberry,	Washington,
Capehart,	Hatch,	Norton,	Wever,
Caruth,	Hayes, Iowa	O'Neill, Mo.	Wheeler, Ala.
Catchings,	Haynes, Ohio	Owens,	Whiting,
Cheatham,	Heard,	Patterson, Tenn.	Willcox,
Clancy,	Henderson, Iowa	Pattison, Ohio	Williams, Mass.
Cobb, Ala.	Henderson, N. C.	Payne,	Williams, N. C.
Cogswell,	Herbert,	Paynter,	Williams, Ill.
Compton,	Hooker, Miss.	Peel,	Wilson, Mo.
Coolidge,	Hooker, N. Y.	Pendleton,	Wilson, W. Va.
Coombs,	Hopkins, Pa.	Pierce,	Wise
Cooper,	Houk, Ohio	Post,	Wright.
Covert,	Hull,	Powers,	
Cowles,	Johnson, Ind.	Price,	
Cox, N. Y.	Johnson, Ohio	Quackenbush,	

So the House refused to adjourn.

The following additional pair was announced:

Mr. MOORE with Mr. BERGEN, for the rest of the day.

The result of the vote was then announced as above recorded.

Mr. MARTIN. I renew my motion for a call of the House.

The question was taken, and the Speaker *pro tempore* announced that the noes seemed to have it.

Mr. MARTIN. Division.

The House divided; and there were—ayes 56, noes 8.

So a call of the House was ordered.

The roll was called, and the following-named members failed to respond:

Alderson,	Cox, N. Y.	Herbert,	Price,
Alexander,	Crain,	Hilborn,	Quackenbush,
Allen.	Crosby,	Hooker, Miss.	Rayner,
Arnold,	Daniell,	Hooker, N. Y.	Reilly,
Bankhead,	De Forest,	Hopkins, Pa.	Rife,
Bartine,	Dingley,	Hull,	Robertson, La.
Belden.	Dixon,	Johnson, Ind.	Robinson, Pa.
Bentley,	Doan,	Johnson, Ohio	Russell,
Bergen,	Dunphy,	Kem,	Sanford,
Blanchard,	Durborow,	Kendall,	Scull,
Boatner,	Elliott,	Ketcham,	Simpson,
Bowers,	Ellis,	Lagan,	Snodgrass,
Bowman,	Enloe,	Lawson, Va.	Sperry,
Branch,	Enochs,	Layton,	Springer,
Brunner,	Epes,	Lester, Va.	Stahlnecker,
Bryan,	Fellows,	Lewis,	Stephenson,
Buchanan, N. J.	Fitch,	Lind,	Stockdale,
Bullock,	Fithian,	Lockwood,	Sweet,
Bunn,	Forman,	Lodge,	Tarsney,
Bunting,	Forney,	Magner,	Taylor, Ill.
Byrns,	Fowler,	McClellan,	Taylor, Tenn.
Cable,	Fyan,	McKeighan,	Taylor, V. A.
Caldwell,	Gantz,	Meredith,	Tucker,
Caminetti,	Gillespie,	Milliken,	Turpin.
Campbell,	Goodnight,	Mitchell,	Van Horn.
Capehart,	Gorman,	Montgomery,	Wadsworth,
Caruth,	Griswold,	Morse,	Washington,
Catchings,	Hall,	Mutchler.	Wheeler, Ala.
Cheatham,	Hamilton,	Norton,	Whiting,
Clancy,	Harries,	O'Neill, Mo.	Willcox,
Cogswell,	Harter,	Outhwaite,	Williams, N. C.
Coolidge,	Hatch,	Owens,	Williams, Ill.
Cooper,	Haynes, Ohio	Pattison, Ohio	Wilson, Mo.
Covert,	Heard,	Post,	Wilson, W. Va.
Cowles,	Henderson, Iowa	Powers,	Wright.

The SPEAKER *pro tempore*. The doors will now be closed, and the names of absentees will be called; and on this call excuses may be offered.

Mr. MARTIN. Mr. Speaker, I desire to know if a quorum is disclosed?

The SPEAKER *pro tempore*. A quorum has not been disclosed.

The roll was again called.

The SPEAKER *pro tempore*. It appears by the roll that 171 members have answered to their names.

Mr. MARTIN. Mr. Speaker, I move that all further proceedings under the call be dispensed with.

The motion was agreed to.

The SPEAKER *pro tempore*. The question is on the third reading of the Senate bill.

Mr. BAILEY. Mr. Speaker, I ask unanimous consent to reconsider the vote by which the yeas and nays were ordered.

Mr. WEADOCK. I object.

Mr. MARTIN. I hope there will be no objection to that.

Mr. WEADOCK. I withdraw my objection.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Texas? [After a pause.] The Chair hears none.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

BENAJAH MORGAN.

The next bill on the Calendar was the bill (H. R. 7713) granting a pension to Benajah Morgan, late private in Captain Burn's company, Third Regiment, Third Brigade of Mounted Volunteers, in the Black Hawk war.

The bill was read.

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and, being engrossed, it was accordingly read the third time, and passed.

HENRY I. LA TOURRETTE.

The next bill on the Calendar was the bill (H. R. 5972) to increase the pension of Capt. Henry I. La Tourrette, late a captain in Company G, Eighty-fifth Regiment Illinois Volunteer Infantry.

The bill was read.

Mr. MARTIN. Mr. Speaker, the Committee on Invalid Pensions are in some doubt as to whether or not that case is covered by the general law. Until we can investigate that, I ask that this be passed over without prejudice.

There was no objection, and it was so ordered.

JAMES C. JENNINGS.

The next business was a bill (H. R. 8574) granting an honorable discharge to James C. Jennings.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to correct the military record of and grant an honorable discharge to James C. Jennings, of South Willington, Conn., late a private in Company D, Eighth Connecticut Volunteers.

Mr. COX of Tennessee. Mr. Speaker, I wish to have the report in that case read.

The report (by Mr. PATTON) was read, as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 8574) for the removal of charge of desertion from the name of James C. Jennings, late a private in Company D, Eighth Connecticut Volunteers, have had the same under consideration, and submit the following report:

It appears from the records of the War Department that the said soldier enlisted in Company D, Eighth Connecticut Volunteers, on September 21, 1861, to serve three years; that on December 24, 1863, he enlisted as a veteran in the same company and regiment at Norfolk, Va., to serve three years. Regimental returns report him present for duty until May, 1864, when he is reported absent in hospital at Washington, D. C., and same report appears on succeeding rolls up to December 12, 1865, which was the date of muster out of company. The medical records report him as follows:

"Received a severe gunshot wound of toe in battle. Toe amputated. To field hospital Eighteenth Army Corps, Cold Harbor, Va., June 7, 1864, with wounded foot. Was admitted to Harewood General Hospital, Washington, D. C., June 10, 1864, with gunshot wound of left foot—the third toe amputated—wounded at Cold Harbor June 5, 1864. Was transferred June 18, 1864, General hospital, Davis Island, New York Harbor, and furloughed July 8, 1864, after which he did not return, and was never mustered out of service."

It appears from affidavids of several witnesses that he went to his home and was sick and on crutches and unable to return until after his command was mustered out of service.

The records of the command to which he belonged properly accounts for him as in line of duty from time of enlistment, September 21, 1861, to date of furlough, July 8, 1864. Length of furlough not stated.

The evidence of several neighbors serves to show conclusively that the soldier was never after able to return to duty.

Your committee therefore recommend that the bill do pass.

Mr. COX of Tennessee. I desire to inquire of the gentleman having this bill in charge whether there is any evidence in the record that this man ever reported the position he was in to his command and the reasons why he did not return.

Mr. ROCKWELL. I will say to the gentleman that this bill was fully discussed in the Committee on Military Affairs, and it is all right. This man served three years.

Mr. COX of Tennessee. Well, I do not wish to make any unreasonable objection to the bill.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

AMANDA ATHERTON AND LYDIA BOLLMAN.

Bills of the following titles were severally considered, engrossed, read a third time, and passed:

A bill (H. R. 7238) granting a pension to Amanda Atherton; and

A bill (H. R. 8969) to grant a pension to Lydia Bollman.

WILLIAM B. PRICE.

The next business was a bill (H. R. 2077) for the relief of William B. Price reported from the Committee of the Whole with an amendment.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion from the name of William B. Price, late of Company A, Fifth Maryland Infantry, who was marked and charged with desertion from said service, and to amend the military record of said soldier so charged as a deserter and grant him an honorable discharge to date from December 4, 1862.

Mr. COX of Tennessee. Mr. Speaker, I ask to have the report in that case read.

The report (by Mr. BOWERS) was read, as follows:

The Committee of Military Affairs, to whom was referred the bill (H. R. 2077) for the relief of William B. Price, have had the same under consideration and submit the following report:

This soldier was severely wounded, at the battle of Antietam, in the head and neck, sent to hospital and after a time sent home on furlough. Not being able to return at the date of the expiration of his furlough he was marked as a deserter.

The evidence shows that soldier was attacked with erysipelas, that for two years thereafter he was an invalid totally unable to do any service, and has never recovered his health.

Your committee is of the opinion that he should not have been marked as a deserter, and we recommend that the bill be amended by adding the following words: "*Provided*, That no pay, bounty, or emoluments shall become due or payable by virtue of the provisions of this act." And as so amended that the bill do pass.

The amendment recommended in the last paragraph of the report was adopted.

The bill as amended was ordered to be engrossed and read a third time; and, being engrossed, it was accordingly read the third time, and passed.

CORNELIUS DAY.

The next business was a bill (H. R. 9590) granting a pension to Cornelius Day.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension roll the name of Cornelius

Day, late a soldier in Capt. Owen's company, attached to Doniphan's regiment (First Missouri Mounted Volunteers), in the war with Mexico, from Santa Fe to Chihuahua, and who participated in its battles, and allow him a pension rated at $15 per month.

Mr. PICKLER. Mr. Speaker, I wish to ask the gentleman from Indiana whether the general law does not cover this case?

Mr. MARTIN. Mr. Speaker, this bill comes from the Committee on Pensions, and I refer the gentleman's question to my colleague [Mr. PARRETT].

Mr. PARRETT. The general law does not cover the case, Mr. Speaker. This bill, on account of the peculiar disabilities of the soldier, provides for an amount in addition to what the general law would give.

Mr. PICKLER. How much does this bill give?

Mr. PARRETT. Fifteen dollars a month.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

SUSAN S. MURPHY.

The next business was a bill (H. R. 6272) to pension Susan S. Murphy.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Susan S. Murphy, of Eldorado, Union County, Ark., widow of Thomas Murphy, deceased, late a private in Capt. Sims's Company, Alabama Militia, Creek Indian war, and pay her a pension of $12 a month.

Mr. SEERLEY. Mr. Speaker, I think that case is covered by the general law. I would inquire of the gentleman whether it is not.

Mr. PARRETT. I think not.

Mr. SEERLEY. A gentleman from the State which I in part represent withdrew a bill of this character the other day, and I am opposed to this kind of legislation.

Mr. PARRETT. This is the case which is not provided for by the general law.

Mr. SEERLEY. Mr. Speaker, I ask for the reading of the report.

The report (by Mr. WILSON of Missouri) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 6272) granting a pension to Susan S. Murphy, have considered the same and report as follows:

The claimant's late husband, Thomas Murphy, was enlisted May 30, 1836, served three months as private in Capt. Simm's mounted company, Twenty-third Regiment Alabama Volunteers, Creek war, and was mustered out July 22, 1836. The soldier died February 22, 1866, and it is shown by the testimony accompanying the bill that his widow is sixty-five years old, in indigent circumstances, feeble health, and dependent upon the charity of her friends for support.

The passage of the bill is respectfully recommended.

Mr. SEERLEY. That case clearly comes under the general law. Half a dozen special bills of the same character have been withdrawn because the cases came under the general law, and there is no good reason why this one should be made an exception.

Mr. PARRETT. The general law allows only $8 a month, while this bill gives $12 a month.

Mr. PICKLER. The widows of soldiers in the Indian wars get only $8 a month, but this raises the amount to $12, as the gentleman from Indiana states.

Mr. COX of Tennessee. That is the objection to it.

Mr. BLAND. Mr. Speaker, we seem to be running a race here with the Pension Bureau in putting claimants on the pension roll. [Laughter.] I suppose the next thing we shall have to do will be to raise the money to pay these pensions, because we have no money to pay anything. Although we denounce the Pension Bureau for its extraordinary liberality in granting pensions, we are here going beyond it, reversing its action where it has rejected cases, legislating more liberally than the Bureau itself is willing to construe the existing law, and doing all this in utter disregard of the interests of our constituents. I suppose, however, that this case is about as good as the rest of them, and that is not saying very much for it.

The question was taken on ordering the bill to be engrossed and read a third time, and the Speaker *pro tempore* stated that the ayes seemed to prevail.

Mr. SEERLEY. I ask for a division.

The House again divided: and there were—ayes 47, noes 25.

Mr. SEERLEY demanded tellers, but subsequently withdrew the demand, and the bill was engrossed, and read the third time, and passed.

JOHN T. FLEENOR.

The next pension business was the bill (H. R. 2912) to pension John T. Fleenor.

The bill was read.

The amendment reported by the committee, to strike out in the last line the word "sixteen" and insert "fourteen," so as to make the pension $14 per month, was read and agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

ELIZA HOLMES.

The next pension business was the bill (H. R. 9215) granting a pension to Eliza Holmes.

The bill was read.

Mr. ANTONY. I move that the house adjourn.

The motion was not agreed to.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

THOMAS KENNEDY.

The next pension business was the bill (H. R. 4320) granting a pension to Thomas Kennedy.

The bill was read.

Mr. BLAND. Mr. Speaker, it seems to me that this case is covered by the general bill passed the other day pensioning soldiers of the Mexican war.

Mr. WAUGH. The general bill in regard to pensioners of the Mexican war does not cover this case.

Mr. BLAND. If it does not this bill ought not to pass. The House has already acted on this general question.

Mr. WAUGH. The history of the present case is this: Kennedy was not on the rolls of the Mexican war; he entered the service as a teamster and served for eight months. He was in an engagement in which thirteen regulars were killed and forty volunteers. But he has no army record.

Mr. BLAND. I suppose this bill is a little better than the others; but that is saying very little for it.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

The amendment reported by the committee, to insert "S." after "Thomas" in the title of the bill, so as to read "A bill granting a pension to Thomas S. Kennedy," was agreed to.

ANDREW B. KNAPP.

The next pension business was the bill (H. R. 2592) for the relief of Andrew B. Knapp.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

MRS. S. A. FARQUHARSON.

The next pension business was the bill (S. 1303) to increase the pension of Mrs. S. A. Farquharson.

The bill was read.

Mr. LONG. I call for the reading of the report.

The report (by Mr. WILSON of Missouri) was read, as follows:

The Committee on Pensions, to whom was referred the bill (S. 1303) to increase the pension of Mrs. S. A. Farquharson, have considered the same, and report:

Said bill is accompanied by Senate Report No. 375, this session, and, the same fully setting forth the facts, is adopted by your committee as their report, and the bill is returned to the House with the recommendation that it be amended so as to fix the rate of pension at $15 per month, and that it do pass as so amended.

[Senate Report No. 375, Fifty-second Congress, first session.]

The Committee on Pensions, to whom was referred the bill (S. 1303) granting a pension to Mrs. S. A. Farquharson, have examined the same, and report:

The claimant, Mrs. S. A. Farquharson, is the widow of the late Maj. Robert Farquharson, of the First Regiment Tennessee Volunteers, in the war with Mexico. Her said husband was at the time of his death a pensioner of the United States, upon account of wounds received in battle with the enemy at Cerro Gordo, Mexico, at the rate of $25 per month; since the death of her husband the claimant has been receiving a pension of $8 per month as his surviving widow.

It appears from the evidence submitted to the committee that the claimant is now over 60 years old; her only son, upon whose labor she was greatly depending for support, has recently died; she has now no living child or relative to assist her; she is without means or property of any kind, and in a dependent and helpless condition. The object of the bill is to increase her present rate of pension up to $25, being the same rate as that received by her husband at the time of his death.

Your committee are inclined, under the circumstances of this case, the advanced age and needy condition of the claimant, to grant this increase, to take effect from the passage of the bill, and recommend the passage of the bill with the following amendment:

Strike out all after the word "Farquharson," in the ninth line of the bill, down to and including the word "Farquharson" in the twelfth line of the bill, and when so amended recommend that the bill do pass.

The amendment reported by the committee, to strike out, in line 6, the word "twenty-five" and insert "fifteen," so as to make the pension $15 per month, was read and agreed to.

The bill as amended was ordered to a third reading, read the third time, and passed.

THOMAS TUCKER.

The next pension business was the bill (H. R. 4916) granting a pension to Thomas Tucker, of Battery A, Fourth United States Artillery.

The bill was read.

The amendment reported by the committee, to strike out

"twenty" and insert "fifteen," so as to make the pension $15 a month, was read and agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time.

The SPEAKER *pro tempore*.

The question is now on the passage of the bill.

The question was taken; and on a division (demanded by Mr. KILGORE) there were—ayes 30, noes 9.

Mr. KILGORE. That is not a quorum, Mr. Speaker.

The SPEAKER *pro tempore* announced the appointment of Mr. KILGORE and Mr. PARRETT as tellers.

Mr. BURROWS. There are only six or eight more of these bills; let us get through with them to-night.

Mr. KILGORE. I made the point that no quorum had voted. There is apparently a quorum present, Mr. Speaker, and in view of that fact I will withdraw the point.

So (no further count being demanded) the bill was passed.

BILLS PASSED.

House bills of the following titles, reported from the Committee of the Whole with amendments, were severally considered, the amendments adopted, and the bills as amended ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time and passed, namely:

A bill (H. R. 8924) granting a pension to the widow of James A. Kelly;

A bill (H. R. 7234) granting a pension to Mary Millard; and

A bill (H. R. 9220) granting a pension to the widow of James R. Dyall, a veteran of the Florida war of 1836.

MARTHA A. HARRIS.

The bill (H. R. 1318) granting a pension to Martha A. Harris, reported from the Committee of the Whole without amendment, was considered, ordered to be engrossed, and read a third time; and being engrossed, was accordingly read the third time, and passed.

SENATE BILLS PASSED.

The following Senate bills reported from the Committee of the Whole without amendment, were considered, ordered to a third reading, and being read the third time, were passed, namely:

A bill (S. 2592) granting an increase of pension to William C. Tarkington; and

A bill (S. 2990) for the relief of George W. McKinney.

FRANCIS P. GARDNER.

The next business reported from the Committee of the Whole was the bill (H.R. 3713) granting an increase of pension to Francis P. Gardner, with amendments.

The SPEAKER *pro tempore*. The first question is on agreeing to the amendments reported from the Committee of the Whole.

Mr. ROCKWELL. I call for the reading of the report in that case.

The report (by Mr. HENDERSON of North Carolina) was read, as follows:

The Committee on Pensions, to whom was referred the bill (H. R. 3713) granting an increase of pension to Francis P. Gardener, have considered the same and report:

The following is a statement of the service of the claimant's deceased husband:

"Capt. George W. Gardiner was graduated from West Point in 1814, his name heading the class in Cullum's Register.

"He served in the war of 1812-'15 with Great Britain.

"Was commandant of cadets and instructor of infantry tactics and of artillery at West Point.

"In 1828 was brevetted for faithful service. He had a fine military record, and was considered a superior and accomplished officer.

"He was killed in the Florida war of 1835, being engaged in Dade's desperate battle with the Seminole Indians.

"The officers of the detachment (commanded by the gallant Maj. Dade), who marched from Tampa Bay to the relief of Fort King, had reason to believe that the command could not reach the fort alive, and that an Indian massacre was before them, yet with unflinching devotion to duty and with a steady heroism unsurpassed in our annals they marched bravely on, and against hopeless odds fought till all save three were slain."

The following petitions accompany the bill:

"*To the honorable the Senate and House of Representatives of the United States:*

"I most respectfully petition for relief.

"I am the widow of Capt. George W. Gardiner, of the United States Army, who was killed in the Dade massacre in the Florida war with the Seminole Indians in 1835.

"I am now nearly 80 years of age, in broken health, and with many infirmities, and am unable to provide myself with the necessary comforts of life upon the pension of $25 per month now allowed me.

"In 1853, through the kind efforts of the representatives of my native State of Connecticut, a special act giving me this pension for life was passed without an adverse vote in either House of the then existing Congress.' But for many years widows of officers who held the same rank as Capt. Gardiner have received and are now receiving an increase of pension.

"In failing health and with at most but a few years of life before me, I can not long be a recipient of your bounty, and in view of all the circumstances I most respectfully ask that this increase of pension (with the arrears) may now be added to my pension.

"My father, Lieut. A. C. Fowler, of the regular Army, who served in the war of 1812, died in the service, and I supported my mother, Mrs. Fowler, through her widowhood.

"I wish also to state that a bill passed through Congress giving to Mrs. Fowler a pension for life (with the arrears), but before it was confirmed her sudden decease prevented its benefits accruing to her or her heirs.

"My only brother, Maj. Fowler, served through the Mexican war and was three times promoted for gallant conduct; and my brother-in-law, Col. A. C. W. Fanning, died in the service of his country.

"Less than three years ago my only son, Col. Gardiner, who served in the war of the rebellion, died suddenly, thus leaving me without a living child or protector, and with no relative able to help or care for me.

"As the daughter, sister, and mother of soldiers who have served their country well, and as the widow of a brave officer whose life was needlessly sacrificed, I trust my case to the justice and liberality of your honorable body and beg that you will grant me the relief so greatly needed.

"FRANCES P. GARDINER."

"NEW HAVEN, CONN., *January, 1892.*

"*To the Senate and House of Representatives of the United States:*

"The undersigned, citizens of New Haven, Conn., respectfully recommend to your early and favorable consideration the foregoing petition from Mrs. Frances P. Gardiner, who has long been a respected resident of our city.

"Charles R. Ingersoll, ex-governor of Connecticut; Timothy Dwight, president of Yale University; E. J. Phelps, ex-United States minister to England; George P. Fisher, professor in Yale University; George J. Brush, director of Sheffield Scientific School; Lwyns B. Morris, elected governor but not acknowledged by house of representatives; Colin M. Ingersoll, ex-member United States Congress; A. Heaton Robertson, judge of probate; N. D. Sperry, United States postmaster, New Haven; L. E. Munson, ex-United States judge, district of Montana; Edwin Harwood, rector of Trinity Church, New Haven; H. B. Harrison, ex-governor of Connecticut; S. E. Merwin, late Republican candidate for governor; Daniel C. Eaton, professor in Yale University; Charles A. White, attorney and counselor at law."

The gentleman who introduced the bill in the House appeared before your committee and stated that Mrs. Gardiner is entirely without any means of support aside from her pension, and her needs are extraordinary in that she requires the constant care and attention of others.

Your committee regard the case as an exceptional one, and in the light of the fact that the claimant's husband died in battle while rendering his country arduous and valuable service, and in view of her helpless and dependent condition, the passage of the bill is recommended, with an amendment fixing the rate of pension at $40 per month.

An amendment changing the spelling of the claimant's surname to "Gardener is also recommended."

The amendments recommended by the Committee of the Whole were considered and adopted.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

The SPEAKER *pro tempore*. In the absence of objection the title of the bill will be changed to conform to the text.

RECONSIDERATION.

On motion of Mr. MARTIN, a motion to reconsider the several votes by which the various bills reported from the Committee of the Whole were considered and disposed of, under the operation of the previous question, was laid on the table.

ORDER OF BUSINESS.

Mr. MARTIN. I ask unanimous consent, in view of the lateness of the hour and the inclemency of the weather, that the rule fixing a session for to-night be vacated.

There being no objection, it was so ordered.

EULOGIES ON THE LATE REPRESENTATIVE STACKHOUSE.

The SPEAKER *protempore*. The gentleman from South Carolina [Mr. MCLAURIN] asks unanimous consent that the order heretofore made setting apart Saturday, January 7, at 3 o'clock, for the purpose of paying tribute to the memory of the late Representative Stackhouse, be vacated, and that Saturday, January 28, be substituted in its stead. Is there objection?

There was no objection.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. BUNTING until Tuesday next, on account of sickness.

And then, on motion of Mr. MARTIN (at 4 o'clock and 25 minutes p. m.), the House adjourned.

REPORTS OF COMMITTEES.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. BOWERS, from the Committee on Military Affairs: The bill (S. 1232) removing the charge of desertion against Lucius W. Hayford, Worcester, Vt. (Report No. 2202.)

By Mr. STONE of Kentucky, from the Committee on War Claims: The bill (H. R. 3213) for the relief of Mary H. Noonan, of Jersey City, N. J., for the allowance of a certain claim for rent and occupation of property taken by the military forces of the United States, as reported by the Court of Claims. (Report No. 2205.)

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 9778) to increase the pension of August Schlicht, and the same was referred to the Committee on Invalid Pensions.

BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. HEARD: A bill (H. R. 10062) to authorize the construction of a bridge across the Osage River between the mouth of Pomme de Terre River and Buffalo Creek, in Benton County, Mo.—to the Committee on Interstate and Foreign Commerce.

By Mr. PERKINS: A bill (H. R. 10063) to amend "An act authorizing the construction of a high wagon bridge across the Missouri River at or near Sioux City, Iowa," etc.—to the Committee on Interstate and Foreign Commerce.

By Mr. PEEL: A bill (H. R. 10064) to exempt the counties of Benton, Boone, Carroll, Newton, Madison, Washington, Marion, Baxter, Izard, Fulton, and Searcy, in the State of Arkansas, from quarantine regulations—to the Committee on Agriculture.

By Mr. REYBURN: A bill (H. R. 10065) to authorize the Washington and Marlboro Electric Railway Company to extend its line within the District of Columbia, etc.—to the Committee on the District of Columbia.

By Mr. BUSHNELL: A bill (H. R. 10066) to protect railroad employés engaged in operating cars used in carrying on interstate commerce, and not provided with automatic couplers—to the Committee on Interstate and Foreign Commerce.

By Mr. HOUK of Tennessee: A bill (H. R. 10067) to construct an elevator in the custom-house Knoxville, Tenn.—to the Committee on Appropriations.

By Mr. DALZELL: A bill (H. R. 10068) to authorize the construction of a bridge across the Monongahela River at Pittsburg—to the Committee on Interstate and Foreign Commerce.

By Mr. STORER (by request): A joint resolution (H. Res. 182) to pay the legal representatives of Hon. David Heaton balance of his unexpired term in Forty-first Congress—to the Committee on Appropriations.

By Mr. JOHNSON of Indiana: A resolution for printing of special report on diseases of cattle and cattle feeding—to the Committee on Printing.

By Mr. HARTER: A resolution calling for information from the Secretary of State in relation to foreign shipping—to the Committee on Merchant Marine and Fisheries.

By Mr. PICKLER: A concurrent resolution to print 100,000 copies of special report on diseases of cattle and cattle feeding—to the Committee on Printing.

By Mr. STONE of Kentucky: A resolution to set apart and substitute Thursday, January 12, in lieu of the first Monday, to move to suspend the rules—to the Committee on Rules.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as indicated below:

By Mr. BRECKINRIDGE of Arkansas: A bill (H. R. 10069) for the relief of L. G. Bowers of Monroe County, Ark.—to the Committee on War Claims.

By Mr. COGSWELL: A bill (H. R. 10070) granting an increase of pension to Addie L. Malcomber—to the Committee on Invalid Pensions.

By Mr. COBURN: A bill (H. R. 10071) for the relief of William Miller, late of Company G, Thirty-fifth Wisconsin Volunteers—to the Committee on Invalid Pensions.

By Mr. COOMBS: A bill (H. R. 10072) for the relief of the owners of the schooner Henry R. Tilton—to the Committee on Military Affairs.

By Mr. EVERETT: A bill (H. R. 10073) for the relief of Rebecca Thomas, of Whitfield County, Ga.—to the Committee on War Claims.

Also, a bill (H. R. 10074) for the relief of William B. Quinn, of Whitfield County, Ga.—to the Committee on War Claims.

Also, a bill (H. R. 10075) for the relief of J. S. McLain, of Whitfield County, Ga.—to the Committee on War Claims.

By Mr. HITT: A bill (H. R. 10076) granting a pension of $50 per month to Mrs. E. L. Boyden—to the Committee on Invalid Pensions.

By Mr. HOOKER of Mississippi: A bill (H. R. 10077) for the relief of the estate of Charles H. Borland—to the Committee on War Claims.

By Mr. KRIBBS (by request): A bill (H. R. 10078) for the relief of Harrison Wagner—to the Committee on Invalid Pensions.

By Mr. LANE: A bill (H. R. 10079) to grant a pension to Pauline J. Smith—to the Committee on Invalid Pensions.

By Mr. MEYER: A bill (H. R. 10080) for the relief of Hillel Marks—to the Committee on Pensions.

By Mr. PATTERSON of Tennessee: A bill (H. R. 10081) for the relief of the estate of Andrew B. Conley, deceased, late of Fayette County, Tennessee—to the Committee on War Claims.

By Mr. PEEL: A bill (H. R. 10082) to pay the administratrix of Bluford West, deceased, for the Bluford West Saline in Cherokee Nation—to the Committee on Indian Affairs.

By Mr. TERRY: A bill (H. R. 10083) for the relief of Samuel Evans—to the Committee on War Claims.

By Mr. TERRY (by request): A bill (H. R. 10084) for the relief of Edward A. Scott, of Crawford County, Ark.—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk, and referred as follows:

By Mr. ALDERSON. Nine petitions of citizens of West Virginia, as follows: 3 petitions of Fayette County, one of John G. Settle, the second of George Coleman, for the estate of Mason Coleman, late of Fayette County, and the third of George A. Darlington; 2 petitions of Nicholas County, one of John Hardway, and the other of William Bail, for the estate of John Bail, late of Nicholas County; and 4 petitions, one of Jonathan S. Lilly, for the estate of Margaret Lilly, deceased, late of Summers County, the second of Robert Suttle, of Greenbrier County, the third of Jacob Beverage, of Pocahontas County, and the fourth of Sallie H. Tompkins, for the estate of Beverly Tompkins, each praying that his war claim be referred to the Court of Claims under the provisions of the Bowman act—to the Committee on War Claims.

By Mr. ANDREW: Petition of F. S. Higginson, C. W. Amory, Oliver Ames, Henry Whitney, Morfield Story, Francis Peabody jr., Stephen M. Wild, Boston Bridge Works, Whittier Machine Company, and 500 other business men of Boston, that the House of Representatives pass some measure repealing the present law for the purchase of silver bullion by the Treasury of the United States, commonly known as the Sherman act of 1890—to the committee on Coinage, Weights, and Measures.

By Mr. BOUTELLE: Petition of citizens of Washington County, Me., for the relief of Peter Dalot, to accompany House bill 10049—to the Committee on Invalid Pensions.

By Mr. BOWMAN: Petition of Elkhorn Lodge, No. 313, International Association of Mechanics of Missouri Valley, Iowa, asking that all machinery used in the manufacture of sugar and imported from a foreign country be subject to the same duty as any other machinery—to the Committee on Ways and Means.

By Mr. CLOVER: Petition of citizens of Chautauqua County, Kans., for the exclusion of liquor selling from the World's Fair, the passage of the antioption bill, and submission of a sixteenth amendment to prevent States from making sectarian appropriations—to the Select Committee on the Columbian Exposition.

By Mr. COBURN: Papers in the case of William Miller, late of Company G, Thirty-fifth Wisconsin Volunteers—to the Committee on Invalid Pensions.

By Mr. CUTTING: Petition of the American Brotherhood of Steamboat Pilots and Marine Engineers' Association of San Francisco, Cal., against admission to American registry of the officers of the steamships City of New York and City of Paris—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Miners' Association of the State of California, to alter the present mining laws—to the Committee on Mines and Mining.

Also, memorial of the Geographical Society of the Pacific, for the construction of the Nicaragua Canal—to the Committee on Interstate and Foreign Commerce.

By Mr. DALZELL: Resolutions of the Chamber of Commerce of Pittsburg, Pa., in favor of the creation of an Ohio River commission—to the Committee on Rivers and Harbors.

By Mr. HAMILTON: Petition of citizens of Gunaly Center, Iowa, asking the repeal of the Sunday closing of the World's Fair—to the Select Committee on the Columbian Exposition.

By Mr. HENDERSON of Iowa: Paper from the International Association of Post-Office Clerks in regard to compensation—to the Committee on the Post-Office and Post-Roads.

By Mr. HOLMAN: Petition of the National League for the Protection of American Institutions, concerning sectarian appropriations by the National Government for Indian education—to the Committee on Indian Affairs.

By Mr. HOPKINS of Ill.: Petition of members of the medical profession in the counties of Kane, De Kalb, Dupage, McHenry, Keedall, etc., asking for an appropriation to defray the expenses of the Pan-American Congress—to the Committee on Appropriations.

By Mr. HUFF: Petition of the Young Men's Christian Association of Scottdale, Pa., relative to the sale of liquor and the closing of the World's Columbian Exposition on Sundays—to the Select Committee on the Columbian Exposition.

By Mr. McRAE: Petition of George Critty, for the repeal of the Des Moines River land front—to the Committee on the Public Lands.

By Mr. O'FERRALL: Papers in the claim of Polly Blackwell, of Rockingham County, Va.—to the Committee on War Claims.

By Mr. PEARSON: Resolutions of the United Presbytery of

Wheeling, held at St. Clairsville, Ohio, December 20, 1892, against the repeal of the Sunday-closing law the first session of the Fifty-second Congress for the World's Columbian Exposition—to the Select Committee on the Columbian Exposition.

By Mr. SCOTT: Petition of the State Grange of Illinois, Patrons of Husbandry, for the passage of the pure-food bill—to the Committee on Agriculture.

Also, petition by the same body, for free postal delivery in rural districts—to the Committee on the Post-Office and Post-Roads.

Also, petition by the same body, for Government control of railroads—to the Committee on Railroads and Canals.

Also, petition by the same body, in favor of the National Government issuing the money of the people, and for other reforms—to the Committee on Banking and Currency.

Also, petition by the same body, favoring the establishment of United States postal savings banks—to the Committee on Banking and Currency.

Also, petition by the same body, favoring the free coinage of silver—to the Committee on Coinage, Weights, and Measures.

By Mr. STONE of Kentucky: Papers in the matter of Augustus P. Green, to accompany House bill 10060—to the Committee on War Claims.

By Mr. WILLIAMS of Massachusetts: Petition of 17 citizens of Norwood (Mass.) Lodge, No. 335, International Association of Machinists, praying for legislation not to permit any kind of machinery used in the manufacture of sugar to come into the United States at a lower rate of duty than other machinery—to the Committee on Agriculture.

By Mr. WILSON of Washington: Petition of citizens of the State of Washington, for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. WISE: Papers in the matter of John M. Blankenship, to accompany House bill 10061—to the Committee on Naval Affairs.

SENATE.

SATURDAY, *January 7, 1893.*

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

PRESIDENTIAL ELECTORS.

The VICE-PRESIDENT laid before the Senate communications from the Secretary of State, transmitting, in pursuance of the provisions of the act of Congress approved February 3, 1887, certified copies of the final ascertainment of the electors for President and Vice-President appointed in the States of Kansas, Missouri, Nebraska, and Minnesota at the elections held therein on the 8th of November, 1892, as certified to him by the governors of those States; which, with the accompanying papers, were ordered to lie on the table.

EXECUTIVE COMMUNICATION.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting a letter from the adjutant-general of the State of Maryland suggesting the passage of a law providing for an encampment of 100,000 United States and State troops to be held at Chicago on the occasion of the World's Columbian Exposition; which, on motion of Mr. SHERMAN, was, with the accompanying papers, referred to the Committee on the Quadro-Centennial (Select), and ordered to be printed.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 3d instant approved and signed the act (S. 1675) granting increase of pension to soldiers of the Mexican war in certain cases.

The message also announced that the President had on the 6th instant approved and signed the following acts:

An act (S. 2981) for the relief of the Citadel Academy of Charleston, S. C.; and

An act (S. 3298) authorizing the sale of land in the vicinity of Fort Mifflin, on the river Delaware.

PETITIONS AND MEMORIALS.

Mr. SHERMAN presented the petition of James Cutler and 46 other citizens of Richwood, Ohio, praying for the immediate repeal of the act of July 14, 1890, directing the purchase of silver bullion and the issue of Treasury notes thereon, and for other purposes; which was referred to the Committee on Finance.

He also presented a petition of Buck Creek Grange, No. 750, Patrons of Husbandry, of Ohio, praying for the early passage of the Washburn-Hatch antioption bill; which was ordered to lie on the table.

He also presented memorials of 71 citizens of Antrim, Ohio; of a union meeting of Christian people of Van Wert, Ohio; of the Methodist Churches of New Concord, Ohio, and of the Presbyterian Church of Savannah, Ohio, remonstrating against any repeal of the law closing the World's Columbian Exposition on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

Mr. McMILLAN presented a petition of citizens of Washington and Georgetown, in the District of Columbia, praying Congress to grant the use of the Aqueduct bridge for street-car purposes; which was referred to the Committee on the District of Columbia.

Mr. KYLE presented petitions of Rev. Eugene A. Johnson and 24 others; of Rev. William A. Credit and 70 others; of Rev. Francis J. Grinkie and 72 others, and of George W. Cook and 76 others, all citizens of the District of Columbia, praying for the passage of a bill authorizing the board of management of the United States Government exhibit at the World's Columbian Exposition to collect and publish certain facts relating to the industrial, moral, and educational development of the American negro during the last thirty years, etc.; which were referred to the Committee on Education and Labor.

He also presented memorials of B. M. Hickey and 20 other citizens of Minnehaha County, S. Dak.; of J. M. Spensley and 20 other citizens of Clay County, S. Dak.; of John Clark and 19 other citizens of Minnehaha County, S. Dak.; of K. Westerhuis and 22 other citizens of Clay County, S. Dak.; of J. H. Hooker and 23 other citizens of McCook County, S. Dak.; of M. H. Payne and 23 other citizens of Cass County, N. Dak.; of A. B. Parker and 23 other citizens of Union County, S. Dak.; of J. J. Duffack and 21 other citizens of Yankton County, S. Dak.; of Peter Kareen and 23 other citizens of Clay County, S. Dak.; of J. J. Michaels and sundry other citizens of Rich Center, S. Dak., and of J. I. Monks and 21 other citizens of Watertown, S. Dak., praying for the appointment of a committee to investigate the combine formed to depreciate the price of grain, and asking for the postponement of the antioption bill until such committee reports; which were referred to the Committee on Agriculture and Forestry.

He also presented the petition of Tom O'Hara and other citizens of De Smet, S. Dak., praying for the passage of the Washburn-Hatch antioption bill; which was ordered to lie on the table.

Mr. HARRIS presented the petition of M. Broderick and other citizens of Tennessee, and the petition of J. H. Fite and other citizens of Carroll County, Tenn., praying for the passage of the Washburn-Hatch antioption bill; which were ordered to lie on the table.

Mr. HOAR. I present resolutions of the Boston Chamber of Commerce, desiring that there be no obstructions to the advantages now enjoyed by Canadian railroads in the commerce between New England and the Northwest. The resolutions are in the nature of a petition, and I move that they be referred to the Committee on Interstate Commerce.

The motion was agreed to.

Mr. HOAR presented a resolution adopted by the Boston Chamber of Commerce, at a meeting held January 3, 1893, praying for the repeal of the Sherman silver act, so called; which was referred to the Committee on Finance.

Mr. QUAY presented resolutions of the Pennsylvania Peace Society and of the executive committee of the Universal Peace Society, favoring the repeal of the law prohibiting the coming of Chinese into the United States; which was referred to the Committee on Foreign Relations.

Mr. CULLOM presented petitions of farmers and laborers of Johnson County; of Farmers of Franklin County, and of J. M. Martin and other citizens of Clay County, all in the State of Illinois, praying for the appointment of a committee to investigate the combine formed to depreciate the price of grain, and asking for the postponement of the Washburn-Hatch antioption bill until such committee shall report; which was referred to the Committee on Agriculture and Forestry.

Mr. CAMERON presented a petition of the Board of Trade of Philadelphia, Pa., praying for the passage of legislation providing Government aid in the construction of the Nicaragua Canal; which was ordered to lie on the table.

He also presented a petition of the Maritime Exchange of Philadelphia, Pa., praying for the passage of a Federal quarantine law; which was ordered to lie on the table.

He also presented the petition of William Ledyard Ellsworth, of Philadelphia, Pa., praying for relief as the original inventor and owner of patents granted by the United States for improvements in fire extinguishers; which was referred to the Committee on Patents.

He also presented a petition of the Board of Trade of Philadelphia, Pa., praying for the adoption of certain amendments to the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Chinese Equal Rights League of Philadelphia, Pa., praying for the repeal of the Chinese restriction law; which was referred to the Committee on Foreign Relations.

Mr. COCKRELL presented the memorial of J. C. Thornton, secretary of the Johnson Sabbath School Association of Warrensburg, Mo., remonstrating against the opening of the World's Columbian Exposition on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

He also presented a memorial of the Merchants' Exchange of St. Louis, Mo., remonstrating against the passage of the Washburn-Hatch antioption bill; which was ordered to lie on the table.

Mr. COCKRELL. I present a memoral of members of the confederated Kaskaskia, Peoria, Wea, and Piankeshaw Indians, and a memorial of members of the Peoria and Miami Indians, all of the Quapaw Agency, in the Indian Territory, remonstrating against the passage of the bill (S. 3030) to provide for the allotment of lands among the several Indian tribes in the Quapaw Agency, in the Indian Territory, and for the sale of surplus lands of such tribes; and for the creation of the county of Cayuga, in the Territory of Oklahoma, and for other purposes.

That bill is upon the Calendar, and I ask that the memorials may be laid on the table with other papers protesting against the passage of the bill referred to.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. QUAY, from the Committee on the Library, to whom was referred the bill (S. 1425) to provide for the erection of a monument to Maj. Gen. Nathanael Greene on the battlefield of the battle of Guilford Court-House, N. C., fought March 15, 1781, and for other purposes, reported it with amendments, and submitted a report thereon.

COLUMBIAN UNIVERSITY.

Mr. HIGGINS. I am instructed by the Committee on the District of Columbia, to whom was referred the bill (S. 3623) to amend the act of March 3, 1873, for the relief of the Columbian University, in the District of Columbia, to report it without amendment, and I ask for its present consideration.

The bill was read, and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to so amend the act that hereafter the treasurer and secretary of the Columbian University need not be one person nor a member of the trustees of the corporation, but the trustees and overseers, in convention assembled, shall annually elect by ballot two suitable persons from among the trustees or not, as they may deem proper, one to be treasurer and the other secretary of the corporation and of the board of trustees.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had passed the following bills:

A bill (S. 317) granting an increase of pension to John M. Roberts;

A bill (S. 2592) granting an increase of pension to William C. Tarkington;

A bill (S. 2990) for the relief of George W. McKinney; and

A bill (S. 3314) for the relief of E. Darwin Gage, late lieutenant-colonel of the One hundred and forty-eighth New York Infantry.

The message also announced that the House had passed the bill (S. 1303) to increase the pension of Mrs. S. A. Farquharson, with an amendment; in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

A bill (H. R. 1318) granting a pension to Martha A. Harris;

A bill (H. R. 2077) for the relief of William B. Price;

A bill (H. R. 2592) for the relief of Andrew B. Knapp;

A bill (H. R. 2912) to pension John T. Fleenor;

A bill (H. R. 3713) for increase of pension of Francis P. Gardener;

A bill (H. R. 4047) granting a pension to Ellen Hewett;

A bill (H. R. 4320) granting a pension to Thomas S. Kennedy;

A bill (H. R. 4916) granting a pension to Thomas Tucker, of Battery A, Fourth United States Artillery;

A bill (H. R. 6272) to pension Susan S. Murphy;

A bill (H. R. 6649) to extend the provisions of an act to provide for the muster and pay of certain officers and enlisted men of the volunteer forces;

A bill (H. R. 7234) granting a pension to Mary Millard;

A bill (H. R. 7238) granting a pension to Amanda Atherton;

A bill (H. R. 7713) granting a pension to Benajah Morgan, late private in captain Burn's company, Third Regiment, Third Brigade of Mounted Volunteers in the Black Hawk war;

A bill (H. R. 8498) to pension Sophia Kagwaich;

A bill (H. R. 8574) granting an honorable discharge to James C. Jennings;

A bill (H. R. 8924) granting a pension to the widow of James A. Kelly;

A bill (H. R. 8969) to grant a pension to Lydia Bollman, a dependent sister;

A bill (H. R. 9215) granting a pension to Eliza Holmes;

A bill (H. R. 9220) granting a pension to Mrs. Caroline Hardee Dyall, widow of James R. Dyall, veteran of the Florida war, 1836;

A bill (H. R. 9233) to grant a pension to Harriet Cota; and

A bill (H. R. 9590) granting a pension to Cornelius Day.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (S. 2187) granting a pension to Margaret M. Rice;

A bill (S. 2593) granting an increase of pension to Samuel M. Campbell;

A bill (S. 1786) granting a pension to Mrs. Jennie Gray;

A bill (S. 1831) to admit free of duty the wreckage of the ships Trenton and Vandalia, presented by the United States to the King of Samoa;

A bill (S. 3029) authorizing the construction of a bridge across the Columbia River in the State of Washington;

A bill (S. 3048) granting to the Blue Mountain Irrigation and Improvement Company a right of way for reservoir and canals through the Umatilla Indian Reservation in the State of Oregon;

A joint resolution (S. R. 123) to fill vacancies in the Board of Regents of the Smithsonion Institution; and

A joint resolution (H. Res. 166) to authorize the Secretary of the Treasury to cover back into the Treasury $48,800 of the appropriation to Choctaw and Chickasaw Indians.

BILLS INTRODUCED.

Mr. VANCE introduced a bill (S. 3690) to incorporate the Tabernacle Society of the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. McMILLAN introduced a bill (S 3691) regulating the employment of certain persons in manufactories, workshops, and stores in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. PLATT. I introduce a bill to provide a temporary government for Alaska, and for other purposes, and I ask the indulgence of the Senate to say a single word.

The present government of Alaska is very crude in many respects, inefficient, and altogether abnormal in our history and policy. That there ought to be an improvement upon that government is undoubted. This bill has been prepared at the Department of the Interior and upon consultation with the present governor of Alaska; and while in many respects it is a great improvement upon the present law for the government of Alaska, it has some features in it which I do not think I am in favor of. With that declaration I introduce the bill.

The bill (S. 3692) to provide a temporary government for Alaska, and for other purposes; was read twice by its title, and referred to the Committee on Territories.

Mr. SAWYER introduced a bill (S. 3693) granting a pension to Fred S. Chamberlain; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MITCHELL introduced a bill (S. 3694) for the relief of certain purchasers of public lands within the limits of Congressional land grants; which was read twice by its title, and referred to the Committee on Public Lands.

TREATY WITH INDIANS OF OREGON.

Mr. MITCHELL. I submit a resolution and ask for its present consideration.

The resolution was read, as follows:

Resolved, That the Secretary of the Interior be, and he is hereby, directed to transmit to the Senate a copy of a treaty negotiated by Joel Palmer, then superintendent of Indian Affairs for the Territory of Oregon, on or about the 11th day of August, 1855, with the various Indian tribes inhabiting the coast of Oregon from the Columbia River to the California line, consisting of Tillamook, Coos Bay, Coquille, Too-too-to-ney, Chetco, Siuslaw, Clatsop, and Lower Umpqua Indians, and whereby they, it is alleged, ceded all the country claimed by them between the country theretofore ceded by various other treaties and the Pacific Ocean, estimated to contain 5,000,000 acres of land, and by the terms of which it is alleged there was a reservation of a tract of country on the coast within the limits of the coast reservation established by the President, estimated to contain 750,000 acres; and that the Secretary of the Interior be further directed to advise the Senate whether such treaty was ever transmitted to the Senate for ratification; also whether the United States, if said treaty was not ratified, has acted upon the terms stipulated therein and received the benefits of the cession therein provided; and if so, whether said Indians were ever paid the amounts stipulated in such treaty to be paid to them for and on account of the lands so

ceded, and if so, when were such payments made; and further that he advise the Senate fully whether such treaty became operative and whether the terms thereof or any of them have been enforced against the Indians, or the stipulations therein complied with by the United States.

Mr. PLATT. To what treaty does the resolution refer?

Mr. MITCHELL. The treaty of 1855.

Mr. COCKRELL. I think the resolution had better be printed so that we may examine it. There are certain questions asked as to whether certain obligations were assumed. I do not think the Secretary of the Interior or any Cabinet officer has a right to bind the United States by his opinion. I think the resolution ought probably to be amended so as simply to state what was done, and not to ask whether we were bound.

Mr. MITCHELL. The resolution simply calls for information. First, it asks that a copy of the treaty, if one was made at the time designated, be transmitted to the Senate. Second, although the resolution is somewhat lengthy, it simply calls for information as to what, if anything, has been done under the treaty. That is all. I have no particular objection to letting the resolution go over and be printed, if the Senator from Missouri desires that course.

Mr. COCKRELL. Let it it be printed and we can then look at it.

Mr. MITCHELL. All right; let the resolution go over and be printed, to be called up to-morrow morning.

The VICE-PRESIDENT. The resolution will go over and be printed.

SATURDAY BANK HALF HOLIDAY.

Mr. McMILLAN. I should like to call up the joint resolution (S. R. 130) to amend an act entitled "An act making Saturday a half holiday for banking and trust companies in the District of Columbia," approved December 22, 1892, reported by me yesterday from the Committee on the District of Columbia with an amendment in the nature of a substitute. It went over yesterday on the objection of the Senator from Massachusetts [Mr. HOAR].

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the joint resolution.

The VICE-PRESIDENT. The substitute reported by the Committee on the District of Columbia was read at length yesterday. The question is on agreeing to the amendment of the committee.

Mr. HOAR. I have examined the joint resolution since it went over. It is only intended, as I understand from reading it and from the assurance of members of the committee who reported it, to extend to Georgetown and Anacostia, in the District of Columbia, the provisions of the act passed in December, which applies to banks and other like institutions in Washington. I think after this measure shall become a law it would be safe for all holders of negotiable paper and persons desiring to enforce all other contracts which require an act to be performed at a bank on a given day, the indorsers of promissory notes or the makers of conditional contracts, to have the acts necessary for holding persons with whom they have contracted performed on both days. I think it is exceedingly doubtful whether the courts would hold that an act of Congress merely establishing a legal holiday would operate to create a new obligation on the part of an indorser of negotiable paper. I shall not in regard to a measure which is so convenient interpose any objection or insist on any amendment, but simply make the suggestion that in my judgment it would be safe for such persons to have the tender or demand made on both days.

The VICE-PRESIDENT. The question is on agreeing to the amendment reported by the Committee on the District of Columbia, striking out all after the resolving clause and inserting a substitute.

The amendment was agreed to.

Mr. PLATT. Perhaps no other member of the Senate will agree with me in what I am about to say with reference to this measure, but I do not see any necessity for it. I am not going to oppose its passage. I know we have been making holidays for every conceivable reason, but I do not see any reason at all for making a half holiday in the District of Columbia simply for banks and trust companies. If Saturday were a half holiday so that business closed here at 12 o'clock that would be another thing, but the banks open at 9 and close at 3 in the afternoon, I think, and I do not see any particular necessity for this measure which authorizes them to close at 12 on Saturday. Their hours are not late. Business goes on upon Saturday afternoon, we have no half holiday as to general business, and such a measure seems to me quite unnecessary. But, as I said, I am not going to oppose the passage of the joint resolution. I wanted simply to express my views on the subject.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

HOULE BILLS REFERRED.

The following bills, this day received from the House of Representatives, were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. 1318) granting a pension to Martha A. Harris;

A bill (H. R. 2912) to pension John T. Fleenor;

A bill (H. R. 3713) for increase of pension of Francis P. Gardener;

A bill (H. R. 4047) granting a pension to Ellen Hewett;

A bill (H. R. 4320) granting a pension to Thomas S. Kennedy;

A bill (H. R. 4916) granting a pension to Thomas Tucker, of Battery A, Fourth United States Artillery;

A bill (H. R. 6272) to pension Susan S. Murphy;

A bill (H. R. 7234) granting a pension to Mary Millard;

A bill (H. R. 7238) granting a pension to Amanda Atherton;

A bill (H. R. 7713) granting a pension to Benajah Morgan, late private in Captain Burn's company, Third Regiment, Third Brigade of Mounted Volunteers in the Black Hawk war;

A bill (H. R. 8498) to pension Sophia Kagwaich;

A bill (H. R. 8924) granting a pension to the widow of James A. Kelly;

A bill (H. R. 8969) to grant a pension to Lydia Bollman, a dependent sister;

A bill (H. R. 9215) granting a pension to Eliza Holmes;

A bill (H. R. 9220) granting a pension to Mrs. Caroline Hardee Dyall, widow of James R. Dyall, veteran of the Florida war 1836;

A bill (H. R. 9233) to grant a pension to Harriet Cota; and

A bill (H. R. 9590) granting a pension to Cornelius Day.

The following bills were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (H. R. 2077) for the relief of William B. Price;

A bill (H. R. 2592) for the relief of Andrew B. Knapp;

A bill (H. R. 6649) to extend the provisions of an act to provide for the muster and pay of certain officers and enlisted men of the volunteer forces; and

A bill (H. R. 8574) granting an honorable discharge to James C. Jennings.

ADDITIONAL QUARANTINE POWERS.

The VICE-PRESIDENT. Is there further morning business? If not, that order is closed and the Chair lays before the Senate the regular order, which is the bill (S. 2707) granting additional quarantine powers and imposing additional duties upon the Marine Hospital Service.

The Senate, as in Committee of the Whole, resumed the consideration of the bill; the pending question being on the amendment proposed by Mr. VEST, in line 1, of section 3, after the word "service" to insert, "shall immediately after this act takes effect examine the quarantine regulations of all State and municipal boards of health," so as to read:

That the Marine Hospital Service shall, immediately after this act takes effect, examine the quarantine regulations of all State and municipal boards of health, and shall coöperate with and aid State and municipal boards of health in the execution and enforcement of the rules and regulations of such boards and in the execution and enforcement of the rules and regulations made by the Secretary of the Treasury, etc.

Mr. HARRIS. I have no objection to the amendment of the Senator from Missouri [Mr. VEST].

The amendment was agreed to.

The VICE-PRESIDENT. The question now is on agreeing to the amendment of the committee to insert an additional section as section 7.

Mr. WOLCOTT. This measure is a most important one, and the Senate seems to be quite thin. I suggest that there is no quorum present. Let the roll be called.

The VICE-PRESIDENT. The roll will be called by the Secretary.

The Secretary called the roll, and the following Senators answered to their names:

Berry,	Dolph,	McMillan,	Sawyer,
Blackburn,	Frye,	McPherson,	Sherman,
Call,	George,	Mills,	Squire,
Cameron,	Gibson,	Mitchell,	Stewart,
Carlisle,	Hansbrough,	Morgan,	Teller,
Chandler,	Harris,	Morrill,	Vance,
Cockrell,	Higgins,	Palmer,	Vest,
Coke,	Hoar,	Peffer,	Walthall,
Cullom,	Hunton,	Platt,	White,
Daniel,	Jones of Ark.	Proctor,	Wilson,
Dawes,	Kyle,	Quay,	Wolcott.

The VICE-PRESIDENT. Forty-four Senators have responded to their names. A quorum is present. The question recurs on agreeing to the amendment of the committee inserting section 7.

Mr. HARRIS. In section 3, line 24, after the word "State," to conform that part of the section to certain amendments suggested by the Senator from Missouri [Mr. VEST], I move to strike out the words "from another" and insert "or Territory or the District of Columbia from another State or Territory or the District of Columbia;" so as to read:

Are not sufficient to prevent the introduction of such diseases into the

United States, or into one State or Territory or the District of Columbia from another State or Territory or the District of Columbia, the Secretary of the Treasury shall, if in his judgment, etc.

The amendment was agreed to.

Mr. TELLER. I do not know what stage the bill is in, but I wish to make a correction in an amendment as we find it printed in the bill on our tables. I moved yesterday an amendment to section 3, on page 5, which does not seem to be printed in the bill as it is in the RECORD. I moved to amend in lines 38 and 39 in the present bill, so as to read in this way:

But if the State or municipal authorities shall fail or refuse to enforce said rules and regulations, the President shall execute and enforce the same, and may detail officers or appoint proper persons for that purpose.

As it reads in the printed amendment, it is simply that the President may "appoint officers for that purpose." It is correctly printed in the RECORD, but not in the bill as it is reprinted.

Mr. CHANDLER. It says "detail" in the bill.

Mr. TELLER. The Secretary will find in the CONGRESSIONAL RECORD this morning on page 408 the exact words of the amendment as I proposed it.

Mr. HARRIS. Does not the Senator from Colorado think, as the language appears in the bill, it accomplishes his object perfectly? It seems to me it does.

Mr. TELLER. I suppose the committee desires to have it in the power of the President not only to appoint persons but to detail officers.

Mr. CHANDLER. The bill so reads.

Mr. TELLER. It does not in the print I have.

Mr. CHANDLER. It does in the print I have.

Mr. TELLER. In the copy I have it reads that the President "may appoint officers."

Mr. CHANDLER. "May detail or appoint officers."

Mr. HARRIS. It reads:

The President shall execute and enforce the same and may detail or appoint officers for that purpose.

Mr. TELLER. I overlooked the word "detail."

Mr. HARRIS. The word "detail" remains in the bill.

Mr. TELLER. If it means that the President may detail or appoint officers, it is all right. The bill, as printed, does not give the amendment exactly in the language in which I offered it.

The VICE-PRESIDENT. The question is on the amendment proposed by the Committee on Epidemic Diseases, to insert as a new section, section 7.

Mr. PLATT. Let the section be reported as it now stands.

The VICE-PRESIDENT. The section will be read.

The Secretary read as follows:

SEC. 7. That whenever it shall be shown to the satisfaction of the President that by reason of the existence of cholera or yellow fever in a foreign country, there is serious danger of the introduction of the same into the United States, and that notwithstanding the quarantine defense this danger is so increased by immigration that a suspension of the same is demanded in the interest of the public health, the President shall have power to suspend immigration from such countries or places as he shall designate and for such period of time as he may deem necessary.

Mr. KYLE. I move to amend in line 3 of the section by striking out the words "yellow fever," and inserting "other infectious or contagious diseases."

I will state my reasons for doing this. I notice section 8, at the close of the bill, repeals the old law in regard to contagious diseases, and by this morning's Post I notice there are 600 cases of typhus fever in Old Mexico. The same may occur upon the Canadian border, and I think by striking out the words "yellow fever" and substituting "other infectious diseases," the essential part of the old law proposed to be repealed by section 8 will be retained.

Mr. WHITE. I should like to ask the chairman of the committee in charge of the bill whether the power given under section 7 to the President is not a simple reiteration of the power given to the Secretary of the Treasury under previous provisions of the bill?

Mr. HARRIS. I do not think it is.

Mr. WHITE. A previous provision of the bill says that the Secretary may frame such rules and regulations as to detention in all respects, as to the prevention of diseases in all respects, and that such rules and regulations, when promulgated by him, shall have the effect of law. Now, have you not lodged in the Secretary of the Treasury under the previous provisions of the bill, if it means anything, all the power which you lodge here? Where is the limitation upon the power of the Secretary of the Treasury stated in the previous provision of the bill?

Mr. HARRIS. The Senator will allow me to suggest that the rules and regulations which the Secretary of the Treasury may make are in respect to vessels, passengers, crews, and cargo, which are sailing to this country, which are coming. The power given to the President is, in case of an exigency which in his opinion demands it, to prevent the coming at all. That is the difference, as it appears to me.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from South Dakota [Mr. KYLE], to the amendment of the committee inserting a new section as section 7, which will be reported.

The SECRETARY. In section 7, after the words "cholera or," in line 3, it is proposed to strike out "yellow fever" and insert "other infectious or contagious diseases;" so as to read:

That whenever it shall be shown to the satisfaction of the President that by reason of the existence of cholera or other infectious diseases in a foreign country, etc.

Mr. WHITE. With the greatest deference to the distinguished Senator from Tennessee [Mr. HARRIS], I think that he states a distinction without a difference. The admission is that the previous sections of the bill give to the Secretary of Treasury full power to make all such rules and regulations as he may deem best as to the coming of vessels, as to the time of detention, and as to what shall be done to them after they get here; in other words, the fullest and most plenary power to prevent the coming into the United States of any person whom his regulations may choose to exclude. Under the terms of the previous sections the exercise of this power to make regulations is not exhausted by calling the power into being at one time. It is a lodgment in the Secretary of the Treasury of a continuous power, a power coterminous and coexisting with his official function. Now, is not that all the power given in this section?

But the Senator says the distinction is this, that one is the power given to the President to prevent them from coming, the other is the power given to the Secretary of the Treasury to prevent them from coming in. Is not that a distinction without a difference? Where is the distinction between the two? If the Secretary of the Treasury promulgates his regulations, saying that nobody shall come in, is not that a regulation saying that nobody shall come unless it is to be supposed that a man knowing he can not come in is going to come? The power of the President in suspending immigration can not go any further than preventing immigrants from coming in; his authority is not extraterritorial; he can not prevent a man from being guilty of the act of folly of shipping for this country, if he pleases, with the knowledge that he can not come in.

Mr. HARRIS. Will the Senator from Louisiana allow me to suggest, that I must have been unfortunate in my expression or he unfortunate enough not to have understood what I said. The difference, as I conceive it to be, is this: The Secretary of the Treasury makes rules and regulations under which persons may come in. The power given to the President is, in case of such exigency as may possibly arise, to say they shall not come at all. The difference is between being authorized to come in under certain circumstances and not being authorized to come at all.

Mr. WHITE. Mr. President, the explanation of the distinguished Senator reads the provision out of the bill, for the very elementary conception of the quarantine power is that it contains within itself *ex vi terminorum* the power to disinfect, the power to detain for a particular time, or the power to prevent coming in for as long a time as may be considered necessary. When you use the expression "quarantine," it is used as understood by civilized nations, and in every quarantine in the United States where it is considered proper that the party should not come in, the regulation goes, saying he shall not come in for three months or for forty days, or for six months, or he shall not come in for the time necessary to protect the public health.

Therefore, if the rules and regulations which the Secretary of the Treasury is to make under the previous provisions of this bill do not include the power to make rules and regulations as to quarantine, as commonly and at all times understood, then the previous provisions of the bill mean nothing, and you have lodged in the Secretary of the Treasury no power whatever.

I say this power ought to be lodged somewhere. If it be lodged at all, it ought not to be lodged in two places. If you confide it to the Secretary of the Treasury, then why go on and reconfide the same power in the President? If you do not wish to confide the power to the Secretary, then insert in your bill a provision confiding it to the President.

Mr. HOAR. I should like to inquire of the Senator from Louisiana if he extends his argument so far that he conceives that a municipality or a State, under the quarantine powers which are now exercised or which are conceded to it by this bill, would have the power to pass a quarantine regulation which should prohibit for one year or three years all immigration from Europe to the ports of that State?

Mr. WHITE. I will answer the Senator by saying that the quarantine regulations of my State, which have been in existence for a great many years and which have been declared constitutional by the Supreme Court of the United States after an elaborate examination, give the health officer power to detain a vessel six months with everybody on it, if he pleases.

Mr. HOAR. That is not quite my question.

Mr. WHITE. My argument is that the power to quarantine

and the power to regulate quarantine contains within itself *ex vi terminorum* the power to limit the coming in for the time adjudged necessary by the quarantine officer to prevent the introduction of the infection; and if three months is that period, then that is adequate: if three years is that period, then the quarantine power would contain the power for the three years.

Of course if the lodgment of the quarantine power should be fraudulently exercised, and instead of providing for quarantine in the execution of the health law, the officer with whom this power was lodged should go further and attempt to do by indirection that which he had no authority to do directly, then the courts might intervene. The President would be in the same position here. The power to prevent the coming in is only granted to the President under this bill in so far as is necessary to protect from infection. The same limit is put upon him by the terms of this bill that is put upon every quarantine officer by the very nature and object of the quarantine power. Therefore, if the President should establish a quarantine for three years and three years was not necessary for the purpose of preventing this infection, then the President would transcend his powers, and under the pretext of exercising the quarantine power would exercise another and substantive power, because the President is made by the terms of this bill a quarantine officer for every port in the United States.

Mr. HOAR. If the Senator from Louisiana be right, it seems to me he furnishes a very strong argument indeed for agreeing to section 7 at it stands; because if section 7 be adopted, then I think it will be quite clear that it is the purpose of the law to recognize in the existing quarantine authorities of the States the power to prescribe the rules and regulations for an immigration which is to continue to come in, and that the power to suspend immigration altogether, either temporarily or permanently as a health device, is intended to be lodged solely in the President of the United States, where it certainly should be lodged. In other words, if it be true that the quarantine power involves in it the power of total suspension of immigration, if we leave the bill without the proposed section 7, every petty quarantine officer, or certainly the Secretary of the Treasury, will have it, to which I do not agree. I think it is quite clear that this section should be added, declaring in terms whenever the health or protection of the country from infection requires the total suspension of immigration, that power is to belong to the President, and in lodging it by the seventh section in the President it would be taken away from the common quarantine officers, who otherwise might have it under the other section.

Mr. MCPHERSON. I submit respectfully to the Senator from Louisiana that the first section of the bill provides:

> That it shall be unlawful for any merchant ship or other vessel from any foreign port or place to enter any port of the United States except in accordance with the provisions of this act and with such rules and regulations.

These rules and regulations are made by the Secretary of the Treasury and have reference only to importations of persons and goods, and provide that if a ship shall enter a port contrary to the rules and regulations a penalty shall be imposed, which is fixed in the bill.

There the whole duty and power of the Secretary of the Treasury ends; but without the seventh section of the bill, if it became necessary to prohibit the importation of persons from the states of Europe and elsewhere, which were infected with disease to an extent that would make it dangerous to admit them, the President has the power to prohibit. The power of the Secretary of the Treasury is only the power to regulate; that of the President, under certain extreme conditions, is the power to prohibit. But, as I take it, this bill without the seventh section or some similar provision would be very incomplete. We should enable some officer of the Government to exercise this power; and certainly no officer of the Government should be intrusted with such a power but the President.

Mr. SQUIRE. Mr. President, I wish to inquire if an amendment is in order at this time?

The VICE-PRESIDENT. An amendment is now in order.

Mr. HARRIS. I submit to the Senator that we had better dispose of the pending question. There is an amendment pending to section 7 which has not yet been acted upon. When that is acted upon, then the whole bill will be open for amendment, and the Senator will then have an opportunity to offer his amendment.

Mr. SQUIRE. Very well.

The VICE-PRESIDENT. The question is on the amendment submitted by the Senator from South Dakota [Mr. KYLE].

Mr. VEST. I desire to ask a question of the Senator from Louisiana. Do I understand the Senator to hold that without the seventh section of this bill the Secretary of the Treasury, as the bill now reads, would have authority to exclude immigration entirely from this country?

Mr. WHITE. I hold that under the first section of the bill giving him power to make rules and regulations, he can make such rules and regulations as he could make under the quarantine power, which would exclude people from this country.

Mr. VEST. It seems to me, with entire respect to the Senator from Louisiana, that that ignores the fundamental idea of a quarantine. Quarantine laws are based upon the incipient fact, and the necessary fact, that a foreign vessel should reach or come within the jurisdiction of the United States. As a matter of course, so long as that vessel is outside of our jurisdiction no law of Congress or of a State or municipality could have an extra territorial effect upon it. It is impossible to conceive of a quarantine unless you admit that the foreign vessel has come within the jurisdiction of our country. Therefore, although the choice of the word may not be exactly appropriate, it is absurd to hold that the quarantine authorities have the right to prohibit immigration entirely. The two powers must be, in the very nature of the case, absolutely and radically distinct.

The President of the United States, when he exercises that extraordinary power, says to the whole world, "You shall not come within the jurisdiction of this country; there shall be absolute nonintercourse in the interest of the health and the lives of the people of the United States." A quarantine law, upon the other hand, says, "You may come within the jurisdiction of the United States, but when you do you shall be subject to certain regulations, and until those regulations are complied with your passengers shall not be landed upon our shores." Therefore, I hold it is logically and absolutely necessary, if we desire to create this power to exclude immigration, that the seventh section of this bill shall be retained.

Mr. WHITE. Mr. President, if the Senator from Missouri will allow me, the word "quarantine" has its root in the word "*quarante*," by which for forty days there was an absolute inhibition of anybody coming into a port. That is what the word "quarantine" comes from. The courts have declared over and over again that the States have that power; and in my State the power has been enforced over and over again in holding people out for six months and for seven months during the entire summer period. Has it been claimed that that was not an exercise of quarantine power?

Mr. VEST. Will the Senator permit me to ask, through the Chair, can there be any application of the regulations of quarantine until a foreign vessel has come within the jurisdiction of this country?

Mr. WHITE. Certainly not.

Mr. VEST. Then, as a matter of course, there is not an entire prohibition of immigration, because the proclamation of the President would prevent a vessel from coming inside of our jurisdiction at all. That shows, it seems to me, beyond any question that the two powers are absolutely distinct.

Mr. WHITE. The power is not lodged in the President under this section in the bill, if the Senator will allow me, to prevent a vessel from coming in. It is to prevent particular persons from coming on the vessel.

Mr. VEST. As a matter of course, we are now legislating in regard to persons; we are now legislating in regard to immigration. To say that an empty vessel may come in with nobody upon it is, I submit, simply begging the whole question.

The VICE-PRESIDENT. The question is on the amendment of the Senator from South Dakota [Mr. KYLE] to the amendment proposed by the committee.

Mr. CULLOM. I think there is no objection to that.

Mr. VEST. There is no objection to that.

The amendment to the amendment was agreed to.

Mr. SQUIRE. I understand that the entire bill is now subject to amendment, and I offer an amendment to section 5.

Mr. PLATT. Section 7, as amended, has not yet been agreed to.

Mr. CULLOM. I suppose it is first in order to dispose of section 7.

Mr. CHANDLER. What is the question?

The VICE-PRESIDENT. The question is on agreeing to section 7 as amended by the amendment of the Senator from South Dakota [Mr. KYLE].

Mr. CHANDLER. On the adoption of the amendment as in Committee of the Whole?

The VICE-PRESIDENT. The bill is before the Senate as in Committee of the Whole.

Mr. CHANDLER. I am not opposed to the adoption of this amendment. I conceive that if we do not suspend all immigration for one year, as proposed by the bill pending in the Senate, we ought of course to give to the President the powers which are conferred by section 7. I am therefore heartily in favor of its adoption. I wish to say, however, that it will not prevent me from urging the passage of the bill totally suspending immigration for one year.

Here is a power given to the President to suspend in his dis-

cretion, whenever there is danger of infection, immigration coming from certain ports. If the law passes totally suspending immigration for one year, it will of course supersede the operation of this section 7 to that extent, but with the understanding that it will not prevent me from asking the Senate to consider the bill for the total suspension for one year, I advocate the adoption of section 7 as amended.

The VICE-PRESIDENT. Is the Senate ready for the question on agreeing to the amendment of the committee inserting section 7 as amended?

Mr. WHITE. I do not care about calling for the yeas and nays in Committee of the Whole on that amendment, but in order to do it in the Senate is it necessary that I should now reserve the amendment?

The VICE-PRESIDENT. It is not necessary.

Mr. CULLOM. The Senator will have the right to reserve it later.

The amendment as amended was agreed to.

Mr. SQUIRE. I submit an amendment which I send to the desk to come in at the end of section 5.

The VICE-PRESIDENT. The amendment will be stated.

The CHIEF CLERK. It is proposed to add to section 5:

Provided, That so far as relates to rules and regulations and enforcement thereof and the reports herein provided for, the Secretary of the Treasury shall execute the provisions of this act through the Supervising Surgeon-General of the Marine Hospital Service.

Mr. DOLPH. That amendment should not be adopted. In the first place, we have provided that the Secretary of the Treasury shall make these regulations and that he shall promulgate them, and he is responsible for their enforcement. We have provided at the beginning of section 4:

That it shall be the duty of the Marine Hospital Service, under the direction of the Secretary of the Treasury, to perform all the duties in respect to quarantine and quarantine regulations which are provided for by this act, and to obtain information of the sanitary condition of foreign ports and places from which contagious and infectious diseases are or may be imported into the United States, and to this end the consular officer of the United States at such ports and places as shall be designated by the Secretary of the Treasury shall make to the Secretary of the Treasury weekly reports of the sanitary condition of the ports and places at which they are respectively stationed.

Now comes the Senator from Washington [Mr. SQUIRE] with an amendment which will undo substantially all that we have done, and put the Secretary of the Treasury under the Surgeon-General of the Marine Hospital Service.

Mr. SQUIRE. I will explain the object of the amendment, if the Senator will allow me, as I was about to do.

If I recollect correctly, when the Senator from Oregon yesterday commenced to propose his amendments substituting the Secretary of the Treasury for the Marine Hospital Service, he made the remark that while the bill contemplated using the Marine Hospital Service, he thought for legal reasons it would be better to designate some particular officer, either the Supervising Surgeon-General of the Marine Hospital Service or the Secretary of the Treasury, and preferably the latter, for, as he said, the terms of the bill might require some expression of opinion from different physicians belonging to that service which it might be inconvenient to obtain, and therefore some expression should be used that would fix the legal responsibility more definitely so as to give effect to the law.

I agreed entirely with the Senator from Oregon in the position he took yesterday in proposing the several amendments which were agreed to on his motion; but in thinking this matter over and in conferring with others upon the subject, I find that there is a feeling that the bill as at present constructed seems to ignore this very important Bureau of the public service. It seems to put a slur or a slight upon it which is not necessary, and which is not deserved by that Bureau.

I need not go, nor is it necessary that I should do so, into the history of this Bureau of the Government, which operates under the Secretary of the Treasury; but it is well known that this Bureau is an important one. It has been efficiently conducted, it is well officered; nobody can complain or has complained that it is inefficient; and why should we, by implication, cast a slur upon it?

The object of the amendment I have offered is simply to make at least a graceful recognition of that Bureau. I may say, perhaps properly at this point, that in order to make sure that this amendment would be acceptable to the Secretary of the Treasury, I have consulted with the Secretary on the subject, and he used the very language which I have used—that it would be a graceful recognition of this very important Bureau coming under his Department. He expects to use this Bureau in the same manner in which it has been heretofore used, and it would be very appropriate to suitably recognize the Bureau in this bill.

I can see no objection to the adoption of the amendment. It seems to me that the Senate by the amendments heretofore adopted, substituting the Secretary of the Treasury for the Marine Hospital Service, and various other corrections which were made to conform thereto, has practically done all that was needful by way of making the Secretary of the Treasury the main responsible agent of the Government for the conduct of this business, and that we should recognize also the Marine Hospital Service, and in so doing recognize its efficiency.

Mr. VEST. Will the Senator permit me?

Mr. SQUIRE. Yes, sir.

Mr. VEST. Have not the Senator and the Supervising Surgeon-General of the Marine Hospital Service overlooked the first lines of the third section which we have left in the bill?

That the Marine Hospital Service shall coöperate with and aid—

And as amended shall immediately after the enactment of this law "make examination of the quarantine regulations by any State or municipality, and shall coöperate so far as it lawfully may," etc. There is an express recognition.

Mr. SQUIRE. I admit that there is one reference by name to the Marine Hospital Service.

Mr. VEST. That was left deliberately in the bill, for I yesterday called the attention of the Senator from Oregon [Mr. DOLPH] to the fact.

Mr. SQUIRE. If the Senator will permit me, as I understand, these various rules and regulations have already been practically prepared by the Supervising Surgeon-General of the Marine Hospital Service, as it is expected that this bureau will prepare and provide the rules and regulations and pursue the same course with reference to them as it has heretofore.

Of course, any study or preparations of this sort have been for the purpose of saving time at this important juncture.

Mr. VEST. I do not wish to discuss the matter, but will the Senator permit me to call his attention also to section 4 of this bill, which has left in it this language:

That it shall be the duty of the Marine Hospital Service under the direction of the Secretary of the Treasury, etc.

There is another recognition of that bureau. I think the Supervising Surgeon-General is supersensitive on this point.

Mr. SQUIRE. Mr. President, I do not mean to presume to represent the Supervising Surgeon-General, but I know that many of his friends think that the course pursued yesterday may be regarded as a slur upon him. I do not believe the Senate intends to do that. It seems to me that we can just as well do what is desired, without any imputation of that kind, by this graceful recognition, which the Secretary of the Treasury himself is willing to accept and says he thinks is proper to be incorporated as a provision of the bill.

It may not be known to all that there have been some things occurring in the management of this Bureau which have not been altogether smooth. The point I wish to bring out distinctly is, that Congress, if it enacts this measure and it becomes a law, does not intend to give any color to the proposition to make any other persons or officers an independent bureau, separate and distinct from the one which now exists, or any subdivision of that bureau, which may ignore the Bureau as it stands to-day, and which would be an independent and separate authority on this question. That is the point I wish fully considered. I think if we realize the position of this important branch of the service, its efficient organization for work, the work that it has done, and the interest which has been manifested in its operations heretofore, we will readily concede that this amendment should be adopted. The chief or head of the Bureau should be distinctly recognized in the bill and made responsible.

Mr. HARRIS. Mr. President, the amendment of the Senator from Washington is very largely intended as a mere legislative compliment to a set of physicians who are somewhat jealous of their positions. If the bill passes as it now stands the Marine Hospital Service is the only medical bureau which belongs to the Treasury Department. The Marine Hospital Service is recognized in the bill as the medical board of that Department, and in effect the Marine Hospital Service will perform all the duties that it would have performed if the amendments of the Senator from Oregon [Mr. DOLPH] had not been adopted. They were wholly unobjectionable to me, and perhaps obviated a possible ambiguity that might have arisen, and I very cheerfully accepted them; but as a matter of fact, in the popular opinion which exists among sanitarians throughout the entire country, these quarantine authorities ought not to be submitted to the Marine Hospital Service, but to a board of sanitarian scientists.

The Marine Hospital Service will perform all the duties which are demanded at the hands of medical officers if the bill passes as it now stands, and I am not inclined myself to get up a controversy or to encumber the bill with such an amendment as the Senator from Washington has presented in order to pay the graceful compliment which he says the amendment would be. There is certainly no reflection upon the Marine Hospital Service in the bill as it now stands. If the bill passes it repeals the act which created the National Board of Health. I may say that, growing out of professional jealousy, which ranks as high among

doctors as any other people on the face of the earth, while the National Board of Health existed it was crippled, embarrassed, and finally starved to death by the active hostility of the Marine Hospital Service. I bear no malice. I intend to deal with absolute fairness and justice with the Marine Hospital Service, but I am not going out of my way to compliment them in a legislative enactment.

Mr. CALL. Mr. President, the act of 1878, for the prevention of the introduction of contagious diseases into the United States, recognized this Bureau of the Treasury Department. That act provides that—

> At all other ports where, in the opinion of the Secretary of the Treasury, it shall be deemed necessary to establish quarantine, the medical officers or other agents of the Marine Hospital Service shall perform such duties in the enforcement of the quarantine rules and regulations.

The act of 1890 contains a similar provision, which reads as follows:

> And it shall be the duty of the United States attorney in the district where the misdemeanor shall have been committed to take immediate cognizance of the offense, upon report made to him by any medical officer of the Marine Hospital Service.

The act of 1890, approved on the 27th of March, provides that—

> The said rules and regulations shall be prepared by the Supervising Surgeon-General of the Marine Hospital Service, under the direction of the Secretary of the Treasury.

This has been the uniform language of all the acts relating to quarantine. Why, then, should we have spent the whole day yesterday upon the proposition that the words "Marine Hospital Service" were indefinite and required all the officials of that Bureau to convene in order to perform any act? Why give the Secretary of the Treasury the absolute authority to disregard in making these regulations the recommendations of the Marine Hospital Service? To the contrary, we have all the former acts which have been passed by Congress upon the subject.

There is a reason beyond that of compliment to this Bureau or to the very eminent physician who is now the Supervising Surgeon-General. There is a reason connected with public policy. This bill confers the most extraordinary power. The Constitution in express terms prohibits that there shall be any regulation of commerce giving a preference to ports of one State over that of another. This bill in direct terms gives authority to the Secretary of the Treasury to make regulations of commerce in the nature of quarantine regulations, prescribing the particular ports in which commerce may be carried on and where vessels may enter.

From the necessity of the case, Mr. President, I was willing to give this authority in a case of extreme urgency, but shall it be an absolute and unlimited authority? Why say that the Secretary of the Treasury shall do it without consulting a bureau specially created for the purpose of inquiring into this service, for whose aid large appropriations have been made every year? Why so carefully eliminate every clause of the bill except the two mentioned by the Senator from Missouri and the Senator from Tennessee? The clauses to which they refer ought not to be in the bill upon the propositions on which other provisions referring to the Marine Hospital Service were stricken out, for every reason for striking out the other clauses applies to that part of the bill in which these words are left. The words that were left do not apply to the rules and regulations which the Secretary of the Treasury is authorized to make for the exclusion of infectious or contagious diseases, and the making of these rules and regulations constitute the important part of the bill and constitute all its force and efficacy. Strike these out and there is nothing in the bill.

So far as these rules are concerned the bill gives the Secretary plenary authority. If the bill is constitutional he may declare one port to be the only port in which commerce may be carried on, stating that his opinion, in his uninformed opinion, without reference to the medical opinion of the country, he orders that the commerce shall be in that port alone.

The original bill said to the Secretary, "You may exercise this arbitrary power upon the recommendation and the approval or the initiation of the medical officers charged by law with the duty of informing themselves upon this subject." The bill, therefore, and the proposition of the Senator from Oregon are a discredit to the Marine Hospital Service. They are a declaration that that service is inefficient, incapable, and ought not to be retained. There can be no other justification for carefully eliminating from the bill every reference to the Marine Hospital Service and giving an arbitrary and unlimited power to the Secretary of the Treasury upon his own motion and his own unadvised opinion to make a preference of one port over another.

I am willing, Mr. President, to have a national quarantine if it be necessary. I am willing to have the authority of Congress to regulate commerce extended to the point of prohibiting it as a measure of protection against disease in a case of extreme urgency, but surely that authority ought to be carefully limited and ought to be exercised only upon the recommendation of an intelligent medical opinion carefully obtained, and aided by the Government to obtain the information upon which such action should be taken.

Mr. CHANDLER. Mr. President, I am not opposed to any compliments which the Senator from Washington or any other Senator may see fit to pay to the present Supervising Surgeon-General of the Marine Hospital Service. So far as I know and believe he is a capable and accomplished officer, in every way fitted for the work of the service, and is doing that work well and faithfully. But I think under the circumstances he is sufficiently recognized in the use of the words "the Marine Hospital Service" in two places in the bill.

As the bill was reported by the Senator from Tennessee, it was objectionable, to my mind, and I called his attention to the frequent use of the words "Marine Hospital Service." He said that upon the motion of any Senator he would have no objection to those words being stricken out, and the words "Secretary of the Treasury" inserted in every case.

The Senator from Oregon [Mr. DOLPH], in making the motion to amend did not strike out the words "Marine Hospital Service" in every case, but has left that clause in the bill in two places. In the third section the Marine Hospital Service is required to coöperate with and aid State and municipal boards of health in the execution and enforcement of the rules and regulations of such boards and in the enforcement of the rules and regulations made by the Secretary of the Treasury; and again in section 4 it is made the duty of the Marine Hospital Service, under the direction of the Secretary of the Treasury, to perform all the duties in respect to quarantine and quarantine regulations which are provided for by this act.

Moreover, the Senator from Ohio [Mr. SHERMAN] has called my attention to the statute creating the office of Supervising Surgeon-General of the Treasury Department, which makes it the duty of the Secretary of the Treasury, as a general rule, to employ the Marine Hospital Service and the Surgeon-General of that service to do this kind of work when committed to the Treasury Department. I will read the first section of the act, section 4802 of the Revised Statutes:

> The Secretary of the Treasury shall, from time to time, appoint a surgeon to act as Supervising Surgeon of the Marine Hospital Service, who shall, under the direction of the Secretary, supervise all matters connected with the Marine Hospital Service.

There is the law by which the Secretary of the Treasury is obliged to employ the Supervising Surgeon-General to supervise all matters connected with the Marine Hospital Service; and here in this proposed act in two places the Marine Hospital Service has committed to it the duty of doing all this work.

Now, Mr. President, what more can the present, able, and efficient Supervising Surgeon-General of the Marine Hospital Service desire? Is that not sufficient without his asking us to turn from the consideration of weightier matters in the bill to pay him, as the Senator from Washington says, a compliment on account of his efficiency? I pay him the compliment of being an efficient officer, but I do not believe in passing laws giving power, as a general rule, to anybody in the Departments of the Government but the heads of Departments.

I do not believe by legislation in naming the bureaus and subordinate officers of the various Departments except when it is absolutely necessary to do so. I think the powers which are conferred by act of Congress upon the President and the heads of Departments should be given to the President and heads of Departments. Of course the President and the Secretaries will use the proper subordinate officers, and no other officers, to perform the duties which Congress imposes upon the Executive, but to tie down and limit the Secretary of the Treasury in every section of a bill of this kind to use one particular officer and no other when we want him to accomplish the great end that it is his duty to accomplish, and if he can not accomplish it by one bureau of his Department to accomplish it by another bureau of his Department, is, it seems to me, a mistake in legislation. I think the Senator from Washington should regard the rights, and interests, and prerogatives, and dignity, and character, and honor of the present able Supervising Surgeon-General as being well protected by the bill as it stands.

Mr. HARRIS. There is nothing in the bill which can by any possibility be construed into any reflection on the Supervising Surgeon-General of the Marine Hospital Service, nor is there anything in what I have said which can be justly construed into any criticism of that officer. I know him very well, and regard him as an able, efficient, and accomplished officer. I should be very far from being willing to reflect upon him, and when the proper time comes I will myself move to insert after the word "the," in line 1, of section 3, page 3, the language "Supervising Surgeon-General of the;" so it will read: "That the Supervising Surgeon-General of the Marine Hospital Service" shall perform the duties there assigned to the Marine Hospital Service. I shall also

move the insertion of the same language in the same connection in the first line of section 4. It does not change the substance, or effect, or the operations of the bill in the slightest degree, and I am perfectly willing to insert that language.

The PRESIDING OFFICER (Mr. CULLOM in the chair). The question is on the amendment of the Senator from Washington [Mr. SQUIRE].

Mr. HARRIS. I hope the Senator from Washington will withdraw it and accept the suggestion that I make.

Mr. MITCHELL. Mr. President, I think this amendment ought to be adopted. Whatever may have been the intention, and we are bound to conclude it was simply an intention, to perfect the bill, the effect of the action taken yesterday is, in my judgment, very liable to be construed into a serious reflection on the present able and efficient Supervising Surgeon-General of the Marine Hospital Service, and for the reason which I shall state.

Mr. CHANDLER. Will the Senator from Oregon allow me to ask him a question?

Mr. MITCHELL. Certainly.

Mr. CHANDLER. I ask the Senator whether, if we were to strike out the words "Secretary of the Treasury" in the bill, it would not be a reflection upon the Secretary, and whether, if we now provide that the regulations which are to govern this whole subject shall be made by the Supervising Surgeon-General of the Marine Hospital Service instead of the Secretary of the Treasury, it is not a reflection upon the Secretary of the Treasury?

Mr. MITCHELL. Not at all; not under existing circumstances by any manner of means.

Mr. CHANDLER. Then how is it a reflection upon the Supervising Surgeon-General of the Marine Hospital Service?

Mr. MITCHELL. If the bill had come from the committee originally without naming in every section, as it did, this particular Bureau by designation, designating it as the Marine Hospital Service, then any amendments which might have been offered here would have received perhaps a different construction; but when a bill as it comes from the committee has a recognition, in its every section from beginning to end, of this particular Bureau, and provides in every section to the effect that the operations of the bill shall be carried out by the Secretary of the Treasury through this Bureau, then, when all those provisions have been eliminated and the whole matter turned over absolutely to the Secretary of the Treasury, it amounts, it seems to me, to a reflection on that Bureau and on the head of that Bureau that ought not to be indulged in, to say the least.

I agree that the terms used in the original bill, "the Marine Hospital Service," ought to have been amended. I agree fully with my colleague in the criticism he made yesterday upon that clause being inserted and used as a designation of a source of authority. But the amendment that should have been made, in my humble judgment, was not by striking out that clause and inserting "the Secretary of the Treasury," but by striking out that clause and inserting "the Surgeon-General of the Marine Hospital Service," which would be a designation of a certain officer, the chief of the proper Bureau, through whom the Secretary of the Treasury would execute the law.

Mr. HARRIS. Does not the Senator recognize the fact that the operations of the bill as amended yesterday will be precisely the same that they would have been if the amendments had not been made?

Mr. MITCHELL. I hardly think so. I think the bill as amended yesterday will leave it open to the Secretary of the Treasury, provided he is so disposed, to create or revive perhaps another board of health, creating a second bureau or some similar authority, and thus designating certain officers other than the Surgeon-General of the Marine Service and his subordinates and associates to exercise functions appropriately and properly pertaining to them.

Mr. HARRIS. Can he create a board of health with statutory authority?

Mr. MITCHELL. Certainly not; but that is the precise question, as to whether the bill as it stands does not confer this authority and whether it may not lead to the old contention that existed here for years between the National Board of Health and this very Bureau.

Mr. HARRIS. Will the Senator allow me to suggest that the bill repeals the act which created the National Board of Health. The National Board of Health never could have been created without the authority of an act of Congress. The Secretary of the Treasury under this bill will have no more power to create a board of health or any other organization than he will have to change the time at which the sun shall rise.

Mr. MITCHELL. That after all is a matter of construction. I differ with the Senator from Tennessee, the chairman of the committee, in reference to that matter. I do not claim that the Secretary of the Treasury under this bill, if it should become a law, would have power to revive the old National Board of Health. I do not insist upon that, but I do insist that the striking out of these words yesterday and the insertion of the phrase "the Secretary of the Treasury" gives a power to the Secretary of the Treasury in respect of the instrumentalities he shall employ in the execution of the law that he did not possess under the bill as it stood yesterday. It amounts moreover, in addition, in my judgment, to an unwarranted reflection upon the present Marine Hospital Bureau and upon the very able and efficient Surgeon-General of that Bureau.

Mr. CHANDLER. Will the Senator allow me to ask him a question?

Mr. MITCHELL. Certainly.

Mr. CHANDLER. The Senator from Tennessee has stated what he will move to insert if the pending amendment is withdrawn. In the first line of section 4 he will move to insert the words "Supervising Surgeon-General," and then this proposed law, about which Dr. Wyman is so much exercised that he comes to the Capitol to have his personal status defined by law, will read——

Mr. MITCHELL. When it comes to that I am not aware, as far as I am concerned—the Senator from New Hampshire may know better—that Dr. Wyman has been at the Capitol at all. I have not seen him here for one, and am not aware that he has been here either personally or by proxy.

Mr. SQUIRE. May I be permitted to say——

Mr. CHANDLER. He has a right to come here. I make no criticism upon that.

Mr. SQUIRE. He expressly told me he would not come to the Capitol.

Mr. CHANDLER. I know that since yesterday Dr. Wyman has been exercised on this subject. That he has exercised any Senator I do not pretend to say. The fourth section as proposed to be amended by the Senator from Tennessee would read thus:

That it shall be the duty of the Supervising Surgeon-General of the Marine Hospital Service, under the direction of the Secretary of the Treasury, to perform all the duties in respect to quarantine and quarantine regulations which are provided for by this act.

Now, what more does Mr. Wyman want? Does he want the earth? Does he want to be made Secretary of the Treasury?

Mr. MITCHELL. Mr. President, I yielded to a question.

Mr. CHANDLER. Excuse me; I only asked a question.

Mr. MITCHELL. And I reply to the Senator from New Hampshire by asking him a question. Does the Surgeon-General of the Marine Hospital Service have the same power under the bill as it stands to-day, without an amendment, provided it becomes a law just as it is, that he would have if the amendment of the Senator from Washington were adopted?

Mr. HARRIS. Absolutely.

Mr. CHANDLER. Yes, I think so.

Mr. MITCHELL. Then, that being the case, what is the objection? Why are the Senator from New Hampshire and the Senator from Tennessee so persistent in insisting that this amendment shall not be adopted when both admit just now that it will not change the effect of the bill?

Mr. SQUIRE. If the Senator from Oregon will permit me I should like to make a correction. I understand that the Senator from Tennessee is not opposed to my amendment; that he is indifferent whether it is adopted or not. I should like to have him state if that is not the case.

Mr. HARRIS. At first blush I thought I would say that I was utterly indifferent as to whether the amendment was agreed to or not.

Mr. SQUIRE. That is what the Senator told me.

Mr. HARRIS. But having looked at the matter since that time, I think the amendment I say I shall propose if this amendment is withdrawn does everything the pending amendment can do. Indeed, without the amendment I propose the bill devolves these duties upon the Marine Hospital Service, and the present Surgeon-General is the executive head of that service and would perform them. But what more than the provision in the third section and in the fourth section Dr. Wyman or his most zealous friend can desire is what I can not see, except to go out of the way and repeat in a formal section what already appears in the bill upon the pure and cold idea of going out of our way to pay a personal compliment to the individual.

Mr. MITCHELL. This, of course, is no place for personal compliment as far as matters of legislation are concerned.

Mr. HARRIS. It is not.

Mr. MITCHELL. But this is quite a different question. It is a question both of power and appropriateness—legislative propriety. I am not quite sure, however, but the amendment suggested by the Senator from Tennessee substantially meets the requirements; but I can see no reason at the same time, in view of the amendments already made to the bill, why there should

be any objection on the part of the chairman of the committee, or on the part of any Senator, in fact, to the amendment offered by the Senator from Washington.

Mr. CHANDLER. I should like the privilege of giving the reason why the amendment should not be adopted.

Mr. MITCHELL. Let us have it.

The PRESIDING OFFICER. Does the Senator from Oregon yield?

Mr. MITCHELL. Certainly.

Mr. CHANDLER. I think ordinarily when a bureau officer is fastened by two statutes on the head of a Department so that the head of the Department can not use any other officer to do a particular thing, it is enough without his coming up to the Capitol and insisting upon being fastened upon the head of the Department by three statutes. Here is the first statute, section 4802 of the Revised Statutes, which provides that the "Supervising Surgeon-General of Marine Hospital Service * * * shall * * * supervising all matters connected with the Marine Hospital Service." Here is the other provision: That the Marine Hospital Service (and the Senator offers to put in the words "Supervising Surgeon-General") shall perform all the duties in respect to quarantine and quarantine regulations, and there is not anyhing else here. It is provided that he shall perform all those duties.

There are two statutes, and I do not believe in having the head of a bureau come up here when under those circumstances he is protected by two different statutes and insist upon it there would be a reflection cast upon him by the Senate of the United States when it is legislating upon a bill of this great public consequence because it does not legislate so as to fasten him upon the Secretary of the Treasury by a third statute. That is the reason why I am against the amendment proposed by the Senator from Washington.

Mr. MITCHELL. I hardly think the Senator from New Hampshire is justified in referring as he has done to the present Supervising Surgeon-General of the Marine Hospital Service by name and in the tone and manner he has, and insisting that he is here asking this and that. He is not here, so far as that is concerned, but I trust and believe he has a right to expect fair treatment at the hands of the Senate both in debate and in legislation.

Mr. CHANDLER. Does the Senator say he is not in the building now?

Mr. MITCHELL. Mr. President, I decline to yield further.

The PRESIDING OFFICER. The Senator from Oregon has the floor, and declines to yield.

Mr. MITCHELL. I might with the same propriety make another and counter assertion, because it amounts to nothing but mere assertion, as far as that is concerned, as I know no more about it than the Senator from New Hampshire knows about the Surgeon-General of the Marine Hospital Service. I take no personal interest in it. I might with the same propriety assert that a third party was here representing through Senators certain outside interests for the purpose of attacking this very Bureau. I might do that, perhaps, with the same propriety that the Senator from New Hampshire makes his assertion, and I might even name certain persons, perhaps, if I were disposed to bring in outside matters.

The Senator admits that the amendment does not change the effect of this proposed law, but insists with pertinacity that it shall not for some unknown reason be adopted, and that is all there is to it. In view of what took place yesterday this amendment simply equalizes matters, makes a proper distribution of the powers, gives a proper recognition to and vests appropriate powers in the Secretary of the Treasury and the proper bureau officer through which the law is to be executed.

Mr. PLATT. Mr. President, to say that I am surprised at the turn which this debate has taken and the spirit which is manifested this morning in relation to this matter, is to put it very mildly indeed. We were yesterday, all in good faith I think, endeavoring to fix and prepare the bill so that in some way this great danger which menaces the country could be taken under supervision and avoided. I venture to say that not in the mind of a Senator here yesterday was there any thought about the Supervising Surgeon-General of the Marine Hospital Service—I did not even know his title—but in good faith we were endeavoring to perfect a bill to prevent what we all so much fear, the introduction of cholera. Every amendment, in my judgment, was submitted by Senators and adopted by the Senate in perfect good faith looking towards that end, and although we differed, perhaps, in what ought to be done, there was that common purpose.

Now, the whole spirit of the discussion has changed and the Senate is excited, so far as it may be, as to whether some slight has not been intended to be put upon a certain officer of a certain bureau of a Department of the Government. I do not know why this has been thrust upon the Senate. I do not know whether the Supervising Surgeon-General of the Marine Hospital Service has complained or not. I had supposed him heretofore to be a gentleman qualified to fill his position, a gentleman of skill and eminence in his profession, a gentleman of good judgment, but I want to say that if he has come here and complained and has incited Senators to present his case to the Senate he is not the man to be where he is, and I do not want to recognize him at all.

Mr. WHITE. May I call the Senator's attention, before he takes his seat, to the fact that the Senator from Washington says the regulations which are to carry out the bill have already been written, before the bill is passed, by the Marine Hospital Service.

Mr. SQUIRE. I stated that the Bureau had prepared them, because there is no time to be lost. The regulations I understand have been prepared.

Mr. TELLER. Mr. President, the amendments made yesterday to this bill were made in accordance with the universal practice of Congress, that when we confer authority we confer it either upon the President or the head of a Department. It is most remarkable that anybody should complain that a bureau in the Treasury Department is not recognized in the bill. When we put a duty upon the head of a Department we give him all the agencies in his Department and he may select one or the other. It is to be presumed that he will select that bureau which is most capable of discharging the duties we have imposed upon him. It is an unheard-of proposition that we are to recognize a bureau of a Department or that it is a slight upon the head of the bureau if he has not his name mentioned in the bill.

The suggestion of amendment made by the Senator from Tennessee is objectionable in that view. We deal, I repeat, with the head of a Department and make him responsible. We have no right to say that he shall discharge the duties thus put upon him through one bureau or another. There may be a necessity that he shall use this Bureau and many others in case of great danger.

It does seem to me as if the head of that Bureau is afraid he will not have the consequential position he ought to have. I feel a good deal as the Senator from Connecticut does. Although I do not know the head of that Bureau, if that is his position he is unfit for the place.

The statement that because he is not named in the bill or because his Bureau is not is a reflection upon him or his Bureau is an unheard-of one in this body, and I think his friends are doing him great injustice and great harm. The best thing they can do is to withdraw all suggestions about this Bureau. Its name never ought to have been mentioned in the bill except so far as it was necessary to mention it for the purpose of assisting the Secretary of the Treasury in discharging the duties we have imposed upon him. Executive authority is intrusted in the first instance to the President, and through him and by him to the executive officers who are appointed under him, and not to subordinates like bureau officers.

Mr. SQUIRE. I should like to ask the Senator from Tennessee to state again what he proposes to substitute for my amendment.

Mr. HARRIS. I will with pleasure answer the question of the Senator from Washington, but before doing so I want to say to the Senator from Colorado that the amendment I propose does not change in the slightest degree the meaning or effect of the bill as it stands, whether the amendment is made or not. If the Senator from Washington will turn his eye on page 3, to the first line of section 3, I propose to insert, after the word "the," the language "Supervising Surgeon-General of the;" so that it will read:

That the Supervising Surgeon-General of the Marine Hospital Service shall coöperate with, etc.

Mr. SQUIRE. That is substantially what I wish to accomplish by my amendment.

Mr. HARRIS. Then in the first line of section 4, on page 5, at the bottom of the page, after the word "the," I propose to insert precisely the same language, "Surgeon-General of the;" so as to read:

That it shall be the duty of the Surgeon-General of the Marine Hospital Service, under the directions of the Secretary of the Treasury, to perform all the duties in respect to quarantine and quarantine regulations, etc.

That is certainly everything the Senator ought to desire, and it ought to be satisfactory to him, as it seems to me; yet it does not change the meaning of the bill or its operations in the slightest degree.

Mr. SQUIRE. With the explanation given by the Senator from Tennessee of the amendments he proposes to offer, and believing that those amendments will substantially cover the ground I intended to cover by my proposed amendment, I withdraw the amendment.

The PRESIDING OFFICER. By the consent of the Senate the amendment is withdrawn.

Mr. PLATT. I desire to say right now that the amendment proposed by the Senator from Tennessee will not pass without a yea-and-nay vote.

Mr. DOLPH. Is the amendment of the Senator from Tennessee pending?

The PRESIDING OFFICER. The amendment of the Senator from Tennessee has not been offered as yet. He has simply announced his intention to offer it.

Mr. HARRIS. Then I will move to insert the words I have indicated after the word "the," in the first line of section 3.

Mr. DOLPH. I desire to have one amendment considered at a time. I wish to discuss one and not the other. I ask the Senator to offer one amendment at a time.

Mr. HARRIS. Very well; I am offering now the amendment to section 3.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. In section 3, line 1, after the word "the," insert "Supervising Surgeon-General of the;" so as to read:

That the Supervising Surgeon-General of the Marine Hospital Service shall, immediately after this act takes effect, examine the quarantine regulations of all State and municipal boards of health and shall coöperate with and aid State and municipal boards of health in the execution and enforcement of the rules and regulations of such boards and in the execution and enforcement of the rules and regulations made by the Secretary of the Treasury to prevent the introduction of contagious or infectious diseases into the United States from foreign countries, etc.

Mr. DOLPH. I have no objection to that amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Tennessee [Mr. HARRIS].

Mr. PLATT. Upon that I ask for the yeas and nays.

Mr. COCKRELL. Will the Senator from Oregon yield to me for just a moment or two?

Mr. DOLPH. I will.

Mr. COCKRELL. I hope the Senator from Connecticut will not insist upon taking a vote by the yeas and nays on this question. I think a very unnecessary question has been thrust upon the Senate. The Supervising Surgeon-General of the Marine Hospital Service hails from my State. He is my personal friend. I think I feel as sensitive to his honor and his standing as any other Senator, and I confess I never dreamed in any of the amendments made yesterday that there was the least particle of reflection upon him, directly or indirectly, or any attempt to abridge, or restrict, or limit the power of the Supervising Surgeon-General. When the Marine Hospital Service was referred to, as a matter of course he is at the head of it, and that Bureau being under the Secretary of the Treasury, necessarily it was only proper and legitimate that the Secretary of the Treasury should be invested with the power. I never dreamed that the Secretary of the Treasury would ever attempt to create an independent bureau and employ officers not authorized by law, for the payment of whose salaries there was no provision of law, in order to overslaugh and set aside the Marine Hospital Service.

In other words, the Secretary of the Treasury has no power on earth except what we give to him, and he would have no power even if the whole Marine Hospital Service were stricken out of the bill to appoint any persons to perform the functions here imposed upon him except the arm we have given him already by law, the Marine Hospital Service. If we were to strike out every word in regard to the Marine Hospital Service, I appeal to the Senator from Tennessee to tell me how the Secretary would enforce this enactment except by the Marine Hospital Service?

Mr. HARRIS. That is the only medical Bureau.

Mr. COCKRELL. It is the only medical bureau he has. We are simply quibbling over something that exists only in the imagination and not in fact. If we strike out of the bill everywhere the Marine Hospital Service and do not mention it, the Secretary of the Treasury still has to use that arm. That is the only power he has of a medical nature. We do not create anything else. On the contrary we expressly wipe out of existence the National Board of Health. It is abolished literally and absolutely by the bill, although it has not existed for years. There is an express provision in the bill wiping it all out.

I think the amendment of the Senator from Tennessee ought to be agreed to, and let us go on and pass the bill and get rid of it.

Mr. DOLPH. Mr. President——

The PRESIDING OFFICER. The Senator from Connecticut demands the yeas and nays upon the amendment of the Senator from Tennessee.

Mr. DOLPH. I have the floor.

Mr. HARRIS. I wish to appeal to the Senator from Connecticut.

Mr. DOLPH. I desire to make a few remarks. I intended to make them upon the amendment of the Senator from Washington.

Mr. HARRIS. I certainly do not propose to interfere with the Senator from Oregon, but I do want to beg the Senator from Connecticut not to insist on his demand for the yeas and nays.

Mr. PLATT. I will not at this time, but I desire to say that the amendment will not be finally adopted by the Senate without a yea-and-nay vote, if the Senate will give it on my request.

The PRESIDING OFFICER. The demand for the yeas and nays is temporarily withdrawn. The Senator from Oregon will proceed.

Mr. DOLPH. Mr. President, I had intended before the amendment submitted by the Senator from Washington was withdrawn to have made some brief remarks upon it. I had never read the bill under consideration until yesterday, when I heard it read from the desk. As it was read, and when I came to examine it, I believed that there were certain powers conferred upon the Marine Hospital Service and certain duties required of the service which had better be imposed upon and required of the Secretary of the Treasury. Besides, I had an impression that the use of the term "Marine Hospital Service," where something was to be done like the framing of regulations, was an unfortunate phrase, and that if we were going to require any service of that kind of the Bureau it should be required of the chief of the Bureau.

For these reasons I offered yesterday in the Senate, without any particular study, the amendments which were adopted, with the intention of perfecting the bill, and I hope everyone will believe without the slightest intention of reflecting upon the Supervising Surgeon-General of the Marine Hospital Service. I desire to say that I am personally acquainted with that officer. My contact with him has been most pleasant and I have nothing in the world to complain of in him. I believe him to be an officer well qualified to perform the duties of his office and disposed to perform them faithfully.

One amendment made yesterday, where "the Secretary of the Treasury" was substituted for "the Marine Hospital Service," relates to the power to make and the duty of making rules and regulations which are to have the force of law in regard to quarantine. I said yesterday what I repeat now, that I do not like that legislation very well, but if we are going to authorize an officer of the Government to make such regulations I prefer that the head of the Department shall be authorized and required to make such regulations instead of some subordinate officer of the Government.

Now comes the Senator from Washington and proposes an amendment, as follows:

Provided, That so far as relates to rules and regulations and the enforcement thereof, and the reports herein provided for, the Secretary of the Treasury shall execute the provisions of this act through the Supervising Surgeon-General of the Marine Hospital Service.

That makes the power of the Marine Hospital Service greater than it was under the original bill. It makes the Secretary of the Treasury subordinate to the Marine Hospital Service and requires the rules and regulations to be made by that service under the direction of the Secretary of the Treasury. If it had referred solely to the enforcement of rules and regulations, then it would not have been at all necessary, because in the amendments I offered yesterday, and which were adopted, I carefully left in the bill everything that could be properly performed and should be performed by the Marine Hospital Service. Under section 3 as it was left in the bill it is provided:

That the Marine Hospital Service shall coöperate with and aid State and municipal boards of health in the execution and enforcement of the rules and regulations of such boards and in the execution and enforcement of the rules and regulations made by the Secretary of the Treasury to prevent the introduction of contagious or infectious diseases, etc.

In section 4 as it was left in the bill after the amendments of yesterday it is provided:

That it shall be the duty of the Marine Hospital Service under the direction of the Secretary of the Treasury, to perform all the duties in respect to quarantine and quarantine regulations which are provided for by this act, and to obtain information, etc.

I say these two sections provide that the Marine Hospital Service shall perform everything that it is proper for them to perform. The amendment of the Senator from Washington would take from the Secretary of the Treasury the power to make regulations. As the bill now stands it is provided that the Marine Hospital Service shall execute the regulations, but the Senator from Washington attempts by his amendment to restore the power to make rules and regulations to the Marine Hospital Service.

I have no objection, myself, to the first amendment suggested by the Senator from Tennessee, that the words "Supervising Surgeon-General of the" shall be inserted in the first line of section 3; so as to read:

That the Supervising Surgeon-General of the Marine Hospital Service shall coöperate with and aid State and municipal boards of health.

I suppose that would give him power to coöperate through his subordinates in the service. If it does not I do not think it

would be very material; but when you come to the place where it is proposed to insert the words in the fourth section I think that would hurt the bill. I think the words "Marine Hospital Service" ought to be retained there. As it reads now it is provided:

That it shall be the duty of the Marine Hospital Service, under the direction of the Secretary of the Treasury, to perform all the duties in respect to quarantine and quarantine regulations which are provided for by this act, etc.

Physically it would be impossible for the Supervising Surgeon-General to perform all these duties. To construe the act so that it would effect the purpose it would have to be held that the direction to the Supervising Surgeon-General to perform all the duties would permit them to be performed by all the subordinates in his Bureau, and I think that would probably be the case. I think that it would not tend to perspicuity to adopt the amendment in section 4.

Mr. MCPHERSON. Mr. President, a single word in respect to the amendment offered by the Senator from Tennessee [Mr. HARRIS]. I do not see him in his seat, but I really hope that he will withdraw his amendment. It seems to me that such an amendment can possibly have no place in this measure of legislation. We are adopting a bill which confers all this power upon the Secretary of the Treasury, and we were careful yesterday in the amendments offered by the Senator from Oregon [Mr. DOLPH] to see that the Secretary of the Treasury was vested with full power.

The Marine Hospital Service is a service under the control of the Secretary of the Treasury—a part of his own Department. It should be subject to his orders. It is now proposed, however, that as to certain duties to be performed he is to be restricted in his choice of officers. It seems to me that that is not only insulting to the Secretary of the Treasury, but damaging as well to the Supervising Surgeon-General of the Marine Hospital Service. It is a virtual admission that unless he was named officially in the bill there was a fear he would not be recognized.

I can imagine a condition of things which may arise which would require that the Supervising Surgeon should be absolutely removed from office in case, we will say, of disabilty, his inability to perform the duties, and as the bill clearly makes it his duty and nobody else's duty, would not the Secretary of the Treasury be obliged to remove him from office, as there can be but one occupant of that office, and appoint some one else to perform the duties? The question is, Can this be a temporary appointment or can it not? It seems to me that it would work gross injustice, not only to the Supervising Surgeon, because, as I say, a condition of circumstances may arise where he could not perform the duties physically, and the bill makes it necessary for that officer and no other officer to perform them.

Mr. HARRIS. Will the Senator allow me to suggest to him that if the Supervising Surgeon-General of the Marine Hospital Service should be stricken to-day with paralysis there would be an acting Supervising Surgeon-General in less than a minute? The office would always be full. There is always somebody to perform its duties.

Mr. MCPHERSON. It would seem to me that when you designate that these duties shall be performed by a man who is alive, although in a measure incapacitated, it is entirely unnecessary to put any such provision in the bill. It complicates it.

I hope the Senator from Tennessee will withdraw the amendment, for I do not believe the Senate wants to pay a compliment in the bill. I do not think it is a proper thing to pay compliments in an act of legislation of this great Government, nor do I think that the service will be any better performed by the substitution of these words.

Certainly every Senator can see in a moment that the Supervising Surgeon-General of the Marine Hospital Service would have charge, so far as he would be able to perform them, of the duties imposed by the bill, but why not leave the whole responsibility where it belongs, with the Secretary of the Treasury, to detail an officer? I can imagine other difficulties in the way. I have witnessed myself within the past six months a conflict of authority between Government officers and State officers with regard to this same subject. I have noticed the sparring backwards and forwards frequently. Suppose that for personal reasons, if you please, the Supervising Surgeon-General of the Marine Hospital Service is unable to agree with the State authorities who are made a part of this whole system. It is a dual system. It is a Federal system and a State system mixed together. Then it might be necessary to detail some other officer from the Marine Hospital force in order to get along comfortably with the officers appointed by the States.

Hence it is there are multitudes of reasons why there should be no such restriction, and there is no reason existing in the world why it should be incorporated in the bill except the simple desire to pay a compliment to somebody.

Mr. CALL. Mr. President, the propositions which have been under discussion are not in my judgment immaterial. Before I make some observations upon that point I wish to say that I think very great injustice has been done the Supervising Surgeon-General of the Marine Hospital Service, that is, the person now filling that office. I have heard intimated here suspicions of that officer having made observations, objecting to the amendments, of recommending other amendments to the bill, or criticising it "in some shape, or soliciting notice or compliment in the bill now under consideration, but no Senator has directly made such a statement. Therefore, I think it is unfair to have assumed it by such expressions as "if the Surgeon-General had done so he is unworthy of his position." It is not fair by ifs and ands and suggestions and surmises to impute disgraceful things to men. This officer, in my opinion, is a man of high character and of delicate consideration in regard to himself and his claims to public consideration.

But, Mr. President, this is not an immaterial question, as has been suggested by the Senator from Missouri [Mr. COCKRELL]. It does not concern the mere personal character of the person who shall be or who is now the Supervising Surgeon General of the Marine Hospital Service. The previous laws upon this subject have always used the language contained in the bill before it was amended, and they have limited the power of the Secretary of the Treasury in respect to this most important subject, namely, giving a preference of one port in one State over that of another, contrary to the direct prohibition of the Constitution, a result which can only be justified by the existence of the most imminent and urgent danger to the whole public, to the people of that State or of every other State.

Why should not the discretion of the Secretary of the Treasury or the President be limited by the qualification that it shall be done upon the recommendation of men acquainted with the subject, and whose judgment and opinions are valuable and necessary? Why should not there be that limitation in saying to the Secretary of the Treasury you may close the ports of a State, you may prescribe the port in which the whole commerce of this country shall enter, but you shall only do it when in the opinion of advised, intelligent, and capable men there is an earnest and immediate and impending danger to the whole country? Why should not that qualification be impeosd by Congress upon the exercise of this great power?

The Senator from Missouri says that it is necessary always to give to the head of a bureau absolute, unlimited, and unrestrained power, and that Congress should not prescribe the manner in which that power shall be executed. What reason is there for such a proposition? Why should not Congress say to the President, the executive department, you shall not exercise your discretion in this case except upon the advice of such persons, and upon the occurrence of certain facts and conditions, which shall be ascertained, and upon this ascertainment the power that you have shall be exercised in your discretion?

In reference to quarantine that has been the uniform course of the law. Let us see. In 1878, on the 29th of April, Congress passed an act containing the following provisions:

That no vessel or vehicle coming from any foreign port or country where any contagious or infectious disease may exist, and no vessel or vehicle conveying any person or persons, merchandise or animals, affected with any infectious or contagious disease, shall enter any port of the United States or pass the boundary line between the United States and any foreign country, contrary to the quarantine laws of any one of said United States, into or through the jurisdiction of which said vessel or vehicle may pass, or to which it is destined, or except in the manner and subject to the regulations to be prescribed as hereinafter provided.

* * * * * * *

SEC. 5. That wherever, at any port of the United States, any State or municipal quarantine system may now, or may hereafter exist, the officers or agents of such system shall, upon the application of the respective State or municipal authorities, be authorized and empowered to act as officers or agents of the national quarantine system, and shall be clothed with all the powers of United States officers for quarantine purposes, but shall receive no pay or emoluments from the United States. At all other ports where, in the opinion of the Secretary of the Treasury, it shall be deemed necessary to establish quarantine, the medical officers or other agents of the Marine Hospital Service shall perform such duties in the enforcement of the quarantine rules and regulations as may be assigned them by the Surgeon-General of that service under this act.

So in regard to the act passed in 1888, and so in regard to the act of 1890, the power to make these rules and regulations is limited in the Secretary of the Treasury to their initiation by the Marine Hospital Service, not even using the term "Supervising Surgeon-General" always, but unquestionably every one understands that that would mean the Supervising Surgeon-General.

The Senator from Missouri says that if this clause were stricken out from the whole bill the Secretary of the Treasury could not carry into effect this act except in the manner and through the officers provided by Congress, viz, the Marine Hospital Service. But if an appropriation is given and if unlimited discretion is given to him to make rules and regulations, why can he not es-

tablish his own board of health? It depends upon the money; the power is here, the power to make rules and regulations in defiance of the opinion of every medical man in the world and of the experience of all countries. It is no answer to that to say he will not do it. It is no excuse for legislation to say that an officer will act wisely and intelligently within the power given to him when given a power which may be abused.

I do not believe there will be the slightest difference in the administration of the law by the Treasury Department whether any of these words are contained in this proposed act or not; but what then? Does it justify giving this arbitrary power contrary to all precedents in all the laws? Is there any reason for the proposition advanced by the Senator from Tennessee that an arbitrary and unlimited power shall be given to the Secretary of the Treasury to say there is cholera when there is not? Because we say to the man, "You shall fill that office," will it be wise to give him the power to say, "No port shall be entered but this one, although there is no cholera in the country, because I see fit to say under the power given me that there is cholera"?

There is no justification, Mr. President, in reason for that kind of a proposition. The bill as presented limited the power of the Secretary of the Treasury in giving a preference of one port to another and in closing the ports of a State, and of all the States if he saw fit to do so, by the qualification that he should not do it except upon rules and regulations prescribed by the medical officers of the United States. It is said he will not do it without the approval of those officers. Undoubtedly he will not, but why shall not the power be limited? He might abuse it. The law is intended to provide for possible abuses, and the limitations of the law are intended to prevent the oppressive use of the power granted by it.

Therefore, Mr. President, the amendment proposed by the Senator from Washington was a proper amendment and is in exactly the language contained in the preceding acts in reference to the enforcement even of these rules.

The VICE-PRESIDENT. The pending question is on the first amendment proposed by the Senator from Tennessee [Mr. HARRIS].

Mr. CHANDLER. I ask Senators who are interested in these various amendments to let them go over a little while until we can proceed with some other amendments which seem to me of some importance. If there is no objection I would call the attention of the Senator from Tennessee to amendments that I should like to move to section 3, on page 5.

The VICE-PRESIDENT. Is there objection to the request of the Senator from New Hampshire?

Mr. HARRIS. I have none, sir.

The VICE-PRESIDENT. The Chair hears no objection.

Mr. CHANDLER. On page 5, line 42, of section 3, I move to strike out the words "authorized by the laws of the United States and." It does not seem to me that when we authorize the Secretary of the Treasury to make such rules and regulations as are necessary to be observed by the vessels at the port of departure and on the voyage we need to make any qualification. It is not pretended that any State can make regulations which will affect the ports of departure and on the voyage, and therefore it seems to me that that power should be absolute.

Mr. HARRIS. The Senator from New Hampshire certainly does not suppose that that language refers to State laws. It refers to the acts of Congress.

Mr. CHANDLER. I understand; but why not let the words go out and let the Secretary have the power by this law, without looking to any other laws, to see whether the powers he wants to exercise under this clause are elsewhere conferred? I hope the Senator gets my point. The clause would then read:

The Secretary of the Treasury shall make such rules and regulations as are necessary to be observed by vessels.

Why does not that convey the whole idea of the Senator?

Mr. PLATT. He can not violate the law.

Mr. CHANDLER. As the Senator from Connecticut says, he can not violate the law, and we do not want him when he is exercising his powers to make regulations as to what shall be done in foreign ports and on the voyage to be obliged to look to any other clauses of the statute than this to determine what to do.

Mr. HARRIS. I see the force of the suggestion of the Senator from New Hampshire, and I shall not object to the amendment he proposes.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. In section 3, line 42, ofter the word "are," strike out the words "authorized by the laws of the United States and;" so as to read:

The Secretary of the Treasury shall make such rules and regulations as are necessary to be observed by vessels, etc.

The amendment was agreed to.

Mr. CHANDLER. I suggest that the forty-fifth, forty-sixth, and forty-seventh lines of section 3 should be either stricken out or amended. I will first move to strike out from the words "at which," in line 45, down to and including the word "shipped," in line 48.

Mr. PLATT. Including what has already been put in?

Mr. CHANDLER. Including what has already been inserted, so that the clause will authorize the Secretary of the Treasury to "make such rules and regulations as are necessary to be observed by vessels at the port of departure and on the voyage where such vessels sail from any foreign port or place to any port or place in the United States to secure the best sanitary condition of such vessel, her cargo, passengers, and crew."

Mr. HARRIS. That simply enlarges the power of the Secretary. He may make rules and regulations in respect to all ports except such ports as these conditions apply to.

Mr. CHANDLER. To all ports. The point I make is that as it stands the Senator will perceive the power is limited to making regulations for infected ports.

Mr. HARRIS. I see it is a limitation, and the Senator proposes to strike out the limitation?

Mr. CHANDLER. I do.

Mr. HARRIS. I shall not object to that.

The amendment was agreed to.

Mr. CHANDLER. Then I move to strike out the words from "at which," in line 45, down to "shipped," in line 48.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. In section 3, after the word "place," in line 45, strike out "at which contagious or infectious disease exists, or from which the President has reason to believe that infected articles of merchandise are being shipped;" so as to read:

The Secretary of the Treasury shall make such rules and regulations as are necessary to be observed by vessels at the port of departure and on the voyage, where such vessels sail from any foreign port or place to any port or place in the United States, etc.

The amendment was agreed to.

Mr. CHANDLER. I move to insert, as the last section but one of the bill, the following:

SEC. —. That there shall be, and hereby is, appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of $1,000,000, to be expended, or so much of the same as may be necessary from time to time, under the direction of the President and according to his discretion, to meet emergencies arising in the execution of the provisions of this act.

The amendment was agreed to.

The VICE-PRESIDENT. The amendment just agreed to, the Chair understands, will come in just before the last section of the bill. It will be section 8, and the present section 8 will become section 9.

Mr. PLATT. I move to insert, before the word "may," in line 39 of section 3, the words:

Adopt such measures as in his judgment shall be necessary to prevent the introduction or spread of such diseases, and.

Mr. HARRIS. The Senator thinks that power is not already given. I think it very proper it should be given. I think it is already in the bill.

Mr. PLATT. I fear it is not, and by way of abundant caution I propose to insert it.

Mr. HARRIS. I have no objection to the amendment.

Mr. WHITE. I call for the yeas and nays on it.

Mr. SQUIRE. It seems to me that the language of the amendment is very general. That language would give the power to the President to so act without reference to any rules or regulations and in contravention of them.

Mr. PLATT. Not at all.

Mr. SQUIRE. I shall object to the amendment.

Mr. WHITE. On the adoption of the amendment I call for the yeas and nays.

Mr. SQUIRE. I second the call.

The VICE-PRESIDENT. Is the demand for the yeas and nays seconded? [A pause.] The demand is not seconded by a sufficient number of Senators.

Mr. FRYE. If the Senator from Louisiana desires the yeas and nays the request ought to be put again.

The VICE-PRESIDENT. Is the demand for the yeas and nays seconded?

Mr. HARRIS. Of course I want to give any Senator the yeas and nays who desires them upon any given proposition; but I do think it very important that some action should be taken upon these general questions. I hope that Senators may arrive at definite conclusions as to what we ought to do and do something. There is absolute and very great necessity, in my opinion, for action. The yeas and nays demanded upon the various questions that will arise at this time, and in the present condition, means the utter failure of definite action to-day.

Mr. WHITE. I will state to the Senator that my purpose is to prevent action on the bill to-day if I can do so.

Mr. HARRIS. I so supposed; and that being the purpose, I shall not favor the Senator's demand for the yeas and nays. If he wanted them for any other purpose, however much I might disagree with him, I should always give them to him.

Mr. PLATT. May I be indulged a word by unanimous con-

sent? I dislike to suggest, in the absence of the Senator from Minnesota [Mr. WASHBURN], what seems to me to be the only practicable way of disposing of this subject, and that is to continue the order which was made the other day until Monday, when the Senate will be full. If the Senator from Minnesota were present I should make that suggestion, and ask that that might be agreed upon.

Mr. CHANDLER. With the further understanding that the bill shall be voted on upon Monday?

Mr. PLATT. Yes.

Mr. WHITE. No.

Mr. CHANDLER. The Senator from Louisiana says "no."

Mr. WHITE. I have no desire in the world to delay the bill by any captious objection. I have serious objections to many of the provisions of the bill. I was a member of the committee to which the bill was referred, I being in the minority, and I do not think the bill received serious or grave consideration in the committee. I have received telegrams this morning from the president of the board of health of my State, and from all the commercial bodies in my State, on the subject of the provisions of the bill. The parties are on their way here; they will be here, and whilst I could not agree to vote on the bill upon Monday, I shall make no captious objection or cause any trouble or delay whatever, but before the final vote is taken on the bill I desire to consult with them. I expect that they will perhaps be here on Monday.

Mr. CHANDLER. Upon the statement of the Senator from Louisiana, I will not ask for unanimous consent that the bill may be disposed of on Monday. I recognize the situation in which the Senator from Louisiana is placed. I recognize the peculiarities connected with the quarantine at the mouth of the Mississippi, which I believe to be an excellent quarantine service. At the same time I ask the Senator to bear in mind the fact that the Louisiana quarantine may be all right as it is, and may have no need of national legislation and no need of any part of the appropriation contained in the bill, but that the great peril we are seeking to deal with is in New York City. I hope if the Senator can manage to adjust and accommodate the wants and wishes of the Louisiana people so that the bill may not be hindered in its passage that he will do so. I believe it can be done.

Mr. WHITE. I will state frankly to the Senator that with every purpose he has in view I have entire sympathy, and I have no doubt we can coöperate, but not on the terms of this bill. I do not think that the far-reaching effects of the terms of the bill are now comprehended. I think the bill goes away beyond the necessity which the Senator has in view, and I think it creates a radical departure in the Government of a far-reaching kind. I think the provisions which do that in the bill are not explicit.

Take the singular admission which we have had made on the floor this morning. Take the admission that years ago Congress passed a national quarantine act, a national quarantine act doing what? Selecting representative men all over the United States, making the Surgeon-General of the Marine Hospital Service a member of that board, making the surgeon-in-chief of the Navy a member of that board, making the chief surgeon of the Army a member of that board, and putting on foot all the necessary machinery incipiently to do everything which might be required. Now, what is the statement made this morning? The statement made this morning by the distinguished Senator in charge of the bill is that all that legislation became inoperative. Why? Because of the relentless hostility of the Marine Hospital Service; that they went to work and fought the law, and that by their antagonisms they prevented appropriations and prevented it from being carried out.

Mr. HARRIS. If the Senator from Louisiana will allow me, I shall be very glad to add to that statement that it was done somewhat by the relentless hostility of the Marine Hospital Service and very largely by the relentless hostility of the New Orleans board of health.

Mr. WHITE. That may be. That does not change the situation. Now, we have the anomalous statement made that here is this organized Bureau of the Government which for years has fought and resisted the exercise of power by the National Government, and what does that ultimate in? It ultimates in a bill which puts them in charge of this country from one end to the other, in charge of every town and every village in it.

It ultimates in a bill which puts this vast country entirely in charge of this Bureau in Washington. That is what the bill provides, and an analysis of the bill will show it. Before this bill is voted on I expect to be heard and to make, if I can, a demonstration of that fact.

The grant of power in the bill is a covert grant of power; it seeks to accomplish its objects by indirection; it is not a frank and open statement of the grant of power, but it is a grant of power by insinuation, by which if a case of typhus fever or a case of scarlatina or a case of diphtheria occurs in the city of Boston or the city of New Orleans or anywhere else this board may come in and take charge and displace the local municipal authorities. We have had this remarkable statement made about the reason why the other system had not been carried out, supplemented by the statement on the floor this morning that the Marine Hospital Service have prepared the rules which are to execute this proposed law before the bill has even passed the Senate.

I say those things rivet my attention and seem to me to demand at our hands a most serious consideration of the provisions of the bill.

Mr. MCPHERSON. Mr. President, the Senator from Louisiana [Mr. WHITE] is quite right when he says this bill undertakes to do by indirection what I think would be infinitely more creditable to the Senate to do directly and with emphasis. It would, to my mind, be a sorry spectacle if we were now to pass this bill, in which you can scarcely tell where the Federal authority begins or the power of the State authority ends; in short, it is a dual mixture of authority. Not to incorporate in this bill the amendment offered by the Senator from Connecticut [Mr. PLATT] is simply to tie up the hands of the President, for you confer upon the President, as the bill now stands, only the authority to appoint officers and agents to do what? To see that the laws are executed. But in the hands of the President there is no power to make regulations, unless you give the power conferred by the amendment offered by the Senator from Connecticut.

You appropriate $1,000,000 for what purpose? To enable somebody to adopt certain measures which are to be sufficient to protect the country from the encroachment of these diseases. This amendment proposes to confer the power which rightfully belongs to the President, not only to appoint the agents but also to adopt and use such measures as may be necessary for the purpose of preventing the introduction and spread of infectious and contagious disease.

The VICE-PRESIDENT. Is the demand for the yeas and nays on the amendment seconded?

Mr. CHANDLER. I ask unanimous consent—I have not consulted the Senator from Tennessee [Mr. HARRIS]—that the special order which was made the other day, under which the Senate is now acting, may be continued to include Monday.

Mr. HARRIS. I should be very glad indeed to have the special order continued; but in the absence of the Senator from Minnesota [Mr. WASHBURN], who kindly yielded, when he had the power of objecting, to giving two days to the consideration of this measure, when the bill of which he is in charge had the right of way, I want to observe the utmost courtesy in respect to him.

Mr. CHANDLER. I will say to the Senator that it only includes Monday. The Senator from Minnesota is not here to-day; he is resting from his labors; and on Tuesday the unfinished business will be again in order.

Mr. MCPHERSON. In what way, if any, will that interfere with the request I made, which was complied with by the Senate, to be allowed an hour or two on Monday morning for the discussion of another subject?

Mr. CHANDLER. I understand that no special order interferes with any remarks a Senator proposes to deliver by the courtesy of the Senate. I ask unanimous consent for the order I have indicated.

The VICE-PRESIDENT. Is there objection to the request made by the Senator from New Hampshire? [Putting the question.] The Chair hears none, and it is so ordered.

Mr. PLATT. That continues the order of to-day until Monday?

Mr. HARRIS. Until Tuesday.

Mr. CHANDLER. Including Monday.

The VICE-PRESIDENT. To and including Monday, as the Chair understands.

Mr. PLATT. Mr. President, perhaps I ought to make a slight explanation of my proposed amendment.

So far from adopting the views of the Senator from Louisiana [Mr. WHITE], that we are giving a tremendous power to the Marine Hospital Service or to the Secretary of the Treasury, it seems to me we are really giving no power at all by the bill as it stands without my amendment. A careful analysis of section 3 shows just this in as few words as I may state it: Where a State has adopted quarantine regulations and made provisions for the exclusion of disease, the United States authorities shall aid the State authorities; and, then, if the Secretary of the Treasury shall think that the arrangements which have been made by the States and their rules and regulations are not sufficient, the Secretary of the Treasury may make additional rules and regulations for what? For the carrrying on of quarantine by State authority practically, for, although they will be United

States rules and regulations, the United States will have no means of carrying them out except through the State arrangements and State authorities.

When those are made what is the Government to do? Aid the States in carrying out the additional rules and regulations which have been made, and that only. Then if the States fail——

Mr. HARRIS. The Senator from Connecticut will allow me to make a suggestion right there, for I feel inclined to repel the remarks of the Senator from Louisiana [Mr. WHITE] and of the Senator from New Jersey [Mr. MCPHERSON] that secretly and indirectly we are seeking to give powers that we dare not avow. I suggest to the Senator from Connecticut that he insert in his amendment language to the effect that coöperation and those rules and regulations are limited by the terms of the bill to things which are necessary to prevent the importation of contagion from foreign countries into this and from one State into another, absolutely limited and confined to regulations of commerce with foreign nations and amongst the several States.

Mr. PLATT. I was saying, Mr. President, that clear up to the point where the State and municipal authorities fail or refuse to enforce rules and regulations which have been made by the Secretary of the Treasury, the Government has no power whatever. Now, if they fail or refuse to enforce those rules this bill as it stands gives certain powers to the President; that is, he shall execute and enforce the rules which have been made.

Mr. WHITE. Mr. President——

Mr. PLATT. Let me get through. Suppose the bill is not amended, the only power really given to the President is to execute some rules and regulations which have been made as to how the State shall conduct its quarantine, and if the State does not choose to allow the President the use of its quarantine buildings and the management of those buildings, the President is utterly powerless.

Now I will listen to the Senator from Louisiana.

Mr. WHITE. I only wish to ask the Senator in whom is lodged the power to determine whether the rules are enforced?

Mr. PLATT. I do not think the power is given in the bill. I think that if the question arises, for instance, in the State of New York whether the authorities of that State have failed or refused to execute the additional rules which have been promulgated by the Secretary of the Treasury, a conflict is going to arise just there on that point. That is why I said yesterday that I thought this bill was most ingeniously formed to precipitate a conflict between the State and national authorities. At any rate, there is nothing in the world by the bill which the Government can do if the State of New York says it has not failed or refused to execute and enforce the additional rules and regulations.

Mr. WHITE. May I ask the Senator another question?

Mr. PLATT. Certainly.

Mr. WHITE. Can the Senator point me to an instance from the foundation of the Government where such a controversy has been engendered where the practical result has not been a decision of that question by the Federal Government in its favor and the dominancy and operation of the power vested in the Federal Government?

Mr. PLATT. Hardly that in the history of the quarantine war, if I may call it so, in New York Harbor last fall. In other words, this bill as it stands involves just this: If the State concludes to allow the General Government to take possession of its buildings erected for quarantine, its hospitals, its machinery for disinfecting, and its inspection, then the President would have some power under it; but as the bill stands, if the State says "no," the President can do nothing; he has not the power to erect a hospital; he has not the power to do anything; he has not the power to make any arrangements whatever.

What was done last fall on the part of the Government was done under a power which was conferred in an appropriation bill, which provided a sum as an emergency fund and gave certain powers for the disposition of it. That provision is as follows:

> The President of the United States is hereby authorized, in case of threatened or actual epidemic of cholera, yellow fever, or smallpox, to use the unexpended balance of the sums appropriated and reappropriated by the sundry civil appropriation approved March 2, 1889, or so much thereof as may be necessary, in aid of State and local boards, or otherwise, in his discretion, in preventing and suppressing the spread of the same; and the additional sum of $100,000 is hereby appropriated for the same purpose.

It is just those words "or otherwise" that gave the Government the power to deal with cholera in New York last summer.

If you pass this bill and let this appropriation fail, neither the President nor the Government will have any power to deal with the cholera in the ports of New York, Boston, or New Orleans, except by the gracious permission of the State authorities.

I think we ought to give the Government the whole power; but I do think there ought to be some power in the bill, so that if the State authorities neglect or refuse entirely the President may take such measures as are necessary to prevent the introduction or the spread of disease. That is all I propose by my amendment. That power is not in the bill now, but it ought to be.

Mr. COKE. I ask unanimous consent at this time for the present consideration of a very short bill to which there can be no objection. It is House bill 9824.

The PRESIDING OFFICER (Mr. PASCO in the chair). The title of the bill will be stated.

The CHIEF CLERK. A bill (H. R. 9824) to amend "An act to promote the construction of a safe deep-water harbor on the coast of Texas," approved February 9, 1891.

Mr. HARRIS. Let the bill be read for information.

The PRESIDING OFFICER. The bill will be read at length for information.

The bill was read.

Mr. HARRIS. I wish to ask if the yeas and nays were ordered upon the amendment of the Senator from Connecticut [Mr. PLATT] to the bill which has been under consideration? I remember that they were demanded, but I do not know that they were ordered.

The PRESIDING OFFICER. The Chair is informed that they were not ordered.

Mr. HARRIS. I am not quite willing to allow other bills to be taken up when the bill which has been pending has the right of way. I wish to get along with it so far as it is possible to do so, and if the yeas and nays have not been ordered on the amendment of the Senator from Connecticut I wish to proceed.

Mr. CHANDLER. Have the yeas and nays been called for on the amendment?

Mr. HARRIS. I understood the Senator from Louisiana [Mr. WHITE] to ask for the yeas and nays on the amendment of the Senator from Connecticut?

Mr. WHITE. I understand now that it is pretty well apprehended that this bill will not be finally voted on to-day. With that understanding I shall withdraw the call for the yeas and nays. I do not want to be captious.

Mr. HARRIS. I should be glad to let the bill of the Senator from Texas lie over for a little while, and we may find an opportunity later for its consideration. Let us proceed now with the regular business as far as we reasonably may.

Mr. CHANDLER. I ask for a vote on the amendment of the Senator from Connecticut.

Mr. WHITE. I understand the amendment can be reserved for a separate vote in the Senate.

Mr. HARRIS. Of course the Senator can reserve the amendment for a separate vote and have the yeas and nays on it in the Senate if he chooses.

The PRESIDING OFFICER. Objection being made, the bill of the Senator from Texas [Mr. COKE] can not now be proceeded with. The Senator from New Hampshire [Mr. CHANDLER] asks for a vote on the amendment of the Senator from Connecticut [Mr. PLATT]. The amendment will be stated.

The SECRETARY. In section 3, line 39, after the words "same and," to insert "adopt such measures as in his judgment shall be necessary to prevent the introduction or spread of such diseases, and;" so as to read:

> The President shall execute and enforce the same and adopt such measures as in his judgment shall be necessary to prevent the introduction or spread of such diseases, and may detail or appoint officers for that purpose, etc.

The PRESIDING OFFICER. The question is on the amendment.

Mr. CALL. I hope the amendment will not be adopted. I am willing, for one, to vote in favor of the Government of the United States exercising the powers of national quarantine under very strict limitations; I am willing that the power should be granted to the executive department of the Government to suspend intercourse and even to do what the Constitution forbids shall be done as a regulation of commerce, close the ports temporarily where contagious diseases is in imminent danger of being imported into the country, believing that the language of the Constitution may properly be qualified to that extent; but to give an arbitrary power to the President to legislate, to exercise his discretion without limit, to do what Congress may do in making a regulation of commerce, I think is not only unnecessary, but is a very dangerous precedent.

It may be said that the President will wisely execute this power and will wisely frame the measures which he shall see fit to adopt to give a preference to one port over another by a regulation of commerce, for that is the necessary effect of closing the ports of any State or any one port in a State because of the danger of introducing infectious or contagious disease.

What justification can there be in reason for saying to the President "Whenever in your opinion it is proper to close the ports of a State Congress authorizes you to do so?" What authority is there to vest in the President the entire legislative power of Congress not to do a particular act, not to suspend the operation of a law, not to provide a regulation in the enforcement of a law, but in his judgment and discretion to adopt any and all measures for the closing of the ports of a State and the

opening of other ports, of controlling the commerce of the United States entirely? Who shall guarantee the integrity of the executive officer to whom this great power is intrusted?

I am willing to give him power to do any particular act; I am in favor of giving a large discretion to the executive officers of the Government; I am not afraid of vesting that authority, but I insist that it shall be done by careful legislation. I think the law should say when the President should do it, upon what information, and not say whenever in his opinion, be it wise or unwise, he thinks proper to adopt, not this particular measure, but any measure and all measures Congress authorizes him to do so. This is to declare him a dictator for the time.

I insist, Mr. President, that there is no such authority in Congress, and that the adoption of this amendment will be a serious obstacle to the passage of the bill.

Mr. HARRIS. I consented to that amendment, though I do not think it necessary. I think that power is given without the amendment, but the Senator from Connecticut is in doubt about that. The power given to the President to adopt the measures of which the Senator from Florida [Mr. CALL] speaks, is to the accomplishment of one object, and that object expressed by the bill, to adopt such measures as may be necessary to prevent the importation of contagion from foreign countries into this country, or from one State into another. He could adopt under this authority no measure except one pertinent and necessary to the accomplishment of that object, and if that object is not within the scope of Federal power there is nothing that Congress can do that is within the scope of the Constitution.

Mr. CALL. I will say to the Senator from Tennessee that that is not the point of the objection. The point of the objection is that Congress vests its entire legislative power as to the measures in the opinion of the President.

Mr. HARRIS. I intended in my remarks to state to the Senator from Florida that it does no such thing; that it gives the President the power to adopt measures to accomplish a strictly constitutional object and purpose—nothing more, nothing less. But if I had supposed that my remarks would provoke the Senator from Florida to enlighten the Senate further on this subject I should have withheld them.

Mr. CALL. Mr. President, the Senator from Tennessee is only equal upon the floor of the Senate to any other Senator, and I, for one at least, shall not be in anywise influenced in my discussion of a subject by the ill-natured remarks of the Senator.

I insist that the proposition of the Senator is altogether incorrect. The bill unmistakably, in its very language, gives to the President and Secretary of the Treasury, where it mentions them, the right, in their opinion, to adopt such measures as they think are necessary, and the amendment of the Senator from Connecticut so states in precise terms. That was the point of the objection, and the Senator's ill-natured reply can not affect the correctness of that objection; which was that he has brought a bill here giving the entire power of Congress to the discretion of the President, to be exercised as he may see fit and as to such measures as he may adopt. That is the point. The Senator's proposition is that the President is compelled to do such things as are necessary to a purpose declared by Congress. Necessary in whose judgment? Only in that of the President?

The Senator from Florida is as capable of enlightening the Senate as the Senator from Tennessee, and the Senator from Tennessee as often makes inopportune and too frequent remarks as the Senator from Florida.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Connecticut.

The amendment was agreed to.

Mr. HARRIS. If there are no other amendments to be offered as in Committee of the Whole, let the bill be reported to the Senate.

Mr. CALL. I have an amendment to offer, which I send to the desk.

The PRESIDING OFFICER. The amendment proposed by the Senator from Florida will be stated.

The CHIEF CLERK. It is proposed to insert as a new section the following:

SEC. 9. That whenever the proper authorities of a State shall surrender to the United States the use of the buildings or disinfecting apparatus at a State quarantine station, the Secretary of the Treasury shall be authorized to receive them and to pay a reasonable compensation to the State for their use.

Mr. CALL. I wish to modify my amendment by striking out the word "or," in line 3, and inserting the word "and;" so to read: "buildings and disinfecting apparatus," etc.

The PRESIDING OFFICER. The amendment will be so modified. The question is on the amendment as modified.

The amendment as modified was agreed to.

The PRESIDING OFFICER. The Chair understands that there are some amendments to be offered to the bill before it shall be reported to the Senate.

Mr. HARRIS. I did not remember that there were. I simply desire to give every Senator an opportunity to offer amendments as in Committee of the Whole as he will have afterwards in the Senate.

Mr. WHITE. I understand the Senator in charge of the bill has been kind enough to say that the question of taking the yeas and nays on the adoption of the amendment in the Senate is reserved.

Mr. HARRIS. Every Senator has the right to reserve any amendment made as in Committee of the Whole when the bill comes into the Senate, and the Senator will have the right in the Senate to demand the yeas and nays upon that reserved amendment.

Mr. WHITE. It is understood that I may do that?

Mr. HARRIS. Of course there is no question about that.

Mr. BUTLER. The Senate is very thin now, and before this important bill comes to a vote I move that the Senate adjourn.

Mr. HARRIS. I hope the Senator will withdraw that motion for two reasons. I objected a few moments since to the consideration of a bill of the Senator from Texas [Mr. COKE], because I wanted to go on with this bill; and I chance to know that the Senator from Wisconsin [Mr. SAWYER] is very anxious to have a brief executive session. Let the Senator from Texas call up his bill, which was read a little while ago.

Mr. BUTLER. I withdraw the motion for the purpose of enabling the Senator from Texas to have his bill considered.

Mr. CHANDLER. I hope the Senator from South Carolina will change his motion to one for an executive session.

Mr. BUTLER. I have no objection to that.

DEEP-WATER HARBOR ON TEXAS COAST.

Mr. COKE. I now ask unanimous consent for the consideration of House bill 9824.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 9824) to amend "An act to promote the construction of a safe deep-water harbor on the coast of Texas," approved February 9, 1891.

The bill was reported from the Committee on Commerce with an amendment in line 4, before the word "years," to strike out "five" and insert "two;" so as to make the bill read:

Be it enacted, etc., That section 2 of said act be so amended as to extend the time of commencing said work two years from the 9th day of February, 1893.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

PROPOSED SUSPENSION OF IMMIGRATION.

The PRESIDING OFFICER laid before the Senate a message from the President of the United States; which was read, and, with the accompanying papers, ordered to lie on the table, as follows:

To the Senate:

In response to the resolution of the Senate of January 6, 1893, calling on the Secretary of State for information whether the provisions of Senate bill No. 3513, absolutely suspending immigration for the period of one year, are in conflict with any treaties now existing between the United States and any foreign countries, I transmit herewith a report from the Secretary of State giving the information called for.

BENJ. HARRISON.

EXECUTIVE MANSION, *Washington, January 7, 1893.*

EXECUTIVE SESSION.

Mr. ALLISON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twelve minutes spent in executive business the doors were reopened, and (at 3 o'clock and 25 minutes p. m.) the Senate adjourned until Monday, January 9, 1893, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate January 7, 1893.

FIRST ASSISTANT POSTMASTER-GENERAL.

Henry Clay Evans, of Tennessee, to be First Assistant Postmaster-General, in the place of Smith A. Whitfield, resigned.

CONSUL.

Henry M. Moore, of Spokane, Wash., to be consul of the United States at Three Rivers, Canada, to fill a vacancy.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 6, 1893.

MINISTER RESIDENT AND CONSUL-GENERAL.

Gilbert A. Pierce, of Minnesota, to be minister resident and consul-general of the United States to Portugal.

POSTMASTER.

Frank H. Hooper, to be postmaster at Eureka, in the county of McPherson and State of South Dakota.

Executive nominations confirmed by the Senate January 7, 1893.

CONSUL.

Thomas Herran, a citizen of Colombia, to be consul of the United States at Medellin.

POSTMASTERS.

William H. H. Lea, to be postmaster at Mansfield Valley, in the county of Allegheny and State of Pennsylvania.

Duncan G. Ingraham, to be postmaster at Waitsburg, in the county of Wallawalla and State of Washington.

Herbert M. Knowlton, to be postmaster at Waterloo, in the county of Jefferson and State of Wisconsin.

Fred. Wightman, to be postmaster at Elroy, in the county of Juneau and State of Wisconsin.

Alexander H. Marriatt, to be postmaster at Pierre, in the county of Hughes and State of South Dakota.

Mrs. Mary W. Morrow, to be postmaster at Abilene, in the county of Taylor and State of Texas.

James B. Shea, to be postmaster at Velasco, in the county of Brazoria and State of Texas.

Solon S. Evans, to be postmaster at Woodsville, in the county of Grafton and State of New Hampshire.

Edward H. Todd, to be postmaster at Rockaway, in the county of Morris and State of New Jersey.

Thomas C. Williams, to be postmaster at Lansford, in the county of Carbon and State of Pennsylvania.

Joel J. Nash, to be postmaster at Marcellus, in the county of Cass and State of Michigan.

William T. Ager, to be postmaster at Beaver City, in the county of Furnas and State of Nebraska.

Dennis Tracy, to be postmaster at Cedar Rapids, in the county of Boone and State of Nebraska.

Robert F. Shaw, to be postmaster at Weymouth Center, in the county of Norfolk and State of Massachusetts.

William E. C. Worcester, to be postmaster at Hudson, in the county of Middlesex and State of Massachusetts.

Thomas Morrison, to be postmaster at Wayne, in the county of Wayne and State of Michigan.

John S. Hammer, sr., to be postmaster at Ardmore, in the county of Chickasaw Nation, Ind. T.

Harriet R. Weir, to be postmaster at Greenville, in the county of Muhlenberg and State of Kentucky.

Leonard G. Babcock, to be postmaster at Lexington, in the county of Middlesex and State of Massachusetts.

Jane E. Loveland, to be postmaster at Menlo Park, in the county of San Mateo and State of California.

James P. Davis, to be postmaster at Bonaparte, in the county of Van Buren and State of Iowa.

George E. Moore, to be postmaster at Nora Springs, in the county of Floyd and State of Iowa.

Henry B. Rupp, to be postmaster at Hummelstown, in the county of Dauphin and State of Pennsylvania.

Henry C. Shearer, to be postmaster at New Bloomfield, in the county of Perry and State of Pennsylvania.

Reece B. Patton, to be postmaster at Bridgeport, in the county of Jackson and State of Alabama.

HOUSE OF REPRESENTATIVES.

SATURDAY, *January 7, 1893.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of yesterday was read and approved.

MILITARY TELEGRAPH LINE, TEXAS.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting an estimate of appropriations submitted by the Secretary of War for a military telegraph line between Fort Ringgold and Fort McIntosh, Tex.; which was referred to the Committee on Appropriations.

PROPERTY LEASED BY WAR DEPARTMENT.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a tabular statement showing what property under that Department has been leased since the passage of the act of Congress approved July 28, 1892; which was referred to the Committee on Military Affairs.

IMPROVEMENTS OF RIVERS AND HARBORS.

The SPEAKER also laid before the House communications from the Secretary of War, transmitting reports from the Chief of Engineers, showing preliminary examination and survey of proposed improvements of the Wabash River, Illinois, and also the Embarras River, Illinois; which were severally referred to the Committee on Rivers and Harbors.

EXPENSES DEPARTMENT OF AGRICULTURE.

The SPEAKER also laid before the House a letter from the Secretary of Agriculture, transmitting detailed statement of the expenditures of appropriations for that Department for the fiscal year ending June 30, 1892; which was referred to the Committee on Expenditures in the Department of Agriculture.

FINDINGS COURT OF CLAIMS.

The SPEAKER also laid before the House communications from the Court of Claims, transmitting copies of findings in the case of George W. Smith *vs.* The United States, and also in the case of W. L. Connelly *et al. vs.* The United States; which were severally referred to the Committee on War Claims.

PRESIDENTIAL ELECTORS.

The SPEAKER also laid before the House certified copies of the ascertainment of the electors for President and Vice-President in the States of Nebraska, Minnesota, Kansas, and Missouri, transmitted by the Secretary of State; which were severally ordered to lie upon the table.

LEAVE TO WITHDRAW PAPERS.

By unanimous consent, leave was granted (on motion of Mr. OUTHWAITE) to withdraw from the files of the House the papers and petition of Charles G. Hood, without leaving copies.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. FORNEY, indefinitely, on account of sickness.

ENROLLED BILLS SIGNED.

Mr. OHLIGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolutions of the following titles; when the Speaker signed the same:

Joint resolution (H. Res. 166) to authorize the Secretary of the Treasury to cover back into the Treasury $48,800 of the appropriation to Choctaw and Chickasaw Indians;

Joint resolution (S. R. 123) to fill vacancies in the Board of Regents of the Smithsonian Institution;

A bill (S. 1786) granting a pension to Mrs. Jennie Gray;

A bill (S. 1831) to admit free of duty the wreckage of the ships Trenton and Vandalia, presented by the United States to the King of Samoa;

A bill (S. 2593) granting an increase of pension to Samuel M. Campbell;

A bill (S. 3029) authorizing the construction of a bridge across the Columbia River, in the State of Washington;

A bill (S. 2187) granting a pension to Margaret M. Rice; and

A bill (S. 3048) granting to the Blue Mountain Irrigation and Improvement Company a right of way for reservoir and canals through the Umatilla Indian Reservation in the State of Oregon.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed a bill and joint resolution of the following titles; in which the concurrence of the House was requested:

A bill (S. 3623) to amend the act of March 3, 1873, for the relief of the Columbian University in the District of Columbia; and

A joint resolution (S. R. 130) to amend an act entitled "An act making Saturday a half holiday for banking and trust companies in the District of Columbia," approved December 22, 1892.

REPORTS OF COMMITTEES.

The following report from a committee was handed in at the Clerk's desk and referred to its appropriate Calendar, as indicated below:

IMMIGRATION AND CONTRACT-LABOR LAWS OF THE UNITED STATES.

Mr. HARE, from the Select Committee on Immigration and Naturalization, reported back with an amendment the bill (S. 3240) to facilitate the enforcement of the immigration and contract-labor laws of the United States; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

BRIDGES ACROSS THE HIWASSEE AND OTHER RIVERS IN THE STATE OF TENNESSEE.

Mr. EVERETT. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the Clerk's desk, being the bill (H. R. 10015) to authorize the construction of bridges across the Hiwassee, the Tennessee, and the Clinch Rivers, in the State of Tennessee.

The SPEAKER. The Clerk will report the bill, after which the Chair will ask if there be objection to the request of the gentleman from Georgia [Mr. EVERETT].

The bill was read at length.

The SPEAKER. Is there objection to the request of the gentleman from Georgia [Mr. EVERETT] for the present consideration of this bill.

Mr. OTIS. Mr. Speaker, I call for the regular order.

The SPEAKER. The regular order is the call of standing and select committees for reports.

ORDER OF BUSINESS.

Mr. DOCKERY. I move to dispense with the morning hour, and in that connection I ask unanimous consent that gentlemen having reports to submit may file them with the Clerk.

The SPEAKER. The gentleman from Missouri [Mr. DOCKERY] asks unanimous consent to dispense with the morning hour, and that gentlemen having reports to make may be permitted to file them with the Clerk. Is there objection?

There was no objection.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. DOCKERY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the purpose of considering general appropriation bills.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole House on the state of the Union for the purpose of considering the District of Columbia appropriation bill, with Mr. MCRAE in the chair.

The CHAIRMAN. The Clerk will report the title of the first general appropriation bill on the Calendar.

The Clerk read as follows:

A bill (H. R. 10038) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1894, and for other purposes.

Mr. DOCKERY. Mr. Chairman, I ask unanimous consent that the first formal reading of the bill be dispensed with.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri [Mr. DOCKERY]?

There was no objection.

Mr. DOCKERY. Mr. Chairman, the estimates submitted by the Commissioners of the District of Columbia for the fiscal year ending June 30, 1894, aggregate $6,733,544.66. The amount recommended in this bill is $5,160,120.91, being a reduction in the estimates of $1,573,423.75, or $212,616.36 less than the current law.

In this connection, Mr. Chairman, I ask to have printed in the RECORD—and will have it read if any gentleman desires it—a statement of the various items of increase and decrease in the bill.

Mr. HENDERSON of Iowa. I suggest that the statement be printed in the RECORD.

Mr. DOCKERY. That is my request, unless some gentleman prefers to have it read.

The CHAIRMAN. If there be no objection it will be inserted in the RECORD.

There was no objection.

The statement is as follows:

Increases in District of Columbia bill for 1894 over appropriations for 1893.

Engineer's office, 1 clerk, $1,400 from $1,200	$200.00
Advertising notice of arrears of taxes, $7,000 to $10,000	3,000.00
Grading streets, road, and alleys, $2,000 to $4,000	2,000.00
Sewers:	
Relief sewers and repairing obstructed sewers, $25,000 to $75,500	50,500.00
Main and pipe sewers, $75,000 to $105,660	30,660.00
Automatic siphons	10,000.00
Sprinkling and sweeping streets, $110,000 to $115,000	5,000.00
Schools:	
47 additional teachers	32,050.00
Care of buildings	375.00
Furniture for new buildings	1,200.00
Free books	13,000.00
New building, $38,000 to $68,100	30,100.00
Fuel for police department, $2,000 to $2,200	200.00
Fire department:	
New company for one year instead of six months	3,820.00
One fireman	840.00
Purchase of hose, $3,000 to $4,000	1,000.00
Purchase of horses, $3,600 to $4,000	400.00
Forage, $5,500 to $6,000	500.00
Furniture for a new engine house	900.00
New hose carriage	900.00
Police court:	
One heaterman	420.00
Marshal's fees, $1,004 to $1,400	396.00
Emergency fund, $5,000 to $26,000	21,000.00
Support of convicts, $21,000 to $25,000	4,000.00
Washington Asylum:	
Miscellaneous expenses, $45,000 to $45,500	500.00
Reform school, new buildings	22,200.00
Support of the insane, $94,700 to $96,214	1,514.00
Emergency Hospital, $4,500 to $9,000	4,500.00
Water department	1,030.64
Total	242,205.64

Reductions in District of Columbia bill for 1894 under appropriations for 1893.

Salaries:	
Assessor's office, 3 assistant assessors for six months	$3,750.00
Miscellaneous:	
Collecting overdue personal taxes, $1,750 to $1,500	250.00
Judicial expenses, $1,000 to $600	400.00
Paving streets, $270,000 to $150,000	120,000.00
Survey of of plats of subdivisions, $4,000 to $3,000	1,000.00
Sewers:	
Main intercepting sewer	90,000.00
Suburban sewers, $65,000 to $52,500	12,500.00
Condemnation of rights of way, $3,500 to $1,000	2,500.00
Repairs of county roads, $50,000 to $40,000	10,000.00
Constrution of county roads, $50,500 to $14,000	36,500.00
Condemnation of streets, etc	2,500.00
Rent of school buildings, $12,000 to $10,000	2,000.00
Report on condition of schools	500.00
Stables for police department	6,000.00
Fire department:	
Exchanging fire engine	4,000.00
New engine and house	28,500.00
Telegraph and telephone service, new instruments	2,700.00
Health department:	
Removal of garbage in steel tanks	2,500.00
Chemical laboratory	800.00
Police court:	
Witness fees, $6,000 to $4,500	1,500.00
Additional story to court building	14,000.00
Furniture for same	800.00
Compilation of laws	600.00
Washington Asylum, salary of tailor	300.00
Buildings, $4,350 to $3,000	1,350.00
Charities:	
Temporary support of indigent persons, including $1,000 for Young Women's Christian Home, $1,000 for Hope and Help Mission, and $400 for night lodging house	2,900.00
National Temperance Home	2,000.00
Reform School for Girls, $35,000 for building to $20,128 for support	14,872.00
Board of Children's Guardians, $53,050 for twelve institutions to $53,000	50.00
Militia, $19,550 to $19,500	50.00
Grand Army encampment	90,000.00
Total reductions	454,822.00
Deduct increases	242,205.64
Net reduction	212,616.36

Mr. DOCKERY. Now, Mr. Chairman, I ask unanimous consent—with the consent of the gentleman from Iowa [Mr. HENDERSON] representing the minority of the committee—that all general debate on the bill be considered as closed.

Mr. HENDERSON of Iowa. Mr. Chairman I have no objection to that.

The CHAIRMAN. If there be no objection, all general debate on this bill will be considered as closed, and the Clerk will report the bill by paragraphs.

There was no objection.

The Clerk read as follows:

Be it enacted, etc., That the half of the following sums named, respectively, is hereby appropriated out of any money in the Treasury not otherwise appropriated, and the other half out of the revenues of the District of Columbia, for the purposes following, being for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1894, namely:

Mr. OTIS. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

In section 1, line 3, strike out the word "half" and insert the words "one-fourth;" in line 5 strike out the word "half" and insert the words "three-fourths."

Mr. HENDERSON of Iowa. Mr. Chairman, is not that subject to a point of order?

Mr. HEMPHILL. Mr. Chairman, I will make the point of order against that amendment.

The CHAIRMAN. The gentleman will state his point of order.

Mr. HEMPHILL. It changes existing law.

Mr. HOLMAN. But it reduces the expenditures of the Government very heavily.

Mr. OTIS. I would like to have the gentleman refer to the paragraph on which he relies to sustain his point of order.

The CHAIRMAN. The gentleman from South Carolina [Mr. HEMPHILL] will please state his point of order.

Mr. HEMPHILL. The point of order is that it changes existing law.

The CHAIRMAN. Does the gentleman from Kansas [Mr. OTIS] desire to be heard on the point of order?

Mr. OTIS. I think, Mr. Chairman, under the decision of the Speaker of this House in the last session, that this amendment is in order. I do not believe that it conflicts with Rule XXI, which I believe the gentleman relies upon. Rule XXI reads:

Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as, being germane to the subject-matter of the bill, shall retrench expenditures by the reduction of the number and salary of the officers of the United States, by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of amounts of money covered by the bill.

It certainly reduces the amount of money paid out of the Treasury of the United States, and comes within the purview of

this section. I will also call the attention of the Chairman to the fact that in the last session of this Congress we appropriated the sum of $90,000 to the Grand Army encampment, to be paid out of the funds of the District of Columbia; and I can see no objection to changing this bill in such a manner that the District shall be made to pay three-fourths of the taxation of this city, and the Government be charged with only one-fourth. It seems to me that it is against all principles of justice that we should be told that because we have a large amount of public grounds and many public buildings here that we should pay one-half of the taxes.

I have received numbers of communications from citizens of this city on this subject, who desire that an amendment of this character should be adopted. One of those which I have received is as follows:

The Government's presence is a tremendous and increasing Pactolian Niagara of private and real estate riches. Compute all the business thereby brought, all the annual unearned increment (some forty-five million), and about as much cash yearly United States expenditures here. The streets, reservations, etc., are as perfectly free, and the citizens have all the use and benefit of, precisely as though city property. The century ago five-sevenths donated lots would not even now bring $20 an acre but for the Government's golden advent.

I think, Mr. Chairman——

Mr. HENDERSON of Iowa. Who is your correspondent?

Mr. HEMPHILL. Read the name of the author.

Mr. OTIS. He is an "Impartial Citizen" [great laughter], and he represents the sentiment of several other correspondents who have written me giving similar expressions; and I think that these citizens are right in this respect.

This bill is brought up under the law of 1878, which I am informed was passed in this body with a view to easing the taxation of the citizens of this city. The people of this District, I think, ought to bear the just burdens of taxation like other American citizens do in this Union, and the Government of the United States should not be called upon to pay one-half of the taxation annually in this city of Washington.

As I said last session, if this Congress and this Capitol were placed in any of the States of the Union, any city in which it was located would only be too glad to donate 640 acres of land free from taxation forever to the Government of the United States. And this is a provision which is working injustice to the American citizen and an injustice to the people of this District who are not land speculators or capitalists.

The CHAIRMAN. Before the discussion in relation to this amendment proceeds the Chair would like to hear read the general statute under which this partnership or agreement between the Government and the city is carried on.

Mr. DOCKERY. Does the Chair desire to have read the organic act of 1878?

Mr. HENDERSON of Iowa. The Blackburn act.

The CHAIRMAN. Yes, sir.

Mr. DE ARMOND. Mr. Chairman, at the last session of this Congress an amendment similar to this was offered by the gentleman from Kansas who submits the present amendment. The gentleman from Tennessee [Mr. RICHARDSON] was chairman of the Committee of the Whole. A point of order was made against the amendment I believe by my colleague [Mr. DOCKERY], and the gentleman from Kansas apparently conceding the point of order to be good, the Chairman of the Committee of the Whole did not rule upon it, and the amendment dropped.

At a later stage of the proceedings I submitted a motion in the House to recommit, or to amend a motion to recommit, with instructions to report the bill back so amended as to require but one-fourth of the revenues to be paid out of the general Treasury and three-fourths out of the District treasury. A point of order was also made upon that motion, and after some discussion, during which the gentleman from Tennessee [Mr. RICHARDSON], who was Chairman of the Committee of the Whole, stated what had transpired in that committee upon the question, the Speaker ruled upon it, overruling the point of order, and deciding that the motion to recommit was good and was in order; and I think I can refer the Chair to the ruling.

Mr. DOCKERY. Will my colleague yield to me for a moment?

Mr. DE ARMOND. With pleasure.

Mr. DOCKERY. Mr. Chairman, I was about to state the history of this motion at the last session. My colleague has, however, stated it correctly. I shall not, at this session, support the proposition presented by the gentleman from Arkansas [Mr. OTIS]; but I am satisfied that, under the ruling made by the Speaker at the last session on the motion to recommit, the proposition of the gentleman from Kansas is in order, and therefore I did not raise the question of order.

Mr. HEMPHILL. I wish to be heard upon that proposition before the Chair decides the question.

Mr. DE ARMOND. The record of the proceedings to which I have referred is to be found upon pages 1696, 1697, and 1698, of Volume 21 of the CONGRESSIONAL RECORD. I will read simply the decision of the Speaker.

The CHAIRMAN. The Chair supposes it is the same decision which is to be found on page 255 of the Digest.

Mr. DOCKERY. Will the Chair please have that decision reported?

The CHAIRMAN. The Clerk will read the portion of the decision indicated.

The Clerk read as follows:

This bill, a copy of which is before the Chair, provides, that the half of the following sums named, respectively, is hereby appropriated out of any money in the Treasury not otherwise appropriated, and the other half out of the revenues of the District of Columbia.

So there seems to be an amount of money in the Treasury recognized as the "revenues of the District of Columbia," distinct from money in the Treasury from general sources, and this proposition, as the Chair understands, is to reduce the amount appropriated from the general fund that is raised for general purposes. Therefore, the Chair thinks the amendment reduces expenditures, and is in order.

Mr. DE ARMOND. That is the decision.

The CHAIRMAN. The Clerk will now read paragraph 2 of Rule XXI.

The Clerk read as follows:

No appropriation shall be reported in any general appropriation bill, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress. Nor shall any provision in any such bill, or amendment thereto, changing existing law be in order, except such as, being germane to the subject-matter of the bill, shall retrench expenditures by the reduction of the number and salary of the officers of the United States, by the reduction of the compensation of any person paid out of the Treasury of the United States, or by the reduction of amounts of money covered by the bill: *Provided*, That it shall be in order further to amend such bill upon the report of the committee having jurisdiction of the subject-matter of such amendment, which amendment, being germane to the subject-matter of the bill, shall retrench expenditures.

Mr. DOCKERY Mr. Chairman, in response to a request of the Chairman, I desire to read paragraph 16 of section 3 of the act providing a permanent form of government for the District of Columbia. It is as follows:

To the extent to which Congress shall approve of said estimates Congress shall appropriate the amount of 50 per cent thereof.

Mr. HEMPHILL. Mr. Chairman, it ought to be a matter of some consequence to remember that there is not a dollar collected out of the taxpayers of the District of Columbia that does not go into the Treasury of the United States. This rule simply provides that an amendment can be entertained if its effect is a "reduction of the number and salary of the officers of the United States," or a "reduction of the compensation of any person paid out of the Treasury of the United States." I deny that this amendment reduces the compensation of a single person paid out of the Treasury of the United States.

I want to call the attention of the Chair particularly to the wording of the rule, "shall retrench expenditures by the reduction of the number and salary of the officers of the United States." Now, this amendment does not reduce either the number or the salaries of any officers of the United States. The rule then goes on to say, "or by the reduction of the compensation of any person paid out of the Treasury of the United States." That is all it says. In the first place, all the money that is appropriated under this bill is paid out of the Treasury of the United States, but even if the District fund were not in the Treasury, still this amendment does not propose to reduce the compensation of a single person.

Mr. HENDERSON of Iowa. And will not do so in fact.

Mr. HEMPHILL. And will not do so in fact. If this amendment prevails the compensation of the persons paid under this bill will be absolutely the same after the adoption of the amendment as it is under the proposed bill.

Mr. HENDERSON of Iowa. And the number of persons paid will be the same?

Mr. HEMPHILL. And the number will be the same.

Mr. OTIS. Then why do you object to it?

Mr. HEMPHILL. I object to it because it changes existing law and because it is not proper under the rule.

The CHAIRMAN. Waiving the question of whether or not the amendment changes existing law, the Chair is of the opinion that under the rule just read, as well as under the decision of the Speaker which has been cited, this amendment is in order, and overrules the point of order. The latter clause of the rule just preceding the proviso reads, "or by the reduction of the amount of money covered by the bill." This amendment certainly proposes to reduce the amount of money to be appropriated from the United States Treasury, which should be the test.

Mr. HEMPHILL. It does not say so.

Mr. DOCKERY. I understand the Chair to hold that the amendment is in order.

The CHAIRMAN. The Chair has so decided.

Mr. HEMPHILL appealed from the decision of the Chair, but immediately withdrew the appeal.

Mr. DOCKERY. Mr. Chairman, I think that the amendment offered by my friend from Kansas ought not to be adopted at this session, for the reason that its adoption will involve a deficiency in the District revenues of $728,204.74. It is true that the appropriations now carried in the bill will leave a surplus in the Treasury amounting to $570,000 in round numbers to the credit of the District of Columbia; but under the provisions of the bill that surplus will be applied to the indebtedness due the United States by the District of Columbia, which at the close of the present fiscal year will amount to $974,349.74.

To state again the proposition, the amendment ought not to prevail for the reason that it would create a deficiency in the revenues of $728,204.74——

Mr. BRETZ. What revenues; the District revenues?

Mr. DOCKERY. Yes, sir; and for the further reason that the District is now indebted to the United States in the sum of something over $974,000. For these reasons I shall oppose the adoption of this proposition at the present session of Congress.

Mr. JOHNSON of Ohio. I would like to ask the gentleman from Missouri whether he is aware of the fact that for the last year the officers of the District government—the assessors and the board of equalization—have been engaged in an effort to prevent revenues from coming into the District of Columbia fund. Is the gentleman aware that board after board has been appointed to cut down assessments so as to reduce the amount of money coming?

Mr. DOCKERY I will say in reply to the gentleman from Ohio [Mr. JOHNSON] that it is not the issue here. The estimated receipts of the District of Columbia, $3,216,282.82, are based on existing law.

Mr. DE ARMOND. Mr. Chairman, the reason advanced by the gentleman from Missouri [Mr. DOCKERY], as I understand, why this amendment ought not to prevail is, that a deficit in the Treasury will thereby be created. I have heard considerable to the effect that we are threatened with a deficit in the Treasury of the United States. It is certainly true that money ought not to be taken out of the public Treasury simply because upon the present assessment there may not be sufficient revenues raised in the District to meet the expenses which those charged with the expenditure of the money desire to incur. The rate of taxation in this District is not over $1.50 on $100, with an exemption, I believe, of $500 to each person, and with a further exemption in the provision which permits an offset or deduction of all indebtedness which a person may owe; and the taxation on what is called farm property, property outside the city limits and within the District, does not exceed $1 upon the $100.

Sir, there is not in the United States a city, large or small, where the rate of taxation is so low as in this city; and it will be hard to find any city where the inhabitants get more for a given amount of expenditure than they do here. While the people of the United States are paying to the taxgatherer at the rate of two or three dollars and upward on the hundred dollars on all their property, they are yet compelled to pay one-half of the taxes of the people of this District.

Let any one glance through this bill and observe what are the objects of appropriation. Where there is one that has relation to the United States or affects the people of the United States there are twenty which are peculiarly, essentially, strictly, wholly municipal—relating solely and entirely to the people of the District, the people of this city. I venture to say there is scarcely a gentleman in this House who will dare go back to his constituency and proclaim that he has advocated taxing the people of the United States to an amount equal to half the expenditures for this District. Scarcely a man here will go back and say to his constitutents who are paying upon every dollar of their property more than three times as much is paid by the taxpaying citizens of this District, "I have advocated and voted for a measure to compel you to pay half the taxes of the people of the District of Columbia."

And let gentlemen not suppose that the people throughout the country, burdened with excessive taxation, will remain forever ignorant of the fact that their representatives pile two or three million dollars of taxes upon them yearly for the benefit of the people of the District of Columbia, including, possibly, some Senators and Representatives. When the gentleman from Kansas rose to offer his amendment I rose for the purpose of offering another proposition—to strike out all of this bill requiring the payment of anything out of the Treasury of the United States. My idea is that the people of the District should pay the taxes which are peculiarly and essentially District taxes—the people of this city the city taxes. If there are embraced in this bill items which should be paid by the United States let them be incorporated in a separate bill, which will not be based on the proposition that the people of the District are to pay the half of $100 in order to induce the people of the United States to pay the half of $1,000, or something in that proportion. Since we have now the opportunity, since it is in accordance with law and justice, let us confine this bill for once to its proper objects; and let us make appropriations for the District of Columbia out of the revenues of the District.

Wherever and whenever it is necessary or proper for the people of the United States to make payment of anything let them make payment in a direct way. There is no use in talking about a deficiency. To talk in that way is simply shifting the ground. The people back in the country—in the gentleman's district and in mine and in almost every district represented on this floor—are, I repeat, paying now in taxes three times as much upon every dollar of property they own as the people of this District are paying. If there is to be a deficit in the revenues, let those who are lightly taxed make good the necessary amount to meet it, instead of those who are heavily taxed to-day and who are compelled by such legislation as this bill embodies to contribute by way of gratuity, unwillingly and unknowingly, to make up the necessary fund to meet such deficit.

Not only, Mr. Chairman, should the amendment of the gentleman from Kansas be adopted, but we should go a step further and strike out all of the bill requiring the payment of any part of these appropriations from the public Treasury, and put into a separate bill such items, if there be any, as should be paid by the people of the United States. Then we will know what we are doing and the people will know what we are doing. Wrong will be done no one and right will be done to all, so far as this bill goes. [Applause.]

[Here the hammer fell.]

Mr. DOCKERY. The proposition my colleague makes should be presented to the District Committee, which is charged, under the rules of the House, with the inauguration of reforms in the government of the District, and not the Committee on Appropriations, which simply reports appropriations under existing laws. The gentleman has mistaken his remedy.

Mr. DE ARMOND. One word in answer to the suggestion of my colleague.

The CHAIRMAN. The gentleman's time has expired, but without objection he may proceed.

There was no objection.

Mr. DEARMOND. I am not criticising the committee because they report appropriations in accordance with existing law. I am not finding fault with the committee for its action in the matter. I am saying now simply that which can not be denied, that in voting up or in voting down this proposition to shift taxation from the people of the United States to the people of this District we are not compelled, in order to do justice to the people we represent, to resort to the Committee on the District of Columbia or to any other committee of the House. We are in the great Committee of the Whole here, and this committee is competent to decide the question. I am addressing myself to the judgment and to the sense of right of this committee, and do not care to withdraw from that position for the purpose of submitting something to a committee which has less power and less significance than the body before which this proposition is now pending.

Mr. HENDERSON of Iowa. Mr. Chairman, I am opposed to the adoption of the amendment of the gentleman from Kansas, and will give some of the reasons for entertaining that objection. In the first place this question of the assessment of property here is not in issue on this amendment. That is a question of the execution of the law. How I shall stand on that question is not to be measured in any way by my objection to the pending amendment. I am in favor of a true and accurate assessment always; therefore I pass that part of the discussion as not germane in any way to the issue.

I am opposed to the pending amendment for the reason that it involves the overthrow—the radical overthrow—of the present system of raising funds for carrying on the affairs of this District. In 1878 the present plan—the law under which we are now operating—was adopted. Homes have been bought in this District and business interests inaugurated, and the system of running the local government of this District has been carried on since that year in pursuance of existing law.

I do not believe it is wise on an amendment here, introduced in Committee of the Whole, to attack and radically change this great system affecting the affairs of this District. I believe such a measure should have its origin, if it be considered by this House, with the Committee on the District of Columbia, where the citizens of the District may be heard and the matter fully discussed and considered; where all parties interested should be allowed to go before the committee, of their city council as it were, and express their judgment on the proposition. Therefore am I opposed now to that amendment on that single thought without yet reaching the merits of the question, and I may say, and think I am not digressing from the privileges of the floor, that that was the thought of the Committee on Appropriations

when this matter was suggested to them, and when they refused to change the ratio coming from the District and the Federal Government respectively.

But, Mr. Chairman, coming now to the real question presented. The present plan of requiring one-half of the expenses to be paid from the Federal Treasury, and one-half from the funds of the District of Columbia, was inaugurated by what is known as the Blackburn law. Mr. Blackburn, then a member of the House from Kentucky, is known as the father or author of that proposition which was to divide the expenditures half and half between the General Government and the District. Now, my friend from Missouri [Mr. DE ARMOND], who spoke just before me, would go even farther than the pending amendment and make the District pay all of the expenses.

It seems to me that those who take this radical ground, or those who take the ground even in favor of cutting down the one-half now paid by the General Government to one-quarter, have not carefully considered the conditions of the District, or the provisions of this bill. I do not wish to reflect upon their judgment, nor upon their position upon this question. But I feel that they can not have given the situation of affairs in this District that thoughtful consideration which is needed before reaching a judgment of that kind.

I have not the figures before me, because I did not anticipate this debate, but in a former Congress I published an elaborate statement, showing all that the citizens of the District of Columbia had contributed to the General Government, amounting to many, many millions of dollars.

Let it be borne in mind also that the great number of public buildings here belonging to the General Government bear no weight of the burdens of this District, and are wholly exempt from taxation. I doubt if a single citizen of the District of Columbia or any one appreciating the conditions in the District, would interpose a single objection if all of the property of the District of Columbia, including United States property, were to bear equally the burdens of taxation; but the Government is exempt.

Now, my friend from Missouri [Mr. DE ARMOND] says that only a small amount of the items in this bill affect the Government at large. I challenge the calling attention to a single item in this bill that does not have relation to the people at large in this country. Do you refer to the money expended upon the streets? The feet of millions and millions of our countrymen, nonresidents of this District, annually tread them and wear them out.

Do you refer to the schools? The children of twenty thousand clerks in this District, citizens of our respective States, patronize these schools and the money goes to their education.

Do you refer to charitable institutions? In company with colleagues on the District of Columbia appropriation bill, I have visited fifteen out of thirty-one of them at this session, and I am amazed to find how far-reaching these charitable institutions are in aiding and carrying their blessings to people who are not citizens of the District of Columbia. That seems to be wrong, but it is an incident of our peculiar system of government.

Do you refer to the police? Their duties touch every one visiting our city, and touch few less harshly than the citizens of the District of Columbia.

Mr. DOCKERY. If the gentleman will allow me to suggest, 46 of the police are detailed for duty at the Executive Mansion and other Government buildings.

Mr. HENDERSON of Iowa. That is a good suggestion. Instead of soldiers to police them, we prefer to have these civilian officers around the public buildings. I prefer it. I do not like fixed bayonets, not even in war, if I can avoid them.

But I want to call the attention of gentlemen of this committee to the fact that this great Republic uses this District as its place of business, uses it as its own city; and it was on that theory that the Blackburn law laid down the doctrine that the General Government should pay one-half of the expenses.

I have been eight years a member of this subcommittee in charge of the appropriations for the District of Columbia. I remember that I started in with an adverse impression toward this system; but growing familiarity with the conditions of the District, has led me to approve unhesitatingly of the system, and I warn you, my fellow Representatives, against this radical change until full discussion is had, a discussion in which not only representatives of the country at large, but residents of the city may have a hearing before action is taken.

Mr. COMPTON. Mr. Chairman, I hardly think it would be proper to extend this discussion to too great a length; but in view of the declaration made by the gentleman from Missouri [Mr. DE ARMOND] it does seem to me that the attention of the House ought to be directed to the facts in this case; and at the risk of tiring the committee I will seek to further enforce what has already been said, and some things which have been hinted at, by the distinguished gentleman from Iowa [Mr. HENDERSON].

Now, Mr. Chairman, what would my friend [Mr. DE ARMOND] have? What does his proposition mean? Has he reflected, does he know that—in my poor judgment at least—the grossest conceivable injustice would be done by a proposition such as he has suggested to this House? Injustice enough is embodied in the proposition submitted by the gentleman on my right [Mr. OTIS]; but, sir, to come here and say that the property of the people of the District of Columbia shall be taxed to practically support the Federal Government; to say that the property of the people of the District shall be taxed to furnish the means wherewith the property of the Government in this District shall be protected against fire; to say that the property of the people of this District shall be alone taxed to furnish educational advantages for the children of thousands of people who are not residents or taxpayers of this District; to say that the property of this District shall alone be taxed to furnish police protection to the thousands of district agents of the Government of the United States who pay no taxes here and who are not residents of this District; to say that the property of this District shall alone be taxed to provide proper sewerage to protect the health of the District of Columbia, in which so many agents of the Federal Government, nonresidents of the District and nonproperty-holders, are interested would, as I say, be the grossest conceivable injustice.

Why, Mr. Chairman, it is true that it is a privilege and a great blessing to this District and the property-holders in this District that they shall have in their presence the great Government of this Union. It is true, Mr. Chairman, that the privilege of having the President of these United States here is a great blessing and privilege to the people of this District; and if the proposition of the gentleman will hold, it would be an equally good and sound reason why the property of the District should be assessed and taxes levied and collected so as to pay the salary of the President of the United States.

Mr. BLAND. Mr. Chairman, I would like to inquire of the gentleman from Maryland [Mr. COMPTON], as he says it is a great blessing and privilege that the President resides here, is it not also a fact that his residence here brings very large advantage here in the enhancement of the value of real estate; and I would ask whether or not the people of the District of Columbia would not prefer to tax themselves so as to retain those advantages rather than to have this capital removed to some other part of our country, where we would take care of the Government?

Mr. COMPTON. The gentleman from Missouri [Mr. BLAND] has raised a man from his imagination and a condition of things that he knows does not exist. He knows as well as I do that his premises and hypotheses have no foundation in fact, and therefore I decline to discuss that proposition or answer his suggestion. [Laughter.] He is suggesting a condition of things that never has and never will exist. Why, Mr. Chairman, it does strike me that such propositions as those of the gentleman on my right [Mr. OTIS], and especially that of the gentleman from Missouri on my left [Mr. DE ARMOND], are the most unreasonable, unjust, and unfair propositions that I ever heard submitted upon the floor of this House, and I hope the House will not entertain them.

Mr. KYLE. Mr. Chairman, before the gentleman from Maryland [Mr. COMPTON] began his speech, I had an intimation from him that he expected to submit some remarks in respect to this amendment, and I suggested to him that I would like to have some good reason given me that I could give my people why we should vote money out of the Treasury of the United States for the purpose of paying the expenses of the District of Columbia. Now, I suppose he has given the House all he had to present upon that subject.

Mr. COMPTON. Oh, no; I could have gone on indefinitely. [Laughter.]

Mr. KYLE. And let us see what it is. Why the intimation comes out that it is a disadvantage to the District of Columbia to have the capital situated here.

Mr. COMPTON. Oh, no.

Mr. KYLE. That is the effect of your argument. That it is such a disadvantage to the city to have the public buildings here and causes such an additional expense to it, that the Government ought to come with its Treasury and pay the increased charges. Now, that is all there is in it; and that is all there is in this argument—that simply because the Government has its public buildings here, and that it transacts its business here, for that reason, and for that reason alone, the General Government ought to pay half the expenses of this District. Now, is that not true? Have I not stated the proposition fairly and squarely, as it has been presented both by the gentleman from Iowa [Mr. HENDERSON] and the gentleman from Maryland [Mr. COMPTON].

Now, I want to submit to the committee this question: Upon what theory of right, justice, equity, fairness, or common sense can you justify this sort of unfairness to the people at large? Where could you find a city in this great country, in any State from Maine to Texas, that would not be proud of the privilege of

having these public buildings situated within its corporation? And could they be now located in one of these it would gladly accept them, and not ask the Government to pay their city expenses for them because of such location.

Mr. ALLEN. Tupelo will take them. [Laughter.]

Mr. KYLE. Yes, I am glad my colleague from Mississippi has made the suggestion. I believe the patriotic town of Tupelo, in the State of Mississippi, would open wide its gates and permit the seat of Government to be located within its limits and not look to Congress for an appropriation to pay them for the privilege of living in the nation's capital, because the people of Mississippi are accustomed to paying for all they get out of this Government.

Mr. HENDERSON of Iowa. They are satisfied with the representation they have here. [Laughter.]

Mr. KYLE. That is well enough, and I am glad it is true; but, Mr. Chairman, it is claimed that people come here from different parts of the country and wear the pavements and walks. Is this not true of any other city? I do not see that there is anything in this argument.

Why, that is true of all the cities in this great country, and the people who live in those cities are only too glad to welcome their neighbors and others who will visit them. Is that any argument?

It is insisted that because there are institutions in the District for the care and maintenance of the unfortunate who are unable to care for themselves, for this reason the Federal Treasury should pay one-half the expenses. I suppose there is no city in the world as large as this and inhabited by a charitable people that has not made provision for this class of people, and many of them, no doubt, entertain and care for as many unfortunates. Are these cities not in their father's house, and have they not as much right to expect reimbursement from the General Government as this city has? If not, why not?

I submit, Mr. Speaker, with all candor, earnestness, sincerity, and honesty, that I can not see anything in the arguments of these gentlemen upon this proposition, and I do not see how any Representative can justify himself to his constituency when he votes that one-half of the expenses of this District shall be paid out of the Federal Treasury, especially when he remembers that the money with which they are paid comes from a constituency already overburdened with taxation—taxed beyond their capacity to pay, and not taxed as these people in the District of Columbia ought to be—in proportion to the value of the property they own. Our constituents are forced to contribute the money that helps to sustain these people by paying duties upon the necessaries of life which they are compelled to buy in the form of manufactured goods. Mr. Chairman, I am in favor of a reform in the expenditures of this Government, and I think here is a good place, as we have not done so before, to begin, and set the seal of condemnation upon this piece of favoritism, which is wholly indefensible.

[Here the hammer fell.]

Mr. DOCKERY. Mr. Chairman, I ask unanimous consent that all debate on this amendment close in twenty minutes.

Mr. HEMPHILL. I think I shall have to object to that. I want to hear some reason given why this proposition should be voted upon at all. I do not think anybody has assigned any yet. I desire to occupy about ten minutes myself.

Mr. HENDERSON of Iowa. Let the gentleman from South Carolina [Mr. HEMPHILL] have ten minutes, and then we can probably agree to limit the debate.

Mr. DOCKERY. Then I ask unanimous consent that all debate on this proposition and the substitute offered by the gentleman from Missouri [Mr. DE ARMOND] be limited to thirty minutes, ten minutes of which shall be occupied by the gentleman from South Carolina [Mr. HEMPHILL], the chairman of the Committee on the District of Columbia.

Mr. BLAND. Mr. Chairman, I hope the time will be divided equally between the advocates and the opponents of the pending amendment.

The CHAIRMAN. The Chair understands that to be the practice. Unanimous consent is asked that all debate upon the pending amendment and the proposed substitute be limited to thirty minutes, the time to be divided equally between the advocates and the opponents of the proposition.

Mr. DOCKERY. Ten minutes of the time to be occupied by the chairman of the Committee on the District of Columbia, the gentleman from South Carolina.

Mr. HENDERSON of Iowa. We will see that he gets ten minutes of the time allotted to the opponents of the amendment.

The CHAIRMAN. Is there objection?

Mr. SEERLEY. I object.

Mr. JOHNSON of Ohio was recognized.

Mr. BLAND. Mr. Chairman, I call for the reading of the substitute.

The CHAIRMAN. The substitute of the gentleman from Missouri [Mr. DE ARMOND] has not yet been sent to the desk, the Chair understands. The gentleman from Ohio [Mr. JOHNSON] is recognized.

Mr. JOHNSON of Ohio. Mr. Chairman, I propose to vote against the amendment of the gentleman from Kansas [Mr. OTIS]; not, however, for the reasons given by the members of the committee. Except by the gentleman from Iowa [Mr. HENDERSON], there has not been one substantial reason given why this amendment should be voted down. The suggestion of the gentleman from Iowa that the people of this District should have a hearing upon this question is entirely proper; but, I repeat, that is the only valid reason given so far in opposition to this amendment. I propose to vote against the amendment because the people of this District are to-day unjustly taxed, some men paying ten times as much taxes as others, and if you to-day repeal the existing law and require the people of this District to pay one-fourth instead of one-half, you will add greatly to the burdens of a part of the taxpayers of this District who are already too heavily taxed.

The first duty you have is to arrive at a proper basis of assessment, and see what a just system of assessment and taxation will yield, and then discuss fairly what share the Government ought to pay. It is clearly and absolutely certain that the United States Government ought to pay some part of the taxes of the District of Columbia. It is not right that all the property of the Government here should contribute nothing to the District expenses; but whether the proportion should be one-half or one-quarter is an open question, one that a committee organized for that purpose or the regular District of Columbia Committee should take up and carefully consider.

Some of the objections made here to this amendment are very peculiar. Gentlemen say that the United States ought to pay a certain proportion of these expenses because strangers come here and walk our streets, and because clerks from all over the country are living here and are not taxpayers. They are mistaken. Every man who comes into this city, whether he stays one day or one week or many days and weeks, whether he is a clerk or not, whether his name is on the rolls as a taxpayer in the District or not, pays taxes here. He must sleep somewhere, and when he pays his room rent or his house rent he pays taxes and is therefore a taxpayer in the District of Columbia. The first question we have to consider is the question of a just assessment, and a little later in the consideration of this bill I propose to ask the committee to consider an amendment reaching that particular point.

Mr. DE ARMOND. Mr. Chairman, I offer the substitute which I have sent to the desk.

The substitute was read, as follows:

Amend by striking out the words "half of," in line 3, and also by the words "out of any money in the Treasury not otherwise appropriated, and the other half," in lines 4 and 5.

Mr. BRECKINRIDGE of Arkansas. Mr. Chairman, when the Federal Government selected this location for its capital it established a peculiar relationship with this District which has always since been recognized. It will not do to judge of the relation of the Federal Government to this city as we would judge of our relations with any other city in the Union. When the capital was first established here this was a wilderness; there was no city, and the entire expenses necessarily were defrayed by the Federal Government. There was no property here to be taxed except farm property, and from that day to this it has always been recognized that the Federal Government had to proceed from first defraying all the expenses to participating afterwards in a part of the expenses. I think it has also been recognized that the time would come when the participation on the part of the Federal Government in what seem to be the ordinary municipal expenses would become less and less.

We are now proceeding under an arrangement by which we pay 50 per cent of the expenses of the municipal government. This, I think, is fully as much as the Federal Government ought to pay. I think it is more than at this time we ought to pay. But undoubtedly, sir, a change in this ratio should never be hastily made. We must remember that ratios of this kind are not established without thought, discussion, and careful investigation. This ratio was established principally under the leadership of Mr. BLACKBURN of Kentucky. It was established by a Democratic House when the spirit of economy was very strong in this body. I insist, therefore, that this House should consider in the first place that to enact the provision now proposed without a very extensive adjustment in other matters in order to meet its effects would throw the whole business of the District and of the Government in its relations thereto into inextricable confusion. There has been no consideration of the effects of such legislation and no provision to meet those effects.

Mr. SEERLEY. When will there be?

Mr. BRECKINRIDGE of Arkansas. Why, sir, whenever the District Committee, the proper committee, will consider a bill

which any gentleman is at liberty to introduce and have referred to it.

Mr. SEERLEY. In the next generation.

Mr. BRECKINRIDGE of Arkansas. The question has been dealt with from time to time, and it should always be dealt with advisedly.

It has been well said that the District has interests in this question which can not be ignored. The time has not come when the Federal Government can wholly dispense with some participation in what seems to be the municipal expenditures of the capital. The authorities of the District and the people here have had no hearing or opportuity for a hearing on this question.

It will make such a change as has never yet been made hastily and without consideration of all the details and effects. It will pass judgment upon the interests of the people of this District without giving them a day in court. Such a step would be precipitate, unwise, and unjust. The proper committee, charged with legislation of this character, should take the question when referred to it into consideration; and I think that in the early future there should be a readjustment. But certainly there should be no hasty action by this House at this time.

Mr. HEMPHILL. Mr. Chairman, the provision of existing law which it is now proposed to change was adopted by the Congress of the United States and approved by the President as far back as 1878, after a thorough investigation of the whole question. From that time to this whenever the question has been investigated propositions of this kind have always been negatived by any committee or any House to which they have been submitted. I think that if we will look at the past we can not hesitate in reaching the conclusion that if this subject were investigated before a committee appointed for the purpose, and all parties in interest given a fair hearing, such an amendment as this would not be adopted. How much of the taxes do the people of this District pay? Over $2,500,000. That is more than $10 a head for every man, woman, and child in the District of Columbia. I want to know whether there is any other city in the United States in which every man, woman, and child pays a tax of $10?

Gentlemen who have discussed this question speak of taxing their constituents to pay the expenses of this District out of the public Treasury, as if we were not taxing the people of the District as well for the money which forms a part of the public Treasury. The people of the District of Columbia pay one-half of the total expenses of the District government, and they pay also their proper share as citizens of the United States into the general Treasury, from which we take the balance of the money expended here, so that they are paying double taxation. The citizens here are taxed for local purposes at the rate of $10 a head; and, in addition, as citizens of the common country, they are taxed as the rest of us are taxed. Their money goes into the general Treasury, and from that is drawn the other half of the expenses of this District.

But, Mr. Chairman, if we adopt this amendment where is the other one-fourth of this money to come from? Is any gentleman on this floor able to state to the House that there is money enough in the District treasury to pay three-fourths of the expenditures of the District government? We have not had any figures submitted on that subject.

Mr. HENDERSON of Iowa. Oh, yes; the gentleman from Missouri [Mr. DOCKERY] showed that there would be a deficiency.

Mr. HEMPHILL. I mean we have not had any figures from gentlemen who advocate the amendment, showing there is money in the District treasury to meet these appropriations under the terms of the amendment or that there will be money enough there. What is to become of the fire department, the police department, the water department of this District if we go on and appropriate money out of the District treasury when the money is not there to pay the appropriations?

Mr. HENDERSON of Iowa. The people of the District pay the entire amount of the water tax.

Mr. HEMPHILL. Yes; as suggested by the gentleman, the people of the District pay the entire water tax, and we all get the benefit of it. But in addition, Mr. Chairman, there are many people in this city who are not residents of the District—people who are coming here from all parts of the country and getting the benefit of the money that is appropriated for this city. Take the children, for instance, who go to the public schools of the District. Is there any justice, I would ask, in taxing the people of the District of Columbia to buy the school books for the education of the children of members of Congress who go to the public schools here? And that is just what we would do if we adopt the amendment. We will be taking the money from other people's pockets to pay the expenses of the school system of this District and to buy books to educate the children of members of Congress of the United States and of the other officers of this Government who come here and enjoy these privileges.

And I want to say in addition, sir, that this city has been laid out by the National Government. That is a fact that gentlemen should keep in mind. A public debt of more than $20,000,000 has been incurred here under the various acts of Congress of the United States regulating the affairs of the District, in respect to which the people themselves have had no voice. We have broad streets, wide reservations here, which were laid out a hundred years ago; and I repeat that there is neither sense nor justice in levying a tax on the people of the District alone to keep up these great thoroughfares and handsome parks, which all of the people of the country enjoy, especially when these taxpayers in the District have no voice in saying whether they shall be kept up, or as to the manner in which they shall be kept up, or anything whatever in regard to them.

If we are going to make them bear the burdens of the Government, we ought to let them govern their own city and let them say that the streets shall be of such width, and that they shall be paved in such manner and kept up in such a way as the people feel they are able to provide for. But for us to come here as the representatives of the people of the United States and say that this is to be the great national capital in which all of the people can take pleasure and pride; that we are to have wider and better paved streets than any other city, and parks kept up and trees planted and grass growing, with no representation and no voice in the matter on the part of the people of this city, I say if that is to be done, then the Government should pay its due proportion of the expenditures. If, on the contrary, we are to say to the people here you must pay the whole of the expenses, then as a matter of right and justice they should determine what part of these improvements shall be maintained and what shall not be?

I say, therefore, sir, that the proper thing, as suggested by the gentleman from Iowa [Mr. HENDERSON], if gentleman want such a change, is to carefully investigate the matter by a committee, and whatever is the proper share of this Government let it be paid by the District people, but let them first have an opportunity of discussing and presenting their side of the case. And if there is any gentleman here who wants such an investigation let him introduce a bill; let it go before the proper committee, and let the people have a hearing before they shall be burdened with additional taxes, and then have the matter come before the House in proper form.

Mr. HENDERSON of Iowa. Will the gentleman from South Carolina before he sits down allow me to make one additional suggestion?

Mr. HEMPHILL. Certainly.

Mr. HENDERSON of Iowa. You have referred to the expenditures for the water department. These expenditures are not only paid entirely out of the funds of the water department arising from the District of Columbia, but every Government building is supplied with this water free. The Government pays not a dollar for water consumed in all the public buildings.

[Here the hammer fell].

Mr. COMPTON. Mr. Chairman, it does seem to me that it is due to the House that those gentlemen who have been arguing in favor of the amendment suggested by the gentleman from Kansas should show to the House, in the event of the adoption of the pending proposition, how the necessary expenses of the Government, incidental and necessary, are to be provided for. They surely do not mean to say that they would impose additional taxation on the private property of the people here to provide the Government of the United States with all of its wants in the District. Therefore, I say it is incumbent upon them to show the House, in the event of the adoption of their proposition, how these necessary expenses of the Government provided for in this bill are to be paid, in view of the fact that a deficit will exist in the treasury of the District of Columbia if this legislation should prevail.

And now before taking my seat I want to call attention to another fact which I think can not be known to gentlemen on this floor who advocate this proposition, that, in addition to the immense number of grand public buildings and parks and other property owned in this capital by the Federal Government, the fee simple in every foot of the streets and in every sidewalk in the city of Washington rests in the Federal Government to-day.

Are our friends, then, prepared to say that the Federal Government shall bear none, or comparatively none, of the burdens of taxation of this District, but that the property of the people of the District shall be assessed and levied on and the money raised to provide for these streets and the pavements, the fee-simple right to which exists to-day in the Federal Government?

Mr. OTIS. Will the gentleman permit a question?

Mr. COMPTON. Certainly.

Mr. OTIS. Is it any worse for the District of Columbia to have a deficit in its treasury than for the United States to have a deficit in its Treasury?

Mr. HENDERSON of Iowa. We do not intend that either shall have a deficit.

Mr. HEMPHILL. O, no; we will look out for that.

Mr. HENDERSON of Iowa. The gentleman need not worry about deficits.

The CHAIRMAN. The question is on the amendment of the gentleman from Kansas [Mr. OTIS].

Mr. DE ARMOND. Mr. Chairman, I dislike to further trespass upon the time of the House in the discussion of this question, but I feel like saying a word or two more upon it.

It seems to me that there is a strange lack of harmony in the views of those who antagonize the proposition. There is a suggestion that we ought to approach this matter with great care and caution, and ought only to legislate upon it after great deliberation. And yet there is a request that all debate upon the proposition be closed in twenty or thirty minutes.

What better time is there for giving this question consideration than the present, when the subject is up? What can better engage the attention of the representatives of the people in this House than these questions relating to taxation?

It has been suggested that in 1878 the present plan of imposing half the taxes upon the general public and half upon the people of this District for the support of this District government was adopted by a Democratic House; and it was added that it also received the approval of the President, who was at that time, I believe, Mr. Hayes. That would make a tolerably even break upon the proposition.

It is said that that measure was a measure of great reform, that it was a relief to the people of the United States. If so it was worthy of the approval of the Democratic party, pledged to relieve the people from unjust taxation. If relief was given to the people in 1878, what is the force of the argument that fifteen years later there can be no further need of relief and no further opportunity for relief by this sort of reform. How mightily has this city grown in the fifteen years since 1878! How much worse is the condition of the people in many respects now, the country over, than it was fifteen years ago!

The burden of taxation has not been lessened for them. The burden of taxation upon them is grievous and hard to be borne. If there is reason for further deliberation in the consideration of this question, then let there be further deliberation and consideration. Why trifle with the question by suggesting that it be permitted to drag its weary length through some committee, perhaps to be strangled in the committee room? If it is to be strangled, let it be done here in the open House, in the sight of the country.

The suggestion was made by the gentleman from Iowa [Mr. HENDERSON] that the police here preserve the peace not only for the citizens, but for strangers who come to Washington upon public business, and on other accounts; and that therefore the Government of the United States should bear at least a portion—which he seems to think ought to be one-half—of the expense of the police department. Can not the same statement be made with reference to the police departments of New York, of Chicago, of St. Louis—aye, of the gentleman's own city of Dubuque? Are not the police everywhere agents employed for the preservation of the peace, for the protection of the stranger as well as of the citizen?

It was suggested by the gentleman from Maryland [Mr. COMPTON] that if this substitute were adopted there would be cast upon the people of this District the payment of the entire sum required for the support of the public schools. Why should not the payment of that entire sum be cast upon the people of this District?

It has been suggested by the gentleman from South Carolina Mr. HEMPHILL], by way of addendum, that the children of members of Congress are educated in these public schools free of charge, and that books are supplied them in some of the grades without cost, and that if this amendment were to prevail, the people of the District of Columbia would be required to supply books free, and tuition free, to the children of members of Congress. By a little reflection upon that proposition, the gentleman could, I think, readily perceive a way to get out of that difficulty without the slaughter of this amendment. The regulations could easily be so changed as to provide that the children of members of Congress shall not be supplied with books and tuition free. Look at the proposition. The people of the United States are taxed between two and three millions of dollars annually because, forsooth there is a little money expended in supplying the children of the members of Congress with tuition and with books free of cost to them.

Let members of Congress, like other people, pay for the education of their children, and not throw that cost back upon their constituencies. Then there is a suggestion, too, that this has grown up to be a great city; that it is the capital of the nation, and the Government ought in some way to take care of it by paying part of the taxes of its people. The Government has been taking care of it, and but for the fact that it is the seat of government and that it is a beneficiary of the Government trees would be growing and swamps would exist where now this capital city is found. That is the fact of the situation. Instead of the people of the District of Columbia making this capital city, the Government has made it. But for the advantages that came to this site by reason of its being the location of the seat of government there would be no town here; perhaps not even a straggling village.

As was suggested by my colleague from Missouri [Mr. BLAND], if this capital were removed to the heart of the country and placed upon the bank of the mighty Mississippi or upon the shore of one of the Great Lakes, there might be found in the broad spirit of the broad West a disposition to endeavor to live and let live within a reasonable radius of that capital without plundering the people of the United States. It was suggested, too, by the gentleman from South Carolina [Mr. HEMPHILL] that the taxation in this city amounts to $10 per head. It has also been suggested privately, in contradiction of a statement I made that the rate of taxation here is larger than any other city in the Union, Chicago alone excepted.

I challenge that statement. Here are paid nothing but city taxes. When you take the taxes that are paid on land and personalty, for State, school, county, municipal, and other purposes, I say there can not be found within this Union a single town, great or small, or a single rural district, in which the people are taxed upon each $100 of their possessions less than these District people are. Outside of this city and the city of Georgetown, in what they call "the agricultural districts" of the District of Columbia, the people are taxed $1 upon each $100 worth of real property. And there is permission to take out $500 worth of property as exempt, and also permission to deduct all their liabilities. Within the corporation the rate of taxation is $1.50 upon every $100 worth, and that is the whole taxation except what these people bear in common with all the people of the United States under our system of indirect taxation. That is all the taxation they have. To them, as compared with the people of the United States at large, it stands for State and county taxes, road taxes, school taxes, and all other kind of taxes; and all of it amounts to no more than $1.50 within these two cities, and $1 outside of them, but within the District of Columbia, upon the $100 worth of property subject to taxation.

Mr. DOCKERY. Mr. Chairman, I ask unanimous consent that all debate on the propositions pending to this paragraph be limited to twenty minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

Mr. TUCKER. I object.

Mr. ANTONY. I suggest thirty minutes.

Mr. DOCKERY. The gentleman suggests thirty minutes. I ask that the proposition be submitted in that form.

The CHAIRMAN. Is there objection to the request that all debate upon the pending propositions be limited to thirty minutes? [After a pause.] The Chair hears none. The Chair will recognize the gentleman from Missouri to control fifteen minutes of the time.

Mr. STOUT. Mr. Chairman——

The CHAIRMAN. Does the gentleman desire to speak for or against the amendment?

Mr. STOUT. Mr. Chairman, I am in favor of the general proposition of reform, but this may not be the way of reaching the question. [Laughter.]

The CHAIRMAN. The Chair will recognize the gentleman to be in charge of the time in favor of the amendment.

Mr. STOUT. Mr. Chairman, this may not be the proper way of reaching the reform contemplated by the friends of this amendment, but it seems to me that in some way or other this end should be attained.

In the history of this city it is found that the Government has paid a large part of the taxes; that up to 1878 the city paid the greater part, and that since 1878 the taxes have been divided equally between the city and the General Government.

Now, it is pertinent to inquire what gives the great value to the property——

Mr. BRECKINRIDGE of Arkansas. If the gentleman will permit me, I will state that at no time has the Government failed to participate liberally in the expenses of the city.

Mr. STOUT. I am aware of that.

Mr. BRECKINRIDGE of Arkansas. But that is contrary to the statement the gentleman has made.

Mr. COBB of Alabama. Not by way of supplementary taxes.

Mr. BRECKINRIDGE of Arkansas. The Government has at all times defrayed part of the expenses of the Government of the District of Columbia.

Mr. STOUT. I understand, Mr. Chairman, that the Govern-

ment has been very liberal in making special appropriations, but the general policy of dividing the taxes in equal proportions between the people of the District of Columbia and the General Government has only obtained since the year 1878. As I was saying, it is a pertinent inquiry here to ask what gives the special great value to the property in the city of Washington. It is that a large portion of the taxation is paid by the General Government. I may here say that there is not a city in the United States with a population such as that of Washington where real estate is as high as it is here; and the reason is because the Government steps in and pays a large portion of its taxation.

Now, this may or may not be the time to discuss this matter and to determine the policy to be pursued with respect to taxation in this city, but I desire to emphasize the fact that the people of this country demand that a less proportion of the expenses of this city shall be paid by the General Government. At the same time the General Government should be liberal, very liberal, toward the city of Washington. It should not, simply from the fact that this is the capital of the country, and because a large part of the value of the property here comes from that fact—the General Government should not, for that reason, refuse to be generous; but I contend that it ought not to pay the proportion of the expenses of the District that it now pays.

Mr. DOCKERY. Mr. Chairman, I yield five minutes to the gentleman from Indiana [Mr. BYNUM].

Mr. BYNUM. I have not paid a great deal of attention to the administration of the government of this District, leaving that entirely to the District Committee and to the Committee on Appropriations, and therefore I am not as well posted as I ought to be to speak upon this question. The copartnership between the Federal Government and the District government was formed for the purpose of transferring the administration of local affairs from the hands of the local government to Congress.

Now, it does seem to me that if we are going to assess the people of the District for the entire expenditures of the local government; if this municipality is to be carried on in the present expensive manner in which it has been carried on up to this time; if the present standard of improvements is to be maintained, we ought to pay a portion of the expenses. If we are not going to do so we ought to turn the control of it over to the people of the District. Certainly we ought not to collect so large a sum of money as we are now appropriating from the people and retain the right to regulate the expenditure. If we are going to divorce ourselves from the District by refusing to contribute to its support, then let us turn over the government to the people who are required to pay the bill.

It is not right that Congress should retain its jurisdiction and at the same time compel the people of the District to pay all the taxes. Take, for instance, the street improvements in this city. In almost every other city in the country such improvements are made by assessing the abutting property. I am not positive that my information is correct upon this point, though I have an impression that the United States owns nearly one-half of the real estate in the city of Washington—at least one-half in value.

Mr. JOHNSON of Ohio. In order to make that appear, they have to include the value of the streets.

Mr. BYNUM. Well, I do not state the proportions as accurate, but certainly the value of the property owned by the General Government abutting upon the streets here is very large. Now, the street improvements in any other city would be paid for by an assessment upon the abutting property, but here we avoid that, the whole expense being paid out of the general fund. The taxpayers of this city could not afford to improve and keep up the streets in the manner in which they have been improved and maintained. The municipal government is a very expensive one. Indeed, there is not a city in the country that could afford to do it.

The taxes here are already exceedingly high. Two and a half millions of dollars in the way of taxes are levied upon property of the people of this District; a proportion more than twice as high as the taxation in the city in which I live and in which I take great pride, a city about half as large as Washington in population, and a city as wealthy as most cities of its size in the country. There the amount of taxes levied and collected is about $685,000, and we think they are high enough. We could not afford to make and keep our streets up in the style they are maintained in Washington; and if this city, the capital of the nation, is maintained in a manner to excite the pride of the people of the whole country, the Government of the United States must contribute a portion of the expenses.

I repeat, therefore, if we are going to divorce ourselves from a share in the burdens as proposed, I am in favor of making the divorce complete and turning the control of the administration of affairs in the District over to the people who have to contribute the money. If they do the paying, they should have the right of expenditure. If we are going to refuse to contribute, let us allow the people of the District to conduct their own local affairs in the manner and on the scale that they feel they can afford.

Mr. OTIS. Mr. Chairman, I think we ought to call the attention of the chairman of the committee to the fact that the deficit of which he speaks would be more injurious to the people of the District of Columbia than it would to the Government, and during the last session he called our attention to an inevitable deficit in the Treasury of the United States. I think it is our obvious duty to consider the interests of the General Government as well as the interests of the people of the District of Columbia. In reply to my friend on the right in reference to the overthrow of the system, I think it matters little what plan we adopt, but the system shouly be overthrown, and the people of the United States should have their rights, and the people of this District should have their rights under a local government.

The CHAIRMAN. If no other gentleman desires to speak in behalf of the amendment the Clerk will report the substitute.

The Clerk again read the substitute, as above.

Mr. HEMPHILL. Mr. Chairman, the effect of that would be to bring the whole of the expenses upon the people of the District.

Mr. DOCKERY. Certainly.

The question was taken; and the substitute was rejected—ayes 30, noes 75.

The question being taken on the amendment of Mr. OTIS, there were on a division—ayes 31, noes 68.

Mr. OTIS. No quorum.

Tellers were ordered; and Mr. DOCKERY and Mr. OTIS were appointed.

The committee again divided; and the tellers reported—ayes 36, noes 94.

Mr. OTIS. I withdraw the point.

The CHAIRMAN. The point of "no quorum" being withdrawn, the amendment is rejected.

The Clerk read as follows:

For assessor's office: For one assessor, $3,000; two assistant assessors, at $1,600 each; one special assessment clerk, $1,700; two clerks, at $1,400 each; two clerks, at $1,200 each; one clerk and draftsman, $1,200; three clerks, at $1,000 each; one clerk, in charge of records, $1,000; one license clerk, $1,200; one inspector of licenses, $1,200; one assistant or clerk, $900; one clerk, $900; in all, $22,500.

Mr. JOHNSON of Ohio. I offer the amendment which I send to the desk.

The Clerk read as follows:

Add to the pending paragraph the following:

That the reductions in assessment returned by the board of equalization in August, 1892, and December, 1892, are declared void, and the present board of revision, created August 5, 1892, is hereby abolished. The payment of taxes due May 1 and for the balance of the triennial period shall be upon the original returns of the board of assistant assessors made May, 1892, and December, 1892, at such rate as the Commissioners may determine, not exceeding $1.50 on each $100.

Mr. COMPTON. I make a point of order on this amendment, that it is new legislation.

Mr. JOHNSON of Ohio. It is new legislation; but it reduces expenditures by abolishing a board that is now under pay; and it does not substitute another. It is a reduction of expenditures by abolishing the board of revision.

Mr. DOCKERY. Mr. Chairman, I am quite in sympathy with the object which the gentleman from Ohio [Mr. JOHNSON] has in view; but it seems to me, without elaborate argument, that the point of order raised by the gentleman from Maryland [Mr. COMPTON] is well taken. Of course, if the amendment proposed simply to abolish the present board of revision it would not be obnoxious to the point of order; but it does more than that; and a part of the amendment being obnoxious to the point of order, of course the whole is.

The CHAIRMAN. The Chair thinks that the point of order is well taken.

Mr. JOHNSON of Ohio. I now offer the amendment which I ask the Clerk to read.

The Clerk read as follows:

That the present board of revision, created August 5, 1892, is hereby abolished.

Mr. JOHNSON of Ohio. Mr. Chairman, last June a board of assistant assessors, organized about a year before that time, made an assessment of the value of all the property in the cities of Washington and Georgetown. In December of last year they made an additional return for that part of the property in this District lying outside of the city limits. It is impossible to get at the exact amount of these assessments, since the assessors have not made the extensions or footings; but as near as the result can be reached the original reports will foot up about $280,000,000 or $300,000,000 as the total value of all the taxable property in the District of Columbia. At the close of this report these same officers were formed into a board of equalization.

These men had gone over this ground, making in each case a

separate finding—determining how much certain lots were worth by the square foot and the value of the buildings. They had accomplished their work; and it was the best and the fairest assessment that has ever been made in this District, although it was open to some very serious objections. Even under that assessment at least one-half of the property of the District was assessed at from 70 to 90 per cent of its market value, while the other half was assessed at less than 20 per cent of its market value.

When these officers formed themselves into a board of equalization, instead of making, as you would naturally expect, a reduction on the assessed value of property which had been put too high, or an increase on that which had been assessed too low, they, by their revised report, reduced the value of the property already assessed too low. They did not make this reduction by fixing upon certain pieces of property, and saying: "This has been assessed too high, and we will reduce it." They took certain sections, business property, as on F street and good residence sections of the city, where property is valuable, and made reduction of 20 and 30 per cent, and land held for speculative purposes, land on which there were no houses at all, and they reduced the assessment, which was already too low, in the same way. They thus took something like $40,000,000 off the tax duplicate.

A new board of revision is now at work; we do not know what they are going to do, although we can form some guess by the kind of men who are on the board and their expressions which have appeared in the public press. The president of that board said in a published interview that the duty of the board was to reduce assessments. It will thus be seen that as soon as the original report was made, a report in which these men had fairly tried to do their duty and had corrected some abuses—had gone a long way in the right direction—they were surrounded by powerful influences having large interests at stake and were thus induced to reduce their assessments. Not satisfied with that, they go on and organize a board to reduce still further the assessment.

Why is this? They found, under the law requiring the payment of $1.50 on each hundred dollars of valuation, that too much money would be raised, and instead of coming here in a fair and open way and asking a change of the law to reduce the rate, they undertook to work it in in an unlawful manner by reducing the assessment. If the reduction had been all along the line, and fairly made, there would have been less ground of complaint and no injustice done, but instead of trying to do this, they undertook to deceive Congress, and did not even then act fairly with each other, the effect of which is that the men having the most influence are getting all the benefit of the reduction.

I say, therefore, Mr. Chairman, that it is an outrage for the House to allow a bill of this character to go through without finding some means of abolishing that board of equalization and giving a fresh start and change the organization and methods, whereby the rights of all of the citizens of the District can be properly protected and where property can be equally assessed, doing justice to all.

But allow me to call your attention now to some cases coming before that board of equalization.

The CHAIRMAN. The time of the gentleman has expired.

Mr. JOHNSON of Ohio. I would like to be permitted to proceed for a few minutes longer.

Mr. COMPTON. I hope that will be done.

The CHAIRMAN. In the absence of objection the gentleman will be recognized for five minutes.

Mr. JOHNSON of Ohio. I had occasion to go before that board of equalization myself, as chairman of the committee appointed specially to investigate the subject, having taken considerable testimony upon the question, and examined citizens under oath, and we secured a number of special cases where much injustice was done and called the attention of the board to the matter. One case, a notable case, was that of the Washington Loan and Trust Company. The president of that company swore that the building had cost $380,000. This property was assessed at less than $175,000.

Now, if improvements are to be assessed at all, let all be assessed on the same basis and not some 30 or 40 per cent less than others. Another case that we called to their attention was a piece of property assessed at $100,000 that had just been sold for $80,000. There were wide differences in the assessments, and no attention seems to have been paid whatever to anything like an equalization. In many such cases as that the assessment was not touched, while in other cases where the owner swore that property was worth $35 a foot it was assessed at $15 a foot, which was afterwards reduced 20 or 30 per cent.

These are facts, Mr. Chairman, and with the assertion of this new board that their duty was to lower assessments and not to equalize them, it must be evident that there is no opportunity of getting an equal assessment. There is opposition on the part of owners of valuable real estate to prevent a fair assessment.

I am not here to defend any plan by which a set of citizens should get an advantage over any other class or set of citizens; but I do claim that it is our duty to abolish this board and provide some other that will be able and qualified to give us a fair assessment on which a rate can be levied to produce the necessary revenue to support the District of Columbia or its part of the expenses. I am not one of those who say that the District should pay all of the expenses. That would be manifestly unfair. But first we should lay the groundwork, take the necessary steps to get an assessment which will be just, on which we may start as a true basis.

We hear much said of the purity of the Government of the District of Columbia; and I am prepared to agree myself that it is well managed. But there is a flagrant injustice in regard to this matter of assessments, and there may be such a thing as robbery before the money goes into the Treasury as well as after, because, Mr. Chairman, it is just as much robbery to undervalue some property and overvalue others, thus reducing some men's payments, to the disadvantage of others, as it is to give to a favored contractor with whom parties may be in collusion an advantage, or to deliberately take money out of the Treasury and pay it over to favored friends. I ask if it is not a species of robbery to tax certain property only one-half or one-third or one-tenth of its real value, and force other property to pay its full value? The dishonesty is not after the money is collected, but it is before and by the assessment that has been made. I wanted this opportunity to call the attention of the House to this matter for the purpose of suggesting that the mode of correcting the wrong, and as the first step, is to abolish the board of revision.

Mr. HENDERSON of Iowa. I would like to ask the gentleman whether, if this motion carries, he has any plan to suggest in its stead?

Mr. JOHNSON of Ohio. If this is adopted we are carried back to the equalization just finished. That is certainly better. There are three bad assessments. The last is the worst. We are proposing to cut off the last.

Mr. BINGHAM. Does not the gentleman from Ohio [Mr. JOHNSON] know that the last sundry civil bill makes the assessment continue through this year?

Mr. JOHNSON of Ohio. It does. We do not change that.

Mr. BINGHAM. What does the gentleman propose to do with next year?

Mr. JOHNSON of Ohio. Next year will be assessed on the basis of the assessment made by the board of assessors as they originally returned it, subject to the revision which they made. The first amendment I offered was to strike out that equalization. The Chairman has ruled it out of order.

Mr. BINGHAM. Why does the gentleman condemn a board that has made no report as yet, a board just appointed by the President about six or seven weeks ago; an untried board, selected from the best citizenship of the District, whose duty it will be to take this assessment of your assessors under the old law and revise and equalize it and listen to appeals? It seems to me that by this means you can reach the fairest conclusion, for the reason that you make a new board, an untried body of men, who will pass judgment upon the very line of criticism that the gentleman is following.

Mr. JOHNSON of Ohio. The gentleman asks me why I condemn the board. It is because that board's first public utterance was that they propose to defeat the purpose of the law—to reduce, not to equalize assessments.

Mr. BINGHAM. Ah, but that is extra-official.

The amendment proposed by Mr. JOHNSON of Ohio was rejected.

The Clerk read as follows:

MILITIA OF THE DISTRICT OF COLUMBIA.

For the following to be expended under the authority of the Commissioners of the District of Columbia, namely:

For rent, fuel, light, care and repair of armories, $14,000. In the disbursement of this appropriation part thereof may be applied to leasing premises for armory purposes at a reasonable annual rental, to be paid quarterly, for a term not exceeding three years.

For current expenses, namley: For lockers, gun racks, and furniture for armories, $800.

Mr. OTIS. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The amendment was read, as follows:

Strike out all of lines 17 to 24, inclusive, on page 37, and all of lines 1 to 17, inclusive, on page 38.

Mr. OTIS. I move the adoption of that amendment.

The CHAIRMAN (Mr. MCCREARY in the chair). The question is on the amendment offered by the gentleman from Kansas [Mr. OTIS].

Mr. DOCKERY. Mr. Chairman, I desire to reserve the point of order upon that amendment. My attention was diverted for the moment, and I am not sure that I understand its purpose.

Mr. OTIS. My amendment proposes to strike out the pro-

vision in relation to the militia. I have been unable, sir, to see any good reason for our being at the expense of $19,500 to support the militia of this District. It seems to me that with the necessary military force that we naturally have in this locality the militia is an unnecessary adjunct. Therefore, I move to strike it out. It seems to me that so far as any advantage could accrue to this District from the presence of the militia, the same result could be easily attained by the presence of the military forces that would necessarily and justly be located in the capital city.

Mr. DOCKERY. I ask for a vote.

The amendment of Mr. OTIS was rejected.

The Clerk read as follows:

In all, $44,336.

Mr. DOCKERY. Mr. Chairman, I desire to offer an amendment to correct an error in the footing.

The amendment was read, as follows:

On page 40, in line 4, strike out the word "three" and insert the word "six."

Mr. DOCKERY. That simply corrects an error in the footing.

Mr. HENDERSON of Iowa. So that it will read how?

Mr. DOCKERY. So that it will read:

In all, $44,636.

The amendment was agreed to.

The Clerk completed the reading of the bill.

Mr. HENDERSON of Iowa. Mr. Chairman, I move to strike out the last word, for the purpose of making a brief statement to the committee.

It will be observed from the report that the reductions made in this bill below the estimates of the Commissioners of the District of Columbia amount to $1,533,350.

I desire to say that the chief reductions entering into this sum are as follows:

Street paving is cut from $500,000 to $150,000, a reduction of $350,000 on streets.

The amount for sewers is reduced from $598,314 to $292,160, a reduction of $306,154.

The item for county roads is reduced from $115,000 to $14,000, a reduction of $101,000.

The appropriation for new school buildings is reduced from $108,350 to $68,100, a reduction of $50,250.

The estimate for Metropolitan police is reduced from $555,730 to $504,810, a reduction of $50,920.

The estimate for the fire department is reduced from $216,906 to $150,000, a reduction of $66,906.

The item of exhibits at World's Fair is reduced $25,000.

The estimate for Municipal buildings is reduced $100,000.

The item of reformatories and prisons is reduced from $225,061 to $153,647, a reduction of $71,414.

The proposed appropriation for charities is reduced from $259,367 to $217,975, a reduction of $42,000.

The estimate for the water department is reduced from $308,132.69 to $268,058.94, a reduction of $40,074.

These items aggregate a cut of $1,203,718, below the estimates of the Commissioners.

I want it understood that while I have not undertaken to debate this bill in detail, in my judgment I do not subscribe to the majority of these cuts.

I desire to make one other point, Mr. Chairman. The statement filed by the chairman of the subcommittee, the gentleman from Missouri [Mr. DOCKERY], shows reductions from the current law of $454,822. I desire to say of that amount $266,820 are for matters that have been exhausted or are disposed of. To illustrate: In the current law we give $90,000 to the Grand Army encampment. That is satisfied. And then we gave a large sum for building a reform school for girls, etc. I have carefully figured up those items of reduction because of work being exhausted, and it gives the above result.

Mr. SEERLEY. Will the gentleman permit me to ask him a question?

Mr. HENDERSON of Iowa. Certainly.

Mr. SEERLEY. How much do you increase the amount of the bill by the increase in the number of grades in which you provide text-books?

Mr. HENDERSON of Iowa. Two grades.

Mr. SEERLEY. How much increase?

Mr. HENDERSON of Iowa. It amounts to $13,000. That gives free text-books to all in the public schools up to the high school, but does not provide for them in the high school.

Mr. SEERLEY. Then you tax the people at large for text-books for the people of this city?

Mr. HENDERSON of Iowa. We pursued the same principle there as we did in everything else in the District. We make no exception against the poor children of the District.

Mr. DOCKERY. Mr. Chairman, I move that the committee rise and report the bill to the House with a favorable recommendation.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. MCCREARY reported that the Committee of the Whole House on the state of the Union had had under consideration the bill H. R. 10030, and had directed him to report the same back to the House favorably, with an amendment.

Mr. DOCKERY. Mr. Speaker, I demand the previous question to the engrossment and third reading of the bill and amendment.

The previous question was ordered; and under the operation thereof the amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

Mr. DE ARMOND. I desire to enter a motion to recommit with instructions.

The SPEAKER. The previous question has been ordered to the engrossment and third reading of the bill. The gentleman can offer his motion after the question has been taken on the engrossment and third reading.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time.

Mr. DOCKERY. I demand the previous question on the passage of the bill.

Mr. DE ARMOND. I rise, as I gave notice a little while ago I would, for the purpose of making a motion to recommit the bill with instructions.

The SPEAKER. That is in order either before or after the previous question is ordered.

Mr. DE ARMOND. I send up my motion.

The Clerk read as follows:

Resolved, That the pending bill be recommitted, and the committee instructed to report back in lieu thereof two bills, one appropriating money out of the revenue of the District of Columbia solely, the other appropriating money out of the revenue of the General Government, the money appropriated out of the revenue of the General Government not to exceed a sum equal to one-fourth of the amount carried by the pending bill.

Mr. DOCKERY. I demand the previous question on the motion to recommit.

Mr. OTIS. Mr. Speaker, I desire to offer a substitute for the motion to recommit.

The SPEAKER. That is not in order unless the previous question is voted down.

The previous question was ordered on the motion to recommit.

The SPEAKER. The question now is upon the motion of the gentleman from Missouri [Mr. DE ARMOND] to recommit.

The question was taken; and the Speaker announced that the noes seemed to have it.

Mr. DE ARMOND. Division.

The House divided; and there were—ayes 22, noes 65.

Mr. DE ARMOND. No quorum, Mr. Speaker.

The SPEAKER. The Chair will appoint as tellers the gentleman from Missouri [Mr. DOCKERY] and the gentleman from Missouri [Mr. DE ARMOND].

Mr. DOCKERY. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 53, nays 100, not voting 176; as follows:

YEAS—53.

Amerman,	De Armond,	Mallory,	Snodgrass,
Arnold,	Dungan,	Mansur,	Stout,
Bailey,	Edmunds,	McCreary,	Terry,
Baker,	Halvorson,	McGann,	Tillman,
Bland,	Hamilton,	McMillin,	Tucker,
Blount,	Harries,	McRae,	Turner,
Brookshire,	Hitt,	Miller,	Watson,
Buchanan, Va.	Holman,	Moses,	Weadock,
Bushnell,	Jolley,	Newberry,	Wheeler, Mich.
Butler,	Jones,	O'Ferrall,	Wilcox,
Castle,	Kyle,	Otis,	Youmans.
Clover,	Lane,	Parrett,	
Coburn,	Lawson, Va.	Patton,	
Culberson,	Lawson, Ga.	Seerley,	

NAYS—100.

Abbott,	Bynum,	Elliott,	Johnson, Ohio
Andrew,	Cadmus,	English,	Johnstone, S. C.
Antony,	Caminetti,	Everett,	Kribbs,
Atkinson,	Chipman,	Geary,	Lanham,
Babbitt,	Cogswell,	Geissenhainer,	Lapham,
Bartine,	Compton,	Grady,	Livingston,
Barwig,	Coombs,	Greenleaf,	Long,
Belknap,	Crawford,	Grout,	McKaig,
Bentley,	Cummings,	Hall,	McLaurin,
Bingham,	Curtis,	Hare,	Montgomery,
Boutelle,	Cutting,	Harmer,	Mutchler,
Brawley,	Daizell,	Hemphill,	Oates,
Breckinridge, Ark.	Daniell,	Henderson, Iowa	O'Donnell,
Bretz,	De Forest,	Herbert,	Ohliger,
Brickner,	Dingley,	Hilborn,	O'Neill, Mass.
Broderick,	Dockery,	Hoar,	O'Neill, Pa.
Brown, Md.	Dolliver,	Hopkins, Ill.	Page,
Burrows,	Donovan,	Houk, Ohio	Patterson, Tenn.

Paynter,	Reed,	Steward, Ill.	Tracey,
Pearson,	Reyburn,	Stewart, Tex.	Waugh,
Peel,	Sayers,	Stone, C. W.	Wilson, Wash.
Pendleton,	Scull,	Stone, W. A.	Wilson, W. Va.
Perkins,	Shonk,	Stone, Ky.	Winn,
Pickler,	Springer,	Taylor, Ill.	Wise,
Ray,	Stevens,	Taylor, J. D.	Wolverton.

NOT VOTING—176.

Alderson,	Cox, N. Y.	Johnson, Ind.	Richardson,
Alexander,	Cox, Tenn.	Johnson, N. Dak.	Rife,
Allen,	Crain, Tex.	Kem,	Robertson, La.
Bacon,	Crosby,	Kendall,	Robinson, Pa.
Bankhead,	Davis,	Ketcham,	Rockwell,
Beeman,	Dickerson,	Kilgore,	Rusk,
Belden,	Dixon,	Lagan,	Russell,
Beltzhoover,	Doan,	Layton,	Sanford,
Bergen,	Dunphy,	Lester, Va.	Scott,
Blanchard,	Durborow,	Lester, Ga.	Shell,
Boatner,	Ellis,	Lewis,	Shively,
Bowers,	Enloe,	Lind,	Simpson,
Bowman,	Enochs,	Little,	Sipe,
Branch,	Epes,	Lockwood,	Smith,
Breckinridge, Ky.	Fellows,	Lodge,	Snow,
Brosius,	Fitch,	Loud,	Sperry,
Brown, Ind.	Fithian,	Lynch,	Stahlnecker,
Brunner,	Flick,	Magner,	Stephenson,
Bryan,	Forman,	Martin,	Stockdale,
Buchanan, N. J.	Forney,	McAleer,	Storer,
Bullock,	Fowler,	McClellan,	Stump,
Bunn,	Funston,	McKeighan,	Sweet,
Bunting,	Fyan,	McKinney,	Tarsney,
Busey,	Gantz,	Meredith,	Taylor, Tenn.
Byrns,	Gillespie,	Meyer,	Taylor, E. B.
Cable,	Goodnight,	Milliken,	Taylor, V. A.
Caldwell,	Gorman,	Mitchell,	Townsend,
Campbell,	Griswold,	Moore,	Turpin,
Capehart,	Hallowell,	Morse,	Van Horn,
Caruth,	Harter,	Norton,	Wadsworth.
Catchings,	Hatch,	O'Neill, Mo.	Walker,
Cate,	Haugen,	Outhwaite,	Warner,
Causey,	Hayes, Iowa	Owens,	Washington,
Cheatham,	Haynes, Ohio	Pattison, Ohio	Wever,
Clancy,	Heard,	Payne,	Wheeler, Ala.
Clark, Wyo.	Henderson, N. C.	Pierce,	White,
Clarke, Ala.	Henderson, Ill.	Post,	Whiting,
Cobb, Ala.	Hermann.	Powers.	Wike,
Cobb, Mo.	Hooker, Miss.	Price,	Williams, Mass.
Cockran,	Hooker, N. Y.	Quackenbush,	Williams, N. C.
Coolidge,	Hopkins, Pa.	Raines,	Williams, Ill.
Cooper,	Houk, Tenn.	Randall,	Wilson, Ky.
Covert,	Huff,	Rayner,	Wilson, Mo.
Cowles,	Hull,	Reilly,	Wright.

DEFICIENCIES IN APPROPRIATIONS FOR 1893, ETC.

Pending the announcement of the vote by yeas and nays,

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting estimates of deficiencies in the appropriations for the fiscal year 1893 and prior years; which was referred to the Committee on Appropriations.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

The following-named members were announced as paired until further notice:

Mr. HEARD with Mr. WEVER.
Mr. TARSNEY with Mr. RUSSELL.
Mr. ENLOE with Mr. HOUK of Tennessee.
Mr. BLANCHARD with Mr. DOAN.
Mr. WHEELER of Alabama with Mr. SWEET.
Mr. HATCH with Mr. HARMER.
Mr. FITHIAN with Mr. TAYLOR of Tennessee.
Mr. WASHINGTON with Mr. SANFORD.
Mr. LAGAN with Mr. BELDEN.
Mr. GOODNIGHT with Mr. KETCHAM.
Mr. HAYNES of Ohio with Mr. SCULL.
Mr. ALDERSON with Mr. STEPHENSON.
Mr. COBB of Alabama with Mr. POST.
Mr. ELLIS with Mr. MORSE.
Mr. BRYAN with Mr. HOPKINS of Pennsylvania.

The following, for this day:

Mr. STOCKDALE with Mr. GRISWOLD.
Mr. MITCHELL with Mr. RIFE.
Mr. OWENS with Mr. HOOKER of New York.
Mr. HOOKER of Mississippi with Mr. RANDALL.
Mr. CARUTH with Mr. VINCENT A. TAYLOR.
Mr. WILLIAMS of Illinois with Mr. QUACKENBUSH.
Mr. RICHARDSON with Mr. LODGE.
Mr. HENDERSON of North Carolina with Mr. STORER.
Mr. CLARKE of Alabama with Mr. ENOCHS.
Mr. DURBOROW with Mr. FLICK.
Mr. SCOTT with Mr. BROSIUS, until Monday.

Mr. COBB of Alabama. Mr. Speaker, if Mr. POST, with whom I am paired and who is detained from the House, were present I would vote "aye."

The SPEAKER. On this question the yeas are 54 and the nays are 105; no quorum.

Mr. DOCKERY. Mr. Speaker, I move that the House adjourn.

The motion was agreed to, and the House accordingly (at 3:30 o'clock p. m.) adjourned.

BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, a bill and joint resolution of the following titles were introduced, and severally referred as follows:

By Mr. COMPTON: A bill (H. R. 10085) to authorize the Washington and Chesapeake Beach Railroad Company to extend its railroad into and within the District of Columbia—to the Committee on the District of Columbia.

By Mr. HOUK of Tennessee: A joint resolution (H. Res. 183) to print 200,000 copies of the report on the diseases of cattle and cattle feeding—to the Committee on Printing.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as indicated below:

By Mr. ALLEN: A bill (H. R. 10086) for the relief of the trustees of the Baptist Church of Corinth, Miss.—to the Committee on War Claims.

Also, a bill (H. R. 10087) for the relief of Mrs. Mollie A. Smith, of Tishomingo County, Miss.—to the Committee on War Claims.

By Mr. BELTZHOOVER: A bill (H. R. 10088) for the relief of Edward Markle—to the Committee on Military Affairs.

By Mr. SEERLEY: A bill (H. R. 10089) granting a pension to Nancy A. Mattox—to the Committee on Invalid Pensions.

By Mr. SHIVELY: A bill (H. R. 10090) granting a pension to Mary E. Cole—to the Committee on Invalid Pensions.

By Mr. SIPE: A bill (H. R. 10091) granting a pension to Charles E. Cooper, blind and dependent son of Robert F. Cooper, late adjutant of the One hundred and first Regiment Pennsylvania Infantry, deceased—to the Committee on Invalid Pensions.

By Mr. WALKER: A bill (H. R. 10092) granting a pension to Sarah J. Wardwell—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BELTZHOOVER: Resolutions of the Dickinson Presbyterian Church of Cumberland County, Pa., against opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of the Philadelphia Maritime Exchange, asking for the passage of a law establishing a Federal quarantine throughout the United States—to the Select Committee on Immigration and Naturalization.

Also petition of Edward Markle asking for the removal of the charge of desertion—to the Committee on Military Affairs.

By Mr. BROOKSHIRE: Two papers to accompany House bills—one, No. 10026, to correct the military record of George Brown, and the other, No. 10025, to correct the military record of Sylvester Weaver—to the Committee on Military Affairs.

Also two papers to accompany House bills—one, No. 10023, to pension Abraham Lane, and the other, No. 10048, to pension Nancy Pittman—to the Committee on Invalid Pensions.

By Mr. COGSWELL: Petition of Addie L. Macomber, to accompany House bill 10070, for increase of pension—to the Committee on Invalid Pensions.

By Mr. COMPTON: Petition of Mary Keech for the estate of Jane E. Johns, late of Prince George County, Md., praying that her war claim be referred to the Court of Claims under the provisions of the Bowman act—to the Committee on War Claims.

By Mr. HUFF: Petition of Rev. James Given and others, of Rochester Mills, Indiana County, Pa., protesting against the opening of the World's Fair on Sundays—to the Select Committee on the Columbian Exposition.

By Mr. JOLLEY: Petition of the faculty of Yankton College, of Yankton, S. Dak., asking an act to be passed providing for the exclusive use of the metric system of weights and measures in the customs service of the United States—to the Committee on Coinage, Weights, and Measures.

By Mr. JOSEPH: Memorial of Garrison No. 60, at Santa Fe, N. Mex., praying Congress to pass Senate bill which provides for the retirement of enlisted men after twenty-five years service in the Army of the United States—to the Committee on Military Affairs.

By Mr. KRIBBS: Petition of the churches of Clarion, Pa., against repealing the Sunday closing clause in the appropriation to the World's Fair Exhibition—to the Select Committee on the Columbian Exposition.

By Mr. MCALEER: Petition of the Philadelphia Maritime Exchange for the establishment of a Federal quarantine law throughout the United States—to the Select Committee on Immigration and Naturalization.

By Mr. MITCHELL: Petition of Reader Lodge, No. 299, Milwaukee (Wis.) International Order of Machinists, for legislation

requiring sugar manufacturers receiving Government bounty to use American-made machinery—to the Committee on Ways and Means.

By Mr. PICKLER: Petition of ministers and delegates of Central Association of Congregational churches of South Dakota, held at Pierre, S. Dak., November 9, 10, and 11, 1892, and representing 923 churches, asking that the World's Fair be closed on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. SIPE: Resolutions adopted by a conference of Baptist ministers held at West Newton, Pa., remonstrating against the repeal of the present law closing the World's Columbian Exposition on Sunday—to the Select Committee on the Columbian Exposition.

Also, memorial of citizens of Murdocksville, Pa., remonstrating against the repeal of the present law closing the World's Columbian Exposition on Sunday—to the Select Committee on the Columbian Exposition.

Also, resolutions adopted at a meeting of the citizens of West Elizabeth, Allegheny County, Pa., requesting the passage of an act restricting and regulating foreign immigration—to the Select Committee on Immigration and Naturalization.

By Mr. WILLIAM A. STONE: Petition of 66 citizens of Clarendon Borough and vicinity, against any legislation that will allow the opening of the World's Columbian Exposition on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. OHLIGER: Protest of Massillon (Ohio) International Association of Machinists Lodge, against certain methods of work at West Troy, N. Y.—to the Committee on Labor.

By Mr. WILSON of West Virginia. Thirteen petitions of citizens of West Virginia, as follows: Five petitions of citizens of Jefferson County, 4 petitions of citizens of Randolph County, and 1 petition each of citizens of Hampshire, Pendleton, and Tucker Counties, each praying that his war claim be referred to the Court of Claims under the provisions of the Bowman act—to the Committee on War Claims.

SENATE.

MONDAY, *January 9, 1893.*

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of the proceedings of Saturday last was read and approved.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the Custom Cutters' Association of the State of New York, praying for the passage of House bill 9473, limiting the free importation of wearing apparel; which was referred to the Committee on Finance.

Mr. CULLOM presented a petition of citizens of Shelbyville, Ill., praying for the immediate repeal of the purchasing clause of the Sherman silver-bullion act; which was referred to the Committee on Finance.

He also presented petitions of citizens of Jefferson County, of citizens of Franklin County, of farmers and laborers of Franklin County, of citizens of Macon County, of citizens of Christian County, and of Mansfield Grange, No. 917, Patrons of Husbandry, of Montgomery County, all in the State of Illinois, praying for the appointment of a Senate committee to investigate the combine formed to depreciate the price of grain, etc.; which were referred to the Committee on Agriculture and Forestry.

Mr. BUTLER presented the petition of E. W. Metz, of Newberry, S. C., and 20 other citizens residing in different parts of the United States, praying for the appointment of a Senate committee to investigate the combine formed to depreciate the price of grain and now existing between the elevators, millers, and railroads at Minneapolis and St. Louis, and asking for the postponement of the Washburn-Hatch antioption bill until such committee reports; which was referred to the Committee on Agriculture and Forestry.

Mr. HOAR presented a petition of the St. Botolph Club, of Boston, Mass., praying for the repeal of the present law for the purchase of silver bullion by the Treasury of the United States, commonly known as the Sherman act of 1890; which was referred to the Committee on Finance.

He also presented a petition of the Merchant Tailors' Exchange of Boston, Mass., praying for the passage of House bill 8535, to limit the amount of wearing apparel and personal effects which may be admitted free of duty; which was referred to the Committee on Finance.

He also presented the memorial of E. W. Porter, pastor, on behalf of the Waterford (Conn.) Baptist Church, and L. W. Pierce, pastor, on behalf of the Waterford (Conn.) Congregational Church, remonstrating against the repeal of the law closing the World's Columbian Exposition on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

Mr. MCPHERSON presented the memorial of H. G. Deland, and 173 other citizens of Bergen County, N. J., remonstrating against the further purchase of silver bullion by the Government; which was referred to the Committee on Finance.

Mr. GALLINGER presented a petition of the Merchant Tailors' Exchange, of Boston, Mass., praying for the passage of House bill 8535, limiting the free entry of wearing apparel of foreign manufacture; which was referred to the Committee on Finance.

He also presented memorials of the New Hampshire Baptist Convention, comprising 85 churches and 9,282 members; of citizens of Keene, N. H., and of the Christian Arbitration and Peace Society of the United States, remonstrating against the opening of the World's Columbian Exposition on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

He also presented petitions of the New Hampshire State Grange, Patrons of Husbandry, and the New Hampshire State Board of Agriculture, praying for the passage of the Washburn-Hatch antioption bill; which were ordered to lie on the table.

Mr. PASCO presented a petition of the Board of Trade of Jacksonville, Fla., praying for the passage of legislation regulating indiscriminate immigration; which was ordered to lie on the table.

Mr. MCMILLAN presented a petition of the Board of Trade of Detroit, Mich., praying for the construction and control by the United States of the Nicaraguan Canal; which was ordered to lie on the table.

Mr. QUAY presented memorials of the First Presbyterian Church of Bloomsburg; of the Ministerial Association of Sunbury; of the Sabbath Association of Chester County; of the Methodist, Episcopal, Congregational, Baptist, and Disciple Churches, the Society of Christian Endeavor and Epworth League of Smithfield, all in the State of Pennsylvania, remonstrating against the repeal of the law closing the World's Columbian Exposition on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

Mr. TELLER presented a petition of the Denver (Colo.) Chamber of Commerce, praying for the passage of legislation providing for a national quarantine; which was ordered to lie on the table.

Mr. HANSBROUGH presented a petition of citizens of Steele County, N. Dak., praying for the passage of the Washburn-Hatch antioption bill; which was ordered to lie on the table.

He also presented a petition of citizens of Pembina County, N. Dak., praying for the closing of the World's Columbian Exposition on Sunday and that the sale of intoxicating liquors be prohibited thereat; which was referred to the Committee on the Quadro-Centennial (Select).

Mr. SHERMAN presented memorials of the Union Meeting of Christian Churches of Bellville, a memorial of the Union Meeting of Christian Churches of Cambridge, a memorial of a Union Meeting of Christian Churches of Bowling Green, a memorial of 43 citizens of Dayton, and a memorial of 84 citizens of Cincinnati, all in the State of Ohio, remonstrating against any repeal of the law closing the World's Columbian Exposition on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

He also presented the petition of H. H. Campbell and other bankers of Cincinnati, Ohio, and a petition of the Cincinnati (Ohio) Chamber of Commerce, praying for the repeal of the law providing for the purchase of silver bullion by the Government; which were referred to the Committee on Finance.

He also presented a petition of the Charlestown (Ohio) Farmers' Association, praying for the passage of the Washburn Hatch antioption bill; which was ordered to lie on the table.

Mr. BERRY presented a memorial of citizens of Dardanelle, Yell County, Ark., remonstrating against a repeal of the law closing the World's Columbian Exposition on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

Mr. FRYE presented a petition of Pomona Grange, Patrons of Husbandry, of Waldo County, Me., praying for the passage of the pure-food bill and the Washburn-Hatch antioption bill; which was ordered to lie on the table.

NICARAGUA CANAL.

Mr. MANDERSON, from the Committee on Printing, to whom was referred the resolution submitted by Mr. SHERMAN December 22, 1892, reported it without amendment, and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That 5,000 extra copies of the report of the Committee on Foreign Relations on Senate bill No. 1218, relating to the Nicaragua Canal, and the accompanying documents be printed for the use of the Senate.

BILLS INTRODUCED.

Mr. DAWES introduced a bill (S. 3695) to ratify and confirm an agreement with the Pawnee tribe of Indians in Oklahoma Territory, and to make appropriations for carrying the same into

effect; which was read twice, and referred to the Committee on Indian Affairs.

Mr. MANDERSON introduced a bill (S. 3696) for the relief of Brig. Gen. John R. Brooke, United States Army; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. CULLOM introduced a bill (S. 3697) to remove the charge of desertion from the record of Wade H. Newman; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. QUAY introduced a bill (S. 3698) granting an increase of pension to Mrs. Olivia Betton; which was read twice by its title, and referred to the Committee on Pensions.

Mr. GALLINGER introduced a joint resolution (S. R. 133) instructing the Secretary of War to cause an examination to be made of the piers of the Aqueduct bridge, and the District Commissioners to furnish a statement of expenditures on account of said bridge, since it became the joint property of the United States and the District of Columbia; which was read twice, and referred to the Committee on the District of Columbia.

REPORT ON CATTLE DISEASES.

Mr. McMILLAN submitted the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring therein), That there be printed of the special report on the diseases of cattle and cattle feeding, prepared by the Bureau of Animal Industry of the Department of Agriculture, 100,000 copies, of which number 30,000 shall be for the use of the Senate, 60,000 for the use of the House of Representatives, and 10,000 to be distributed by the Secretary of Agriculture.

REPORT ON SHEEP INDUSTRY.

Mr. McMILLAN submitted the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring therein), That there be printed of the special report on the sheep industry of the United States, prepared by the Bureau of Animal Industry of the Department of Agriculture, 35,000 copies, of which number 10,000 shall be for the use of the Senate, 20,000 for the use of the House of Representatives, and 5,000 for distribution by the Secretary of Agriculture.

OBSERVATIONS OF NAVAL OBSERVATORY.

Mr. MANDERSON submitted the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senate of the United States (the House of Representatives concurring), That the annual volumes of the observations of the Naval Observatory, commonly known as the "Washington Observations," for the years 1889, 1890, 1891, and 1892, be printed, and that 1,800 additional copies of each volume be printed, of which 300 shall be for the use of the Senate, 700 for the use of the House, and 800 for the use of the Naval Observatory; and, furthermore, that 1,200 separate copies of each of the astronomical appendices, and 1,000 separate copies of the meteorological and magnetic observations, extracted from each of the above volumes, be printed for the use of the Naval Observatory.

TREATY WITH INDIANS OF OREGON.

The VICE-PRESIDENT. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Secretary read the resolution submitted by Mr. MITCHELL on the 7th instant, as follows:

Resolved, That the Secretary of the Interior be, and he is hereby, directed to transmit to the Senate a copy of a treaty negotiated by Joel Palmer, then superintendent of Indian affairs for the Territory of Oregon, on or about the 11th day of August, 1855, with the various Indian tribes inhabiting the coast of Oregon from the Columbia River to the California line, consisting of Tillamook, Coos Bay, Coquille, Too-too-to-ney, Chetco, Siuslaw, Clatsop, and Lower Umpqua Indians, and whereby they, it is alleged, ceded all the country claimed by them between the country theretofore ceded by various other treaties and the Pacific Ocean, estimated to contain 5,000,000 acres of land, and by the terms of which it is alleged there was a reservation of a tract of country on the coast within the limits of the coast reservation established by the President, estimated to contain 750,000 acres; and that the Secretary of the Interior be further directed to advise the Senate whether such treaty was ever transmitted to the Senate for ratification; also whether the United States, if said treaty was not ratified, has acted upon the terms stipulated therein and received the benefits of the cession therein provided; and if so, whether said Indians were ever paid the amounts stipulated in such treaty to be paid to them for and on account of the lands so ceded, and if so, when were such payments made; and further that he advise the Senate fully whether such treaty became operative and whether the terms thereof or any of them have been enforced against the Indians, or the stipulations therein complied with by the United States.

The VICE-PRESIDENT. The question is on agreeing to the resolution.

The resolution was agreed to.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 7th instant approved and signed the joint resolution (S. R. 112) to print and bind 2,000 extra copies each of the Drill Regulations for Infantry, Cavalry, and Artillery.

The message also announced that the President had on this day approved and signed the joint resolution (S. R. 123) to fill vacancies in the Board of Regents of the Smithsonian Institution.

ADDITIONAL QUARANTINE POWERS.

The VICE-PRESIDENT. The Chair lays before the Senate the quarantine bill.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2707) granting additional quarantine powers and imposing additional duties upon the Marine Hospital Service.

The VICE-PRESIDENT. The pending question is on the amendment proposed by the Senator from Tennessee [Mr. HARRIS], which will be stated.

The CHIEF CLERK. In section 4, line 1, before the words "Marine Hospital," insert "Supervising Surgeon-General of the;" so as to read:

That it shall be the duty of the Supervising Surgeon-General of the Marine Hospital Service, under the direction of the Secretary of the Treasury, to perform all the duties in respect to quarantine and quarantine regulations, etc.

COINAGE OF SILVER.

Mr. McPHERSON. Mr. President, in accordance with the notice previously given, I desire to call up Senate joint resolution 126, which I had the honor to introduce a few days ago, and I ask that it be read.

The VICE-PRESIDENT. The Chair lays the joint resolution before the Senate. It will be read.

The joint resolution (S. R. 126) authorizing and directing the Secretary of the Treasury to suspend all purchases of silver bullion, as provided in the act of July 14, 1890, was read, as follows:

Resolved, etc., That the Secretary of the Treasury be, and he hereby is, authorized and directed to suspend, until otherwise ordered by Congress, all purchases of silver bullion as provided in the first section of the act of July 14, 1890, entitled "An act directing the purchase of silver bullion and the issue of Treasury notes thereon, and for other purposes."

Mr. McPHERSON. Mr. President, I ask to have read what I send to the desk.

The Chief Clerk read as follows:

We denounce the Republican legislation known as the Sherman act of 1890 as a cowardly makeshift, fraught with possibilities of danger in the future which should make all of its supporters, as well as its author, anxious for its speedy repeal. We hold to the use of gold and silver as the standard money of the country, and to the coinage of both gold and silver without discriminating against either metal or charge for mintage, but the dollar unit of coinage of both metals must be of equal intrinsic and exchangeable value, or be adjusted through international agreement or by such safeguards of legislation as shall insure the maintenance of the parity of the two metals and the equal power of every dollar at all times in the markets and in the payment of debts; and we demand that all paper currency shall be kept at par with and redeemable in such coin. We insist upon this policy as especially necessary for the protection of farmers and laboring classes, the first and most defenseless victims of unstable money and a fluctuating currency.

Mr. McPHERSON. Mr. President, this is the proclamation of the Democratic party in national convention assembled in June last in the city of Chicago. That convention was composed of delegates representing every State, every hamlet in the American Union, and the convention almost unanimously, and without division, voted down every amendment that had for its object to bind the national Democracy to the support of a different policy. The delegates there assembled seemed not to be oblivious to the fact that a crisis, fraught with great distress and danger to the Republic, had been reached in the financial affairs of the Government, and they enjoined upon those temporarily intrusted with leadership in legislation and in administration, that the perils which threatened us demanded the prompt and speedy repeal of the Sherman act. That in the coinage of both gold and silver the dollar unit of both metals must be of equal intrinsic and exchangeable value.

And to make this command still more emphatic, we insist (say they) upon this policy as especially necessary for the protection of farmers and laboring classes, the first and most defenseless victims of unstable money and a fluctuating currency.

Assuming as we must, I think, that to the Democratic national convention, constituted as it is, and to it alone, belongs the right to determine, define, and proclaim the faith and policy of the party at least to those citizens who give to it their allegiance—is it not also fair to assume that neither Democratic President, Senator, or Representative in Congress will arrogate to himself absolute liberty of judgment and action—even to the extent of nullifying the pledges made by party to people—upon a subject so vital to them as a possible violent change in their entire monetary system? It was upon the strength of this pledge, made in national convention, that gave to Mr. Cleveland more than one hundred electoral votes, not one of which he could have received without it. And now that the Democratic party is soon to be in absolute control of the legislative and executive departments of this great Government in all its branches, the people, alarmed at the present situation, demand to know when and in what mode this pledge is to be fulfilled.

In obedience to this command, and in apparent fulfillment of this pledge, the distinguished Senator from New York [Mr. HILL] introduced a bill to repeal the Sherman act of 1890. As a

foil to this bill, the distinguished Senator from Nevada [Mr. STEWART] again vaults into the arena with all his old-time vigor for the dollar of the daddies and open mints. As the direct, responsible representative, we assume, of the new party the distinguished Senator has done so much to create, and while defiantly dangling at his belt the bleeding scalps of a goodly number of ambitious Republican statesmen, he gives notice that preceding the repeal of the Sherman law provision by law must be made for the free, unlimited coinage of the standard silver dollar.

The Sherman law (so called) which we seek to repeal was a mere political contrivance (receiving in this Chamber only Republican support), invented and intended to hold the silver-producing States in the West, then wavering in their allegiance, firmly in the Republican column. The public interest was thus sacrificed to partisan advantage. Its all-sufficient justification was found in the perpetuation of the rule of the Republican party, notwithstanding it was plainly apparent to every reflecting mind that under the operation of this law, if long enough continued, our coin currency must be silver, and silver only. It was further apparent to the people that no relief from this incubus was possible except by the united action of both Houses of Congress and the concurrence of the Executive.

The American people were thus bound hand and foot to the terms of the definite alliance made between the Republican party, to which party many had given their allegiance, and the mine-owner, under and by virtue of which alliance the people were made to take all the risks, to bear all the losses, while the mine-owner gets all the profits.

Is it any wonder then that the people now begin to see with clearer vision the aims and intentions, the object and purpose of each political party, and are engaged in new and more earnest efforts over policies that are irreconcilable, over measures that are inherently and inevitably in conflict.

But more, if permitted to diverge a moment from the line of my argument to give additional reasons why the people recently denied to the Republican party the support they had so long accorded to it and turned for relief to the Democratic party.

The people had seen the Republican party make also a definite alliance with the manufacturing and corporation classes, to the injury of all other classes, and more recently they had seen this alliance renewed and strengthened.

And it had been further agreed, as a part of the bond between the Republican party and its mercenary allies, that as the first expressions of popular wrath would be felt in the popular branch, appropriations for subsidies would be made part of the permanent annual expenditures, in order that a Democratic House might not take from the corporations the people's forced contributions.

The people had seen the virtues of popular government; and they then beheld the vices of a government by an oligarchy of money.

They had seen the elections, once pure, become matters of annual bargain between the candidates and their supporters, and money poured into the elections in rolling streams of gold—money, the only and one thought, from the pious cabinet minister to the poorest wretch whose vote he buys.

They had seen individuals and giant corporations given sanction to oppose the people, and they had seen these beneficiaries of Republican favor return at each succeeding election with millions more for fresh riot.

The Democratic people in national convention declared their abhorrence of all these evils existing in the Government and made it the duty and the mission of those intrusted with the responsibility of making their laws to stamp out these evils. Especially and expressly did they enjoin upon their servants in Congress, "that in the coinage of both gold and silver, the dollar unit of both metals must be of equal intrinsic and exchangeable value, and that all paper currency shall be kept at par with and redeemable in such coin;" that the cowardly makeshift known as the Sherman law must be repealed.

Mr. President, gold and silver are something more than mere commodities; they are the only monetary metals, and as such are distinguished from all other metals and all other commodities.

In the international monetary conference which met in Paris in 1881, the Hon. William M. Evarts, then a delegate for the United States, voicing the sentiment and contention of the people of the United States in that conference, spoke, not precisely in words but in substance, as follows:

"Since the days of barter, both gold and silver have been used as money by civilized nations upon some accepted relative ratio of value. There has been no single period in history in which their united strength was more than adequate for the unfolding process of society in the interchange of the products of the world, by providing therefor an intrinsic money with which to measure values. If to this we add the wide expanse of credit in the developed commerce of the world, which finally rests upon the intrinsic money of the world, it will be found impossible for the volume of both the metals that the bounty of nature could yield to the urgent labor of man to perform the task. This credit is almost without a figure a vast globe, and this service of the precious metals to sustain it is that of an Atlas upon whom the whole fabric rests. All attempts to find a permanent enduring support for domestic circulation and for participation in commerce, upon less than the broad basis, the united strength, firmness, and fixity of the two metals which should make one money out of the two metals for all the world is a vain hope and invites disaster."

This I believe to be the opinion and firm conviction of a large majority of the people of the United States; in other words, the people are bimetallists. The number of people in this country who will advocate monometallism either in gold or silver, or who will approve legislation that will tend to drive or drift us to monometallism of either gold or silver is infinitesimal. Neither the "gold bugs" nor the "silver barons" (so called) would consent to a policy which they foresee will tend to suppress one-half the intrinsic money of the State. All concede that with both metals acting in harmonious relationship as money its base has often been found too narrow; with but one it may be positively unsafe.

What then are the essential features of a bimetallic system of currency which our people favor and advocate to the fullest extent consistent with the safety of the finances?

First. "An open mint ready to coin any quantity of either gold or silver which may be brought to it."

Second. "The right on the part of the debtor to discharge his liabilities, at his option, in either of the two metals at a ratio fixed by law."

Under this true definition of bimetallism neither the United States nor any state in Europe can be said to have a bimetallic system of currency, while prior to 1871 the United States and nearly all the great states of Europe were bimetallic states, save England and Portugal.

BIMETALLISM ABANDONED.

Germany was the first to break loose from the great group of states which had used silver and adopt a gold standard, and the United States, in 1873, joined Germany and other states of Europe in destroying the relation which had theretofore subsisted between the white and the yellow metal. The Scandinavian states followed the lead of Germany and discarded silver, while the states of the Latin Union, unable to absorb in their circulation the surplus silver of Germany without the loss of their gold, closed their mints against silver. The fall of silver was easy to foresee. It was inevitable. The mischief was already done. The die completely cast.

To prohibit in ten great states, first in civilization, in finance, and commerce, the mintage of a metal which had hitherto enjoyed like mint privileges with gold and to expect this metal would maintain its former value in the face of the most unparalleled silver production would be inconsistent and absurd.

The effect of the demonetization of silver by Germany was threefold; it not only overloaded a market more than supplied, but also a cessation of the demand for fresh silver, and the increased demand for gold.

Moreover, the public mind in Europe now seems to be undergoing a change not unfavorable to silver. "Other European nations, jealous of the growing financial power and commercial progress of England, where a monetary system based upon the gold standard had been long in use and had satisfied all the requirements of that country, sought for some advantage by which, without too great loss, to change their money standards." Germany succeeded, and as to other great states the purpose seems not to have been entirely abandoned.

This declaration seems to be justified in the views expressed and the votes cast by the European delegates in the several international monetary conferences which met in Paris in 1867, 1878, 1881, and 1892. It is further apparent in their persistent hungry demand for gold to strengthen their gold reserves.

INTERNATIONAL CONGRESSES.

In view of the fact that the United States had invited two and recently called for a third international monetary congress, I will refer briefly to this subject. It will be remembered the conference of 1867 recommended a gold standard, and the legislation of Germany in 1871 was strictly in line with the recommendations of that Congress. The conference of 1878 was called at the urgent request of the United States. The invitation was freely responded to by all the important states except Germany; but though the delegates were present in the body, they were absent in spirit. Our invitation was accepted more in a spirit of courtesy than born of a desire to establish a fixity of ratio between gold and silver and such mint regulations as would make one

money out of the two metals. The conference of 1881 again invited by us was a repetition of the preceding one in respect of results.

With the exception of the delegates from the United States, none of the delegates there present were armed with authority to do more than simply discuss the question and report to their respective governments, while the delegates from England and Germany expressly disclaimed all intention upon the part of these states to open their mints to unrestricted silver coinage upon any ratio or any terms whatever. Mr. Cermichi, a delegate from France, and an earnest bimetallist, speaking for France, said that if the four great nations—England, Germany, France, and the United States—would join the bimetallic union, the success of bimetallism would be an assured fact; that if but three should join the alliance, bimetallism was still possible; but with only France and the United States, it could only result in failure.

The royal commission which met in London, after scanning the silver question in all its aspects, made its final report to Parliament in 1888. The report ends as follows:

No settlement of the difficulty is, however, in our opinion, possible without international action.

Since these words were spoken, owing to the great development in silver-mining, the supply of silver relatively to gold had vastly increased, while the demand for it relatively to gold had diminished, raising new and unforeseen barriers to a bimetallic union.

Notwithstanding conditions had radically changed, the President resolved to make one more effort to secure the coöperation of the great monetary powers of Europe in rehabilitating silver to its former position as one of the monetary metals. The President of the United States again extended the invitation—and the congress of 1892 was the result, with the end an absolute failure of the recent congress; and I assume no Senator will claim for it any other result, in view of the fact that the conference was called with the object of securing an international common ratio, and open mints for the coinage of both gold and silver, and this object found no sympathy among the delegates from European states in that congress. It is therefore fair to assume that European states are satisfied with their monetary systems and conditions, and are not ambitious to assist us in remedying the faults which confessedly exist in ours.

But, sir, I can not refrain from saying that in my judgment, considering the absolute failure of all former conferences in which the United States always took the initiatory, the recently called congress was a great mistake, in that it seemed begging Europe to confer with us again, thus lowering the dignity of the Government and, to use the language of a distinguished English statesman, "that, considering the present infirm status of silver, together with the persistent purchase of silver by us, our action appeared childish in the eyes of other people."

But this is not all.

Our persistent pleading for a new conference every few years can only tend to confirm the impression, now almost universal in Europe, that we are fast driving to silver monometalism and open mints, and when that point is reached they may, if so inclined, exchange their silver for our gold at the ratio of 16 to 1. I think it safe to assume that the new conference will end as all the others have done, with their mints closed against silver, they continuing to maintain an attitude of armed neutrality in respect to silver, while viewing with composure the purchase by the United States of one-third the annual world's production for use in our circulation.

When the Congress of 1878 met and parted the bullion value of our silver dollar was only 7 cents less than that of the gold dollar, and now it is 36 cents less. Considering the present infirm position of silver, the prodigious increase in silver production coupled with the diminution in demand for coinage purposes, what necessity or what advantage have Germany or the states of the Latin union (all of whom have their silver coinage full and no use for more) to join the United States in making a market for silver? Just so long as the United States persists in the policy of subtracting fifty-four millions of silver annually from the world's supply to lock up in our mints, with such added inducement for delay as the near prospect of open mints would give, I can conceive of no statesmen or financier worthy the name in Europe who will not counsel his government to pursue a policy of absolute neutrality, while the United States are willing to go it alone in sustaining the silver market. Moreover all the states of the Latin union may decide for a single gold standard and have silver to sell, which, with free coinage here, would enable them to sell.

SILVER DEMONETIZED.

The Congress of the United States demonetized silver in 1873. The coinage act of 1873 was passed by the votes of Senators and Members, as shown by the RECORD, who have since disclaimed all knowledge of the transaction. "Assuming this to be true—and, if true, it is not surprising—this legislation was made at a time we were using neither silver nor gold as the practical and present money in daily use, when silver at the ruling ratio was worth more than gold, and the public mind was inattentive to the consideration of a question so important to the interests of the State as a change in their money might exert."

Following the lead of Germany, yet unlike Germany, we had no silver in circulation and none to sell. Germany had both. The flame which was started by Germany and fanned into fury by the United States became a great conflagration which threatened with destruction the bimetallic mints of Europe, who for safety had closed their doors. Of all the causes which produced a descent in the value of silver our demonetization act of 1873 was the most potential. The position of the United States was unique among the nations. Her nationality had been tested and proven, and henceforth her right to primacy and her power to dictate policies undisputed. The civil war left us with a burden of debt, which in its volume appalled the world.

Our currency consisted solely of paper promises, for the redemption of which no provision had been made, but which the existing coinage laws gave to us the option to pay in silver as well as gold. An early day fixed for resuming specie payments unitedly with France and the states of the Latin union we could have absorbed the surplus silver of Germany, leaving the ratio between the two metals intact and undisturbed. As an aid to resumption the united strength between the white and the yellow metal circulating together as money was sadly needed, and, as events have shown, well nigh indispensable. The moral effect of this action by the United States in her day of great financial distress and danger was alarming to the bimetallic states of Europe, and decided for them a future policy. The fall of silver was inevitable. Since 1873 that metal, grown old in the service and which had for more than one hundred years kept step with gold, has grown weaker in its strength until it is no longer a giant, but a pigmy, in the operations of commerce.

The coinage law of 1878, which remonetized silver and provided for a limited coinage, was salutary in many respects. It served as a notice to the world that we had discovered the fault committed in 1873, and stood armed and ready to join other nations with whom we were then negotiating, in taking radical steps to alleviate the resulting misfortunes. In the presence of the law itself our sincerity must remain unchallenged and undisputed.

It aided resumption by enabling us to give coin in exchange for the paper issue to the extent that coin was demanded. But more, it was the foundation upon which we built our hopes for a safe, permanent, enduring, bimetallic alliance.

The failure of all our efforts in 1878 and again in 1881 to secure a bimetallic union should have been followed by us with a suspension of the coinage of the standard silver dollar. Our mints once closed should remain closed until an agreement with other nations was reached. What we could not obtain by policy, through diplomacy, we should have attempted to secure by force. Who can say that if this course had been adopted bimetallism would not to-day be an assured fact? Who can doubt with fourteen years of experience to guide us that any other remedy is left us now? Senators who consider bimetallism in all respects to be preferred to silver monometallism will think seriously of the words I have spoken.

If the course I suggest be chosen, impetus will be given to the decision of the following questions:

(1) "Will the restoration of silver to permanent monetary equality with gold by joint action of nations be beneficial to all?

(2) "Will they now join the United States to promote monetary union?"

The question is of decisive practical importance in showing whether we are to have an international or merely a national monetary system. Having waited a long period of monetary inaction, except to pass into a law, the political contrivance popularly known as the Sherman law (of which I will speak hereafter), are we not now impelled to adopt Europe's antisilver policy; suspend further purchases of silver under the Sherman law, and await events?

If I were asked to predict with precision the effect of such action upon other monetary nations owning and controlling a great mass of silver, estimated in value at four thousand millions, of which we possess but a fraction, I would say, "that a further drop in the value of silver, which would be inevitable, would produce such a revolution in Europe—both in standard and in sentiment—as would demand an international monetary congress, where we would be in a position to dictate the terms of settlement."

A bimetallic union which does not include the United States can never exist—and, having the power, it is our bounden duty to take the offensive and settle this war between the standards without taking revenge upon ourselves.

DIVERGENT VIEWS.

Two divergent views as to the line of action to be followed have wide acceptance among the true and firm friends of bimetallism. The views of one portion of our people find expression in the bill now pending in the Senate, which provides for the free, unrestricted coinage of both gold and silver as the best if not the only road to the desired goal. Another portion, which includes, as I believe, a large majority of the earnest friends of bimetallism, condemn this policy as one fraught with disaster and which will inevitably defeat bimetallism and make silver the sole standard of value, the only coin currency in use. And further—

That no one nation acting alone and independently can exert a tithe of the strength required to lift the market value of the world's bulk of silver and the annual product of the mines from the present price of 83 cents per ounce to the par of exchange with gold.

The bill before the Senate (Mr. STEWART'S bill) proposes that the United States, single-handed and alone, shall undertake at once this gigantic financial experiment. Before embarking upon this vast sea of conjecture, without chart or compass, it behooves those who advocate this measure to show some present and pressing necessity of the Government for this leap into the dark.

Without waiting for the present international conference to finish its labors, or testing the virtue of a policy that will force Europe to ask for one, as has been suggested, and which I think infinitely the wiser and better course to pursue, you deliberately pass a bill which will make bimetallism impossible in the future, and which, in effect, will sacrifice the public interest to a private interest.

If no necessity is felt to meet the demands upon the Treasury; none in foreign or domestic commerce; with the volume of circulation greater than ever before, and if enlarged tenfold it would not help a single impecunious man to another dollar who could not give a tempting equivalent in exchange for it, why, I say, adopt this radical change in our monetary system and invite the world to belch their stores of silver upon our mints?

The Secretary of the Treasury in his last annual report gives the per capita circulation on December 1, 1891, at $25.62, showing that the volume of money in circulation is not only adequate to the needs of the country, but is very much more per capita than during the so-called flush times which followed the civil war. The per capita circulation of England, whose foreign commerce leads the world in volume, compared with ours is as 17 to 25. This is approximately true also of Germany, which is 16 to 25.

The most advanced commercial nations, owing to the increase in banking and currency expedients, use by far the smallest proportion of metallic money in proportion to their dealings. It will help to an understanding what an ideal currency should be when we reflect that our total wealth is about sixty-five thousand millions, while the total amount of our coin and bullion is but the one-fiftieth part of this immense sum. Domestic and foreign commerce has for its ultimate object simply an exchange of commodities. Take for example the vast operations of the clearing house, which collects and pays credits and debts amounting weekly to quite one thousand millions, using scarcely 4 per cent of actual money in the exchange.

"By means of accounts current one purchase is made to balance another purchase, and one debt to cancel another debt. Banks and bankers issue bills of exchange, letters of credit, notes, and drafts, which largely take the place of coin. Banks transfer credits between individuals, and clearing houses transfer credits been banks, so that immense transactions are carried on with a very small use of money."

No stronger proofs of the heights of civilization in this country can be adduced than that we use seven kinds of money, all maintained at the gold value, with perhaps not 1 per cent of gold money used in all these immense transactions. Gold, the unit and standard of value, is but little more than the yardstick to measure the value of the commodities to be exchanged.

FRAUD CHARGED.

It is said, and with much emphasis, until the public mind is almost convinced of its truth, that the demonetization of the silver dollar in 1873, debarring it from the currency, was conceived in fraud of the debtor class, and that the legislation was made upon the demand of the creditor class. Admit, if you please, all that is charged against it; admit that it was conceived and passed in fraud; still the law remained, with all its direful effects, until all bimetallic states had changed, either permanently or in practice, from the bimetallic standard to the gold standard. Is it not true that in 1873 the silver dollar had been treated as obsolete and had not been in circulation for forty years; that it was confessedly worth more than the gold dollar?

Why, then, should the creditor conspire and maneuver in order not to be paid in the most valuable coin? This in itself repels the idea that there was any evil animus in that legislation. The demonetization of the silver dollar had been recommended by three successive Secretaries of the Treasury and had been discussed in newspapers and bankers' magazines. The bill to effect this purpose had been thirteen times printed and had been before five different sessions of Congress. There was no concealment or attempt at concealment. The fact is apparent by the record that it was read in both Houses of Congress and passed in both. That fact alone should be sufficient for us at this late day without further question as to the order of the proceedings.

If, however, this charge be true, I respectfully ask: Can you right the wrong done to the debtor class in 1873 by correcting in 1892 the legislation that made that wrong legal? Is it reparation of a wrong to punish the innocent creditor of to-day because a wrong was done to the debtor of nineteen years ago?

What we have done, is done. What we are now to do is the all-important question.

DEPRECIATED SILVER COIN.

"The governments of Europe, as well as our own Government, are to-day upholding depreciated silver coins by the pledge of their credit to the redemption of their coins in gold. It is equally true that their nominal value is far in excess of their real value."

At the present moment, on both sides of the Atlantic, gold alone has the right of unlimited coinage, and is the only true instrument of exchange.

Since 1878 there has not been a standard silver coin minted by any bimetallic State that has not been kept in circulation, if at all, at par with gold by the credit of the issuing State. With paper money, or with all money that has not a full intrinsic value, it is the credit of the Government that makes the value.

Drop a gold dollar into the crucible and the molten mass is still worth a dollar without the Government stamp. Drop a silver dollar into the fire and it now returns you but 64 cents.

The silver miner, for his own gain, demands that a stamped credit be given to 371¼ grains of silver to make it equal to the gold dollar. They further demand that silver coinage be unlimited and unrestricted. The audacity of this demand will be seen and felt in the four thousand millions of cheap silver now in the world, coupled with the annual new product, one hundred and eighty-five millions, from the mines, all invited and attracted to our open mints.

Mr. TELLER. Will it disturb the Senator if I interrupt him?

Mr. MCPHERSON. If the Senator will wait until I get through, as I do not want to break the thread of my remarks I will gladly respond to any question he may ask me. I think I shall make some statements further on that the Senator will perhaps think require notice as well.

The act of 1878 provided for the coinage of two millions silver per month, the same to be increased to four millions per month, in the discretion of the Secretary of the Treasury. Notwithstanding four distinct administrations had come and gone, administrations representing both political parties, controlled and directed by the leading minds of each party, respectively, not a Treasury minister had coined a single dollar in excess of the law's requirement, and all without exception had asked Congress in behalf of the public interest to suspend the coinage. The conservative action of the Senate in 1878, coupled with the true conservative policy of the Treasury since, has enabled us to use a large quantity of silver in our circulation and maintain our silver coin on a parity with gold coin.

With free coinage of silver this could not continue. The first shipment of silver from abroad will deplete the Treasury of its gold, and gold payments will cease. Whenever the Treasury is no longer able to maintain the parity between the gold and silver coin, the public must look out for themselves. Gold is, then, at a premium, and it will retire from circulation. Its weaker and cheaper companion, silver, has come to perform its functions as money, and gold will go where it is more appreciated.

The effect of this legislation will be to enable France, who is not bound to us by monetary treaties, to join England and Germany in adopting the gold standard, while we will be forced from the gold plane, where we now stand, to a silver plane, whatever that may be. But it is asked, silver being a legal tender concurrently with gold, where is the depreciated currency to be found? We are reminded that from the beginning of the century down to 1873 the gold and silver coins, if based upon the ratio of 15½ to 1, had not suffered an extreme variation of more than 3 per cent. And that the average variation, covering the whole period, had been infinitesimal.

That during this period there was a constant par of exchange at the ratio of 15 to 1 between the silver rupee and the gold sovereign.

The friends of free coinage seem to be oblivious to the fact that the cardinal principle of bimetallism had been abandoned by the bimetallic world between 1873 and 1876, when they resolved that

silver coinage should be limited. They do not seem to realize that it is only the legal-tender quality imparted to silver by legislative decree, and upheld by the credit of the Government that now exempts the 64-cent dollar from the category of merchandise. That while the Government can fix the value of the silver dollar for the payment of existing debts, it is beyond the power of the Government to fix its value for any other purpose.

A positive law may render 64 cents a legal tender for a dollar, but no law can oblige a person who has goods to sell, and may sell or not as he pleases, to accept 64 cents as equivalent to a dollar in the price of them. Let there be no illusions upon this subject; discount on silver means premium on gold. If the law of supply and demand be not a falsity that premium under free coinage must increase except we have the support of other great financial powers.

Free coinage means to absorb the silver of the world and place us at once upon a silver basis side by side with China and India.

Free coinage will drive gold out of circulation, except at a premium, to be followed by all the new gold received from the mints. If the experience of the past is any guide in the affairs of men, the history of the world teaches that when one of the metals becomes overvalued in the ratio it drives out the other metal, although the variation may not exceed 1 or 2 per cent.

A practical illustration of this will be found in the monetary system of France, which, in 1851 was practically bimetallic. At the time when the increased supplies of gold began to be placed upon the market from the mines of Australia and California the French currency had ceased to be bimetallic. The large influx of gold altered the relative value of the two metals: gold became overvalued in the ratio and silver undervalued. The latter metal was consequently withdrawn from France for export to the East and other places, and the overvalued gold took its place in the currency.

Again, the original ratio of silver to gold adopted by the United States was to make 15 grains of silver equal 1 grain of gold. This undervalued gold and made it cease to circulate. In 1834 we changed the ratio to 16 to 1. At this rate up to 1873 silver was undervalued, and it left us, so that we were forced to debase our subsidiary silver coins to keep ourselves in small silver for change. If, therefore, from 1795 to 1873 a change in the ratio between the small limit of 15 to 16 caused gold and silver alternately to flee the country, how more certainly with a ratio of 24 to 1, now existing between the value of silver and gold, will the standard silver dollar you propose to coin become the only standard of value and cause gold to flee from the country.

Congress can issue either kind of money it chooses, silver or paper; the coins to contain as many grains of silver as it decrees, and the paper to read upon its face as many dollars as it wills to print; and by making such moneys legal tender it confers on them debt-paying power, but this is not to confer on them future purchasing power, although it may favorably influence that power for a limited period. With silver only as the medium of exchange, all existing debts must be paid in legal-tender silver coin. The bonds of the Government and the interest thereon—State, county, municipal, railroad, industrial, and all other bonds, representing untold millions—not specifically redeemable in gold, will be paid in silver.

"The savings banks, life insurance, and trust companies are the agents for the safety of deposits, made usually in small amounts by the poor and helpless, who have not sufficient money to start business on their own account. These institutions are the depositories of the laborer for all earnings in excess of that required for food and clothing, and their deposits are loaned by these institutions in aggregate sums to those great enterprises in which labor finds its employment. The mite which the laborer loaned, together with his neighbor's mite, has given speed to the wheels of industry, made a greater demand for his labor, and thus enabled his capital to help the work of his hands. If you pay him in silver coin worth 64 cents on the dollar you rob him of 36 cents on every dollar already earned." If this is not partial repudiation, I know not what to call it.

And, again, what will be the effect upon the laborer's future?

"If you make money cheap what will be the effect on the man who earns and lives on wages? If you lower the purchasing power of your money, you, in effect, increase the cost of the things that labor buys. Labor does not go up as fast as other commodities, because workingmen are not in a position to control the world's labor market. Labor, therefore, will be paid in silver as if it were gold, and will buy with silver at its true value."

Now, as the value of merchandise is estimated by its selling price in money the price of our dollar will always be estimated by the amount the substance of which it is made will exchange for when in the world's market or where uninfluenced by legal-tender laws.

"The fact should be impressed upon every person's mind that the true value of our dollar is the amount of merchandise the pure silver or gold in it will purchase abroad as well as at home. Only by keeping the intrinsic equal to the nominal value can a truly honest currency be maintained; only in this way can personal property or real estate be correctly valued, and only in this way can a dollar's purchasing power remain constant."

The speculator alone delights in a fluctuation in the value of money, for it opens to him new chances of gain. A fluctuating coin, always uncertain in value, is most deadly to the interests of the poor, for they have the least power to protect themselves against it. They are the first to suffer from a decline in the value of the currency and the last to recover when improvement begins.

COST OF SILVER.

In view of the legislation here proposed it is evident that the future prospects of silver production will have an important bearing upon the issue involved. It is conceded by mine-owners that owing to new and improved appliances now employed, in comparison with the methods of five years ago, the cost of producing silver is very much lessened. In proof of this we need only point to the fact that for many years the world's production of silver has piled up in rapidly increasing ratio, until in the year 1891 it reached the enormous amount of 143,000,000 ounces as against 58,000,000 ounces in 1873, while the price it brought in the market was the very lowest recorded in our history.

The market value of an ounce of fine silver is about 84 cents; the average cost of the production of this silver, according to the reports of Prof. Austen, of the Royal Mint, and of Mr. Kimball, director of our mints in 1887, was about 52 cents per ounce, leaving a clear margin of profit, under the more costly methods of mining and reduction then in use (and a much greater margin under present methods), of 32 cents per ounce, even when measured by the lowest prices silver has yet reached.

A careful investigation into the present cost, under new methods and conditions, of producing an ounce of fine silver in the United States, gathered from the mint and census reports, together with such other confirmatory evidence as is furnished by the public press, mine-owners' reports, and from private sources, impels me to say that the average cost of producing an ounce of fine silver is less than 35 cents, which gives to the standard silver dollar a cost value of 26 cents. (See Appendix A.)

It will thus be seen that silver mining is the most profitable of all the industries of the United States, even if profits are measured by the highest estimates of cost and at the lowest selling price we have ever known. If we assume that free coinage in the United States will give an increased demand for silver and tend to increase its market value does it not necessarily follow that production will also increase? It would stimulate the ardor for new discoveries, increase the output from mines now working, and cause mines now temporarily abandoned to renew workings.

What the annual output of silver in the United States will be if we pass this bill and give to each ounce of silver now worth 84 cents a debt-paying power equal to $1.29, is beyond our power to estimate, but that it will exceed the full capacity of our mints to coin I have no doubt. Why subsidize the mines more than other branches of business, and why subsidize them at all at the expense of other industries?

THE AMERICAN FARMER.

It has been repeatedly stated in this Chamber and elsewhere that the low price of silver enabled the Indian ryot to take the wheat and cotton market in Europe from the American farmer; and that the only remedy for the ills which afflicted the farmer was to join the mine owner in the cry for free coinage, thus raising the gold price of silver equal to gold, and in this way defeating Indian competition. The profit of the mine owner, if successful in this, is as easy to compute as counting the fingers of the two hands. It would simply add 56 per cent to the present value of the silver stock on hand, leaving future gains subject to future fluctuations in silver.

Assuming, as I think we must, that production would be stimulated and vastly increased, and that other nations will continue to discard silver, this proposed change in our mint laws, giving to silver the monopoly of the mints to the certain exclusion of gold, will continue to inure to the benefit of the silver mine until we have reached the limit; debased dollars will be absorbed in our circulation. After that "the deluge." The American farmer produces wheat and cotton, of which he has a surplus. Both wheat and cotton are exportable commodities; so also is silver an exportable commodity, of which the world has a surplus.

The American farmer possesses a country which is now upon a gold basis, where each dollar in circulation is kept equal to every other dollar and all made equal to gold. With this standard he measures the producing cost of all products intended for domestic and foreign consumption.

The prices obtained for his surplus products in foreign markets

fixes the prices for those consumed at home, and all transactions are expressed in gold—an unvarying standard. He has newspapers and telegrams which give daily foreign quotations, from which, by a simple mental calculation, he is enabled at a glance to see how much real money the products of his farm will buy.

Neither the speculator nor the money-changer is needed in the exchange of his products into gold, and he suffers no depreciation in the money while the exchange is in process or when completed. This being the position of the farmer upon the gold standard, we are now led to inquire what it will be relatively upon the silver standard.

A change in the standard here can not affect the character, habits, or the standards of the people to whom he sells his surplus products. London, commercially and financially speaking, is the exchange, the great clearing house of the world. London is the principal market for the American farmer—besides being the world's silver market as well. Here wheat and silver meet for exchange, and the value of each is expressed in the gold sovereign. The mints of Europe being closed to silver, except for limited coinage solely upon Government account, while our mints are wide open and affording an endless outlet for the world's silver—which we are sure to get in exchange for products. In short, we have exchanged the gold standard for the silver standard, where we are forced to remain, and by this operation have aided other nations to reach the gold standard where they prefer to remain. Meanwhile, the price of the farm product abroad is expressed in terms of gold.

"The level of prices in gold-using countries can only be affected by the demand for products in proportion to the supply, or minutely by changes in the relation between the volume of the currency and the work it has to do, and not by a change in the value, of the metal forming the standard of value elsewhere." In commerce there can be no such thing as a one-sided prosperity, and the necessary adjustment in the levels of gold and silver prices will therefore follow. The variation in the value of gold and silver will always show itself sooner or later in the gold and silver prices of commodities respectively.

Gold being a monopolized money metal having a more stable value than other monetary metals is, by general consent and commercial practice, accepted as the only true standard with which to measure the value of all other things, including silver. The standard once adjusted remains fixed and stable as a measure, while the law of supply and demand may constantly change the relation between the weight of wheat or cotton or silver, for example, and the weight of gold which represents it in the London market. The value of our farm products will be fixed by the gold price in gold standard countries who are the principal purchasers, and it will be paid for in silver at home.

If we pass this bill, surely no other European nation will follow our example or have need to do so; no international monetary conference need assemble, for we alone have settled, for them at least, the silver question by inviting their silver to our mints. But this is not all; we trade with them. The level of their prices is expressed in gold, the level of our prices in silver. There has been a fall in the gold price of silver of 36 per cent, and as the ratio between the level of gold prices and the level of silver prices of commodities must ultimately conform to the ratio between the value of gold and the value of silver, how is this divergence to be adjusted?

The adjustment necessarily must be effected by the exportation of silver to the United States until the value of silver in London and silver prices of commodities in the United States were so affected as to make this operation no longer profitable. The effect of forcing more and more silver upon a circulation oversupplied will be followed by a rise in silver prices of commodities, and by increased exports to London causing a fall in gold prices. In this way only can the equilibrium be maintained, and the divergence between the two currencies adjusted. Any divergence will always show itself in the exchanges. All the losses which the producers had suffered from the uncertain fluctuating character of the legal-tender notes will be repeated and continued by the adoption of the silver standard.

These fluctuations will be at the cost and to the injury of the producers, who are never exporters; it being certain the exporter will demand upon every purchase a sufficient discount to cover all possible risk of fluctuation, not only in the value of the product, but also in the value of the money. Silver in all European markets will circulate only at its bullion value, and no one can be sure that its value will be the same in any two transactions. Hence, the speculator in wheat and cotton will perpetrate these little operations backward and forward upon the producer, taking to himself all the profits and giving to somebody else all the risks. The American farmer will not profit by a single farthing in the sale and exchange of his wheat and cotton, under a silver standard, while the measure of his losses will be what the speculator and money changer will get.

WHEAT AND COTTON.

The statement has been often repeated that the silver rupee will buy as much wheat or cotton in India when the rupee is worth, as now, 1*s.* 4*d.* in gold as it did when worth 2*s.* If this statement be true, somebody is getting rich very fast out of the poor ryot who grows the wheat and cotton. If the Indian ryot, who wears straw clothing, eats only rice, and lives in a mud hovel, is so ignorant that he never knows how many silver rupees he is entitled to receive for a quarter of wheat, then the Senator may be correct in this statement; but that does not alter the fact that the cash difference commercially between the gold price and the silver price of wheat either at Bombay or London is exactly the difference between the market value of gold and silver bullion. (In order not to cloud the transaction I omit from the statement freight and other expenses.)

The wheat and cotton grower in India receives his pay from the exporter in the form of silver rupees, but the exporter draws a commercial bill of exchange on London, and this bill of exchange is for gold. This gold either pays the fixed annual stipend due to England from India, or buys merchandise to be imported into India where it is sold for silver rupees. The competition between Indian exporters and between Indian importers allows as little margin of profit as is possible in commerce between other nations; competition, therefore, regulates the price to the producer, but owing to the uncertain, variable, and fluctuating character of the silver rupee the exporter will always demand a margin to cover any possible loss of fluctuation in the money.

Gold is the standard of England and silver the standard of India; gold and silver have altered in relative value, but how does this affect articles which are interchanged between England and India?

Suppose that 40*s.* in gold purchased a quarter of wheat twenty years ago, and at that time 40*s.* was worth, say 20 rupees (2*s.* per rupee). The gold price of wheat was 40*s.* a quarter, and 20 rupees would purchase a quarter of wheat. The price of wheat is now 32*s.* per quarter, and the 32*s.* will buy 24 rupees, so that the silver price of a quarter of wheat will be 24 rupees instead of 20, as before.

The gold price has fallen 8*s.* per quarter, and the silver price has advanced 4 rupees. It is argued that the silver standard, therefore, is a great gain to India, inasmuch that there has been less variation in wheat prices in India than in England; that in consequence of this the Indian ryot puts more land in cultivation and increases his exports; that wages and cost do not differ materially in India, and, therefore, to enable the American farmer to meet Indian competition we must also open our mints to the free coinage of silver.

If it be true that prices have not fallen in India as in England, that production and export has been stimulated, that wages and cost have not advanced—is it not also true that conditions in India compel us to deal with India itself and alone?—and the rule sought to be applied is not possible in any civilized country.

Will the Senator from Nevada [Mr. STEWART], now that he has his silver market secure in the act of 1890 (and I know he means to keep that much and get more if he can), dare to tell the farmers of the United States, our mints being open, that a standard silver dollar for a bushel of wheat is quite as good pay as the gold dollar for which the wheat was sold in London, when the fact is that a bushel of wheat would buy enough silver to make one silver dollar and the third part of another one on on the same day in the same market.

The American farmer is usually a man of liberal education, he knows his rights, and dares maintain them. The American farmer would receive for his wheat and cotton, in silver, exactly what the exchanges would give him. To illustrate: If wheat is worth 40*s.* gold per quarter in London, or $10 gold in our money, this gold will buy enough silver bullion to make 16 standard silver dollars, and with open mints he may elect between the exchanges and the mint.

If the American people prefer the weaker money of the weak nations, the commercial world will fix its value and the daily fluctuations will be found in the market reports.

WHEAT AND COTTON.

A single glance at the exports of wheat and cotton from those States upon which the world depends for a supply will show how unimportant a factor is India in influencing the price of these commodities in the world's market, and how fallacious the statements so often made that the low prices of silver had enabled India to fix the price to the American producer.

In 1870 the Suez Canal was opened; prior to that trade in wheat with India was very small. Since that year India has increased the mileage of her railroad system over fivefold and has had for over twenty years cheap and direct transportation to the London market for her wheat and cotton.

In 1872, before the demonetization of silver, the wheat crop of the United States was 250,000,000 bushels (I speak in round numbers), of which we exported 37,000,000 bushels.

In 1891 the crop was 611,000,000 bushels, of which we exported 188,000,000 bushels.

The yearly average export of wheat from the United States for twenty years, ending with 1891, was 112,000,000 bushels. During this entire period we have been on the gold basis.

The yearly average export of wheat from Russia during the same period was 62,000,000 bushels. The money of Russia, gold and paper.

From British India the annual average export of wheat for the same period was 20,000,000 bushels, and, although the price of silver has been steadily going down, her export of wheat for 1891 (fiscal year) was less than the average of the ten preceding years. During these twenty years India had been upon a silver basis.

It will be seen that of the entire wheat export from these wheat exporting countries, covering the entire period of twenty years, the United States have furnished 58 per cent, Russia 32 per cent, and India only 10 per cent.

COTTON.

In 1872 the cotton crop of the United States amounted to 3,000,000 bales, of which we exported 2,000,000.

In 1891 the cotton crop was 9,000,000 bales, of which we exported 5,800,000 bales.

Not only had there been in 1891 an increase over 1872 in the acreage planted with cotton of 131 per cent, but the production per acre had increased 36 per cent.

The United States had increased her production and her export of cotton in the year 1891, as compared with 1872, nearly 300 per cent.

Now let us compare this record with India. In 1872 India produced 838,000,000 pounds of cotton, and exported 809,000,000 pounds. In 1891 India produced 1,172,000,000 pounds, and exported 620,000,000 pounds, or about one and one-half million bales. Increase in crop in 1891, compared with 1872, 40 per cent; decrease in exports 23 per cent, and yet the silver advocates insist that India is taking the cotton market from the United States, when, in reality, with silver at $1.32 per ounce in 1872 she exported 188,000,000 pounds more of cotton than she did in 1891, when silver was down to the yearly average of 99 cents per ounce, or a loss of exports in 1891 with cheap silver of 23 per cent below the exports of 1872 with the rupee at par of exchange with gold.

On a gold basis the United States in 1872 produced 56 per cent of the world's supply of cotton; in 1891 she had increased to 74 per cent.

On a silver basis—with silver at par—India in 1872 produced 35 per cent of the world's supply of cotton; and in 1891, with a stimulus of 40 per cent in the fall of the gold value of the rupee to aid production, India's production of cotton had fallen to 20 per cent.

These statistics clearly show that demand and supply govern the market value of all products in the open or world's market, and that the money standards, infinite in variety as they may be, in the countries where they are produced, have no influence whatever "in changing the laws of trade."

That there has been overproduction of wheat and cotton and consequent low prices will be apparent to all who will take the trouble to investigate it. The increase in the world's production of cotton for twenty years, ending with 1891, had been 141 per cent. In wheat 49 per cent, while the increase in the world's population for the same period had been only 36 per cent.

Mr. TELLER. May I ask the Senator a question?

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Does the Senator from New Jersey yield to the Senator from Colorado?

Mr. McPHERSON. Yes, sir.

Mr. TELLER. I should like to ask the Senator if he has in his figures the exports of cotton yarns and cotton goods from India?

Mr. McPHERSON. I have not.

Mr. TELLER. I thought the Senator would not have them

Mr. McPHERSON. If the Senator will reflect for a single moment he will see that we can not deal with that question when we are comparing the cotton report of the United States with that of India. A difference in money standards will not prevent India, if she has the facilities, the labor, the skill, and the inventive genius, from manufacturing cotton and selling her manufactured goods to all who will buy. India stands on exactly the same foundation we do with respect to manufacturing industries. It is the surplus product which is not used in manufacturing enterprises either there or here with which we are now dealing.

Mr. TELLER. The Senator will allow me to suggest to him that India has destroyed our cotton-yarn trade with Great Britain, which was the consumer of our cotton; and for every pound of yarn India now makes which she did not formerly make she has to that extent destroyed the market for cotton produced in the United States.

Mr. McPHERSON. I admit all the Senator says, and it is to the everlasting credit of India that she has become a great cotton-manufacturing country; yet she can not compete with either England or the United States in cotton goods. But we are now dealing with two different money standards, and the effect of each upon the prices of commodities in the markets to which we send our raw surplus products.

I desire to invite the attention of Senators who represent cotton-growing States to a review of the cotton market during the last nine months of 1892, as furnishing proof positive that the price of silver had not the least influence upon the price of cotton in the open or world's market.

In April, 1892, the gold price of cotton was 6¾ cents; the gold price of silver, 87 cents per ounce. In November, 1892, the price of cotton had advanced to 10½ cents, a rise of 50 per cent, while silver had declined to 83 cents, a fall of 4⅘ per cent. Decrease in cotton production for the same year, over 30 per cent.

THE SHERMAN LAW.

The act of July 14, 1890, popularly known as the Sherman law, passed by a Republican Congress and signed by a Republican President against the protest of every Democratic Senator, was the first step leading to the ultimate and inevitable result so fondly hoped for by the silver inflationists. It was a signal triumph for the silver-producers, who aim to use the United States Treasury as a market for their productions, and an enduring triumph as well, in that the policy of purchasing monthly and burying in the Treasury 4,500,000 ounces of silver must continue until both Houses of Congress and the President acting concurrently shall condemn it.

The possible continued use of both gold and silver was thus stricken down by a Republican Congress and President for partisan advantage when within their power to prevent it. It is proper to ask, will free coinage give more silver money than the existing law, or tend to hasten us faster towards the silver standard? Some of the most intelligent opponents of silver coinage agree that it would not. But then I ask, what would simple free coinage mean but the giving up of the use of gold for the use of silver.

In like manner, what does the Sherman law ultimately mean but giving up the use of gold for the use of silver? Silver will be attracted here just so long as the Government shall continue to buy silver and try to maintain this equality of its gold, silver, and paper dollars. Silver exchanged for Treasury notes, redeemable in coin, may have a chance of redemption in gold coin, and the time may come when gold coins shall be worth much more than silver coins.

The law contains no provision for the redemption of the Treasury notes in silver bullion at its market value, or the original purchase price of the bullion.

Silver is purchased at the market value, but the intention of the law is to redeem the notes in silver coin, and provision is made to coin silver dollars for that purpose. The standard silver dollar is all the law promises the holder of the note—all else is left to the discretion of the Treasury. The requirement to purchase $54,000,000 of silver per annum to be buried up in the Treasury, unsaleable and immovable, causes gold to take its place in the foreign exchanges. By far the most serious loss of gold we have ever sustained has occurred since the passage of the Sherman bill. Between February and July of 1891, we lost in gold over seventy millions of dollars, and during the same period we hid in our vaults twenty-five millions of silver which might in part have performed the same service. Under the operation of this law the Treasury notes have not assisted the flow of money to the places where most needed, but have remained at the financial centers, and gold has been driven out of the country.

"It is easy to foresee what our financial position under the pro-silver legislation of the Sherman law would now be had the order of Providence been reversed, and the crops abroad been bountiful, while our crops had been light, with only light exports of products, and consequently light railroad earnings. Add to this the fact that European capitalists fully believe that, do what we will, we have now gone so far in the direction of the silver basis that to escape it is impossible, and they are exchanging our securities for our gold rather than wait until the dollar they invested will yield but 61 cents in return. It would seem a sufficient argument to any intelligent man to point to the fact that while the balance of trade appears upon our books to be largely in our favor, foreign exchange has been held at the gold-exporting point for the past year."

Mr. TELLER. I should like to suggest to the Senator from

New Jersey that he has fallen into an error in the statement he is now making. When we have exported gold during this last year, it has invariably been when the rate of exchange was not at the gold-exporting point, and it is so shown by the Director of the Mint in his recent report.

Mr. MCPHERSON. I used it in the sense that it was more profitable to export gold than to buy exchange.

Mr. DANIEL. May I interrupt the Senator?

Mr. MCPHERSON. I will state to the Senator that I shall be through in a few minutes, and I shall then be glad to hear him.

It is not a question of gold exports that is now alarming the people of the United States. With our power to produce and to absorb gold, we can continue to give Europe all the gold we owe her, provided the growing want of confidence among the people in the stability of our monetary system shall not have the effect of creating a sudden home demand for gold. Fully three-quarters of all the gold in the United States is held outside the Treasury by private parties, who may hoard it for a rise, or not, as they please. Judging from the daily comments in newspapers, the only remedy now left us against the hoarding of gold—which might mean a contraction of 400 millions in the volume of our gold circulation—is to stop the purchase of silver.

It is not a question of the ability of the Government to maintain its present silver circulation at par with gold even if the intrinsic value of the silver dollar should decline to half its present value. The people will and do demand that all our circulation shall be of equal exchangeable value, and all kept equal to gold, and to make sure of this they further demand that this wholesale inflation of silver shall cease. Over fourteen years this country has staggered under the burden of attempting to control the silver market for the entire world; even in the presence of increased and ever-increasing production of silver the Government at great cost has taken enough of the product to limit the fall in price. The Government has tried all these years to benefit silver producers by securing higher prices, but has failed, because it has succeeded so well in stimulating production.

Prior to 1850 England alone, of all the states of Europe, had the single standard of gold; all the other states were either in fact and law, or simply in fact silver monometallic. Everywhere in Europe gold was at a premium. Everywhere, not only domestic, but foreign circulation was effected by means of silver.

At the present time the situation is absolutely reversed. Throughout the whole of Europe the mints are no longer open to the free coinage of silver. To calculate the quantities of gold with which Europe has been flooded since 1848, when the mines of California, Australia, and Russia poured out their treasures, it is not enough to give only the quantities produced; we must add what America sent abroad after the establishment of our forced paper currency.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business, the title of which will be stated by the Secretary.

Mr. DANIEL. I hope the unfinished business will be laid aside in order that the Senator from New Jersey may continue his remarks.

The PRESIDING OFFICER. The title of the bill will first be stated.

The CHIEF CLERK. A bill (S. 2707) granting additional quarantine powers and imposing additional duties upon the Marine Hospital Service.

Mr. DANIEL. I ask unanimous consent that the bill may be informally laid aside in order that the Senator from New Jersey may conclude his remarks.

The PRESIDING OFFICER. The Senator from Virginia asks unanimous consent that the unfinished business may be informally laid aside. Is there objection? The Chair hears none, and the Senator from New Jersey will proceed.

Mr. MCPHERSON. Since 1850 the quantity of gold has doubled. In this short space of time trade and commerce have thrown in the circulation as much gold as mankind had accumulated in four centuries. Owing to these conditions, with those that are found there to-day, gold monometallism has made rapid progress among the states of Europe. Some of the European states, however, desiring to reach the single gold standard, find their easy progress blocked by an excess of silver in their circulation, the result or legacy of the abandoned bimetallism. As a sole remedy for this discomforting condition they close their mints against silver.

Compared with these European states the policy pursued by the United States is exactly the reverse. It is reported upon the apparent authority of the Secretary of the Treasury that embarrassed by the excess of silver in the circulation he may be obliged to buy gold with a new issue of bonds in order to maintain gold payments. As a remedy for this threatened danger (I say danger, for this policy once begun where is it likely to end?) my resolution stops the further purchase of silver. The remedy prescribed by my distinguished friend from Nevada [Mr. STEWART] is, "to correct this excess of silver by a still greater excess of silver."

Mr. President, this is a serious question—a question of sound finance or unsound finance. Shall we obey commercial laws and enjoy commercial prosperity, or disobey and defy these laws and suffer disaster?

Mr. STEWART. Will it interrupt the Senator if I ask him how he would correct the deficiency of gold, by creating a greater deficiency in letting all the world buy it?

Mr. MCPHERSON. I will pause to answer the Senator by simply saying this: I would utilize all the gold we have by keeping it out of the hoards of its owners. I would try to keep it in circulation. I would stop the inflation of silver and not frighten gold to its hiding place. Then, as I have tried to make it clear in my remarks, I would stop the purchase of silver absolutely and let silver find its normal value all over the world, and await events.

I would wait for Europe and other nations of the world who have an excess of silver to join the United States and agree upon an international ratio; and I want to say to the Senator I care but little what that ratio is provided that there were enough strong nations to join together in an international agreement to mint the silver produced, and I should be perfectly willing then to accept the result.

Mr. STEWART. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Jersey yield further to the Senator from Nevada?

Mr. MCPHERSON. I wish to say to the Senator from Nevada that this is all there is of my speech [indicating], and if he will permit me to conclude I will then listen to him. I am proceeding not in my own time, but by the courtesy of the Senate.

Mr. STEWART. I should like to ask another question then.

Mr. MCPHERSON. In the commercial world gold is king. Gold counts the cost, markets the goods, and measures the margins of profit or loss, and this it will continue to do whether we adopt a silver standard or not. Possessing a country almost exhaustless in resources, producing more of the objects which make commerce than any other nation, rivaling all other nations in civilization, in intelligence, inventive genius and skill, to-day the granary and, with wisdom, soon perhaps to become the workshop of the world, can we afford to take a step backward to the money plane of India and China? Shall we stand with the great nations or with the weak nations? Shall we stand for bimetallism, with all its essential features, demanding both gold and silver—and showing preference to neither—or drift to silver monometallism? These are grave questions, and they need a prompt answer.

Now, I will say to the Senator from Nevada that my silver policy is summed up in the following words as near as I can get it into a single statement: In my opinion the true answer, the only answer, will be found in reversing our silver policy, stop buying silver to lock up in the Treasury, and, in turn, dump the new silver from the mines upon the world's market. Bimetallism will never venture forth from any European state until demand is made, not in resolutions, or in piteous appeals, but in positive, aggressive action. Buy no silver and coin none until the effect of such action shall determine a future monetary policy for European States.

"The suction pipes of Europe are now at work upon our gold reserves and whether we live under free coinage or its twin sister the Sherman law, the final result to us will be the same."

Now I will listen to the Senator from Nevada with great pleasure. I was going to say to the Senator, however, that I have a good deal of material here that I think not only the Senator from Nevada but the Senator from Colorado would like to have put in the RECORD, and I ask him to withhold his questions until I get through, unless I am interfering with the Senator from Tennessee [Mr. HARRIS] in his desire to go on with his bill. I do not wish to encroach upon the time he may rightly claim in his own behalf.

Mr. BUTLER and others. Go on.

Mr. MCPHERSON. I have stated in my remarks that in my opinion silver was to-day being produced in the United States at 35 cents per ounce, that the average cost of the production of an ounce of fine silver throughout the whole of the United States was not above 35 cents. The present price of silver is 85 cents per ounce, which leaves a clear margin of profit of 50 cents per ounce.

I also stated that according to my estimate, if silver can be produced and claiming that it is produced at 35 cents per ounce, the intrinsic value of the standard silver dollar amounts to 27 cents.

Mr. STEWART. Will the Senator permit me to state a fact right there?

Mr. McPHERSON. As soon as I get through with my statement.

Mr. STEWART. The Senator is mistaken about that, and I wish to correct him.

Mr. McPHERSON. I am going to offer my proofs. I prefer the Senator to deal with my proofs.

Mr. STEWART. Before the Senator states his proof let me state the fact. I have seen gold procured for less than 10 cents an ounce; I have seen silver procured for less; but that in either case is when you find it. The great cost in producing the crop lies in the fact that it must be produced by explorations, by thousands who make nothing; but after it is found it is easily gathered. I saw a place called Gold Run where a man would make from $50,000 to $100,000 a day for awhile. Quite a number of men were engaged there who made several million dollars in a short time. I do not suppose the labor amounts to more than 5 or 10 cents an ounce to take out the gold when you find it, but the great cost is the explorations to reach that result.

Any statistics you may get relate only to reaping the crop, to gathering the find after the heavy work has been done. Those are the only statistics we have. I have been at work for the last six months attempting to get at the average cost of the product. We have had a committee attempting to get at the average cost and we find great difficulty in reaching the facts; but one thing is certain, that, according to the opinion of all engaged in the business, an ounce of silver costs more than $1.23. That is the average cost when you take into account the labor necessary to produce the result of finding it. Deep shafts have to be sunk and millions have to be spent in finding it, but when it is found it is like any other find——

Mr. McPHERSON. Let me ask the Senator not to interfere longer until I can put in my proofs, although I am very much delighted at all times to listen to him.

In justification of the statement just made by me that the average cost of producing an ounce of fine silver in the United States was less than 35 cents, I subjoin as an appendix to my remarks the following table, compiled (by Dr. Ivan C. Michels, a most competent and careful compiler and statistician) from census and Mint reports for the year 1889. I have not verified this statement, because he gives dates and page of the reports he quotes, and no error seems possible, except perhaps slight errors in computation. [See Appendix A.]

Mr. STEWART. I know the gentleman referred to, and will state that in my opinion his statistics are valueless.

Mr. McPHERSON. Very well.

Mr. STEWART. They are valueless.

Mr. McPHERSON. They must then be proved valueless, and that must be proved from these same census reports. I give my authority for them. I will state that I have not verified them, because I have every confidence, and I think most Senators in this body have great confidence in the capacity and correctness of this gentleman.

This statement gives from the census reports of 1890 the cost of the production of silver for 1889. I stated in my remarks what the cost was by the report of Dr. Kimball and of Prof. Austin in 1887, as it appeared in the Mint report. I now give what it is reported to be by the census, and I suppose the Census Bureau made a very careful investigation into this whole subject. I will briefly state what the table shows.

It gives the tons of ore produced in the five great silver-producing States of Arizona, California, Colorado, Montana, and Utah; the yield of gold, silver, and lead in the ore. It credits the account by sales of the gold at $20 per ounce and the lead at $60 per ton, and deducts from the whole sum the total cost of mining and milling the ore.

The average cost of producing a fine ounce of silver in these five States is found to be 37$\frac{5}{10}$ cents.

Mr. President, this is not an isolated case, let me say to the honorable Senator from Nevada. This estimate is based upon the product of 41,703,527 ounces, or more than four-fifths of the entire product of silver in the United States for that year—1889—which is given by the same census report at 51,354,851 ounces.

Mr. STEWART. Will the Senator allow me to interrupt him now?

Mr. McPHERSON. Certainly.

Mr. STEWART. I have examined that report. I advocated an appropriation for the purpose of gaining and collecting mining statistics, but I was sorely disappointed at the examination which was made. The gentleman who made that report took the paying mines; he did not take into account the millions spent in establishing plants.

Mr. McPHERSON. Let me say to the Senator, as this matter is to be an appendix to my remarks, I can not very well submit to an interruption now.

Mr. STEWART. Just one word more. He did not take into account the vast expenditure of opening the mines, of sinking shafts. He did not take into account the outside expenses of the men engaged in the work. He took into account nothing but the actual extracting and milling of the ore, gathering the crop, which probably would not be more than 10 per cent of the real cost of the whole business. I complained of it to the Superintendent of the Census. He said that he was very sorry the report had no reference to the actual cost; that it was very misleading. I told him the use that would be made of it, taking the mere harvesting of the crop and leaving out at least nine-tenths of the average expense of getting to that point.

That is the report the Senator has here. It takes a paying mine and then adds the cost of milling while the mine is paying. He does not take into account the continuous year-after-year labor trying to find more paying ore, but after the paying ore is found, when the shafts are sunk, when the drifts are run, when the plant is established, then he tells us what it costs to work the ore, which is no criterion of the cost of mining at all. It is a travesty on the subject altogether. The report is misleading, and the man who made it admitted it was no criterion, and he told me he would put in a note explaining that it referred only to the harvesting of the crop.

Mr. McPHERSON. It is proper, however, in this connection, to state that the officers and agents of the Mint employed to gather mineral statistics give the silver yield for 1889 at 56,452,625 ounces, and if this estimate be accepted it will reduce the cost to 35 cents per ounce.

When we consider the extent and character of new discoveries in mines, and in the methods of cheapening the cost of production, surely no Senator will for a moment contend that the cost of procuring silver in 1893 compared with 1889 has not been greatly reduced.

In the absence of later (1889) official reports, and in the presence of a rapid annual increase in silver production, accompanied by a constant fall in the value of silver, its future use as a chief monetary metal must necessarily be influenced by the cost of production; therefore, I deem it important and proper to give attention to the views expressed by others not unfriendly to silver, and which are entitled to respect in the solution of this vexed question. To this end, as additional and more recent testimony in support of the estimate I have made touching the cost of silver production in the United States, I ask that the following alleged facts be printed as an appendix. [See Appendix B.]

I should like to ask the Senator from Colorado [Mr. TELLER], relying as we must very largely upon information other than official touching the cost of the production of silver in the United States, about the standing of the Denver Mining and Scientific Review, and also the Denver Mining Exchange Journal. Are they considered reliable papers in regard to the silver product?

Mr. TELLER. I never heard of the paper. It may be printed in Denver, but I do not know anything about it. I never saw a copy of it. If the Senator will give me leave I should like to say to him and to the Senate that all statements as to the cost of precious metals are misleading and deceptive, and as a general thing are intended to deceive; and if I can get the floor at some time I will explain why.

Mr. McPHERSON. I know of no way in the world to reach a decision upon this question in the absence of official reports later than 1890, and when every estimate that is made is disputed by those who represent the States where the industry is largely conducted, I know of no way except relying upon such information as can be gathered from outside sources.

I find published in the Washington Post, January 1, 1893, a statement speaking of Colorado's mining output for 1892 as follows:

COLORADO'S MINERAL OUTPUT.

DENVER, COLO., *December 31.*

The astonishing figures $41,865,134.23 is the total mineral production for Colorado for 1892; giving totals of $2,012,002.92 in copper, $6,683,478.44 in lead, $28,161,121.96 in silver, and $5,665,898.42 for gold, as against $38,548,934 for 1891.

Mr. TELLER. That includes coal and iron, does it not?

Mr. McPHERSON. No, silver alone.

Mr. TELLER. Forty-one million dollars in silver?

Mr. McPHERSON. Twenty-eight million one hundred and sixty-one thousand one hundred and twenty-one dollars and ninety-six cents is given as the silver output of Colorado in 1892. This is coinage value. The dispatch to the Post also says:

This does not include one smelter in Colorado, and Colorado ores reduced at Omaha and Grant smelter at Omaha.

I now turn to the Daily State Mining Journal of Denver, of January 3, 1893, a paper, I am informed, of high authority upon these mining matters, to find how much the Omaha and Grant smelter smelted for the State of Colorado. That paper puts Colorado's output at 7,475,277 ounces, and the coinage value at

$9,643,107.33; hence, sum total for Colorado, $37,804,229.29, equal to 29,305,604 ounces of pure silver.

Mr. WOLCOTT. I do not suppose the Senator desires unnecessarily to make the amount fictitious. I suppose the Senator is aware that the Omaha and Grant smelter smelts 99+ per cent of its silver ore at its own smelter in Denver, and in the figures which the Senator has read as the product of the Omaha and Grant smelter it was all smelted in Denver, and has been included in the overestimate the Senator has stated of $28,000,000.

Mr. McPHERSON. Admitting all the Senator says, I will accept his statement, for I know nothing about this matter except as I find it in reliable prints—admitting all he says, there remains a most gigantic increase in silver production in the State of Colorado between the years 1891 and 1892.

Mr. DANIEL. Does the Senator take into account the estimated cost of the plant?

Mr. McPHERSON. No; nor should you take into account the cost of the plant.

Mr. DANIEL. If silver miners were furnished with free plants by the Government, they could then produce silver at that rate.

Mr. McPHERSON. Do the farmers in Virginia take into account, when they are considering whether it will pay them to produce wheat or tobacco or cotton, the cost of their plant?

Mr. DANIEL. Of course they do.

Mr. McPHERSON. The plant is there and it is useful for no other purpose but to produce wheat and cotton and tobacco; and they will be grown on the land even at the risk of failure in crops and in price.

Mr. DANIEL. The reason why they are losing money is because they do not take into account the plant.

Mr. McPHERSON. So long as you are trying to determine what the probable output of silver is going to be in the world, because it is due to that very largely, and the cost of producing it, whether we are to have a silver currency or a gold currency in the world——

Mr. DANIEL. Will the Senator allow me ask him a question? Does the merchant take into account the cost of his goods when he puts a price upon them to sell them?

Mr. McPHERSON. If that could be used as a parallel case I should be very glad to answer the Senator that I expect they do take that into consideration.

Mr. DANIEL. Does the farmer take into consideration the cost of his land and the tax he pays on it in estimating the value of his production to ascertain whether it is profitable or not? I do not know about the farmers in New Jersey; but I have always understood that the merchant took into account the rent he had to pay, the taxes he had to pay, and the farmer the taxes on his land and the cost of his land in order to estimate whether his labor was profitable or not.

Mr. McPHERSON. Mr. President, it is a universal principle, which admits of no change whatever, that as to that which is more cheaply produced than usual is more plentifully produced than usual, and its purchasing power will be less. This is true of all things, including silver.

Mr. STEWART. Mr. President, will the Senator allow me?

Mr. McPHERSON. No; I should like to get through.

Mr. HARRIS. Will the Senator from New Jersey allow me to say a word?

Mr. McPHERSON. Certainly.

Mr. HARRIS. This day was by unanimous consent of the Senate agreed to be devoted to the consideration of the quarantine bill, with the single exception of which the Senator from New Jersey gave notice that he desired to submit some remarks upon his joint resolution. Of course I desire the Senator from New Jersey to conclude his remarks, but I beg to appeal to the Senate not to undertake to enter upon a general discussion of the silver question to-day, for this is probably the last day that I shall have for the consideration of the quarantine bill, and I am exceedingly anxious to proceed with it at the earliest moment possible; but if these interruptions and debate are to be continued this discussion will consume the whole day.

Mr. McPHERSON. Let me say to the Senator from Tennessee I regret very much I have occupied the floor so long, and if I had not been interrupted I should have been through some time ago. Now, I hope no Senator will consider it discourteous for me to say that I will not be interrupted and I shall not take five minutes longer.

I will give some further testimony as to the cost of producing silver in the United States. I read from the report of the president, Lewis M. Rumsey, of the Granite Mountain Mining Company, for the year 1889, pages 6 and 7.

Mr. TELLER. What company is that?

Mr. McPHERSON. The Granite Mountain Mining Company, of Montana, 1889. The report is made by its president. I will read just a short sentence from the report. He says:

From October 8, 1880 (the date Mr. McClure first sent the tools to the mine), to July 31, 1889, the total gross sum of expenditures of every kind by our company has been $4,092,512.29. This includes the purchase of property, erection of buildings and permanent improvements, the amount paid for supplies and labor, expended in litigation, and for express and refining charges on smelting, ore and bullion, etc.; in short, as stated above, every expenditure of every nature and kind, during the same period our mines have produced and sold 10,989,858.98 ounces of pure silver and 6,521.569 ounces of pure gold, realizing the gross sum of $10,988,800.24.

The total product of our mines at Government standard value, 1.29\frac{29}{100}$ per fine ounce, has been $14,335,135.38, while our total receipts were, as stated above, $10,988,800.24, showing that the demonetization of silver by our Government had cost our company to July 31, 1889, $3,346,334.14, or over 30 per cent of our gross income.

In four years, from April 8, 1885, to July 31, 1889, we have paid in dividends $7,600,000, or $19 per share on our capital stock of 400,000 shares of the par value of $25.

The same report for 1889 gives the mining and milling cost of a ton of ore at $17.23. The average yield of the ore is 10$\frac{7}{4}$ ounces of silver and gold per ton—at a net cost of about 18 cents per ounce—to produce without allowing for the gold it contains, which would reduce this cost considerably more.

The report further says:

We are gradually realizing the immensity of our property, the stupendous quantity of the work yet to be done before the ore bodies shall have been thoroughly developed, much less exhausted.

In short, after they had paid $7,600,000 on an absolute cost for everything of $4,000,000, covering the period of nine years, the demonetization of silver had prevented them from adding $3,000,000 more to it.

Mr. President, I have here all these papers [exhibiting]. I will not read any of them, but I want to put the whole in the RECORD (see Appendix C). These are principally extracts from newspapers, like the papers I have quoted, as to the cost of the production of silver; and I want to say that, in my opinion, if any Senator will take the trouble to read these statements of reports from mines and elsewhere he will come to the conclusion that I have overestimated the cost of producing silver.

APPENDIX A.

[Compiled from the Eleventh Census on mineral industries.]

Production, expenditures, and returns.	Arizona (pages 68, 69, 163.)	California (pages 70, 75, 163).	Colorado (pages 76, 79, 163).	Montana (pages 83, 85, 164).	Utah (pages 94, 95, 164)
PRODUCTION.					
Amount of ores produced ..... tons..	104,554	1,032,124	852,211	528,518	214,548
Amount of gold extracted therefrom ..... ounces..	45,509	608,936	194,193	156,966	24,383
Amount of silver extracted therefrom ..... ounces..	1,817,036	1,065,036	18,416,861	13,437,661	6,966,933
Amount of lead extracted therefrom ..... tons..	3,158	53	70,788	10,183	16,675
EXPENDITURES.					
Wages paid	$1,499,641	$9,191,500	$9,339,875	$5,881,500	$2,869,852
Office force, wages paid	59,716	201,392	374,035	121,065	47,261
Paid to contractors	48,902	296,373	400,772	120,567	105,535
Value of supplies used	348,662	2,151,229	2,559,705	2,399,963	1,111,963
All other expenditures	110,118	666,961	1,159,945	736,562	740,600
Grand total of all expenditures	2,058,039	12,506,555	13,831,332	9,259,657	4,875,211
RETURNS.					
Sales of gold at $20 per ounce ..... ounces and value..	45,509=$910,174	608,936=$12,586,722	194,193=$3,883,859	156,966=$3,139,327	24,383=$487,666
Sales of lead at $60 per ton ..... tons and value..	3,158=189,480	53=3,180	70,788=4,247,280	10,183=610,980	16,675=1,000,000
Total returns	1,099,654	12,589,902	8,131,139	3,750,307	1,488,666
Balance cost of production of silver	958,385	*83,247	5,703,193	5,509,350	3,387,045

*Net profits on gold; hence the 1,065,036 ounces of silver not costing anything to produce the same.

SUMMARY.

ARIZONA.

Ounces of silver	1,817,036
Cost of production	$958,385

Equal to 52¾ cents per ounce.

COLORADO.

Ounces of silver	18,416,861
Cost of production	$5,703,193

Equal to 30¾ cents per ounce.

MONTANA.

Ounces of silver	13,437,661
Cost of production	$5,509,350

Equal to 41 cents per ounce.

UTAH.

Ounces of silver	6,966,933
Cost of production	$3,387,045

Equal to 48 cents per ounce.

RECAPITULATION AND REMARKS.

COST OF PRODUCTION OF SILVER.

[From Eleventh Census, for 1890, returns for 1889; House of Representatives Miscellaneous Document No. 340, Fifty-second Congress, first session, pages 68 to 95 and 163.]

Arizona	ounces..	1,817,036=	$958,385, equal to 52¾ cents per ounce.
California	do....	1,065,036=	not costing anything.
Colorado..	do....	18,416,861=	5,703,193, equal to 30¾ cents per ounce.
Montana	do....	13,437,661=	5,509,350, equal to 41 cents per ounce.
Utah	do....	6,966,933=	3,387,045, equal to 48 cents per ounce.
Grand total	do....	41,703,527=	15,558,423, equal to 37.3 cents per ounce.

COST OF PRODUCTION.

Prof. Austen, 1886: Equal to 51.1 cents per ounce. Dr. Kimball, 1887: Equal to 52¾ cents per ounce. Eleventh Census 1889: Equal to 37.3 cents per ounce.

LEAD SOLD IN NEW YORK IN 1889.

Yearly summary of Engineering and Mining Journal, statistical number for 1891, page 38: In January, 1889, highest, $96.80 per ton. In May, 1889, lowest, $75.80 per ton. Average price for the year 1889, $78.60 per ton.

APPENDIX B.

The Denver Mining and Scientific Review of October 22, 1891, editorially says:

"Mining as an industry is the safest and most profitable business on earth. Failures in legitimate mining are less than in any commercial business. Many of our mines are paying 25 to 40 per cent per annum on the capital stock. Most of these stocks were purchased at from 25 to 50 cents on the dollar, making an investment of from 60 to 100 per cent per annum. Stock deals in mining are a thing of the past, and mines are now worked for the money they produce."

The Denver Mining Exchange Journal, October 28, 1891, asks editorially:

"Does mining pay? For the past twelve years the North Star Mine, at Silverton, Colo., has been worked at a profit by the owners on the 'day-work' plan $3.50 to $4 per day. The management cut down expenses, decided to try the leasing system, which we have so strenuously advocated in the past. The general supposition was that the North Star was in a decline, but we learn that practical miners offer from 35 to 75 per cent of all the ore mined for the privilege of taking out and selling the balance, and contract to timber and leave the portions of the mine in good working order. If the worked portions have produced a better profit than from 35 to 75 per cent, truly the answer to the above must be that mining does pay."

Mining and Scientific Review, of Denver, Colo., of November 12, 1891, quotes from Eagle County Times:

"Dodsworth & Co., lessees of the 'Red Cap' mine in Eagle Canyon, shipped a carload of ore. The ore assays $400 per ton. Also No. 3 shaft in the 'Ben Butler' mine returns 1,470 ounces of silver."

The same Denver paper quotes from the Silverton Miner:

"The 'Bandora' mine has struck it richer than ever. In the shaft they are sinking there are 18 inches of ore running 500 ounces of silver to the ton. This property was sold this summer for $100,000; now a cool million could not touch it."

The Denver Mining Exchange Journal of January 8, 1892, says:

"The Centennial-Eureka Mining Company has declared dividend No. 20, or 50 cents per share. The Centennial-Eureka has immense reserves of rich ore in sight and could pay $3 dividends as easily as 50 cents, but the management has wisely decided not to break down and ship any more ore than is necessary during the present low price of silver."

The Denver Mining and Scientific Review of the 26th of November, 1891, quotes from the Silver Plume Standard, of Clear Creek County, Colo., as follows:

"Ore from the Seven-Thirty mine milled recently by James Griffin returned 209 ounces of silver and 480 pounds of lead to the ton."

The same paper quotes from Register-Call as follows:

"Three tons of ore shipped from a recent location made in Vermillion district to the Globe smelters netted the owner at the rate of $98 per ton. This speaks well for a prospect not yet 40 feet deep."

The Denver Daily Mining Exchange Journal, of December 5, 1891, comments thus editorially:

"The Ontario mine has produced $12,000,000 on an original investment of $30,000, and yet this sum was neccessasy to make this mine a producer, and the returns have been kingly."

The same paper quotes from the Boulder County Miner thus:

"Mr. P. P. Miller, owner of the Morning Star, says that recently the leasers shipped 5 tons of ore that netted them $1,500, and was the work of four men eight days."

The Denver Daily Mining Exchange Journal of December 28, 1891, quotes from the Silver Plume Standard thus:

"Thomas Hooper's lease on the Terrible mine still continues to turn out good ore. A recent mill run returned 471 ounces of silver and 720 pounds of lead to the ton.

"The Brown mine, a mill run assayed by Frank Pope, returned 390 ounces of silver and 820 pounds of lead to the ton.

"Coughlin & Co., on the same property, had a run that returned 456 ounces of silver and 460 pounds of lead to the ton."

The Daily Denver Mining Exchange Journal of January 13, 1892, says:

"At Pay Rock mines the ore averaged 1,000 ounces of silver per ton, except in two instances. From this shaft levels have been run both east and west in the vein, all of which are in ore that will run from 600 to 1,000 ounces to the ton."

The Denver Daily Mining Exchange Journal of January 27, 1892, speaking of the Crede mines, says:

"The Last Chance is the great mine. Mr. E. H. Crawford, an old Leadville miner, is the superintendent, and is working 70 men on this property. The lower level is in 200 feet. The vein between walls is strong 5 feet, averaging over $135 per ton. The shipment is limited to 85 tons per day."

(Remark: Seventy men at $3.50 per day, $245 per day; shipping 85 tons per day at $135 per ton, $11,475 per day.)

The Nevada Eureka Sentinel of January 23, 1892, says:

"The Eureka Consolidated Mining Company has paid in dividends $5,500,000, over $100 per share, and in excess of the capitalization of the company."

The Denver Daily Mining Exchange Journal of January 26, 1892, says:

"Judge A. W. Rucker has won his famous suit for the recovery of one-sixth interest in the famous Aspen mine. The amount of this recovery aggregates over $2,000,000, as the product of this mine since November, 1884, amounts to over $12,000,000."

The same paper, of January 20, 1892, says:

"Maj. A. J. Pickrell, manager of the Grand Union Mining Company, states that to his great surprise the ore runs over 700 ounces of silver to the ton. Out of nine assays the lowest run was 149 ounces to the ton."

The Aspen correspondent of the Denver Scientific and Mining Review, under date of January 21, 1892, says:

"The property of the 'Best Friend Mining Comppany', exposed a body of high-grade ore from 6 to 9 feet thick and 3 feet wide, which runs 750 ounces of silver to the ton, the remainder of the ore body running 100 to 150 ounces to the ton. Your correspondent picked a few specimens, and had them assayed to satisfy his curiosity. One from near the bottom of the incline assayed 1,850 ounces of silver, and another fine specimen 4,000 ounces to the ton. But the mill dirt taken from the breast of the Houston mine gave me the average. I took a sample every 6 inches across the 7 feet of mineral and put them all together, and my return was 750 ounces of silver to the ton.

"The Puzzle mine, owned by the Puzzle Mining Company, but now under lease to Mr. Lovett, is producing some very fine ore, assaying as high as 3,700 ounces of silver to the ton."

The Rico Sun, published in Dolores County, Colo., says:

"A chunk of ore was brought down to the First National Bank from the Enterprise mine. An assay was made which ran 958 ounces of silver and 480 pounds of lead to the ton."

The editor comments on it thus:

"This is not an isolated specimen, the streak of this character of ore is regular, and is being mined and hoisted to the surface every day."

The editor of the Red Cliff Comet, in Eagle County, Colo., says:

"The Horn Silver mine had assays taken which showed 343 to 470 ounces of silver to the ton."

The Denver Mining Exchange Journal of January 18, 1892, editorially states the following:

"Fortunately for the mining industry the wildly-speculative era is past, and mining to-day stands upon as legitimate a basis as any other great industry. Thirty mining companies in the United States, which made public statements of their earnings, paid last month dividends amounting to $1,500,000, and for the year 1891 about $18,000,000, or an excess of nearly $5,000,000 over the amount paid by the same companies in 1890. When it is remembered that these figures represent the dividends paid by public companies only, and do not represent the earnings of private concerns and close corporations, some idea of the profits of mining by corporations may be obtained."

The Aspen Daily Times of February 3, 1892, says editorially:

"The Mollie Gibson mine is without doubt the richest mine. Recent developments have disclosed a body of ore 9 feet thick that runs $10,000 to the ton, and that a streak 18 inches thick is 80 per cent pure silver."

The Aspen, Colo., correspondent of the Daily Denver Mining Exchange Journal, under date of February 3, telegraphs:

"A very rich strike has been made in that portion of the company's property known as the Silver King mine. About three weeks ago the company laid off about 70 men, to enlarge the shaft into three compartments. Work was started a few days ago which discloses the great ore chute from the Sagnets mine. It shows that the rich ore is continuous for over 400 feet in the sixth level. The chute is over 12 feet thick, and will average 2,500 to 3,000 ounces of silver to the ton. In addition to this, there is a rich streak about 10 inches wide on the hanging wall which will run over 20,000 ounces to the ton."

Mr. W. B. Jacobs writes to the Georgetown (Colo.) Courier that he went to investigate the Creede Camp ores. A brownish-black friable mineral contained 234 ounces of silver to the ton, and a white mineral, consisting in part of sulphate of lead, carries 556 ounces of silver and 440 pounds of lead to the ton.

The editor of the New York Financial and Mining Record, January, 1892, said: "Rich copper ore has been found in Ouray, Colo. The J. I. C. mine is the lucky property in which the strike was made of a rich body of gray copper ore, running $1,000 per ton in silver."

The editor of the Denver Mining and Scientific Review, January 7, 1892, giving an account of the sale of the King Solomon mines to ex-Senator T. M. Bowen, of Colorado, for $21,000 for the whole group, states:

"They carry a large amount of galena, some carrying 1,480 pounds of lead, and from the ores thus far shipped the silver runs from 50 to 800 ounces to the ton."

In the same paper he quotes from the Boulder News:

"Mr. Voorhees in making a cross cut in the Cash mines struck ore that run $400 to the ton. Twelve hands are employed and he says that they are taking out $2.50 for every dollar put in.

He quotes from the Gilpin County Observer in the same issue:

"The National mine is looking well and yielding $87.30 to the ton."

In the same paper he quotes from the Red Cliff Comet thus:

"The strike in the Horn Silver mine continues and Charles Linsey has made another lucky move in the Little May; the ore is worth all the way from $5,000 to $10,000 to the ton."

In the same paper he quotes from the Arizona Prescott Courier thus:

"Frank Kuhne is in from the Sunny South mine and has just sampled a carload of ore from that property, which went 225 ounces of silver to the ton."

The editor of the Denver Mining Exchange Journal, January 9, 1892, speaking of the mines about Ouray, editorially states:

"The great Sheridan mine, in the Marshall basin, is shipping 100 tons of ore daily that averages $100 to the ton. At the present price of silver, and what silver should be, par value, it makes a difference of $350,000 a year in the values of the Sheridan, ore. No wonder we want free coinage!"

The Daily Aspen Times of February 17, 1892, states:

"The working assays from the Little Annie yesterday ran as follows: 96, 47, 1150, 200, 65, and 330 ounces of silver, respectively, to the ton."

Editorially in the same paper:

"For the past year the ore shipped from the Mollie Gibson mine averaged over 400 ounces of silver to the ton."

The editor of the Daily Denver Mining Exchange Journal of February 16, 1892, has an editorial headed "As to profits in mining." He says:

"The general public east of the Missouri River has a very faint and indefinite knowledge of the extent to which legitimate mining is carried on. A list of seventy-five mines shows as profits paid to the stockholders since incorporation the enormous amount of $132,000,000, besides which there are hundreds of small mines not incorporated, being worked as private ventures, of which product no note is taken."

In closing his editorial he says:

"Mining pays better as now conducted, gives better returns, larger profits, than any other form of everyday business. Take an equal amount of capital and put into each, and let the results at the end of the year show which is safest and pays best."

(Remarks: Considering that silver in 1891-'92 has been as low as 86 cents per ounce, this admission is very significant.)

APPENDIX C.

COLORADO MINES.

[From the Denver Mining Review of January 7, 1892.]

Holy Moses, Last Chance, Solomon, produced 74 per cent of lead and from 50 to 800 ounces of silver per ton. Cost of mining and reducing, $42 per ton. Average, 74 per cent of lead, equal to 1,480 pounds of pure lead, which sold at $51.80, leaving net profit of $9.80 on each ton or on the cost of production of 23 per cent, and the 50 to 800 ounces of pure silver are the by-product, realizing on the spot from $40 to $640 net.

The Mollie Gibson mine, at Aspen, Colo., from April 1, 1891, to January 1, 1892; some carloads returned as high as $64,100 and the average for that period was $900 per ton. The cost of production is given at $30 per ton for mining and $40 per ton for reduction and refining; total, $70; net profit, $530 on each ton of ore mined.

The Georgetown Courier says:

"The Brown mine in Clear Creek County produces 456 ounces of silver and 21 per cent, or 420 pounds, of lead to each ton."

The correspondent of Denver Mining Review from Gunnison County, Colo., under date of December 31, 1891, writes:

"The Black Queen mine, at an incline of 280 feet, is a drift of a body of ore of 6 feet thickness, with a streak of 12 to 18 inches near the center which is worth $1 a pound or $1,000 to the ton. The balance of the ore body runs from 100 to 500 ounces of silver.

"The Ouray mine, near Breckenridge, Summit County, Colo., assayed 1,650 ounces of silver to the ton. The vein has been opened from 2 to 8 feet deep for a distance of 1,300 feet without a break in it or any depreciation in its value.

"The Snow Drift, also near Breckenridge, assayed 2,000 ounces per ton."

The correspondent of the Denver Mining Journal, January 9, 1892, writes from Aspen, Colo.:

"The Best Friend has declared its eighth regular monthly dividend. In the Houston part of the company's property is a 7½ feet ore that will mill 145 ounces to the ton. Two men took ore enough out in three days to pay all expenses of the mine and the regular dividend."

WORLD'S COST OF PRODUCTION OF SILVER.

AUSTRALIA.

The cost of production of pure silver is given by Prof. Austen, of the British mint, in the returns of the British Commission Report, volume 1, page 328, as follows:

"The report for the year 1886 of the Broken Hill mines, Barrier Ranges, New South Wales, states that during that year the smelting of 10,397 tons of ore yielded 1,991 tons of lead and 871,665 ounces of pure silver, at a cost, including mining charges, etc., of £4 12*s.* ½*d.* per ton of ore, or at the rate of 1*s.* 1*d.* per ounce of silver, equal to 26 cents per ounce, if the lead be considered of no value; but the lead sold at £12 or $58.32 per ton. Total cost of mining 10,397 tons at £4 12*s.* ½*d.* ($22.44), equal to $233,308.68; lead, 1,991 tons, sold at $116,115.12, leaving the cost of production of the silver, 871,665 ounces, $117,193.56, which is equal to 13⅓ cents per ounce."

The editor of the Money Market, a daily London financial paper, gives the production of the Broken Hill mines for 1889 at 10,000,000 ounces, at 16 cents per ounce, if the production of lead be considered of no value. As he gives not the amount of lead produced, and what it sold at, no exact cost of production of the silver can be stated. Still, when compared with 1886, when the cost of silver, barring the lead, was 26 cents, the decline is considerable, nigh on to 40 per cent.

MEXICO.

According to the report of Mr. Stewart Pixley, of the firm of bullion dealers, of Pixley & Abell, in London, given before the royal select commission on the depreciation of silver (see Appendix of first report of the royal commission, 1886-'87, page 325), the cost of production in some of the mines is 1*s.* 6*d.* per ounce of pure silver, or 36 cents per ounce.

Prof. Austen, in his report, page 325 to the British commission, gives the average at 1*s.* 8*d.*, or 40 cents per ounce.

SOUTH AND CENTRAL AMERICA.

Prof. Austen, in his report published by the British royal commission, on page 328, gives the cost of production of pure silver at 1*s.* 5*d.* per ounce, or 34 cents per ounce.

GERMANY.

From the product of the Mansfeld copper mines, according to Prof. Austen (see same report, page 328), 6,500,000 ounces of silver from the copper ores were obtained at 9¼*d.*, or 19 cents, per ounce of silver. He also states in the same article that by the improved process of Mr. Claudet 328,000 ounces were recovered from the copper ores at 5*d.*, or 10 cents, per ounce.

Mr. ALDRICH. I give notice of my intention to offer at the proper time a substitute for the joint resolution of the Senator from New Jersey, which I ask to have read.

Mr. HARRIS. I ask that it may appear in the RECORD without reading.

Mr. ALDRICH. I desire to have it read. I will not take over five minutes of the time of the Senate.

The VICE-PRESIDENT. The proposed amendment will be read.

The Secretary read as follows:

Amendment to be proposed to the joint resolution (S. R. 126) authorizing and directing the Secretary of the Treasury to suspend all purchases of silver bullion as provided in the act of July 14, 1890.

Strike out all after the resolving clause and insert:

"That the United States hereby reaffirms its purpose to maintain a parity in the value of its gold and silver coins and of the United States notes and United States Treasury notes issued under authority of law; and to insure the maintenance of such parity an adequate reserve of gold coin shall at all times be held in the Treasury of the United States; and if at any time in the opinion of the President the amount of such reserve shall be insufficient, the Secretary of the Treasury, with the approval of the President, shall forthwith sell the bonds of the United States in such amounts as may be necessary to restore the adequacy of such reserve, such bonds to be of the form and sold in the manner prescribed in the third section of the act approved January 14, 1875, entitled 'An act to provide for the resumption of specie payment,' payments for such bonds to be made in gold coin. The President of the United States is further authorized, if in his opinion such action is necessary, to secure a continuance of the parity in value aforesaid, to suspend from time to time the purchases of silver bullion required to be made by the act approved July 14, 1890, entitled 'An act directing the purchase of silver bullion and the issue of Treasury notes thereon, and for other purposes.'

"SEC. 2. That unless on or before the 1st day of January, 1894, an international agreement shall be entered into between the Government of the United States and of the leading commercial nations of Europe by which gold and silver shall be given equal mintage rights in the mints of their respective countries at an agreed ratio, then the purchases of silver bullion provided for in the first section of the act approved July 14, 1890, above referred to, shall cease."

Mr. ALDRICH. Mr. President, there undoubtedly exists in all——

Mr. HARRIS. Mr. President, I am compelled to ask for the regular order. If the Senator from Rhode Island is permitted to go on and debate his amendment there are half a dozen Senators in the Chamber who will want to reply to him, and if I fail to call for the regular order now I shall have to yield to the gentlemen whom he provokes to reply.

Mr. ALDRICH. Mr. President——

Mr. HARRIS. I demand the regular order.

The VICE-PRESIDENT. The regular order is called for.

Mr. ALDRICH. Can one Senator take another Senator off the floor in that way? I can of course make the request I am about to make when the Senator's bill is before the Senate, but would prefer to make it now. I shall not take three minutes of the time of the Senate. I simply desire to make a request in regard to the pending joint resolution that will facilitate the business of the Senate, and I certainly shall not claim more than three minutes of its time.

Mr. HARRIS. I should yield to the Senator most cheerfully the few moments he wants, but I know there are other Senators who entertain conflicting views, and if I yield to him I shall be compelled to yield to them, and the result will be that I shall yield the whole day.

Mr. ALDRICH. I propose to ask the unanimous consent of the Senate that a vote be taken on the joint resolution, and if I fail to secure this I shall have nothing more to say in regard to it.

Mr. HARRIS. Let the Senator propound his proposition for unanimous consent.

Mr. ALDRICH. That is what I was about to do, and I should have concluded the request if the Senator had not interrupted me in the midst of my remarks.

Mr. HARRIS. The Senator from Tennessee does not regret having interrupted the Senator from Rhode Island.

Mr. ALDRICH. I was about to say that there exists in all the financial and commercial circles of the country a deep-seated apprehension and fear of evil results to follow the considerable exports of gold and the continued purchase of silver under the act of July 14, 1890. In view of the very able, interesting and I presume authoritative, exposition of Democratic opinions to which we have just listened from the Senator from New Jersey [Mr. MCPHERSON], I am led to believe that an agreement can be reached in the Senate with substantial unanimity in regard to the character of a remedy for these anticipated evils. While there is a suspicion on this side of the Chamber, which is not entirely removed by the explicit statements of the Senator from New Jersey, that the Democratic party are simply masquerading——

Mr. HARRIS. What is the unanimous consent that the Senator asks?

Mr. ALDRICH. Masquerading, I was about to say, as the friends of honest money in their present attitude, I should be glad to test the sincerity of their pretensions, and I ask that the joint resolution and the pending amendments be taken up to-morrow morning at the conclusion of the morning business, and that

at 2 o'clock a vote be taken upon them without further debate. I appeal to the Senators upon the other side of the Chamber. I ask the Senator from New Jersey to accept the opportunity to carry out the views expressed in the Democratic platform, and I hope they will with unanimity agree to this proposition.

The VICE-PRESIDENT. Is there objection to the request made by the Senator from Rhode Island?

Mr. DANIEL. I object to any time being fixed for a vote on the joint resolution.

The VICE-PRESIDENT. Objection is made. The regular order is called for.

Mr. DANIEL. I ask the Senator from Tennessee to yield five minutes to the other side. I shall ask of his courtesy to yield that time to me that I may place on record certain questions.

Mr. HARRIS. I shall yield five minutes to the Senator from Virginia as gracefully as I did to the Senator from Rhode Island. [Laughter.]

Mr. DANIEL. We all know that however it may be in other things the grace of the Senator from Tennessee can only be surpassed by his generosity. [Laughter.]

Mr. President, we have had a specimen from the Senator from New Jersey of the cooked statistics by which this country is periodically alarmed upon the silver question and by which it is sought to make the people believe that the silver question in their dogma is not what it purports to be. We have the remarkable confession from him (and I am glad that if his speech produces no other results it has recorded that confession) that in the gold cookery of silver statistics no estimate of the capital employed in its production is entered into as an element of its cost. In other words, the cost of the mine, the cost of the skilled genius that discovers the mine, the cost of the expensive and elaborate plant in the calculations of his statistics are completely eliminated from the cost of production. A new species of political economy is being interjected to estimate the value of silver by which no other element or material is estimated in the minds of men upon the face of the earth.

I wish to put to the Senator, that he may answer at his leisure, as he can not now, these questions: What took gold away from this country; and would it not have gone whether there was free coinage, partial coinage, or no coinage of silver; and did it not go to fill a gap in European finance made by a succession of foreign pecuniary troubles?

In the next place, the Senator states that supply and demand, independent of law, regulate the value of silver. Why does he seek, then, by law further to depreciate it if the law has nothing to do with it? The whole predicate of his case is that he wants further to depreciate silver by the action of this Senate, in order to put a panic in Europe, which some day or other, in "the sweet by and by," America will correct to the advantage of the silver which it now seeks through him to destroy.

Let me ask the Senator further if gold has not already been hoarded, and let me ask him if the gold men have not so put it upon the statute book that the poor man of this country can not hoard it, but the capitalist can? It is provided that gold shall not be coined in one dollar, so that a poor man can not get it; and it is already hoarded in the hands of a few, the rich and the powerful.

In the next place, if we continue to use silver, the Senator laments with tears in his voice how the poor will suffer in having to take the silver dollar. As he does not propose to discontinue the circulation of nearly $500,000,000 of silver which we now have, and as the law has provided that gold can not take its place in gold dollars, because it does not make them, and as the purpose of this bill, deliberate and avowed, is further to depreciate the value of silver, let me ask the Senator what is to become of the poor people who will be obliged to take at a discount the $500,000,000 we now have because it is impossible in the nature of law to get others, and why should he not weep a few tears, imported from Wall street, for the benefit of that class who are to have this depreciated and degraded mass of metal thrust into their pockets?

Mr. MCPHERSON. Would the Senator from Tennessee prefer that I should answer all the questions of the Senator from Virginia now?

Mr. HARRIS. I would prefer that the Senator should not answer them now, and I am very indifferent whether he ever answers them or not. [Laughter.]

Mr. STEWART. I know the Senator from New Jersey never can answer them.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had passed the following bills:

A bill (S. 118) for the relief of the estate of Isaac W. Talkington, deceased; and

A bill (S. 3623) to amend the act of March 3, 1873, for the relief of the Columbian University in the District of Columbia.

The message also announced that the House had passed a bill (H. R. 10038) making appropriations for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1894, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (S. 317) granting an increase of pension to John M. Roberts;

A bill (S. 2592) granting an increase of pension to William C. Tarkington;

A bill (S. 2990) for the relief of George W. McKinney; and

A bill (S. 3314) for the relief of E. Darwin Gage, late lieutenant-colonel of the One hundred and forty-eighth New York Infantry.

ADDITIONAL QUARANTINE POWERS.

The VICE-PRESIDENT. The Senate, as in Committee of the Whole, resumes the consideration of the unfinished business, which is the bill (S. 2707) granting additional quarantine powers and imposing additional duties upon the Marine Hospital Service.

Mr. TELLER. I should like to inquire whether the regular order is before the Senate?

The VICE-PRESIDENT. The Chair has placed the regular order before the Senate, as in Committee of the Whole.

Mr. TELLER. I do not intend to make a speech on the quarantine bill, nor do I intend to make a speech on the silver question, but I shall be perfectly in order if I take five minutes or fifty on this bill.

The very remarkable statement made by the Senator from New Jersey [Mr. MCPHERSON] shall not go into the RECORD without at least an expression of dissent on my part. He has made an estimate of the cost of silver—and that is the way it was made by the Census Bureau—exactly as if he had made the estimate of the cost of cutting a field of wheat and the thrashing of it, and stated that that was the total cost of the product. I said it was misleading and deceiving, and I say that all these attempts to fix the cost of an ounce of silver or an ounce of gold are misleading.

The Senator from Nevada [Mr. STEWART] said he had seen gold produced at 10 cents an ounce. I have seen it produced in large quantities, millions of dollars, at a rate very much below the mint rate. I have seen it frequently produced at 5 per cent of its value and from that up to 50 per cent. A profitable mine, unless remarkably large, in order to make a fair profit, should not produce gold at over 70 or 80 per cent of the mint value. The most successful mines usually produce gold at about $12 an ounce, and $20 is the mint value.

I have seen a miner take out of a mine $3,500 in two hours. I have known miners to get $100 of gold day in and day out, when labor could be hired in that community at $5 a day. Does anybody pretend to tell me that that was the cost of gold? A man who attempts thus to deceive the public is either dealing unfairly with them or unfairly with himself. Proper attention to this question will prevent any fair-minded man from making such a statement here or anywhere else.

Do you suppose, Mr. President, that the miners of Nevada and of Colorado and of Montana would be in arms on this subject if they could make more than 100 per cent on every ounce of silver they mined? Does the Senator from New Jersey suppose that the capital of this country would not make haste to go to that Western country to mine silver at 35 cents which they could sell in the markets of the world for 84 cents? Senatorial courtesy and Senatorial propriety prevent me from expressing my opinion of such statements in such a way as I should outside of this Chamber. They are made generally—not referring to them when made here—for the purpose of deceiving.

Mr. MCPHERSON rose.

Mr. TELLER. I do not say the Senator from New Jersey; and I decline to be interrupted by him, as he declined to allow me to interrupt him at any time.

No man living can tell the cost of silver. It will be $5 an ounce in some mines and 50 cents in others. The telegraph to-day reports the fact that one of the greatest and richest of the groups of mines in the State of Colorado has closed because of the low price of silver, at 84 or 83 cents or whatever it may be. They have been closing mines in Montana and Nevada and in other sections of the country with the present price of silver. Under these circumstances, to have a Senator stand here and tell us that we are mining silver at an average price in the United States of 35 cents will hardly be tolerated without at least a protest.

I am asked, how much did it cost to mine gold when we produced in California $60,000,000 worth a year? Why, Mr. President, gold was coined there at 10 cents an ounce. Did that fix the price of gold? Did anybody in the world pretend that that had anything to do with its purchasing power? I know it has been said that the great output would render it too cheap for money; but it has been reserved for modern times and modern political economists to assert against a money metal that it was unfit for use because by accident here and there it could be produced at a mere nominal rate. Does the Senator remember that a miner, in traveling in Australia from one camp to another, stumbled on a nugget valued at $30,000 in the forenoon, upon which he had expended no labor at all, and does he suppose that gold should have gone into the markets of the world as absolutely worthless because it had cost nothing?

Mr. President, at the proper time, when I can do so without imposing upon the Senator from Tennessee [Mr. HARRIS], I propose to discuss the question not only of the cost of the product but some other things concerning it.

There never was a more senseless and ridiculous cry made by any people than that which has been made by the advocates of the single gold standard in this country, or the pretended bimetallists, who are bimetallists only in name and not in fact, and who, if they are bimetallists, have never shown the slightest interest in bimetallism. Every movement they have made in financial legislation has been against bimetallism.

There never was, I repeat, a more senseless cry of alarm than the cry which is made about the export of gold from this country at this time. When the time comes and the proper opportunity is presented, I shall demonstrate that no thinking man need be alarmed about the export of gold, and I shall demonstrate, above all, that there is no export of gold occasioned by distrust of our financial standing in this country; I shall show where the export of gold has gone for the last three years, and I charge now that the men who are howling about this matter are not alarmed. They do not fear that we are going to a silver basis; they know that there are no signs of our going to a silver basis. They think that the export of gold, smaller this year than it has been during many others, and less threatening now than it has been at other times, can be used as an engine, as a method, as a means of repealing the so-called Sherman act of 1890.

I wish to say to them that they may butt their heads against the wall as much as they choose; but they have not the votes either in this House or the other to repeal that law, and it will not be repealed in this Congress; that is morally certain. They may as well arrange their financial affairs and their financial views with a full understanding that they are impotent to touch that law between now and the 4th of March, and, in my judgment, they will be no more likely to do it after the 4th of March than before.

Mr. CHANDLER. Mr. President, certain amendments to the pending bill were passed over at my request, which I ask may be now acted upon.

The VICE-PRESIDENT. The question is on the amendment of the Senator from Tennessee [Mr. HARRIS] to section 3 of the bill. The amendment will be stated.

The CHIEF CLERK. In section 3, line 1, before the word "Marine," it is proposed to insert the words "Supervising Surgeon-General of the;" so as to read:

That the Supervising Surgeon-General of the Marine Hospital shall coöperate with, etc.

Mr. PLATT. I wish the attention of the Senator from Tennessee for a moment. It seems to me that if these words are to be inserted in section 3 and in section 4, so that those two sections, as they commence, shall read:

That the Supervising Surgeon-General of the Marine Hospital Service, etc.—

there ought to be another amendment of section 3 to make it correspond with the language of section 4, which reads:

That it shall be the duty of the Marine Hospital Service, under the direction of the Secretary of the Treasury, etc.

The words "under the direction of the Secretary of the Treasury" ought to be either stricken out of section 4 or inserted in section 3.

Mr. HARRIS. I think they ought to be inserted in section 3 after the word "shall." Let them be there inserted.

The VICE-PRESIDENT. The amendment will be modified to that extent, and stated.

Mr. HARRIS. The first amendment to the section is before the word "Marine" to insert "Supervising Surgeon-General of the."

The CHIEF CLERK. In section 3, line 1, before the word "Marine," it is proposed to insert "Supervising Surgeon-General of the;" and after the word "shall," in the same line, to insert "under the direction of the Secretary of the Treasury;" so as to read:

That the Supervising Surgeon-General of the Marine Hospital Service shall, immediately after this act takes effect, examine the quarantine regulations of all State and municipal boards of health, and shall, under the direction of the Secretary of the Treasury, coöperate with and aid State and municipal boards of health, etc.

Mr. PLATT. No; the words "Supervising Surgeon-General of the Marine Hospital Service" are put in the wrong place.

Mr. HARRIS. The amendment I offered was to come in after the word "shall," in line 1 of section 3.

The VICE-PRESIDENT. The amendment will be again stated.

The CHIEF CLERK. In section 3, line 1, before the word "Marine," it is proposed to insert "Supervising Surgeon-General of the;" and after the word "shall," in the same line, to insert "under the direction of the Secretary of the Treasury;" so as to read:

That the Supervising Surgeon-General of the Marine Hospital Service shall, immediately after this act takes effect, examine the quarantine regulations of all State and municipal boards of health, and shall, under the direction of the Secretary of the Treasury, coöperate with and aid State and municipal boards of health, etc.

Mr. CHANDLER. I think the mistake arises from the fact that there has been a previous amendment made in section 3, so that it will be necessary for the Senator from Tennessee to modify his amendment. Will the President direct the Secretary to read the first clause of the section as it now stands?

The VICE-PRESIDENT. The clause will be read.

Mr. HARRIS. The bill, I think, is right. Perhaps the idea is repeated where it is not absolutely necessary; but the bill is perfectly clear as it stands.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

Mr. CHANDLER. I should like to hear it read.

The VICE-PRESIDENT. It will be again stated.

The CHIEF CLERK. It is proposed to amend at the beginning of section 3 so as to read:

That the Supervising Surgeon-General of the Marine Hospital Service shall, immediately after this act takes effect, examine the quarantine regulations of all State and municipal boards of health, and shall, under the direction of the Secretary of the Treasury, coöperate with and aid State and municipal boards of health, etc.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The VICE-PRESIDENT. The next amendment proposed by the Senator from Tennessee [Mr. HARRIS] will be stated.

The CHIEF CLERK. In section 4, line 1, before the word "Marine," it is proposed to insert "Supervising Surgeon-General of the;" so as to read:

That it shall be the duty of the Supervising Surgeon-General of the Marine Hospital Service, under the direction of the Secretary of the Treasury, to perform all the duties in respect to quarantine, etc.

The amendment was agreed to.

Mr. WHITE. If the chairman of the committee will excuse me a moment, I have an amendment which I should like to offer as soon as I can prepare it.

Mr. HARRIS. Certainly.

Mr. CHANDLER. What is the question?

The VICE-PRESIDENT. The Senator from Louisiana [Mr. WHITE] is preparing an amendment which he desires to offer.

Mr. CHANDLER. If the Senator from Louisiana will allow me, I will make a brief statement while he is preparing his amendment.

Mr. WHITE. Certainly.

Mr. CHANDLER. Mr. President, the question as to the Supervising Surgeon-General of the Marine Hospital Service having been disposed of, I take occasion to make a statement in reference to my allusion on Friday last to the organization known as the Gridiron Club. After I had stated that the press of the United States was wholly represented in this city by the Gridiron Club, I was informed that I was mistaken, and that out of some 150 or 175 representatives of the press in this city only about 30 or 40 belong to that club. The criticism is made of me that, having been informed on this point, I did not correct my remarks before they appeared in the RECORD. I preferred to let them stand as they were uttered, and to make this correction in open Senate in justice both to the Gridiron Club and the many other members of the press.

I have no doubt that the fact which has been stated to me is true, and that the press of the country is not wholly represented in this city by the Gridiron Club, but only by some 30 or 40 out of 150 or 175 members of the press here. I do not know whether an apology is due from me to any one, whether the members of the press not belonging to the club wish me to apologize to them because they do not belong to it, or what their sensitiveness, if there be such, is; but inasmuch as I made no allusions to the Gridiron Club, which were intended to be other than complimentary, I have, of course, no apologies to make.

Mr. WHITE. In line 11, section 3, after the word "Columbia," I move to insert the words which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The CHIEF CLERK. In section 3, line 11, after the words "District of Columbia," it is proposed to insert "all such rules and regulations shall operate uniformly and in no manner discriminate against any port or section."

The VICE-PRESIDENT. The question is on agreeing to the amendment.

Mr. HARRIS. The main object of this bill is to secure a uniform quarantine system throughout the United States. If the Senator from Louisiana has the slightest doubt that it does not, without his amendment, I will most cheerfully accept his amendment.

Mr. PLATT. I wish to inquire whether the Senator from Tennessee does not think that there might have to be specific rules for the quarantine at specific ports which would not necessarily be required at other ports?

Mr. HARRIS. I can hardly conceive the possibility of such cases; but I think the rules ought to be absolutely uniform, and that there should be no discrimination between ports or places.

Mr. CHANDLER. I did not learn exactly where the amendment was proposed to be inserted.

Mr. HARRIS. After the word "Columbia," in line 11, of section 3, on page 3.

Mr. DOLPH. I desire to call the attention of the Senator from Louisiana [Mr. WHITE] to the fact that in the first part of this section the State rules and regulations are referred to and are connected by the conjunction "and" with the rules and regulations made by the Secretary of the Treasury. Of course the rules and regulations of the States can not be uniform. I suggest whether the word "such," in line 4, ought not to be changed to the "rules and regulations made by the Secretary of the Treasury."

Mr. WHITE. I have no objection, although I considered it when I drafted the amendment. I considered that this clause only qualified the rules and regulations to be made by the Secretary of the Treasury, but for fear I may be mistaken, if the Senator will be good enough to suggest a correction of my amendment to meet his view, it will satisfy me completely.

Mr. HARRIS. After the words "rules and regulations" insert "made by the Secretary of the Treasury." The Senator will modify his amendment to that extent.

Mr. WHITE. Yes, sir.

The VICE-PRESIDENT. The amendment as modified will be stated.

The CHIEF CLERK. In section 3, line 11, after the word "Columbia," it is proposed to insert:

All rules and regulations made by the Secretary of the Treasury shall operate uniformly, and in no manner discriminate against any port or section.

Mr. CHANDLER. I suggest to the Senator to use the word "place" instead of "section," as it follows the other language.

Mr. WHITE. That will satisfy me.

Mr. HARRIS. Let the amendment read "port or place."

The VICE-PRESIDENT. The amendment will be modified as suggested. The question is on the amendment as modified.

The amendment was agreed to.

Mr. WHITE. I have another amendment, to be inserted in line 5, section 8, which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The CHIEF CLERK. It is proposed to add to section 8, on page 9, the following:

All the provisions of this act shall *ipso facto* expire on the 1st day of January, 1895.

The VICE-PRESIDENT. The question is on the amendment.

Mr. HARRIS. If that amendment is to be agreed to, I think there is very little reason why we should spend another minute upon the bill, as we have consumed a good deal of time with it now. Even if there were no alarm in respect of cholera in Europe, no summer comes when we are not threatened with the fatal epidemic of yellow fever. There is no season of any year that our ports ought not to be carefully guarded against cholera and yellow fever and other contagion. It is as necessary at one time as another, and it is always necessary. If the majority of the Senate chooses to vote that amendment upon the bill, I confess that I shall very largely lose my interest in it and feel that it is a matter of very small importance whether the bill passes at all or not.

Mr. WHITE. I had not intended to enter into any extended discussion of the provisions of this bill, but I suggest to the Senator from Tennessee, in charge of it, that this amendment practically propounds my objections to the bill, and as I understood the bill is not to be finally voted on to-day, I suggest that this amendment be reserved and that we go on and carry it over until to-morrow.

Mr. HARRIS. If the Senator will allow me, I prefer that the amendment should be disposed of now. It is true I have agreed with the Senator from Louisiana that if we could perfect the bill and reach the point of the question, Shall the bill pass? I would consent to accommodate him and ask that it go over until the conclusion of the routine business of Wednesday morning provided we can get the consent of the Senate to take the final vote then. If, however, this amendment is to be voted on the bill, I shall not trouble the Senate by asking for the consideration of it so far as I am personally concerned.

Mr. CHANDLER. I desire to ask the Senator from Louisiana whether he desires to speak to this amendment?

Mr. WHITE. This amendment practically formulates my objection to the entire bill. Of course, in addressing myself to this amendment I shall address myself to the entire subject-matter of the bill as seen by my mind. I am ready, if necessary, to undertake that this evening, but I should prefer doing it to-morrow.

Mr. CHANDLER. I had hoped that the Senate might be able to act upon this bill at last, giving a full hearing to every Senator who desires to be heard. I know that constituents of the Senator from Louisiana, representing some of the public bodies in that State, are coming here and wish to be heard before this bill is disposed of, and I think it no more than fair that the Senator should have the privilege, which the Senator from Tennessee says he proposes to accord to him, of having the final vote upon this bill postponed until Wednesday. I suggest to the Senator from Louisiana that he postpone his remarks upon this amendment, inasmuch as the amendment embodies what he has to say of substance against the bill, until all the other amendments are disposed of, and then, after taking a *viva voce* vote upon this amendment, or not taking it, that the bill go over until Wednesday morning, if the Senator from Tennessee has no objection.

Mr. HARRIS. If I can get a unanimous-consent agreement that the Senator from Louisiana may offer this single amendment, that no other amendment shall be offered upon that occasion, and that there shall be no debate except upon this amendment on Wedneseay morning, I shall very cheerfully consent to agree that the bill may go over after other Senators have had the opportunity to offer such amendments as they choose to offer.

Mr. WHITE. The Senator understands, of course, that the debate upon this amendment will take in the whole bill. When he says "debate on this amendment" it may lead to a misunderstanding; and I do not want to have any misunderstanding about it.

Mr. HARRIS. So far as the debate of the Senator is concerned upon this amendment, of course it may relate to the entire policy. He is not limited to any strict line.

Mr. WHITE. That will be very agreeable to me if it is agreeable to the Senate.

Mr. HARRIS. I do not wish the matter considered as open for general debate. It is open to-day for general debate, and I am willing to stay here as long in the hours of the day time and the night time as any Senator may desire to stay, in order that every Senator may have an opportunity to offer any and all amendments he chooses, and to debate them to any extent desired: but I want to fix a time so that there shall be a vote sooner or later.

Mr. CHANDLER. I made the suggestion in justice to the Senator from Louisiana, because I know he wishes to consult his constituents who are coming here on this subject, and I also made it because I believe that by such a course really the debate will be shortened. I hope that after the Senator consults with his Louisiana friends, who are to be here to-morrow or the next day, he will find that he does not desire to make serious opposition to the passage of the bill. I therefore made my suggestion in the hope that I should thereby shorten the speech of the Senator rather than with a view of postponing it.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Tennessee?

Mr. HARRIS. If that arrangement is satisfactory to the Senator from Louisiana, I am willing, if the Senate will consent, that immediately after the completion of the routine morning business on Wednesday morning the Senator may offer his amendment, but that no other amendment shall be in order, and there shall be no general debate of other amendments to the bill, so as to come to a vote before we reach the conclusion of the morning hour at 2 o'clock, when the Senator from Minnesota [Mr. WASHBURN] will be entitled to the right of way.

Mr. MORGAN. What will be the status of the bill in the mean time?

Mr. HARRIS. The bill will be laid aside.

Mr. MORGAN. That will cut off all amendments and all debate.

Mr. HARRIS. To-day the bill is open to all amendments and all debate, according to my suggestion.

Mr. MORGAN. It would not defer the bill now?

Mr. HARRIS. By no means. We go on with it to-day.

Mr. WASHBURN. Mr. President, I dislike very much to interpose an objection to the proposed arrangement. I very good-naturedly gave way on Friday and Saturday last for the discussion of this bill, on the most solemn assurance that it would be closed up in those two days, but the discussion seems to have run on, so that it was impossible to reach a vote upon it, and I have taken no exception to to-day being set aside for that purpose; but I do feel that I should not be doing justice to the bill, which I to some extent have in charge, if I consented to have next Wednesday fixed for the further consideration of the pending bill. I will agree, however, to this, which it seems to me is entirely fair, that the speeches which are to be made shall be made to-day, and that a time shall be fixed on Wednesday at which the vote shall be taken. With that understanding, I should interpose no objection to the arrangement.

Mr. HARRIS. I desire to say to the Senator that my own idea was that we should progress as far as possible to-day. I should have insisted upon completing the bill to-day, but for the fact that there is a committee on their way here from New Orleans, of the constituents of the Senator from Louisiana, and he desires to give that committee an opportunity to confer with him before final and definite action is taken.

Mr. WASHBURN. It was in that view that I assented to the vote being taken on Wednesday; but I do not presume that the constituents of the Senator from Louisiana are to bring with them the speech that he is to make, and, therefore, it might as well be made to-day and the time consumed now instead of Wednesday.

Mr. HARRIS. My request was limited to the morning hour.

Mr. WASHBURN. That I shall not object to.

Mr. HARRIS. Of course, when we get into it in the morning hour, it is perfectly frank to say to the Senator that I think he will yield then to allow it to be concluded, if it overruns the morning hour; but my request does not now extend beyond the morning hour.

Mr. TELLER. What is the request?

The VICE-PRESIDENT. The Senator from Colorado desires the Senator from Tennessee to restate his request.

Mr. HARRIS. My request was that we progress with the bill; that is, complete its consideration by the offering of all amendments and acting upon them, but reserving the right to the Senator from Louisiana [Mr. WHITE] on Wednesday morning immediately after the routine business to offer the amendment he has now offered and to debate it, but the debate is to be limited to that amendment, and we are then to come to a vote.

Mr. TELLER. That is, on Wednesday morning?

Mr. HARRIS. Wednesday, immediately after the routine business of the morning hour.

Mr. WASHBURN. And that the vote shall be taken at 2 o'clock?

Mr. HARRIS. If the Senator from Louisiana can get through and has not forced some Senator to say something in reply.

Mr. WASHBURN. By opening that door, of course you will consume the whole day.

Mr. HARRIS. My request does not extend beyond 2 o'clock, but if 2 o'clock catches us in the midst of a debate which the Senate thinks can be closed in thirty, forty, or sixty minutes, the Senator would probably very cheerfully yield to what he would not be willing to yield to to-day.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Tennessee?

Mr. WASHBURN. I feel that I have been more than generous and liberal in giving way in the last three days.

Mr. HARRIS. I acknowledge the Senator's generosity and liberality.

Mr. WASHBURN. The pending bill is a matter of supreme importance to the health of the country, and there was so much interest manifested in it that I did not feel that I could interpose any objection; but it seems to me that the matter has already gone too far. If we can agree here upon some reasonable time when a vote can be taken on the antioption bill, then I should not be so anxious about the time to be consumed. I understand there are only a few more speeches to be made on the antioption bill, and I ask unanimous consent that some time be fixed this week for voting upon the bill. I think it is no more than just and fair that such an arrangement should be compassed. I ask unanimous consent that on Friday, at 3 o'clock, the vote may be taken on the antioption bill and its amendments.

Mr. WHITE. I can not possibly give that consent. The two Senators from New York are both absent and both have declared that they intend to speak against the antioption bill. I therefore could not now possibly give the consent asked by the Senator from Minnesota.

Mr. WASHBURN. Is it to be expected that the Senate is to be held here all winter for those Senators to return?

Mr. WHITE. I do not care about stating my expectation. I state the fact. Whether it would be courteous to them to say that we expected them to be absent all winter, is a question into which I prefer not to enter.

Mr. WASHBURN. Is the Senator prepared to name any reasonable time?

Mr. WHITE. I am not prepared to fix any time.

Mr. CHANDLER. Will the Senator allow me a moment?

Mr. WHITE. Yes.

Mr. WOLCOTT. I do not understand that this floor is the exclusive property of the Senator from Minnesota [Mr. WASHBURN], or the Senator from Louisiana [Mr. WHITE], or any other Senator. I apprehend that there is an opportunity for other Senators to share and participate in matters which are going on in the Senate without having to call upon the Senator from Minnesota or anybody else for permission, or without the Senator from Minnesota being compelled to tell us how generous he has been in permitting a measure as comparatively unimportant as the quarantine bill to take precedence upon the floor of the Senate; but if it is in order, the bill being now the special order, I move that this measure be made the special order for Wednesday next.

Mr. BUTLER. What measure is that?

Mr. WOLCOTT. The measure of the Senator from Tennessee [Mr. HARRIS]. I move that it be taken up on Wednesday next. I apprehend if an amendment is offered by the Senator from Louisiana [Mr. WHITE] he can not be cut off by saying that at such a time he must stop talking; if any Senator objects to his amendment, he shall not have the right to comment upon it; and that we must vote at a certain time, whether we are ready to vote or not. I apprehend that it is within the province of this body, if in its wisdom it shall so determine, to go on with the discussion until it is finished decently and in order.

Mr. HARRIS. Let me suggest to the Senator that every Senator must agree, and hence the unanimous consent of the Senate was asked to this agreement.

Mr. WOLCOTT. I understand the Senator from Tennessee to ask consent that nobody shall say anything after the Senator from Louisiana gets through, unless he chooses to say it upon that amendment; and that he shall limit himself in point of time to such an extent as not to unnecessarily offend the Senator from Minnesota, who has the antioption bill in charge. [Laughter.] I apprehend that that would not be essential to a proper discussion of this question. If my motion is in order, I renew it, that the quarantine bill be made the special order for Wednesday next, at 2 o'clock.

Mr. BUTLER. I do not quite understood to what extent that motion will go. Do I understand the Senator from Colorado that the consideration of the bill shall be terminated on that day?

Mr. WOLCOTT. Not necessarily. I take it that it will be terminated when it gets through. [Laughter.]

Mr. BUTLER. My reason for making the inquiry is, that I have just received a dispatch from the chairman of the board of health of the city of Charleston, saying that that board desires to send a committee to Washington for the purpose of being heard in regard to this very quarantine bill. If the consideration of the bill is to be determined on Wednesday, I shall telegraph them not to come. If, on the other hand, it is to be left open to discussion, I should be very glad that those gentlemen should have an opportunity of being heard by the Senate. I do not understand then that the bill is to be disposed of on Wednesday.

Mr. WASHBURN. Of course the effect of the adoption of this motion would be to displace the present unfinished business, and I shall ask the Senate that that shall not be done. I should very gladly assent to the proposition of the Senator from Tennessee if I felt that the quarantine bill, which it was supposed would have been voted upon on Saturday, could be voted upon early in the day on Wednesday; but to displace the antioption bill at the present time would, I think, be very wrong. I hope the motion of the Senator from Colorado will be voted down.

Mr. DOLPH. I should like to inquire as to the status of the bill if this motion should prevail. I see that we have some four special orders now on the Calendar. If this bill is to be made the special order for Wednesday next, would it take its place at the foot of the special orders already on the Calendar?

The VICE-PRESIDENT. It would take its place at the foot of the special orders heretofore made.

Mr. DOLPH. We can not proceed to the consideration of this measure therefore, until we dispose of the other four bills which have been made special orders?

The VICE-PRESIDENT. The Chair so understands.

Mr. CHANDLER. I understand there is a very general concurrence in the Senate in favor of disposing of the quarantine bill before any other business is done. It is an emergency measure; and I think it is not to be put off many days more on any pretext. I certainly trust the Senator from South Carolina [Mr.

BUTLER] will succeed in getting the representatives from his State here immediately, if they desire to confer with him. It was expected that this bill would be disposed of in the Senate on Saturday. It is now going over until Wednesday before final conclusion to accommodate the Senator from Louisiana [Mr. WHITE]. If it is to go over still further so that persons may come here from South Carolina we shall not get that speedy action which it is vital should be secured for the bill.

I understand the motion of the Senator from Colorado [Mr. WOLCOTT] not to take this bill from consideration to-day, but to be in effect to give it consideration to-day and on Wednesday. I suggest to the Senator to add to his motion "to the exclusion of all other special orders for that day." If he makes that motion, and that is to be the understanding, I shall vote for it, although I do not wish to displace the antioption bill. I do not wish to lose to-day, because I believe that we can finish the bill practically to-day, and then if we postpone the vote until Wednesday morning, the situation will be satisfactory. Otherwise it will not be.

Mr. WASHBURN. Why not vote down this motion and go on with the consideration of the bill to-day?

Mr. HARRIS. I am constrained to call for the regular order as we do not seem to be coming to a unanimous consent agreement; but I will state to the Senator from Colorado that his motion, if made at this time, would only have the effect to make the pending bill a special order for that day, and the unfinished business would take precedence of the special order. His motion would be in order on that day if he chose to make it, if this bill remains undisposed of.

Mr. WOLCOTT. I apprehend—and upon this I would ask the counsel of the Senator from Tennessee—that if the motion were to the effect that the quarantine bill be made a special order for Wednesday to the exclusion of other special orders and all other business, it would take precedence, but that can be only done by unanimous consent.

Mr. HARRIS. If the Senator from Tennessee were in the chair he would answer that question, but he prefers not to do it on the floor.

The VICE-PRESIDENT. The Chair is of the opinion that it would require unanimous consent to displace special orders already existing and the unfinished business.

Mr. WOLCOTT. I withdraw my motion.

The VICE-PRESIDENT. The Senator from Colorado withdraws his motion. The regular order is called for, which is the amendment of the Senator from Louisiana [Mr. WHITE].

Mr. WHITE. I desire to modify my amendment by striking out the words "*ipso facto*" where they occur.

The VICE-PRESIDENT. The amendment will be stated as modified.

The CHIEF CLERK. On page 9, it is proposed to add to section 8, the following:

All the provisions of this act shall expire on the 1st day of January, 1895.

Mr. BUTLER. Mr. President, I am very much disinclined to ask any further continuance of this discussion; but I should be very glad, unless there is some very great exigency or urgency, that the request of the Senator from Louisiana should be complied with. I understand that he is expecting a committee from Louisiana. I have only received the dispatch to which I have referred recently, and I am frank to say that I telegraphed at once to the chairman of the board of health at Charleston that it was too late for the committee to have any effect in the city of Washington, but upon more recent information I was about to advise them that they might come with a view of pressing their views. If the bill is to go on now until a conclusion I shall not send the dispatch.

Mr. HARRIS. I would say to the Senator from South Carolina and to the Senator from Louisiana that I have tried in every way possible to accommodate the wishes and views of every Senator in respect of this matter. I desire that we shall proceed, and that every Senator shall have to-day an opportunity to offer all the amendments he proposes to offer. When they have all been disposed of, when the bill has been reported to the Senate, the amendments concurred in or rejected, and we are ready to vote upon the final passage of the bill, if the Senate shall give unanimous consent to let that vote go over until Wednesday, I shall be very ready to agree to it; but I am not willing to waste to-day with the doubt and uncertainty as to whether I can get another day for the consideration of the bill. I prefer to proceed with the regular order now.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from Louisiana as modified.

Mr. WHITE. Mr. President, I dislike very much to be called to the discussion of this bill without putting my thoughts in order, so that I may state them more clearly than I necessarily shall be able to do when speaking in a desultory way.

The question of the power invested by the Constitution in the National Government on the subject of quarantine is not a new question. It is a question which arose almost coeval with the birth of the Government, I think in the Fourth Congress, when the ravages of yellow fever, just preceding the session of that Congress, had produced very much the same sense of consternation which is in the minds of the country to-day on the subject of cholera. An effort was made to establish a national quarantine, and the question of the power of the Government to do that was then discussed, and was defeated. Subsequently the same opinions prevailed, and no less a person than Mr. Adams, of Massachusetts, seems to have considered that the very nature of the quarantine power required the presence of locally appointed officers, and the attempt to legislate was frustrated.

After the frustration of this attempt thus to legislate, when yellow fever had again ravaged the country from one end to the other, invaded all or nearly all the northern and eastern cities, the attempt was renewed, was again resisted not only on constitutional grounds, but upon the broader ground that the very nature of quarantine required, in order that it should be efficaciously exercised, that it be lodged in the local authorities. That struggle led to the enactment of the act of 1789, which simply provided that it be the duty of the officers of the National Government to aid the States in the enforcement of their quarantine regulations.

Thus coeval with the Government this question arose, in the early Congresses, filled with the men who had helped to frame the Constitution, and who were imbued in every fiber of their being with the principles which had given that Constitution life. So the act of 1789 was kept on the statute book. The decision in Gibbons *vs.* Ogden, wherein Judge Marshall, whom certainly nobody can accuse of not being Federalistic in his tendencies, declared that the quarantine power was lodged in the States, and not in the Federal Government; therefore that the States could legitimately exercise it.

Now, the jurisprudence crystallized around that dicta in Gibbons *vs.* Ogden, down, I think, to a case from my State, the Morgan Louisiana Steamship Company case. In that case the court, undoubtedly *arguendo*, said that the quarantine power is vested in the States, like the bankruptcy power, subject only to nonaction on the part of Congress; that the authority existed in Congress to step in and assume the quarantine power, and necessarily with the stepping in of the Federal power the State power ceased. But such statement in the case is pure dictum, not at all necessarily connected with the decision of the case, which involved only the question of whether the State quarantine charge imposed in that case was a tax on tonnage within the intendment or purview of the Constitution.

Therefore, if we look at it solely as a question of authority, the greater weight and the great burden of authority, including the voices of many of the fathers of the Constitution, is that the quarantine power is a State and not a national power.

But the objection I now make to the pending bill is not a constitutional one. That is not the objection which causes me to now oppose it. I could rest content perhaps in my own mind with the dictum in the Morgan Louisiana Steamship case, and the authorities which support it, and admit the Federal powers. I concede for the purpose of what I propose to say that the quarantine power is one which rests in the States only so long as Congress does not act, and the moment Congress acts the States' power ceases to be. From the point of view which I take I want to place myself right in the spirit and mind of everyone who believes in the extreme of the exercise of the quarantine power by the Federal Government, and it is from this point of view that I wish to discuss the bill.

Certainly if we believe that the power should be exercised by the National Government we believe it should be wisely exercised. None of us think that it should be unwisely exercised. The magnitude of the power goes beyond my tongue to describe. The quarantine power reaches out to every port in this land. It stretches from the lowest point on the Gulf to the highest point on the Atlantic. It circles the Pacific coast with a grasp of iron. It reaches along the Great Lakes. This bill provides for interstate quarantine. It goes everywhere in this land, into every home and every village, because the power which it asserts is a power to go everywhere where disease or pestilence prevails.

I say if we are going to bring these great powers into play, let us bring them into play at least with some of those safeguards which have been thrown around them in every civilized country where they are invoked. Does this bill do that? Sir, it does nothing of the kind. I read last night the English quarantine legislation. With sedulous care it defines the limitations of what the general power shall be and it confides to the local authorities those things that are necessary to be done locally. They give to all the local ports in Great Britain their voice and control within just limits. They put their limitation as to what can be done by the privy council.

What does this bill do? Now, let us see. If there be a crying necessity for national quarantine; if we all start with a full admission that our purpose is to adopt a national quarantine, and that our duty is to do it, let us adopt one and not adopt a hybrid system which is neither fish, flesh, fowl, nor good red herring, and which delegates the powers that it does delegate by subterfuge and evasion.

Now, let us look at it. What does the bill provide? Is it a bill to create a national quarantine? Look at its title. It is entitled "A bill making an additional grant of power to the Marine Hospital Service." Is it contended that the national quarantine exists to-day? No. If this is to be an act creating the national quarantine why does not the title say so? What does it do? Its first section delegates to the Secretary of the Treasury the supreme power to make rules as to quarantine—the power to make regulations for merchant vessels coming in.

Its second section compels these vessels to comply. Its third section (and here comes the trouble in this proposed act) says what? That it shall be the duty of the Marine Hospital Service to enforce the regulations of the States where they are proper regulations, and to make regulations where there are none. They are to be the judges, or the Secretary of the Treasury is to be the judge whether the State enforces the regulations, and, if not, then the power exists to step in and enforce them.

I asked the Senator from Connecticut [Mr. PLATT] a question the other day which I think was a significant question, whether from the foundation of the Government there had ever been a power conceded to the Federal Government, even questionably, where the immediate and necessary resultant has not been that the Federal Government assumed the authority—whether every claimed infraction has not been decided in favor of the exercise of the Federal power and against the State power, thereby making the Federal power absolutely dominant.

It is of the essence of quarantine that local autonomy should exist, regulated, if you please, by uniform rules, but not lodging the power in any distant executive officer to destroy local rules at his volition. This bill is not an act of legislation at all. It is a delegation to an executive officer of the Government of the great power to determine as he pleases as to all the quarantines in this land, to determine the time of detention, to determine the nature of disinfection, and to follow that power up by all the great powers which are necessarily consequent on it embraced in it in its very terms.

It reaches out, as I have said, not only to the extraterritorial quarantine against the invasion of foreign pestilence, but the bill says "from State to State." So to-morrow, if in any village or town an epidemic of diphtheria occurs and the national authority considers that the existence of diphtheria in that town threatens another State, the municipality can be wiped out of existence and the Federal power step in; thus the whole autonomy is absorbed and destroyed.

If we are going to do this stupendous and awful thing, if we are going to make this mighty change in the fabric of our Government, let us at least do it as reasonable men, and throw around it the safeguards and the limitations which necessarily must be thrown around every quarantine power in order that the power may be wisely exercised. Are we here in the performance of our legislative functions to give them up, to confess our ineptitude, to say we propose to legislate for the whole country and make a revolution greater than has been contemplated from the foundation of the Government; and we will make it not by exercising our judgment and providing what shall go in the bill, but we will make it by delegating our legislative responsibility upon this great issue to a ministerial officer?

Mr. President, that is what my amendment means. If we are to make this temporary makeshift, if the origin of the bill is the dread of incoming cholera, then let us take the time to legislate wisely upon the subject in future.

Mr. BUTLER. Would it disturb the Senator from Louisiana if I put a question to him?

Mr. WHITE. Not at all.

Mr. BUTLER. He has examined the bill with very much more care than I have. Do I understand him to say that his construction of the bill now before the Senate, is that if the city of New Orleans, or New York, or Norfolk, or Galveston, should establish local rules and regulations for the exclusion of an infectious disease, the regulations made by the Marine Hospital Service under the bill would set those regulations aside?

Mr. WHITE. Unquestionably and unhesitatingly. The bill says so in terms.

Mr. HARRIS. Will the Senator from Louisiana allow me to join in answering the Senator from South Carolina?

Mr. WHITE. I should rather answer the Senator myself, as the question was addressed to me.

Mr. HARRIS. The Senator from Louisiana has answered the Senator from South Carolina, and answered him incorrectly, as I conceive.

Mr. WHITE. I will hear the Senator from Tennessee, and then I will respond to his reply.

Mr. HARRIS. The third section of the bill provides that at ports and places where there are no quarantine regulations the Federal authority may make such as are deemed absolutely necessary to prevent the importation of contagion, and at ports and places where there are quarantine regulations, if deemed insufficient, the Federal authority may make additional rules and regulations.

Mr. BUTLER. If the Senator from Tennessee will permit me to interrupt him right there, I beg to differ with him as to the answer given to me by the Senator from Louisiana, because I think he answered my question correctly according to the Senator from Tennessee's own interpretation.

Mr. HARRIS. It does not interfere with any rule or regulation of the State board, but it makes additional ones under the power to regulate commerce with foreign nations and among the States.

Mr. BUTLER. Then I submit, with the permission of the Senator from Louisiana, that with the power vested by the bill in the Marine Hospital Service they could practically set aside and do away with any local regulations made by State authority.

Mr. HARRIS. So far from it, it does not interfere with them, and proposes to aid them in all their quarantine operations.

Mr. BUTLER. I thank the Senator from Louisiana.

Mr. WHITE. I thank the Senator from South Carolina, and I am very much obliged to the distinguished Senator from Tennessee, because his answer affords me an opportunity to do now what I intended to do this morning. In the course of my remarks day before yesterday I said that the bill by its provisions does by indirection what it proposes. When I said that day before yesterday the distinguished Senator from Tennessee in the course of debate took occasion to say that he repelled it. I had intended this morning to meet that remark of his by the statement that of course there never entered into my mind the possibility of a conception that there could be any indirection in the purposes and motives of the distinguished Senator from Tennessee, and therefore the repelling of what I said seemed to me an unnecessary repulsion.

But his statement on the floor to-day makes it perfectly clear to me that the difference between himself and myself is the difference of the vision with which we look at the subject. We stand in the position of the knights, one of whom saw a shield of gold and the other of silver. We stand in the position of an Irishman and a Frenchman who quarreled. The Irishman being in France met a Frenchman and he asked, "Can you tell me where I can get a drink of whisky?" The Frenchman said to him, "*Monsieur, me demande?*" "Ah!" says the Irishman, "you say 'be damned?' Be damned to yourself," and he knocked him down. [Laughter.] They were arrested and taken to the lock-up, and when it was explained that there was only a misunderstanding of the terms used there was no quarrel whatever. I am quite sure that is the case between the Senator from Tennessee and myself.

But nothing can bridge over the mental chasm which lies between himself and myself in the conception of the provisions of this bill. If the bill does not do what I say it does, then the English language has been written in vain. Let me take it up and see if this is not perfectly plain:

That the Supervising Surgeon-General shall coöperate with and aid State and municipal boards of health in the execution and enforcement of the rules and regulations of such boards and in the execution and enforcement of the rules and regulations made by the Secretary of the Treasury to prevent the introduction of contagious or infectious diseases into the United States from foreign countries, and into one State or Territory or the District of Columbia from another State or Territory or the District of Columbia; and at such ports and places within the United States as have no quarantine regulations under State or municipal authority, where such regulations are in the opinion of—

"Are, in the opinion of"—

the Secretary of the Treasury, necessary to prevent the introduction of contagious or infectious diseases into the United States from foreign countries, or into one State or Territory or the District of Columbia from another State or Territory or the District of Columbia, and at such ports and places within the United States where quarantine regulations exist under the authority of the State or municipality which, in the opinion of the Secretary of the Treasury, are not sufficient to prevent the introduction of such diseases into the United States, or into one State from another—

Then the rules and regulations of the Secretary of the Treasury shall prevail, and he may assume the enforcement. That is the bill. It says they shall enforce the rules of the State boards, and they shall supplement such rules as in their judgment are necessary, and when in their opinion the State rules are wrong, their opinion dominates over and controls. If that is not the lodging of the power in them to exercise the whole sum of the confided power, then I do not know what the English language means.

Mr. HARRIS. Will the Senator allow me to ask him a question?

Mr. WHITE. Certainly.

Mr. HARRIS. If the Federal authority shall decide that the

rules and regulations of the State board do not go quite far enough and shall supplement those rules by additional rules, does it operate as a repeal of any of the existing insufficient rules?

Mr. BUTLER. It nullifies them.

Mr. HARRIS. The Senator from South Carolina says, *ex cathedra*, it nullifies them.

Mr. BUTLER. No, I beg the Senator's pardon, I did not say it *ex cathedra*.

Mr. HARRIS. He did not pronounce that phrase, but I say it.

Mr. BUTLER. I said it *sotto voce*.

Mr. HARRIS. That perhaps is a better term.

Mr. WHITE. Suppose the law said to the distinguished Senator from Tennessee, "You shall carry your pocketbook in your pocket; it will be yours unless in the opinion of the footpad whom you meet on the street he shall have a right to take it," where would the Senator's pocketbook be? I repeat, and I ask this question, Where, from the foundation of the Government, can the distinguished Senator from Tennessee point to a lodgment of a power in the Federal Government wherein, in the opinion of the Federal Government, their power was to exist according to their judgment of its existence, has the Federal Government failed to dominate?

Mr. HARRIS. I should like to ask the Senator another question.

The PRESIDING OFFICER (Mr. PASCO in the chair). Does the Senator from Louisiana yield to the Senator from Tennessee?

Mr. WHITE. Certainly.

Mr. HARRIS. Assume that the State board has imposed by regulation half a dozen restrictions upon the entry into that port, and the Federal authority shall decide that all of the half dozen restrictions are not quite sufficient to give absolute security to the health and well being of this country and add one other restriction, does the adding of that one other restriction repeal the half dozen the State board has provided, especially when the act authorizes the State board to enforce each and every one of its regulations as well after the passage of this proposed act as before it?

Mr. WHITE. I will settle that question between the Senator and myself by the colloquy which took place in the Senate a while ago as to the postponement of this bill. The Senator, with his usual kindness and consideration, proposed that the bill should go over with limitations. If the rules of the Senate had provided that it should go over as my opinion chose (and I reckon that my opinion would have chosen to carry it over to the end of the session), I submit the question whether the exercise of my opinion would have been a repeal of his opinion or not. That is an answer to the question he put to me. I say it with the greatest respect, in the domain of discussion, in my judgment it is not a question at all.

I call the attention of Senators, I invoke their careful consideration, to the awful consequences which are going to flow out of this bill. I beg them to pause and not to be carried away by any temporary hue and cry of cholera. Our forefathers were not carried away in the Fourth Congress when the yellow fever raged from one end of this land to the other and an attempt was made to usurp all these great local powers and lodge them in the Federal Government.

I say this misconception—and I use it as a word of discussion, full of respect for the distinguished Senator—this misconception on his part of the very terms of the bill which he is advocating on this floor with so much zeal and so much devotion should strike the death knell of the bill, because if he does not understand the necessary consequences of the English language in the bill why should we put it upon the statute books without limitation permanently?

What follows in the bill? Read the language put in day before yesterday, which says that the Marine Hospital Service shall be the judge of how the rules are enforced after their rules are made. In other words, if here and there and anywhere these local boards, when a question arises, say, "Well, I think the enforcement of the law is this," and they act upon their judgment *eo instanti*, there arises in this bill the creation of a power authorizing the Federal board to say, "Your judgment is wrong; we represent the sum of all the local powers in the country and exercise them ourselves."

What could be more appalling in danger to the people of this country? Admit (and I am not controverting that view) the necessity for a national quarantine; admit its constitutionality; admit its wisdom, admit its expediency; are we going to adopt a national quarantine, bringing in it provisions which are fatal to local self-government from one end of this country to the other, when those provisions are not necessary for national quarantine, are not found in the quarantine laws of any civilized country in the world? Why not write a bill drawing broad lines, putting power in a nationally created board, regulating their relations to the local boards, and giving each their share of authority necessary to uniformity and for safety, but not creating this machinery, which by subterfuge or some indirect language reaches out its arms to put the hand of death upon the local rights of all the people of this land?

I ask any Senator here if to-morrow (let me take the distinguished Senator from Mississippi [Mr. GEORGE] in his city of Jackson) twenty cases of diphtheria should occur, and the State board of health says, "I make a rule about this that provides so and so." The Marine Hospital Service comes in and says, "I think so and so, or Mr. Local Board of Jackson you will not enforce your regulations as I think they ought to be enforced. I send my inspector to your town and take possession of it, because the contagion which is germinating here may fan into a conflagration and reach out into the State of Tennessee."

Therefore, as was said by the Senator from Connecticut [Mr. PLATT] the other day, the power to stop infection is the power to go into the house and home of every man in this land from one end of it to the other. That is the power which this bill gives, and I raise my voice of warning here. It is the power which, if the bill passes, is going to be exercised. It is a power which is going to follow every man here in his home for the rest of his days. It is a power which is going to sow the dragon's teeth of centralization. Cholera is the nightmare and the bugbear held out to frighten people out of their elementary conceptions of liberty—to invade their rights. That is the truth.

Now, Mr. President, what does my amendment provide? What objection can there be to my amendment? I say this is not a complete national quarantine act. No man contends that it is. Its very title shows its infirmity. Its every provision shows its infirmity. The great influence of the Marine Hospital Service and the many places which this bill creates causes the purpose to stifle liberty to speak out of every line of the bill. The statement was made on the floor day before yesterday that the rules which were to execute this proposed law were prepared by the Marine Hospital Service before the bill had been brought up.

Let us admit that the bill just as it is drawn up is necessary; I am discussing my amendment. Let us admit that it be absolutely necessary that we pass the bill to-day; that unless we pass the bill to-day stalking all over this land will be cholera, carrying misery and suffering and pestilence into every home, and therefore that we must pass it. Will we not pass it with regret? Will we not pass it with reluctance? Will we not say we would rather have taken the time and matured this great legislation, as every other country has done, so as to make a uniform and concordant and coherent system, measuring the responsibilities and rights all over the land? We have not the time to do it, because we see coming on us this dread pestilence and we will pass the bill. We make all the sacrifices necessary.

Does my amendment hurt the bill? Does my amendment take out of the bill a single provision in it that makes it efficacious? No, sir; my amendment simply provides that the bill shall last until 1895, and then it shall cease and determine unless Congress chooses to continue it. If I am wrong in the awful experiment which the bill makes, if I am wrong in the mighty concentration of power which flows out of it, what harm does my amendment do? In the earlier and better days of the Republic, in many of the Congressional and other acts, such a provision was inserted.

If I am right, then from this bill will come the mighty brood of Marine Hospital doctors, spread into every hamlet and every port and foreign ports under salaries; you are going to sow the wind in order that you may reap the whirlwind. When you come to repeal the law the lobbies of this Capitol will be full of a host of employés imploring and pressing and pulling wires, and it will be very difficult to repeal it; yes, nearly impossible. That is why the wisdom of our fathers in the earlier and better days of the Republic breathed into so many of their legislative acts such a provision. It was because they knew that to give birth to a power gave birth to the influence and struggle to succeed to make that power continuous and perpetual.

If, on the other hand, this bill is the merciful child of the providence of God, which its authors state, what harm will this proposed amendment do? I should fancy if all the blessings which the distinguished Senator sees concealed in the bill are by it to be poured out upon this people, we would have to tear down the arch of this door and make it wider in order that the legislators might rush into these halls to continue that mercy which the bill would have bestowed upon the country.

In whatever way you look at it my amendment does good. If the bill is bad it saves the people of the country from the consequences of a struggle to frustrate its repeal. If the bill is good it does not prevent them from continuing it.

Mr. President, I wish to call the attention of Senators on this

floor to a fact. I am not left to conjecture about this matter. One ounce of prevention is better than a pound of cure, and one iota of experience is better than oceans of theory. What admission have we had upon this floor? We have had the admission that years ago in these halls a national quarantine law was passed, and that the appropriations to carry it out never could be obtained because of the jealousy of the Marine Hospital organization, which came into these halls and rendered that national quarantine law inoperative.

I say, with that statement recently made on this floor, where is there a Senator here who will not say that if such was their power without a quarantine bill in their favor, when you have multiplied their official functions and extended them all over this land with strength and power and official influence in their hands, they would not be able to accomplish that which they succeeded in accomplishing when they had neither of them?

I say if necessary in your opinion make the experiment. If you are determined on it, make it, but make it in such a way as to build a breakwater against the consequences which I see lurking in the provisions of the bill, and which will leave you without, perhaps, the ability of altering and changing in consequence of the great influence exerted when the disaster which the provisions of the bill contain will have worked themselves out.

Mr. HARRIS. Mr. President, there is scarcely a sanitary organization in the United States that has not, year by year, and for several years, urged the absolute necessity of an efficient and uniform quarantine system throughout the United States. The only exception that I know of to the absolute uniformity and unanimity of that recommendation comes from a few local boards of health jealous of their positions, jealous of their authority, and perhaps somewhat devoted to the income that results from the execution of their regulations. Some of them have always opposed any attempt by the Federal Government to interfere at all.

Now, what is the plain and unmistakable question for the Senate to decide? The Senator from Louisiana [Mr. WHITE] will not differ with me in the assertion of the power in Congress to regulate commerce with foreign nations and among the several States. Every power granted in this bill is the exercise of that constitutional power to regulate commerce with foreign nations and among the several States. I defy any Senator to point out a single power granted by the bill that does not legitimately fall within that clause of the Constitution.

The plain, practical question for the Senate to decide is, Shall we have one uniform and efficient system of quarantine regulation throughout the whole country, or shall we have forty-four different systems of commercial regulations? For if the Federal Government does not exercise the power to regulate commerce in respect to this question of quarantine, the courts have decided, and I think properly decided, that the States may exercise it. The whole theory of the argument of the Senator from Louisiana is that the Federal Government should ignore its power to control these questions and allow the forty-four States each to form its own system of commercial regulations.

I have a somewhat sad experience, which accounts in some degree for any enthusiasm I may have in support of this measure. I chance to live at the head of deep-water navigation of the great Mississippi River. New Orleans rests at the mouth of that great channel of commerce. It is the New Orleans board of health that speaks here to-day through the Senator from that great State, protesting against any exercise of the powers of Congress to regulate commerce in respect to this matter of quarantine. Efficient, and great, and able, and patriotic as the board of health of New Orleans may have always been and may be, I chance to know that the city in which I live has been under my own eye decimated as often as twice by yellow fever, which was allowed to slip through the quarantine regulations of New Orleans either because of the fact that their rules were not sufficient in themselves or not enforced with sufficient vigor.

Memphis has suffered to the extent of the decimation of her population as often as twice, and I have sat there and looked out my window for week after week during the epidemic of 1873 when not a door was opened except the door of the drug store, the doctor's office, and the undertaker's shop. I have walked the street, sir, from my house to the post-office, day by day, to get my mail, and have found not a single door open in that city for weeks except those that I have named. There was not a family in the city which could venture to aid its neighbor because the patients in its own house were so numerous as to demand the attention and the nursing of every member of the family. There was not an object moving on the streets except the hearse, followed by perhaps one carriage or a buggy with the surviving members of the stricken family accompanying the remains of the last victim to the grave. For weeks at a time I have witnessed scenes like those in 1873, and it was worse in 1878.

Are we to be compelled to rely now and always upon the wisdom and the zeal and the energy of a board of health and quarantine authorities which allow things such as these to occur year after year? I protest in the name of the people who are my neighbors, I protest in the name of the whole people of the valley of the Mississippi, against a failure to exercise the power that we unquestionably have, and that they have a right to demand we shall exercise for the security of their lives and their health, even though it may be distasteful to the New Orleans quarantine authorities.

The people of New Orleans are acclimated. There are very few if any adults who reside there who are not exempt from yellow fever, having once had it. Hence they have little or no fear of it, and naturally are not so vigilant in excluding it as the security of the people in the interior demands.

New Orleans has a large and profitable trade with Havana and Vera Cruz, where yellow fever always exists.

If the theory of the Senator from Louisiana prevails, the whole people of the interior States are compelled to rely upon the sufficiency of the regulations made by cities on the seaboard, and the sufficiency of their execution by authorities over which they have no control. It is the duty of this Government to exercise its constitutional powers to protect the whole people and not compel the people of interior States to rely entirely upon the States upon the seaboard for their protection, when we know that if a single gate is left open, through which contagion may enter, the whole country must suffer the disastrous consequences of an epidemic.

This bill does not propose to interfere with State quarantines in any way except that where their rules and regulations are not sufficient to protect the people of the country the Federal authority shall step in, in the legitimate exercise of the power to regulate foreign and interstate commerce, and make rules and regulations which will strip that commerce of contagion and protect that people; that is all.

Now, Mr. President, I want to dispose of the pending bill. I think it important to the whole country that it should be promptly passed, and therefore will not consume more time in debate; but I will ask to have the report read, and I will put into the RECORD the action of the New York Board of Trade and Transportation, sent to me yesterday, in respect to this matter, which I will have put into the RECORD without reading at present.

The PRESIDING OFFICER. The report will be read in the absence of objection.

Mr. VEST. Mr. President, it is not my purpose to discuss this measure, but as I propose to vote for it——

Mr. HARRIS. Let the report be read.

The PRESIDING OFFICER. The report submitted by the Senator from Tennessee was about to be read in the course of his remarks.

Mr. VEST. I beg pardon; I thought he only wanted to print it.

The PRESIDING OFFICER. The report will be read.

The Secretary read the following report, submitted by Mr. HARRIS January 4, 1893:

The Committee on Epidemic Diseases, to whom was referred the bill (S. 2707) granting additional quarantine powers and imposing additional duties upon the Marine Hospital Service, submit the following report:

The committee is satisfied that an effective and uniform system of quarantine regulations vigorously enforced at all ports and places having commercial intercourse with foreign countries is absolutely necessary as the only means of preventing the importation of contagious and infectious diseases into this country from other countries, and that a perfect and uniform system is equally necessary to prevent the importation of such diseases into one State from another.

Some of the States have adopted systems of quarantine regulation which, in the opinion of the committee, are sufficient, so far as treatment at the port of entry is concerned; but many others have no quarantine regulations whatever, and if a single gate is left open to the introduction of such diseases the whole country may suffer the disastrous consequences of fatal epidemics.

Scientific investigation has asserted that neither yellow fever nor cholera originates in this country, but that if either is imported under certain atmospheric conditions they will take root and spread with disastrous rapidity and fatality.

The most important of all considerations is to keep them out, and in the opinion of the committee the only means of effectually preventing their importation is a thorough system of national quarantine, which shall be uniform and enforced with vigor at every point of intercourse with foreign nations, and equally uniform and equally enforced as between States.

State quarantine authorities have been jealous of any interference by national authority with their quarantine regulations, and those of New York and New Orleans have heretofore steadily opposed any national control of the subject.

The quarantine regulations of these States give a large revenue to these States or to their boards of health, and for that reason, if for no other, they may be expected to oppose national control.

Now, however perfect their systems of regulations and the systems of other States may be, they are but the systems of a small proportion of forty-four States.

The forty-four States need, demand, and are entitled to protection from this importation of disease.

The eighth section of article 1 of the Constitution of the United States provides that—

"Congress shall have power to regulate commerce with foreign nations and among the several States and with the Indian tribes."

The regulations proposed by this bill are strictly regulations of foreign and interstate commerce and nothing more.

The transportation of a person or any article of merchandise from any foreign country to this country, or from this to any foreign country, is an act of "commerce with foreign nations," and the transportation of persons or property from one State to another is an act of "commerce among the States."

This bill proposes to so "regulate commerce with foreign nations and among the several States" as to strip it of contagion and infection.

Under this power to regulate commerce, Congress has from the beginning of the Government made large annual appropriations to remove snags, bars, and other obstructions from the navigable waters of the country.

Under the same power it has established and maintains a system of lighthouses and life-saving service, for the maintenance of which annual appropriations of about $3,500,000 are made, and, as the committee believes, wisely made.

So it appears that under the power to "regulate commerce with foreign nations and among the several States" Congress appropriates in the aggregate from $15,000,000 to $20,000,000 annually, and in what interest? The only interest it subserves is to facilitate the single interest of commerce and give greater security to the lives and property of that very small proportion of the American people who chance to be afloat upon our waters.

But the whole American people, 65,000,000 in number, are directly and deeply interested in the establishment and maintenance of such perfect and uniform system of quarantine regulations of commerce as will effectually prevent the importation of contagious or infectious diseases into this country from foreign countries or into one State from another.

The entry of one case of yellow fever or one case of cholera into this country, neither of which ever originate here, may result, and in times past has resulted, in widespread epidemics, costing the country hundreds of millions of dollars in money, to say nothing of the thousands of lives and the other thousands of citizens whose health have been impaired by imported diseases, that should have never been allowed to enter this country.

The national conference of State boards of health, an organization of the sanitarians of the United States, Mexico, and Canada, and the committee may safely say, all other organizations of sanitarians and physicians in this country recommend, some of them a board, some a bureau, and some a department of health composed of sanitary scientists, but they all concur in recommending a sanitary organization located at the capital, which shall organize a perfect quarantine system and shall have control of all quarantine regulations and other quesrions affecting the public health so far as the Federal Government has constitutional power to deal with such questions.

The committee is in full sympathy with these recommendations, and is of opinion that a national board of health (in the Treasury Department), composed of sanitary scientists, should be established and maintained.

But in the light of the legislation of the last thirteen years it is compelled to adopt, not what it regards as the best policy, but the only policy which it thinks can be made successful.

Additional powers should be lodged in some Federal authority with regard to the treatment of vessels, their crews, passengers, and cargoes at foreign ports before sailing to any American port, and a method of promulgation abroad which will stand the test of judicial investigation in this country.

These powers are, in the opinion of the committee, not only important, but absolutely necessary to the security of this country from the importation of contagious and infectious diseases, and fearing that Congress could not be induced to support and maintain a national board of health, much less a bureau or department of health, the committee recommends that the powers conferred and the duties imposed by this bill be conferred and imposed upon the Marine Hospital Service.

There exists now upon the statute a National Board of Health, created by the act of 1879, which Board, while in operation, performed its duties efficiently and well; but for many years Congress has failed to make the appropriations necessary to enable it to perform its duties, and for that period the Treasury Department has subjected the contingent fund annually appropriated to prevent the introduction and spread of epidemics to the control of the Marine Hospital Service.

While the committee believes that it is not the safest and best policy to lodge these powers and duties with the Marine Hospital Service, it thinks it is better to place them there than not to enact them at all; and as it believes that this is the only policy at all likely to succeed in Congress, it adopts it.

So far from proposing to interfere in any way or to any extent with State or municipal boards of health or their quarantine regulations, it proposes to aid them so far as it constitutionally can in the execution of their own rules and regulations; but it asserts the right and imposes the duty upon the national authority to make rules and regulations where they are deemed by the Federal authority necessary and where none exist, and to make additional rules and regulations where they do exist but are thought by the national authority to be insufficient to prevent the introduction of these diseases.

But when these rules and regulations shall have been made, the bill provides that the State authorities may execute them if they will; but in cases where the State authorities fail or refuse to execute their own rules and the rules made under this act, it is made the duty of the President to detail or appoint an officer to execute them. The reason why any State board of health should oppose this bill the committee is at a loss to see.

The committee recommends the adoption of the amendments and the passage of the bill.

The PRESIDING OFFICER. The other paper will, at the request of the Senator from Tennessee, be inserted in the RECORD in the absence of objection. The Chair hears no objection.

The paper is as follows:

NEW YORK BOARD OF TRADE AND TRANSPORTATION,
BRYANT BUILDING, 55 LIBERTY STREET,
New York, January 7, 1893.

DEAR SIR: I have the honor to transmit herewith for your information, in advance of printing, a proof copy of the report of the special committee of this board on quarantine, which was adopted at the special meeting held yesterday.

Very respectfully,

FRANK S. GARDNER,
Assistant Secretary.

Hon. ISHAM G. HARRIS,
United States Senate, Washington, D. C.

A NATIONAL QUARANTINE ESSENTIAL TO THE SAFETY OF OUR PEOPLE.

NEW YORK, *January 6, 1893.*

To the New York Board of Trade and Transportation:

At the October meeting of this board the undersigned special committee was appointed pursuant to the following resolution, viz:

"*Resolved*, That the question of the establishment of a national quarantine be referred to a special committee of five members to report at the next meeting by resolution, bill, or otherwise, their conclusions in the matter."

The question thus presented for investigation and consideration is: Do the safety and welfare of the people of this country and the interests of commerce demand the establishment of a uniform system of quarantine in the United States, under the management of the Federal Government?

This question is not a new one, but renewed interest attaches to it by reason of the experiences of the past year and the dread of the threatened invasion of cholera during the coming spring and summer. The obligation of government to protect the people, by the best means it can command, from the ravages of pestilential and infectious diseases is fully recognized by all enlightened nations, and no apparent conflict between a national and a State system should be allowed to interfere with a proper discharge of the duties which such obligations and the exigencies of the times demand.

Eliminating from the question the consideration of all local and political interests, the committee has sought information from every available source that would throw light upon the subject and disclose the true condition of the defenses of the country as a whole, as they now exist, against the threatened invasion of cholera and other epidemics and infectious diseases. The committee has not investigated the existing administration of quarantine at this port, and presents to you no testimony relating thereto or criticism thereon. New York is but one point in the line that needs defense; it is immaterial from the point of view of this investigation, whether New York can be protected under the State system as fully as under a national system, if other points are left weak and defenseless. The question concerns the country as a whole and every part thereof.

In the public discussion of quarantine the subject of immigration has been somewhat involved with it, to the confusion of both questions. The very consideration of quarantine implies the continuance, within safe regulations, of international commerce and the migration of the world's population. The more perfect we make the system of quarantine under scientific regulations, with ample facilities to enforce them, the less will be the restrictions and the burdens upon commerce. The purpose of quarantine is to eliminate the elements of danger, and to confine the restrictions within those limits. In corroboration of this position we quote from the report of the international quarantine inspection commission, after a thorough examination of the quarantine establishments of the St. Lawrence and Atlantic coast, in September last:

"A quarantine of exclusion should not be necessary at a port properly equipped, and it is not to the credit of a country like ours that we are forced to resort to it. With preparation safety can be had with little interference with commerce and travel."

The general question of immigration, and whether it has the same value for our country as in past decades, is foreign to the subject, and care should be taken that under the pretense and cover of quarantine laws the opponents to immigration, as such, be not permitted to effect their purpose contrary to the will of the majority of the people of the several States.

What classes of immigrants shall be admitted to this country is one question; what system of quarantine and sanitary inspection of vessels, cargoes, and passengers shall be adopted is another question, and it is the opinion of this committee that the best results will be attained by separating the two subjects in legislation.

The first step taken by the committee was the preparation of a circular, which is submitted as Appendix A to this report.

This circular, with a personal letter, the committee sent to the governors of all the States; to the mayors of the principal cities on the Atlantic and Pacific seaboards and on the Great Lakes, and those of the larger interior cities, seventy in all; to the principal officers of the United States Marine Hospital Service, and surgeons of the Army; to the boards of health of all the States and the officers thereof individually; to the boards of health of the principal cities, and to a selected number of other persons who were supposed to have had practical experience with sanitary affairs in the United States and Canada or who by reason of special knowledge upon the subject were able to give valuable opinions.

To this circular the committee has received 64 replies. Of these 41 recommend the adoption of a national quarantine system, 5 are opposed to a national system, 5 are doubtful, and 13 express no opinion. As these letters were received, the committee, learning that the newspapers were willing to publish them, furnished duplicate copies which were reproduced from day to day in the columns of both the morning and afternoon papers, in many cases in full. By this liberal and public-spirited policy the papers have laid before the country many valuable contributions to the literature and information of the subject.

To make an analysis of these communications or to print extracts from them would so largely detract from their value and importance, the committee deem it essential, if the greatest good is to be derived from the inquiry, that they be put in permanent form. Those favoring a national quarantine are therefore submitted as Appendix B to this report.

The communications which oppose a national quarantine are few, and although contrary to the conclusions the committee has reached, are submitted in Appendix C as probably embracing the strongest arguments which can be urged in support of that side.

Several letters received which expressed no decided preference are nevertheless interesting and instructive, and are submitted in Appendix D.

Enabled as we are to place before you these intelligent opinions, with the data they contain, of scientists, physicians, and experts in sanitary affairs, it is not necessary for this committee to discuss the question in detail.

The findings of the committee are:

First. That quarantine in times of danger is of equal concern to the entire country—to the people of the interior States as well as those on the seaboards—and it is not just to the latter to throw the whole expense and responsibility of the defenses upon them; nor is it just to the former to deprive them of a voice as to the method and degree of protection along the seaboards.

Second. That the line of defense to be effective must be fortified at all points where the invasion of disease is threatened or possible, and it is not wise or safe to trust the defenses to chance or to a quarantine system exhibiting varying degrees of efficiency or deficiency as now existing under the separate regulations of the several States and of local authorities.

Third. That the testimony presented shows quarantines maintained by the National Government to be more uniformly efficient than those maintained by the State and local authorities, and that the means employed and apparatus necessary and available are superior, and usually such as are approved and meet the requirements of sanitary science.

Fourth. That State and local quarantines are largely, if not wholly, supported by fees and taxes levied upon ships, immigrants, or commerce; that State and local authorities are reluctant, except in the presence of imminent danger and then often unable, to provide, in addition to these imposts, the means necessary to render quarantine efficient; that many points are wholly uncovered and open to invasion.

Fifth. That State and local quarantines, as at present maintained, are unequal and often unjust burdens upon commerce, and their regulations, imposts and fees lacking uniformity are disadvantageous. That no power exists short of Congress to maintain and perfect uniformly safe defenses against the invasion of disease and thereby adequately protect all the States and the people of the entire country.

The conclusion of your committee, therefore, is that it is essential to the

safety of our people and the protection of their lives that a national quarantine system be established in the United States at the earliest possible day.

We believe that to be effective the system adopted must be national, and that any systems maintained at ports of entry under State or local control should not be allowed to conflict with or hinder the national system.

Respectfully submitted.

OSCAR S. STRAUS,
AMBROSE SNOW,
E. H. COLE,
E. S. A. DE LIMA,
JEREMIAH FITZPATRICK,
Special Committee.

APPENDIX A.

ROOMS OF THE NEW YORK BOARD OF TRADE AND TRANSPORTATION, 55 LIBERTY STREET,
New York, December 5, 1892.

A special committee of the New York Board of Trade and Transportation has been appointed, pursuant to resolution, and is seeking information, data, and opinions touching quarantine, and the advantages, if any, of establishing a uniform system in the United States, under the management of the General Government; the intention being, if the weight of opinion and evidence favor the proposition, to prepare suggestions for Congressional legislation on the subject.

The members of the committee are: Chairman, Hon. Oscar S. Straus (ex-United States minister to Turkey), of L. Straus & Sons, importers of china, glass, etc.; Mr. Jeremiah Fitzpatrick, of J. Fitzpatrick & Co., importers and manufacturers of plate glass, looking glass, etc.; Mr. Edward H. Cole, of the Eaton, Cole & Burnham Company, well machinery and brass goods; Mr. Elias S. A. De Lima, of D. A. De Lima & Co., foreign commission merchants; Mr. Ambrose Snow, of Snow & Burgess, shipping and commission merchants.

The committee have adopted the following line of inquiry, and invite such suggestions and opinions thereon as they may be willing to make public, from experts and professional men having practical experience of sanitary affairs and from others having opinions on the subject:

First. Quarantine administration in foreign countries as furnishing precedents for the United States.

Second. The present status of quarantine in the United States: A. National. B. State.

Third. The existing system of quarantine administration in the United States: A. Cost. B. Restrictions imposed on commerce and travel. C. Security afforded.

Fourth. A national quarantine: A. Would it lessen the existing imposts upon commerce? B. Would restrictions on commerce and travel be less injurious? C. Would it afford increased security to the country?

Persons writing the committee are requested to affix to their names their professional or special titles, if any, and to address their communications to Hon. Oscar S. Straus, chairman, 55 Liberty street, New York, N. Y.

Respectfully, etc.,

DARWIN R. JAMES, *Secretary.*

Mr. CALL. I should like to have the pending amendment read. It is the amendment of the Senator from Louisiana [Mr. WHITE], I understand.

The PRESIDING OFFICER. The pending question is on the amendment proposed by the Senator from Louisiana. It will be read.

The CHIEF CLERK. It is proposed to add to the last section of the bill:

All the provisions of this act shall expire on the 1st day of January, 1895.

Mr. CHANDLER. Mr. President, it is not my intention to enter into a discussion of the constitutional questions which have been brought in view in connection with the bill. It is admitted by the Senator from Louisiana that under the law as now expounded by the Supreme Court in the case of the Morgan Louisiana Steamship Company the Federal Government may enact a quarantine law which shall wholly supersede State regulations on the subject, and therefore the Senator confines himself at this time to arguing from the standpoint of those who desire a national quarantine law that the bill is incomplete and unsatisfactory; that if a national quarantine law is to be enacted it ought to be one specific in its terms, carefully and prudently and wisely going over the whole subject of quarantine.

In effect he says it ought not to be a measure so general in its terms as this; that the powers conferred by this proposed law ought not to be conferred in such general terms upon the Executive, but that a law might be drawn more satisfactory in its details, and indeed in its general outline, than the present bill. Therefore the Senator proposes that we shall insert a provision of law which shall make it temporary in its character, so that it shall expire by its own operation on the 1st day of January, 1895.

I hope that the amendment will not be adopted. I do not argue that it ought not to be adopted, because I do not expect a more satisfactory law will be placed upon the statute book within the next two or four years. I do expect further legislation upon this subject; but I submit that if it is wise to enact this proposed law at this time it is better that it should remain upon the statute book until some other law supersedes it than that it should expire by its own terms two years from this time, leaving us then perhaps on the verge of an incursion of cholera in precisely the condition in which we now find ourselves.

Mr. President, this proposed law is a compromise measure, as has clearly appeared hitherto in the course of the debate. It was perfectly evident, as I stated on Friday last, that it would be impossible to carry through the Congress of the United States at the present session, and between now and the 4th of March a national law which should supersede the State quarantine establishments; and therefore it was thought best by the Committee on Epidemic Diseases, represented by the Senator from Tennessee, not to undertake to do that. From the investigations which I had the honor to make into the subject in connection with that Senator and from my reflections upon the subject, I was convinced that that conclusion was right. The bill has been carefully framed. It will not destroy the Louisiana State quarantine; it will not destroy the Massachusetts State quarantine, and above all it will not at this time destroy the New York State quarantine.

The distinction which the Senator from Tennessee has drawn may be somewhat fanciful as between the powers of the State and the national governments. The scheme which he has invented here, by which the State authorities are, if they choose to do so, to perform the duties which may be imposed upon them by national law, and the Federal Government shall not interfere with their performances of those duties so long as they perform them satisfactorily and well, may not be in all respects what we shall wish for a permanent system.

I am free to concede it. I am free to agree to many of the criticisms which the Senator from Louisiana has made upon this method of adapting the legislation of Congress to the present situation and giving us for the coming exigency (and there is an exigency) that national power, that national regulation, and that national supremacy on this subject which are indispensable to the people of Mississippi, which are indispensable to the people of all the States of this Union.

Mr. President, this being, it is true, compromise legislation; this bill being, it is true, not a bill logically constructed either upon the theory that there shall be an exclusively national quarantine or that there shall be an exclusively State quarantine, but an endeavor to meet the constitutional difficulties, and the practical difficulties in a sensible and in a practical way, why should we not allow the bill to remain upon the statute book until it is superceded by something better? Why can not the Senator from Louisiana concede that if within the next two years we do not adopt a better bill, then this bill shall remain upon the statute book until a better bill can be devised?

It seems to me that there is no sensible, no wise argument in favor of making this proposed law temporary in its character, even if every Senator here believes it is to be temporary, because we ought all to concede that, if during the next two years we are unable to frame a better law than this, this ought to stand as the national law until a better law can be framed.

Mr. WHITE. Will it interrupt the Senator if I ask him a question?

Mr. CHANDLER. Not at all.

Mr. WHITE. I had it in my mind when I made some remarks a few minutes ago, to make some reference to the Senator's Gridiron Club speech, and the influences which he thought resulted from interest. Does not the Senator think it will be a great deal more difficult, if his ideas about the Gridiron Club the other day were at all accurate to work out the perfection of a proper bill with the great influence of the Marine Hospital Service, interested in maintaining this bill as it stands, installed in power than it would be without it?

Mr. CHANDLER. I do not see much force in the Senator's suggestion. If we have all these influences against the present bill, shall we not have them against another bill? It seems to me so. If it has taken all this trouble and has taken the labors of the Senator from Tennessee [Mr. HARRIS] for the last ten years to construct a bill, which, even if it is only temporary in its character, does organize a quarantine system, which consistently with the State system gives us national supervision and national control, how can we expect that within the next two years we can construct even a better bill?

Mr. President, the Senator from Louisiana has shown a most excellent disposition in reference to this legislation. He has shown a disposition not to embarrass the passage of this bill, whether it is to be a temporary measure or a permanent measure. Now, having reduced his formal objections to a motion that the bill shall terminate by its own force on the 4th of March, 1895, I ask him to go a little farther, and to persuade his Louisiana friends to go a little further, by conceding that although we may need additional legislation, although we may need other legislation, yet if we shall not happen to succeed in framing a better bill in the next two years, then this bill, which is the matured judgment of the Senator from Tennessee, shall remain upon the statute book until we shall have brought to the task of framing a new bill such wisdom that we may be able to enact a law which will, in fact, be better than the present one.

Mr. PALMER. Mr. President, whatever this bill may be, it can not justly be characterized as a compromise bill, that is, if it is intended to assert that the bill is a compromise between those who believe that Congress possesses the power to adopt a general quarantine law, and those who believe that Congress

has no right to interfere as between the States, for the bill distinctly asserts the power of Congress to establish a quarantine, not only externally, but as between the States. The bill, out of courtesy to the States, does authorize the acceptance or adoption of the quarantine regulations of the States, but that is left entirely to the discretion of the Secretary of the Treasury.

I have no doubt in the world about the right, nor, under the present circumstances, do I doubt the duty of Congress to pass a quarantine bill. I should maintain that if there was nothing on the subject in the Constitution the National Government inherently possesses the power to protect our people from contagion from abroad, and so far as this bill proposes to establish a quarantine system to protect the people from disease from abroad I admit that, whatever I may think of some of its provisions, it is within the constitutional power of Congress.

A second and more important question is, has Congress the power to establish a quarantine as between the States? Is not that proposition just as distinctly asserted in the bill as the other? I do not take the trouble to discuss the claim made by the Senator from Louisiana [Mr. WHITE] that under this bill the Federal authorities may supersede, abrogate if you will, all the quarantine regulations adopted by our cities, our counties, or our States. The power to do so is distinctly asserted, and the power to supplement or substitute the rules adopted by the States, or to adopt rules where none exist, is as clear and distinct an assertion by Congress of the power in question as if the State law or the State regulations were declared by the bill to be null and void.

The bill asserts the power of the Federal Government to establish or modify or change, with permission to adopt, if the officers may think proper, such provisions of such quarantine regulations as may be in the judgment of the authorities satisfactory or sufficient, but the power is distinctly asserted. It is a mere matter of grace, and I think idle grace. I think the mere direction to adopt local regulations is idle, because if they are wise, the Federal authorities would adopt them, and if they are unwise or insufficient, the Federal authorities may reject them.

The bill then does contain, though not in the frank, plain, clear, and precise language which ought to be employed if the power is to be asserted, an assertion of this power. Is that the intention of this body in the passage of the bill? If so, then we have the inconveniences pointed out by the Senator from Louisiana, because the determination of the necessity for such regulations is devolved entirely upon the officers of the Treasury Department or the Marine Hospital Service. It will present the case of which the Senator gave an illustration.

If a disease should exist in any town, in any State, or in any locality, it would be within the power of the health officers of the United States to establish a quarantine line between any two States. The necessity for that action is to be determined by the health officers of the United States. Indeed, the bill proposes to give to the authorities of the United States complete control over the whole subject of the public health; and if Senators will look at the bill, they will see that it is a pervading influence; that it extends everywhere, and if the Federal authorities do not investigate epidemics which may prevail in single localities, it will be because they do not choose to do so. The power is given.

It is the subversion of all the health regulations in the United States to the authority of the health department of the Federal Government, because the power to determine whether quarantine regulations shall be established as between the States implies a power to make inquiries as to the condition of the public health in the States. Those inquiries may be prosecuted to any extent and by any means, be it ever so close, and the extent to which the powers may be carried no mortal man can at present anticipate.

Mr. HARRIS. Will the Senator from Illinois allow me to suggest to him that the act of 1890, to which his attention has not been called, gives to the General Government complete authority for the establishment of quarantine between the States.

Mr. PALMER. It may be; and if I felt bound to acquiesce in everything which has been done in the past, that would be a sufficient answer to me; but we are called upon to take this particular step, and there may be a precedent for it. Bad precedents are found everywhere. Let me remark that hard cases make shipwreck of the law, as has been declared by one of the fathers of the profession, and fear is a bad counselman.

We are legislating here under the influence of apprehension, which prevails everywhere; we are not consulting so much our reason as our fears. I therefore repudiate the authority of any past precedent as governing me, because, whatever others may have done, it can not be said that I did it, and it shall not be said that I did it. I will not be controlled by the acts of others. Legislation is a progressive science, and we are learning that the rights of the people require not the surrender of all the liberties which were taken with their rights when popular rights were more clearly appreciated than now, but we are sometimes called upon by new conditions to throw new protections around popular rights, and refuse to take an additional step, being convinced of the fallacy, the error of the step which has been pointed out as a precedent.

I most distinctly declare that, in my judgment, the United States Government as a sovereign may protect its coasts, its towns, from disease by all appropriate means. The Senator from Tennessee mentioned the fact that by the presumed carelessness of the quarantine officers at New Orleans yellow fever reached and devastated Memphis. Mr. President, that may be true; but it may be that no human vigilance could have protected Memphis. I am not prepared, because that incident happened or exists, to assume that new precautions are required; and I shall be happy if some Senator will assure me that all the precautions which may be adopted by the Federal or State governments will protect us from contagious diseases.

I have no well-founded expectation that they will, because pestilence walketh in darkness. Pestilences come and human skill and human care do not always protect. I am not willing, therefore, that any officer of the Federal Government, nor any officer not appointed by myself or by those whose interests are like mine, shall be permitted to make domiciliary visits to ascertain the conditions which exist in the community where I live.

If this bill, therefore, were strictly a national quarantine measure, intended to protect our coasts against disease, it would meet my cordial and earnest support; but inasmuch as it proposes to go beyond that, I can not be brought to support it unless the propositions of the Senator from Louisiana shall be adopted.

I believe it was said, to the reproach of one of the great lovers of English liberty, Lord Erskine, that he said on some occasion that a particular act or order was only a forty days' despotism. It may be that we ought to submit, in the perilous condition in which we are placed, to this despotism, to this subversion of sound principles. If the sacrifice must be made, let us limit the sacrifice to the necessity. If we act from the influence of fear, let us, by limiting the operation of the statute, find time at least to discover whether our fears were real or unreal, and in the mean time let the operations of this bill of doubtful policy, this bill of doubtful construction, be so limited that we can see what the result will be.

Mr. CALL. Mr. President, it is my purpose to submit some observations upon the pending bill. Before doing so, however, I shall ask to have printed in the RECORD, if there be no objection to it, a letter from a very distinguished physician in the State of Florida, who is thoroughly familiar with the operation of quarantine, and is a man of high promise and of scientific attainments. He has sent me a copy of a letter addressed to a Mr. Strauss, the chairman of a committee in New York, and I will ask that it be inserted in the RECORD.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the request of the Senator from Florida will be granted.

The paper referred to is as follows:

PENSACOLA, FLA., *January 2, 1893.*

MY DEAR SENATOR: I inclose a copy of an article written by me at the request of the New York Board of Trade, and would like for you to give it a few moments of your attention. It seems to my mind that there is an unwarranted attempt on the part of the advocates of a centralized government to interfere in matters of public health which now more closely affect the interests of our people than any other subject. If such interference was justified by impending danger or if there was a guarantee that the National Government could operate our quarantine system more efficiently than the State, then I would be in favor of yielding a point, but as the matter stands I must deny the correctness of both propositions.

These well-meaning people fail, in their impetuous zeal, to recognize two facts that can not be disputed. The first is, that under any management of quarantine which attempts to keep out disease and at the same time to conserve our commercial interests, epidemics will be an occasonal probability, until our sanitary conditions are brought to the highest state of perfection; then only can they be defied. The other fact to which I would direct your attention is, that it is only within the past decade that our people have studied the subject of maritime sanitation at all, and in that time we have not had an epidemic of any disease, save the one in this State, and that occurred before the creation of our State board of health.

The Marine Hospital Service, acting as an advance guard to the coast defense, is a most valuable auxiliary to local quarantine measures, but I can see no good reason why it should be vested with powers higher than those it already possesses, and I believe it would be unwise to enlarge its authority save in foreign countries (at the largest seaports), where, in connection with our consular agents, its officers could personally superintend the immigrant or passenger and his effects, that they may not act as carriers of infective material.

It occurs to me also that the usefulness of this branch of the Government might be increased by placing under its control the Revenue Marine Service, which could then, in conjunction with its present duties, act as a coast sanitary patrol. But I believe that our safety is best secured by a concert of action between the State and General Government—in other words, just as the system works to-day—so far as the right of authority is concerned; but let us go on and perfect both without destroying either or in any way impairing the usefulness of the one without the positive knowledge that the fullest measure of safety lies alone in the success of the other.

I remain, very sincerely yours,

WARREN E. ANDERSON.

PENSACOLA, FLA., *December 12, 1892.*

SIR: Your communication of the 5th instant to hand.

In answer to inquiry 1, "Quarantine administrations in foreign countries as furnishing precedents for the United States," I would say that I do not know of any foreign country the size of ours, furnishing such varieties of climate and diversities of business interests likely to be affected by quarantine, where a uniform system is in practical operation, and, of course, no comparison can be made unless similar conditions existed in both cases.

We are probably too close to tropical neighbors who do not thoroughly appreciate the benefits of sanitation to secure us in adopting the enlightened quarantine system of Great Britain, and we are, on the other hand, too jealous of our business interests to permit of our accepting the exclusive nonintercourse system of Spain. The liberal quarantine policy of England might be adapted to the needs of New York or Massachusetts, but put in operation in Florida and Louisiana it might be as disastrous to the public health of these States as would the rigorous policy of Spain be to the commerce of our Northern States. This proposition will remain true not only until we have ourselves arrived at a higher state of sanitary perfection, but until science removes the dangerous sources of infection to the south of us. No one foreign country could furnish us with a safe precedence for our guidance in matters of public health.

Second. "The present status of quarantine in the United States: A. National; B. State."

In my opinion the rivalry existing between these constituted authorities has been productive of great good to the country, and has succeeded in increasing the security on the one hand by the application of scientific methods, and on the other materially lightening the burden on commerce by shortening the days of detention to a few hours of inspection and cleansing. I am sure that the condition of both our national and State quarantine systems is improving each year, and I believe it to be a matter of only a short time when it will be little less than perfect.

Third. "The existing system of quarantine administration in the United States: A. Cost; B. Restrictions imposed on commerce and travel; C. Security afforded."

A. Under the national system of quarantine, as it now exists, the entire cost of maintaining the different stations is borne by the General Government, or, in other words, by taxation levied upon our people. In this connection it might be interesting to know that in his recent report the Secretary of the Treasury says:

"At smaller seaports, where local quarantine provision is sufficient, and where cholera-infected vessels might seek entrance to avoid the greater restrictions at larger ports, the authorities have been invited by circular to apply for such aid from the Marine Hospital Bureau as may be required for their defense."

I should like to ask if this does not appear as a general invitation to all foreign commercial powers to send their vessels to our shores, preferably to the smaller ports, when they are in need of sanitary repairs, as such work will be done gratis? What magnificent generosity, but how appalling to the mind of the already overburdened American taxpayer. On the other hand, the different States of the seaboard collect the revenues for the support of their quarantine stations by charges upon commerce (generally foreign), thus relieving us of all expense in the matter. The justification for this plan, if it needs one, seems to my mind to lie in the fact that those who are instrumental in the importation of epidemic diseases should bear the burden of the cost of their ignorance or carelessness, as the case may be, and no tax should be collected from those who are merely the victims of the criminal stupidity or negligence of others. That this expense upon the shipping interests is not unjust I believe to be true; nor do I think that in many instances it is in excess of the benefits derived by the owners of vessels which are in need of being placed in a sanitary condition.

B. The restrictions upon commerce and travel are being reduced to a minimum, and under improved methods of rapid disinfection and cleansing they will shortly be removed altogether. In support of the truth of this statement I will cite you the fact that under an enlightened system of quarantine this State has carried on safely and uninterruptedly for the past three years its commercial relations with the neighboring island of Cuba, whereas before that time, our quarantine laws while interdicting commerce, were yet unable to prevent the introduction of yellow fever. If so much has been accomplished in such a short space of time, what may we not hope for in the very near future?

C. The security afforded has been greatly increased of late years, and is, no doubt, due to the same causes which have operated to remove the restrictions on commerce and travel; that is, instead of detention, scientific sanitary measures have been substituted.

Fourth. "A national quarantine: A. Would it lessen the existing imposts upon commerce? B. Would restrictions on commerce and travel be less injurious? C. Would it afford increased security to the country?"

A. Possibly it would, but by placing a tax upon those who are in nowise responsible for the conditions necessitating the resort to quarantine measures, and this I would consider unjust.

B. No. I can see no reason why the principles of quarantine executed by the intelligent hands, of the State or community whose health and prosperity are both at stake, should not be more successful than when operated by an official at a distance who may be totally ignorant of the conditions and requirements of such State or community.

C. No. There is nothing in all the history of quarantine to justify the opinion that health matters are safer in the hands of the General Government than in those of communities directly or likely to be affected. In substantiation of this statement it is only necessary to recall the fact that very recently the health authorities of a commonwealth of this Union succeeded in averting an epidemic of the terrible disease which had baffled the best efforts of the compact and centralized powers of Russia and Germany. When the citizen knows that much depends upon his individual efforts towards sanitation, and that he has a voice in the practical operation of all systems devised to prevent diseases, he becomes a most zealous and intelligent factor; but let him understand that the General Government has charge of all matters of public health and he at once loses his interest and looks only to that Government for protection and safety.

Sanitation and not quarantine should be the aim of the modern scientist, and in order to attain this end, it is absolutely necessary to have the hearty coöperation of every individual in every community in the country. This can not be done by the supervention of the General Government, and I believe the attempt at such interference would result only in a disastrous failure.

Very truly, yours,

WARREN E. ANDERSON.

Hon. OSCAR S. STRAUSS, *Chairman,*
No. 55 Liberty Street, New York City.

Mr. CALL. Mr. President, I am in favor of the provisions of this bill in the main, although I should have preferred a different bill. The fact of an addition to a condition prescribed by a State board of health for the entrance of a vessel into a port of a State or for the disinfection of its passengers or its freight, can not in anywise affect or destroy the obligatory force of other conditions. In that respect, the distinction taken by the Senator from Tennessee [Mr. HARRIS] is certainly well founded, and the distinguished Senator from Louisiana [Mr. WHITE] is, I think, in error upon that point.

To say that the United States through any of its officers may prescribe an additional condition, obligatory and paramount, for the entry of a vessel or for the examination and disinfection of its passengers and its freight, can not in any wise abrogate the force of other conditions, is, I think, clearly incorrect. It may be in that respect that this bill may fail to accomplish the beneficial results it might otherwise do by imposing an additional restriction upon commerce to those created by State authority.

Mr. President, the course of modern scientific inquiry and conclusion has been to do away with an extended quarantine and to exhibit the inefficiency and the absence of any beneficial effect from a long detention of either vessel or passengers. Maritime sanitation has taken the place of the old barbarous system of a quarantine and detention of either vessel, passengers, or freight. I have here a pamphlet from a very distinguished physician and scientist of the State of Louisiana, Dr. Joseph Holt, investigating that subject, and he makes some remarkable and forcible statements. He says:

No casual observer can realize the amount of inconvenience, anxiety, deprivation, and actual suffering occasioned by the futile but oppressive measures of the "old system." The history of quarantine in Louisiana, extending through a period of sixty-four years, 1821–1884, furnishes a singularly clear demonstration of this entire question. It is a chronological record of pestilential appearances and epidemics, along with inflictions upon commerce, destructive of extensive branches of trade and associated industries; it is a long chapter in the history of yellow fever and cholera, furnishing the only explanation why New Orleans, strategically located, with its soft and delightful climate, varied and abundant food supply, so exceptionally desirable as a home, is not to-day second only to New York in population and as a commercial and manufacturing center. It is an epitome of quarantine operations, from its inception, 1184, to the beginning of its end, 1884, the date of the inception of the "new system."

In the reports of the Marine Hospital Service, which I venture to say are full of valuable instruction, if the members of Congress would study them, and which give a clear guide as to the measures which should be adopted by the National Legislature, will be found a complete investigation of the effect of quarantine and the improved methods of maritime sanitation. Their efficacy in preventing the spread of disease is a demonstrated fact, and the necessity that they should be under some central authority is, in like manner, clearly exhibited in the reports, and I say the admirable reports, of the Marine Hospital Service under its former and its present distinguished head.

The abstracts which are published by that Bureau and distributed throughout the whole country have given as much information and practical knowledge to the profession and the health authorities throughout the United States as to the best and proper methods of preventing the recurrence of these great scourges of cholera and yellow fever as any and all other means.

Mr. President, the State which I represent in connection with yourself [Mr. PASCO in the chair] has a seaboard of about 1,400 miles in proximity with the West India Islands. At some of our ports the commerce of the Gulf of Mexico touches or passes almost daily in sight of them. That State, with her comparatively small population, is required to maintain a most extensive and expensive system of inspection, sanitation, and disinfection. It is done not in the interest of the people of Florida alone so much as in the interest of the people of the United States.

Shall we not be allowed the assistance of the Federal Government, of the whole foreign and interstate commerce, to aid us in protecting that commerce against infectious and contagious diseases? More than once, several times, contagion has made its appearance in some of the principal cities of the State, and has temporarily destroyed their business and their population. They have adopted a system of maritime sanitation which has been efficient, but it needs the aid of a larger expenditure. In this connection it is proper that I should mention the name of Dr. I. Y. Porter, of Key West, Fla., formerly a surgeon in the United States Army, to whom the people of the United States are largely indebted for their security during the last few years from the spread of contagious and infectious disease from Cuba and the West Indies.

So I am in favor not only for the State of Florida, but elsewhere, of legislation which will enable and require the National Government to extend its assistance to all the States in maintaining a proper system of quarantine and maintain sanitation.

What as to the authority? The same authority exists to regulate foreign commerce as to regulate interstate commerce.

Mr. TELLER. If the Senator from Florida does not care to conclude his remarks this evening, I think we may as well adjourn.

Mr. CALL. I have no objection to an adjournment at this time.

Mr. SAWYER. I will ask the Senator to change that to a motion for an executive session.

Mr. TELLER. I have no objection to an executive session.

Mr. HARRIS. Allow me, before either motion is put, to say that I do not think it probable that we have a quorum here at this time, so that we shall probably not be able to dispose of the amendment of the Senator from Louisiana [Mr. WHITE] this evening. Feeling that it is very important that Congress shall dispose of this matter in whatever way it proposes to dispose of it, I think it very important that this bill, or something containing powers such as this bill confers, should be passed very promptly.

I shall ask the Senate to-morrow morning immediately after the routine morning business to continue the consideration of the bill at least up to 2 o'clock. I shall go no further than 2 o'clock at this time. If the Senator from Minnesota [Mr. WASHBURN] objects, then I shall not interfere with him; but I am very anxious to come to a final vote upon the pending measure at the earliest possible moment.

Mr. TELLER. The McGarrahan case was made the special order for to-morrow after the routine morning business, but to accommodate the pending bill, if I can have an order for the consideration of the McGarrahan case for Wednesday morning, instead of to-morrow morning, after the routine morning business, I shall not object. Preparatory to making the arrangement proposed by the Senator from Tennessee, because this seems to be a bill of national importance, I ask that the McGarrahan bill may be taken up on Wednesday morning immediately after the conclusion of the routine morning business.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Colorado [Mr. TELLER]?

Mr. HARRIS. I am greatly obliged to the Senator from Colorado, and hope there will be no objection to his request.

The PRESIDING OFFICER. The Chair hears no objection to the request of the Senator from Colorado, and it is granted.

Mr. HARRIS. I now ask unanimous consent that immediately after the routine business to-morrow morning the Senate proceed to the consideration of the pending bill.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Tennessee? The Chair hears none, and it is so ordered.

Mr. WASHBURN. I give notice to Senators that I shall call up the antioption bill at 2 o'clock to-morrow.

Mr. HARRIS. My request extends only to the morning hour at present. I do not know what I shall ask to-morrow.

Mr. WASHBURN. I hope the Senator will not ask anything further to-morrow.

EXECUTIVE SESSION.

Mr. SAWYER. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 10 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, January 10, 1893, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate January 9, 1893.

PROMOTIONS IN THE ARMY.

Pay Department.

Lieut. Col. Charles M. Terrell, deputy paymaster-general, to be be assistant paymaster-general with the rank of colonel, January 6, 1893, vice Gibson, retired from active service.

Maj. James P. Canby, paymaster, to be deputy paymaster-general with the rank of lieutenant-colonel, January 6, 1893, vice Terrell, promoted.

Subsistence Department.

First. Lieut. Guy Howard, Twelfth Infantry, to be commissary of subsistence with the rank of captain, January 7, 1893, vice Woodruff, promoted.

CONFIRMATION.

Executive nomination confirmed by the Senate January 9, 1893.

FIRST ASSISTANT POSTMASTER-GENERAL.

Henry Clay Evans, of Tennessee, to be First Assistant Postmaster-General.

HOUSE OF REPRESENTATIVES.

MONDAY, *January 9, 1893.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of Saturday last was read and approved.

EXPENSES OF COMMITTEE ON AWARDS, WORLD'S COLUMBIAN COMMISSION.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting, with a favorable recommendation, an estimate of appropriation submitted by the president of the World's Columbian Exposition to defray the expenses of the committee on awards of the World's Columbian Commission; which was referred to the Committee on Appropriations, and ordered to be printed.

MILITARY ENCAMPMENT AT CHICAGO.

The SPEAKER also laid before the House a letter from the Secretary of War, with inclosures, relating to the passage of an act by Congress to provide for an encampment of 100,000 United States and State troops to be held at Chicago on the occasion of the World's Columbian Exposition; which was referred to the Committee on Military Affairs, and ordered to be printed.

FINDINGS OF COURT OF CLAIMS.

The SPEAKER also laid before the House copies of the findings of the Court of Claims in the following-named cases; which were severally referred to the Committee on War Claims, and ordered to be printed:

A. M. Cartmell and George Leonhart *vs.* The United States; and

Betty A. Aldrich *vs.* The United States.

RELIEF OF COLUMBIAN UNIVERSITY, DISTRICT OF COLUMBIA.

The SPEAKER also laid before the House a bill (S. 3623) to amend the act of March 3, 1873, "for the relief of the Columbian University in the District of Columbia."

Mr. HEMPHILL. Mr. Speaker, I ask unanimous consent that that bill be taken up and considered at this time.

There being no objection, the bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. HEMPHILL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. WHITING, indefinitely, on account of illness.

To Mr. JOHNSON of North Dakota, for two weeks, on account of important business.

ENROLLED BILLS SIGNED.

Mr. OHLIGER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 317) granting an increase of pension to John M. Roberts;

A bill (S. 2592) granting an increase of pension to William C. Tarkington;

A bill (S. 2990) for the relief of George W. McKinney; and

A bill (S. 3314) for the relief of E. Darwin Gage, late lieutenant-colonel of the One hundred and forty-eighth New York Infantry.

BRIDGES ACROSS THE HIAWASSEE, TENNESSEE, AND CLINCH.

Mr. EVERETT. Mr. Speaker, on Saturday last I asked the House to consider the bill (H. R. 10015) to authorize the construction of bridges across the Hiawassee, Tennessee, and Clinch Rivers. It is drawn up in the usual form of bridge bills and has the approval of the Secretary of War. My friend from Kansas [Mr. OTIS], under a misapprehension of one of its provisions, objected to the consideration of the bill. He now withdraws his objection, and I ask unanimous consent that the bill be put upon its passage.

The SPEAKER. This bill was read in full on Saturday, but objection was made by the gentleman from Kansas [Mr. OTIS] to its consideration. The Chair is informed that the gentleman withdraws the objection. Is there further objection to the request of the gentleman from Georgia?

Mr. TAYLOR of Illinois. Has the bill been reported from a committee?

The SPEAKER. It has.

There being no objection, the bill was ordered to be engrossed

and read a third time; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. EVERETT, a motion to reconsider the vote by which the bill was passed was laid on the table.

ESTATE OF ISAAC W. TALKINGTON.

Mr. BRECKINRIDGE of Arkansas. I ask unanimous consent for the present consideration of the bill (S. 118) for the relief of the estate of Isaac W. Talkington, deceased.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the estate of Isaac W. Talkington, deceased, late of Pope County, in the State of Arkansas, $200, erroneously paid to the United States for the north half of southeast quarter of section 21, township 7 north, range 18 west, of the fifth principal meridian, out of any moneys in Treasury not otherwise appropriated.

Mr. TAYLOR of Illinois. I ask for the reading of the report.

The Clerk read the report of the Senate committee, as follows:

The Committee on the Public Lands, to whom was referred Senate bill 118, have had the same under consideration, and report the same back with the recommendation that it do pass.

For the facts concerning the bill the committee refers the House to House Report 481 on bill H. R. 801, which is identical with this bill.

Mr. BURROWS. The report just read does not disclose the merits of the bill. I hope the gentleman from Arkansas will make some statement of the matter.

Mr. BRECKINRIDGE of Arkansas. The report just read is the report on the Senate bill, and it refers to the Senate report previously made on the House bill. I send the latter report to the desk.

Mr. BURROWS. Let it be read, reserving the right to object.

The report was read, as follows:

The Committee on the Public Lands, to whom was referred the bill (H. R. 801) for the relief of the estate of Isaac W. Talkington, deceased, for money erroneously paid to the United States for certain lands, having had the same under consideration, report the same back with the recommendation that it pass.

For the facts reference is made to the report made in the Fifty-first Congress, as follows:

"The facts on which this claim is based are found in two decisions by the Secretary of the Interior, involving the land for which it is alleged double payment was made, and out of which the right to repayment grows.

"These decisions are Talkington's heirs *vs.* Hempling, reported in vol. 2, Land Decisions, p. 46, and the case of the heirs of Isaac W. Talkington, vol. 5, Land Decisions, p. 114.

"It appears that Talkington made homestead entry No. 3886, February 15, 1870, of the north half of the southeast quarter of section 21, and that the entry was canceled December 1, 1876, for alleged relinquishment. It having been shown subsequently, however, that Talkington had commuted his entry and paid $2.50 cash per acre for the land, receiving therefor duplicate receipt No. 7419, dated August 20, 1872, and had died April 20, 1874, and that the relinquishment was fraudulent, the same bearing date June 5, 1876, more than two years after Talkington's death, his entry was reinstated April 5, 1878, and the heirs made new commutation proof, and paid $200, the purchase money, for said land.

"Talkington made commutation proof and paid $200 for this land, and received a duplicate receipt under date of August 20, 1872, issued at Dardanelle, Ark., No. 7419, and signed by John C. Austin, receiver, the same being payment in full for the tract in question at the double minimum valuation; and that across the face of said receipt is noted, "Commuted from homestead entry No. 3886, dated February 14, 1870." And it also appears from the affidavit of one David Beasley, a neighbor of Talkington's, who was cognizant of all the circumstances of the case, barring the alleged relinquishment, that he accompanied Talkington to the local office, and was one of his witnesses in making his commutation proof; that the other witness is deceased; that he saw the usual papers in such case made by the proper officer, and saw $200 in cash paid to the receiver; and that the affiant furnished Talkington with a portion of the said sum.

"It was for this sum that the heirs applied for repayment.

"This application was finally rejected by the Secretary of the Interior by his decision of August 31, 1886, found in Land Decisions, vol. 5, page 114, above referred to, on the ground that the power of repayment by the Secretary of the Interior is limited and defined by a statute to repayment of purchase money of land erroneously sold by the United States when from any cause the sale can not be confirmed. (Sec. 2362, R. S.)

"The proof of double payment in this case is direct and positive.

"The fact that the receiver made no return of this money, as he is required by law to do, does not contradict the fact of payment.

"The receiver is a bonded officer, and the United States has a remedy against his bondsmen for the misappropriation of the money received for the sale of this land.

"For the foregoing reasons your committee report back the bill and recommend its passage."

There being no objection, the Committee of the Whole on the Private Calendar was discharged from the further consideration of the bill, and the House proceeded to consider the same.

The bill was ordered to a third reading, read the third time, and passed.

On motion of Mr. BRECKINRIDGE of Arkansas, a motion to reconsider the last vote was laid on the table.

Mr. BRECKINRIDGE of Arkansas. Would it not be proper now that the House bill corresponding in its provisions to the Senate bill just passed be stricken from the Calendar?

The SPEAKER. In the absence of objection, House bill No. 801 will lie upon the table.

There was no objection.

JAMES STEWART.

Mr. STORER. I ask unanimous consent for the present consideration of the bill (H. R. 6497) for the relief of James Stewart.

The bill was read.

Mr. BELTZHOOVER. Is there a report accompanying this bill?

The SPEAKER. Without objection, the report will be read.

The report was read.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. BELTZHOOVER. Mr. Speaker, as Friday is appropriated under the rules for the consideration of the Private Calendar, I shall have to call the regular order against these bills.

The SPEAKER. The regular order is equivalent to an objection.

ORDER OF BUSINESS.

Mr. DOCKERY. I now desire to call up the District of Columbia appropriation bill.

The SPEAKER. The regular order is first the call of committees for reports.

VIOLATION OF COMMERCE LAWS.

Mr. WISE, from the Committee on Interstate and Foreign Commerce, reported back favorably the bill (S. 1933) concerning testimony in criminal cases or proceedings based upon or growing out of allegal violations of an act entitled "An act to regulate commerce," approved February 4, 1887, as amended March 2, 1889, and February 10, 1891; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

WAGON BRIDGE ACROSS MISSOURI RIVER.

Mr. GEARY, from the Committee on Interstate and Foreign Commerce, reported back favorably the bill (H. R. 10063) to amend an act authorizing the construction of a high wagon bridge across the Missouri River at or near Sioux City, Iowa, etc.; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

ESTABLISHMENT OF A NATIONAL QUARANTINE, ETC.

Mr. RAYNER, from the Committee on Interstate and Foreign Commerce, reported back with amendments the bill (H. R. 9757) to provide for the better protection of commerce and for the general welfare by the establishment of a national quarantine, etc.; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

The call of committees was completed, no further reports being presented.

UNITED STATES GOVERNMENT EXHIBIT BOARD.

On motion of Mr. DURBOROW, by unanimous consent, the Select Committee on the Columbian Exposition was discharged from the further consideration of joint resolution (H. Res. 169) extending the powers of the United States Government Exhibit Board, and it was referred to the Committee on the Library.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its Secretaries, announced that the Senate had passed with an amendment the bill (H. R. 9824) to amend "An act to promote the construction of a safe deep-water harbor on the coast of Texas," approved February 9, 1891; in which the concurrence of the House was requested.

DISTRICT APPROPRIATION BILL.

Mr. DOCKERY. I now call up the District appropriation bill.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 10038) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1894, and for other purposes.

Mr. BUCHANAN of New Jersey. Mr. Speaker, I rise to a parliamentary inquiry: Has not the regular order been called for?

The SPEAKER. It has.

Mr. BUCHANAN of New Jersey. And is not the regular order the second call of committees?

The SPEAKER. But the gentleman from Missouri calls up this general appropriation bill. The rule, if the Chair recollects aright, omits the provision for the second call of committees on District day.

Mr. BUCHANAN of New Jersey. I call the attention of the Chair to paragraph 4 of Rule XXVI:

After the morning hour shall have been devoted to reports from committees (or the call completed) the Speaker shall again call the committees in regular order, etc.

Mr. DOCKERY. I desire to call the attention of the gentleman from New Jersey to the fact that there is no second morning hour to-day, this being District day.

Mr. BUCHANAN of New Jersey. The gentleman begs the question; that is the very point I am raising.

The SPEAKER. The Chair will call the attention of the gentleman from New Jersey to paragraph 2 of Rule XXVI.

The second and fourth Mondays in each month shall, when claimed by the Committee on the District of Columbia, be set apart for the consideration of such business as may be presented by said committee.

The Chair thinks it has been held that on District of Columbia day there is no second morning hour, as it is commonly termed.

Mr. BUCHANAN of New Jersey. My recollection is, although it may be faulty, that the question was raised in December last, and was decided otherwise. However, during the consideration of this bill I will look the matter up.

The SPEAKER. This bill, as the gentleman is aware, is a general appropriation bill.

Mr. BUCHANAN of New Jersey. And could be interjected at any time.

The SPEAKER. The gentleman from Missouri now calls up the District of Columbia appropriation bill, and the Clerk will again report the pending motion of the gentleman from Missouri to recommit the bill.

The Clerk read as follows:

Resolved, That the pending bill be recommitted, and the committee instructed to report back in lieu thereof two bills, one appropriating money out of the revenue of the District of Columbia solely, the other appropriating money out of the revenue of the General Government, the money appropriated out of the revenue of the General Government not to exceed a sum equal to one-fourth of the amount carried by the pending bill.

Mr. COX of Tennessee. Before the vote is taken, Mr. Speaker, I wish to make an explanation in regard to the vote cast on this subject on Saturday. I am recorded as having been absent from the House. I was in the committee room engaged in work there under an arrangement with a member on the floor to send for me when the vote was to be taken. It was omitted, not intentionally, of course. If I had been present I should have voted in the affirmative, on the motion to recommit with instructions.

The SPEAKER. The question is on the motion of the gentleman from Missouri to recommit the bill with instructions, on which the yeas and nays have been ordered, and the Clerk will call the roll.

The question was taken; and there were—yeas 61, nays 153, not voting 115; as follows:

YEAS—61.

Amerman,	Crawford,	Lagan,	Shell,
Arnold,	Davis,	Lane,	Shively,
Bailey,	De Armond,	Lawson, Va.	Stockdale,
Baker,	Edmunds,	Lawson, Ga.	Stout,
Bland,	Enloe,	Lester, Ga.	Terry,
Blount,	Gorman,	Lockwood,	Tillman,
Bowman,	Grady,	Mallory,	Tucker,
Brookshire,	Halvorson,	Mansur,	Turner,
Brown, Ind.	Hamilton,	McLaurin,	Watson,
Buchanan, Va.	Harries,	McMillin,	Weadock,
Bushnell,	Hayes, Iowa	Moses,	Wheeler, Mich.
Butler,	Holman,	O'Ferrall,	Williams, Ill.
Clover,	Jolley,	Otis,	Winn.
Cobb, Ala.	Kem,	Parrett,	
Coburn,	Kilgore,	Pierce,	
Cox, Tenn.	Kyle,	Seerley,	

NAYS—153.

Abbott,	Culberson,	Hopkins, Ill.	Perkins,
Alderson,	Cummings,	Houk, Ohio	Post,
Alexander,	Curtis,	Houk, Tenn.	Powers,
Allen,	Cutting,	Johnson, Ind.	Raines,
Antony,	Dalzell,	Johnson, Ohio	Randall,
Atkinson,	Daniell,	Johnstone, S. C.	Ray,
Babbitt,	De Forest,	Kribbs,	Rayner,
Bacon,	Dickerson,	Lanham,	Reed,
Barwig,	Dingley,	Lapham,	Reyburn,
Beeman,	Dockery,	Livingston,	Richardson,
Belknap,	Dolliver,	Lodge,	Robinson, Pa.
Beltzhoover,	Durborow,	Long,	Russell,
Bergen,	Elliott,	Lynch,	Sayers,
Bingham,	English,	McAleer,	Scott,
Boatner,	Enochs,	McCreary,	Scull,
Boutelle,	Everett,	McGann,	Smith,
Bowers,	Flick,	McKaig,	Sperry,
Brawley,	Fowler,	McKinney,	Stephenson,
Breckinridge, Ark.	Funston,	McRae,	Stevens,
Bretz,	Fyan,	Meredith,	Steward, Ill.
Broderick,	Geary,	Meyer,	Stewart, Tex.
Brosius,	Geissenhainer,	Miller,	Stone, W. A.
Brown, Md.	Greenleaf,	Montgomery,	Stone, Ky.
Buchanan, N. J.	Grout,	Moore,	Storer,
Burrows,	Hall,	Mutchler,	Taylor, Ill.
Busey,	Hallowell,	Newberry,	Taylor, E. B.
Bynum,	Hare,	Oates,	Taylor, J. D.
Cadmus,	Harmer,	O'Donnell,	Townsend,
Caminetti,	Haugen,	Ohliger,	Tracey,
Cate,	Haynes, Ohio	O'Neil, Mass.	Wadsworth,
Causey,	Hemphill,	O'Neill, Pa.	Walker,
Cheatham,	Henderson, Iowa	Outhwaite,	Wike,
Chipman,	Henderson, N. C.	Owens,	Wilson, Ky.
Cobb, Mo.	Henderson, Ill.	Patterson, Tenn.	Wilson, W. Va.
Cogswell,	Herbert,	Payne,	Wise,
Compton,	Hermann,	Paynter,	Youmans.
Coolidge,	Hilborn,	Pearson,	
Coombs,	Hoar,	Peel,	
Crosby,	Hooker, N. Y.	Pendleton,	

NOT VOTING—115.

Andrew,	Cox, N. Y.	Ketcham,	Simpson,
Bankhead,	Crain,	Layton,	Sipe,
Bartine,	Dixon,	Lester, Va.	Snodgrass,
Belden,	Doan,	Lewis,	Snow,
Bentley,	Donovan,	Lind,	Springer,
Blanchard,	Dungan,	Little,	Stahlnecker,
Branch,	Dunphy,	Loud,	Stone, C. W.
Breckinridge, Ky	Ellis,	Magner,	Stump,
Brickner,	Epes,	Martin,	Sweet,
Brunner,	Fellows,	McClellan,	Tarsney,
Bryan,	Fitch,	McKeighan,	Taylor, Tenn.
Bullock,	Fithian,	Milliken,	Taylor, V. A.
Bunn,	Forman,	Mitchell,	Turpin,
Bunting,	Forney,	Morse,	Van Horn,
Byrns,	Gantz,	Norton,	Warner,
Cable,	Gillespie,	O'Neill, Mo.	Washington,
Caldwell,	Goodnight,	Page,	Waugh,
Campbell,	Griswold,	Pattison, Ohio	Wever,
Capehart,	Harter,	Patton,	Wheeler, Ala.
Caruth,	Hatch,	Pickler,	White,
Castle,	Heard,	Price,	Whiting,
Catchings,	Hitt,	Quackenbush,	Willcox,
Clancy,	Hooker, Miss.	Reilly,	Williams, Mass.
Clark, Wyo.	Hopkins, Pa.	Rife,	Williams, N. C.
Clarke, Ala.	Huff,	Robertson, La.	Wilson, Wash.
Cockran,	Hull,	Rockwell,	Wilson, Mo.
Cooper,	Johnson, N. Dak.	Rusk,	Wolverton,
Covert,	Jones,	Sanford,	Wright.
Cowles,	Kendall,	Shonk,	

So the motion to recommit was rejected.

The following pairs were announced:

Until further notice:

Mr. FORNEY with Mr. BELDEN.

Mr. WHITING with Mr. SWEET.

Mr. CAMPBELL with Mr. JOHNSON of North Dakota.

Mr. HEARD with Mr. WEVER.

Mr. BLANCHARD with Mr. DOAN.

Mr. HATCH with Mr. HARMER.

Mr. FITHIAN with Mr. TAYLOR of Tennessee.

Mr. WASHINGTON with Mr. SANFORD.

Mr. GOODNIGHT with Mr. KETCHAM.

Mr. ELLIS with Mr. MORSE.

Mr. BRYAN with Mr. HOPKINS of Pennsylvania.

For this day:

Mr. MITCHELL with Mr. RIFE.

Mr. CARUTH with Mr. VINCENT A. TAYLOR.

Mr. HOOKER of Mississippi with Mr. QUACKENBUSH.

Mr. GANTZ with Mr. GRISWOLD.

Mr. TARSNEY with Mr. DINGLEY.

Mr. TURPIN with Mr. WRIGHT.

Mr. COVERT with Mr. HUFF.

Mr. CROSBY. I was paired on Thursday, Friday, and Saturday of last week on all questions with the gentleman from South Carolina [Mr. ELLIOTT.]

The result of the vote was then announced as above recorded.

The SPEAKER. The question now is on the demand of the gentleman from Missouri [Mr. DOCKERY] for the previous question.

Mr. DE ARMOND. Mr. Speaker, I desire to offer a motion to recommit the bill with instructions.

The SPEAKER. That motion would not be in order. But one motion can be submitted to recommit with instructions. That motion has been offered, pending the demand of the gentleman from Missouri for the previous question.

Mr. DE ARMOND. Do I understand that but one motion can be made on that question?

The SPEAKER. But one.

The Chair will state to the gentleman from Missouri that the demand for the previous question ordinarily would cut off all motions, but there is an express provision in the rule that pending a demand for the previous question a motion to recommit may be made with or without instructions, which motion would be amendable unless the previous question were ordered upon it. After that is disposed of no other motion can be submitted, as the gentleman will see that unless there was some limit the motions to recommit could go on indefinitely.

Mr. DE ARMOND. Then I wish to submit a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DE ARMOND. If the motion for the previous question is voted down, would a motion to recommit be in order?

The SPEAKER. The bill would then be before the House for such action as was proper to be taken with regard to it.

Mr. DE ARMOND. If the motion is voted down I desire to offer a motion to recommit with instructions——

Mr. DOCKERY. I object to debate, having demanded the previous question.

The previous question was ordered, under the operation of which the bill was passed.

On motion of Mr. DOCKERY, a motion to reconsider the vote by which the bill was passed was ordered to be laid upon the table.

ORDER OF BUSINESS.

The SPEAKER. The Chair desires to say that he was in error a few moments ago with respect to the second morning hour on District day. The present occupant of the chair having previously decided the question, the Clerk will read the decision.

The Clerk read as follows:

The SPEAKER. This day, being the second Monday of the month, is set apart under the rules for the consideration of business presented by the Committee on the District of Columbia if that committee desires to claim the day.

Mr. HEMPHILL. We will claim a part of it.

Mr. PEEL. Mr. Speaker, a parliamentary inquiry. Has the morning hour been dispensed with?

The SPEAKER. It has not. The attention of the Chair was not directed to that subject when he announced the Order of Business. The second morning hour will now be had in accordance with the second clause of Rule XXIV, which provides that on all days other than the first and third Mondays of the month the Speaker shall call the committees for the second morning hour. Several committees were passed over without prejudice. The Chair will not call those unless some gentleman representing one of them asks to have his committee called. The regular call rests with the Committee on Naval Affairs. The second morning hour begins at twenty-one minutes past 12 o'clock.

The SPEAKER. The morning hour begins at 1 o'clock. The call rests with the Committee on Indian Affairs.

Mr. HEMPHILL. Do I understand the Speaker to rule that we have a second morning hour to-day?

The SPEAKER. The Chair so holds.

The Committee on Indian Affairs was called.

The SPEAKER. That committee has a bill pending.

Mr. PEEL. Mr. Speaker, it will be remembered that the Committee on Indian Affairs had a bill pending when the morning hour expired, it being a bill to refer the claims of the New York Indians to the Court of Claims. I ask unanimous consent to pass our committee without prejudice: the gentleman who is in charge of the bill has just come in, and having been confined at home by sickness in his family, has not been here and has had no time to get ready. I ask that our committee be passed without prejudice.

The SPEAKER. The gentleman from Arkansas [Mr. PEEL] asks unanimous consent to pass the Committee on Indian Affairs without prejudice, that committee having a bill pending before the House. Is there objection?

There was no objection.

The Committee on the Territories was called.

Mr. KILGORE. Mr. Speaker, I would like to have that committee passed without prejudice, the chairman of the committee not being present.

The SPEAKER. The gentleman from Texas [Mr. KILGORE] asks that in view of the absence of the chairman of the Committee on Territories, that committee may be passed without prejudice. Is there objection?

There was no objection.

THE MILITIA.

The Committee on the Militia was called.

Mr. LANE. Mr. Speaker, I call up the bill (H. R. 7318) to promote the efficiency of the militia.

The SPEAKER. This bill is on the Union Calendar.

Mr. LANE. I move that the House resolve itself into the Committee of the Whole on the state of the Union for the consideration of this bill.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 7318) to promote the efficiency of the militia, with Mr. DOCKERY in the chair.

The CHAIRMAN. The Clerk will report the bill.

The Clerk began the reading of the bill. It is as follows:

Be it enacted, etc., That the militia shall consist of every able-bodied male citizen who is of the age of 18 and under the age of 45 years, and shall be divided into two classes, the organized to be known as the National Guard, the unorganized to be known as the Reserve Militia.

That the National Guard shall consist of such regularly enlisted troops as are or may be organized in the several States and Territories and the District of Columbia in pursuance of their respective laws, not in conflict with the provisions of this act, and the organization shall conform as closely as possible to that prescribed for the Army.

SEC. 2. That the Reserve Militia shall not be subject or liable to any military duty to the United States except when called into service by act of Congress passed for that purpose; that the National Guard shall not be subject or liable to any military duty to the United States, except when called into service by act of Congress passed for that purpose or by the President of the United States, as is hereinafter provided; and every officer and enlisted man of the National Guard called into service of the United States who shall refuse to obey such call shall be subject to trial by court-martial.

With an amendment, as follows:

SEC. 3. That the Vice President of the United States; the officers, judicial and executive, of the Government of the United States; the members of both Houses of Congress, and their respective officers; all custom-house officers, with their clerks; all postmasters and clerks employed in the transportation of mail; all ferrymen employed at any ferry on post-roads; all inspectors of exports; all artificers and workmen employed in the armories and arsenals of the United States; all pilots; all mariners actually employed in the sea service of any citizen or merchant within the United States; and all persons who now are, or may hereafter be, exempted by the laws of the respective States, shall be exempted from militia duty, notwithstanding their being above the age of 18 and under the age of 45 years.

SEC. 4. That there shall be an adjutant-general in each State and Territory, who shall perform such duties as may be prescribed by the laws of each State and Territory, respectively, and who shall make returns and reports to the Secretary of War at such times and in such form as he shall from time to time prescribe.

SEC. 5. That the Secretary of War shall, in his annual report each year, transmit to Congress an abstract of the returns and reports of the adjutants-general of the States and Territories, with such observations thereon as he may deem necessary for the information of Congress.

SEC. 6. That the national guard shall be instructed in the same system of drill and tactics that may from time to time be prescribed for the Army.

With an amendment, as follows:

SEC. 7. That whenever the United States are invaded, or are in imminent danger of invasion, from any foreign nation or Indian tribe, or of rebellion against the authority of the Government of the United States, it shall be lawful for the President to call forth such number of the militia of the State or States most convenient to the place of danger, or scene of action, as he may deem necessary to repel such invasion, or to suppress such rebellion, and to issue his orders for that purpose to such officers of the militia as he may think proper.

SEC. 8. That when the militia of more than one State is called into the actual service of the United States by the President he may, in his discretion, apportion them among such States according to representative population.

SEC. 9. That the militia, when called into the actual service of the United States for the suppression of the rebellion against and resistance to the laws of the United States, shall be subject to the same rules and articles of war as the regular troops of the United States.

SEC. 10. That whenever the President calls forth the militia of the States, to be employed in the service of the United States, he may specify in his call the period for which such service will be required, not exceeding nine months, and the militia so called shall be mustered in and continue to serve during the terms so specified, unless sooner discharged by command of the President.

SEC. 11. That the militia, when called into the actual service of the United States, shall, during their time of service, be entitled to the same pay and allowances as may be provided by law for the Army of the United States.

SEC. 12. That whenever the militia is called into the actual service of the United States, their pay shall be deemed to commence from the day of their appearing at the place of battalion, regimental, or brigade rendezvous.

SEC. 13. That the expenses incurred by marching the militia of any State or Territory to their places of rendezvous, in pursuance of a requisition of the President, or of a call made by the authority of any State or Territory and approved by him, shall be adjusted and paid in like manner as the expenses incurred after their arrival at such places of rendezvous, on the requisition of the President; but this provision does not authorize any species of expenditure, previous to arriving at the place of rendezvous, which is not provided by existing laws to be paid for after their arrival at such place of rendezvous.

SEC. 14. That courts-martial for the trial of the militia shall be composed of militia officers only.

SEC. 15. That the sum of $600,000 is hereby annually appropriated, to be paid out of any money in the Treasury not otherwise appropriated, for the purpose of providing for issue to the States and Territories, for the use of the National Guard, such military stores and supplies, including such blank forms, tactics, regulations, and other books as are furnished by the various bureaus of the War Department for the use of the Army. The purchase and manufacture of such stores and supplies shall be made under the direction of the Secretary of War, in the same manner that they are manufactured or otherwise provided for the use of the Army. Such stores and supplies shall remain the property of the United States, and shall be receipted for, accounted for, and when unserviceable disposed of in such manner as the Secretary of War may direct.

SEC. 16. That the amount of the appropriation for furnishing stores and supplies for the national guard shall be apportioned by the Secretary of War pro rata among the several States and Territories and the District of Columbia, according to an allotment based upon the number of regularly commissioned and enlisted National Guard which shall have appeared for muster in the several States and Territories and the District of Columbia between the 1st day of March and the 30th day of April of the fiscal year immediately preceding that for which the allotment is made; and the Secretary of War may detail, in his discretion, officers of the Army to properly verify the presence of the men; and the allotment of the appropriation shall be made only upon the certificate of the army officers so detailed, or in such other manner as the Secretary of War may prescribe.

SEC. 17. That any State or Territory may purchase for the use of its National Guard stores and supplies from any department of the Army in addition to those issued under the provisions of this act, and such stores and supplies may, in the discretion of the Secretary of War, be sold to States and Territories at the price which they are listed for issue to the Army, and funds received from such sales shall not be covered into the Treasury, but shall be used to replace articles thus sold, and shall for this purpose be available until used.

SEC. 18. That the Secretary of War is authorized to receive from the several States and Territories and the District of Columbia any ordnance and ordnance stores which on June 30, 1887, were unsuitable or unserviceable, and to credit them with the same, so as to balance their respective accounts on that date under the law for arming and equipping the militia.

SEC. 19. That each State and Territory furnished with stores and supplies under the provisions of this act shall require every organization in its National Guard, not excused by the governor of such State or Territory, to go into camp of instruction or to be quartered at a United States fort for instruction in heavy artillery at least five consecutive days in each year in their respective States or Territories, and to assemble for drill and instruction not less than twelve times in each year, and shall also require an annual inspection of each organization in its National Guard to be made by an officer or officers thereof.

SEC. 20. That, upon the application of the governor of any State or Territory furnished with stores and supplies under the provisions of this act, the Secretary of War may, in his discretion, detail one or more officers of the Army to attend any encampment of the National Guard of such State or Territory, and such officer or officers shall inspect such camp and make a report to the Secretary of War, who shall furnish a copy thereof to the governor of the State or Territory, on the condition and efficiency of the troops assembled.

SEC. 21. That, upon the application of the governor of any State or Territory furnished with stores and supplies under the provisions of this act, the Secretary of War may, in his discretion, detail one or more officers of the Army to report to the governor of such State or Territory for duty in connection with the National Guard. The governor may, in his discretion, commission such officer in the National Guard during said detail with such rank as he may deem proper. An officer so assigned shall receive no pay or emoluments from the United States, except those of his rank in the Army. All such as-

signments shall be revoked at the request of the governor of the State or Territory or at the pleasure of the Secretary of War.

SEC. 22. That all existing laws relating to the militia are hereby repealed.

SEC. 23. That this act is to take effect immediately upon its passage.

During the reading of the bill

Mr. LANE said: I ask unanimous consent to dispense with the first formal reading of the bill and that it be read by sections for amendment, and that general debate on the bill be considered as closed.

The CHAIRMAN. If there be no objection, general debate will be considered as closed and the bill will be taken up for consideration by paragraphs.

There was no objection.

The Clerk read section 1.

Mr. LANE. I offer an amendment to that section, which I send to the Clerk's desk.

The Clerk read as follows:

Amend by inserting between the word "citizen" and "who," on line 4 of the first section of the pending bill, the words, "of the respective States resident therein."

So that the section as thus amended will read—

"That the militia shall consist of every able-bodied male citizen of the respective States resident therein, who is of the age of 18 and under the age of 45, and is and shall be divided into two classes, the organized to be known as the National Guard; the unorganized to be known as the Reserve Militia."

The CHAIRMAN. The question is on the amendment offerred by the gentleman from Illinois [Mr. LANE].

Mr. BUCHANAN of New Jersey. Mr. Chairman, a parliamentary inquiry: Do I understand that the bill is now open to amendment?

The CHAIRMAN. The bill is now open to amendment.

Mr. BUCHANAN of New Jersey. We are certainly entitled to have some explanation of the bill.

The CHAIRMAN. General debate was closed by unanimous consent.

Mr. BUCHANAN of New Jersey. Then that was done while I was out of the Hall for a moment. I should like to have some explanation of the object of this bill. It may be a very proper bill. I have not had time to read it.

Mr. LANE. What was the request of the gentleman?

Mr. BUCHANAN of New Jersey. I would like to have the bill explained by the gentleman who is in charge of it.

Mr. LANE. The committee accepted the amendments to this bill.

The CHAIRMAN. The gentleman from New Jersey [Mr. BUCHANAN] asks the gentleman in charge of the bill to make some explanation.

Mr. LANE. Of the bill itself?

Mr. BUCHANAN of New Jersey. Since I made that request I have been informed by the father of the bill, or its sponsor, or perhaps its grandfather, or may be its father-in-law, of the character of the bill, and have no desire to take up the time of the House.

The CHAIRMAN. The question is on the adoption of the amendment.

The question was taken; and the Chairman announced that the ayes seemed to have it.

Mr. HOLMAN. Mr. Chairman, the amendment is not understood; there is so much noise around here.

The CHAIRMAN. Without objection, the amendment will again be reported.

The amendment was again reported.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

Mr. DE ARMOND. Mr. Chairman, I rise for the purpose of endeavoring to gather from the gentleman who has the bill in charge an explanation as to some of its features and as to the occasion for their consideration by this House, and why it should pass a bill nationalizing the State militia. What is the occasion for making a national guard at this particular time? We have no war. We are threatened with none. Why this unnecessary and dangerous step toward obliterating State lines and making the militia of the States a national guard in time of peace when we have no war and are threatened with none and no pretense that they are to be called into the service of the United States? It may be that there are good reasons for passing this bill. It may be that there are reasons why it ought to be adopted, and it may be that there are reasons why we should organize the citizens of this country as an organized military force. They have not occurred to my mind, and I trust some gentleman who has examined the question and who is here to espouse the bill will enlighten us upon the subject.

Mr. LANE. Mr. Chairman, there is no purpose to change the law. They simply use the words "National Guard," as a part of the militia. It is simply a bill to reorganize the militia. It does not change the existing law materially, except so far as the existing law has become obsolete and inefficient. It is simply for the purpose of organizing the militia of the country, and not to put it on a war basis, but to leave it under the control of the States. It is to make it on a uniform plan if each State sees proper to organize a militia.

Mr. WATSON. Will the gentleman please state to the House in what respect it has been found the laws are inefficient?

Mr. LANE. Well, the old law requires that they shall be armed with flint-lock guns.

Mr. HENDERSON of Iowa. And that they shall carry a certain number of balls.

Mr. LANE. Yes; precisely. Now, that is the law on the statute book. I have not the statute with me, but the law itself is absolutely obsolete.

Mr. WATSON. That, of course, would naturally change with the change of weapons; but where is the necessity for consolidating the militia forces of the United States in the several States——

Mr. LANE. They are not consolidated.

Mr. WATSON (continuing). Into a national guard.

Mr. LANE. They are not consolidated.

Mr. WATSON. In what respect is the force itself or its organization inefficient?

Mr. LANE. It is left to the action of each State, as it sees proper, to organize a militia, and when organized it is called the National Guard; but it is under the control of State government. The militia proper, as organized, are made the National Guard, and the reserve is under the State organization.

Mr. HENDERSON of Iowa. As I understand, it is simply to make a clear distinction between the organized and the unorganized militia. Those that are organized are called the National Guard, and those that are not organized are called the Reserve Militia; that is the distinction.

Mr. LANE. Yes.

Mr. LIVINGSTON. I wish to direct the attention of the gentleman to the language in line 4 of the second page:

That the National Guard shall not be subject or liable to any duty to the United States, except when called into service by act of Congress.

Mr. HENDERSON of Iowa. That is all right.

Mr. LIVINGSTON. Has the governor of a State no right to call these guards into its service?

Mr. LANE. Oh, certainly; it provides for that.

Mr. LIVINGSTON. Where does this bill provide that?

Mr. LANE. It provides that further on.

Mr. LIVINGSTON. I would like to have that shown.

Mr. LANE. This gives the governor of a State the right to call out the militia also.

Mr. LIVINGSTON. You say that they shall not be called upon to do duty for the United States except when called into service by act of Congress?

Mr. LANE. That is for national service, and that is all that we have to deal with.

Mr. LIVINGSTON. Every State has a law which enables it to call out its own militia, and not subject to a national call.

Mr. LANE. Oh, my dear sir, yes. There is a State law and a national law. The State law controls them in the State; this only controls them when called out into the service of the United States.

Mr. HOAR. Is not this an addition to the State law?

Mr. LANE. Certainly.

Mr. HOAR. The State law gives control of the militia to the governor on all occasions in the different States, and this is simply an addition to that, giving additional authority to the United States.

Mr. LANE. Yes.

Mr. LIVINGSTON. Why not accept an amendment that they shall be called out for State purposes?

Mr. LANE. This does not change the State law.

Mr. HOAR. That is the law already.

Mr. LIVINGSTON. I do not want the governors of the States prohibited from having control over the militia.

Mr. LANE. Oh, no.

Mr. LIVINGSTON. You take the National Guard under the provisions of this bill and you will control them absolutely.

Mr. HOAR. We can now do that under the Constitution.

Mr. McMILLIN. I would like to ask the gentleman in charge of this bill a question. I see that the bill carries an appropriation of $600,000. What amount has heretofore been appropriated for this purpose?

Mr. LANE. I will say to the gentleman that the bill carries an appropriation for $600,000. I am instructed to offer an amendment to make it $400,000, which is the present law and has been since 1887.

Mr. McMILLIN. My impression is that this was an increase on the appropriation heretofore made.

Mr. LANE. It is, but the committee has instructed me to offer an amendment making the amount the same as the old appropriation, $400,000.

The amendment was agreed to.

The Clerk read the following amendment recommended by the committee:

SEC. 3. That the Vice-President of the United States; the officers, judicial and executive, of the Government of the United States; the members of both Houses of Congress, and their respective officers; all custom-house officers, with their clerks; all postmasters and persons employed in the transportation of the mail; all ferrymen employed at any ferry on post roads; all inspectors of exports; all artificers and workmen employed in the armories and arsenals of the United States; all pilots; all mariners actually employed in the sea service of any citizen or merchant within the United States; and all persons who now are, or may hereafter be, exempted by the laws of the respective States, shall be exempted from militia duty, notwithstanding their being above the age of 18 and under the age of 45 years.

Mr. DICKERSON. Mr. Chairman, I move to amend, in line 6, by inserting, after the word "all" and before the word "ferrymen," the words "locomotive engineers on post-roads and."

Mr. BUCHANAN of New Jersey. I call the gentleman's attention to the fact that his amendment does not go far enough. To exempt engineers is all right, but what is an engineer to do without a fireman?

Mr. DICKERSON. Well, my friend can attend to the firemen. I am attending to the engineers. [Laughter.]

Mr. MCMILLIN. Will this committee amendment give any exemption that is not already given by the States?

Mr. LANE. This is the present law.

The amendment of Mr. DICKERSON was agreed to.

The committee amendment as amended was adopted.

The Clerk proceeded to read the next section.

Mr. DICKERSON. Mr. Chairman, have we passed from section 3?

The CHAIRMAN. That section has been adopted.

Mr. DICKERSON. I desired to offer another amendment to that section.

The CHAIRMAN. If there be no objection, the committee can return to section 3.

There was no objection.

Mr. DICKERSON moved to amend section 3 by inserting after the word "States," in line 11, the words "and all persons holding any civil office under the authority of States, counties, or municipalities."

Mr. CUTTING. Mr. Chairman, that amendment would have a very bad effect upon the bill, and I trust that it will not be adopted. Many members of the National Guard hold civil offices. I hope the gentleman will withdraw his amendment.

Mr. DICKERSON. I can not do that.

Mr. CUTTING. As I have said, there is a large number of national guardsmen who hold civil offices, and it seems to me that if this amendment is carried, it will have the effect to disorganize the militia rather than to organize it, as we are seeking to do.

Mr. MCMILLIN. On the contrary, Mr. Chairman, if the amendment is not adopted, it seems to me the bill will have the effect to force into the militia service, by United States statute, the very officers that are engaged in carrying on the governments of the States, a kind of legislation not to be entered upon here unless with the greatest caution. One trouble that comes from this system of legislation is that when you undertake to do everything in the way of organizing the militia of the States through the United States laws, it is impossible for you to proceed far without running counter so some of the laws of the States.

We have got along very well for one hundred years and more under the old system. The most fearful conflict, our civil war, that has ever overtaken this country came on under the old militia system and that system was found sufficient for the emergency. There is no military power on earth that could have coped either with the Federal Government or with the Confederate Government in one hundred and fifty days after they got their military machinery in effective operation. In our infancy we met successfully the war with Great Britain under the old system. Briton's veterans went down before our State militia seventy-seven years ago yesterday at New Orleans. We met the war with Mexico under the old system. Only two or three years ago was this kind of legislation entered upon. In this Hall a proposition was made to organize a national militia. Mr. Cleveland was then President of the United States, and the proposition was found by him sufficiently suspicious to induce him to let the bill become a law without his signature.

Now, we go further and propose to found a national militia. We have "national museums," "national parks;" we have "national banks," and now we are to have a "national militia"—"national" everything. It has got to be a common idea that the people will go to wreck and ruin unless you "nationalize" everything in which they are concerned. What has become of the States that they are no longer considered able or worthy to do anything? There may be meritorious features in this bill, but it seems to me that, whatever good there is in it, the amendment of the gentleman from Kentucky [Mr. DICKERSON] ought to prevail. Then, sir, I am unable to see the great necessity for this legislation. I can not bring myself to conclude that all will go wrong or the country be in danger if we do not "nationalize" our militia. Do you expect by this mere statute to serve your country better than your fathers did when the people and the States rushed to the rescue of an imperiled country? You will never make those acquainted with your ancestral history believe it.

Mr. HENDERSON of Iowa. Mr. Chairman, I call attention to the fact that, by the provisions of this bill, all persons who are now, or may hereafter be exempted by the respective States, are to be exempt under this law, so that it is entirely within the power of the States to exempt their own civil officers if they desire to do so.

Mr. CUTTING. I desire to say further, Mr. Chairman, that this provision is simply the present law, which has been on the statute book since the year 1792.

Mr. DICKERSON. Mr. Chairman, I confess at the outset that I am very little inclined to strengthen the Army of the United States. If I had my way that Army should always be kept at the very lowest number, and have as little authority as it is possible to give it. I believe in always holding the civil authorities superior to the military, and in relieving the civil functionaries, even to the smallest in any State, county, or municipal government, from the influence of the Army in any way, directly or indirectly. I want every such officer to realize, in the execution of the law, whether his State has acted on the question or not, that however strong may the Army of the United States be, he is by the laws of the United States, under which that Army exists, independent and free from the influence of that Army. He ought not to be in fear of a court-martial; he ought not to be terrorized, under any state of the case, by any sort of process issuing under the rules or regulations of the Army.

It does not make any difference whether the officer be a constable whose duty it is to serve the people in some back woods district of the far West, or whether he be the chief executive of the metropolis of the country—the mayor of the city of New York; every such officer ought to be exempt under this law. These servants of the people in any state of the case, and in whatever capacity they may serve, ought to be exempted.

I do not approve of the purpose of this measure at any rate. The gentleman from Tennessee [Mr. MCMILLIN] has expressed my opinion better than I can express it myself upon this question of nationalizing the militia of the country.

Mr. CUMMINGS. May I ask the gentleman a question?

Mr. DICKERSON. Yes, sir.

Mr. CUMMINGS. Do you not think it would be best to allow the States themselves to make the exemptions and not to have them made through the authority of the Federal Government?

Mr. HOAR. That is it.

Mr. DICKERSON. I agree with the gentleman from New York [Mr. CUMMINGS] that it is right the States should make these exemptions. But in addition to that, I want what I am asking in this amendment. I am aware we have now in the bill (and if it were not in the bill it would be an outrage that we would not tolerate) a provision that the State may make exemptions; but in addition to that I want to have it provided in the bill that the various officers of the State shall be exempt, whether the State ever acts on the question or not. The people of any little community—any city, any county—whether the State acts on the question or not, ought not to have their officers wrested from them by the military authority of the United States.

Mr. CUMMINGS. I want to call the attention of my friend to the manner in which the provision proposed would affect certain men in New York. The old colonel of the Seventh Regiment was Emmons Clark, who for twenty years was clerk of the health board of the city of New York. Would the gentleman exempt him by this bill from serving as a member of the National Guard?

Mr. DICKERSON. Yes, sir. If he wishes to hold a military position let him resign his civil office.

Mr. AMERMAN. This provision does not prevent him from serving in both capacities if he wants to do so.

Mr. DICKERSON. I do not think it does. But if he considers that his military service is not consistent with his civil duties and obligations, let him resign one or the other. I would rather he would resign, as it is not proper that military and civil functions should be combined in the same officer.

Mr. CUMMINGS. Why would the gentleman override the rights of the State? Why not allow the State itself to decide the matter?

Mr. DICKERSON. I am not undertaking to override the rights of the State. The form of the gentleman's question is unfair to me. I am a Democrat, and I would give the State every possible right it can exercise, not inimical to the general

interests. This bill itself recognizes the right of the State to grant exemptions; but I insist that we should now insert an absolute exemption of all State officials, without regard to the question whether the State may act on the subject or not.

Mr. HOAR. Against the will of the State if necessary?

Mr. DICKERSON. Against the will of anybody and in favor of the people whom these officers immediately and directly serve.

Mr. HOLMAN. I wish to inquire of my friend from Illinois [Mr. LANE], who is in charge of the bill, whether we are not making here an assumption of power on the part of the Federal Government which we ought not to make. I refer to the provision which proposes to confer upon the States a power that they have always had.

Mr. LANE. I will say to the gentleman from Indiana that this has been the law for nearly one hundred years.

Mr. HOLMAN. A part of the Federal statutes?

Mr. LANE. Yes, sir.

Mr. HOLMAN. Then why reënact it?

Mr. LANE. Because we are codifying the laws on this subject. They are now scattered in different volumes. We want to include them in a single act. We follow the language of the existing law.

Mr. STOCKDALE. Will some gentleman familiar with this bill please explain the necessity for this law? What is its object, and what is designed to be accomplished by it?

Mr. LANE. The object of the bill is to make more efficient the law of the militia of the country.

Mr. STOCKDALE. For what purpose?

Mr. LANE. Well, every man may have his own idea of the purpose. We have an idea that possibly we may be able to reduce the Army by rendering the military arm of the State more efficient.

Mr. HOLMAN. Why is not that the condition of affairs now?

Mr. LANE. Because the organization of the militia in some of its details needs modification.

Mr. STOCKDALE. Does not this, as a matter of fact, increase the Army?

Mr. LANE. No, sir; it leaves to the States to deal with the question as they see proper.

Mr. HOAR. I would like to ask the gentleman if it is not true that there has been a national military law since about 1790?

Mr. LANE. Yes, sir; since 1792.

Mr. WATSON. Mr. Chairman, it must be perfectly obvious to those who have given attention to this bill that the real distinction between the present military organization—the law as it has existed for a hundred years—and the pending proposition is this, that heretofore all laws upon this subject have been based upon the general rule that the militia has yet been substantially, essentially, and vitally a State body.

Now, Mr. Speaker, this bill destroys that character in great measure and makes it a national body. It is another step in the direction of centralization. It is another engrafting of the spirit of consolidation upon our laws; and it is another imitation of the military systems of the Old World, and gentlemen who vote for this bill had best pause and study its character for a moment, for they can not fail to recognize the fact that they are making a distinct departure from the old military organization which was established and which has been in operation for a hundred years or more.

Why, Mr. Chairman, I saw in yesterday's paper a statement to the effect that certain parties favored the gathering together of an army of a hundred thousand armed men to be on exhibition at the Chicago Fair, and we are asked to take a million dollars of the people's money to make a display of this kind in the United States, so as to establish a kind of international rivalry on that subject, and to exhibit a spirit of competition with the other armies and naval powers of the world. It is a principle that the people of this country can not be reconciled to, and which, I apprehend, we can not justify.

This bill is entirely wrong in all respects, and the system of militia which has existed in this country for one hundred years, which has carried us through every peril, is surely good enough for us in this day when we are not confronted with any danger, and when we are not threatened with turmoil, national, State, or foreign. There has never been a time, I am proud to say, when the national spirit has not been sufficient to array the citizens under the old system and bring them around the colors of the country, to carry them forward to victory whenever there arose a demand.

Mr. CURTIS. Will the gentleman allow me to ask him a question?

Mr. WATSON. Yes, sir.

Mr. CURTIS. I desire to have the gentleman state in what section of this bill is found that provision which does away with the power of the States and tends to consolidate in the Federal Government this militia arm of the service?

Mr. WATSON. Mr. Chairman, I did not say that it absolutely did that. I said that it was a step in that direction.

Mr. JOHNSON of Indiana. Where is the step taken?

Mr. WATSON. By making the organization national and providing for the Government control of it as a national organization.

Mr. CUTTING. But under the laws of the State.

Mr. CURTIS. Where in the bill is there such a provision as the gentleman from Georgia seems to apprehend?

Mr. WATSON. Why, look at the second section of the bill.

Mr. CURTIS. Whence arises the authority over the militia, except under the Constitution? Instead of giving the organization the character the gentleman assumes, we are seeking simply to carry into effect the true intent and meaning of the law of 1795 and endeavoring to make perfect the organization under State control; and again I ask the gentleman to state where in this bill there is any provision which does not preserve intact the privileges of the States over the militia as they have existed in the past?

Mr. WATSON. I will answer the gentleman. From the opening section of the bill the gentleman will see, if he scrutinizes it, that whereas we have heretofore had a separate military organization, under the control of the States, that now we have, under the provisions of this bill, a national guard.

The CHAIRMAN. The gentleman from Georgia will suspend until order can be restored upon the floor. Gentlemen on all sides complain that it is utterly impossible to hear a word of the discussion.

Mr. BOUTELLE. Will the gentleman from Georgia state at what time in the history of this country the militia was anything but a national organization? And if he has any doubt on that subject——

Mr. WATSON. If the militia system was a perfect one, where is the necessity for this legislation?

Mr. BOUTELLE. Because no doubt the law was defective in some of its details.

Mr. WATSON. But why such a radical change if the law was not defective?

Mr. BOUTELLE. Let me call the attention of the gentleman to a provision in the early law concerning the militia.

Section 2 of Article II of the Constitution of the United States provides:

The President—

That is, not the president of a State, but the President of the United States—

shall be Commander-in-Chief of the Army and Navy of the United States and of the militia of the several States, when called into the actual service of the United States.

Mr. WATSON. Precisely. That is what I said.

Mr. BOUTELLE. That makes it pretty thoroughly a national organization.

Mr. WATSON. Not at all. We have had heretofore, as I stated, Mr. Chairman——

Mr. HOAR. I will ask the gentleman from Maine [Mr. BOUTELLE] to read a little further.

Mr. BOUTELLE. Here are further provisions in regard to the power of Congress; that Congress shall have power not only to declare war, grant letters of marque and reprisal, etc., but—

To raise and support armies.

To provide and maintain a navy.

To make rules for the government and regulation of the land and naval forces.

To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasion.

Mr. HOAR. I ask the gentleman to read the next section.

Mr. BOUTELLE (reading):

To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively the appointment of the officers, etc.

Mr. WATSON. Well, Mr. Chairman——

The CHAIRMAN. The gentleman from Maine [Mr. BOUTELLE] has the floor.

Mr. BOUTELLE. It seems to me, Mr. Chairman, that section ought to relieve the apprehension of the gentleman as to the danger to the United States in this regard.

Mr. WATSON. I will answer the gentleman's question with frankness. The Constitution and these provisions which the gentleman reads are in exact accordance with what I said in the beginning: that the militia as it has existed for a hundred years has been a distinct and separate organization of the separate States; and it was only when called into action in the manner prescribed by law that the National Government had anything to do with it; but this bill proposes to make the militia itself a national guard, a national body. It makes it a national army on an immense scale.

Mr. JOHNSON of Indiana. Will the gentleman allow me to

ask him a question? I understand that the gentleman does not object to the constitutionality, but simply to the supposed impropriety of the bill.

Mr. WATSON. I make no point on its constitutionality.

Mr. JOHNSON of Indiana. I wanted to understand the gentleman.

Mr. WATSON. I want to call the attention of the committee to the fact that we are changing the law of the military establishment, and instead of having forty odd separate State militias we are now consolidating these forces and making them a national body.

Mr. JOHNSON of Indiana. Do I understand the gentleman then to base his opposition simply on the ground of impropriety of the legislation and not upon the ground of its unconstitutionality?

Mr. WATSON. As I was saying, Mr. Chairman——

Mr. JOHNSON of Indiana. I ask the gentleman to answer my question.

Mr. CUTTING. Will the gentleman from Georgia point out any provision in the bill which nationalizes anything.

Mr. CUMMINGS. Let me ask the gentleman from Georgia another question. Do you maintain that a State militia can exist without the authority of the Constitution?

Mr. WATSON. Certainly not.

Mr. HOAR. And of an act of Congress?

Mr. WATSON. Certainly not; but the point I make is that as it now exists it is a distinct, separate State organization.

Mr. CUMMINGS. But under the authority of the Constitution.

Mr. CURTIS. And under the act of Congress of 1795.

Mr. WATSON. Of course this subject is a matter upon which gentlemen may differ in their opinion. I state only my own view.

Mr. HOAR. Does not the gentleman know that the United States Supreme Court has already decided that the militia organization of the States can not exist except under an act of Congress passed in connection with the provision of the Constitution which has been read.

Mr. WATSON. I presume the gentleman is correct about that; but that is not the question. The question is whether this House thinks it wise to make, if we are making this bill—and that is the point I raise—a separate and distinct national guard, composed of these various State militias, which organization becomes by its name and its organization under this bill a distinct national body, a great national mass of armed men.

Mr. HOAR. Let me ask the gentleman still further if he can point out in that bill any provision which makes it a separate organization, different from the provisions of the law now existing?

Mr. WATSON. If the bill does not do that, then what is the necessity for it?

Mr. HOAR. Because this is a codification, and an amendment of existing law.

Mr. WATSON. But it changes the law. Why do you change it?

Mr. BOUTELLE. To improve it, probably.

A MEMBER. To improve the law just as you want to improve the law by your subtreasury bill, probably.

Mr. WATSON. But I deny that you do improve it.

The CHAIRMAN. The time of the gentleman has expired. The question is on the amendment offered by the gentleman from Kentucky.

Mr. JOHNSON of Indiana. I ask that that amendment be again reported. In this confusion it has been lost sight of.

The CHAIRMAN. Without objection the Clerk will again report the amendment offered by the gentleman from Kentucky.

The amendment was again read.

The question was taken on the amendment; and the Chairman announced that the ayes seemed to have it.

Mr. DICKERSON. Division.

The committee divided; and there were—ayes 47, noes 64

So the amendment was rejected.

Mr. LANE. I offer an amendment to section 4.

The Clerk read as follows:

Amend section 4 by striking out all of said section after the word "make," in line 4 of said section, and in lieu thereof insert the following:

"Return of the militia of the State with their arms, accouterments, and ammunition, agreeably to the provisions of the law, to the President of the United States annually on or before the first Monday in January; and it shall be the duty of the Secretary of War, from time to time, to give such directions to the adjutants-general of the militia as may, in his opinion, be necessary to produce uniformity in such return."

Mr. DE ARMOND. Mr. Chairman, I desire to call attention to the amendment, and the change that has been made in the pending section, as well as that which is proposed by the pending amendment. In the old law there is no requirement that the adjutant-general of a State in the time of peace shall make any return to the Secretary of War, or be under his direction. This section provides that the adjutant-general of a State, a State officer, either in time of war or in time of peace, shall also be in the service of the National Government, and that he shall report to the national authorities, under the amendment, I believe, to the President of the United States, and under the section, as it stands, to the Secretary of War.

Now, if that is not a long step in the direction of taking from the States control of their militia in time of peace, and transferring it unnecessarily beyond the purview of the Constitution, and thus make a central power, I do not know what would be. We make this officer report to the Secretary of War, or to the President. Why compel a State officer by law hereafter to report to some other power than that from which he gets his power to act? The general scope of this bill, as I gather its meaning, is hidden. What is embodied in it is to destroy the distinction between the States with reference to the control of the militia, not leaving the control of the militia to the State in time of peace, but transferring it permanently to the central authority at the national capital—a very objectionable feature, I think. A bill containing such a provision, either with the section as it now stands or as it would stand as amended, ought to lead to the defeat of any bill.

Mr. BLAND. I move to strike out the section. I would like to inquire of the gentleman what is the meaning of that section?

That there shall be an adjutant-general in each State and Territory, who shall perform such duties as may be prescribed by the laws of each State and Territory, respectively, and who shall make returns and reports to the Secretary of War at such times and in such form as he shall from time to time prescribe.

What power has Congress to dictate to the State that it shall have an adjutant-general? In other words, is not the logical conclusion of this section that the Federal Government shall appoint an adjutant-general to reside in each State who shall make reports to the Secretary of War. If that is not the meaning what authority has Congress to prescribe to a State what its law shall be?

Mr. LANE. I wish only to say to the gentleman from Missouri that the bill is now in substance what the law has been for one hundred years. I read this to the gentleman:

There shall be appointed in each State an adjutant-general, whose duty it shall be to distribute all orders from the commander-in-chief of the State to the several corps.

That is the old law.

Mr. BOATNER. That is the law of 1792.

Mr. LANE. No; that is the law of 1795—nearly one hundred years old. There is in every State a general law, under which there is an adjutant-general appointed, and he is the officer meant in that section.

Mr. BLAND. He is required by this law to report to the Secretary of War.

Mr. LANE. He is required by the present law to make such a report.

Mr. HOAR. Will the gentleman from Missouri [Mr. BLAND] let me point out to him that the sixteenth section of this bill provides for the distribution of certain arms and munitions of war to the National Guard by "an allotment based upon the number of regularly commissioned and enlisted National Guard which shall have appeared for muster in the several States," and that the report provided for by the section under consideration or by the proposed amendment is intended to furnish the National Government a basis upon which this distribution of arms and ammunition can be made, as it has been made heretofore, upon the basis of voluntary statements of the condition of the militia of the several States?

Mr. BLAND. Mr. Chairman, I do not understand that the present law authorizes or requires the State adjutant-general to make a report to the Secretary of War.

Mr. STEWART of Texas. Mr. Chairman, the old law provided that each State should have an adjutant-general who should make reports to the Secretary of War, and it prescribed the nature of those reports. This bill provides that the adjutant-general of the State shall make returns and reports to the Secretary of War at such time and in such form as he shall from time to time prescribe. I thought that the bill in that form gave too much discretion to the Secretary of War, gave him too much authority over the State officers, and the amendment which was offered by me which is now pending, is copied from the old law which has existed since 1792, specifying the nature of the reports to be made by the adjutant-general of the States to the Secretary of War. That, and nothing more.

Mr. DE ARMOND. Mr. Chairman, I send to the Clerk's desk and ask to have read section 1634 of the Revised Statutes.

The Clerk read as follows:

There shall be appointed in each State an adjutant-general, whose duty it shall be to distribute all orders from the commander-in-chief of the State to the several corps; to attend all musters when the commander-in-chief of

the State reviews the militia, or any part thereof; to obey all orders from him relative to carrying into execution and perfecting the system of military discipline established by law; to furnish blank forms of returns that may be required, and to explain the principles on which they should be made; to receive from the several officers of the different corps throughout the State returns of the militia under their command, and to make proper abstracts from such returns, and lay the same annually before the commander-in-chief of the State.

Mr. BOATNER. Mr. Chairman, I would like to inquire of the gentleman from Texas [Mr. STEWART] what substantial objection there can be to authorizing the Secretary of War to require uniformity in the form of the reports to be made by the adjutant-generals of the respective States.

Mr. STEWART of Texas. That is the object of my amendment; but this bill as it stands provides that the adjutant-general of the State shall make returns and reports to the Secretary of War, at such time and in such form as he shall from time to time prescribe. Now, that does not undertake to say what those reports shall contain, and it seems to me that such a provision gives undue authority to the Secretary of War over these officers of the State.

Mr. BOATNER. But wherein does it give undue authority?

Mr. STEWART of Texas. It gives the Secretary of War discretion, at his good pleasure, to require reports at any time he pleases about any subject connected with the State militia.

Mr. BOATNER. Is there any objection to that?

Mr. STEWART of Texas. Yes, sir; I think the States alone should control the militia, subject to the constitutional provision that it can be called out only in the emergencies contemplated by the Constitution.

The CHAIRMAN. The morning hour having expired, the committee will rise.

The committee rose; and the Speaker having resumed the chair, Mr. DOCKERY, from the Committee of the Whole on the state of the Union, reported that they had had under consideration a bill (H. R. 7318) and had come to no resolution thereon.

NORFOLK AND WESTERN RAILROAD COMPANY.

Mr. HEMPHILL. Mr. Speaker, I desire to call up the bill (H. R. 3591) to authorize the Norfolk and Western Railroad Company to extend its line of road into and within the District of Columbia, and for other purposes.

Mr. ATKINSON. I rise to a point of order, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. ATKINSON. This bill was before the House on a previous occasion, and the Chair then held that it should be first considered in Committee of the Whole. I make the point of order now that the bill should be considered in Committee of the Whole. The reason assigned when the point was made, and was sustained by the Chair, was that the bill granted a right of way over public property.

The SPEAKER. The Chair will hear from the gentleman from South Carolina [Mr. HEMPHILL] if he desires to be heard on the question.

Mr. HEMPHILL. Mr. Speaker, the only question connected with the matter is, I think, whether the granting of a simple right of way over a street is an appropriation of public property The bill does not give this company any title to the street, and, as a matter of course, it does not appropriate any public money. The purpose of the bill is to give a simple right to construct a track along a certain street in Georgetown. It is a question for the Chair to decide whether that is an appropriation of public property in the sense contemplated by the rule. This is not a grant of an irrevocable right of way. The grant is subject to alteration or change at any time. Section 9 provides that Congress reserves the right to alter, amend, or repeal this act at any time. The bill simply gives the road a right to pass over a public highway. That is all.

Mr. ATKINSON. Mr. Speaker, I am not prepared to cite authorities at this time, because I understood that the question had been closed. It has been already decided by the Speaker of this House that this bill ought to be considered in Committee of the Whole. I have not the RECORD at hand containing the decision to which I refer, but if the Speaker will send for it he will find the decision to be as I state. That decision was made by the present Speaker of the House at the last session. This bill does grant a right to public property which belongs to the Government. Having assumed that the Speaker would not care to reverse his own decision, I am not, as I have said, prepared at this moment to present authorities on the question.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

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Mr. HEARD called up for consideration the bill (H. R. 3591) to authorize the Norfolk and Western Railroad Company of Virginia to extend its line of road into and within the District of Columbia, and for other purposes.

Mr. ATKINSON made the point of order that the bill should receive its first consideration in the Committee of the Whole, inasmuch as it grants certain property of the United States, to wit, the right of way over the streets of Georgetown and Washington.

The Speaker sustained the point of order.

The SPEAKER. This question seems to have been decided by the Chair at the previous session of the present Congress.

Mr. HEMPHILL. Then the Chair, as I understand, rules that this bill must be considered in the Committee of the Whole. I ask the gentleman from Pennsylvania [Mr. ATKINSON] whether we can not before we go into the Committee of the Whole limit the time for general debate.

Mr. ATKINSON. I really do not know now how much time may be desired. Probably we had better wait until we get into the Committee of the Whole, and after the discussion has begun we may agree.

Mr. HEMPHILL. We shall probably be able to agree then?

Mr. ATKINSON. I hope so.

Mr. HEMPHILL. I now move that the House resolve itself into Committee of the Whole on the state of the Union for the consideration of this bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. DOCKERY in the chair, and proceeded to the consideration of the bill (H. R. 3591) to authorize the Norfolk and Western Railroad Company of Virginia to extend its line of road into and within the District of Columbia, and for other purposes.

Mr. HEMPHILL. I ask unanimous consent that the first reading of the bill be dispensed with.

Mr. BUCHANAN of New Jersey. I object.

Mr. ATKINSON. I think it had better be read.

The SPEAKER. Objection being made to the request, the bill will be read.

The bill was read.

Mr. HEMPHILL. Mr. Chairman, I yield to the gentleman from Virginia [Mr. MEREDITH] such time as he may desire.

Mr. MEREDITH. Mr. Chairman, I desire that the House shall understand by a very brief statement the position that this bill now occupies before the House. In the first place it may be necessary for me to say that the Norfolk and Western Railroad, chartered by the Legislature of Virginia, proposes under this permissive charter which it asks from Congress to enter the city of Georgetown, and starting from a point on the Shenandoah Valley Road, a branch of the Norfolk and Western, to come down through the counties of Fauquier, Loudoun, and Fairfax, in my own State and district, where every man, woman, and child desires the building of this road, opening up one of the grandest sections of my State, where in some places we have no railroad within 20 miles of the proposed line. The citizens of those counties have by mass meeting and by other public expressions in every conceivable form shown that they desire the passage of this bill. It is proposed to cross the river just above the Aqueduct bridge, to come into Georgetown, and to occupy territory there, upon which the owners, as appears by their petition to this House now lying upon my desk, desire that the roadbed shall be placed.

By mass meetings and by petitions of citizens of Washington and Georgetown, embracing every business man doing business on Pennsylvania avenue from Rock Creek to this Capitol, save one, the passage of this bill is asked, so that this road may have the right to enter that city of 18,000 inhabitants, which now has no railroad facilities at all.

Now, it would seem strange to me, under ordinary circumstances, as it must seem strange to members of this Committee of the Whole, that where the people in the section of the country through which a road proposes to pass desire its passage—that where the citizens of the city which a road proposes to enter desire it to enter—I say it must seem strange that under these circumstances there should be any objection, coming from whatever source it may. What is the objection in this case?

Mr. HENDERSON of Iowa. Have any remonstrances been filed from any quarter?

Mr. MEREDITH. Not a solitary one. On the contrary, one hundred of the best citizens of this city have been before the committee to-day urging the passage of this bill. And not a single remonstrance has come here. The public prints have charged that the only opposition to this bill comes from another railroad corporation—a corporation which has been granted more privileges in this city than all the rest of the railroad corporations here. So that the issue joined to-day will determine whether, upon a measure which is right and just, the great body of the people of the State and the city interested shall succeed, or whether they shall be defeated by a corporation which, as I have stated, exercises more privileges over the public domain of this city than any other corporation which has ever brought a railroad into it.

I understand, Mr. Chairman, that the opposition would be withdrawn if the Norfolk and Western Railroad Company could

be forced to leave the course which it proposes to follow, and to come down across the Long bridge, the bridge at present spanning the river between here and Virginia, a bridge over which the trains of three or four railroad corporations have to pass daily.

And I desire it to be understood, for I know whereof I speak, that if by amendment this road is compelled to come down and pay tribute to another corporation, by passing over a bridge belonging to that corporation, the road will not be built. My people will not and can not have the advantages they hope to have of a through railroad line passing over that region of country.

Now, sir, I do not desire to impugn the motives of any man. I am not here for that purpose. I believe that gentlemen are actuated by high motives; but I believe, Mr. Chairman, that they are mistaken, and I desire the test to be made as to whether or not a great corporation, through its attorneys, through its agents, through its lobbyists, who have hung around this House day after day and week after week buttonholing members and endeavoring to secure their aid by every possible means, can defeat the legislation proposed and prevent the Norfolk and Western Railroad from simply having a permissive charter to enter the city of Georgetown. I say I desire to test whether or not a corporation using such methods shall be allowed to prevail in this House.

Mr. Chairman, I might show, sir, a petition signed by the members of the Virginia Legislature, which I hold in my hand, and which must contain, from the size of it, the name of nearly every member of that body, asking for the passage of this bill. I might hold up this petition, sir, and have the Clerk read it but for the time it would take; and you would find that the most prominent citizens of this city are in favor of the passage of this bill and the construction of this road. I might take resolutions which have been passed in the county of Loudoun, in the county of Alexandria, and in the county of Fauquier and bring them here, begging the representatives of the people on this floor to give them an advantage which they believe they would receive by the building of this road.

But, sir, I do not desire to take up the time of the House. I wish simply to state the position in which we are at this time. Here is a great interest started by a corporation which has done more to build up the interests of my own State, Virginia, than any other railroad, if not all the railroads within the limits of the State, an enterprise which proposes to furnish railroad facilities to a city of 18,000 inhabitants where they have no such facilities at the present time, and where the citizens have to pay heavy freights or else send wagons to Alexandria and haul merchandise between the two points, as I understand it costs about one-third more for through freights coming over the Long bridge and this little stretch of road leading to Alexandria than it costs to have the same delivered in that city.

Sir, we do not want to be placed in the position of having to pay exorbitant rates for our freights; we do not want to be placed in the position of having to pay tribute to another corporation; we do not want to be at the mercy of the Pennsylvania road, for we have been there; and I know whereof I speak when I say that it has been the most grasping corporation that ever was known. Its charges have been excessive, and the other roads have had to pay tribute to it, unjust and outrageous both in character and amount.

Mr. Chairman, I do not know from whence this opposition will come. I have believed that when the matter was understood, that when the members of this House understood that this was simply a request of the people of Virginia and of the people of the city of Georgetown, asking for what is reasonable, what is just, and what is right—I have believed that the members of this body who had been opposed to us would withdraw their objection and that without further discussion this bill would be passed. I do not desire to detain the House. I have stated the position occupied by this road, and I am here to say that wherever the objections may come from they can not be reasonable and they can not be just.

Mr. HENDERSON of Iowa. Will my friend permit a question?

Mr. MEREDITH. Certainly, sir.

Mr. HENDERSON of Iowa. It seems both roads have friends here and outside. Although no one has spoken to me or written to me against the bill, I have been written to and spoken to this morning in favor of the bill you represent. I want a little information for myself, as I was too busy this morning to investigate the matter.

Mr. MEREDITH. I will give the gentleman all the information in my possession with pleasure.

Mr. HENDERSON of Iowa. If the bridge you refer to that is now used by certain corporations is used by this road, the Norfolk and Western——

Mr. MEREDITH. No, sir, it is not.

Mr. HENDERSON of Iowa. I say if it is so used, as an effort is being made to use it, will that enable the road to come into Georgetown?

Mr. MEREDITH. No, sir; it will prevent it.

Mr. HENDERSON of Iowa. They propose to build a bridge of their own?

Mr. MEREDITH. They propose to build a bridge of their own.

Mr. ENOCHS. Above the two bridges now spanning the Potomac.

Mr. HENDERSON of Iowa. Very well, then; to come over this bridge that is now used would force them into this city here.

Mr. MEREDITH. Instead of going into Georgetown.

Mr. HENDERSON of Iowa. And prevent their getting into Georgetown.

Mr. MEREDITH. You have struck it exactly.

Mr. PICKLER. Where did this opposition seem to come from, as appears by the newspapers, on Saturday night at that inharmonious meeting?

Mr. MEREDITH. I would not like to call any names.

Mr. RICHARDSON. Perhaps there will be no opposition.

Mr. PICKLER. There was Saturday night an inharmonious meeting.

Mr. MEREDITH. I beg the gentleman's pardon. There was no opposition at that meeting. The opposition was that it was said some gentlemen had gone too far, and perhaps criticised some people too much, and that was the occasion of the difference; but every man there was in favor of this bill. Every man desired the passage of it, and the only difference was as to whether certain criticism ought to be made, all being agreed as to the general result.

Mr. HENDERSON of Iowa. I think there is a general impression that they went too far in their criticism. I think that the views and interests of the District can be fought for by men like gentlemen, and not by a lot of rowdies. I condemn the spirit of that meeting, although I am very strongly inclined to stand by the interests that were represented at that meeting. I want to say that much.

Mr. HEMPHILL. If there was a little bad blood at that meeting we will not have any at this. I want to yield to the gentleman from Ohio [Mr. ENOCHS] for five minutes.

Mr. BOUTELLE. If my friend will allow me just for a moment at this point, I would like to ask a question. I am very much interested in this discussion because it is all new to me. I understand that one of the objections made to the proposition in connection with the other railroad was that it would bring the railroad into this city, and that the purpose of this bill is to bring the railroad into Georgetown. What do they want to get into Georgetown for?

Mr. HEMPHILL. I do not understand that there is any objection to their coming into this city, but the difficulty is in compelling them to come over the one bridge that they have here, which leads either into this city or into Georgetown, which is already crowded beyond its capacity.

Mr. BOUTELLE. I understood from the colloquy with my friend from Iowa [Mr. HENDERSON] that one of the difficulties here was that somebody was trying to force this railroad into Washington, while they wanted to get into Georgetown.

Mr. HEMPHILL. They want to get into Georgetown because that is the feasible plan, as I understand it; and it will give the people of that part of the District of Columbia some railroad facilities, whereas now they are a mile or two from the depots. At present Georgetown has no railroad.

Mr. RICHARDSON. The proposition is to have the road come into Washington through Georgetown.

Mr. DAVIS. It will come into Washington through Georgetown.

Mr. HEMPHILL. I yield five minutes to the gentleman from Ohio [Mr. ENOCHS].

Mr. ENOCHS. Now, Mr. Chairman, as I understand the provisions of this bill, or proposed law, it is simply to grant the right of the public to certain streets in the city of Georgetown. No one will claim for a moment that it deprives the property-owners along the streets of their right to remuneration for damages caused by the occupation of the streets. As I understand, Congress occupies to the District of Columbia the position that a city council does in a city. It simply grants the right of way that the public has.

In Ohio our courts have said that a property-owner having property abutting on a street has as much interest and as much property in the street as the abutting lot itself. That being the situation, Congress occupies the same position to the city as a city council in granting the right of way to get into this city, and I know that city councils, without hesitancy, grant simply the right of way to the public streets, and expect the railroad company to compensate the private owners of abutting property.

Now, this is one of the most enterprising corporations I know of in this country. Its principal point is Norfolk, Va. They have recently built a bridge close to the line between West Virginia and Kentucky, across the Ohio River, and are to-day running trains from Norfolk to Chicago, Ill. They have also built a branch road to Bristol, on the East Tennessee, Virginia and Georgia road, and have, consequentiy, provided for that part of the country, which is interested in having another line into the city of Washington. That is all there is of it. This is simply another line. This company has also built a branch road down to and connecting with the Cape Fear and Yadkin Valley Railroad, which connects them with the railroads all over North Carolina; and in a short time they will be connected with the railroads in South Carolina and Florida.

This connection with the East Tennessee, Virginia and Georgia Railroad connects with all that part of the country in Tennessee, Georgia, Mississippi, Alabama, Texas, and Arkansas, which is interested in having this additional road into the city of Washington. Across the Ohio River, Ohio and Illinois are interested, as you have connection with Chicago. The whole of the South and Southwest are interested in this road. The Ohio Valley now has the Chesapeake and Ohio road to get into Washington. The Ohio Valley and the Mississippi Valley would have this additional line to get into Washington.

There is certainly nothing in this bill which goes beyond what is fair and reasonable to this railroad. It is simply granting the right to build a railroad to get into the city of Washington, another railroad enabling persons from all over the South and Southwest and from the Northwest to get into Washington over an additional railroad into this city. That is all there is of it, and anybody having property along the line of the road has his remedies. We do not grant away any right except the public right, the easement, to occupy the streets.

Now, it seems to me that everybody in the South, the Southwest, and the Northwest, everywhere except in the East, is interested, and directly interested, in having this additional line into the city of Washington.

This enterprising corporation has gone on, as I have said, and has reached all over the South, the Southwest, all over the West and Northwest, by its branches, and has bridged the Ohio River, and they are simply now asking that they may be allowed to build this 50 miles of road and get into this city. There certainly ought not to be any question about granting this right.

Mr. HOPKINS of Illinois. I would like to ask the gentleman from Ohio a question or two.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. ENOCHS. I should like to have sufficient time to answer the gentleman a question or two.

Mr. HEMPHILL. I yield time to the gentleman.

Mr. HOPKINS of Illinois. The gentleman from Ohio says that all that this road requires is a right of way over some of the public streets. Now, I would like to ask him if any provision is made whereby the property-owner whose property abuts on the street, but whose land is not taken, can be compensated for the damage he sustains?

Mr. MEREDITH. Will my friend allow me to answer that question?

Mr. ENOCHS. The Constitution fixes that.

Mr. HOPKINS of Illinois. One at a time, gentleman. I will take the gentleman from Virginia later.

Mr. MEREDITH. I happen to be familiar with the facts.

Mr. ENOCHS. The Constitution fixes that right, that you can not take property without just compensation therefor. Our courts have decided that. The Supreme Court has decided that a hundred times, I suppose.

Mr. HOPKINS of Illinois. That does not answer my question.

Mr. ENOCHS. Well, I beg pardon.

Mr. HOPKINS of Illinois. I agree with the gentleman from Ohio that under the constitutional provision you can not take a man's property without paying just compensation, but the courts have decided that if you run a railroad along a public highway and do not take the man's property, that constitutional provision is not sufficient to guarantee him compensation for the damage to his property resulting from the running of a railroad along it.

Mr. ENOCHS. What courts have decided that?

Mr. OUTHWAITE. Does the gentleman [Mr HOPKINS of Illinois] know any property-owner in this case who is raising that question?

Mr. HOPKINS of Illinois. I do not know whether anyone is raising the question or not.

Mr. OUTHWAITE. On the contrary, they are all asking for this road.

Mr. HOPKINS of Illinois. That is not the question at all. The question is this: When we are perfecting legislation here, not in the interest of the property-owners particularly, but in the interest of the public, we ought to see that it is limited and controlled so that no man can be injured.

Mr. ENOCHS. I understand that. Now, I want to answer the gentleman's question. The decisions in this country are uniform that neither a city council nor any other legislative body can give away the property of private individuals by granting a right of way. The courts of my State have decided that the ownership in the streets is as much property in the abutting lot-owner as the lot itself, and that therefore it can not be taken away by a city council or any other legislative body.

Mr. HOPKINS of Illinois. That does not answer my question precisely.

Mr. ENOCHS. If a railroad is built over the highway, compensation must be made for the damage caused thereby. That is the uniform decision of all the courts, as I understand, and I would like the gentleman to show me a decision to the contrary.

Mr. HOPKINS of Illinois. I can state to the gentleman that while his general proposition of law is correct, yet where the property-owner owns only to the middle of the street, if a railroad is put upon one side of the street it does not affect the property-owner upon the opposite side so as to entitle him to damages. That has been decided by the supreme courts of a number of States.

Mr. ENOCHS. Well, this bill provides for that case.

Mr. HOPKINS of Illinois. That is what I have been trying to get at.

Mr. MEREDITH. The property-owners do not raise that question.

Mr. HOPKINS of Illinois. But at the same time, when we are legislating upon the subject, we should see that provision is made for the protection of their rights, whether they are asking for it or not.

Mr. HEMPHILL. I will state to the gentleman from Illinois [Mr. HOPKINS], if his mind is not at ease upon this subject, that the decisions in this District are that if a railroad injures the property along which it passes it is liable for damages. There happens to be a church down here that I know something about, and whenever they get a little out of funds they sue the railroad and get damages. [Laughter.]

Mr. BUCHANAN of New Jersey. I admit the fact, but I deny the motive. [Laughter.]

Mr. HEMPHILL. No matter whether the motive is good or bad, the fact is as I have stated.

Mr. HOPKINS of Illinois. Now, I will ask the gentleman whether these District courts, which he seems to be so familiar with, have decided that the construction of a railroad is an additional easement or burden upon the public.

Mr. HEMPHILL. I do not know that I understand all the gentleman's big words. [Laughter.]

Mr. HOPKINS of Illinois. They are not big words to a lawyer, and I assume that the gentleman is a lawyer.

Mr. HEMPHILL. But I do know that the courts of the District have decided that if a railroad injures property along which it passes it must make compensation for the damage done.

Mr. PAYNE. That church case was a case of a nuisance, where the "tooting" interfered with public worship. That does not cover the gentleman's point.

Mr. HEMPHILL. I do not think there is any trouble about the point raised by the gentleman from Illinois. Now, Mr. Chairman, if there is any opposition to this bill I would be very glad to know it. I think we are simply fighting the wind so far.

Mr. ATKINSON. Mr. Chairman——

The CHAIRMAN. Does the gentleman from South Carolina yield the floor?

Mr. HEMPHILL. I yield to the gentleman from Pennsylvania [Mr. ATKINSON].

Mr. ATKINSON. Mr. Chairman, I do not ask for time from the gentleman from South Carolina. I am in opposition to this bill, and I claim time in my own right.

Mr. HEMPHILL. I do not propose to undertake to control the time in any manner further than to try to agree with the gentleman from Pennsylvania upon some reasonable time for debate.

Mr. ATKINSON. I do not think there will be any difficulty about that. I do not care to be limited to any particular time now, because I do not know who may desire to speak.

Mr. HEMPHILL. How much time do you intend to occupy yourself?

Mr. ATKINSON. I really am not able to tell. I will demonstrate that later. [Laughter.]

Mr. HEMPHILL. Not more than fifteen minutes?

Mr. ATKINSON. Well, I do not care to be limited; but I shall not occupy very much time.

The CHAIRMAN. Does the gentleman from South Carolina [Mr. HEMPHILL] yield the floor?

Mr. HEMPHILL. I would like to come to an agreement with

the gentleman from Pennsylvania as to the time to be occupied in this debate.

Mr. HOPKINS of Illinois. Before the gentleman gives out any more time I would like to ask him one more question. I am not so familiar with District matters as the gentleman from South Carolina, and I would like to ask him in whom is the fee of the streets of this city, in the city or in the property-owners?

Mr. HEMPHILL. In the United States Government.

Mr. HOPKINS of Illinois. Then if the fee is in the Government of the United States and we allow this railroad company to occupy the public highway how can the property-owner whose property abuts upon this highway, but whose property is not taken, maintain a suit for damages?

Mr. HEMPHILL. Well, sir, I do not know how that makes any difference. The gentleman will allow me to say that this is not a technical question; it is a practical question; it is a condition that we are confronting. It has already been decided, as I have stated, that the corporation is liable in such cases. The fact that the United States Government owns the street for street purposes does not warrant it in authorizing a great corporation to run steam cars along the street and thereby injure private property, and when a corporation does this it is liable for damages. That is common law and common justice.

Mr. HOPKINS of Illinois. I understand the common law to be that in the absence of some special provision damages can not be recovered unless property is actually taken; there must be something tangible upon which to maintain a suit. It is only by virtue of some special provision that consequential damages in such cases can be recovered. Now, I want to know whether there is any provision here by virtue of which a property-owner whose property is not actually taken will be able to obtain consequential damages.

Mr. HEMPHILL. Why, sir, I have stated as plainly as I possibly could that cases have actually been decided involving that very question; and the money has been paid. Now what more can the gentleman ask?

Mr. HOPKINS of Illinois. The cases to which the gentleman refers may have been actions for nuisance. The damages recovered in those cases may have been entirely different from the character of damages which would be sought here. It is no answer to me to say that the Supreme Court of the United States has decided a certain way on a church suit; that is not the proposition at all. The question is this: The fee of the street being in the Government of the United States, is there any provision in the bill by which consequential damages can be recovered by a property-owner whose property is not actually taken, but is damaged in consequence of the Government treating its property in the manner proposed in the bill?

Mr. HEMPHILL. Well, I will say to the gentleman that there does not seem to be a particle of doubt upon that subject. This is one point upon which Democrats and Republicans in this House are unanimous. I have had lawyers on both sides come to me and say there is not a shadow of doubt about this question. As I have stated to the gentleman the point has been decided. I can not conceive how the Government of the United States can take property for a public street and grant its use to a corporation, and then say that if such a corporation runs a locomotive upon it the corporation is not to pay damages to the owner of the private property which is thus injured. Therefore I think that if the people along the route do not object to the bill, if the lawyers of the District do not object, if nobody else objects, my friend from Illinois might assume that we are correct in the position we take.

Mr. HOPKINS of Illinois. If the gentleman decides the question upon assumptions he may be correct. My question was simply asked for information. I wished to know whether he could turn to any decision. I for one am desirous of granting the privilege asked for here; but I would like to have the gentleman cite the case to which he has referred.

Mr. HEMPHILL. I do not think there is a particle of doubt about the point. I never heard that objection raised to the bill by anyone.

Mr. BERGEN. I would like to ask the gentleman from South Carolina a question. Does he state that the Supreme Court of the United States has held that where a bill does not have in it a provision under which damages are to be assessed, damages can be recovered? Certainly, I think the gentleman can not maintain that proposition; and I do not think that the decisions of the courts go to that extent. The gentleman may maintain, and the courts may have held, that when rights of way are thus granted over Government property, and the act provides a method by which damages of private property-owners may be assessed, such owners may recover damages, but not in other cases.

Mr. HEMPHILL. Well, lawyers, we know, never agree about anything.

Mr. BERGEN. I thought the gentleman stated just now that all the lawyers did agree.

Mr. HEMPHILL. Well, I thought they did; but I find now that one very good lawyer differs; therefore, I have changed my view upon that point. I think we had better not spend any more time in the discussion of this legal question.

Mr. BUCHANAN of New Jersey. I would like to ask the gentleman a single question. This bill, I observe, provides that certain streets in this city may be occupied by this railroad company. It has been stated (and accurately, as I understand) that the fee simple of these streets is in the United States Government. I find nowhere in this bill any provision for the payment of anything to the United States for the property thus taken. Am I correct in that?

Mr. HEMPHILL. So far as my knowledge goes there has never been a charge made upon any corporation for the privilege of passing over the public streets of this city. Neither the street-car lines nor the Pennsylvania Railroad Company nor the Baltimore and Ohio have paid anything.

Mr. BUCHANAN of New Jersey. Is it not about time that the Government and municipalities should be taking some such steps?

Mr. HEMPHILL. Well, it may be, but it is a little hard that we should begin with a new concern. When we start the business we ought to begin with the great corporations already in existence which are making money, and not take one which is trying to get in and which has all of the uphill work yet to do. There is no such provision in any other bill that I know of.

Mr. BUCHANAN of New Jersey. The gentleman answers my question "full pressed down and running over." [Laughter.]

Mr. HEMPHILL. Now, I wish to ask the gentleman from Pennsylvania if we can not agree on some time for general debate?

Mr. ATKINSON. Evidently, Mr. Chairman, in view of the time taken up with interrogatories to the gentleman from South Carolina when he was on the floor, it is obvious that we can not safely agree on the time now. If he will tell me how many questions will be asked by gentlemen around me before I leave the floor, and how long it will probably take to respond to them, then I will be better able to make a decision as to the time I require. But I do not know that myself. If gentlemen ask questions they are entitled to a respectful answer.

Mr. HEMPHILL. All the questions have been answered already, I think, with great satisfaction. [Laughter.]

Mr. ATKINSON. I have no doubt about that.

Mr. HEMPHILL. But all I want to get at is an agreement that there shall be some limit to the general debate.

Mr. ATKINSON. I think we will be able to agree upon that after I have concluded.

Mr. HEMPHILL. If the gentleman says so, we will agree on forty minutes' additional time, of which I will allow him thirty minutes.

Mr. ATKINSON. Let me go on and get through with what I have to say first, and then there will be time enough to determine that question.

Mr. HEMPHILL. I think the gentleman can certainly fix now some reasonable time.

Mr. BOUTELLE. I would suggest, Mr. Chairman, whether or not it would not facilitate the consideration of this bill to take a recess until gentlemen can have an opportunity to consult a capable lawyer? [Laughter.]

Mr. HEMPHILL. Unless we can agree upon limiting the general debate, I will have to ask the committee to rise for that purpose.

Mr. ATKINSON. Well, I hope the gentleman will not do that under the circumstances.

Mr. HEMPHILL. I will state to the gentleman from Pennsylvania that I am perfectly willing to give him two-thirds or three-fourths of whatever time the House may see proper to allow.

Mr. ATKINSON. I think it would be hardly fair to take that course now. After I have said what I want to say then the gentleman will have it in his power to make his motion.

Mr. HEMPHILL. Will the gentleman from Pennsylvania agree that within half an hour we can take up the question of time?

Mr. ATKINSON. Oh, I think I will conclude what I have to say in less than half an hour. I am asking no more rights than the gentleman himself enjoyed. The gentleman from South Carolina enjoyed the very privilege I ask now.

Mr. HEMPHILL. Mr. Chairman, I will yield to the gentleman from Pennsylvania to finish his remarks, and we will then agree on time if possible.

The CHAIRMAN. Does the gentleman from South Carolina yield the floor?

Mr. HEMPHILL. I want to reserve the balance of my time.

The CHAIRMAN. The Chair will recognize in his own right the gentleman from Pennsylvania.

Mr. ATKINSON. Mr. Chairman, I presume that there is no dispute about the propriety of admitting the Norfolk and Western Railroad into the District of Columbia. I have no objection to the admission of that road. I have no objection to the admission of any other railroad into this District, and I do not rise for the purpose of throwing any obstacle in the way of this railroad corporation or of any other that desires to come into this District. But I believe that the bill before us is open to serious objection.

Anyone who has watched the trend of sentiment in this District and who has read the newspapers referred to by the gentlemen who have spoken on this subject knows that there is a determined movement here having for its object the abolition of grade crossings by railroads. It has been insisted, time and again, that the grade crossings of the Baltimore and Ohio Railroad should be abolished and that the grade crossings of the Baltimore and Potomac road should be abolished. I believe if the people of this city are a unit on any question it is on the question of the abolition of grade crossings.

The gentleman from Virginia very properly discusses the importance of this road to his constituents and its desirability to the citizens of Georgetown, but he did not discuss the terms of the bill; and I propose briefly to call the attention of the House to the bill itself and see whether it meets the approval of the gentlemen here present.

First of all I observe that every crossing in the city of Georgetown is made at grade, and in taking up a map of that city I find that there will be grade crossings on eight or ten of the streets. There will be a grade crossing upon Montgomery street, upon Greene street, upon Washington street, Jefferson street, and upon many other streets over which this road is to be constructed. High street crosses the proposed road at grade.

Now, I wish to ask with what propriety can gentlemen, friends of the cities of Washington and of Georgetown, ask that more grade crossings be introduced into this city before any are abolished? It seems to me they can not do it with any consistency. The grade crossings here are characterized as murderous, as death traps. Will you improve the situation by adding four or five or a dozen more grade crossings in this interesting suburb of Washington known as Georgetown? I hold that you will not, and that this bill should be so modified as to admit this railroad only when the plan for its admission is so changed that no streets will be crossed at grade. Let the company come in, if you will, but arrange its crossings in such a way as to do the least possible damage to the people of that town.

But there is a very curious provision in this bill relating to these grade crossings to which I wish to direct the attention of the House.

Section 3 provides that—

> The said company shall have power to construct and operate their said extension upon, across, or over such of the streets and avenues of said city as are upon its said route, subject to the approval of the Commissioners of the District of Columbia: *Provided, however*, That good, substantial, and effective gates and fences shall be placed along its said route or across said streets or avenues wherever the same may be required for the protection of the public in the judgment of the Commissioners of the District of Columbia, as to which the company shall have due and sufficient notice.

Not only are there to be grade crossings, but it is proposed to fence them up, to put fences across the streets of the city of Georgetown. I do not believe that there is a village in all this country that would consent to admit a railroad corporation with the privilege of fencing up the streets of the town at their pleasure. And yet here it is provided that they may fence the streets of Georgetown. What would be the effect of that? Simply to cut off Georgetown from the warehouses on the south of the proposed track, and to cut off access to the wharves upon the banks of the river.

Mr. MEREDITH. Will my friend permit me to ask him a question?

Mr. ATKINSON. Yes.

Mr. MEREDITH. When the Pennsylvania road was seeking to lay its tracks at grade, how did my friend vote upon that question?

Mr. ATKINSON. When the Pennsylvania road came into this city the gentleman from Virginia [Mr. MEREDITH] and I were not in Congress. I wish to say that when the other roads came in here, years and years ago, at least twenty years ago for the Baltimore and Potomac and much more for the Baltimore and Ohio, the attention of the people had not been directed to grade crossings, as it has been within a few years last past. Grade crossings were tolerated then which would not be tolerated now.

But I hold that this House is in this position: Either that it can not approve grade crossings upon this new railroad or else that it shall tolerate grade crossings upon every road that comes into this District. It can not make fish of one and flesh of another.

Now, besides this there is not a provision in this bill for a single watchman to guard the tracks as they cross the streets at grade. There is not in it a single provision for the maintenance of a light to show that there is danger ahead to the traveler who approaches this railroad.

But there is another matter that I conceive is of as much or more importance to the city of Washington than that which I have discussed. It is the question known generally as the railroad problem of the city and District, and it includes not only the abolition of grade crossings, which is insisted upon, but it also includes the reconstruction of the Long bridge. The Long bridge, as I understand it, is now under the control or in the possession, at least, of the Baltimore and Potomac Railroad Company. That company acquired possession of it by virtue of an act of Congress approved June 21, 1871, and that act provided that the Baltimore and Potomac Railroad might take possession of the bridge upon these conditions:

> First. That it maintain a roadway free to all who wish to travel between Virginia and the District of Columbia.
> Second. That said railroad company shall give every other railroad company the right to pass over said bridge upon such reasonable terms as may be agreed upon or Congress prescribe.
> Third. That if this company fails to maintain a bridge as required by the act it shall revert to the United States.

At the time this act was passed the bridge was the property of the United States. It had been damaged by a flood. It was a source of loss to the Government, and it seems that they were glad to get rid of it upon the conditions named in the act. At the time of this transfer of the Long bridge it seemed to be a sufficient and satisfactory bridge for the traffic then existing, and the then existing condition of the river. Since that time we have had an improvement of the Potomac. The banks of the river have been raised. By reason of this improvement the water has been confined to a narrower channel; and it has been demonstrated that the Long bridge is now an obstruction to the flow of water in time of flood.

Col. Haines, the engineer in charge of the Potomac River improvement, made a report upon this subject, and I send it to the Clerk's desk and ask that the parts I have marked be read.

The Clerk read as follows:

> Again, that part of Long bridge that spans the main channel of the river is as now built a serious obstruction to the free flow of the river in times of freshets. The Board of Engineers that recommended the plan of improving the river front, now being carried out, called attention to the necessity of rebuilding that structure with wider spans at an early stage of the work. The freshet of June last emphasized it. Reports have frequently been made to Congress calling attention to the matter. Had the freshet of last June occurred when the river was full of ice a gorge would most probably have formed at the bridge and destroyed it. At the same time a much larger area of the city would have been inundated.
> There is no possible way of preventing freshets. Moreover, they are most apt to occur when the ice in the upper Potomac breaks up after heavy rains.
> Long bridge has been at least partially destroyed several times already. When there is a freshet in the river ample room should be given to allow the water to flow off freely. If it be partially dammed up, as it now is, by the Long bridge as constructed, the level will be raised and the chances of the water being thrown in on the city increased.
> The reconstruction of Long bridge over the main channel of the river forms an essential part of any project that looks to the permanent improvement of the river front, and is intimately connected with the question of separating the wagon road from the railroad on the north side of that channel.

Mr. ATKINSON. Mr. Chairman, I call attention to the opinion of the engineer in charge of the Potomac River improvements. He declares that it is necessary that the Long bridge shall be rebuilt; that it is now an obstruction to the free flow of water in time of flood. He makes an estimate of the cost of the proposed bridge, and shows that it will cost $1,250,000 to put in place across that river such a bridge as will not obstruct the free flow of water, and that will be suitable for the purposes for which that bridge is used.

At the present time a number of Southern railroads cross this bridge. The Chesapeake and Ohio, the Richmond and Danville, the Atlantic Coast Line, the Virginia Midland, all cross it under the reservation made in the act of Congress ceding this bridge to the Baltimore and Potomac Railroad, and not one of these companies has come to Congress, as it has the right to, to complain of the rates charged for crossing the bridge with trains. There is a bill pending in the Senate providing for the abolition of all grade crossings on almost the whole of the line of the Baltimore and Potomac Railroad, as it runs between here and South Washington; and it contains the further provision that the company shall construct a bridge according to the plans of this engineer, at a cost of a million and a quarter of dollars.

Now I come to the objection of allowing this new railroad to cross the Potomac River on its own bridge. Neither the Baltimore and Potomac Railroad nor any other road upon the face of this earth would rebuild this bridge at a cost of a million and a quarter of dollars if it would be immediately placed in competition with another bridge constructed above on the Potomac River. This Long bridge is a public necessity, so declared by the engineer of the Potomac improvement, so declared by the fathers of this Republic when they passed an appropriation

away back in 1808 for the construction of a bridge where the Long bridge now is.

I hold that the proper solution of this problem is this: That a single bridge shall be built across the Potomac River; a new bridge, either built by the Baltimore and Potomac Railroad or by the United States, or built in any way that the Congress in its wisdom may determine; but it should be constructed, and its construction will be delayed, perhaps totally defeated, if this bill authorizing the Norfolk and Western to cross the Potomac on a bridge of their own becomes a law.

Mr. HENDERSON of Iowa. Why?

Mr. ATKINSON. Why? Because it will take the traffic off the Long bridge. The Long bridge is more than 4,000 feet in length—4,600 feet I believe the engineer states—while the bridge above is a shorter and cheaper bridge. As I look at the location I do not believe it is a thousand feet long; it will be built at less expense than the Long bridge, and they can take all the traffic off the Long bridge and secure it for the new one. That is the reason.

Mr. HENDERSON of Iowa. They will not have as big dividends.

Mr. ATKINSON. The gentleman from Iowa says that if the traffic of the Long bridge were diverted that dividends of the road controlling it would not be so large.

The difficulty is that there would not be any dividends from it. It would not pay to construct such a bridge as would be necessary. My idea is that all railroads coming into this city should have equal rights; that there should be a union bridge constructed here, over which every railroad from the south—and I am in favor of letting all in—should pass. If gentlemen say, let this new bridge be built and let all the southern traffic come in over it, then I say in reply, let there be a railroad opened from the Norfolk and Western bridge so as to connect with the Baltimore and Ohio and the Baltimore and Potomac Railroads. Give all these roads equal rights and show none of them any favors.

Mr. OUTHWAITE. Who would control the trade and passenger traffic after it got off the bridge?

Mr. ATKINSON. I do not understand the scope of the gentleman's question. What does he mean by it?

Mr. OUTHWAITE. How could any other railroad live if one railroad had control of every foot of track over which the trains would have to pass after getting off the bridge?

Mr. ATKINSON. Let them all have tracks leading to the bridge, and let all the railroads come in over it under the conditions prescribed by the act of 1870, which are that "such railroad shall give other railroad companies the right to pass over said bridge upon such reasonable terms as may be agreed upon, or Congress prescribe." It is all in the hands of Congress. They can determine it. But I insist that the abolition of grade crossings here and the rebuilding of the Long bridge will be postponed for years, perhaps forever, if this bill is passed in the form in which it is presented here.

Mr. HENDERSON of Iowa. But will not the privileges of the people of Georgetown be postponed indefinitely if they have to wait for the building of a new Long bridge?

Mr. ATKINSON. This road can come in over the Long bridge to-day.

Mr. HENDERSON of Iowa. But can they go up to Georgetown?

Mr. ATKINSON. If Congress grants them the right to go along the river, they can. But what can they do in Georgetown except deliver local freights? They have no connections there. Why not put them in connection with all the railroads coming into the District?

Mr. HENDERSON of Iowa. But the Georgetown people would be relieved from a good many burdens that they now labor under if they could have a railroad direct into their town, would they not?

Mr. ATKINSON. Perhaps they would. I find this to be the case in such matters. The men who propose to introduce a new railroad are always considered public benefactors; everybody to be benefited by the road is in favor of it, but just as soon as the road is built and it begins to charge fare and freight then the men who have built it instead of being regarded as public benefactors are denounced as public enemies. And that, I suppose, will be the condition of things in Georgetown after this road is constructed.

Mr. HENDERSON of Iowa. The people of Georgetown seem to be willing to take their chances on that.

Mr. PICKLER. I want to ask the gentleman from Pennsylvania a question. Upon what theory does he hold that Congress should prevent the building of another bridge across the Potomac in order to secure the traffic to the present bridge-owners?

Mr. ATKINSON. Upon this theory—and I am glad the gentleman has asked the question. Every bridge that is built costs labor and money. Who pays for it? Why, the people who patronize the railroads, and the cheaper you can build the necessary bridges, consistently with strength, the greater the number of railroads you can have use the same bridge the more you reduce the cost of transportation, and the benefit of that reduction ultimately goes to the people who patronize the roads. It is a waste of time and money to build unnecessary bridges to be afterwards paid for by the people who patronize the roads.

Mr. ENOCHS. Does the gentleman from Pennsylvania know or does he not know that the bridge proposed to be built by this railroad company which is here seeking the right of way is to be above two bridges which are already above the head of navigation upon the Potomac River?

Mr. ATKINSON. I have not been discussing this bill in its relation to navigation, but I believe that the knowledge on that subject of the gentleman who has asked me the question corresponds with my own.

The gentleman from Ohio [Mr. ENOCHS], in his very interesting speech, called attention to the greatness of this Norfolk and Western Railroad Company. He is right. We are not dealing with a pygmy. I took the liberty of examining Poor's Railroad Manual the other day for the purpose of learning something about this Norfolk and Western Railroad Company. The gentleman from Ohio has correctly stated its terminal points. I find that it has 1,120 miles of track; that it has a funded debt of $50,000,000; that it has preferred stock amounting to $40,000,000, and common stock amounting to $9,000,000. It is a great corporation. I have nothing whatever against it.

The gentleman who preceded me has stated that it is a Virginia corporation. That I believe is true, but its headquarters are in the city of Philadelphia, and its president is a Pennsylvanian. Many Pennsylvanians are in its directory; and Pennsylvanians, as I am informed, have aided substantially in constructing the road. What I insist upon is that the Norfolk and Western Railroad Company shall have simply the same rights that you are willing to accord to other roads—nothing more.

I believe that there should be a union bridge constructed and all the Southern roads admitted over it. That, it seems to me, is the proper solution of this matter. I believe that, in order to obtain the benefit of the facilities of this Norfolk and Western road, it should be permitted to come in over the bridge that is already constructed over the Potomac. If this railroad is a good thing let us have it at once; and it can come over the Long bridge now. But I do not believe that this bill should pass in its present shape, and for the reasons I have given, I shall oppose it.

Mr. HEMPHILL. Mr. Chairman, if no further debate is desired on this bill I ask that the committee rise and report it favorably to the House.

Mr. HOPKINS of Illinois. Is not the bill to be read by sections for amendment?

The CHAIRMAN. The Chair will state to the gentleman from South Carolina [Mr. HEMPHILL] that the bill has not yet been read by paragraphs.

Mr. HEMPHILL. I ask then that the bill be read now by paragraphs.

The CHAIRMAN. The Clerk will read the first section.

The Clerk read as follows:

Be it enacted, etc., That the Norfolk and Western Railroad Company, a body corporate under the laws of the State of Virginia, be, and they are hereby, authorized and empowered to extend their railroad into and within the District of Columbia, beginning for the said extension at the terminus of the main line of the said railroad on the Virginia side of the Potomac River and crossing said river by a suitable bridge to the east side or bank of said river, and thence following the same in an eastwardly direction, and by way of Water street, in Georgetown, to Rock Creek, and crossing said creek by a suitable bridge, and thence to the terminus of the line in Washington City, which shall be west of Twenty-sixth street west and between Pennsylvania avenue and Virginia avenue, and to be so located as not to obstruct the public use of K street and the bridge now crossing Rock Creek at Water street, at or near which point said company shall erect and maintain suitable passenger and freight stations, with the right also to acquire by purchase or condemnation, as hereinafter provided, such pieces or parcels of land as may be by said corporation required for its stations and warehouses within the cities of Georgetown and Washington on the route herein authorized for its use, with authority to construct and maintain single or double track railways on the said route through, along and over said streets and avenues, with sidings, turn-outs, turntables, switches, and such other structures as may be necessary to the delivery of cars to warehouses and stations along said route, and to connect with and transfer its cars over any lines of railroad connecting with its lines: *Provided*, That no more than two tracks shall be laid along Water street, in Georgetown, by this or any other corporation. And the roads and tracks and bridges hereby authorized to be constructed shall be a public highway, and may be used by any other railroad corporation for the transportation of passengers and for the delivery and receiving of freight upon the payment of a reasonable compensation therefor to the owners of the road; and in case of dispute arising in regard thereto the same shall be summarily determined by the supreme court of the District of Columbia upon petition and answer: *Provided*, That the bridge to cross the Potomac River, connecting this extension with the main line of said Norfolk and Western Railroad at a practicable point above the Aqueduct or Free bridge, shall be so constructed as to cause the least obstruction to the navigation of the river, upon plans to be approved by the Secretary of War, and so that its abutments on the north side of Potomac River and the construction of the proposed extension at any point shall not injure or obstruct the

use of the canal or of the towpath of the Chesapeake and Ohio Canal: *Provided, however*, That nothing in this act shall be so construed as to authorize said company to acquire, occupy, or use any portion of the waterway, bermbank, towpath, or slope of the bank sustaining the said towpath, or the lands covered by such slope.

Mr. HOPKINS of Illinois. I have an amendment which I desire to offer.

The CHAIRMAN. The amendments reported by the committee will first be acted upon.

Mr. HEMPHILL. I hope there will be no objection to agreeing to the committee amendments in gross; and then the gentleman from Illinois can offer his amendment.

The CHAIRMAN. Is a separate vote demanded on the committee amendments; if not, the vote will be taken in gross?

Mr. ATKINSON. I have an amendment which I wish to offer.

The CHAIRMAN. Is a separate vote demanded on the committee amendments to the first section of the bill?

Mr. ATKINSON. I demand a separate vote on each amendment.

The first amendment was read, as follows:

After the word "bridge," in line 9, insert the words "at or near the Three Sisters, or such point west thereof, and upon such plans as may be approved by the Secretary of War."

The amendment was agreed to.

The next amendment of the committee was read, as follows:

After the word "to," in line 13, strike out "Rock Creek, and crossing said creek by a suitable bridge," and insert: "Thirtieth street or some point west thereof, and thence to a point on Rock Creek not less than 100 feet north or south of the K-street bridge, and thence crossing said creek by a suitable bridge, to be not less than 20 feet clear above the water line of said creek."

The amendment was agreed to.

The next amendment of the committee was read, as follows:

After the word "tracks," in line 37, insert the words "in the aggregate."

The amendment was agreed to.

The next amendment reported by the committee was read, as follows:

After the word "highway," in line 40, insert "for any railroad connecting in the District of Columbia, or at or near the Virginia end of the bridge."

The amendment was agreed to.

Mr. HOPKINS of Illinois. I offer the amendment which I send to the desk.

The Clerk read as follows:

At the end of the section add the following:

"*Provided, however*, That said road shall be held liable to the owner of any property or real estate abutting upon any street or highway along which or over which said road is constructed for any damages either direct or consequential to such property or real estate arising from the construction and use of said road."

Mr. HOPKINS of Illinois. Now, Mr. Chairman——

Mr. HEMPHILL. We will agree to that amendment. It may make the provision of the bill clearer.

The amendment was agreed to.

Mr. ATKINSON. I offer the amendment which I send to the desk.

The Clerk read as follows:

Amend by striking out all after the words "the Virginia side of," in line 8, section 1, to and including the words "and thence," in line 19 of same section, and insert "the Long bridge and crossing the Potomac River on said bridge, and thence by way of the north bank of said river, over the reclaimed flats by such route as Congress may hereafter fix."

The question being taken on the amendment

The CHAIRMAN. The noes seem to have it.

Mr. ATKINSON. I call for a division.

The committee again divided, and there were—ayes 14, noes 132.

Mr. ATKINSON. No quorum.

Tellers were ordered; and Mr. ATKINSON and Mr. HEMPHILL were appointed.

Mr. ATKINSON. I request that the gentleman from New York [Mr. HOOKER] may be named to act as teller in my place.

The CHAIRMAN. The gentleman from New York [Mr. HOOKER] will act as teller in lieu of the gentleman from Pennsylvania [Mr. ATKINSON].

The committee again divided; and the tellers reported—ayes 3, noes 164.

So the amendment was rejected.

Mr. BUCHANAN of New Jersey. Mr. Chairman, I offer the amendment I send to the desk.

The Clerk read as follows:

On page 4, at the end of section, 1 add: "*And provided further*, That none of the tracks of said road shall cross or run upon any street in either of said cities at grade."

Mr. BUCHANAN of New Jersey. Mr. Chairman, I want simply to explain this amendment, because I am not certain its reading was heard by the House. It simply provides that the tracks of this proposed railroad shall not cross or run upon any of the streets in either the city of Washington or Georgetown at grade. I believe the time has come in this country when a corporation that can not afford to go either above or below the grade of the streets of a crowded city is entirely too poor to undertake a great public enterprise of this character.

I have been reading in the papers of this city for the past two years accounts of the great number of instances where accidents have occurred because of grade crossings; and I also learn from them that efforts are in progress to provide for the abolition of all grade crossings on both of the other roads entering the city. It seems to me this is an appropriate opportunity, in the inauguration and inception of this new enterprise, to fix a similar restriction and provide that the tracks shall not cross at grade.

Mr. HEMPHILL. I would like to say a word in response to the gentleman from New Jersey, and that is, that this road goes along a street that has been already occupied by railroad tracks. If it be put below the grade it will make a canal of the street, and if you put it above the grade the crossing would go beyond the river. There is scarcely a single human being on it, so far as I know. I have myself gone along the street and have never seen anyone; and it looks as if no one had lived in the houses there for a century. Therefore, if the amendment be adopted it will be of no consequence or value.

Mr. BUCHANAN of New Jersey. Well, now let us see what this bill, as amended by the committee, allows this road to do. It provides that it may cross the river—

by a suitable bridge at or near the Three Sisters, or such point west thereof and upon such plans as may be approved by the Secretary of War, to the east side or bank of said river, and thence following the same in an eastwardly direction, and by way of Water street, in Georgetown, to Thirtieth street—

So that this road can run on Thirtieth street—

or some point west thereof, and thence to a point on Rock Creek not less than 100 feet north or south of the K-street bridge, and thence crossing said creek by a suitable bridge, to be not less than 20 feet clear above the water line of said creek, and thence to the terminus of the line in Washington City.

So that it does cross eight streets of this city, according to the showing of the map. Wherever there is a street it should not be permitted to cross it at grade, and if there is no street of course there is no grade.

The question being taken on the amendment of Mr. BUCHANAN of New Jersey, the Chairman decided that the noes seemed to have it.

Mr. BUCHANAN of New Jersey. Well, it will take a quorum to defeat that amendment in this House.

The question was taken; and on a division there were—ayes 28, noes 139.

Mr. BUCHANAN of New Jersey. I ask for tellers.

Tellers were refused.

So the amendment was rejected.

Mr. ATKINSON. I offer the following amendment.

The Clerk read as follows:

On line 42, page 3, after the word "bridge," insert:

"No discrimination on charges or facilities for transportation, shall be made between the transportation company and individuals or in favor of either by abatement, drawback, or otherwise, and said railroad shall not make any preferences in furnishing cars or motive power."

Mr. HEMPHILL. I have no objection to that amendment.

The amendment was adopted.

Mr. BERGEN. Mr. Chairman, I offer the amendment I send to the desk.

The Clerk read as follows:

Add to the amendment of Mr. HOPKINS of Illinois:

"*And provided further*, That damages to property, direct or consequential, to any person whatever, by reason of the occupation of any street or highway by said railroad, shall be ascertained as provided in chapter 18 of the Revised Statutes of the District of Columbia, relating to railroad companies, so far as the same may be applicable thereto."

Mr. HEMPHILL. I think that is covered already by the amendment of the gentleman from Illinois.

Mr. BERGEN. The amendment of the gentleman from Illinois did not refer to this section of the statute at all.

Mr. HEMPHILL. If this will make it plainer I do not see any objection to it.

The amendment was adopted.

The Clerk read the second section of the bill, as follows:

SEC. 2. That the said Norfolk and Western Railroad Company be, and is hereby, authorized and empowered to connect its line and tracks with the tracks of any other connecting railroad company west of Twenty-sixth street west which now enters or which may hereafter enter the District of Columbia, with the right to use the tracks of any such railroad upon such terms as to compensation and upon such conditions as to the use of said tracks as may be agreed upon between the said companies, and in case of dispute arising as to such compensation and conditions of use the same shall be summarily determined by the supreme court of the District of Columbia, upon petition and answer, and the use of said road shall not be interrupted by the pendency of such proceedings.

The Clerk read the committee amendments to the section, as follows:

In line 3, after the word "tracks," insert the words "with the Georgetown Barge, Dock, Elevator, and Railroad Company, or."

The amendment was agreed to.

The Clerk read the third section of the bill, as follows:

SEC. 3. That the said company shall have power to construct and operate their said extension upon, across, or over such of the streets and avenues of

said city as are upon its said route: *Provided, however*, That good, substantial, and effective gates and fences shall be placed along its said route or across said streets or avenues wherever the same may be required for the protection of the public in the judgment of the Commissioners of the District of Columbia, as to which the company shall have due and sufficient notice.

The Clerk read the committee amendment to the section, as follows:

In line 4, after the word "route," insert the words "subject to the approval of the Commissioners of the District of Columbia."

The amendment was agreed to.

Mr. BUCHANAN of New Jersey. Mr. Chairman, on page 4, section 3, I desire to offer an amendment to strike out the words "upon, across, or," so as to make it read:

The said company shall have power to construct and operate their said extension over such of the streets and avenues in the said city, etc.

I offer that amendment for this reason: As the bill now stands there is absolutely nothing in it to prevent this company from coming down from the Three Sisters Islands bridge and crossing at the end of the Aqueduct bridge, at grade, the street which leads to Arlington, a street very much traveled, indeed; and to have a railroad crossing upon it at grade would, it seems to me, be not only very inconvenient to the people who use that street, but also dangerous to human life.

Mr. HEMPHILL. I do not think the street that leads to Arlington is the one. You know where the Pennsylvania road goes out in that direction. I do not understand this railroad comes down that street.

Mr. BUCHANAN of New Jersey. I understand that this road is to build a bridge at or near the Three Sisters Islands.

Mr. HEMPHILL. Yes.

Mr. BUCHANAN of New Jersey. I understand and know that these islands are west of the Aqueduct bridge. I understand from the terms of this bill that these tracks are to run from that bridge down Water street and into the terminus of the line in Washington City. I do know that the Aqueduct bridge is between these points. I do know that just north of the end of the Aqueduct bridge is an immense high bluff which it would be impossible for the road to go over, and that it must cross the street, which is the extension of the line on which the Washington and Georgetown cars run. The street which crosses the Aqueduct bridge must be crossed by these tracks to get from the Three Sisters bridge to the terminus in Washington City, and there is nothing in the bill as it stands to prevent that crossing being at grade at that point.

Mr. HEMPHILL. Of course the gentleman is giving his understanding of the bill, but I do not understand it in that way.

Mr. BUCHANAN of New Jersey. You do if you understand the topography of the country.

Mr. HEMPHILL. I have been out there a good many times, and I have tried to understand it.

Mr. BUCHANAN of New Jersey. Where do they cross?

Mr. HEMPHILL. They need not necessarily cross at that point. They may cross under the bridge if necessary. It is all subject to the control of the Commissioners to make such regulation as will protect property.

Mr. BUCHANAN of New Jersey. Do you deny that this road will either go over or under or upon the approach to the Aqueduct bridge?

Mr. HEMPHILL. I believe it is proposed to run under.

Mr. BUCHANAN of New Jersey. I want to make them to run under. I do not want them to cross there at grade.

Mr. HEMPHILL. There is no objection to a provision requiring the railroad to do whatever is necessary to protect the public at that point.

Mr. BUCHANAN of New Jersey. The bill does not say anything about that.

Mr. HEMPHILL. I think we will come to a conclusion about it. The amendment undertakes to say that they shall run under these streets all along the line.

Mr. BUCHANAN of New Jersey. I propose to change it so as to make it go under.

Mr. HEMPHILL. If the gentleman will say that at the crossing of the street where the Aqueduct bridge comes into the District of Columbia they shall go either over or under the public highway at that point I shall not object to it.

Mr. BUCHANAN of New Jersey. I will not put it in that way, because that would be an implied command to them to cross the other streets at grade.

Mr. HEMPHILL. There is no implied command about it.

Mr. BUCHANAN of New Jersey. There is a very broad license.

Mr. HEMPHILL. The House has already voted upon that proposition. It is not a question of implication at all; but I can understand what the object of the gentleman is, as he has stated it, and if that is his object, as I apprehend him, then the public would be protected by the suggestion I make concerning the Aqueduct bridge, and it can easily be protected by this bill requiring the railroad to cross either above or below the grade at that street, if it crosses it at all. It is to cross under the bridge at that point anyhow.

Mr. BUCHANAN of New Jersey. It may cross under to-day and it may not when it is built.

Mr. HEMPHILL. We can provide for that. That does not necessarily imply that you shall require them to go over or under the whole of the streets that they may occupy, because that proposition has been voted down by the House.

Mr. GROUT. Let me ask the chairman of the District Committee if this road does not come down on the canal property at the point where it is to cross the Three Sisters bridge, and from there down for some distance?

Mr. HEMPHILL. If the gentleman will examine the bill he will find that they are not to occupy any of the property of the canal, the towpath, water way, bank, or otherwise, except by permission of the company now owning the canal.

Mr. GROUT. Another question I desire to ask the chairman. Is not Water street, near the Aqueduct bridge, into which this railroad comes, away below the highway that now passes over the bridge?

Mr. HEMPHILL. Oh, yes, sir.

Mr. GROUT. How many feet, in the judgment of the chairman?

Mr. HEMPHILL. I should say 20 or 30 feet.

Mr. GROUT. Is it practicable for this railroad to come up there and reach Water street except by going under this bridge?

Mr. HEMPHILL. Oh, no; that is the engineer's plan, and it is the only plan.

Mr. GROUT. Mr. Chairman, as I understand this matter, although not sufficiently familiar with it to testify with absolute certainty, it is as the chairman of the committee says—the only practicable way to reach Water street is by passing under that bridge.

I want to further say that if there is any possible danger that this railroad shall adopt any other plan, and cross the road leading to the Aqueduct bridge at grade, I should be in favor of an amendment compelling them to come under; but as I understand it, the situation compels them to come under.

Mr. BUCHANAN of New Jersey. Mr. Chairman, I have modified my amendment.

The CHAIRMAN. The Clerk will report the amendment as modified.

The Clerk read as follows:

"Strike out the words "upon, across, or" and insert the words "under."

Mr. BUCHANAN of New Jersey. Strike out the words "upon, across, or" and insert the words "under or over such of the streets."

Mr. HEMPHILL. The trouble about that is that it covers all the streets, and your argument only related to the street leading to the Aqueduct bridge.

Mr. BUCHANAN of New Jersey. Oh, no. That was an illustration.

Mr. HEMPHILL. I wish to say, Mr. Chairman, that we have already voted that down. If the gentleman will offer a proviso that the track shall cross under the street approaching the Aqueduct bridge I will consent to that.

Mr. BUCHANAN of New Jersey. Mr. Chairman, the gentleman in his own time will undoubtedly have the privilege of offering that amendment. I consent cheerfully that he shall offer such an amendment.

Mr. HEMPHILL. I am obliged to you and appreciate your kindness.

Mr. BUCHANAN of New Jersey. There is nothing like courtesies being returned. I shall insist upon my amendment.

Mr. OUTHWAITE. I make the point of order this amendment has been disposed of by the committee.

The CHAIRMAN. The point of order comes too late. The amendment has been under discussion some time.

Mr. BUCHANAN of New Jersey. Certainly it is too late. It might have been good originally.

The question was taken on the amendment, and the Chairman announced that the noes seemed to have it.

Mr. BUCHANAN of New Jersey. Division.

The committee divided; and there were—ayes 10, noes 134.

So the amendment was rejected.

Mr. ATKINSON. Mr. Chairman, I wish to offer an amendment at the end of section 3.

The CHAIRMAN. That is in order at this time.

The Clerk read as follows:

Be it further enacted, That the Norfolk and Western Railroad Company is hereby directed and required to keep in the daytime, at every point where any public street crosses the railroad track or tracks of said company, a person stationed with a red flag, and in the evening, until arrival and departure of the last train at night, at all the street crossings, a person with a flag, and lighted lamp or lantern with red glass, to give warning of the ap-

proach of the locomotive engines and railroad cars, of any description, of said company, under the penalty of $10 for every time any locomotive engine or railroad car shall pass (at any such crossings without such persons being stationed) and such warning being given, to be forfeited and paid by the said company, or the engineer or conductor in whose charge such locomotive engine or railroad car may be, severally and respectively.

SEC. 3. *And be it further enacted*, That no railroad locomotive engine, or railroad car, or train of cars shall encumber or obstruct any sidewalk or crosswalk, or any street in cities of Washington or Georgetown, for a longer period than is absolutely necessary for the safe and expeditious discharge of passengers only, under the penalty of $25 for each offense, to be forfeited and paid by the railroad company owning or using such locomotive engine, or railroad car, or train of cars, or the agent, engineer, or conductor in whose charge such locomotive engine, railroad car, or train of cars may be severally and respectively.

SEC. 4. *And be it further enacted*, That the Norfolk and Western Railroad Company shall not lay down any rail or rails, or railroad track or tracks, or shall alter the grade or location of any rail or rails, or railroad track or tracks in, across, or along any street in the cities of Washington or Georgetown, except when directed and required by the Commissioners to alter the grade or location thereof, without having first given twenty days notice to the Commissioners of the desire and intention of the said railroad company to lay down or alter the grade or location of such rail or rails, railroad track or tracks, except when replacing a worn or broken rail, under the penalty of $50 for each and every violation of any of the provisions of the section, to be forfeited and paid by the said company, or the person or persons laying or altering the same severally and respectively.

SEC. 5. *And be it further enacted*, That that portion of the streets lying or being between the rails or tracks and two feet from the outside rail or track of the Norfolk and Western Railroad Company shall be paved in the same manner as the rest of the street or avenue in which such rails or tracks may be laid.

SEC. 6. *And be it further enacted*, That rail or rails, track or tracks of said company shall be laid as shall least obstruct the free passage of vehicles and carriages over the same, and the upper surface of the rails shall be laid flush with the surface of the streets and shall conform to the grades thereof as now established or as they shall, from time to time, be reëstablished or altered, the same to be done at the expense of said company, and in all streets or parts of streets which are not paved, the rail shall be laid in such manner as shall least interfere with the public travel thereon, and as shall be authorized and approved by the District government engineer.

The railroad company or its agents shall be required to keep the surface of the streets inside of the rails in good order and repair, and all snow, ice, dirt, and filth cleaned and removed from such portions of the streets at the expense of said company, and in such manner as not to obstruct travel in any part of the street, under the penalty of $50 for each and every violation of any of the provisions of this section, to be forfeited and paid by the said company or the person or persons so violating.

SEC. 7. *And be it further enacted*, That it shall be the duty of the Commissioners to notify said railroad company to lower or raise the rail or rails or their track or tracks as the case may require, in accordance with the sixth section of this act; and in case of a failure of said railroad company to comply with the terms thereof within ten days after said notice, which shall be in writing, then it shall and may be lawful for the Commissioners to take up and relay and repair said railroad track or tracks and assess and collect the same from said neglecting company.

Mr. ATKINSON. Mr. Chairman, I offer that as an amendment, because it is a police regulation of the city of Washington and is binding upon all the existing railroads. When I examined it I was surprised to find that it named the railroads—that the Baltimore and Ohio should be subject to it, that the Baltimore and Potomac and a couple of other roads that are named are subject to it. It requires the rails to be so laid as to least obstruct the passage of vehicles, and that there shall be watchmen and lights. It also requires the railroad company to pave alongside of its track; but it would not affect the railroad that we are now about to permit to enter the city of Washington unless specifically adopted.

Mr. OUTHWAITE. Where does that come from?

Mr. ATKINSON. It was made by the old Legislative Assembly. It is the living law of this District to-day. The old Legislative Assembly has been abolished, and there is nobody in this District having legislative power excepting the Congress of the United States; and we must now choose between the imposition of these police regulations upon this railroad by an act of Congress, or else admit it free of the regulations which are now imposed upon all the other railroads in the District.

There are a couple of sections which refer to railroads generally. I intended that it should only refer to this railroad. I believe they are proper municipal regulations, and should be imposed upon all the railroads and not omit one only. And I want to say further to the gentleman from South Carolina [Mr. HEMPHILL] that he was in error, I believe, when he stated that nobody crosses Water street in Georgetown. I call his attention and the attention of the committee to the fact that there are many warehouses between Water street and the river, and that people must cross that street in order to get to them.

Amongst the rest is the great warehouse of the Knickerbocker Ice Company. Besides that, the wharves of the city are beyond the proposed line of this railroad and people must cross the railroad in order to reach them. Georgetown, I believe, has also a good deal of shipping, and there is a custom-house located there. I think this amendment ought to be adopted in order to facilitate the safe crossing of the railroad by persons having business at the warehouses and by those who are engaged in shipping or receiving cargoes by the river.

Mr. HEMPHILL. The gentleman has cited a part of my remark, but not the whole of it. I said there were no houses there less than 100 years old.

Mr. ATKINSON. Oh, that may be; but the same may be said of a large part of Georgetown. It is the ancient city of the District. But because a man lives or does business in a house 100 years old is no reason why he should not have proper facilities to reach that old house. [Laughter.]

Mr. HEMPHILL. Certainly not; but nobody there lives in a house 100 years old. These old houses that I refer to are down on the river and are abandoned to the rats. Now, I want to come to the gentleman's argument. He says that this amendment which he offers is a police regulation of the city of Washington. I presume it has worked fairly well in relation to the other railroads here, and I call attention to the fact that the District Commissioners are authorized by this bill to do exactly what the gentleman has suggested——

Mr. ATKINSON. Will the gentleman point out the section that gives that authority?

Mr. HEMPHILL. Section 3 provides:

That the said company shall have power to construct and operate their said extension upon, across, or over such of the streets and avenues of said city as are upon its said route, subject to the approval of the Commissioners of the District of Columbia: *Provided, however*, That good, substantial, and effective gates and fences shall be placed along its said route across said streets or avenues wherever the same may be required for the protection of the public in the judgment of the Commissioners of the District of Columbia, as to which the company shall have due and sufficient notice.

Now, if the gentleman wants to say, in addition to that, that the Commissioners shall make such regulation as will protect life and property in the District in connection with the operation of this road, I shall not object to that; but I do not think it is wise or proper to incorporate into the charter of one company these police regulations which may be abolished or altered next year or at any time.

Mr. ATKINSON. There is no power vested in anybody in this District to alter them except in the Congress of the United States.

Mr. HEMPHILL. But in a number of cases we have authorized the Commissioners to make proper regulations for the running of railroad trains, and if the gentleman wants to put in a provision that the Commissioners shall have the right to make such police regulations as will protect the lives and property of citizens, I shall not object.

Mr. ATKINSON. And to require that the tracks shall be so laid as not to impede travel across the streets. I think I am asking only what I have a right to ask, that this new company shall be placed in this respect in precisely the same position as the other railroads now in the District.

Mr. HEMPHILL. That is all right; but the other companies do not have these regulations in their charters. That matter ought to be left to the Commissioners. They may want to change or to improve upon those regulations, and if they should want to do that they ought to have the power.

Mr. ATKINSON. Well, then, let them bring in a general enactment and make the change general; but until these regulations are changed or improved upon why not put this company on the same footing as the others?

Mr. HEMPHILL. I am perfectly willing to put them on the same footing as the others; but the gentleman knows very well that these police regulations are not in the charter of any other road that comes into the District.

Mr. BUCHANAN of New Jersey. Does not the gentleman from South Carolina understand that this is not a charter? This company is incorporated by the laws of Virginia, and this is merely a license to them to come into this District, and is not the proper place for these regulations and restrictions in the body of the license?

Mr. HEMPHILL. I think it is better to leave it to the Commissioners of the District to make the necessary regulations.

Mr. PICKLER. Under the general power that the Commissioners have, can they require that watchmen and lights shall be provided?

Mr. HEMPHILL. Beyond question.

Mr. ATKINSON. That is just where the gentleman is in error.

Mr. PICKLER. That is an important question to have determined.

The question was taken on the amendment of Mr. ATKINSON; and the Chairman declared that the noes seemed to prevail.

Mr. ATKINSON. I ask for a division.

The committee divided; and there were—ayes 4, noes 148.

Mr. ATKINSON. No quorum.

Tellers were ordered; and Mr. HEMPHILL and Mr. HOOKER of New York were appointed.

The committee again divided; and the tellers reported—ayes 4, noes 166.

So the amendment was rejected.

The Clerk began to read section 4.

Mr. BERGEN. I desire to offer an amendment.

Mr. COGSWELL. I make the point that the consideration of section 3 had been concluded, and the Clerk had entered upon the reading of section 4. It is therefore too late for the gentleman to offer any further amendment.

The CHAIRMAN. But if the gentleman from New Jersey claims that he was on his feet desiring to offer the amendment at the time the Clerk began to read the next section, the Chair will recognize him.

Mr. BERGEN. I rose in my place for that purpose as soon as the Chair announced the vote by tellers on the last amendment.

The CHAIRMAN. The Clerk will report the amendment sent to the desk by the gentleman from New Jersey [Mr. BERGEN].

The Clerk read as follows:

Add the following:

"*And provided further*, At all crossings of streets said railroad shall be under same."

Mr. OUTHWAITE. I make a point of order on this amendment. I do not know exactly what it means; but I think it means just what we have voted on once or twice to-day in regard to grade crossings.

Mr. BUCHANAN of New Jersey. This is a different proposition.

Mr. OUTHWAITE. I simply wanted to be in time with the point of order. I am willing to hear the explanation of the gentleman who offers the amendment.

Mr. BERGEN. What is the point of order?

Mr. OUTHWAITE. That we have voted down the propositions that the crossings of the railroad should be under the street or over the street.

Mr. BERGEN. This is a different proposition.

Mr. OUTHWAITE. No, it is not.

The CHAIRMAN. The Chair is unable to hear the discussion between gentlemen.

Mr. HEMPHILL. The point is that the proposition submitted by the gentleman from New Jersey [Mr. BERGEN] has been acted upon already by the House and voted down. The amendment proposes to require that the road shall cross under the street. That has been voted down.

The CHAIRMAN. The recollection of the Chair is not distinct upon the question. Will the gentleman refer the Chair to the proposition he has in view?

Mr. BUCHANAN of New Jersey. I offered the other proposition; that said "over or under."

The CHAIRMAN. That is the recollection of the Chair. The Chair is of opinion that this amendment is in order.

The question being taken; there were on a division (demanded by Mr. BERGEN)—ayes 7, noes 137.

Mr. BERGEN. No quorum.

Tellers were ordered; and Mr. BERGEN and Mr. HEMPHILL were appointed.

The committee again divided; and the tellers reported—ayes 6, noes 161.

So the amendment was rejected.

Mr. BERGEN. I desire to offer a further amendment, which I send to the desk.

The Clerk read as follows:

And provided further, On crossing the street approaching Aqueduct bridge said railroad shall not be at grade but below the grade of said street.

Mr. BERGEN. I think gentlemen will not object to that.

Mr. HEMPHILL. I have no objection to it.

The question being taken, the amendment was rejected.

The Clerk proceeded to read section 4, as follows:

SEC. 4. That if the corporation can not agree with the owner for the purchase of the land that may be required for its right of way, for the construction, enlargement, or repair of its works, and for its stations and depot facilities, the right of condemnation hereinbefore provided for shall be exercised pursuant to the provision of chapter 18 of the Revised Statutes of the District of Columbia, relating to railroad companies, so far as the same may be applicable thereto.

Mr. BERGIN. I desire to ask a division on the amendment last voted on.

Several MEMBERS. Too late!

Mr. BERGEN. Mr. Chairman, was my amendment lost?

The CHAIRMAN. It was. The Chair so announced, and the Clerk has read the next section.

Mr. BERGEN. Why, sir, the chairman of the committee [Mr. HEMPHILL] consented to the amendment.

The CHAIRMAN. But the committee rejected it.

The amendment reported by the committee to section 4 was read, as follows:

Add to the section the following:

"*Provided*, That the said company, its successors and assigns, shall, in securing the right of way through private property within the District of Columbia, stipulate that the District of Columbia shall have the right, without charge of any kind, to cross the said right of way with any public sewer, water main, conduit, or other underground construction laid or proposed to be laid for the public safety, comfort, or health; and the said company, its successors and assigns, shall at all times, freely and without charge or hindrance of any kind, permit the legally constituted authorities of the District of Columbia to cross the said right of way in the District of Columbia, wherever necessary, in the construction of any public sewer, water main, or other construction necessary for the public safety, comfort, or health."

The question being taken; there were on a division (demanded by Mr. BERGEN)—ayes 143, noes 4.

Mr. BERGEN. No quorum.

Tellers were ordered; and Mr. BERGEN and Mr. HEMPHILL were appointed.

Mr. HEMPHILL. I rise to a parliamentary inquiry. Can I not withdraw this amendment?

The CHAIRMAN. The gentleman has a right to withdraw it.

Mr. HEMPHILL. Then I withdraw it.

The CHAIRMAN. The gentleman from South Carolina [Mr. HEMPHILL] withdraws the amendment.

The Clerk began to read section 5.

Mr. BERGEN (interrupting the reading). Mr. Chairman, I make the point that the gentleman from South Carolina certainly can not withdraw the amendment while the House is dividing. [Cries of "Too late!"]

The CHAIRMAN. A getleman has a right to withdraw any proposition before a vote is taken.

Mr. BERGEN. Then I reoffer the amendment. [Cries of "Too late!"]

The CHAIRMAN. The gentleman will send up the amendment.

Mr. COGSWELL. I will call the attention of the Chair to the ruling he has already made on this point. The gentleman from New Jersey [Mr. BERGEN] certainly did not intend to offer this amendment when the Clerk commenced the reading of section 5.

Mr. HEMPHILL. The gentleman is certainly too late.

Mr. BERGEN. I am not too late.

The CHAIRMAN. The point of order submitted by the gentleman from Massachusetts [Mr. COGSWELL] is sustained. The Clerk had entered upon the reading of the next section.

The Clerk resumed the reading of section 5.

Mr. BUCHANAN of New Jersey (interrupting the reading). I give notice now that I propose to offer an amendment to the section which the Clerk is now reading, and I want time to do it.

The CHAIRMAN. That will be in order.

The Clerk concluded the reading of section 5, which is as follows:

SEC. 5. That the said railroad company shall have power and authority to borrow money and issue and sell its bonds from time to time for such sums as its board of directors may deem expedient and proper for the purposes of the company, the aggregate amount thereof not to exceed the cost of rights of way and construction, and may secure the payment of its bonds by mortgages or deeds of trust upon all or any portion of its property, real or personal, its contracts, privileges, and franchises acquired under this act.

Mr. BUCHANAN of New Jersey. Mr. Chairman, I move to strike out the last word and for the purpose of having this section explained.

I want to say to the House that this is not a charter. This corporation is already chartered by the Legislature of the State of Virginia. This is a license for the corporation to come into the District of Columbia and to occupy certain territory belonging to the Government here. I find interjected into the license an express authority by Congress to this corporation of the State of Virginia to issue an unlimited number of bonds upon all or any of its property, for any purpose and without any limitation whatever as to the amount of capital stock which shall be paid in before the bonds are issued or anything else.

Mr. MEREDITH. Not to exceed the cost of its property.

Mr. BUCHANAN of New Jersey. Ah, not to exceed the cost of its property; but wherever that property may be, remember. In my judgment, no shrewder device was ever penned by the hand of a keen lawyer than this section 5; and this Congress by this provision puts itself in the position of authorizing a corporation in a State to issue an unlimited number of bonds, independent of any restriction which may be in the charter obtained from the State.

Mr. OUTHWAITE. You do not mean to say that this would have the effect of changing the charter obtained from the State.

Mr. BUCHANAN of New Jersey. I mean that in so far as the voice of Congress is concerned it would have precisely that effect.

Mr. OUTHWAITE. In other words, you answer my question no, or you mean to answer no?

Mr. BUCHANAN of New Jersey. No, I do not mean to answer no. I say if the company wants the simple privilege of issuing bonds limited to the property it may acquire here, let it say so. But it does not; and I am surprised that the keen minds of that committee did not in some way draft some provision which would limit the operation of this section. The words, "acquired under this act" only limit the words in that sentence. They do not limit the amount of bonds.

Mr. MEREDITH. Will the gentleman allow me to ask him a question?

Mr. BUCHANAN of New Jersey. Certainly.

Mr. MEREDITH. What right could Congress give them to borrow money on property owned and acquired in the State of Virginia, from which they receive their charter?

Mr. BUCHANAN of New Jersey. So far as an act of Congress is concerned we give them every right which Congress has any power to give.

Mr. MEREDITH. But Congress has no power to do that.

Mr. BUCHANAN of New Jersey. What may be our power is another matter. But we do say in this provision to this corporation, "Issue your bonds on all your property, and you may have printed on the bonds, if you desire, the words, 'Issued by the authority of the Congress of the United States.'" This section goes that far. Now if they do not want that power I move to strike it out. If they want a limited power let them offer a substitute to limit it.

I have not offered or attempted to offer here amendments this afternoon for the purpose of delay. My amendments have been offered in good faith and to perfect the bill, and I offer this motion now to strike out this section because I believe it is most pernicious. I believe it to be the most far-reaching in its effects of any legislation that has been enacted here; and that it goes far beyond what was intended by anybody except the author of the provision itself.

I ask the Clerk to read this section carefully and slowly in order that the House may see just what it proposes.

The CHAIRMAN. The Clerk will read the section.

Section 5 was again read.

Mr. BUCHANAN of New Jersey. Now it will be observed that the bonds can be issued in any amount that the board of directors may deem expedient and proper, and cover not only the real and personal property here, but contracts, privileges, and charters anywhere existing in this company. In this license to enter the territory belonging exclusively to the United States Government to this corporation we give a power so far-reaching as that. If this House shall pass the bill with this provision in, it will be doing a thing which will far exceed anything ever enacted in the line of "centralization."

Mr. HEMPHILL. If the gentlemen of the committee will look at the bill they will find that it provides that this company may—

issue and sell its bonds from time to time for such sums as its board of directors may deem expedient and proper for the purposes of the company, the aggregate amount thereof not to exceed the cost of rights of way and construction.

It can not go beyond that.

Mr. BUCHANAN of New Jersey. But it provides—"and may secure"——

Mr. HEMPHILL (interrupting). I will read it:

And may secure the payment of its bonds by mortgages or deeds of trust upon all or any portion of its property, real or personal, its contracts, privileges, and franchises acquired under this act.

There can not be a particle of property mortgaged that is not acquired by this act.

But in order to satisfy the gentleman I propose to insert, after the word "property," the words "within the District of Columbia." That will make it perfectly clear. It means property we are legislating with reference to; and so I offer that amendment.

The CHAIRMAN. The Clerk will report the amendment.

Mr. HENDERSON of Iowa. That will bring us all together.

The Clerk read as follows:

In line 8 of section 5, after the word "property," insert the words "in the District of Columbia,"—

So as to read—

Upon all or any portion of its property in the District of Columbia, real or personal, its contracts, etc.

Mr. BUCHANAN of New Jersey. Now, Mr. Chairman, that is better, but it does not go far enough.

Mr. HEMPHILL. What is the objection to that?

Mr. BUCHANAN of New Jersey. My objection is just this, that it allows this company to bond every dollar of property that it acquires here in this District.

Mr. LIVINGSTON. It can do that anyhow.

Mr. BUCHANAN of New Jersey. It ought not to do it. It is the curse of to-day that corporations issue their capital stock and then bond their property for more than it is worth. The amount is at the discretion of the directors.

Mr. LIVINGSTON. You can not prevent it.

Mr. BUCHANAN of New Jersey. You can not if you vote this way, of course; but now is the time to prevent it.

Mr. HEMPHILL. This is limited to the cost of the property.

Mr. LIVINGSTON. Can not a man mortgage his property if he wishes to?

The amendment of Mr. HEMPHILL was agreed to.

Mr. BUCHANAN of New Jersey. Now, I offer another amendment to the same section.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

On page 6, line 5, after the word "exceed," insert the words "one-half."

Mr. BUCHANAN of New Jersey. Now, Mr. Chairman, the effect of that will be to allow these people to bond their property here to the extent of one-half, and that is enough. If this House, with its boasted antimonopolistic tendencies, wants an opportunity to fight monopoly and to vote in the interest of the people, here it is. I offer it to you free of charge.

A MEMBER. We are fighting monopoly by this bill.

The question being taken on the amendment offered by Mr. BUCHANAN of New Jersey, the Chairman announced that the noes seemed to have it.

Mr. BUCHANAN of New Jersey. Even the People's party vote against this amendment. I demand a division.

The committee divided; and there were—ayes 33, noes 136.

So the amendment was rejected.

Mr. WILLIAM A. STONE. Mr. Chairman, I wish to offer an amendment.

The CHAIRMAN. The gentleman from New Jersey [Mr. BUCHANAN] has a motion to strike out pending.

Mr. BUCHANAN of New Jersey. I will withdraw that. I have done my duty in calling attention to this enormous grant of power.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Pennsylvania [Mr. WILLIAM A. STONE].

The Clerk read as follows:

In line 2, section 5, page 6, strike out the word "bonds" and insert the words "capital stock," and strike out all of the clause of section 5, after the word "construction," in line 6.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. WILLIAM A. STONE].

The question being taken, the Chairman announced that the noes seemed to have it.

On a division (demanded by Mr. WILLIAM A. STONE), there were—ayes 8, noes 162.

So the amendment was rejected.

The Clerk began the reading of the sixth section.

Mr. JOSEPH D. TAYLOR. Mr. Chairman, I ask to offer a substitute for the fifth section, which I wish the Clerk to read.

Mr. MEREDITH. I raise the point of order that the Clerk has commenced to read the next section.

The CHAIRMAN. But the gentleman rose in his seat, and the Chair saw that he was endeavoring to attract the attention of the Chair when the Clerk began to read. The Clerk will report the substitute offered by the gentleman from Ohio [Mr. JOSEPH D. TAYLOR].

The Clerk read as follows:

Amend by substituting for section 5 the following:
"That the said railroad company shall have power to mortgage any property it may acquire within the District of Columbia to secure any indebtedness authorized by the charter of the company."

Mr. JOSEPH. D. TAYLOR. I offer that as a substitute for the entire section. I think it will obviate the difficulty which the gentleman from New Jersey [Mr. BUCHANAN] finds in the fifth section, and I do not think that the friends of the measure will have any objection to it.

Mr. HEMPHILL. I would like to have that read again.

The CHAIRMAN. The Clerk will again report the substitute.

The Clerk again reported the amendment.

Mr. HEMPHILL. I have no objection to that.

Several MEMBERS. Oh, let us vote it down.

Mr. HEMPHILL. Very well; we will take a vote on that.

The amendment of Mr. JOSEPH D. TAYLOR was rejected.

The Clerk read as follows:

SEC. 6. That the construction of the extension of the road hereby authorized shall begin within two years after the approval of this act and be completed within three years from said date.

The following amendment was recommended by the committee:

In line 2 strike out "two years" and insert "one year;" and in line 3 strike out "three" and insert "two."

The amendment was agreed to.

Mr. ATKINSON. I offer the amendment which I send to the desk.

The Clerk read as follows:

Insert at the end of section 6 the following:
"And unless it is completed within two years from said date then this act and all the rights and privileges thereby granted shall cease and determine."

The question was taken on the adoption of the amendment, and the Chairman announced that the "noes" seemed to have it.

Mr. ATKINSON. Division.

The committee divided; and there were—ayes 10, noes 136.

Mr. ATKINSON. No quorum, Mr. Chairman.

The CHAIRMAN. The Chair will appoint as tellers the gentleman from Pennsylvania [Mr. ATKINSON] and the gentleman from South Carolina [Mr. HEMPHILL].

Mr. HEMPHILL. Mr. Chairman, inasmuch as the gentleman from Pennsylvania can not easily get on his feet, I ask that he consent to withdraw the point of no quorum and have a vote upon the bill.

Mr. ATKINSON. Not just now.

Mr. HEMPHILL. Possibly we could postpone it a few minutes.

Mr. HENDERSON of Iowa. Possibly you can make the arrangement later.

Mr. ATKINSON. I ask the Chair to substitute the gentleman from New Jersey [Mr. BERGEN] for myself.

The CHAIRMAN. The Chair will appoint the gentleman from New Jersey [Mr. BERGEN] as teller in conjunction with the gentleman from South Carolina [Mr. HEMPHILL].

The committee again divided; and tellers reported—ayes 6, noes 156.

Mr. BOUTELLE. And with those present, but not voting, would make a quorum.

The CHAIRMAN. On this question the ayes are 6, the noes 156, and the amendment is disagreed to.

Mr. HEMPHILL. I move that the committee do now rise.

Mr. ATKINSON. I make the point that no quorum has voted.

Mr. HEMPHILL. I think the gentleman is a little late on that. He has plenty other amendments.

Mr. ATKINSON. I made the point of no quorum.

The CHAIRMAN. Did the gentleman from Pennsylvania rise for that purpose?

Mr. ATKINSON. I certainly did, as quickly as the remark fell from the lips of the Chairman.

Mr. BLOUNT. I wish to know if the motion of the gentleman from South Carolina is not in order at this time?

The CHAIRMAN. The announcement of the result was made before the Chair recognized the gentleman from Pennsylvania as rising.

Mr. HEMPHILL. I made my motion, and the gentleman rose and said nothing at all.

Mr. WILLIAM A. STONE. I think the gentleman from Pennsylvania ought to be allowed some privilege on account of his disability, and the difficulty with which he can get on his feet.

The CHAIRMAN. The Chair will accept the statement of the gentleman from Pennsylvania, that he rose to make the point of no quorum; and the point of no quorum is pending. The question now is on the motion of the gentleman from South Carolina that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. DOCKERY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 3591), and had come to no resolution thereon.

Mr. HEMPHILL. I move that the House do now take a recess until 5 minutes of 12 o'clock to-morrow morning.

The motion was agreed to.

Accordingly (at 5 o'clock and 20 minutes p. m.) the House was declared in recess.

REPORTS OF COMMITTEES.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. SCULL, from the Committee on Pensions: The bill (S. 520) granting an increase of pension to Oliver P. Goodwin. (Report No. 2209.)

By Mr. PATTON, from the Committee on Military Affairs: The bill (S. 2332) for the relief of Frederick Gramm. (Report No. 2211.)

Also, the bill (S. 1131) for the relief of Adolph Loschmidt. (Report No. 2212.)

By Mr. STONE of Kentucky, from the Committee on War Claims: The bill (H. R. 10060) for the relief of Augustus P. Green. (Report No. 2213.)

By Mr. PARRETT, from the Committee on Pensions: The bill (S. 762) granting a pension to Elise Alden McCawley. (Report No. 2214.)

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Military Affairs was discharged from the consideration of the bill (H. R. 4794) for the removal of the charge of desertion from the record of John Cassidy, and the same was referred to the Committee on Naval Affairs.

BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. DAVIS: A bill (H. R. 10093) to fix the dates for the convening of the regular sessions of the Congress of the United States—to the Committee on Election of President and Vice-President and Representatives in Congress.

By Mr. WALKER: A bill (H. R. 10094) to secure to the people the advantages accruing from the issue of circulating promissory notes by banks, to increase the volume of such notes, and to supervise and control banks by officers of the United States—to the Committee on Banking and Currency.

By Mr. TERRY: A bill (H. R. 10095) authorizing the construction of a free bridge across the Arkansas River connecting Little Rock and Argenta—to the Committee on Interstate and Foreign Commerce.

By Mr. LODGE: A bill (H. R. 10096) to provide suitable medals for the survivors of the officers and crew of the United States sloop-of-war Cumberland—to the Committee on Naval Affairs.

By Mr. BAILEY (by request): A bill (H. R. 10097) for the protection of game in the Indian Territory—to the Committee on the Territories.

By Mr. ABBOTT: A bill (H. R. 10098) to authorize the construction of deep-water channels across the shallow waters of Galveston Bay from Bolivar Point and Galveston Island to the deep-water channels now being improved by the Government of the United States—to the Committee on Rivers and Harbors.

By Mr. WATSON: A bill (H. R. 10099) to create the office of national inspector of cotton and grain, to provide for the issuance of certificates of deposit, for the issuance of post-office money orders thereon, to provide for the payment and repayment of such orders, and for other purposes—to the Committee on Ways and Means.

By Mr. SPERRY: A bill (H. R. 10100) in relation to special-request stamped envelopes—to the Committee on the Post-Office and Post-Roads.

By Mr. McRAE: A bill (H. R. 10101) to protect public forest reservations—to the Committee on the Public Lands.

By Mr. BYNUM: A resolution directing the United States Civil Service Commission to furnish the House the names, etc., of all appointees of the Government reinstated in the classified service under departmental (10) since March 4, 1889—to the Committee on Reform in the Civil Service.

By Mr. SPRINGER: A resolution requesting the Postmaster-General to furnish certain information relating to appointments of clerks in the Post-Office Department and Railway Mail Service, and other information relative to extending the civil-service law—to the Committee on the Post-Office and Post-Roads.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as indicated below:

By Mr. BUCHANAN of New Jersey: A bill (H. R. 10102) to extend letters-patent No. 183716 for improvements in water closets, granted October 24, 1876, to William Smith—to the Committee on Patents;

By Mr. BELTZHOOVER (by request): A bill (H. R. 10103) for the relief of John Spicer—to the Committee on War Claims.

Also, a bill (H. R. 10104) for the relief of Samuel R. MacLean—to the Committee on War Claims.

By Mr. COX of Tennessee: A bill (H. R. 10105) for the relief of Andrew B. Phillips—to the Committee on War Claims.

By Mr. CATCHINGS: A bill (H. R. 10106) for the relief of Joseph S. Acuff, of Warren County, Miss.—to the Committee on War Claims.

Also, a bill (H. R. 10107) for the relief of the estate of Joel Hullum, deceased, late of Warren County, Miss.—to the Committee on War Claims.

Also, a bill (H. R. 10108) for the relief of the estate of Joseph Butler, deceased, late of Warren County, Miss.—to the Committee on War Claims.

By Mr. HENDERSON of Illinois: A bill (H. R. 10109) to grant an honorable discharge to George Penington, alias James Smiley—to the Committee on Military Affairs.

By Mr. LODGE: A bill (H. R. 10110) to increase the pension of Emeline M. Stoddard—to the Committee on Pensions.

Also, a bill (H. R. 10111) for the relief of John B. Leach—to the Committee on Invalid Pensions.

By Mr. PEEL: A bill (H. R. 10112) to grant a pension to Charlotte Evans as widow of C. C. Roark, deceased—to the Committee on Invalid Pensions.

By Mr. PICKLER: A bill (H. R. 10113) for the relief of John H. Molby—to the Committee on Military Affairs.

Also, a bill (H. R. 10114) for the relief of John Cook—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ANDREW: Petition of O. F. Frothingham, Alexander Whiteside, James Means, Arthur G. Walton, S. Parkman Blake, Edwin Simmons, Edward Pelham Dodd, and 30 other members of the St. Botolph Club, of Boston, for the passage of some measure repealing the present law for the purchase of silver bullion by the Treasury of the United States—to the Committee on Coinage, Weights, and Measures.

By Mr. BELKNAP: Petition of the Central Labor Union of Grand Rapids, Mich., for the restriction of foreign emigrants—to the Select Committee on Immigration and Naturalization.

By Mr. BELTZHOOVER: Resolutions of the First Baptist Church of York, Pa., against opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. BRECKINRIDGE of Arkansas: Petition of Thomas Harding, for the removal of the charge of desertion—to the Committee on Military Affairs.

Also, petition of Lorenzo D. Gilbreath, with evidence, praying for a pension—to the Committee on Invalid Pensions.

By Mr. BROSIUS: Three petitions of churches of Pennsylvania, as follows: One of the Second Street Lutheran of Columbia; the second of the Leacock Presbyterian of Paradise, and the third of the Presbyterian Church of Colerain, all against opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of the Lancaster County and City Medical Society, in favor of an appropriation to defray expenses of the Pan-American Congress—to the Committee on Appropriations.

Also, petition of the Presbyterian Church of Columbia, Pa., against opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. BUCHANAN of New Jersey: Petition of the Fifth Presbyterian Church of Trenton, N. J., in favor of closing the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. BUSEY: Petition of the churches of Hoopeston, Ill., representing 2,000 people, opposing opening the World's Columbian Exposition on the Sabbath—to the Select Committee on the Columbian Exposition.

Also petition of the Danville (Ill.) Branch of the Nord Americanisher Turnbund, protesting against the passage of any law restricting or suspending immigration—to the Select Committee on Immigration and Naturalization.

Also, petition of J. I. Lawson and 140 others of Kansas, Ill., against opening the World's Columbian Exposition on the Sabbath—to the Select Committee on the Columbian Exposition.

Also, petition of F. H. Gray and other citizens of Homer, Ill., to restore Andrew Larawill to the pension roll—to the Committee on Invalid Pensions.

By Mr. BUSHNELL: Petition of the Congregational Convention of Wisconsin, that Congress forbid the sale of alcoholic drinks on the World's Fair grounds—to the Select Committee on the Columbian Exposition.

Also, resolutions of the Milwaukee (Wis.) Chamber of Commerce, in favor of the repeal or suspension of the Sherman silver law requiring the purchase of 4,500,000 ounces of silver annually—to the Committee on Coinage, Weights, and Measures.

By Mr. CADMUS: Petition of H. C. Deland and 173 business men of Bergen County, N. J., in favor of the repeal of the act authorizing the purchase of silver bullion—to the Committee on Banking and Currency.

By Mr. CATCHINGS: Petition of G. M. Barber, of Warren County, Miss., for reference of his claim to the Court of Claims for a rehearing under the act of March 3, 1883—to the Committee on War Claims.

By Mr. CHIPMAN: Petition of Jacob N. Hamburge, for the correction of his military record—to the Committee on Military Affairs.

By Mr. COCKRAN: Petition of resident citizens of New York, praying for the repeal of the Sherman silver act—to the Committee on Coinage, Weights, and Measures.

By Mr. COBB of Missouri: Petition of the North American Turnerbund of St. Louis, Mo., protesting against the suspension of immigration—to the Select Committee on Immigration and Naturalization.

By Mr. CUMMINGS: Petition of George W. Cranmer and others of New York, for the erection of a monument to the memory of John Paul Jones—to the Committee on the Library.

By Mr. DINGLEY: Petition of the Woman's Christian Temperance Union of the District of Columbia, that the law for closing the Columbian Exposition on the day commonly known as Sunday stand as passed—to the Select Committee on the Columbian Exposition.

By Mr. FUNSTON: Two petitions of Presbyterian Congregations of Kansas, one of New Salem and the other of Humboldt, both in favor of closing the World's Fair on Sunday—to the Select Commitee on the Columbian Exposition.

By Mr. HARRIES: Petition of Franklin Staples and 10 other members of the medical profession, asking Congress to make an appropriation to assist in defraying expenses of the Pan-American Medical Congress, to be held in Washington, D. C., from September 5 to 8, 1893—to the Committee on Appropriations.

By Mr. HENDERSON of Illinois: Petition of George Pennington, alias James Smiley, late a member of company C, One hundred and thirteenth Ohio Infantry Volunteers, for an honorable discharge—to the Committee on Military Affairs.

By Mr. HENDERSON of Iowa: Paper from Mr. A. R. Johnson, of Hopkinton, Iowa, in opposition to the opening of the World's Fair on the Sabbath—to the Select Committee on the Columbian Exposition.

By Mr. HERMANN: Protest of the Columbian Harbor, No. 2, of Astoria, Oregon, against the admission of aliens as officers of American vessels without compliance with requirements of existing law—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of Salem Grange, Patrons of Husbandry, asking for the passage of the pure-food bill—to the Committee on Agriculture.

By Mr. HOOKER of New York: Petition of Phelps & Sibley and others, favoring 1 cent per ounce letter postage—to the committee on the Post-Office and Post-Roads.

By Mr. HOUK of Ohio: Memorial of Mrs. H. A. Hunter and 36 others, against opening the World's Fair on Sunday—to the Select Committee on the Columbian Expostion.

By Mr. KRIBBS: Petition of the Presbyterian Church of Edenburg, Pa., against receding from the action taken in closing the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. LODGE: Petition of 3,967 citizens for certain restrictions on immigration—to the Select Committee on Immigration and Naturalization.

By Mr. MEYER: Memorial of the board of health of Louisiana with reference to quarantine—to the Committee on Interstate and Foreign Commerce.

By Mr. MORSE: Petition of the Rev. J. H. Buckey and 11 other ministers of the gospel, of Brockton, Mass., and vicinity, in behalf of the churches which they represent, praying that Congress will not repeal the law requiring the World's Columbian Exposition to be closed on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of the Boston Chamber of Commerce, requesting that no obstructions be permitted to be placed upon the advantages now enjoyed by the Canadian railways in their operations between Canadian points and New England—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Boston Chamber of Commerce asking for the immediate repeal of silver purchase act of 1890—to the Committee on Coinage, Weights, and Measures.

Also, petition of the Boston Merchants' Association, asking for the passage of the Torrey bankruptcy bill—to the Committee on the Judiciary.

By Mr. OUTHWAITE: Resolutions of the Board of Trade of Columbus, Ohio, urging legislation for national control of quarantine—to the Select Committee on Immigration and Naturalization.

By Mr. O'NEILL of Pennsylvania: Petition of the members of the Thirteenth street Methodist Episcopal Church of Philadelphia against opening the Columbian Exposition on the Sabbath day—to the Select Committee on the Columbian Exposition.

Also, communication of a committee of the Philadelphia Conference of Baptist ministers, presenting reasons why the provisions of the act closing the World's Columbian Fair on the Sabbath day should not be repealed—to the Select Committee on the Columbian Exposition.

By Mr. OWENS: Petition of citizens of Urichsville, Ohio, asking that the World's Fair be closed on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. OTIS: Petition of the Presbyterian Association of New Salem, Kans., in favor of closing the World's Fair on Sunday and against the sale of intoxicating liquors upon the ground—to the Select Committee on the Columbian Exposition.

By Mr. OHLIGER: Two protests of citizens of Ohio; one, members of Medina County Christian Endeavor Union, and the other of ministers of Seville; both against the repeal of law closing the Columbian Exposition on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. PEEL: Petition of citizens of Van Buren, Ark., for the benefit of steamboat owners, licensed officers, and the traveling public, in the interest of preserving the purity of the

service in its personnel below the office of the supervising inspector, no one shall be removed except for incompetency, inefficiency, etc.—to the Committee on Rivers and Harbors.

By Mr. RAY: Petition of physicians of Madison and Chenango Counties, N. Y., in favor of an appropriation to defray expenses of the Pan-American Medical Congress—to the Committee on Appropriations.

Also, petition of citizens of Delaware County, N. Y., against the opening of the World's Columbian Exposition on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. RUSSELL: Petition of the New London (Conn.) Associations of Steamboat Pilots and Marine Engineers, for legislation to retain management of steamers carrying the American flag of regular licensed American citizens—to the Committee on Interstate and Foreign Commerce.

By Mr. SCOTT: Resolutions of the International Association of Machinists, Energetic Lodge No. 81, of Bloomington, Ill., asking Congress to not permit any kind of machinery used in the manufacture of sugar to come into the United States at a lower rate of duty than other machinery—to the Committee on Ways and Means.

By Mr. SEERLEY: Petition of Hawkeye Lodge, No. 160, in relation to machinery coming into the United States at a lower rate of duty than other machinery—to the Committee on Labor.

By Mr. STORER: Resolution of the Cincinnati Chamber of Commerce, for the immediate repeal of the silver-purchase act—to the Committee on Coinage, Weights, and Measures.

By Mr. EZRA B. TAYLOR: Petition of citizens of Freedom, Ohio, against opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. VINCENT A. TAYLOR: Resolutions of the Board of Trade of Cleveland, Ohio, in favor of a national quarantine—to the Select Committee on Immigration and Naturalization.

By Mr. TRACEY: Four petitions of citizens of Cohoes, N. Y., as follows: Of 148 members of the Bemsen M. E. Church, of the congregation of the Presbyterian Church, of 109 members of the Reformed Church, and of 141 members of the First Baptist Church, all opposing the sale of liquors at the World's Fair and in favor of closing the Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of business men and citizens of Albany, N. Y., praying for the discontinuance of silver purchases under act of June, 1890—to the Committee on Coinage, Weights, and Measures.

By Mr. TOWNSEND: Resolutions of the Denver Chamber of Commerce and Board of Trade, in reference to national control of quarantine—to the Committee on Interstate and Foreign Commerce.

By Mr. WALKER: Petition of the leading business men of Boston, Mass., against opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Sarah J. Wardwell, widow of Burnham Wardwell, to accompany House bill 10092, for a pension—to the Committee on Invalid Pensions.

By Mr. WIKE: Memorial of the International Association of Machinists, relative to the manufacture of machinery, and to the manufacture, etc., of sugar—to the Committee on Ways and Means.

By Mr. WILLIAMS of Illinois: Six petitions of citizens of Illinois, as follows: Of C. E. Robinson and others, of Jefferson County; of D. Akin and others, of Franklin County; of George E. Burnette and others, of Saline County; of Farmers of Hamilton County, of citizens of Hardin County, and of citizens of Jefferson County, all relative to an existing combination between the millers, railroads, and elevators for the purpose of depressing the price of wheat, and praying for a Congressional investigation, etc.—to the Committee on Agriculture.

SENATE.

TUESDAY, *January 10, 1893.*

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

PRESIDENTIAL ELECTORS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of State, transmitting, in pursuance of the provisions of the act of Congress approved February 3, 1887, certified copies of the final ascertainment of the electors for President and Vice-President appointed in the States of California, Kentucky, and Indiana, at the elections held therein on the 8th of November, 1892, as certified to him by the governors of those States; which was ordered to lie on the table.

EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Chief of Engineers, transmitting, in response to a resolution of the Senate of July 22, 1892, estimates of the cost of converting Rock Creek into a closed sewer; which, with the accompanying papers, was referred to the Committee on the District of Columbia, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of the Senate of the 6th instant, a copy of the latest report of Dr. Sheldon Jackson on the introduction of domesticated reindeer in Alaska; which was read.

Mr. TELLER. I ask that that communication may be printed as a document.

The VICE-PRESIDENT. That order will be made in the absence of objection. To what committee shall the communication be referred?

Mr. COCKRELL. I suggest that it be referred to the Committee on Territories.

Mr. DAWES. I think it had better be referred to the Committee on Appropriations.

Mr. TELLER. In my opinion that would be the proper reference.

The VICE-PRESIDENT. The communication will be referred to the Committee on Appropriations if there be no objection. The Chair hears none, and it is so ordered.

HOUSE BILL REFERRED.

The bill (H. R. 10038) making appropriations for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1894, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

PETITIONS AND MEMORIALS.

Mr. SAWYER presented a memorial of 216 Congregational churches in Wisconsin, comprising 15,000 members, and a memorial of the Congregational Church of Hartland, Wis., remonstrating against any repeal of the law closing the World's Columbian Exposition on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

Mr. WILSON presented petitions of Lynn Union, No. 446, Farmers' Alliance, of Hawthorne; of Algona Grange, Patrons of Husbandry, of Hobart, and of Iowa State Grange, Patrons of Husbandry, all in the State of Iowa, praying for the passage of the Washburn-Hatch antioption bill; which were ordered to lie on the table.

He also presented memorials of Le Claire Presbytery of the United Presbyterian Church of Iowa, and of churches and a business men's committee of Elgin, Ill., remonstrating against the repeal of the act closing the World's Columbian Exposition on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

He also presented the petition of the Republican Territorial central committee of the Territory of Arizona, praying for the admission of Arizona into the Union as a State; which was referred to the Committee on Territories.

He also presented a petition of the Business Men's Association of Davenport, Iowa, praying for the reduction of letter postage to 1 cent per ounce; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Iowa State Grange, Patrons of Husbandry, praying that the manufacturers of oleomargarine, butterine, and like compounds be compelled to color their manufactures pink; which was referred to the Committee on Agriculture and Forestry.

Mr. CHANDLER. I present a petition of Local Union No. 4, of the United Brotherhood of Carpenters and Joiners of America, of St. Louis, Mo., signed by George Mearer and W. E. Douds, committee, stating that there are to-day over 10,000 people out of employment in St. Louis alone, and praying for the suspension of immigration into the United States. I move that the petition be referred to the Committee on Immigration, and, with the accompanying papers, printed as a document.

The motion was agreed to.

Mr. STOCKBRIDGE presented the petition of B. H. Dunning and other citizens of East Jordan, Mich., praying for the passage of the Washburn-Hatch antioption bill and for the closing of the World's Columbian Exposition on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

Mr. FELTON presented a memorial of the American Brotherhood of Steamboat Pilots of San Francisco, Cal., remonstrating against the granting of registry or license to alien officers employed on American steamships; which was referred to the Committee on Commerce.

Mr. FELTON. I present a petition of the Chamber of Commerce of San Francisco, the Traffic Association of California, the California State Board of Trade, the San Francisco Produce Exchange, the Board of Trade of San Francisco, the Board of Trade of Oakland, the Geographical Society of the Pacific, the California League of Progress, and the Manufacturers' Association, re-

spectfully but urgently praying that Congress will promptly enact such conservative legislation as shall secure the speedy construction of the Nicaragua Canal, under the control of the Government of the United States and with such provisions as will obtain the completion of this beneficent work at the lowest possible cost, thereby securing cheap tolls to our producers and merchants. The petitioners further pray that the Government of the United States shall consider and comply with the unanimous demand of our fellow citizens all over the Republic in securing an interoceanic highway through Nicaragua in the interest of our general welfare, industrially, commercially, and as a means of national defense. They state that no subject presented at this time to the American people is of greater moment to their prosperity, and with their unanimous approval and urgent request they respectfully represent that Congress should act promptly and decisively in obtaining "an American canal under American control."

I desire to have unanimous consent to have the petition printed in the RECORD. It is not voluminous. It does not embrace over a paragraph.

Mr. SHERMAN. I have no objection to having the petition printed as a document, but we have agreed on both sides to object to the printing of petitions in the RECORD. The Senator from Tennessee [Mr. HARRIS] objects on the other side and I think I shall have to take the privilege of objecting on this side.

Mr. FELTON. I would not make the request, but the petition is signed by a half dozen prominent associations of California on a subject in which they have a deep interest. If Senators on the other side fail to object I am very sorry that the Senator from Ohio does so.

Mr. SHERMAN. I will say to the Senator from California that I have no objection to the petition being printed as a document, and in that form it is much better to be distributed, but to print petitions in the RECORD is to increase the cost of printing to an untold amount. Probably the cost of printing in the RECORD would be twenty times as much as if printed in the form of a document, and to print it in document form will answer every purpose.

Mr. FELTON. I do not think it would receive any consideration if printed in the form of a document, and unless distributed it would be unnecessary. Therefore I will not ask that the petition be printed as a document. I move that it lie on the table, the bill having been reported.

The motion was agreed to.

Mr. QUAY presented a memorial of the Evangelical Lutheran, the Presbyterian, and other churches of Duncannon, Pa.; a memorial of the Central Presbyterian Church of Mercer County, Pa.; a memorial of the Mount Zion Lutheran Church of York, Pa., and a memorial of a number of citizens and churches of Elgin, Ill., remonstrating against any repeal of the law closing the World's Columbian Exposition on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

Mr. WASHBURN presented a memorial of the commissioners of the sinking fund of the city of New York, remonstrating against the erection of a bridge over the Hudson River with approaches at or about Seventieth street in that city; which was referred to the Committee on Commerce.

He also presented a memorial of the Presbyterian Synod of Minnesota, remonstrating against the opening of the World's Columbian Exposition on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

He also presented petitions of the State Grange of Minnesota; of 38 citizens of Nicolet County, and of 29 citizens of Sibley County, all in the State of Minnesota, praying for the passage of the Washburn-Hatch antioption bill; which were ordered to lie on the table.

Mr. TELLER presented a petition of the Reformed Presbyterian Church of La Junta, Colo., praying for the closing of the World's Columbian Exposition on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

Mr. MORGAN presented a memorial of 42 citizens of Selma, Ala., and vicinity, remonstrating against the passage of the Washburn-Hatch antioption bill; which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. BLODGETT, from the Committee on Pensions, to whom was referred the bill (S. 9433) granting a pension to Mrs. Ann Mercer Slaughter, reported it without amendment, and submitted a report thereon.

Mr. VILAS, from the Committee on Pensions, to whom was referred the bill (H. R. 1795) to increase the pension of A. J. Copenhaver, late a soldier in the Mexican war, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 8038) granting a pension to William M. Watson, of Walker County, Ga., reported it without amendment, and submitted a report thereon.

Mr. STEWART, from the Committee on Mines and Mining, to whom was referred the bill (H. R. 9286) to create the California Débris Commission and regulate hydraulic mining in the State of California, reported it with amendments.

Mr. MILLS, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (H. R. 3676) for the relief of R. L. Jennings, late postmaster at Marshall, Tex., reported it without amendment, and submitted a report thereon.

Mr. DAWES, from the Committee on Indian Affairs, to whom was referred the bill (H. R. 7633) to ratify and confirm an agreement with the Kickapoo Indians in Oklahoma Territory, and to make appropriations for carrying the same into effect, reported it with an amendment.

He also, from the same committee, to whom was referred the bill (S. 3329) to increase the area of the Northern Cheyenne or Tongue River Indian Reservation, Montana, and to authorize the Secretary of the Interior to settle the claims of bona fide settlers within the present reservation and the addition thereto, and to make appropriation for that purpose, reported it without amendment.

Mr. DANIEL, from the Committee on Claims, to whom was referred the bill (S. 651) for the relief of Aaron Van Camp and V. P. Chapin & Co., submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. SAWYER, from the Committee on Pensions, to whom was referred the bill (S. 2243) for the relief of W. G. Piper, of Moscow, Idaho, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 3670) granting an increase of pension to Charles A. Lang, reported it without amendment, and submitted a report thereon.

JOSIAH PICKETT.

Mr. SAWYER. I am directed by the Committee on Post-Offices and Post-Roads, to whom was referred the bill (S. 3564) for the relief of Josiah Pickett, to report it with an amendment.

Mr. HOAR. I ask that the bill may be considered now. It is very short.

Mr. SAWYER. I hope the bill will be considered at this time.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment of the Committee on Post-Offices and Post-Roads was, in line 7, before the word "satisfied," to strike out the word "reasonably;" so as to make the bill read:

Be it enacted, etc., That the Postmaster-General be directed to settle the account of Josiah Pickett, of Worcester, Mass., formerly postmaster at that place, by crediting to said Josiah Pickett all such sums received by him as interest on public moneys deposited as the Postmaster-General shall be satisfied have been applied by said Josiah Pickett for public purposes in connection with his office as postmaster aforesaid.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM J. AND JOSEPH M. CARNELL.

Mr. DOLPH. By direction of the Committee on Public Lands, I report back with amendments the bill (S. 3649) for the relief of William J. Cornell and Joseph M. Cornell, the only amendment being a change in the spelling of the name. It is an important private bill, will only occupy the time of reading, and I ask for its present consideration.

Mr. SHERMAN. Let it be read for information.

After reading, the Senate, by unanimous consent, proceeded to consider the bill as in Committee of the Whole. It proposes to appropriate $800, $400 of which shall be paid to William J. Carnell, on account of an overpayment of that sum to the receiver of the United States land office at Lagrande, Oregon, on land entry numbered 4298, for the south half of section 27, township 3 north, of range 30 east, and $400 thereof to Joseph M. Carnell, on account of an overpayment by him of that sum to the receiver, on land entry numbered 4292, for the north half of section 27, township 3 north, range 30 east, these entries having been made under the third section of the act of September 29, 1890, and the parties having been, by mistake of the officers of the land office, required to pay $2.50 per acre instead of the legal price thereof, namely, $1.25 cents per acre.

The VICE-PRESIDENT. The amendments of the Committee on Public Lands will be stated.

The CHIEF CLERK. In lines 6 and 11 change the spelling of the name from "Cornell" to "Carnell."

The amendment was agreed to.

The CHIEF CLERK. In line 9 strike out the word "southern" and insert the word "south," so as to read "south half."

The amendment was agreed to.

Mr. DOLPH. The amendments merely correct mistakes made in printing.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of William J. Carnell and Joseph M. Carnell."

PRINTING OF PURE-FOOD BILL.

Mr. MANDERSON. I am directed by the Committee on Printing to report a Senate resolution, and I ask for its present consideration.

The Senate, by unanimous consent, proceeded to consider the resolution; which was read, as follows:

Resolved, That 500 copies of Senate bill No. 1 be printed as reported by the Committee on Agriculture of the House for the use of the Committee on Agriculture and Forestry.

Mr. MANDERSON. This is a reprint of what is known as the pure-food bill. The printing is desired by the committee.

The resolution was agreed to.

BILLS INTRODUCED.

Mr. WILSON introduced a bill (S. 3699) for the relief of John Bryson; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Post-Offices and Post-Roads.

Mr. CHANDLER introduced a bill (S. 3700) for the relief of Arthur C. Heffenger; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Naval Affairs.

Mr. BUTLER introduced a bill (S. 3701) granting a pension to Franklin A. Stoddard; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. DAWES introduced a bill (S. 3702) granting to the Chicago, Rock Island and Pacific Railway Company the use of certain lands at Chickasha Station, and for a "Y" in the Chickasaw Nation, Indian Territory; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. VOORHEES introduced a bill (S. 3703) for the relief of John Spicer; which was read twice by its title, and referred to the Committee on Claims.

Mr. PEFFER (by request) introduced a bill (S. 3704) to amend an act entitled, "An act to provide a temporary government for the Territory of Oklahoma, to enlarge the jurisdiction of the United States court in the Indian Territory, and for other purposes," approved May 2, 1890; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. MORGAN introduced a bill (S. 3705) to ratify and confirm an agreement with the Wichita and affiliated bands of Indians in Oklahoma Territory and to make appropriations for carrying the same into effect; which was read twice by its title, and referred to the Committee on Indian Affairs.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. BERRY submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. McMILLAN submitted an amendment intended to be proposed by him to the District appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. QUAY submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

LEWIS D. ALLEN.

Mr. COCKRELL. When the Senator from Oregon [Mr. MITCHELL], chairman of the Committee on Claims, reported adversely the bill (S. 1421) for the relief of Lewis D. Allen, I asked that it might be placed on the Calendar until I could examine the report. I ask now that the bill be indefinitely postponed, as the committee recommended. I have examined the report. I wish simply to rid the Calendar of the bill.

Mr. MITCHELL. I will state to the Senator from Missouri that there are two bills in the interest of this same claimant, both reported adversely, I think.

Mr. COCKRELL. I think the other bill has already been postponed indefinitely.

Mr. MITCHELL. Perhaps so.

Mr. COCKRELL. I do not find the other bill on the Calendar. This is the only one I find.

Mr. MITCHELL. I think the other bill was perhaps indefinitely postponed.

Mr. COCKRELL. I do not think any one asked to have the other bill placed on the Calendar.

The VICE-PRESIDENT. The bill will be postponed indefinitely, if there be no objection.

J. C. IRWIN & CO. AND OTHERS.

Mr. COCKRELL. The bill (S. 21) for the relief of J. C. Irwin & Co. and C. A. Perry & Co. was reported adversely on the 27th of January, 1892, from the Committee on Claims by the senior Senator from Kansas [Mr. PEFFER], and was placed on the Calendar. I have conversed with him, and he makes no objection to my request that the bill and adverse report be recommitted to the Committee on Claims.

Mr. PEFFER. The Senator from Missouri called my attention to this particular case and suggested that some other and further evidence bearing upon the matter of the claim would be presented. Upon that account I think that the bill should be recommitted to the committee. I have no objection to the course suggested.

The VICE-PRESIDENT. The Senator from Missouri moves that the bill be recommitted to the Committee on Claims.

The motion was agreed to.

ADDITIONAL QUARANTINE POWERS.

The VICE-PRESIDENT. If there is no further morning business, that order is closed, and the Chair lays before the Senate the regular order.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2707) granting additional quarantine power and imposing additional duties upon the Marine Hospital Service, the pending question being on the amendment proposed by Mr. WHITE, to add to the last section of the bill the following:

All the provisions of this act shall expire on the 1st day of January, 1895.

Mr. GALLINGER. The Senator from Florida [Mr. CALL] has the floor, I understand. Does he wish to proceed now?

Mr. CALL. I will yield the floor to the Senator from New Hampshire if he desires to make some observations at this time.

Mr. GALLINGER. Mr. President, there can be no doubt in the mind of any Senator as to the importance of the legislation contemplated by the bill under consideration. It is but proper, however, that I should say, as a member of the Committee on Epidemic Diseases which reported the bill, that it had not a very thorough consideration in committee, and it was understood that each member of the committee might express on the floor his own judgment as to the proposed legislation, and vote as his conscience might dictate.

I have been greatly interested in reading the discussion of this bill during my enforced absence from the Senate. I was yesterday interested in hearing the assurances from the lips of the distinguished Senator from Tennessee [Mr. HARRIS], the chairman of the Committee on Epidemic Diseases, that in his judgment this legislation was constitutional. I was reminded during his speech of the fact that when the bill to establish a national sanitarium for the treatment of pulmonary diseases was before the same committee, the Senator from Tennessee and the Senator from Louisiana [Mr. WHITE] were both very clearly of the opinion that the proposed legislation in that bill was unconstitutional, and those Senators so reported to the Senate; but the bill now under consideration, the provisions of which not only authorize the use of public money with which to extirpate cholera and yellow fever, but also smallpox, diphtheria, scarlet fever, measles, and chickenpox, as well—for it covers all forms of contagious and epidemic diseases—is constitutional.

I do not quarrel with the distinguished chairman of the Committee on Epidemic Diseases as to the view he takes of this bill, but simply wish to suggest to him that he ought to reverse the views he announced on the bill to establish a national sanitarium.

Tuberculosis has destroyed in this country during the last twenty years a hundred times more people than cholera and yellow fever combined, and hence, in my judgment, has a superior claim for legislation by Congress.

After the bills relating to quarantine and immigration have been considered, I propose to ask action upon the sanitarium bill, which stands adversely reported by the Committee on Epidemic Diseases.

Mr. President, in reading the discussions on this question in this Chamber last week, I was very much surprised to find that some severe animadversions were indulged in concerning the Supervisor-General of the Marine Hospital Service. I desire simply, in a single word, to say that from my personal and professional acquaintance with that gentleman he should be shielded from any personal attack on this floor. He is a man who stands high in his profession, a man who is recognized the country over, and perhaps the world over, as a distinguished sanitarian. It strikes me that it was proper that that officer should be interested in legislation such as is now before the Senate, and that he might properly, whether he did or not, come to the Capitol

for the purpose of making suggestions concerning such legislation as this.

Why should he not interest himself in legislation of this kind? Is it not more sensible for a man high in his profession, at the head of the only medical bureau of the Government, to undertake even to instruct Senators as to matters of this nature rather than to receive instructions from the Secretary of the Treasury, who knows no more about medicine than the Cardiff giant does of spectral analysis.

On this question of quarantine, I desire to remark that "quarantine" originally meant a forty-days detention of a vessel suspected of having an infectious or contagious disease on board or one arriving from an infected port; during which period intercourse with the shore was forbidden, and passengers and crew, infected and healthy alike, were confined together in violation of every sanitary requirement or precaution. Such a system of quarantine—the period of detention only varying—is still in vogue in some European countries, in the Spanish West Indies, Mexico, South America, and even in the United States in a modified degree, as we had occasion to learn last year. It is utterly unscientific and barbarous.

The lower in the scale of civilization and of maritime commercial importance, the less informed as to the resources of modern sanitary science—and, consequently, the more readily a prey to unreasoning panic—the greater the reliance on the arbitrary time-detention quarantine.

The pathetic story which the distinguished Senator from Tennessee yesterday gave of the ravages of the yellow fever in Memphis should be qualified by the remark that that epidemic was due almost wholly, as was well known to the medical profession at the time, to the filthy condition of the city of Memphis, which furnished food for that epidemic. Perhaps the Senator from Tennessee will say that that fact is a reason for Federal interference; but, Mr. President, the Government of the United States can not undertake to keep every man's cellar and back yard clean and undertake to supervise the condition of the streets and alleys of the great cities of this country.

The best exposition of quarantine that I have seen is in a series of resolutions passed by the Illinois State board of health. The principles laid down strike me as being so sound and sensible that I will take the liberty to read them, that they may go into the RECORD for the information of the Senate and of the country. Those resolutions are three in number:

Resolved, That the first principle of modern maritime sanitation—"quarantine," so called—in dealing with an infected vessel or vehicle, or one concerning which there exists reasonable suspicion of infection, demands the immediate removal therefrom, first, of every individual, passenger and crew; and second, of all material capable of being the nest of infection and contagion, and the immediate enforcement of proper measures of medical inspection, sanitary treatment, disinfection, etc.

Resolved, That no sanitary authority—national, State, or municipal—is justified in enforcing a quarantine of detention until it has secured provision for the decent and proper care of those detained, such care involving the removal of the sick to isolation hospitals, and the comfortable shelter and subsistence of those detained during the incubation period, with competent medical oversight during such period.

Resolved, That under no circumstances is an arbitrary period of detention justifiable; but the duration of detention, as to persons, should be determined by the period of incubation of the particular disease to be guarded against; and as to things, by the time required for the disinfection of material, and for the cleansing of the vessel or vehicle so that it may be safely and promptly returned to its proper employment.

Those principles are in the line of modern ideas concerning this question of quarantine, and, in my judgment, if a bill was drafted on that line it would be infinitely preferable to the bill now under consideration by the Senate.

The Secretary of the Illinois State board of health says:

The present status of quarantine in the United States, the national system, is imperfect for want of adequate and definite legislation. State quarantines are costly, conflicting, capricious, and wholly unreliable. They are costly in that they often impose unnecessary and vexatious restrictions upon travel and traffic. They are conflicting because they are the outcome of varying degrees of civilization and intelligence. They are capricious because too often the response to popular clamor accented by popular superstition and popular fear. They are unreliable because all experience, foreign and domestic, proves the futility of quarantines of exclusion and sanitary cordons between States and communities on the same continent.

A national quarantine—or rather a national sanitary service—would impose the minimum of interference with commerce while securing the maximum of protection to the public health.

Let Congress enact that no immigrant shall enter the United States except through certain specified ports of entry on the sea-board and frontier, at which ports suitable sanitary depots shall be established and maintained under the control of the National Government. Then let the administration of such depots see to it that no immigrant passes the sea-board or frontier into the interior except through the portals of a bathhouse, nor his personal effects and belongings except through the washtub and disinfecting chamber—and this if for no other reason than that the conditions of the steerage passage are conducive neither to cleanliness nor health.

If from a healthy port, on a healthy vessel, and himself healthy, the detention of the immigrant for such purposes of purification would be a matter of a few hours only; if communicable disease existed or was suspected, the period of detention would vary according to the character of the disease, and he would, if sick, be properly treated and cared for in hospital under conditions most favorable for his speedy recovery. But under no circumstances should any immigrant or his belongings be allowed access to the interior until he and his had first been rendered incapable of carrying and spreading the exotic diseases and pestilences.

This would render State quarantines unnecessary, since it is the infected immigrant who furnishes the chief cause for their being. It would also render the restriction or prohibition of immigration unnecessary from the standpoint of the sanitarian, and without reference to the social, economic, and political questions involved.

It may be added that the prohibition of immigration as a measure designed to exclude contagious disease is not defensible. It is not in accord with accepted sanitary principles. It is unscientific and calculated to beget a false sense of security in a vicarious protection, which would lead to a neglect of or indifference to the necessity for personal and public hygiene.

I believe in a national quarantine system, but the bill under consideration falls far short of that. It is a mixture of State and national authority, and, in my opinion, there will be conflicts innumerable when that bill, if enacted into a law, comes to be enforced. It is at best tentative legislation. As such it may be wise to adopt it, but for that reason also it strikes me that the proposition of the Senator from Louisiana that the provisions of the bill shall expire in two years from March 4 next is a sensible one.

The present agitation of this question is due to the fear of a cholera epidemic, and its agitation has disquieted and alarmed the public mind.

It is a well-recognized fact among medical men that fear is among the leading causes of the spread of cholera during the prevalence of that disease, and if a cholera epidemic does not prevail in this country next year it will not be the fault of Congress and the newspapers of the country.

Let me add, if proper sanitary regulations are adopted and enforced in the cities of the United States very little fear need be apprehended of a cholera epidemic.

The remedy is in the hands of the people, and all the legislation that Congress can enact will not shut out the disease in the absence of good sewerage, pure water, and clean streets in our American cities.

But undoubtedly there is a public demand for legislation of some kind. This bill is imperfect; but let it be passed, terminating at the time suggested by the amendment of the Senator from Louisiana.

During the next two years medical and health societies will have had time to carefully study the subject, and a complete and comprehensive bill will be the result.

I trust the amendment of the Senator from Louisiana will be adopted; but whether adopted or not, I shall feel it my duty, while entertaining some opinions in opposition to some of the provisions of this bill, to support it by my vote.

Mr. CALL. Mr. President, the question of the constitutionality of this legislation as respects interstate commerce was under consideration by me when I closed my remarks last evening. Upon that subject I think th re can be no reasonable doubt. The authority to regulate interstate commerce is precisely the same as that which is given to regulate the foreign commerce of the country. Can it be supposed, under any reasonable construction of the Constitution, that if within a State, upon a train or upon a vessel passing into another State, there is a case of cholera, there is a case of epidemic and contagious disease, which is liable if carried into a State which has no legislation upon the subject to affect the entire commerce between the two States—can it be supposed that there is no authority in the Federal Government to prescribe the rules and regulations which shall control the passage of the person or of the freight which is liable to convey infection? Is not such a fact destructive of commerce? Can there be any commerce between the States in the presence of a great contagion, of an infection which is general?

In the State of Florida, when the yellow fever made its appearance there, the entire commerce was suspended; and if there had been no legislation upon the subject the fears of the people and the almost inevitable sickness and probable death that would have attended the majority of the people engaged in commercial transactions would have suspended commerce between the part of the State where this disease existed and other States.

So it seems to be a question as to which there can be no doubt, that the existence of this power and its exercise is absolutely necessary to the preservation of commerce between the States. It can not be conceived that there is a power in the Federal Government to regulate commerce, and yet that that does not include all those things which are absolutely necessary to the existence of commerce.

Again, the powers of the Federal Constitution must be construed in harmony with those granted to the States, and those granted to the States, where they cross the line of Federal authority, must, in like manner, be qualified by the existence of this power in the Federal Government.

In what respect does it interfere with the autonomy of a State and with the powers of a State in regard to its police and the preservation of the health of its people, that the Federal Government should have authority to protect the interstate commerce of the country from those things which would be destructive of it? I can not conceive of any difficulty in the entire

harmony of these two powers, nor can I imagine that any State would be unwilling to allow the Federal Government—if the exercise of this power is confined strictly to those things which affect commerce between States—to allow the exercise of jurisdiction over such places within the territory of the States as might be necessary for places of sanitation, of detention, and of disinfection of baggage and persons.

Mr. President, the existence of this danger from epidemic diseases, from cholera, is imminent. It has extended over a great part of Europe. I have here a table of the percentage, collected from imperfect authority, of the deaths by cholera up to the month of September in European countries. In some cases, for instance in the town of Bakoo and other parts of Russia, the deaths are reported as high as 75 per cent. Here we have an alarming picture of the danger which may be extended to this country from this epidemic. The deaths vary from 75 per cent coming down to 4 per cent and 8 per cent in different portions of the country. One hundred and forty-four thousand deaths, under this imperfect chronicle, up to the month of September, during a period, I think, of hardly more than two months, are recorded for a few provinces in the kingdom and empire of Russia.

The whole evidence collected by the distinguished Senator from New Hampshire [Mr. CHANDLER] and the Committee on Immigration in connection with the members of the Committee on Epidemic Diseases—and I think he is justly entitled to high consideration for the diligence and the ability which he has shown in the collection of this evidence and these facts—exhibits the fact that there is concurrence of opinion throughout the entire medical profession and health authorities of this and foreign countries as to the imminence of this danger from cholera.

As to the methods by which it shall be prevented, I read yesterday the opinion of a distinguished medical man in the State of Florida, which has been confirmed by the statement read from the Illinois board of health by the Senator from New Hampshire [Mr. GALLINGER], that the efficient remedies were sanitation, disinfection, and places of temporary detention. This evidently requires that it shall be done not only in one place, but in all places where there is an importation of infected freights or passengers or immigrants.

In the reports of the Marine Hospital Service we find a report from one physician calling attention to the danger of the distribution of cholera through the importation of sugar, and the handling of the sacks in which the sugar is placed for commercial purposes by persons having cholera, and from persons in localities where cholera exists. Here is a source of danger which requires careful attention. Here is a species of freight, if this opinion be true, and it seems to be a reasonable one, which would require the utmost care of disinfection.

How is such disinfection to be had? Shall Florida be required to have her system of sanitation and disinfection, which she has established at a great expense to her people, and Louisiana be without it or Alabama be without it or New York be without it? Of what avail will the most efficient local sanitation or quarantine be when the adjacent places and the adjacent States are without it? The necessity, therefore, for some central authority extending all over the country is a manifest one, and it seems to me one as to which there should be no doubt.

In reference to the proposition that this should be a temporary law, I have no objection to complying with the request of the Senator from Louisiana upon that subject; but I am satisfied that the interests of this country require a permanent law. The bill which we have now before us for consideration is not, in my opinion, as the Senator from Tennessee has stated, what it ought to be. There may not be time for the consideration of such a measure. The act, which should be permanent, should provide, according to the best authorities, a place within every State where immigrants and passengers from foreign countries might be required to land.

I do not think that, under the constitutional provision upon this subject, we could limit the places where immigrants and passengers shall land from foreign countries to any one State, or that we could discriminate by any regulation of any kind as between the ports of the different States, forbidding the entering into them of passengers and freight; but the constitutional requirement would be complied with by providing one port in each State where all immigrants and all passengers, in a time of public danger, might be required to land, and at such place the proper system and methods of sanitation and disinfection might be had.

In the State of Florida, which lays in close proximity to Cuba and the West India Islands, where the yellow fever has become perennial and where in its worst forms it is at any time and at all times liable to be imported into the United States through the almost daily intercourse which exists between portions of the State of Florida and Cuba and the West India Islands, the port of Tampa has, by reason of its railroad connections, become almost the exclusive port on the mainland at which these immigrants and these passengers and this freight arrive. Under the enlightened administration of the health board of that State by Dr. Porter, of Key West, president of the board and a former surgeon of the United States Army, and by Dr. Burgess, an agent and employé of the Marine Hospital Service stationed in Havana, they have adopted a system of maritime sanitation with a disinfecting apparatus belonging to the State which has been a complete protection and has eliminated from the commerce between Cuba and the other West India Islands and the State of Florida and the commerce of the United States passing through the State of Florida all danger of infection. Since the establishment of this system there has been no introduction of this most dangerous and deadly disease into the United States from that source.

So in regard to Pensacola under the influence of Dr. Anderson, of the State board of health, and other gentlemen in connection with the Marine Hospital Service coöperating with them, they have been enabled to make that place entirely secure against the visitations of yellow fever which formerly entered at that port.

Now, this is a step in advance in the direction of maritime sanitation. It requires a place of detention, a place of disinfection, a place where there is the apparatus devised by modern science for the purpose of thoroughly disinfecting the vessel, the passengers, the freight, and all this has been reduced to a demonstration. Hence it is we find in that valuable mass of evidence collected by the Supervising Surgeon-General of the Marine-Hospital Service and lying upon my table here, that this opinion is confirmed by all distinguished scientists and medical men who have been charged with the protection of the people of Russia and Germany and other countries of Europe against the cholera in the recent epidemic.

The plan of sanitation, and short detention, and disinfection has been found to be a secure protection. There is no question, while cholera is not as liable to be introduced by passengers in the cabin as it is by the great mass of immigrants in the steerage of a ship, that it is not a respecter of persons, and that it will be found in the cabin as well as in the steerage. While in view of the facts that at many of our different ports there is no adequate mode of disinfecting and protecting the community from danger from those people except by their exclusion, it is certainly true that it is incumbent upon the United States to see that in every locality where there is intercourse with foreign countries, where this disease or any other infectious or contagious disease is prevailing, it is the duty of the United States to see that that commerce shall be confined, so far as it has the power to do it, to the places where the passengers and the freight of commerce may be thoroughly disinfected and made safe to enter into the country.

The ravages of this disease and of the yellow fever are almost equal to those of the plague in ancient times, which nearly destroyed the population of some of the countries of Europe, which actually destroyed all commerce and made those cities a desolation, and it is a possible thing to-day that the same causes may produce the same results. There is poverty in all our great cities. The circumstances which surround a vast number of the people in every crowded center of population are such as to make disease almost natural to them, and when it comes in an epidemic form, under our present social and industrial system, it will find vast numbers of the people dependent upon public charity and public measures for their protection against any form of general epidemic disease.

The Committee on Immigration should have, in connection with the question of immigration, the question of the introduction of epidemic disease by means of immigration; and with the Senator from Tennessee, as I am informed, and with the Senator from Maryland, who represented his committee, have taken evidence upon this subject which clearly indicates that there is no question of more pressing importance resting upon this Congress than legislation for the adoption of the discoveries of modern science, which have been proved to be efficacious for the prevention of the general spread of this disease.

The bill, therefore, of the Senator from Tennessee has precedence in importance to any which is now before this Congress or which is liable to be before this Congress. It is not without the limits of a reasonable probability from the experience of Europe that if this disease obtains a firm hold upon this country, not less than one million human beings will be its victims, and that there will be a suspension of industry which will cause a loss of money, an interruption of commerce, that can not be estimated even by the hundreds of millions of dollars; but questions of humanity are paramount to these.

We find in the Government of Great Britain the proclamation of the Queen establishing a board of health in the province of Canada and clothing it with the same discretionary powers which are given in this bill. So we find in the legislation of Germany and of France and in the royal orders and decrees of the gov-

ernments of those countries that this discretionary power is vested in a board of intelligent men under the control of the government—of physicians, scientists, and practical men—with power to suspend intercourse, to isolate cases, to provide places of detention, and to fix the places of maritime sanitation. These are the means which have been adopted everywhere.

The question, then, is how far the bill before us answers this purpose? I think there are some criticisms upon it which are perhaps just. I find in the first section of the bill a provision which says:

That it shall be unlawful for any merchant ship or other vessel from any foreign port or place to enter any port of the United States except in accordance with the provisions of this act—

That is all very well, but the bill goes on to say—

and with such rules and regulations of State and municipal health authorities as may be made in pursuance of, or consistent with, this act—

That is all very well, too, if it can be enforced; but the bill goes on to say—

and any such vessel which shall enter, or attempt to enter, a port of the United States in violation thereof shall forfeit to the United States a sum, to be awarded in the discretion of the court, not exceeding $5,000.

Mr. President, I am afraid that this provision of the bill is incompetent to confer jurisdiction upon a court of the United States to inflict the penalty for a violation of a State law or municipal regulation. The bill requires that it shall not only be a law of the United States, but also a law of the State, for it says:

Except in accordance with the provisions of this act and with such rules and regulations of State and municipal health authorities.

It is true that in the Siebold case, relating to State election laws, the Supreme Court decided that an offense against the State law could be punished in the United States court when an act of Congress so provided, and the reasoning seems applicable to this case, but it does not seem to me to be clear that this case would come within the reasoning of the case.

It seems to me that it would be a good objection to any of the penalties sought to be enforced in the jurisdiction of the United States courts, to say that the law requires this to be an offense not only against this act, but also against the rules and regulations of the health boards of the State, and that both, not one or the other, must be violated. If it were not an offense against this act, but only against that of the State, it may not be competent for this bill or any bill to give jurisdiction to a United States court to inflict a penalty for a violation of a State law, not an election law, but only a regulation of a municipal board of health in a State.

I shall not undertake to delay this bill, because the supervision which it establishes and the means which it will provide, and the money which will follow the passage of the bill under an appropriation by Congress, will in my opinion be, with the assistance of the Supervising Surgeon-General and the organization of the Marine Hospital Service and the State boards of health, largely efficacious to protect the country against the cholera and against the approach of epidemic disease.

I think I may speak somewhat advisedly upon this subject, because in the State of Florida we have had tested fully the efficacy of this supervision by the Federal authorities in coöperation with the State officials; not that they have supplemented the intelligent administration by Drs. Porter and Warren, of the State board, with any new ideas, but that they have stimulated them, they have furnished them constant information which otherwise would not have been accessible to them; by their station in Havana, and the intelligent and watchful attention of Dr. Burgess, they have been enabled, in concert with Dr. Burgess and officers of the bureau at that place, to devise such a system of thorough inspection there and such a system of sanitation upon arrival here as to effect the purpose of security against the importation of disease. Therefore, I think I speak advisedly when I say that whatever may be the defects of the bill before the Senate, however much it may fail to attain the ends which must finally be attained, of not only a general supervision, but a thorough sanitation and disinfection of all baggage and of all passengers, which is evidently the modern system, however the bill may fail in those respects, it will be largely efficacious in the general supervision which will be extended over the whole country, and in the warnings which will be given to the different localities and the different State officers, and even to public opinion.

We have seen that stimulated by this information and by the efficient administration of the Marine Hospital Service; we have seen that in the city of New York, in the late threatened epidemic of cholera there, public opinion was so aroused as to bring out very large voluntary contributions for purposes of sanitation in the city. In this respect alone, in the information and the warnings which will be communicated to the authorities throughout the country, this bill and the appropriations to follow, it will have very great influence, and I think be largely efficacious.

In this connection I desire to say that the services of the Senator from New Hampshire [Mr. CHANDLER] in the Committee of Immigration, in awakening public attention and in directing intelligent consideration to the subject, have been of great value and great interest to the country.

I am in favor of this bill, not only because I regard it as entirely constitutional, but because I consider the exercise of this constitutional power to be one of the most beneficent which can possibly be considered.

In regard to the amendment of the Senator from Louisiana [Mr. WHITE], if he thinks that it would make this bill more acceptable to the people of Louisiana, while I am in favor of a bill which shall be permanent, which shall bring into the consideration of these questions of sanitation, of contagion, and of epidemic disease, the intelligent opinion of the medical profession outside of the Marine Hospital Service, while I think that this bill should contain a provision authorizing the President of the United States to call into his councils the eminent scientists and sanitarians from all the States, and to have him direct them to apply themselves to the investigation in different localities of this question, while I think the medical profession outside of the Marine Hospital Service should be made use of by the Government equally with that inside, although this bill may be in that respect deficient, and a general bill and a permanent bill might very well be made which contained these provisions, yet I am disposed to accord to the Senator from Louisiana, in view of the fact that his people are largely opposed to the passage of any bill, that they should have an opportunity to see the beneficent operation of this act during the next two years. During that time a bill may be perfected which shall comprehend not only the feature of employing under the Government when occasion shall demand it the medical force, the surgeons of the Army, and the Surgeon-General of the Marine Hospital Service, but shall also include an authority in the President, in times of danger, to appoint civilians to temporarily make use of eminent men in the medical profession in every locality, to assemble a council of health, when it shall be necessary to do so. I am willing, however, to take the bill as it now stands, if we can do no better. I had prepared a bill which I think more fully meets the views of the people of Florida, but inasmuch as there seems to be a doubt whether or not a new bill could obtain at this period of time that consideration which would be necessary for its passage, I think we had better adopt the bill introduced by the Senator from Tennessee.

Mr. President, the question of the public health under our modern system of rapid intercourse, of intercommunication under our system by which vast multitudes of people of all the countries of the world, the old and the new, subjected to every variety of social condition, of want, of indigence, which fosters disease, rapid transit, the almost instantaneous facilities of communication, render the question of the measure by which the public health shall be protected in every country matters of the greatest importance.

This bill should contain, if there were time for its consideration, a provision for an international agreement for sanitation between the Island of Cuba, the other West India Islands, and the United States, and between Europe and America. Nothing but an international agreement can adequately protect this country against invasion occasionally by the most virulent and fatal form of contagious and infectious disease. I suggest, however, this as a matter for consideration; but Congress must make up its mind, as the people of this country have made up their minds, that there must be legislation upon this subject in advance of any which has heretofore existed. It may be, and I think it is true in regard to immigration, if it be a necessity when there is an epidemic of contagious disease in foreign countries and in the form of an extensive plague, that they shall be confined, as recommended by the State board of health of Illinois, in their entrance to this country to some one port in each State—probably the constitutional requirement will not admit of anything else; and at such ports the Government should have the most thorough and the most complete means of disinfection and arrangement for the detention, not such as is necessary where there is no preparation for it, but such as is consistent with humanity.

I read in the reports here that in some of the quarantines established by Russia and upon the Turkish border the vilest imprisonment to which any human being was ever subjected is not worse than that prescribed by the conditions of confinement there. It is not worthy of an enlightened people that we shall allow such a condition of things to exist in our country; it is not worthy of an enlightened people that such a condition should exist as did exist in the port of New York, where the excited people refused permission to the passengers on board a vessel affected with this plague to land, and kept them there in contact with this deadly disease. Public opinion, and the enlightened

public opinion, of this country demands some legislation, the most thorough and complete, to attain the end required by modern science.

But these considerations, Mr. President, it seems are not pertinent to the occasion. The general opinion seems to be that there is no time, unless we adopt this bill, in which other provisions could be made. While, therefore, I desire and I think it would be far better to have a system in which intelligent medical opinion of the different States outside of the Marine Hospital Service should be required to be made use of by the President in connection with it, while I think there should be a provision in this bill that in every State there should be one place, one port, where baggage and persons from infected countries must land, and there complete arrangements be made for their isolation, detention, and disinfection, the shortest possible time being required for that, so that commerce may be as free as possible from unnecessary obstruction—while I am of that opinion, and would, if time were allowed, introduce amendments to this bill or a substitute for it, I shall give the bill my support.

The PRESIDING OFFICER (Mr. SHOUP in the chair). The question is on the amendment proposed by the Senator from Louisiana [Mr. WHITE], which will be stated.

The SECRETARY. At the end of the bill it is proposed to insert:

All the provisions of this act shall expire on the 1st day of January, 1895.

Mr. HARRIS. Mr. President, I desire simply to say in respect to the amendment of the Senator from Louisiana, that if this bill shall be passed and shall be found to be defective in any respect, the Senator from Louisiana, as well as all other Senators, knows that Congress may amend it and repeal it at any hour of any session it may choose. It is not entirely as experimental as many Senators seem to think it, for, if Senators will look at the act approved June 2, 1879, they will find that on that day an act was approved which contains every power contained in this bill; indeed, the bill which is now pending was taken from that act, the only difference being in substance that that act conferred these powers upon the National Board of Health, which then existed and which still exists in the statute, under the direction of the Secretary of the Treasury, while this bill drops the National Board of Health out of view, and proposes to repeal the act which created it.

The only other exception to be found as between that act and the pending bill is the section which gives the President the power in cases of emergency to suspend immigration temporarily. That act expired by its own limitation, for it was amended just before its passage by a provision that the act should expire in four years from the date of its approval. It was in force for four years, from 1879 to 1883, and under its provisions the yellow fever which occurred in 1879 was promptly stamped out; there was no further importation, and the country was freed for those years from imported contagion.

Mr. BUTLER. May I ask the Senator from Tennessee if that act went as far as the pending bill in the direction of establishing national quarantine?

Mr. HARRIS. Absolutely.

Mr. BUTLER. As far as this measure?

Mr. HARRIS. Absolutely. The Senator will find it on page 5, of the twenty-first volume, of the Statutes at Large.

Mr. BUTLER. The act expired by its own limitation?

Mr. HARRIS. It expired by its own limitation, but was in force for four years, and was enforced for four years; and so far as the sanitarians of the country generally are concerned it was universally approved.

That is all I desire to say. Let us have a vote upon the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Louisiana [Mr. WHITE].

Mr. WHITE. On that I call for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. CALL (when his name was called). I am paired with the Senator from Alabama [Mr. PUGH]. If he were present, I should vote "yea."

Mr. HOAR (when his name was called). I have a pair with the Senator from Alabama [Mr. PUGH], but he and I agree upon this question, and I have his permission to vote. I vote "nay."

Mr. HARRIS. I desire to state that the Senator from Alabama [Mr. PUGH] before leaving the Chamber told me he was paired with the Senator from Massachusetts [Mr. HOAR], but he and the Senator from Massachusetts agree, and the Senator from Alabama asked me to pair him with any one on the other side. I asked the Senator from Florida [Mr. CALL] to pair with him, which he agreed to do.

Mr. CALL. I have announced my pair.

Mr. MANDERSON (when his name was called). I am paired with the Senator from Kentucky [Mr. BLACKBURN]. If he were present I should vote "nay."

Mr. PASCO (when his name was called). I am paired with the Senator from North Dakota [Mr. CASEY]. If he were present I should vote "yea."

Mr. QUAY (when his name was called). I have a general pair with the Senator from West Virginia [Mr. FAULKNER]. I am not aware of his sentiments on this question. If he were present I should vote "yea."

Mr. RANSOM (when his name was called). The Senator from Maine [Mr. FRYE] has just reminded me of my pair with his colleague [Mr. HALE]. If the Senator from Maine [Mr. HALE] were present he would vote "nay," and I should vote "yea."

Mr. WILSON (when his name was called). I am paired with the Senator from Georgia [Mr. COLQUITT]. If he were present, I should vote "nay."

The roll call was concluded.

Mr. BERRY. My colleague [Mr. JONES of Arkansas] is paired with the Senator from New York [Mr. HISCOCK]. I do not know how either of them would vote.

Mr. DANIEL (after having voted in the affirmative). I am paired with the Senator from Washington [Mr. SQUIRE]. I therefore withdraw my vote.

Mr. MORGAN (after having voted in the affirmative). Finding that the Senator from Massachusetts [Mr. DAWES] has not voted, I withdraw my vote.

Mr. COCKRELL. I desire to announce that my colleague [Mr. VEST] is necessarily detained on business from the Chamber to-day and is paired with the junior Senator from Kansas [Mr. PERKINS] on general questions. But I understand they would both vote the same way on this question, and therefore they ought not to be paired.

Mr. HARRIS. Both are against the amendment?

Mr. COCKRELL. They would both vote against the pending amendment, but I have not been able to procure a pair for my colleague, and as it would not change the result I simply announce the fact.

Mr. DANIEL. If necessary to make a quorum I feel at liberty to vote.

The PRESIDING OFFICER. A quorum has voted.

The result was announced—yeas 13, nays 33, as follows:

YEAS—13.

Blodgett,	Gibson,	Palmer,	White.
Butler,	Gorman,	Platt,	
Gallinger,	Gray,	Vance,	
George,	Mills,	Vilas,	

NAYS—33.

Aldrich,	Dubois,	McMillan,	Stewart,
Allison,	Felton,	McPherson,	Stockbridge,
Berry,	Frye,	Mitchell,	Teller,
Cameron,	Hansbrough,	Peffer,	Walthall,
Chandler,	Harris,	Pettigrew,	Washburn.
Cockrell,	Higgins,	Proctor,	Wolcott.
Coke.	Hoar,	Sawyer,	
Dixon,	Hunton,	Sherman,	
Dolph,	Irby,	Shoup,	

NOT VOTING—41.

Allen,	Davis,	Kyle,	Sanders,
Bate,	Dawes,	Manderson,	Squire.
Blackburn,	Faulkner,	Morgan,	Stanford,
Brice,	Gordon,	Morrill,	Turpie,
Call,	Hale,	Paddock,	Vest,
Carey,	Hawley,	Pasco,	Voorhees,
Carlisle,	Hill,	Perkins,	Warren,
Casey,	Hiscock,	Power,	Wilson.
Colquitt,	Jones, Ark.	Pugh,	
Cullom,	Jones, Nev.	Quay,	
Daniel,	Kenna,	Ransom,	

So the amendment was rejected.

Mr. HARRIS. The last section, section 8, of the proposed act repeals the act which created the National Board of Health. I have a note from the secretary of the National Board of Health asking me to have that section amended so as to authorize him "to turn over to such officer as may be designated by the Secretary of the Treasury for that purpose all books, papers, records, furniture, and other property belonging to said Board now in his charge." I think the amendment eminently proper, and I offer it to section 8, so as to authorize the secretary of the Board to turn the property over.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. At the end of the last section of the bill it is proposed to add:

The secretary of the National Board of Health is hereby authorized and directed to turn over to such officer as may be designated by the Secretary of the Treasury for that purpose, all books, papers, records, furniture, and other property belonging to said Board now in his charge and contained in the Army Medical Museum.

Mr. WHITE. I ask the chairman of the committee whether there is no danger by implication of an admission that that officer is continued in the discharge of his functions up to this time?

There was a claim referred to the Committee on Claims on behalf of this officer claiming that for all these years he has been in the service and in the employ of the Government and asking an appropriation to pay him.

Mr. COCKRELL. Was not that claim reported adversely by the Committee on Claims?

Mr. WHITE. Yes; but if we adopt this provision may there not be an implication resulting from it? I only ask it as a question. It strikes me so.

Mr. HARRIS. I do not think it possible that there can be. The amendment simply authorizes him to turn over the property in his custody, and we have either to authorize him to turn it over to such officer as the Secretary of the Treasury may designate to receive it or he continues in the custody of it.

Mr. COCKRELL. Is there anything that he has belonging to the Government?

Mr. HARRIS. Oh, yes; the furniture of the National Board of Health, and all the books, papers, and records.

Mr. COCKRELL. I remember very distinctly the report of the Committee on Claims, and I thought it was an excellent report, made by the Senator from Wisconsin [Mr. VILAS]. I should be very sorry to give this claimant, cormorant as he is, any ground for basing another claim against the Government.

Mr. VILAS. I suggest to the chairman of the committee in charge of the bill that he could avoid the criticism which has been suggested by the Senator from Louisiana, by omitting any words in respect of the person in whose alleged charge the furniture or property of the Government has been, and simply provide by the amendment that this board shall take charge of all property formerly in the custody of the National Board of Health.

Mr. HARRIS. Let the Secretary send the amendment to the Senator from Wisconsin, and I will ask him to formulate it. My object, and my only object, is to allow that officer to rid himself of the custody of property which is not being used.

Mr. GALLINGER. I have two or three amendments to offer to the phraseology of the bill. Will the Senator from Tennessee permit me to offer them while the amendment is being modified?

Mr. HARRIS. Certainly; while the Senator from Wisconsin is modifying or preparing the amendment the Senator from New Hampshire may proceed.

Mr. GALLINGER. I am satisfied the chairman of the committee will accept the amendments. They merely change the phraseology. I move to strike out in section 2, line 1, the words, "all vessels at foreign ports" and insert "any vessel at any foreign port." In line 9 of the same section the singular form is used and the plural form in line 1 ought to be singular, I think.

The PRESIDING OFFICER (Mr. FRYE in the chair). The Senator from New Hampshire offers an amendment, which will be reported.

The SECRETARY. In line 1, section 2, strike out after the word "that" the words "all vessels at foreign ports," and insert "any vessel at any foreign port;" so as to read:

That any vessel at any foreign port clearing for any port or place in the United States shall be required to obtain from the consul, vice-consul, or other consular officer of the United States at the port of departure, or from the medical officer where such officer has been detailed by the President for that purpose, a bill of health, in duplicate, etc.

Mr. HARRIS. I think the amendment accomplishes precisely the object which is already accomplished by the language in the section. I have no objection to changing the phraseology.

The amendment was agreed to.

Mr. GALLINGER. In section 3, line 24, I move to strike out the words "from another" and insert the words "or Territory or the District of Columbia from another State or Territory or the District of Columbia;" so as to conform to the phraseology used throughout the bill except in this one instance.

The PRESIDING OFFICER. The Secretary informs the Chair that that amendment has already been adopted and is in the bill.

Mr. GALLINGER. Then it is all right.

Mr. VILAS. I think what I propose will probably meet the wishes of the Senator from Tennessee. I move to add at the end of the last section of the bill the following:

And the Secretary of the Treasury is directed to obtain possession of any property, furniture, books, papers, or records belonging to the United States which are not now in the possession of an officer of the United States under the Treasury Department which were formerly in the use of the National Board of Health or any officer or employé thereof.

Mr. HARRIS. I wish to call the attention of the Senator from Wisconsin to the fact that the language he has employed authorizes the Secretary of the Treasury to obtain the possession of any property not now in the possession of an officer of the United States.

Mr. VILAS. Under the Treasury Department.

Mr. HARRIS. Under the Treasury Department. The National Board of Health was, I think, under the Treasury Department, and until we pass this or some other bill repealing the act which created the National Board of Health the matter of doubt is whether the office does not exist.

Mr. VILAS. To strike out the word "now" would relieve that difficulty.

Mr. HARRIS. I simply call the Senator's attention to the fact so that he may accomplish his object certainly.

Mr. VILAS. I will change it in that respect.

The PRESIDING OFFICER. Does the Senator from Tennessee accept the amendment proposed by the Senator from Wisconsin?

Mr. HARRIS. I have no objection to it, sir.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. HARRIS. If there be no further amendment as in Committee of the Whole let the bill be reported to the Senate.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. GRAY. I move in line 9, of section 3, to strike out the words "and into one State from another," and wherever that phrase occurs as qualifying or defining the jurisdiction of this national quarantine service.

I believe it would be quite sufficient in this tentative step that we are taking to confine the quarantine service and the coöperation of the Federal authorities with the State authorities to the quarantine of foreign vessels at our seaports, where hitherto all quarantine has been confined. I think that we are not prepared, without some such limitation as that proposed by the Senator from Louisiana, to enlarge the jurisdiction of the Federal quarantine to the extent of giving authority to establish quarantine at any point in the United States whatsoever. I think the States are quite capable of taking charge of the quarantine of their own territory much better than they are on the seaboard where they are exposed to the foreign commerce of the country, which is exclusively under the jurisdiction and regulation of the Federal Government.

The PRESIDING OFFICER. The Chair informs the Senator from Delaware that in line 9 the words in print "from another" have been stricken out and that in the present form it reads:

And into one State or Territory or the District of Columbia from another State or Territory or the District of Columbia.

Mr. GRAY. I do not quite understand what it would mean with those words stricken out. Let the Secretary read the clause as it stands.

The PRESIDING OFFICER. The Secretary will read the clause as it now stands in the bill.

The Chief Clerk read as follows:

And in the execution and enforcement of the rules and regulations made by the Secretary of the Treasury to prevent the introduction of contagious or infectious diseases into the United States from foreign countries and into one State or Territory or the District of Columbia from another State or Territory or the District of Columbia.

Mr. GRAY. Then I move to strike out the language after the word "countries" and ending with the word "another" in line 9, because the language read means the same, and is the same enlargement of the quarantine jurisdiction proposed to be conferred upon the Federal authority at which I was aiming when I proposed the amendment.

Mr. HARRIS. The precise point of the amendment of the Senator from Delaware seems to me to be (and I suppose that is what he means) to limit Congressional regulation of commerce in respect to quarantine to foreign commerce alone and to exclude any Congressional regulation of State commerce in this respect.

Mr. GRAY. As to interstate commerce.

Mr. HARRIS. Yes, as to interstate commerce. That is the object of the amendment. I think it would cripple very much and destroy to a very great extent the uniformity of quarantine regulations. It is a question of course for every Senator to decide for himself. I think it strips the bill of very important powers and duties, and I shall vote against the amendment myself.

Mr. PLATT. The object of the amendment, I understand, is to prohibit the General Government from taking any measures to prevent the spread of a contagious or infectious disease from one State to another.

Mr. HARRIS. That is the object.

Mr. PLATT. Then I wish to vote against the amendment. The bill commits quite enough of the power of dealing with contagious and infectious diseases to the States. It makes the Government subordinate in all instances to State authorities, to State quarantine, to State regulations. I think there had better be in the bill some power on the part of the Government to prevent the spread of disease from one State to another, if it shall effect a lodgment. It is already expressly given, if I am not mistaken, in the statute of 1890 passed by Congress. This would seem to be going back upon what Congress has already done in that respect and would be a virtual repeal of the act of 1890.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Delaware [Mr. GRAY].

The amendment was rejected.

Mr. VILAS. I have not the bill before me, but I understand it is the seventh section which contains a provision giving the President authority, in his discretion, to suspend all immigration.

Mr. HARRIS. That is the section.

Mr. VILAS. And that section has been adopted?

Mr. HARRIS. Yes, as in Committee of the Whole and in the Senate.

Mr. VILAS. I wish to move to strike out of that section the word "immigration," and to insert instead "all passenger travel, but not immigration alone."

The point to the amendment which I wish to make is this: It may become necessary, in the opinion of the President, to take so violent a remedy as to prohibit the access to our shores of people from foreign lands lest they should bring here the seeds of cholera. If it be so, and the Senate be willing to invest him with that great authority, I think it ought not to be an authority which discriminates in the manner in which the word "immigration" operates a discrimination. They come in as immigrants who are poor, and who are unable to come in the general position upon the ship of first-class or second-class travelers; but they who come as immigrants, and who are necessarily classed under that term, are the friends, the relatives often of the very best people whom we have in our land, so far as faithful citizenship, good service as citizens, usefulness in the development of the country are concerned. I am unwilling that it should be decreed to prevent the friends and relatives of people who have been sent for to join their pioneer friends in this country from coming into the United States unless it shall also be provided that the exigency which shall forbid them shall be sufficient to forbid all.

Mr. HARRIS. I have no objection whatever to the amendment of the Senator from Wisconsin. However, the amendment is not strictly in order at this time.

The PRESIDING OFFICER. The Chair will consider the amendment inserting section 7 as open.

Mr. HARRIS. I was going to ask unanimous consent that the amendment of the Senator from Wisconsin may be considered, and I certainly have no objection to it.

Mr. MCPHERSON. Let it be read.

The PRESIDING OFFICER. Section 7, as an amendment, will be considered open, and the Senator from Wisconsin has offered to it an amendment, which will be reported.

The CHIEF CLERK. In section 7, line 10, it is proposed to strike out the word "immigration" and insert in lieu thereof the words "all passenger travel, but not immigration alone;" so as to read:

The President shall have power to suspend all passenger travel, but not immigration alone, from such countries or places as he shall designate and for such period of time as he may deem necessary.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Wisconsin.

Mr. PASCO. I call the attention of the Senator from Wisconsin to line 7, and ask whether it is not proper that there should be a modification there also, as the word "immigration" occurs at that place?

Mr. VILAS. I think it would be sufficient (and I intended to make that motion) to simply strike out "immigration" there and insert "passenger travel."

Mr. HARRIS. Let the section be read as proposed to be amended.

The CHIEF CLERK. In section 7, line 7, it is further proposed to strike out the word "immigration" and insert "passenger travel;" so as to read:

SEC. 7. That whenever it shall be shown to the satisfaction of the President that by reason of the existence of cholera or other infectious or contagious diseases in a foreign country there is serious danger of the introduction of the same into the United States, and that notwithstanding the quarantine defense this danger is so increased by passenger travel that a suspension of the same is demanded in the interest of the public health, the President shall have power to suspend all passenger travel, but not immigration alone, from such countries or places as he shall designate and for such period of time as he may deem necessary.

Mr. HARRIS. I suggest that the amendment be modified by leaving out the words "but not immigration alone," which seem to me to be wholly unnecessary.

Mr. VILAS. As it would read without those words it would be the greater power conferred on the President which would include the less, and I desire to be specific.

Mr. HARRIS. I simply desired to call the attention of the Senator to the point.

Mr. CHANDLER. I understand the Senator from Wisconsin to state distinctly that he is not willing the President in any exigency shall suspend immigration alone, but that if he finds there is any danger from immigration of any kind he shall then suspend all passenger travel if he suspends any. That is the object of the Senator, I understand.

Mr. PALMER. I had supposed, in examining the language of the bill, that something more would be necessary in order to protect the public interest than the mere restriction upon passenger travel. I had supposed that some stronger word, such a term as to prohibit intercourse or to use means to prevent the transmission of disease from abroad would be proper subjects of prohibition. I had myself proposed to introduce the word "non-intercourse" as being a more satisfactory term.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair will lay before the Senate the unfinished business.

The CHIEF CLERK. A bill (H. R. 7845) defining "options" and "futures," imposing special taxes on dealers therein, and requiring such dealers and persons engaged in selling certain products to obtain a license, and for other purposes.

Mr. HARRIS. I wish to appeal to the Senator from Minnesota [Mr. WASHBURN]. I think we shall get through in half an hour, but it may run an hour. I will ask that he give me an hour, and I will promise not to seek any further indulgence this morning.

Mr. WASHBURN. Agreed.

Mr. HARRIS. An hour if necessary.

The PRESIDING OFFICER. The Chair hears no objection to laying the unfinished business aside informally. The question recurs on agreeing to the amendment proposed by the Senator from Wisconsin [Mr. VILAS].

Mr. GRAY. Mr. President, my objection, and the only objection, to the pending bill is the fact that it tends to place within the grasp of the Federal Government very extraordinary powers, and a class of powers the extent of which has not yet been measured and which have never heretofore been exercised by Federal authority, I am always reluctant to increase the domain of Federal power unless some clear exigency or necessity demands it. The exigency which is supposed to justify a total embargo upon immigration, to wit, the apprehension of the invasion of contagious disease, is sufficient in the opinion of some Senators and in my opinion to justify this extraordinary power of the entire suspension of immigration.

But I do not believe that the immigration interests, so to speak, are so overwhelming, so great that they should subordinate every interest of the native-born or resident citizen of the United States, and that there can be no possible discrimination between the immigrant who comes here to settle and make his home and those who happen to be abroad and wish to return to their native home. I believe that a suspension of immigration, if that would measurably meet the exigency, is not so great a hardship upon those who are prevented from seeking a new home in this country that it could not be justified, but I do believe that we can discriminate wisely between those who come on that account and those who already have a vested interest in citizenship and home in this country, to whom this country already belongs. I think we are not doing any injustice to those who are ambitious of citizenship in this country if we ask them to pause a little until what we may think a threatened danger has passed away.

I see no great injustice in the discrimination. The people who are designated as immigrants, worthy people, people who have in the past and present contributed and are contributing to develop the wealth of the country, nevertheless come for their own benefit; they come for the improvement of their own condition: and they are not so absolutely necessary to the health and wealth of this country that we should feel we were under bond even in so grave an emergency as a threatened contagion of cholera not to interfere with their rights.

Mr. MILLS. I wish to ask my friend if he thinks the cholera would be less destructive if it were brought here by a native-born citizen who had some vested rights in this country?

Mr. GRAY. Not at all. The Senator from Texas only makes a suggestion which may or may not come to be realized. If there is danger from any passenger class, then I say, with the power to suspend it, the Congress of the United States can exercise their unquestioned authority to lay an embargo upon all passenger traffic; there is no doubt about that; but if, in the opinion of those who have considered the question, we can avert a threatened danger or deal with it successfully by a discriminating embargo, I see no injustice in discriminating in favor of our own citizens and our own people as against those who intend become citizens and to make their home among us. A qualified, provisional, temporary embargo of immigration I think will work no very great wrong if not carried to excess. Whether that discretion ought to be in the President of the United States at all is quite another question.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Wisconsin [Mr. VILAS].

Mr. VILAS. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. IRBY (when his name was called). I am paired on this vote with the senior Senator from Maryland [Mr. GORMAN]. If he were present I should vote "yea."

Mr. MANDERSON (when his name was called). I am paired with the Senator from Kentucky [Mr. BLACKBURN].

Mr. PASCO (when his name was called). I again announce my pair with the Senator from North Dakota [Mr. CASEY]. If he were present I should vote "yea."

Mr. QUAY (when his name was called). I am paired generally with the Senator from West Virginia [Mr. FAULKNER]. If he were present I should vote "nay."

Mr. WILSON (when his name was called). I am paired with the Senator from Georgia [Mr. COLQUITT]. If he were present I should vote "nay."

The roll call was concluded.

Mr. FELTON. I am paired with the Senator from Ohio [Mr. BRICE]. If he were present I should vote "nay."

Mr. VOORHEES. I desire to announce (and I may as well announce it now for the future votes) that my colleague [Mr. TURPIE] is paired with the Senator from Minnesota [Mr. DAVIS]. Both Senators are absent, and I make the announcement so that it may be understood why they are not voting.

Mr. JONES of Arkansas. I am paired with the Senator from New York [Mr. HISCOCK], but I will vote to make a quorum. I vote "yea."

The result was announced—yeas 17, nays 27, as follows:

YEAS—17.

Berry,	Gibson,	Morgan,	Walthall,
Blodgett,	Harris,	Palmer,	White.
Butler,	Jones of Ark.	Vance,	
Cockrell,	Kyle,	Vilas,	
George,	Mills,	Voorhees,	

NAYS—27.

Call,	Frye,	McPherson,	Sherman,
Cameron,	Gallinger,	Mitchell,	Shoup,
Chandler,	Gray,	Morrill,	Stockbridge,
Dawes,	Hansbrough,	Peffer,	Teller,
Dixon,	Higgins,	Platt,	Washburn,
Dolph,	Hunton,	Proctor,	Wolcott.
Dubois,	McMillan,	Sawyer,	

NOT VOTING—43.

Aldrich,	Cullom,	Hoar,	Quay,
Allen,	Daniel,	Irby,	Ransom,
Allison,	Davis,	Jones of Nev.	Sanders,
Bate,	Faulkner,	Kenna,	Squire,
Blackburn,	Felton,	Manderson,	Stanford,
Brice,	Gordon,	Paddock,	Stewart,
Carey,	Gorman,	Pasco,	Turpie,
Carlisle,	Hale,	Perkins,	Vest,
Casey,	Hawley,	Pettigrew,	Warren,
Coke,	Hill,	Power,	Wilson.
Colquitt,	Hiscock,	Pugh,	

So the amendment was rejected.

Mr. PALMER. If it be in order, I move to amend the bill, in line 7, section 7, by striking out, after the word "by," the word "immigration," and inserting the words "the introduction of persons or property from such country;" in line 8, before the word "same," to insert "the right to introduce;" and in line 10, to strike out the words "suspend immigration" and insert "prohibit the introduction of persons and property."

The PRESIDING OFFICER. There are three amendments offered by the Senator from Illinois to the same section, all of which will be reported.

The CHIEF CLERK. In section 7, line 7, after the word "by," it is proposed to strike out "immigration" and insert "the introduction of persons or property from such country;" in line 8, before the word "same," to insert "the right to introduce;" and in line 10, to strike out the words "suspend immigration" and insert "prohibit the introduction of persons and property;" so as to read:

That whenever it shall be shown to the satisfaction of the President that by reason of the existence of cholera or yellow fever or other infectious or contagious diseases in a foreign country there is series danger of the introduction of the same into the United States, and that notwithstanding the quarantine defense this danger is so increased by the introduction of persons or property from such country, that a suspension of the right to introduce the same is demanded in the interest of the public health, the President shall have power to prohibit the introduction of persons and property from such countries or places as he shall designate and for such period of time as he may deem necessary.

Mr. HOAR. I suggest to the Senator from Illinois to insert the words "in whole or in part," after the word "prohibit."

Mr. PALMER. I have no objection to any words that will be more comprehensive.

Mr. HOAR. I suggest an amendment to the Senator's amendment by adding the words "in whole or in part," so that the President may make a partial as well as a total prohibition. For instance, he may desire to prohibit a particular kind of property, like rags, coming into the country, which he has the power to do now.

Mr. PALMER. I am satisfied with the suggestion of the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Illinois accepts the amendment offered by the Senator from Massachusetts, and the amendment will be so modified.

Mr. MCPHERSON. Let the amendment be reported as it will then appear.

The PRESIDING OFFICER. The amendment as modified will be stated.

The CHIEF CLERK. It is proposed to amend so as to read:

SEC. 7. That whenever it shall be shown to the satisfaction of the President that by reason of the existence of cholera or yellow fever or other infectious or contagious diseases in a foreign country there is serious danger of the introduction of the same into the United States, and that notwithstanding the quarantine defense this danger is so increased by the introduction of persons or property from such country, that a suspension of the right to introduce the same is demanded in the interest of the public health, the President shall have power to prohibit, in whole or in part, the introduction of persons and property from such countries or places as he shall designate, and for such period of time as he may deem necessary.

Mr. CHANDLER. I hope the amendments will be adopted. It seems to me that they solve the difficulty which has been raised by the motion of the Senator from Wisconsin [Mr. VILAS].

In deference to the judgment of the Senator from Tennessee [Mr. HARRIS], the chairman of the committee, I was about to move that the authority of the President to suspend immigration should also be extended to all other classes of travel, but with the provision that the suspension might be made either wholly or partially. A discretion to do an act of this kind in a great emergency certainly ought to have the authority coupled with it to act either in whole or in part according to the exigency.

It seems to me now that the amendments proposed by the Senator from Illinois exactly meet the case. I think the power now exists on the part of the Executive to keep out infectious property; but there is no harm in adopting the amendment in this form, and certainly there can be no objection, if the power is given to the President, in whole or in part, to exclude that which will bring cholera to these shores, to provide that he may, if the exigency demands, exclude all other passenger travel as well as immigration.

Mr. HARRIS. The amendment of the Senator from Illinois, as modified at the suggestion of the Senator from Massachusetts, is entirely satisfactory to me.

The PRESIDING OFFICER. The amendments of the Senator from Illinois to the amendment of the committee to insert section 7, will be treated as one amendment if there be no objection. The Chair hears none; and the question is on the amendment, as modified.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question recurs on the amendment to insert section 7 as amended.

Mr. VILAS. I understand the yeas and nays have been called for on the adoption of section 7.

Mr. CHANDLER. Section 7 has been adopted, has it not?

The PRESIDING OFFICER. The Chair stated that it would be considered open.

Mr. CHANDLER. As excepted from the order of the Senate?

The PRESIDING OFFICER. That was the understanding of the Chair. On this question the Senator from Wisconsin [Mr. VILAS] demands the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. MANDERSON (when his name was called). I am paired with the Senator from Kentucky [Mr. BLACKBURN].

Mr. PASCO (when his name was called). I again announce my pair with the Senator from North Dakota [Mr. CASEY].

Mr. QUAY (when his name was called). I desire again to announce my pair with the Senator from West Virginia [Mr. FAULKNER]. If he were present I should vote "yea."

Mr. RANSOM (when his name was called). I am paired with the Senator from Maine [Mr. HALE]. If he were present I should vote "nay."

Mr. WILSON (when his name was called). I am paired with the Senator from Georgia [Mr. COLQUITT]. If he were present I should vote "yea."

The roll call was concluded.

Mr. FELTON. I am paired with the Senator from Ohio [Mr. BRICE]. If he were present I should vote "yea."

The result was announced—yeas 37, nays 10, as follows:

YEAS—37.

Call,	George,	Morrill,	Stockbridge,
Cameron,	Hansbrough,	Palmer,	Teller,
Chandler,	Harris,	Peffer,	Vance,
Cockrell,	Higgins,	Pettigrew,	Voorhees,
Dawes,	Hoar,	Platt,	Walthall,
Dixon,	Irby,	Proctor,	Washburn,
Dolph,	Kyle,	Pugh,	Wolcott.
Dubois,	McMillan,	Sawyer,	
Frye,	McPherson,	Sherman,	
Gallinger,	Mitchell,	Shoup,	

NAYS—10.

Berry,	Coke,	Mills,	White.
Blodgett,	Gray,	Morgan,	
Butler,	Hunton,	Vilas,	

NOT VOTING—40.

Aldrich,	Cullom,	Hill,	Quay,
Allen,	Daniel,	Hiscock,	Ransom,
Allison,	Davis,	Jones of Ark.	Sanders,
Bate,	Faulkner,	Jones of Nev.	Squire,
Blackburn,	Felton,	Kenna,	Stanford,
Brice,	Gibson,	Manderson,	Stewart,
Carey,	Gordon,	Paddock,	Turpie,
Carlisle,	Gorman,	Pasco,	Vest,
Casey,	Hale,	Perkins,	Warren,
Colquitt,	Hawley,	Power,	Wilson.

So the amendment as amended was agreed to.

Mr. MORGAN. I offer an amendment, which I send to the desk, to come in at the end of the bill.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. It is proposed to add as a new section:

Nothing in this act contained shall be so construed as to authorize the United States, or any officer thereof on its behalf, to take into its ownership or control for quarantine purposes, any place in any State and to exercise therein exclusive jurisdiction without the consent of such State.

Mr. MORGAN. Mr. President, I have offered that amendment for the purpose of reconciling some of the apparent conflicts of jurisdiction between the State governments and the Federal Government, which seem to be presented in the bill, and which, I am afraid, will lead to lawsuits and injunctions at a time when we want absolute certainty in our proceedings.

Mr. CHANDLER. Will the Senator allow me to inquire whether he means to prevent buildings from being taken possession of, and land as well?

Mr. MORGAN. You could not take possession of a building without taking possession of the land as well.

Mr. CHANDLER. I understand; but you can take possession of land without taking possession of a building.

Mr. MORGAN. If there was no building on it, you certainly could.

Mr. CHANDLER. I would go along with the Senator in a willingness not to have this act construed to authorize any State buildings or any of the paraphernalia of a State, which had been prepared for quarantine purposes, being taken possession of there by the greater power of the National Government; but I should not be willing to put the United States where it could not anywhere on the seacoast go upon a vacant piece of land and establish there a national quarantine.

Mr. MORGAN. There is not a vacant piece of ground in any State in this Union in the sense in which the Senator speaks. The ground in every State of this Union is owned by some individual, by the State, or by the United States. Therefore, there is no vacant place; there is no place in the United States to-day where there is not an ownership of the land.

Mr. HOAR. I desire to ask the Senator if he means—I heard his amendment read imperfectly, perhaps—to prohibit the National Government, in case of emergency, from getting a quarantine ground anywhere on the seashore of a State when the State Legislature is not in session?

Mr. MORGAN. The State Legislature, Mr. President, could provide in advance, if it was necessary to provide, for the Government of the United States to be admitted in all cases of emergency to establish quarantine buildings, quarantine stations, or even to occupy the stations of the State. That ought to be the law of the State; but I can not alter the Constitution of the United States, which prohibits the Government of the United States from acquiring ownership or taking the occupation of any piece of land in any State without the consent of the Legislature. The plain injunction is there in the Constitution, in Article I, clause 17, and we are running right over it.

Mr. CHANDLER. Why not leave it, then, on the Constitution?

Mr. MORGAN. I want to put in that express qualification so as to show that we had the Constitution in our eye, in contemplation, at the time we enacted this law, and to show that it was not the purpose of Congress to break down that provision of the Constitution, and without this qualification, I think it would be very clear that such was the purpose—and to prevent lawsuits and injunctions, as I said before, at a time when there may be very great public emergency for quarantine regulations on the part of the United States.

Mr. President, there is no use in trying to disguise the fact that this is a bill of subvention for the benefit of the State governments. It is a bill to take off the State authorities and localities the expenses of quarantine, and I think where the quarantine is leveled against the introduction of a pest from abroad, that that is a good purpose, it is a rightful purpose, and I think there are many particulars in which the State authorities and the United States authorities can coöperate. Even in the matter of making regulation, I think it is altogether practicable where the regulation itself does not necessarily carry with it the exclusive right of legislation, the exclusive right of making laws to control the place in the State where the quarantine buildings are located, where the quarantine is made effectual.

I think we had better, while we are making this emergent legislation, have some regard to our powers and duties. I very much hope, if this bill shall go to another part of the Congress of the United States, that they will, at all events, take this subject into consideration and see that there is no unseemly and improper conflict created by the bill itself between the State authorities and the Federal authorities. If we get up a question of that kind we are going to have trouble about it, and more than we have had oftentimes in the United States, particularly in respect of interstate prohibitions upon migration, immigration, etc.; we shall have the shotgun quarantine. Do we not remember how the banks of the Mississippi River, and other rivers also and the railroads, have been frequently picketed by men with shotguns in their hands to prevent the coming and going of trains and mails and everything of that sort?

Is our experience on that subject so indefinite or so very smooth as that we do not remember the trials and troubles we have had upon this question in the United States? When we come to deal with the right of a man to take his goods or his family from one State to another, and from an infected country to one that is not infected, we have as between him and the community to which he is going, a very serious conflict. We ought not to permit that conflict to go into the legislation of the country; we ought to try to smoothe it out; we ought to try to so provide as that the United States Government can exercise rightful, proper, constitutional authority within the borders of a State, which can always be done and always will be done by the State inviting or accepting our assistance in this way of raising money to enforce a quarantine. There is no difficulty about getting authority for the United States Government to assist in a quarantine when you carry the money along to pay the expenses.

The doctors may disagree, and probably will become a little strenuous and pragmatical about their respective professional authority and dignity, and the like of that. They are always quarreling with each other. It is part of the business of the profession, I believe, to underrate, undervalue, and quarrel with each other in their opinions, etc. Perhaps that is all right, but it is not very convenient, and it is not a very useful thing in an epidemic; it produces strife and contention. I have seen it in my State, when the doctors were almost by the ears, some contending that one party had the right to control; others that another party had the right to control; and the king of terrors seems to have no power at all unless he has got a doctor for a leader in some way or other.

I believe that our duty is to provide, as far as our constitutional authority can possibly go, for the prevention of the introduction of these epidemics. It is a peculiarly binding and obligatory duty at this time. In view of the great World's Fair we are to hold in Chicago, we ought to provide a system of laws here which will give an assurance to the world that we will protect the health of this country against an introduction of cholera or yellow fever or anything else in such a way as to become disastrous. If we do not do that we shall have to rely entirely upon our own people for the support of the enormous expenditures in connection with that great exhibition.

So I fully concur in the whole measure if we can only keep the Government of the United States and the State governments out of conflict; and I believe the adoption of my amendment as the last clause in this bill, showing what our purpose and intent is, will better enable the two governments, the State governments and the Federal Government, to reconcile their difficulties and disputes with each other. That is my whole purpose in offering the amendment.

Mr. DOLPH. Mr. President, the constitutional provision to which the Senator from Alabama [Mr. MORGAN] has reference I suppose is subdivision 17 of section 8 of Article I. Section 8 provides that Congress shall have the power to lay and collect taxes, etc., and then, passing to the seventeenth subdivision, it provides that—

The Congress shall have power to exercise exclusive legislation in all cases whatsoever over such district (not exceeding 10 miles square) as may, by cession of particular States and the acceptance of Congress, become the seat of the Government of the United States, and to exercise like authority over all places purchased by the consent of the Legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings.

It is the custom of the General Government, in providing for the purchase of land for these particular purposes, to require as a precedent to the expenditure of money that the consent of the Legislature shall be obtained. There is no objection to that; but it does not follow that the United States can not lease or occupy property or even buy property and use it for special purposes, as I understand, of the States, without the consent of the Legislature.

Mr. MORGAN. I do not deny that.

Mr. DOLPH. The only question is the question of the exercise of exclusive jurisdiction to legislate.

Mr. MORGAN. That is the point in the case.

Mr. DOLPH. And exclusive judicial jurisdiction. I do not understand that there is anything in the bill before the Senate which would prevent the United States occupying, with the consent of the owner, real property, land alone, or the land with the improvements, for the purpose of carrying out quarantine regulations. If the United States undertook to exercise exclusive judicial or legislative jurisdiction over the land without the consent of the State Legislature, then the question would arise; but if we are going to make any great expenditure for the purchase of land and the erection of large buildings, if it was practicable to do so, I should insist with the Senator from Alabama that we should first obtain the consent of the State. I do not think, however, that such a provision as he proposes is necessary to this bill. It might as well be put in any bill which authorizes certain acts to be done by the General Government for a general purpose. Certainly no officer, as specified in that amendment, could exercise this jurisdiction. The attempt to exercise the jurisdiction must be through the Congress of the United States or by the judicial department of the Government. I do not think the amendment is necessary to the bill.

Mr. MORGAN. My purpose is not to shut out the United States from the right to get the occupation of property within a State for the purposes of quarantine; but after having obtained it, from exercising therein exclusive jurisdiction. I think this bill does provide for an exercise of exclusive jurisdiction on the part of the officers of the Government of the United States. I think that under this bill, if an epidemic of cholera were prevailing in the city of New York, or was likely to prevail there, the Secretary of the Treasury could go and drive out the officers of the State of New York from the quarantine stations, take possession, and run them at his will and pleasure. That is the way I understand the bill.

Mr. CHANDLER. The Senator says the Constitution does not allow an officer to do so.

Mr. MORGAN. Oh, I am talking about the frame of this bill. I want to know whether the power is not given here to the Secretary of the Treasury to take possession of the quarantine stations and all the property devoted to quarantine purposes in the city of New York, and put in operation there exclusively the power of the United States Government?

Mr. CHANDLER. I think the bill does, if that authority is to be deduced from the provision that the President shall take such steps as he deems necessary to keep the cholera out; but it is only to be inferred from that very broad language. Now, can we not trust the President of the United States under that clause not to take possession of Hoffman and Swinburne Islands?

Mr. MORGAN. I trust no President, I trust no man by putting in his possession a power which violates the Constitution of my country. I am sworn not to do that and I do not mean to do it. I had rather put a check upon his power and say that he, as well as myself, must act in accordance with the Constitution. This is the object of my amendment, and the Senate may vote upon it.

The PRESIDING OFFICER. The question is on the amendment submitted by the Senator from Alabama.

Mr. MORGAN. I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. VILAS. I ask that the amendment be again reported.

The PRESIDING OFFICER. The amendment will be again stated.

The CHIEF CLERK. It is proposed to add a new section at the end of the bill, as follows:

Nothing in this act contained shall be so construed as to authorize the United States of any officer thereof in its behalf to take into its ownership or control for quarantine purposes any place in any State, and to exercise therein exclusive jurisdiction without the consent of such State.

The Secretary proceeded to call the roll.

Mr. CHANDLER (when Mr. CULLOM'S name was called). I desire to announce that the Senator from Illinois [Mr. CULLOM] is detained from the Senate by illness.

Mr. MANDERSON (when his name was called). I am paired with the Senator from Kentucky [Mr. BLACKBURN].

Mr. PASCO (when his name was called). I again announce my pair with the Senator from North Dakota [Mr. CASEY].

Mr. QUAY (when his name was called). I am paired with the Senator from West Virginia [Mr. FAULKNER].

Mr. RANSOM (when his name was called). I am paired with the Senator from Maine [Mr. HALE]. If he were present I should vote "yea."

Mr. WILSON (when his name was called). I again announce my pair with the Senator from Georgia [Mr. COLQUITT]. If he were present I should vote "nay."

The roll call was concluded.

Mr. GORDON. I am paired with the Senator from Wyoming [Mr. WARREN]. If he were here I should vote "yea."

The result was announced—yeas 19, nays 28; as follows:

YEAS—19.

Berry,	Gorman,	Mills,	Vilas,
Blodgett,	Gray,	Morgan,	Voorhees,
Butler,	Hunton,	Palmer,	Walthall,
Coke,	Kyle,	Pugh,	White.
Daniel,	McPherson,	Vance,	

NAYS—28.

Call,	Frye,	Irby,	Proctor,
Cameron,	Gallinger,	McMillan,	Sawyer,
Chandler,	George,	Mitchell,	Sherman,
Cockrell,	Hansbrough,	Morrill,	Shoup,
Dawes,	Harris,	Peffer,	Stockbridge,
Dolph,	Higgins,	Pettigrew,	Teller,
Dubois,	Hoar,	Platt,	Washburn.

NOT VOTING—40.

Aldrich,	Cullom,	Hiscock,	Ransom,
Allen,	Davis,	Jones, Ark.	Sanders,
Allison,	Dixon,	Jones, Nev.	Squire,
Bate,	Faulkner,	Kenna,	Stanford,
Blackburn,	Felton,	Manderson,	Stewart,
Brice,	Gibson,	Paddock,	Turpie,
Carey,	Gordon,	Pasco,	Vest,
Carlisle,	Hale,	Perkins,	Warren,
Casey,	Hawley,	Power,	Wilson,
Colquitt,	Hill,	Quay,	Wolcott.

So the amendment was rejected.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

On motion of Mr. HARRIS the title was amended so as to read: "A bill granting additional quarantine powers and imposing additional duties upon the Secretary of the Treasury and Marine Hospital Service, and for other purposes."

Mr. CHANDLER. I desire to say that I shall allow the next special order, being the bill for the suspension of immigration for one year, to lapse without asking to take it up at this time, but at an early day I hope to bring that bill before the Senate for its consideration.

DEALING IN OPTIONS AND FUTURES.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7845) defining "options" and "futures," imposing special taxes on dealers therein, and requiring such dealers and persons engaged in selling certain products to obtain license, and for other purposes.

Mr. WASHBURN. Before proceeding with the discussion of the bill, I ask for the adoption of the following order:

Ordered, That 2,000 extra copies of House bill 7845, a bill defining "options" and "futures," etc., be printed for the use of the Senate.

The order was agreed to.

The VICE-PRESIDENT. The pending amendment, which was offered by the Senator from Louisiana [Mr. WHITE], will be stated.

The CHIEF CLERK. At the end of section 2 it is proposed to strike out the following proviso:

Provided, however, That such contract or agreement shall not be made, settled for by delivery or settlement of differences, or by any other mode of performance or settlement in or upon any board of trade, produce, cotton, merchants', or other exchange, or other commercial association, or in any place or upon any premises where price quotations of said articles are announced, bulletined, or published, nor be subjected to the rules or regulations of any such board, exchange, or other commercial association.

The VICE-PRESIDENT. Is the Senate ready for the question?

Mr. WASHBURN. The yeas and nays have been ordered on that amendment.

Mr. VILAS. Mr. President, the Senate did me such honor in patiently listening to a long constitutional discussion when this bill was last under consideration, that I can not but feel some reluctance in again soliciting the favor of its hearing. But the subject to which I wish to address attention to-day, although kindred, is another than that which formed the subject of the remarks I had the honor to submit to the Senate a few days since.

It is necessary in order to the presentation of the constitutional objections to this measure that it should be demonstrated, if demonstrated it can be, that the substitute proposed by the minority of the Judiciary Committee, and particularly championed by the distinguished and able Senator from Mississippi [Mr. GEORGE], should also be shown to lack the authority necessary in the Constitution for its enactment, and to that point I feel obliged to address some observations.

The substitute possesses, as I have said, at least one merit. It is open in its purposes, direct in its exercise of legislative authority, using no cloak or cover, and, upon the assumption of constitutionality, is, for the most part, legislation fitly addressed to the purposed use of the power. It denounces directly as illegal the methods of business it condemns, and provides appropriate criminal sanctions.

But when this is said, the end of commendation seems to me to be reached. I can not regard it as any less certain that the power to regulate commerce with foreign nations and among the several States no more authorizes the projected invasion of the constitutional rights of the people in their State governments than does the power to raise revenue for the support of the National Government.

The argument for reliance upon the commerce clause has been left substantially to the learned and distinguished Senator from Mississippi [Mr. GEORGE]—it needs not be said it could be in no abler hands—and it was presented with all the skill the case permitted. Yet, though his dialectics commanded admiration, it seemed to me the fallacy of the argument was generally felt, if not yet fully expounded. If I venture that attempt, I must, in fair justice, deal with it as he has made it; and, in doing so, may feel assured I encounter all that can be urged in support of that theory of authority.

I can not regard it necessary, however, to recapitulate and in detail discuss all that he so skillfully constructed, nor to pursue the same order that he adopted. Very much, indeed, of what has already been presented in opposition to the employment of the taxing power will be recognized by the Senate as addressing equal force against the authority claimed under the commerce clause, and due regard for this consideration demands abbreviation of what might otherwise have been proper to say if the commerce clause were alone invoked to support this legislation.

Divested of mere words, and stripped to the skin by a fair analysis, the entire substance of the learned Senator's contention seems to stand upon two prime assumptions:

1. Congress may directly interpose to suppress any domestic transactions sanctioned by the laws of a State and conducted by its own citizens wholly within its borders, although in no wise interstate or foreign dealing, not even amounting to commerce at all, if their indirect effect in some manner unfavorably influences, or, in his language, obstructs or restrains other transactions, whether by the same or other persons, which are, or might become, interstate or foreign commerce.

2. Congress may conclusively assert that any such domestic, infra-state transaction does unfavorably influence interstate or foreign commerce, conclusively declare it an obstruction to such commerce, and thus foreclosing inquiry of the fact by the courts invest itself with legislative power to denounce and suppress the domestic transaction which otherwise citizens of a State might rightfully engage in, protected and sustained by its laws.

Each and both of these propositions appear to me to be utterly untenable; indeed, distressingly subversive of all sound principles of constitutional interpretation.

The first commands first attention. And that there may be no chance for claim that I have overstated it, I read from his speech of last July—in which he submitted the supporting argument—some extracts to show that he maintains it in the full proportions. He argued, in correction, as he said, of the fact that—

> Some persons have been misled as to the character of the amendment I propose, because it is supposed by them that these dealings in futures in New Orleans and in New York really constitute internal and domestic commerce in New York and Louisiana, respectively, and that it is the object of the amendment to regulate this alleged commerce—

Among other things, that—

> They are not commerce in a constitutional sense, for there is no actual transfer of title to any property whatever. The contract is a mere personal contract to deliver at a future day or pay damages. There is in the contract, nothing to give title to or interest in property, and there is no transfer of the property contracted for to the alleged buyer—no transportation of the thing from seller to buyer. Without such transfer or transportation there is no commerce. In Railroad Company *vs.* Husen, 95 U. S., pages 465-475, it is said "transportation is essential to commerce."
>
> As no title passes on these pretented sales, as the buyer gets nothing but the obligation or promise of the seller to deliver, at his option, cotton as the seller may select of twelve different grades on any day within a named month, and a margin is put up by either party as the cotton may rise or fall, it is evident that the sole value of such a contract depends upon the reliability, the solvency of the seller. The buyer can never get the cotton unless the seller is willing to deliver and he can not get damages for nondelivery unless the seller is willing and able to pay.
>
> In all such cases the dealings are held not to be commerce in a constitutional sense.

I read that not to controvert it, but to show that the proposition of the learned and able Senator extends to the suppression of transactions within a State which he holds are not interstate or foreign commerce in any part; not commerce at all. And next, to the second supposed error, he answered:

> A further conclusive answer to this view is that the amendment does not propose to regulate these dealings. The regulation proposed by the amendment is the regulation of interstate and foreign commerce in cotton, wheat, etc. What it does with these future dealings is to abolish them, to remove them.
>
> This presents the question of the extent of the power of Congress to remove obstructions to or restraints on interstate and foreign commerce.

Thus the distinguished Senator made the purpose plain to abolish or remove any obstructive or restraining transactions carried on within a State by her citizens, although not in a proper constitutional sense the transactions of commerce, even domestic or internal.

Nor can it be disputed that the reasoning proffered to us in support of this power necessarily extends it to such a compass that whatever thing, of any nature, may interfere with the current of interstate or foreign commerce as it would otherwise flow, or, more exactly, whatever Congress shall declare so interferes, may be prohibited and abolished by virtue of the power "to regulate" such commerce.

And what is the course of reasoning adduced to the extraordinary proposition? The argument of the learned Senator is summary. He asserts, first, that Congress may remove physical obstructions from the navigable waters of the country; and this is well established by many decisions of the Supreme Court. I shall not dispute it, but only endeavor to explain its foundation and meaning by the language of the court. The case of The Daniel Ball, 10 Wall. 557, which he cites, declares, on page 563-564 of the report, the settled rule. When a navigable water, as a lake or river, is used, or susceptible of being used, in its ordinary condition as a highway of commerce, and forms in whole or in part, with connecting waters, "a continued highway over which commerce is or may be carried on with other States or foreign countries in the customary modes in which such commerce is conducted by water," it is a public navigable water of the United States and subject to "appropriate legislation" in the exercise of the commerce power of the Constitution. Upon which the court says:

> That power authorizes all appropriate legislation for the protection or advancement of either interstate or foreign commerce, and for that purpose such legislation as will insure the convenient and safe navigation of all the navigable waters of the United States, whether that legislation consists in requiring the removal of obstructions to their use, in prescribing the form and size of vessels employed upon them, or in subjecting the vessels to inspection and license in order to secure their proper construction and equipment. "The power to regulate commerce," this court said in Gilman *vs.* Philadelphia, 3 Wall. 724, "comprehends the control for that purpose, and to the extent necessary, of all navigable waters of the United States which are accessible from a State other than those in which they lie. For this purpose they are the public property of the nation, and subject to all the requisite legislation of Congress."

Mr. BUTLER. Who delivered the opinion of the court?

Mr. VILAS. Mr. Justice Field.

Then the learned Senator adduces another authority in the following passage from his speech:

> In the case of the United States *vs.* Coombs, 12 Peters, page 72 (12 Curtis, 634), the court upheld a statute punishing as larceny the taking of goods belonging to a wrecked vessel above high-water mark, not property in course of transportation, but property belonging to the vessel.

There is no occasion to question these authorities or the doctrine they enunciate, which is doubtless sound, and is to me satisfactory. But it will be observed that both deal with nothing but the means and implements of interstate and foreign commerce; the former with the water highways upon which it is borne, the latter with the vessels by which it is borne.

Nothing more is decided than that over the navigable waters of the United States, being "the public property of the nation," the Federal authority is paramount to State control, according to the original arrangement of the Constitution, and of course carries the power of appropriate legislation; and that it is for the Federal Government to denounce and punish that species of piracy, that outrage upon them who "go down to the sea in ships," which is known as wrecking. There is in them no pretext of relation to anything which is not, in physical fact, parcel of the transaction of interstate or foreign commerce, nor intimation of an extension of the power of Congress to anything beyond, merely because it may be a potential subject of commerce, or indirectly concern what may become a transaction of such commerce.

And so with the suggestion that this power of regulation extends to acts done on land. Obviously this must be so, because both interstate and foreign commerce must be in part on land though the carriage be by water, and much of both may be wholly on land where the communication is not by water. Surely this requires no further attention.

These plain considerations, as it seems to me, entirely strip the argument of all aid from any of the cases which the learned and able Senator from Mississippi adduced to the support of the collateral propositions, not in fact contributory to the true point, yet adduced in a manner which seemed to bring them into relations with it as authorities upon which his proposition might rest.

The theory of the proposed substitute thus stands out as an isolated and independent assertion of constitutional power now for the first time brought before Congress as authority for legislation. Whatever else may be its merits or its faults, it is entitled to distinction for novelty and surely infringes upon no preconception of others. It is to be judged, therefore, by its own peculiar intrinsic weight and force.

Let the further argument be stated in the exact words of its distinguished proponent:

> Now, as the power to remove obstructions to commerce is a part of the power to regulate commerce, being necessary and proper to enable Congress to regulate commerce, it is clear that this removal of obstructions extends

to all kinds of obstructions, for there is nothing in the language used to restrict it to physical obstructions alone; and if removal of obstructions is constitutional regulation it must apply to all kinds of obstructions, or else regulation may remove some obstructions and not remove others. It can not be that the Constitution intended to confer power to remove obstructions coming from the wisdom and beneficence of Providence and withhold it to remove obstructions equally pernicious to commerce coming from the folly and wickedness of man.

Have we not here a mere *petitio principii*, covered by the use of words in a double meaning?

The Constitution gives no power to Congress to "remove obstructions to commerce," as if those words were there written. The language is, "to regulate commerce." The Supreme Court has not decided that the grant is to be interpreted as if it were written "to remove obstructions to commerce," or as if the written words imported that. But at most the court only employed that phrase *arguendo*, or by way of detail or illustration, in holding that Congress may provide for the punishment of wrecking, and legislate appropriately for the improvement of the navigable waters of the United States, as by removing obstructions to their use or the like.

Yet here lies the basis of the whole argument of the able Senator. He proceeds as if he were interpreting words of a constitutional grant of power to Congress "to remove obstructions to interstate and foreign commerce." Upon that tremendous assumption he argues "that this removal of obstructions extends to all kinds of obstructions, for there is nothing in the language used to restrict it to physical obstructions alone." Sure enough! *Quod erat demonstrandum*. Therefore there is no obstruction to the power of Congress!

And how skillfully does the learned Senator align Providence on the side of his verbal battalions by the declaration that "it can not be that the Constitution intended to confer power to remove obstructions coming from the wisdom and beneficence of Providence and withhold it to remove obstructions coming from the folly and wickedness of men." Thus, marvelously is it demonstrated, first, that the Constitution of the United States has in good fact set Congress above Providence, with power to review and correct His wisdom and beneficence, when obstructive to commerce; and strange then, indeed, would it be—I share his abhorrence of the awful consequence—if by aid of the same instrument there should still rise supreme, above both Providence and an overruling Congress, "the folly and wickedness of men."

With great deference to the learned and able Senator, and no small admiration for his consummate skill in verbal subtlety, I respectfully insist that this is not reasoning upon the substance of things, but from the fantastic shapes they have been made to take by refraction through the medium of obscuring words. This is not a deduction from the decisions of the Supreme Court, but foreign to anything it had under consideration in the cases adduced and widely beyond the purport of anything that tribunal adjudged or promulgated as law. It seems to me, I say it without purpose to disparage, but only in the truth of conviction, mere wandering after verbal wraiths, which, if followed, will surely lure reason into destructive bogs.

And here, I submit, sir, I might safely pause; because this analysis, I think, answers in full the argument proffered to support the employment of this grant of power, and it will be acknowledged that it is for its proponents to establish right to its use, not for them who deny it to submit to its exercise unless they can show reason to the contrary.

But even that, sir, can not be esteemed a thing of the least difficulty in the minds of persons who will give heed to the great doctrine of constitutional limitation upon which I have already engaged the patience of the Senate. This power to regulate commerce, extensive as it surely is, must still be taken with some reference to that separation of sovereignty between the States and the Union, which, above any other feature of the Constitution, established and marks the excellence of our frame of government. And no just interpretation of the grant of power in question, more than of the power of taxation, can be drawn from the single words of this grant with a narrow and contracted view which excludes that boundary line, or even other portions of the supreme instrument which should be regarded in connection with this grant.

So, too, I might well here invoke anew the guardian care of that spirit of fidelity and reverence which ought to overrule the mind of statesmanship on every invitation to grasp a doubtful privilege or authority.

Yet, without exciting sensitiveness of vision, how obvious must be the destructiveness of such a theory of power as is here proposed to us! What indeed, upon that assumption, can be said to remain assuredly within the right of the people to self-government in their respective States?

To regulate commerce seems plainly enough to exert control for the time being over subjects then actually engaged in the movement which constitutes it, and also generally over the modes and measures, the highways and the implements employed by it.

But if whatever shall indirectly interfere with or affect the possible subjects or methods of foreign or interstate commerce opens a field for Congressional action, the mind must wander through illimitable space in the fruitless search for its confines. Perhaps nothing left to State governments can be said to be beyond reach: because whatever conduces to the prosperity or evil of the people of a State must contribute to or diminish the volume of its trade with other States and foreign nations.

Why may we not regulate the methods of agriculture, of mining, of manufacture, if it shall seem to the wisdom and beneficence of an overruling Congress that the license afforded by the State laws tends to lessen production of what might otherwise swell the current of traffic over the State line? Why shall we suffer crime to check with threatening evil the prosperity of a Commonwealth that should bend its healthful energies to the development of its commerce with other communities?

Stop there, sir, a moment. What does this substitute propose, indeed, but to punish crime for the sole reason that it operates restriction upon the volume or movement of this traffic? And, still worse, to revolutionize State law in order to denounce as criminal what that law approves and encourages as praiseworthy business?

Now, sir, if an otherwise lawful avocation and an otherwise lawful usage of trade can be anathematized by Congress as wicked; the corporate agency established by a State for the promotion of such affairs be overthrown, and numbers among its most influential, active, and respected business men driven as felons from their course of livelihood, simply because their contracts with each other, relating to personal property within their own State, and not designed by them to go beyond it, are considered or shown to effect the movement or extent of the State's trade with her sister States or foreign countries; why should not Congress far more engage itself in the suppression of the really criminal practices of a confessedly depraved class which, beyond all question, must to greater or less degree operate evil influence upon such traffic?

Can the learned Senator find authority in the Constitution to send the police officers of the United States into the Chamber of Commerce of Chicago with its 1,900 members, of whom many are known as the enterprising, public-spirited leaders of her marvelous devolopment and splendid civic temper and ambition, and there clap manacles on these men because their lawful business somehow indirectly affects interstate or foreign commerce, and yet deny the power to send such officers to purge the streets, the wharves and docks, the dives and groggeries of that world-mingled metropolis from the villians who beset and obstruct not only the subjects, but the implements and persons engaged in that freight and traffic; or to prevent the larcenies, the robberies, the arsons which, from time to time occurring through the agricultural districts of the State, withdraw annually from the volume of merchandise large quantities of the staples of husbandry?

Still more, sir, if we ought to suppress these contracts of infrastate dealing in pork, lard, or bacon, because they somehow obstruct or restrict external traffic, why must we not provide a suitable care for the swine themselves, and send the epizootic physicians of the Federal Government to head off or assuage the cholera which afflicts hogs not less than humanity? Why must we not go forth with national forces to do battle with the weevil, the chinch bug, the fly, the germ, the terrible "forms unseen" of bacilli and bacteria, which, beyond all doubt do so obstruct and restrict our interstate and foreign commerce, that but for their wickedness millions of pounds of flesh and bushels of grain might be added to the food supply of worthy labor and the suffering poor of our country and the world?

How can it be claimed, in short, that we can intrude thus upon the domestic business of a State and not also have concern for other conditions affecting her prosperity which equally, or more, go to the very marrow of her foreign trade?

There is another, a kindred aspect in which this claim of authority over the States deserves remark. I have shown you, sir, at an earlier stage of the discussion that the legitimate future contracts which this measure aims to suppress are supported by the laws, and that the corporate agencies of commerce, where mainly these contracts are made and executed, are the creatures of the respective States. Their continued maintenance expresses necessarily, therefore, the will and policy of such States, and within bounds hitherto unquestioned as exclusively for State control.

Let it be granted, for argument's sake, that they do operate to restrict the volume of the merchandise which would otherwise be sent from the State for sale in other States and foreign nations. Can it be for a moment fairly contended that Congress may overturn that policy and nullify such laws of the domestic trade of a State because of a rightful power to compel her people to their utmost possible supply to the channels of external com-

merce of the articles of her possessions which might enter them? Yet, what else, sir, does this sort of legislation pretend to do?

But I feel I can not trespass on the Senate by more amplification upon this point. In dismissing it, I respectfully submit that the right to regulate interstate commerce seems obviously limited, so far as concerns the subjects of it, to the commerce itself, which is to be regulated. It is not the right to create it, or to compel others to create it. The thing must exist; and as it exists naturally, it is to be regulated or provided for. The power was granted Congress, not as a bridge over which to invade the separate sovereignty of the States in domestic concerns, but to facilitate the means and guarantee the freedom, equality, and justice of a beneficial intercourse between the citizens of different States and with foreign nations.

Mr. President, the learned Senator from Mississippi also read to us at some length from several judgments of the Supreme Court to support the proposition that Congress may, in the exercise of powers confided to it, enact laws which, as the supreme law of the land, may overrule the legislation of the States; as if this principle in some manner maintained his claim of power to do this thing. I am unable to discern any contribution to his argument in that undeniable doctrine. The question before us is not affected. For that question is not what will be the consequence of the exercise of a rightful power, but whether the grant under debate gives us rightful power to do the thing proposed. It does not help to discern the boundary line between the sovereignty of the Union and the sovereignty of the respective States to say—what all admit—that the Union is sovereign within its defined limits. The distinction appears too clear to require discussion.

It is an obligation which I have assumed, Mr. President, to address some argument against the second proposition upon which the learned Senator from Mississippi plants the substitute for the original bill; that Congress may conclusively, so as to compel the court to accept it as fact, adjudge and declare this anathematized course of dealing to be an obstruction to interstate and foreign commerce, and therefore legislate to remove and abolish it, or in his own language—

> That Congress is the proper and final judge to determine what is an obstruction to or restraint on commerce.

His entire argument in support of this proposition rests upon the last determination of the Supreme Court in the Wheeling Bridge Case, reported in 18 Howard's Reports, 421. This greatly narrows the contention between us, because it follows that if that case did not so adjudge the argument of the learned Senator fails, and his proposition, which on its face seems startling, fails with it.

It is required of us, therefore, only to peruse with attention and fairness that celebrated judgment, and perhaps I may not aid the individual consideration of the case by Senators by making further remark upon it. But I think I may be permitted some brief observations which will recall its familiar face to the lawyers in this Chamber, and disclose at once the peculiar ground upon which it rested, and thus, as it clearly seems to me, distinguish and dismiss it as a basis for the broad proposition which it is proffered to us to uphold.

It will be remembered that at the suit of the State of Pennsylvania, the bridge company, which claimed authority under incorporation and grant by the State of Virginia, had been adjudged guilty of a nuisance in having failed to raise its bridge over the Ohio River to a height which would permit the passage under it of the largest class of steam vessels navigating that river; and had been ordered, before February, 1853, to abate it or elevate it to the sufficient height of 111 feet in the clear above low-water mark. Subsequently to the decree Congress, by its act of August 31, 1852, declared the bridge a lawful structure, and thereupon the court refused to enforce so much of the decree as required the abatement or elevation of the bridge. So far the case seems a specious base for the distinguished Senator's proposition. Attention to the principles of that determination dissipates this view. I beg to read the following extract from the opinion of Mr. Justice Nelson, on page 430 of the report:

> The bridge had been constructed under an act of the Legislature of the State of Virginia, and it was admitted that act conferred full authority upon the defendants for the erection, subject only to the power of Congress in the regulation of commerce. It was claimed, however, that Congress had acted upon the subject and regulated the navigation of the Ohio River, and had thereby secured to the public by virtue of its authority the free and unobstructed use of the same, and that the erection of the bridge, so far as it interfered with the enjoyment of this use, was inconsistent with and in violation of the acts of Congress and destructive to the right derived under them, and that to the extent of this interference with the free navigation of the river the act of the Legislature of Virginia afforded no authority or justification. It was in conflict with the acts of Congress, which were the paramount law.
>
> This being the view of the case taken by a majority of the court, they found no difficulty in arriving at the conclusion that the obstruction of the navigation of the river by the bridge was a violation of the right secured to the public by the Constitution and laws of Congress, nor in applying the appropriate remedy in behalf of the plaintiff. The ground and principles upon which the court proceeded will be found reported in 13 Howard, 518.
>
> Since, however, the rendition of this decree the acts of Congress already referred to have been passed, by which the bridge has been made a post-road for the passage of mails of the United States, and the defendants are authorized to have and maintain it at its present site and elevation, and requiring all persons navigating the river to regulate such navigation so as not to interfere with it.
>
> So far, therefore, as this bridge created an obstruction to the free navigation of the river, in view of the previous acts of Congress, they are to be regarded as modified by this subsequent legislation; and, although it may still be an obstruction in fact, it is not so in the contemplation of law. We have already said, and the principle is undoubted, that the act of the Legislature of Virginia conferred full authority to erect and maintain the bridge, subject to the exercise of the power of Congress to regulate the navigation of the river. That body having, in the exercise of this power, regulated the navigation consistent with its preservation and continuation, the authority to maintain it would seem to be complete. That authority combines the concurrent powers of both governments, State and Federal, which, if not sufficient, certainly none can be found in our system of government.

Senators will observe at once that we find here the same difference between the proposition of the learned Senator from Mississippi and this judgment of the Supreme Court which I have pointed out with reference to the cases of The Daniel Ball and United States *vs.* Coombs and the first proposition submitted by the Senator. He contends for the power of Congress to adjudge anything to be an obstruction to commerce in whatever indirect way it may affect the volume of freedom of traffic in the subjects of commerce; but the Supreme Court considered only a physical obstruction to the navigation of a public navigable water, "the property of the United States."

Moreover, the first judgment had gone upon the ground that a former act of Congress regulating the navigation of the Ohio River was violated by the bridge, which otherwise would have been lawful. This illegality which Congress created, Congress removed, and in the exercise of incontestable authority, further regulated navigation by making it necessary for the largest steam vessels to lower the tops of their smokestacks in order to pass it.

To state the lines of judgment in that celebrated controversy sufficiently argues the insupportability of this second assumption on which the able Senator from Mississippi has founded his substitute, for he left the argument for it there.

Yet, could that be needed to convince us that the Supreme Court had never rendered a judgment which must, if adhered to, utterly strip them of jurisdiction to inquire into the constitutionality of an act of Congress enacted in usurpation of this authority? It can not have escaped the acute perception of the learned Senator that the maintenance of his second proposition involves his reasoning in a vicious circle. For, taken altogether, this is his argument: Congress has power to remove an obstruction to commerce; Congress has power at will to declare finally anything to be such obstruction; *ergo*, Congress may legislate against what it will.

Upon such an interpretation of the grants of the Constitution what practically becomes of any limitation, where is the security for the rights of property, the order of society, the liberties of our countrymen?

It seems to me, sir, it will test the whole value of this proposed substitute to strike out those words in its fourth section which declare "futures" to be obstructions to and restraints upon commerce among the States and with foreign nations, which I propose at the proper time to submit a motion for. I invite the learned Senator himself to consider whether that clause ought to stand, because if the fact be in accordance with that declaration, and if Congress possesses power to abolish and remove such an obstruction, assuredly the court will sustain the act without the affirmation of the fact by Congress. On the other hand, if the fact be not so, will the learned Senator ask the Senate to affirm an untruth, even if thereby he can control the Supreme Court into acknowledgment of authority to pass this law?

I know well he is as incapable of asking as the Senate is of doing so odious a thing, not only from his high character, but from his very words addressed to the Senate in his speech of July last. Admirably and powerfully did he thus attack the proposed vicious use of the taxing power by the original bill:

> We do not mean, I hope, in this day and generation, to steal an authority not granted under the Constitution to pervert a power of the Constitution given us for the purpose of raising revenue, and under a fraudulent pretext of raising revenue thereby acquire a jurisdiction not granted by the Constitution. I do not want to go into that. I do not want to argue that; it has already been sufficiently argued by others. I believe that you can not do anything meaner with the Constitution of the United States than to pass a law for an avowed purpose, which everybody who votes for it knows is not its true purpose, but the court does not know this, because the court has not the power to discover a purpose outside of the professions of the act. The court will sustain the law because the court will not allow itself to believe that Congress was dishonest enough to conceal the true purpose of the act. That is answer enough. I think our Republican friends, debauched and demoralized as they are on constitutional questions, ought to be above that.

I invoke his consideration of the suggestion whether the upright sentiment he so honestly leveled in severe terms against the abuse of the taxing power does not equally forbid an attempt to foreclose an inquiry by the courts into a fact, upon the existence of which depends, according to his theory, the power to

denounce as crimes the transactions of a large and hitherto respected body of merchants and dealers in our land, and to stigmatize them as criminals?

Besides, sir, let me add now, in support of my intended motion, that I can not regard the evidence before us sufficient to establish the fact sought to be so declared in law. Assume it to be true, if you will, that this system of dealing in futures does operate to depreciate the price of the commodities in question. Does it follow thereby that interstate and foreign trade in them is obstructed? Generally speaking, the more the price of an article of common desire is lowered, the more extensive becomes its use and the more active the traffic in it. In what manner does that familiar rule find qualification in respect to these staples of husbandry which so largely feed and clothe mankind? No explanation has been vouchsafed us; and I doubt, in advance of it, if any be possible.

The distinguished Senator complains that none but members are admitted to trade in the chambers of commerce and exchanges of the country. But does this rule, quite necessary to their existence and affairs, abridge the rights of other citizens to trade when and where they will with one another? And without debating the merits or the faults of these organizations, can anyone who turns a fair observation on the tremendous accomplishments of our modern system of business, which so quickly gathers every year the enormous products of our fields into the gigantic currents of our commerce to flow out in distributing streams to the consumers of the civilized world; who saw a year ago a crop of 600,000,000 bushels of wheat and 9,000,000 bales of cotton picked up in our country as by Titanian hands and spread before the eager wants of humanity more easily and swiftly than a third the quantity could be handled a generation ago, sincerely affirm that the commerce of the States, and with foreign countries, has been in truth obstructed and fettered by the usages of business during recent years?

Mr. President, the grave and serious character of the proposed legislation, the learning and dignity of the minority of the Judiciary Committee who reported this substitute, the skill and force of the learned Senator who has been its champion, and the necessary requirments of debate upon any question of constitutional interpretation will sufficiently justify me, I feel assured, in the protracted care with which I have sought to refute the claim of right to employ the power of the commerce clause for the purpose of this legislation.

I am well aware that the mere discussion of a legal question can interest but few except those whose minds have been turned by the habits of their lives to it. But I have made the argument with the conviction that, however short I may have come of demonstrating it, yet the power granted by that clause is utterly inadequate to the enactment of the proposed substitute.

And so, sir, I feel that both claims for authority in Congress to enact this law are utterly insupportable, and to do this thing which is asked of us will be to attempt a violation of the Constitution, an encroachment upon the rights of the States and the liberties of our countrymen at the sacrifice of the fidelity and duty which not only my oath exacts of me, but every intelligent conviction, every sentiment of public responsibility compels me to observe as sacredly as a priest should minister at the altar of God.

And now let me ask what necessity is upon us to do this deed? We do not stand confronted by any dire exigency, imminent in evil menace, and otherwise remediless; such as sometimes has seemed to offer warrant to patriots for extreme and doubtful measures lest the Republic should take some detriment. Here is no unforeseen contingency unprovided for in the constitutional arrangement of the powers of government, no *casus omissus* in human forecast demanding extraordinary provision. So far from it, the power of the people to redress this evil, if evil it be, is ample, easy of exercise, in handy reach, much nearer to their use and wishes than we are.

No one can pretend to question the plenitude of right and power in the several State Legislatures to provide any measures, however vigorous, requisite to overmaster and correct any of the asserted injuries to the popular interests which it is professed inspire the promotion of this measure. We may bethink ourselves also of the fact—it ought to give check to our acceptance of the clamor so easily prepared to our ears—that in every State Legislature which assembles a large proportion of its membership is directly composed of intelligent farmers, besides other men very closely acquainted with and representative of the agricultural interests.

The Legislature of Illinois has but just convened. The Chamber of Commerce of Chicago, the largest grain market, I believe, in the world, and surely the largest speculative market, is the creature of that Legislature. If it be the child of evil we hear it decried in this Chamber, the hand of its creator may be now laid upon it. If the chambers of commerce or boards of trade of St. Paul and Minneapolis are the guilty visitors of wrong upon the farmers of Minnesota which the distinguished Senator from that State may leave us to infer, in the former city the sovereignty of his State is now assembled, clothed with plenary authority to suppress them.

In these legislative bodies the intelligence of the farming class, as well as its interests and strength, are abundantly exemplified by men of character and ability from its own very ranks. In the Legislature of Wisconsin, which conferred upon me the honor of a seat in this illustrious assemblage, one-third of its members, roundly speaking, forty-three of its one hundred and thirty-three Senators and assemblymen, were farmers by occupation, able men, worthy and well qualified to know and declare the wants of agriculture and provide the remedies its interests might demand. What is there in the composition of this body to justify claim of a better knowledge of or render it more sensitive to the needs of husbandry than the Legislatures of the States?

Sir, when the Legislature of a State recognizes the necessity of some measure of public importance which lies within the power of Congress to make provision for, there is an easy and familiar practice prevalent in the Union. They memorialize the legislature of the Federal sovereignty to take such step as they think prudent and requisite for the accomplishment of the ends they regard of public importance. Let us respect them as they respect us, and if, in the judgment of this body, in the State of Illinois, there is a great speculative grain market which ought to be attacked, let us deal with our fellow-sovereign, the State of Illinois in proper comity, and memorialize the body which possesses the power of that State to apply the proper remedy in the interests of the country.

Will it not be time enough, sir, for us to begin this violence upon the constitutional order of our Government when one State, at least, shall have shown the necessity for it by the failure of its legislation well applied to the end? or, I might add, by the failure or refusal to respond by the attempt at proper legislation to the rightful solicitations and representations of its sister States or of the Legislature of the Federal Union?

The remedy now proposed is a most drastic and perilous one. No man, it seems to me, can reflect upon its possible effects without a shudder of apprehension from the inevitable derangement it must work in the business transactions of our country, from the consequences of injury it is liable to inflict, especially upon our husbandmen themselves. It is one of the many advantages of our system that such an experiment as this may be tried by a single State, and its merits thus tested, without the entail upon all the country of the misfortunes of failure, if failure ensue, with the example of benefit to all, if success attend. This has been signally illustrated in many things; perhaps in none more notably than in the numerous reformations of the codes of law and practice which, by successive steps and many local failures, have now become almost universally accepted in some form by the several States.

So has it been with our system of public education, our reformatories and penal institutions, the enfranchisement of women from social bondage, and other measures of social and business advancement. What is there in this alleged reform of business methods to demand this sudden and revolutionary experiment, which may involve in its reckless adoption such evils to the entire body of our people?

Sir, the history of civilization well instructs us there is nothing more perilous, nothing more fraught with harmful results than the hasty crystallization in immoderate public action of the impulses of popular misconceptions. It is the peculiar peril of republics, always prone to storms like the freedom of the sea. In anxious guard against it the wisdom of our fathers established our plan of dual sovereignties, in which the States ought to play so useful a part, like the many iron compartments of the modern ships that meet the storms of ocean with an assurance of security that has multiplied a thousand-fold its availability to trade and travel. Are we to overthrow all this upon such an occasion as is here presented?

But, sir, grievous as will be the injury inflicted by this law, if it shall become a law, upon the interests of business and especially, perhaps, to our husbandmen, and harsh and bitter as may be the visitation of such a condemnation upon those who have hitherto held high place in all the marts of trade in our great cities, all these are as trifles in comparison with the peril of the step to be taken across the lines of constitutional duty this body is solemnly charged to defend.

It may indeed be that this law you propose to enact shall speedily flee from the statute book pursued by a popular rage far beyond what is misconceived to urge its passage.

And while I do not undertake to declare any prophetic vision, nor to wield the thunderbolts of any class, I certainly invoke the attention of Senators in this Chamber to the fact that the busi-

ness interests of this country have rested in satisfaction upon the belief that this law would never receive the indorsement of this body. If it shall happen that the result is contrary there may be awakened a spirit better worthy of consideration before it shall be stirred.

But if done, the fatal precedent will have been set, the barrier thrown down, the open breach of the great trust reposed by the Constitution avowed and complete.

Shall we be told that no real danger lurks in such a precedent? That its experiment, if harmful, will terminate with a repeal as easy as enactment?

Sir, that constitutes no answer. Repeal is the remedy of bad legislation. No remedy is adequate to the perverse and purposed injury of the Constitution. The precedent stands for invocation whenever any powerful and menacing interest may seek iniquitous or illegal advantage; a lurking demon of disorder, ready to join in effectively when the cry of devils is raised against our institutions and social order has most need of angelic friends. What better could illustrate the base utility of a bad precedent than this very debate? What could have lent more strength to this demand for misuse of the taxing power than the production of one undeniable and successful instance of the like abuse by any preceding Congress? What has been more satisfactory than the clear and certain absence, which has been shown, of any such former evil doing?

Let us assume, Mr. President, that this deed which is set to us may be successfully perpetrated; that we may, declaring our purpose to impose a tax, put the millstone on the necks of the class of business for which this snare is devised; that the Supreme Court shall pull the blinding bandage down over the judicial countenance to hide not less its mantling shame than its vision of the outraged Constitution, and, in deference to its coordinate member of the Government, shall declare this act to lay only a heavy tax, whose oppression it was alone for the Legislature to weigh, the power to tax being a power to destroy, even the Constitution itself. What then, sir, must be the sentiments in the inmost hearts of all who do see what the court must refuse to see, who know that in real fact the breach is complete, the wall down, and the very citadel open to the worst enemies of liberty whenever they shall form for assault.

I shall persume to speak for no other, but for myself I may say, with an intense sincerity, it will not comfort me that I vainly strove against it. All my reading of the historic records of mankind will but serve to portray to the mind the fearful pictures of the future in store for that great frame work of liberty which we were taught in youth to love, in our years of manhood we have revered and obeyed, and in our days of highest trust and honor have solemnly sworn to support and defend.

Sir, this is to me no mere contest of interests of a brief and temporary consequence; the ordinary struggle which may be expected to happen over one thing or another from Congress to Congress; which may leave its wounds, indeed, but upon men and things of the time only, to slip like all else which is of human individuality, into early oblivion.

This measure involves far more. I have shown you, sir, by a careful review of others of supposed likeness, that it is without precedent, that it must grievously injure the rights of the people to their local self-government, that it is in nature insidious, treacherous and of far more peril than an open defiance of the Constitution, subject to judicial redress.

It remains to add the harshest note of danger, that of hark-ening to a cry outside, which gives resolution when judgment hangs inclining the other way; that through these walls which ought to inclose a fearless and serene statesmanship the *civium ardor prava jubentium* may come to penetrate, and so fiercely that the adamant of the Constitution melts before the fervent heat.

If that day, the historic precursor of republican decay, and so often followed by the roar of the commune, be approaching, who can think it too much to attribute to this measure a vast importance, possibly far-reaching and direful!

I can not but feel confident that evil day is not upon us, but that the exigency will be met here and now in this Chamber, and the friends of constitutional liberty will be numerous enough and strong enough for the emergency which is upon them.

Mr. MITCHELL. For my own information I should like to ask the Senator from Wisconsin a question at this time, if he has concluded his speech? Assuming that the Senator from Mississippi [Mr. GEORGE] is right in his contention, that the power to deal directly with this alleged evil exists by virtue of the clause in the Constitution which authorizes Congress to regulate commerce with foreign nations and among the several States, and that the Senator from Wisconsin is wrong in reference to that contention, would the Senator from Wisconsin then have any doubt as to the constitutional power on the part of Congress to deal with that evil by invoking the taxing power?

Mr. VILAS. If the power to do this thing exists in Congress under the commerce clause, it may be that the court would support it as they supported the levy of the 50 cents a head upon passengers in the celebrated head-money cases, not as an exertion of the power to tax, but as an exertion of the right to regulate commerce. But it would be an abuse of the power, because it would be done, not as it was there, professedly in regulation of commerce, for that act was an act relating to immigration, but it would be done in abuse of the power, in covert concealment of the true purpose. It seems to me that if the power were to be found to exist, the honest constitutional way is to exert it in accordance with the nature of the power which is asserted.

Mr. MITCHELL. But I understood the Senator to argue at length and with great ability the other day that in cases where Congress had the power by virtue of some constitutional provision to deal with any particular evil, then Congress had the right to invoke the taxing power.

Mr. VILAS. I think the Senator from Oregon must have misunderstood my argument. I argued that the instance, in which under the form of a tax a power had been exercised or exerted to suppress a certain line of transactions which Congress desired to interdict, was not supported by the court as an exercise of the power to tax but as the exertion of another power within the authority given by the Constitution to Congress. Therefore the court could not hold it unconstitutional although it took the form of a tax

The PRESIDING OFFICER (Mr. JONES of Arkansas in the chair). The question is on the adoption of the amendment proposed by the Senator from Louisiana [Mr. WHITE].

Mr. HARRIS. Let the amendment be read.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. At the end of section 2, strike out the proviso, the words to be striken out being as follows:

Provided, however, That such contract or agreement shall not be made, settled for by delivery or settlement of differences, or by any other mode of performance or settlement in or upon any board of trade, produce, cotton, merchants', or other exchange, or other commercial association, or in any place or upon any premises where price quotations of said articles are announced, bulletined, or published, nor be subjected to the rules or regulations of any such board, exchange, or other commercial association.

The PRESIDING OFFICER. Upon this question the yeas and nays have been ordered. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. BUTLER (when his name was called). In am paired generally with the Senator from Pennsylvania [Mr. CAMERON]. I do not see that he is in the Chamber, and I therefore withhold my vote.

Mr. DAWES (when his name was called). The Senator from Alabama [Mr. MORGAN] being absent from the Chamber, I withhold my vote. I am paired with him.

Mr. GEORGE (when his name was called). I am paired with the Senator from Oregon [Mr. DOLPH], who is absent, but I understand in conference with some of his friends on the other side that when this question was up before he voted the same way that I would vote, and that is "nay." I vote "nay."

Mr. GORMAN (when his name was called). I am paired with the Senator from Maine [Mr. HALE] on this amendment. Otherwise I should vote "yea."

Mr. HANSBROUGH (when his name was called). I am paired with the Senator from Montana [Mr. SANDERS] on this question. I have been advised that the Senator from Nevada [Mr. JONES], who is absent, desires to be paired in favor of this measure in all of its features. So I take the liberty of transferring my pair with the Senator from Montana to the Senator from Nevada, and I vote "nay."

Mr. HARRIS (when his name was called). I am paired with the Senator from Vermont [Mr. MORRILL]. Not knowing how he would vote upon this question, I withhold my vote.

Mr. IRBY (when his name was called). I am paired with the Senator from New York [Mr. HILL]. If he were present I should vote "nay."

The PRESIDING OFFICER (when the name of Mr. JONES of Arkansas was called). The occupant of the chair is paired with the Senator from New York [Mr. HISCOCK].

Mr. MCMILLAN (when his name was called). I am paired with the Senator from North Carolina [Mr. VANCE]. I understand that he would vote against the amendment, and therefore I will vote. I vote "nay."

Mr. MANDERSON (when his name was called). I am paired with the Senator from Kentucky [Mr. BLACKBURN], but I am assured by the Senator in charge of the bill that he would vote "nay" on this question, and I therefore vote "nay."

Mr. PLATT (when his name was called). My colleague [Mr. HAWLEY], who is absent from the Senate, requested me to pair him as being in favor of the bill. I suppose that he would vote against the pending amendment, and I should vote for it. I will pair myself with my colleague.

Mr. QUAY (when his name was called). I am paired generally with the Senator from West Virginia [Mr. FAULKNER]. Not knowing how he would vote upon this amendment, I withhold my vote.

Mr. SAWYER (when his name was called). I am paired on the bill and amendments with the Senator from Minnesota [Mr. DAVIS], and withhold my vote.

Mr. STOCKBRIDGE (when his name was called). I am paired with the Senator from Maryland [Mr. GIBSON] for to-day on the bill, and therefore withhold my vote.

Mr. WILSON (when his name was called). I have a general pair with the Senator from Georgia [Mr. COLQUITT]. I am informed that if he were present he would vote against the adoption of the pending amendment. I therefore vote "nay."

The roll call was concluded.

Mr. GRAY (after having voted in the affirmative). I voted inadvertently, not observing that the Senator from Illinois [Mr. CULLOM], with whom I have a general pair, is absent. I therefore withdraw my vote. I do not know how he would vote on the pending amendment.

Mr. GORMAN. I announced my pair with the Senator from Maine [Mr. HALE]. Since then I have been requested to pair the Senator from Maine with the Senator from Rhode Island [Mr. ALDRICH] and to vote. I therefore vote "yea."

Mr. HANSBROUGH. I desire to announce that my colleague [Mr. CASEY] is paired against this amendment with the Senator from Kentucky [Mr. CARLISLE].

The result was announced—yeas 10, nays 21, as follows:

YEAS—10.

Blodgett,	Hunton,	Mitchell,	White.
Dixon,	McPherson,	Palmer,	
Gorman,	Mills,	Vilas,	

NAYS—21.

Allison,	Gallinger,	Manderson,	Walthall,
Call.	George,	Pasco,	Washburn,
Cockrell,	Hansbrough,	Peffer,	Wilson.
Coke,	Higgins,	Pettigrew,	
Dubois,	Kyle,	Pugh,	
Frye,	McMillin,	Teller,	

NOT VOTING—56.

Aldrich,	Daniel,	Hoar,	Sanders,
Allen,	Davis,	Irby,	Sawyer,
Bate,	Dawes,	Jones of Ark.	Sherman,
Berry,	Dolph,	Jones of Nev.	Shoup,
Blackburn,	Faulkner,	Kenna,	Squire,
Brice,	Felton,	Morgan,	Stanford,
Butler,	Gibson,	Morrill,	Stewart,
Cameron,	Gordon,	Paddock,	Stockbridge,
Carey,	Gray,	Perkins,	Turpie,
Carlisle,	Hale,	Platt,	Vance,
Casey,	Harris,	Power,	Vest,
Chandler,	Hawley,	Proctor,	Voorhees,
Colquitt,	Hill,	Quay,	Warren,
Cullom,	Hiscock,	Ransom,	Wolcott.

The PRESIDING OFFICER. No quorum having voted, the Secretary will call the roll.

Mr. BUTLER. I move that the Senate adjourn.

Mr. HOAR. I wish the Senator would allow the roll to be called so that we may have a brief executive session. It will take only about three minutes.

Mr. HARRIS. I beg leave to suggest to the Senator from Massachusetts that a roll call will not develop a quorum.

Mr. HOAR. Oh, yes; it will.

Mr. HARRIS. We may just as well adjourn.

Mr. HOAR. A roll call will develop a quorum, I think.

Mr. BUTLER. I insist on my motion.

The PRESIDING OFFICER. The Senator from South Carolina moves that the Senate adjourn.

The motion was agreed to, and (at 4 o'clock and 37 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, January 11, 1893, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

TUESDAY, *January 10, 1893.*

[CALENDAR DAY *January 9, 1893.*]

The recess having expired, the House reassembled at 11:55 a. m.

ORDER OF BUSINESS.

Mr. HEMPHILL. Mr. Speaker, I move that the House resolve itself into Committee of the Whole on the state of the Union for further consideration of the bill (H. R. 3591) in relation to the Norfolk and Western Railroad.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. DOCKERY in the chair.

The CHAIRMAN. The House is in Committee of the Whole for the further consideration of the bill (H. R. 3591) to authorize the Norfolk and Western Railroad Company of Virginia to extend its line of road into and within the District of Columbia, and for other purposes.

The pending question is on an amendment offered by the gentleman from Pennsylvania [Mr. ATKINSON], upon which a vote was taken yesterday, when the gentleman from Pennsylvania made the point that no quorum had voted.

Mr. HEMPHILL. Mr. Chairman, there is manifestly a quorum present, and I trust that the gentleman from Pennsylvania will withdraw the point.

Mr. ATKINSON. I am not certain that there is manifestly a quorum in the House at this time, but I do not care to insist upon another vote upon my amendment, and I therefore withdraw the point of no quorum.

The CHAIRMAN. The point of no quorum being withdrawn, the noes have it, and the amendment is rejected.

The Clerk read as follows:

SEC. 7. That Congress shall have power to regulate the manner and speed of running the cars of said railroad within the corporate limits of Washington and Georgetown.

An amendment recommended by the committee striking out the word "Congress," in the first line of the section, and inserting "the Commissioners of the District of Columbia," was agreed to.

The Clerk read as follows:

SEC. 8. That where the line of the Norfolk and Western Railroad Company or the route therefor as herein authorized shall coincide with or occupy any portion or portions of the route or right of way of any other railroad or transportation company or corporation holding from Congress a charter or authority to construct a line of railroad, and such company or corporation has not, pursuant to such authority, actually graded its roadbed and laid its tracks along and over the whole of the said portion or portions of its said route, ready for the efficient operation of its line of railroad before the 1st day of March, 1893, then and in that event the Norfolk and Western Railroad Company is hereby authorized to acquire in the manner hereinbefore provided the said portion or portions of the said route or right of way, to grade its roadbed and lay tracks along and over the same, and to occupy the same for the operation of its line of railroad as hereinbefore provided; but should the said company or corporation before the said date complete, in a substantial manner, the grading of their roadbed and the laying of their lines of tracks ready for the efficient transportation of steam-railroad passenger and freight cars, then the Norfolk and Western Railroad Company, from the point where their tracks shall so coincide or connect with the tracks of the said company or corporation, shall use the same upon the terms and conditions provided in the second section of this act to its own terminal point as hereinbefore provided: *Provided, however*, That nothing in this section contained shall be so construed as to authorize the said railroad company to acquire or occupy any portion of the property rights or rights of way of the said Chesapeake and Ohio Canal Company excluded by the proviso to section 1 of this act, without the consent of said company, its successors or assigns.

The committee recommended an amendment in line 11, striking out "ninety" and inserting "ninety-three;" which was agreed to.

The committee also recommended an amendment in line 27, inserting, after "*Provided*," the word "*however;*" which was agreed to.

Mr. COMPTON. Mr. Chairman, I desire to offer the amendment which I send to the desk.

The amendment was read, as follows:

Strike out all after the word "company," in line 31 of section 8, to the end of the section, and substitute in lieu thereof the following: "Without the consent of the stockholders of said company, or after condemnation proceedings and proper compensation to said Chesapeake and Ohio Canal Company."

Mr. COMPTON. Mr. Chairman, the purpose and effect of this amendment, if adopted, will simply be to protect absolutely the rights of property of the Chesapeake and Ohio Canal Company. The provision for that purpose in this bill, on page 7, reads as follows:

Provided, That nothing in this section contained shall be so construed as to authorize the said railroad company to acquire or occupy any portion of the property rights or rights of way of the said Chesapeake and Ohio Canal Company excluded by the proviso to section 1 of this act.

The proviso in section 1 here referred to is as follows:

Provided, however, That nothing in this act shall be so construed as to authorize said company to acquire, occupy, or use any portion of the water way, berm bank, towpath, or slope of the bank sustaining the said towpath, or the lands covered by such slope.

As far as this goes, Mr. Chairman, it is altogether right, but it does not go far enough, for the reason that the canal company owns other property besides the particular things enumerated in the proviso of section 1, and it seems to me that that company should be protected in all its rights of property, no matter in what that property may consist. I presume gentlemen understand that the effect of the passage of this bill will be to give a through connection to the Baltimore and Ohio Railroad.

Mr. MEREDITH. They could not use that club.

Mr. COMPTON. That is all right. I am not here as an opponent of this bill. If it shall meet the approval of Congress I shall hail it and shall be glad of additional railroad facilities for this city, as I presume gentlemen generally will be, because the people want all the railroad facilities they can obtain, and as a rule it is only existing opposition companies that object to an increase of railroad facilities. The effect of my amendment, I

repeat, is simply and only to protect absolutely all the rights of property of the Chesapeake and Ohio Canal Company. That canal is owned by the State of Maryland, the General Government, and private stockholders. The amendment provides that their property shall not be interfered with without the consent of the stockholders, or after proceedings by condemnation and proper compensation. It does seem to me, Mr. Chairman, that such a provision is preëminently right, just, and proper, and I hope the friends of this bill will accept the amendment.

Mr. HEMPHILL. If the gentleman will consent to make it read "without the consent of the majority of the stockholders," I shall not object. It would be practically impossible to get the consent of all the stockholders. I think the majority of the stockholders should have a right to act in this matter as in other analogous cases, and I trust the gentleman will agree to that modification.

Mr. COMPTON. Of course, Mr. Chairman, I assume that a concession by a majority of the stockholders would be the act of the stockholders.

Mr. HEMPHILL. Well, your amendment says "without the consent of the stockholders," which may mean all the stockholders. Now, why not agree to the modification I suggest?

Mr. COMPTON. I do not think it is necessary.

Mr. HEMPHILL. Well, if it is not necessary it will not do any harm.

Mr. COMPTON. The meaning is, consent of a majority of the stock.

A MEMBER. Say "without the consent of the company."

Mr. COMPTON. No; I will not accept that.

Mr. HEMPHILL. Let it read, "without the consent of a majority of the stock of said company."

Mr. COMPTON. One word before I accept that amendment. There is this technical objection to it. The stock of this company is held, as I have said, in part by the Federal Government, in part by the State of Maryland, and in part by private stockholders.

Now if we substitute "a majority of the stockholders," as suggested by the gentleman, for the words I have put in the amendment, it might be that a majority of the individual stockholders, or a majority of the private stockholders in interest in other corporations, might defeat the rights of the State of Maryland and the General Government.

Mr. HOPKINS of Illinois. Under the present reading of the proposed amendment, if there should be a meeting of the stockholders of the company and that meeting should determine in favor of the proposition, would not that be a compliance with the language of the amendment?

Mr. COMPTON. I do not know whether it would be or not.

Mr. HOPKINS of Illinois. I think it would.

Mr. HEMPHILL. I believe the gentleman from Maryland and myself have the same idea; and I suggest that he make the amendment read "without the consent of the owners of a majority of the stock." That will cover the point.

Mr. COMPTON. I think that will answer the purpose.

Mr. HEMPHILL. If the gentleman will modify his amendment in that way I will assent to it.

The CHAIRMAN. The Clerk will read the amendment of the gentleman from Maryland as modified.

The Clerk read as follows:

Strike out all after the word "company," in line 31, section 8, to the end of the section, and substitute in lieu thereof the following: "Without consent of the owners of a majority of the stock of said company or after condemnation proceedings and proper compensation to said Chesapeake and Ohio Canal Company."

The amendment as modified was agreed to.

Mr. HOPKINS of Illinois. I move an amendment to come in after section 8.

The Clerk read as follows:

Provided further, That such damage as is contemplated in the proviso to section 1, shall be determined pursuant to the provisions of chapter 18 of the Revised Statutes of the District of Columbia relating to railroad companies, so far as the same may be applicable thereto.

Mr. HOPKINS of Illinois. I will say to the gentleman from South Carolina that the amendment adopted yesterday will be ineffective unless some provision of this kind be adopted.

Mr. WILLIAM A. STONE. The gentleman from New Jersey [Mr. BERGEN] offered an amendment which would meet the case. I will not state positively that it was adopted.

Mr. HOPKINS of Illinois. I understand there is no opposition to my amendment.

Mr. HEMPHILL. It seems to me to be superfluous.

Mr. HOPKINS of Illinois. I find on examination that the object sought by my amendment is accomplished by an amendment which was adopted yesterday. I therefore withdraw the amendment.

Mr. WILLIAM A. STONE. I move to amend by striking out the word "three," in line 12, page 7, and inserting "four;" so as to read "1894" instead of "1893." Perhaps the gentleman from South Carolina will assent to this amendment.

Mr. HEMPHILL. I believe I have no objection to it.

The CHAIRMAN. Without objection the amendment offered by the gentleman from Pennsylvania [Mr. WILLIAM A. STONE] will be considered as agreed to.

Mr. HEMPHILL. Wait one moment. This company is required to commence the construction of its road within one year and complete it within two. The amendment suggested by the gentleman from Pennsylvania will give the company that has already been chartered some two years ago—the Dock and Barge Company—until 1894, to lay down the tracks it is authorized to lay down. That will prevent this company from doing anything toward acquiring that property until 1894, which I think is rather too long a time.

Mr. WILLIAM A. STONE. They only have to begin the work within a year; they do not have to complete it.

Mr. OUTHWAITE. But they have to complete it within two years.

Mr. WILLIAM A. STONE. We give them a year in which to begin it; and if they are prevented from completing it by any action of the company already there, all they have to do is to show a bona fide effort to complete it within the time required, and they can then complete it after the expiration of the time.

Mr. HEMPHILL. What is the object of the gentleman in offering the amendment?

Mr. WILLIAM A. STONE. The bill in its present form is practically a confiscation of any rights that any other company may have there. I simply propose to give them time to carry out the work for which the company was formed.

Mr. HEMPHILL. Suppose we say October, 1893, instead of March, 1894. That will give ample time.

Mr. WILLIAM A. STONE. Very well; let my amendment be modified in accordance with the suggestion of the gentleman from South Carolina.

The amendment of Mr. WILLIAM A. STONE as modified was read, as follows:

In line 11, page 7, strike out the word "March" and insert the word "October;" so as to read "1st day of October, 1893."

The amendment was agreed to.

Mr. BUCHANAN of New Jersey. I offer an amendment to come in as a new section between section 8 and section 9.

The Clerk read as follows:

SEC. 9. That the Attorney-General of the United States shall forthwith apply to the judges of the supreme court of the District of Columbia to assess the value of the rights, franchises, and privileges hereby granted, and until the amount so assessed shall be paid into the Treasury of the United States, no street in the cities of Washington or Georgetown shall be taken, used, crossed, or otherwise occupied by said company.

Mr. BUCHANAN of New Jersey. Mr. Chairman, I have drawn this amendment and present it now because I believe it should be embodied in this bill. I believe that it should also be embodied in the franchise of every corporation asking for the privilege of occupying the streets of any of the cities of the United States.

Mr. OUTHWAITE. How about the railroads already occupying the streets here; do you wish to embody them?

Mr. BUCHANAN of New Jersey. The provision should have been in their charters in the first instance. The franchises in those cases have already been granted. The mischief is done.

Mr. OUTHWAITE. Will you put it in now?

Mr. BUCHANAN of New Jersey. The gentleman knows that could not be done on this bill. It would not be germane. It would be general legislation on a special or private bill.

Mr. OUTHWAITE. It can go into the law that they shall be compelled to comply with a general provision such as that you propose here, and that their property shall be paid for upon the same terms. You can assess what they are holding now of the public property.

Mr. BUCHANAN of New Jersey. And the gentleman knows that such a provision would be subject to the point of order. It would not be germane.

Mr. OUTHWAITE. Nobody is going to make the point of order on this side.

Mr. BUCHANAN of New Jersey. It is not in accordance with the practice heretofore. I repeat it would not be germane. But does the gentleman from Ohio say that that provision should be in this bill?

Mr. OUTHWAITE. I will offer it myself if you will accept it.

Mr. BUCHANAN of New Jersey. I ask the gentleman again, does he say that restriction should be put upon the other companies? [After a pause.] Silence gives consent; and if so why not apply it now, when we are framing a bill for the benefit of this company. As to this company we are now in a parliamentary position to act.

Mr. Chairman, this company is taking advantage of the unrest and discontent which exist in this city as to the limited railroad

facilities the citizens enjoy, and of the discontent all over the country with reference to the monopolistic tendencies of railroad corporations, to put through this House the most unguarded, the most monopolistic bill that has ever come before us for action. This bill allows grade crossings. It levies no taxes. It allows full bonding. It gives the streets for nothing. It fixes no limit for the terminal purposes. I give that as my deliberate judgment, and now whilst we are acting on this bill, whilst we are granting these privileges to this corporation, why not compel this company, as I would when acting in the case of any other company, why not compel them——

Mr. OUTHWAITE (interrupting). Did you compel the other railroad companies to comply with any such provision——

Mr. BUCHANAN of New Jersey. Mr. Chairman, I decline to yield to the gentleman. I will not be interrupted. I was not a member when the other companies obtained their entrance. I have a right to the floor for my brief five minutes without further interruption.

The CHAIRMAN. The gentleman from New Jersey declines to be interrupted.

Mr. BUCHANAN of New Jersey. I say while we are dealing with this company why not apply a rule which I think no man will deny should be applied to every other company in the United States which is granted any such valuable privileges? We are granting franchises all over the United States by our Legislatures and municipal bodies, which are offered as free gifts to corporations instead of being paid for, as they should be.

Now, what does my amendment propose? In a word, that the Attorney-General of the United States shall apply to the judges of the supreme court of the District of Columbia—able, honorable, and upright men—to assess the value of the franchises we are granting by this bill to this company.

It provides further that when that assessment is made, and the sum so assessed shall be paid into the Treasury of the United States, the company may proceed with its operations; and until that is done they shall not occupy the public streets. I ask, is there anything wrong or unfair in that? I venture to say that if it were not for the feeling I have spoken of here the amendment would be adopted upon its merits almost unanimously by this House.

I have offered no amendment to obstruct the passage of this bill. Every amendment offered by myself has been in the interest of the people of this city and of the country. The people want additional railroad facilities and will have them, but some of them do not understand, I fear, the extraordinary character of some of the details of this bill. Now is the time when we are granting this privilege to guard it by imposing proper restrictions on the grant, and with that view and purpose alone I have offered the amendment. If the franchise, upon investigation, is found to be worth nothing, there will be nothing to pay for it; if, on the other hand, it is worth anything, then that sum is to be paid before the streets can be occupied. The people have a right to expect that something shall be paid for the right if it has any value, and I think this is only an honorable and a just proposition between man and man, between the Government and the governed.

Mr. HEMPHILL. Mr. Chairman, I think that there are many of us who sympathize with the expressions of the gentleman from New Jersey but yet the proper way to seek what he claims to be seeking would be to bring in a bill assessing the holdings of all of the railroads in the District and thereby place all upon the same footing. It is not fair when two great corporations are already occupying a large part of the public domain in this city, and another seeks to enter to compete with them for the public business, and to furnish facilities for the public, to lay upon it additional burdens beyond those which the other companies were forced to bear.

Mr. BUCHANAN of New Jersey. Will your committee report such a bill?

Mr. HEMPHILL. I was just going to say to the gentleman from New Jersey that if he would introduce a bill of that character providing how this property shall be assessed, I will see to it that it shall have full and fair consideration in the committee.

Of course what the committee may see proper to do with it I can not foretell.

Mr. BUCHANAN of New Jersey. A very safe promise.

Mr. HEMPHILL. And a very reasonable one, too.

Mr. WATSON. Will the gentleman from South Carolina allow me to ask him this question: Have we any right now to compel the other corporations to pay for the franchises they enjoy here?

Mr. HEMPHILL. I think we have a clear right to amend any railroad charter that we have granted. It is expressly provided in this charter that we can amend, alter, or repeal it at any time, and so we can do with regard to the other railroads, and there are some of us who think that it should be done beyond all question. But it is not fair to pick out a railroad that is trying to get into the city, and lay upon it burdens which the other railroads already here are not called upon to bear.

Mr. OUTHWAITE. Mr. Chairman, I heartily concur with the gentleman from New Jersey [Mr. BUCHANAN] in his anxiety to strike at monopolies. I remember that in the last Congress of the United States there was a bill under consideration to virtually grant property of the people of the United States in the District of Columbia to the value of about $600,000 to a certain railroad corporation.

While that bill was under consideration I heard no proposition from the gentleman from New Jersey [Mr. BUCHANAN] to make that railroad company pay anything in this way for that valuable grant. I therefore suggested to him during his remarks upon the amendment he has offered to the bill that he incorporate in his amendment a provision which would require these other roads—as they are not now required and never have been required—to undergo the same process of law and be subject to an action by the Attorney-General of the United States before the supreme court of the District of Columbia to have the value of their holdings assessed and to cause them to pay for them before exercising any further franchises thereupon or any ownership thereof. I simply wish to extend the operation of his virtuous efforts.

Now, the gentleman if he will simply incorporate my proposition in his amendment, will be doing something which will be of great benefit to the people, if the whole amendment shall be adopted. I have in my hand an official statement which shows that that property, which he assisted in voting to one of these corporations without pay, is assessed at $360,900; and all that that company pays for the use of that great tract of land which he assisted in giving to it is $5,450 taxes per annum. Now, the gentleman asks me if I would vote for such an amendment as I have suggested to him. If he will offer it, I will support such an amendment here and now, and do the best I can to place all these corporations, which he seems so vigorously to assail, upon an equal footing in this particular. I only want it to be clearly understood by the House that this railroad company, the Norfolk and Western, is coming in here upon no more favorable terms than any other.

Mr. Speaker, this should not be treated as a contest between corporations. I would like to have this discussion proceed upon the proposition that it is the people of a large part of this country who want to get into this District by some other route than by one of two. In other words, the people of the South, Southwest, West, and even Northwest, and I may say especially the people of the State of Ohio, from the capital of which the Norfolk and Western Railway has a line to within 70 miles of this city, would like to be permitted to say in their sovereignty that they can come into the District of Columbia without being compelled to take only one or two railroad lines. With no purpose to criticise either of those companies, I insist that the thing for this committee to consider is whether the people shall be permitted to visit the capital of this nation, and yet not be compelled to do it in the cars of a certain railroad company. Why shall there be a limit to the avenues of approach to the seat of government? The more of these opportunities that are given to the people to come here, the better their liberties will be preserved. The rights of the people are not to be ground entirely out of existence by any quarrel over privileges for corporations. No one has questioned the wisdom, propriety, or necessity of permitting this entrance into the District of Columbia. No protest has been made, no objection has been heard from any citizen or class of citizens against the passage of this bill.

[Here the hammer fell.]

Mr. BUCHANAN of New Jersey. Mr. Chairman, some years ago the corporation of which the gentleman speaks applied to the Commissioners of the District, under the law as it was then understood, for permission to occupy certain streets. The permission was given and the streets crossed. Afterward the court held that such permission was beyond the power of the Commissioners to give. Thereupon the grand jury of this district indicted the corporation for occupying those streets, and the question presented to Congress was whether the freight traffic on that road should be suspended or whether that traffic should be allowed to be continued. The bill which was passed provided amply in every respect for alteration, or amendment, or future action by Congress. That was a measure to meet an emergency, an emergency which was imminent, and it had no reference whatever to anything else. The streets upon which the main tracks were laid were not involved at all, only those across which turn-outs to warehouses and stores had been laid.

When a company comes here asking the privilege of coming

into this city, asking a franchise which must be worth something, I will vote that its value, properly ascertained, shall be paid by that company. If these gentlemen are so anxious to have this applied to the other corporations, let them introduce their bill, and let the chairman of the Committee on the District of Columbia not simply promise that he will see that the bill has attention in his committee, but let him see to it that it gets out of the committee and gets before this House for action; and then will we be in a position to reach them all. To-day there is one before us, and we have an opportunity of acting. Exempt this, and you have hereafter three opponents instead of two, to any proposition to assess the value of these franchises and charge them to the company enjoying them. You will have all of these corporate interests banded together in one interest, opposing any future action by Congress.

Mr. HEMPHILL. Mr. Chairman, I think we all understand the proposition. It means that a weak road is to pay for something which the other strong companies are not paying.

Mr. BUCHANAN of New Jersey. Why do you call it a weak road when it has 11,000 miles of track?

Mr. HEMPHILL. I do not know how many thousand miles of track it has, but it is now trying to get in here, and when there was a proposition here relating to the Pennsylvania Railroad it will be remembered that I urged upon this House most warmly that that was the time to make the Pennsylvania Railroad pay for the public property which it had used for so many years.

Mr. OUTHWAITE. What is the record of the gentleman from New Jersey [Mr. BUCHANAN] on that?

Mr. HEMPHILL. I will say that I think I would have been successful in that attempt if my friend from New Jersey [Mr. BUCHANAN] had been as earnest as he is now.

Mr. BUCHANAN of New Jersey. I thank you for your high estimate of my power. However, his courtesy leads him into error. I did not cause its defeat.

Mr. HEMPHILL. The gentleman happened to be against me and I failed. Let us have a vote on the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey [Mr. BUCHANAN].

The question being taken on the amendment of Mr. BUCHANAN of New Jersey, the Chairman announced that the noes seemed to have it.

Mr. BUCHANAN of New Jersey. Division.

The committee divided; and there were—ayes 9, noes 135.

So the amendment was rejected.

Mr. WILLIAM A. STONE. Mr. Chairman, I desire to offer an amendment.

The Clerk read as follows:

Add section 9—

The CHAIRMAN. Does the gentleman desire to offer this amendment as a new section to come in between 8 and 9?

Mr. WILLIAM A. STONE. It is to come in between sections 8 and 9.

The Clerk read as follows:

SEC. 9. In protection of the employés, air brakes shall be used on all freight and passenger trains run and operated in the District of Columbia under the grant in this bill.

Mr. HEMPHILL. I raise the point of order against that amendment that it is not germane to the bill.

Mr. WILLIAM A. STONE. I do not see why, Mr. Chairman. I wish to be heard upon that point.

The CHAIRMAN. Does the gentleman from South Carolina [Mr. HEMPHILL] raise a question of order against this amendment?

Mr. HEMPHILL. Yes, sir.

Mr. WILLIAM A. STONE. Mr. Chairman, the bill provides that the Commissioners of the District of Columbia shall regulate the speed at which trains shall run. This, as a matter of course, is for the protection of life and property. Now, we all know that a great number of accidents occur on freight and passenger trains by the absence of air brakes. It is a question to which the whole country has given its attention. The number of accidents is simply frightful. Now, here is an opportunity for Congress to announce its intentions and its views upon this subject.

By the use of air brakes there are very few accidents, but the old way of braking, by wheel and chain, which requires brakemen to run from one end of the train to the other on the top of the cars, is attended with great risk and frequent injury. Modern railroading requires air brakes, and many of the principal railroads of the country use them on freight as well as passenger trains. This is simply an amendment for the protection of employés. The attention of the country has been called to the subject in every message of President Harrison during his administration, and it is a question with which the whole country is familiar. The employés on all the great railroads of the country have petitioned for it, and the Committee on Railways and Canals, having the subject in charge, have, I believe, reported a bill in favor of it.

Now, the amendments which we offer here are not intended to defeat this bill. This company can well afford to accept this amendment, and because of the cries of "Pennsylvania Railroad!" and "Monopoly!" the friends of the bill have been refusing to accept amendments that are in the interest of humanity. I appeal to the gentleman from South Carolina in charge of this bill to accept this amendment. It will do no harm, and certainly will be in the interest of and for the protection of lives and limbs of the employés.

Mr. HEMPHILL. I withdraw the point of order, Mr. Chairman, and let it come on its merits. I yield to the gentleman from Ohio.

Mr. OUTHWAITE. Mr. Chairman, I wish to offer an amendment to the amendment, which I hope the gentleman will accept, and that is to strike out the words "under the grant of this bill:" so that it will read: "In protection of the employés, air brakes shall be used on all freight and passenger trains run and operated in the District of Columbia."

Mr. WILLIAM A. STONE. I accept that amendment, and I accept it on behalf of every member who has offered amendments to this bill.

Mr. ATKINSON. I make the point of order against that amendment. [Laughter.]

The CHAIRMAN. The amendment has not been stated yet. Does the gentleman from Pennsylvania [Mr. WILLIAM A. STONE] desire to modify his amendment?

Mr. WILLIAM A. STONE. I modify it by accepting the amendment to the amendment offered by the gentleman from Ohio.

The CHAIRMAN. The Clerk will now report the amendment as modified by the gentleman from Pennsylvania.

The Clerk read as follows:

Add section 9: In protection of the employés air-brakes shall be used on all freight and passenger trains run and operated in the District of Columbia.

Mr. HEMPHILL. Mr. Chairman——

Mr. HENDERSON of Iowa. Mr. Chairman——

The CHAIRMAN. The point of order made by the gentleman from South Carolina against the original amendment has been withdrawn.

Mr. HEMPHILL. I raise the point of order against the amendment as amended for the simple reason that this is a bill to let another railroad come into the city. If we undertake to legislate as to all railroads, as the gentleman from New Jersey [Mr. BUCHANAN] has stated, we will have all of these roads combining against this road, and they will make this a pretext for defeating this bill.

Mr. BUCHANAN of New Jersey. I said they would be against further legislation.

The CHAIRMAN. The Chair sustains the point of order against the amendment in its present terms.

Mr. BINGHAM. Who made the point of order?

The CHAIRMAN. The gentleman from South Carolina [Mr. HEMPHILL].

Mr. WILLIAM A. STONE. Then, Mr. Chairman, I desire to renew my own amendment.

The CHAIRMAN. The gentleman now offers the amendment which the Clerk will read.

The Clerk read as follows:

In protection of employés, air-brakes shall be used on all freight and passenger trains run and operated in the District of Columbia under the grant of this bill.

Mr. HEMPHILL. I do not suppose, Mr. Chairman, that anybody will vote for it; it is so manifestly unjust to lay down a rule for one railroad company and not for another.

Mr. BUCHANAN of New Jersey. You have just defeated action as to the other railroads.

Mr. HEMPHILL. I understand this game; it is intended to defeat this bill. The Baltimore and Ohio Company brings cars in here from all sections of the country with through freight, either with or without air-brakes, and so does the Pennsylvania Railroad; but when it comes to the Norfolk and Western, when it comes here with through freight cars without air-brakes from Columbus, Ohio, or elsewhere, what is it to do with them? Why, if this amendment be adopted it must stop those cars outside the District of Columbia. The result will be that the Norfolk and Western can have no through freight except that which comes in cars with air-brakes, while the other railroads entering the District can bring in their through freight in all kinds of cars.

Mr. HENDERSON of Iowa. Mr. Chairman, I want to say a word about this amendment. There is an effort here to scare the friends of this bill from squarely voting for it and against this amendment. I am against the amendment, and yet I intro-

duced the first bill ever introduced in the American Congress on this subject, and substantially that bill passed this body at the last session and is now pending in the Senate. We have already taken action upon this question of the protection of railroad employés. The desired result can not be attained by this amendment. This amendment will not carry out the wishes of the railway employés of this country, in whose behalf I have presented petitions representing 80,000 men employed on the railways in the United States.

A measure for this purpose requires to be carefully guarded. A time must be fixed when it shall go into effect. If this requirement is put into one railroad, it must be put upon all the others at the same time, so that each will be adjusted to all the others. Whatever may be the good motives of the gentleman offering this amendment, I say the amendment itself is not in the interest of the railway employés. They desire a broad, comprehensive, well constructed, well considered bill that will touch every railroad in the United States, and such a bill has already passed this body. I hope the amendment will be voted down. [Applause].

Mr. WILLIAM A. STONE. Mr. Chairman, I think that my good faith in offering this amendment was illustrated by my willingness to accept the amendment to it which was offered by the gentleman from Ohio [Mr. OUTHWAITE]. I have heard no good answer to the reasons in favor of this amendment. The allegation that it would apply to the Norfolk and Western and not to the other railroads is no answer to the fact that the whole country to-day is calling for some legislation of this kind. We are asked here to grant a franchise, and, because other railroads have abused their privileges, because there are monopolies in the land, is that any reason why we should grant a new railroad a franchise in the same unguarded way in which the old ones have been granted?

Why not add to it all the safeguards which are necessary to prevent this railroad at least from doing what the others have done. Is it any excuse for giving this franchise uncoupled with conditions providing for the safety of the employés of this railroad, to say that other railroads have had unguarded franchises? Now, Mr. Chairman, here is an opportunity to face this question. It is no answer to say that this Congress has passed a bill providing for the protection of railway employés. This railroad comes here and asks for certain privileges and franchises. We are about to grant them. Let us do it coupled with conditions which will insure the safety of the people who are to operate their trains.

The question was taken on the amendment, and the Chairman declared that the noes seemed to prevail.

Mr. WILLIAM A. STONE. I ask for a division.

The committee divided; and there were—ayes 10, noes 119.

Mr. WILLIAM A. STONE. No quorum, Mr. Chairman.

The CHAIRMAN. The point of "no quorum" being made, the Chair will appoint to act as tellers the gentleman from Pennsylvania [Mr. WILLIAM A. STONE] and the gentleman from South Carolina [Mr. HEMPHILL].

The committee again divided; and the tellers reported—ayes 3, noes 164.

So the amendment was rejected.

The Clerk completed the reading of the bill.

Mr. HEMPHILL. Mr. Chairman, I move that the committee do now rise and report this bill with the amendments to the House with the recommendation that it pass.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. DOCKERY, from the Committee of the Whole on the state of the Union, reported that they had had under consideration a bill (H. R. 3591) to authorize the Norfolk and Western Railroad Company of Virginia to extend its line of road into and within the District of Columbia, and for other purposes, and had directed him to report it to the House with the recommendation that it do pass with certain amendments.

Mr. HEMPHILL. Mr. Speaker, I demand the previous question upon the pending amendments, and the bill to its engrossment and third reading.

The previous question was ordered.

The SPEAKER. If a separate vote is not desired upon any amendment, the Chair will submit the question on the amendments in gross.

The amendments were adopted. The bill as amended was ordered to be engrossed and read a third time.

Mr. HEMPHILL. Mr. Speaker, I ask the previous question on the passage of the bill.

The previous question was ordered; and the bill was passed.

Mr. HEMPHILL moved to reconsider the vote by which the bill was passed, and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. HEMPHILL. Mr. Speaker, our day has not yet expired, but I shall not bring any further business before the House at this time.

ORDER OF BUSINESS.

Mr. MCMILLIN, from the Committee on Rules, reported the following; which was read:

Resolved, first, That the remainder of this legislative day be devoted to the consideration of such bills as may be called up by the Committee on the Election of President and Vice-President and members of Congress.

Resolved, second, That Wednesday, the 11th instant, beginning after the second morning hour, be assigned to the consideration of such business as may be called up by the Committee on Indian Affairs, having been previously reported therefrom.

Resolved, third, That Thursday, the 12th instant, beginning after the second morning hour, be assigned for the consideration of such business as may be called up by the Committee on Naval Affairs, having been previously reported therefrom.

Resolved, fourth, That Saturday, the 14th instant, beginning after the second morning hour, be assigned for the consideration of such business as may be called up by the Committee on the Judiciary, having been previously reported therefrom.

This order not to interfere with the right of the House to consider revenue and appropriation bills.

Mr. MCMILLIN. I demand the previous question on agreeing to this report.

The previous question was seconded; and under the operation thereof the resolutions were adopted.

On motion of Mr. MCMILLIN, a motion to reconsider the last vote was laid on the table.

MEMORIAL ADDRESSES ON HON. JOHN G. WARWICK.

Mr. OUTHWAITE, by unanimous consent, submitted the following resolution; which was read, considered, and adopted:

Resolved, That Saturday, the 18th day of February, 1893, beginning at 3 o'clock p. m., be set apart for the purpose of paying tribute to the memory of Hon. John G. Warwick, lately a Representative from the Sixteenth district of Ohio.

ELECTION OF PRESIDENT, VICE-PRESIDENT, AND REPRESENTATIVES.

The SPEAKER. The Clerk will report the special order for the remainder of this legislative day.

The Clerk read as follows:

Resolved, first, That the remainder of this legislative day be devoted to the consideration of such bills as may be called up by the Committee on Election of President, Vice-President, and members of Congress.

The SPEAKER. The gentleman from Michigan [Mr. CHIPMAN], chairman of the committee referred to in the resolution just read, will indicate what bill he desires to call up.

Mr. CHIPMAN. I desire to call up House joint resolution No. 98.

The Clerk read as follows:

Joint resolution (H. Res. 98) proposing amendments to the Constitution substituting the 31st day of December for the 4th day of March as the commencement and termination of the official terms of members of the House of Representatives and of United States Senators, and providing that Congress shall hold its annual meeting on the second Monday in January, and substituting the 30th of April for the 4th of March as the date for the commencement and limitation of the terms of the President and Vice-President.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following articles be proposed to the Legislatures of the several States as amendments to the Constitution of the United States, namely:

"ARTICLE —.

"The terms of the President and Vice-President who may be in office when this amendment shall have been ratified shall continue until noon on the 30th day of April next succeeding the 4th day of March upon which their terms would otherwise expire, and the 30th day of April, at noon, shall thereafter be substituted for the 4th day of March as the commencement and termination of the official terms of the President and Vice-President.

"The twelfth article of the amendments to the Constitution of the United States is amended by striking out the words '4th of March' and substituting instead thereof the words '30th day of April, at noon.'

"ARTICLE —.

"The 31st day of December, at noon, is substituted for the 4th day of March as the commencement and termination of the official terms of the Senators and of the Members of the House of Representatives.

"The Congress in existence when this amendment is ratified shall not hold a second annual session, and its term of office shall expire on the 31st day of the month of December following the date of the election of the Representatives to the next succeeding Congress: *Provided*, That there shall be no diminution of the salaries of the members of the Congress whose term is curtailed by this amendment. This amendment shall not apply to members of said Congress who may be elected to the next Congress.

"The Senators whose term would otherwise expire on the 4th day of March next succeeding the day on which the term of the first Congress shall commence after the ratification of this amendment shall continue in office until the 4th of March unless their successors are sooner appointed or elected.

"Congress shall assemble at least once in each year, and such meeting shall be on the second Monday in January, unless Congress shall by law appoint a different day."

Mr. CHIPMAN. Mr. Speaker, one object of this resolution is to change the time of the inauguration of the President from the 4th of March until the 30th day of April. The reason for this change is obvious. It grows out of the discomfort attendant upon inaugurations at the time when they now take place. I do not care to go into that branch of the proposition to any great extent, for it is rather a matter of taste and comfort than one of

principle; and while I am in favor of that part of the measure, I shall leave its discussion to other gentlemen who have originated it.

Another branch of the proposed constitutional amendment would prohibit the assembling of a Congress after it had been beaten at the polls. It fixes the convening of Congress for the 1st of January after an election; and in that way those gentlemen who have been defeated by their constituents will be at the end of their official terms, and will no longer have power to act in a legislative capacity.

I know there is a theory abroad that after the election of a Congress a long time should intervene in order that the representative chosen may prepare himself for his duties and the country may get ready for any changes which may be brought about in legislation. It has always seemed to me that such a position in a republican form of government is, to say the least, anomalous.

The idea that a man shall be elected as a member of this body and not be qualified at the time he is elected to perform his duties here is certainly a very singular one. But over and above that the idea that a long time must elapse after the people have announced their will upon public questions before that will is to be put into force is in my judgment contrary to republican principles. Let us take the recent example. The people last fall declared unmistakably in favor of certain changes in the policy of this Government.

All those matters were thoroughly discussed. There was not a section of the country, there was not a press in the country in which these questions were not discussed; and there was scarcely a man in the country who had not formed a decided opinion concerning them. Yet though in November last the people expressed their will strongly upon fundamental matters of government, demanding fundamental changes, if you please, yet before that will can be expressed in legislation we must wait for a period of over a year. I can not understand the objection to the change contemplated by the joint resolution now under consideration. Either the people know what they desire or they do not know what they desire.

If they do not know what they desire, then republican government is a failure. If they do know what they desire, then the legislative branch of the Government should be quick in responding to their will. Why there should be delay, why it is necessary for time to elapse in order that there may be a second thought, and why it is necessary that any other agencies or any other sources of information should be resorted to save the will of the people as expressed, I can not understand. The people in the last election spoke in the most decided tones in favor of tariff reform, in favor of a revision of the tariff, in favor of the reduction of the tariff; and yet, while that has been declared to be a prime necessity, a necessity so great that an administration has been overturned and a great party thrust out of power, yet we must wait, as I said before, until next winter, until a year from now, before the policy which the people have indorsed can have voice or any potency in the affairs of the nation.

Mr. BURROWS. Will my colleague allow me to interrupt him for a question?

Mr. CHIPMAN. Certainly.

Mr. BURROWS. Does not my colleague overlook the power of the incoming Administration to convene a session of Congress early next spring?

Mr. CHIPMAN. Mr. Speaker, I will answer his question. I overlook nothing. That question is asked for a political purpose, but there is no politics in this bill. What I might do if I were President and assumed to take charge of this Government is one question. My own idea is, and I have no hesitancy in expressing it here, that we can not too quickly get at this work of reform; that we can not too quickly assault, overthrow, and blot out, as I hope, forever, the false policy and vicious legislation which the party to which I hope we are now saying a long farewell from power has planted on the statute books of this nation.

But, Mr. Speaker, it is not in favor of exceptional use of power, it is not in favor of the authority granted and existing under the Constitution to call a special session in special emergencies to which I advert. But I stand here in favor of a general rule, something not dependent upon Presidents, something not dependent upon political exigencies, something entirely independent of accidents, something which shall be a general rule, the object of which shall be always a prompt response to the popular will as expressed at the ballot box. That is the object of the pending resolution. Whether a special session should be called, whether it should be called on the 4th of March, whether it should be called later, in September, are matters which belong exclusively under the Constitution to the incoming President, and with him, so great is my confidence in him, I am content that the responsibility shall rest.

This is the object of this resolution. It is meant to bring the Representatives of the people nearer to the people themselves. It is meant to call forth prompt compliance with the expression of the popular will as expressed by the election of the members of this House. If that is accomplished then I believe that we will have a real representative government, representative as the British Parliament is of the people of that country, representative as the Assembly in France is of the people of that country, representative even as the legislative power of the Government of Germany, to which we do not look for any examples of legislative freedom—representative even as the parliamentary power in that country is of the people who elect them; promptness of action on the popular will, obedience to the will of the people, an embodiment in the statute books or in a law of the will of the people as expressed by their vote at the polls in the election of Representatives to Congress. We are now only in a feeble sense the representatives of the people. We have witnessed within a very short period the people overturning the House of Representatives in a manner never equaled in the history of the country before, sending them forth, I might say, with obliquy and disgrace, and yet the same body meeting here after their defeat and condemnation, forcing legislation upon their successors, forcing burdens upon their successors, willfully, recklessly, even consciously pursuing a policy which has been condemned by the people, to obstruct and embarrass their successors, which was certainly meant to do that and certainly was in contempt of the will of the people as expressed at the ballot box.

I now resign the remainder of such time as I may have to the gentleman from Texas [Mr. CRAIN].

Mr. HOOKER of Mississippi. Before the distinguished gentleman from Michigan takes his seat will he permit me to ask him a question, he having reported this resolution?

Mr. CHIPMAN. I did not report the resolution. It was reported by the gentleman from Texas [Mr. CRAIN]; but I will take pleasure in answering the question if I can.

Mr. HOOKER of Mississippi. I wanted to call the attention of the gentleman for the purpose of getting his opinion of two provisions of this bill. One is to be found at the top of page 2 and is in the following words:

> The terms of the President and Vice-President who may be in office when this amendment shall have been ratified shall continue until noon on the 30th day of April next succeeding the 4th day of March upon which their terms would otherwise expire, and the 30th day of April, at noon, shall thereafter be substituted for the 4th day of March as the commencement and termination of the official terms of the President and Vice-President.

And the next is at the bottom of the same page.

> The Congress in existence when this amendment is ratified shall not hold a second annual session, and its term of office shall expire on the 31st day of the month of December following the date of the election of the Representatives to the next succeeding Congress: *Provided*, That there shall be no diminution of the salaries of the members of the Congress whose term is curtailed by this amendment.

Now, I ask my friend who is speaking in favor of the resolution as to his opinion of the power of Congress to extend the time of the President and Vice-President and curtail the period of service of the members of this House?

Mr. CHIPMAN. My friend forgets that this is a constitutional amendment.

Mr. HOOKER of Mississippi. No, I do not forget that.

Mr. CHIPMAN. Well, if my friend can not see the power of Congress to propose a constitutional amendment to the States, and the power of the States to adopt that amendment, I am afraid I can not enlighten him upon the subject any further.

Mr. HOOKER of Mississippi. The question is as to the power to pass a resolution curtailing the period for which the people have elected members of Congress.

Mr. CHIPMAN. But this is a constitutional amendment.

Mr. HOOKER of Mississippi. I understand that.

Mr. CHIPMAN. Well, my dear sir, the power of amendment is affluent.

Mr. COBB of Alabama. The people are acting.

Mr. CHIPMAN. The people are acting. The Constitution itself puts no limit upon the power of the people to act in this regard. It is unbounded. It is as broad as the will of the people themselves. Neither in the Constitution, nor so far as I have been able to investigate the subject, in any authority or in any suggestion of legal authority is there any doubt upon that question. We have even been embroiled in war because there was no limit to that power. The people can abolish the whole Constitution. They can abolish both myself and my friend from Mississippi [Mr. HOOKER], so far as our public functions are concerned. They can change the entire form of our Government, provided the people will assent to it.

Mr. LIVINGSTON. Will the gentleman accept an amendment fixing the expiration of the term of Senators and Representatives at the same time as the expiration of the term of the President and Vice-President?

Mr. CHIPMAN. The reason for not doing that is simply the reason I have given heretofore.

Mr. LIVINGSTON. I did not hear the gentleman's statement.

Mr. CHIPMAN. We wish no Congress to sit after it is defeated. That is the only reason.

Mr. BRETZ. That is a good reason.

Mr. CHIPMAN. I now yield to the gentleman from Texas [Mr. CRAIN].

Mr. CRAIN. Mr. Speaker, I would like to have read the resolution which has been reported by a unanimous vote of the committee in this Congress, and in every Congress since I have been a member with but one exception, that exception being in the last Congress. The chairman of the Committee on the Election of President and Vice-President in that Congress, who is not here to-day, told me that there would be a report; but because of the fact that a bill known as the force bill occupied the attention of the committee, it was not reported in the last Congress.

I have addressed the House on repeated occasions in behalf of this amendment, and I believe that the unanimous opinion of that committee would have been formulated had it not been for the fact that the time of the committee was taken up in consideration of another question. I would like to have the resolution now read.

The resolution was again read.

Mr. CRAIN. Now, Mr. Speaker, instead of harassing the House by having the report read, perhaps it would be more efficacious for me to discuss the resolution as briefly as possible, in order that members of the House may understand what it actually means.

As members know, Mr. Speaker, they are elected in November, and for thirteen months afterwards they are practically private citizens. Members come to the House in December of the next year. They enter upon the discussion of questions which perhaps have been settled, and for which and to which they owe their positions in Congress. It does not infrequently happen that more than one of these members-elect dies. They draw their salaries, but they are not members of the House for all that time.

There is no Speaker of the House for nine months. When they come here to legislate upon questions which have been before the people thirteen months before their election, they are either newly elected members or, as not infrequently happens, they are defeated members. The old members of the House well know that a man who has been defeated by his constituency feels that he has been repudiated by them, and he is not as efficient a member as he would be if he came fresh from the people.

The theory of our Government was that the members of the House should come here in touch with the people and that the members of the Senate would be more conservative than the members of the House and would restrain that legislation which might be attempted to be forced upon the people by reason of a sudden change on questions politic or economic. The fact is that the Senate is more in touch with the people than the House, because whenever a State Legislature meets and there is a change of one-third of the members of the Senate that State Legislature selects a man to represent the State in the Senate. Whether outside influences affect that Legislature or not we will not now stop to consider.

But members of the House are chosen, elected, and sent to this House thirteen months after the questions upon which they were chosen have been settled. A number of years ago this House passed what is called the Mills bill. Whether the result of the election succeeding the passage of that bill was based upon the Mills bill or not it is not necessary for us to determine. But certainly the policy that governed in the regulation of the economic question which we call the tariff was changed. In the short session the Congress which passed the Mills bill legislated for this country. Two years afterwards the McKinley bill was placed before this country, and whether that bill changed the opinions of the voters or not it is equally unnecessary to determine; but certain it is that the very Congress that passed that bill legislated for the country after it had been repudiated by the people at the polls.

Another thing, Mr. Speaker and gentlemen of the House, to be considered in connection with this suggestion in the shape of a resolution is this: Members of the House are elected, they come here to their post of duty, and before they have served one session, they are called upon to return to their homes and contest their reëlection or renomination, with this dilemma presented for their consideration. Their enemies will charge them with abandoning their post of duty, and their friends will say that unless they come they will be defeated.

If this resolution should be ratified and become a part of the Constitution every man elected to Congress will have served two sessions without any election between the sessions, and will be in a position to go to his people and render an account of his stewardship. He will not be put to the test of standing here and taking the chance of defeat, or of returning to his home and taking an equal chance of defeat. And there is not a man outside of the delegation from Texas who will not bear witness to the fact that he has been compelled, either individually or in some other way, during the long session, to present the reasons why he should be returned to Congress.

The question arises that was suggested by the gentleman from Mississippi [Mr. HOOKER], whether a constitutional amendment is necessary to effect this change. I assert it as a legal proposition, which will not be controverted by any lawyer on either side of the House, that a term of office which is fixed by the Constitution can neither be enlarged nor curtailed by legislative action. Whenever the constitution of a State or the Constitution of the United States fixes a term of office for an individual, that term is limited by the Constitution and can not be altered by legislative action. I hope the gentleman from Mississippi [Mr. HOOKER] will give me his attention.

Now, Mr. Chairman, while it is true there is nothing in the Constitution which absolutely fixes the term of a member of Congress in exact language, there is a provision which says that the Representatives shall be elected every second year. The Constitutional Convention which sat in Philadelphia provided that whenever nine States should have ratified the Constitution which was presented, that the Congress of the United States should provide by resolution (which was done) when the electors should be selected, when they should vote for President and Vice-President, and when the proceedings under the new Constitution should begin.

The first Wednesday in March was fixed for the beginning of the proceedings under the new Government. It happened by accident to be the 4th of March. From that day to this, Mr. Speaker, the Congress of the United States has begun its sessions, and has terminated its sessions on the 4th of March; and Mr. Boutwell, Attorney-General of the United States, in an opinion which is quoted in the Book of Rules, asserts as a lawyer, and I do not think any lawyer will controvert his statement, that the action of the convention, ratified by the Congress, has fixed it as a part of the Constitution that the terms of members of Congress begin on the 4th of March and terminate on the 4th of March. It has been recognized by every Congress that has ever met. It will be recognized by this Congress; and it is just as much a part of the Constitution as if it had been absolutely written in that instrument.

Now, various suggestions have been made. The gentleman from Mississippi [Mr. HOOKER] has presented a bill in which he provides that the Congress shall meet on the 4th day of March. That does not change the necessity for a special session every fourth year to count the electoral vote. It brings us here at a time when we ought not to be here. It gives us two long sessions beginning at an inclement time of the year. We accomplish nothing. We will still be in the same predicament that we find ourselves in now; and there is nothing to be gained from his suggestions, with all due respect to him. And, Mr. Speaker, I repeat, as I said a few moments ago, you can not curtail the term of members of Congress fixed by the Constitution by a legislative enactment.

Mr. JOSEPH D. TAYLOR rose.

Mr. CRAIN. Mr. Speaker, I yield to the gentleman from Ohio as much time as he desires and reserve the balance of my time.

Mr. JOSEPH D. TAYLOR. Mr. Speaker, I prefer to take the floor in my own right in opposition to the bill.

The SPEAKER. The Chair had promised to recognize the gentleman from Mississippi [Mr. HOOKER] in opposition, but if the gentleman from Mississippi is not ready to proceed and the gentleman from Ohio does not desire to accept time from the gentleman from Texas the Chair will recognize him.

Mr. HOOKER of Mississippi. Mr. Speaker, I am content that the Chair shall recognize the gentleman from Ohio at this time.

The SPEAKER. The gentleman from Ohio [Mr. JOSEPH D. TAYLOR] is recognized in his own right.

Mr. JOSEPH D. TAYLOR. Mr. Speaker, I shall not attempt any lengthy discussion of the pending resolution, or state in detail at present the grounds of my opposition. I shall simply explain the kind of an amendment that I think should be made if any is attempted. My objection to the joint resolution now pending is that it is too radical, goes too far, changes the Constitution entirely too much. I desire to offer a substitute which conforms to the recommendation made by the Hon. Robert C. Winthrop in his celebrated address delivered on this floor on the 21st of February, 1886, at the time of the dedication of the Washington Monument. The address was read by Governor Long, of Massachusetts. I simply propose to substitute for the pending joint resolution another joint resolution which will accomplish a single object, the extension of the terms of the President, Vice-President, and members of Congress. It will defer the inauguration of President and Vice-President until the 30th day of April,

and extend the term of members of Congress from the 4th day of March until the 30th day of April.

The advantages of this are, in the first place, that we shall have a more favorable season of the year for the inauguration of the President and Vice-President. Gentlemen will remember that for many years our Presidents and Vice-Presidents have been inaugurated upon days that were very inclement and stormy. Inauguration day has come to be a great day in this country. Washington has become a large city. It has accommodations for a great many people, and the people come here from one end of the land to the other for the purpose of attending the inauguration. At each successive inauguration there is a larger attendance than at the one preceding, and the attendance at the next inauguration will probably be greater than at any which has gone before.

Now, it seems to me that it is not very desirable to bring so many people from all parts of the country to Washington at the beginning of March, when the storms of winter have not yet abated, and when the weather is generally too inclement for either man or beast to be out doors, especially in view of the fact that we inaugurate our President on the east front of the Capitol where there is no shelter or protection of any kind. And it seems to me that it would be a wise act on the part of the American Congress to postpone inauguration day until the 30th day of April, the time when George Washington was first inaugurated President of the United States, the time Robert C. Winthrop thinks all of our Presidents ought to be inaugurated.

That is one argument in favor of my substitute. I shall not stop to talk about the number of deaths which the newspapers have again and again attributed to exposure to the storms which generally occur on and about inauguration day. This is another argument, however, in favor of this substitute. And still another is that with a population of 65,000,000 of people requiring and demanding increased legislation, the short session of Congress is inadequate to give time for the consideration of the many measures which ought to be considered. Very few, comparatively, of the ten or twelve thousand bills introduced in this Congress will ever get a moment's consideration.

Mr. REED. It does not seem to be inadequate in this Congress.

Mr. JOSEPH D. TAYLOR. Well, the gentleman does not know yet. This Congress has not ended. It is impossible for us to tell how many bills may go over. Appropriation bills may fail to pass before we reach the 4th of March. The amendment which I recommend would add about two months to the short session of Congress, the month of March and the month of April, two of the most delightful months of the whole year in this latitude and in this city. What better season of the year could you select for keeping the Congress together than during the months of March and April, using the time between the 4th of March and the 30th of April for the transaction of the public business? This would enable Congress to more than double the usual legislation of a short session, and would give time to complete much unfinished work.

Mr. Speaker, I do not feel that I am at liberty to occupy any considerable amount of the time which has been assigned to this committee, but I would like to have an expression by this House upon the substitute which I offer. If I can not do this I will at least call attention to it, as I think this change will be made sooner or later. I think it is due to Mr. Winthrop that we should consider this question at some time, and I do not see any objection to taking an expression of the House upon a question which he urged with so much eloquence. It is not a mere sentiment, but a matter of business. It is due to the people of the United States that inauguration day should be fixed at a more favorable season of the year than the beginning of March, and I think that a measure of this kind is in the interest of good government and in the interest of the business of the country, because it increases the length of the short session of Congress from the 4th day of March to the 30th day of April and gives time to complete a large amount of unfinished business. I can see no objection to this change. I have never heard a valid objection to it. Now, Mr. Speaker, without occupying any more time, I move the substitute, which I send to the Clerk's desk to be read, for the joint resolution which is pending.

The Clerk read as follows:

Joint resolution proposing an amendment to the Constitution, substituting the 30th day of April for the 4th day of March as the commencement and termination of the official terms of members of the House of Representatives and of United States Senators, and substituting the 30th of April for the 4th of March as the date for the commencement and limitation of the term of the President and Vice-President.

Resolved, etc., That the following articles be proposed to the legislatures of the several States as amendments to the Constitution of the United States, namely:

"ARTICLE —.

"The term of office of the President and Vice-President shall continue until the 30th day of April, in the year 1893, at noon, and the 30th day of April, at noon, shall thereafter be substituted for the 4th day of March as the commencement and termination of the official term of the President and Vice-President."

The twelfth article of the amendments to the Constitution of the United States shall be amended by striking out the words "4th day of March," and substituting instead thereof the words "30th day in April, at noon."

"ARTICLE —.

"The 30th day of April, at noon, is substituted for the 4th day of March as the commencement and termination of the official term of the Senators and of the members of the House of Representatives.

"The official term of the members of the House of Representatives of Congress in existence when the first members of the House of Representatives are elected after the ratification of this amendment shall be continued to the 30th day of April, at noon.

"The official term of Senators whose existing term would expire on the 4th day of March next preceding the day on which the term of the first Congress shall commence after the ratification of this amendment, shall be continued to the 30th day of April, at noon."

Mr. JOSEPH D. TAYLOR. Mr. Speaker, the pending amendment, as I understand it, has the unanimous support of the committee reporting it, and my substitute has had no consideration here or elsewhere in this session of Congress. I would have been glad to have supported the amendment which the committee reports, as it contains among other things the substance of my substitute, but it contains so many other things which I regard objectionable that I could not do so, which I shall refer to hereafter. For the present I shall yield the floor and reserve the balance of my time.

Mr. HOOKER of Mississippi. Mr. Speaker, the proposition which comes to us from the committee is submitted under a clause of the Constitution giving to Congress the power to propose constitutional amendments. It is very evident from the provision of the Constitution on this subject that the framers of that instrument did not design to give to Congress the power to propose amendments thereto except accompanied with very great restrictions which are provided in the Constitution. I doubt very much whether a change in the organic law of the land ought to be made unless there is some imperative necessity for it, without a convention coming directly from the people themselves. It is evident that the framers of the Constitution intended that Congress should not be clothed with power to propose amendments to it, except under circumstances of great restraint. In Article 5 of the Constitution it is provided:

The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the Legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes as part of this Constitution, when ratified by the Legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress: *Provided*, That no amendment which may be made prior to the year 1808—

It will be observed that the power of Congress to propose a constitutional amendment is limited by the very terms of the instrument itself.

The amendment now proposed has been embodied in a resolution offered by the honorable gentleman from Texas [Mr. CRAIN]. I do not object to the purposes proposed to be accomplished by my honorable friend from Texas; but I doubt much whether this method of changing the Constitution is one which can be accomplished except by waiting a long period of time. It would require the action of three-fourths of the State Legislatures to ratify this proposed amendment. I think that the difficulties under which we now labor can be remedied by an act of Congress and that everything sought by the proposition of my friend from Texas, with the exception of the change of the date of the inauguration of the President of the United States, can probably be thus accomplished.

The provision of the Constitution in Article I in reference to the meeting of Congress is as follows:

The Congress shall assemble at least once in every year; and such meeting shall be on the first Monday in December unless they shall by law appoint a different day.

The time for the assembling of Congress is thus fixed by the Constitution, yet the authority to change it by law is expressly given. Now, when the Constitution was framed our Union embraced, comparatively speaking, few States, with a small population stretching along the Atlantic border, mainly an agricultural people; and the presumption, I take it, in the minds of the framers of the Constitution was that Congress might safely be called together on the first Monday in December, it doubtless being assumed that both sessions would terminate by the 4th day of March.

Mr. CRAIN. If the gentleman will allow me to interrupt him, there was no such provision. On the first meeting of Congress in New York the Vice-President was installed on the 21st day of April, the President of the United States was inaugurated the 30th day of April; so that the statement of the gentleman from Mississippi is not historically correct.

Mr. HOOKER of Mississippi. I am aware of the time when President Washington was inaugurated, and that it was not the

4th day of March. Nor have I made any statement to the contrary. The provision of the Constitution to which I am now referring prescribes alone the time for the meeting of Congress. I again read the provision:

The Congress shall assemble at least once in every year; and such meeting shall be on the first Monday in December unless they—

That is Congress—

shall by law appoint a different day.

Mr. CRAIN. But there was no Congress that met on the 4th of March when our Government began. The Vice-President was installed on the 21st day of April——

Mr. HOOKER of Mississippi. That is true.

Mr. CRAIN. And the President of the United States, because of the lack of a quorum previously, was not inaugurated till the 30th of April.

Mr. HOOKER of Mississippi. The gentleman is correct, but that does not affect the strength of my argument. By the provision of the Constitution Congress was authorized to change the time of the meeting of Congress as fixed in that instrument.

Mr. CRAIN. I do not dispute the gentleman's position that a change in the time of the meeting of Congress can be made by law; but my proposition goes farther than that.

Mr. HOOKER of Mississippi. I understand that.

Mr. Speaker, in view of what I have stated I introduced on the first day of the present session a bill to change the time of the meeting of Congress. I did so not with the view of controverting any future or pending amendment which might be presented——

Mr. CRAIN. Then the gentleman is not opposed to my amendment?

Mr. HOOKER of Mississippi. I do not object; if the amendment can be passed afterward well and good; but I say that we ought to pass first a law such as I have proposed. Therefore, on the first day of the present session I introduced a bill which can be passed at this session and if necessary can be made to apply at the next succeeding session.

My objection to undertaking to accomplish the object by a constitutional amendment is based in a large degree upon the fact that we must obtain the concurrence of three-fourths of the States, and that necessarily a long period of time must elapse before the change in the time in the meeting of Congress can be accomplished in that way.

The bill which I introduced embraces but three paragraphs. Its purpose is to remedy the many inconveniences which my friend from Texas is aiming to remedy by a constitutional amendment. I think these inconveniences can be obviated by the passage of this bill, which I ask the Clerk to read.

Mr. CRAIN. Will my very affable friend from Mississippi give way for a moment's interruption?

Mr. HOOKER of Mississippi. After the Clerk has read the bill.

The Clerk read as follows:

A bill (H. R. 9731) to change the time for meeting of the Congress of the United States to the first Monday after the 4th day of March in each and every year.

Be it enacted, etc., That the Congress of the United States shall assemble on the first Monday after the 4th day of March in each and every year, instead of the first Monday in December in each and every year, as provided for in paragraph 2 of section 4 of the Constitution of the United States.

SEC. 2. That this change in the time of the assemblage of the Congress of the United States shall apply to and begin with the Fifty-third Congress of the United States.

SEC. 3. That this act shall take effect from and after its passage.

Mr. COCKRAN. I would like to ask a question of the gentleman in charge of this measure.

The SPEAKER. The gentleman from Mississippi [Mr. HOOKER] has the floor.

Mr. HOOKER, of Mississippi. I will yield first to the gentleman from Texas, and afterward to the gentleman from New York.

Mr. CRAIN. I will listen to the suggestion of the gentleman from New York.

Mr. COCKRAN. I would like to ask this question as to the operation of this joint resolution, in the event of the election of President being thrown into the House of Representatives, which Congress would have the choice of the President?

Mr. CRAIN. The Congress chosen at the time the President was chosen.

Mr. COCKRAN. The existing Congress would have nothing to say in the matter?

Mr. CRAIN. Nothing. The one that is elected with the President would count the electoral votes. Because, I call the attention of the gentleman from New York to the fact, if he will notice, there is a provision embodied in the resolution that there shall be a change in the twelfth amendment to the Constitution.

Mr. COCKRAN. I had observed it; and it was to get light on that provision of the resolution that I asked the question.

Mr. CRAIN. The gentleman from Mississippi I hope will also yield to me to ask him two questions.

Mr. HOOKER of Mississippi. Certainly.

Mr. CRAIN. In the first place I want to know, if the bill of the gentleman from Mississippi should be adopted, whether it would not be necessary to have a special session of Congress to count the electoral votes? That is the first question.

I ask another question, also; whether he would not have to do what he has already done, leave his post of duty here and go down into the State of Mississippi to fight for his renomination?

Mr. HOOKER of Mississippi. I will answer, Mr. Speaker, as I proceed in my remarks, the inquiries of my friend from Texas; but I will say to him first that I do not think there is anything in the way of the passage of my bill. As to the fact of members leaving the House and going into their Congressional districts for the purpose of attending conventions that make nominations, my bill has for its very purpose the prevention of any such thing as that. It has occurred in his own State that members have been required to do just that thing.

Mr. CRAIN. I beg pardon; we from Texas never have to do anything of that kind. We are sent back unanimously. [Laughter.]

Mr. HOOKER of Mississippi. The gentleman says he never had anything of the kind to do. Well, we have seen some instances in our service here where they did not unanimously send back the same members, much to the regret of other members who have associated with them. It is as important for members of Congress from Texas to appear before their nominating conventions as to appear before the people for reëlection.

Mr. CRAIN. We do not do it.

Mr. HOOKER of Mississippi. But, Mr. Speaker, I want to say that the provision of the Constitution which I have already read, clothing Congress with the power to change the time of the meeting of Congress is unquestionably a power that may be exercised by law, because the existing Constitution clothes the Congress with that power absolutely and unqualifiedly.

Now, when the Constitution was adopted we were, as I have already said, a sparse population, consisting of the thirteen original States scattered along our Atlantic frontier, mainly and largely an agricultural people. The idea of the framers of the Constitution was then that we might assemble on the 1st day of December in each and every year and that each session of Congress should therefore terminate on the 4th of March.

They never contemplated at that time the necessity, but they provided for it wisely, as they did in every other instance make provision for such exigencies as might arise, and they engrafted on the Constitution a provision giving Congress power to change the time of the meeting of Congress, looking forward, as they sagely, wisely, and prophetically did, to that distant day when the vast increase of population and in the business of the people of the country would require a longer session of Congress than one of three months.

I say, therefore, we may conclude that the provision in the Constitution was adopted because they foresaw that the necessity would arise at some time for a prolonged session of Congress; and we have seen some of them since we have been here. As an illustration of it, what is is known as the long session of Congress we have known to extend in one instance here to the 9th day of August, and in another and still later Congress it absolutely sat through the whole summer solstice and up to the 20th day of October. We can understand, therefore, that the framers of the Constitution, looking forward to the vast development of this country as to population and business interests, contemplated that there would be necessity for greatly prolonging the sessions of Congress in the future, and to-day we have sessions far longer than were necessary at the time of the adoption of the Constitution.

What I propose, Mr. Speaker, is that we pass a bill requiring Congress to assemble on the first Monday after the 4th day of March in each and every year, instead of as now on the first Monday of December. The first great object to be accomplished is that the President elect, to whatever party he may belong, for there is nothing partisan in the bill, will find a legislative body in session ready to receive his message and before whom he can at once develop the policies of his administration.

Mr. CRAIN. Will the gentleman pardon an interruption?

Mr. HOOKER of Mississippi. Certainly.

Mr. CRAIN. Would that not be true if my resolution were adopted?

Mr. HOOKER of Mississippi. It may be, but you can not accomplish your work except by the long process of an amendment to the Constitution, whereas mine can be accomplished by a bill which can be passed at this session of Congress.

I was going on to say, Mr. Speaker, that the President elect, whomsoever he may be, if Congress meets on the first Monday after the 4th day March, would find the legislative body in ses-

sion before whom he could develop at once the policies of his administration.

We have seen an instance in the history of the country, Mr. Speaker, in which the failure of the existence of a legislative body at the time when the Chief Executive was inaugurated, has produced unfortunate results, as we think. Had the great tariff message delivered by Mr. Cleveland to the Congress of the United States in 1887 been delivered to a Congress in session when he was inaugurated in 1885, results very different from those which happened in 1888 may very well have been anticipated.

But I say if my bill is adopted, it will allow the Chief Executive to find a legislative body in session at the beginning of his term before whom he can develop the policy of his administration.

Something has been said by the gentleman from Ohio [Mr. JOSEPH D. TAYLOR] and others upon the ground of inconvenience as to the period of the year in which the inauguration takes place. If this bill which I have introduced should become a law, then the Congress of the United States would assemble on the first Monday after the 4th day of March. Leaving out the first few days of the month of March, the months of March, April, May, and June are pleasant months in the city of Washington, the most pleasant of the year during the principal part of them, and the Congress could sit from the first Monday in March, when it assembles, until the last of June, and then could take a recess until the first day of October, giving the usual three months' vacation for the body itself and avoiding the mortality which we old Congressmen here have so often seen visit both this House and the Senate because of the necessity under the present rule of sitting here during the heated months of summer.

Then let Congress reassemble again in October and sit for as many months as the business of the country may require; and in this way, when the second session of Congress assembles, instead of meeting as it now does on the first Monday in December and with its vacation of two weeks at the Christmas holidays, virtually being in session but six weeks, the Congress of the United States for the second session would meet on the first Monday after the 4th of March and be in session six, seven, eight, or nine months, if the business of the country required it, and the second session could be that long if the business of the country required it.

Why should we impose upon ourselves the necessity of remaining here during the summer months when all the business that is before the Congress of the United States, both in the long and the short session, might well be transacted in the pleasant months of the year?

Mr. CRAIN. Will the gentleman from Mississippi yield?

Mr. HOOKER of Mississippi. Yes.

Mr. CRAIN. The gentleman is no doubt aware, from his knowledge of his history of parliamentary legislation in our country, that his very plan was once adopted and subequently abandoned.

Mr. HOOKER of Mississippi. I am not aware of that. I think this is the first time it has ever been proposed. There have been changes made with reference to this matter, but all except one were temporary changes. There was a change made during the administration of Andrew Johnson, when the incoming Congress was required to meet at an earlier date than that provided by law. Afterward there was a general law passed upon the subject, and that law remained in existence but for a brief period, when, I think in 1881, it was repealed. Therefore we are relegated by this last repeal of the law to the existing provision of the Constitution.

Mr. CRAIN. Is not the gentleman aware that we have had two and three sessions a year?

Mr. HOOKER of Mississippi. Oh, yes; of course we have had extra sessions.

Mr. CRAIN. Beginning on the 6th of March?

Mr. HOOKER of Mississippi. Of course the President can call a session whenever he desires, or it can be done by law; but my idea was to let the first term of Congress begin on the first Monday in March after the 4th of March, and let it last eight or nine months if the business of the country required it.

Mr. CRAIN. The gentleman has not yet answered my question about having an extra session to count the electoral vote.

Mr. HOOKER of Mississippi. I will come to that in good time. If the bill which I propose should become a law, the first session might be eight or nine months in duration and the second session might be seven, eight, or nine months in duration. Now, while it is true that we have had exceedingly inclement weather at several inaugurations on the 4th of March, yet Congress would really be in session during the whole of the pleasant months of the year, and the first session could be six, seven, eight, or nine months long, and the second session could be equally long if the business of the country required it.

Now, this can be accomplished by law. The amendments proposed by my honorable friend from Texas [Mr. CRAIN] can only be accomplished by amendments to the Constitution which, under the provisions I have read, will require ratification by three-fourths of the States, and would take a long period to adopt.

Mr. CRAIN But that is true of every amendment to the Constitution.

Mr. HOOKER of Mississippi. If the Congress is required to meet at the time this resolution provides, there might arise a very grave difficulty in the management of the business interests of the country.

Mr. CRAIN. How?

Mr. HOOKER of Mississippi. It might meet in January and the Executive, who would not be inaugurated until the 30th day of April, might find a Congress already in session for some time, which held adverse views to those held by himself.

Mr. CRAIN. Does not that objection apply equally to your bill?

Mr. HOOKER of Mississippi. Why, no, sir.

Mr. CRAIN. Why not?

Mr. HOOKER of Mississippi. Because under my bill the Congress will assemble on the first Monday after the President is inaugurated.

Mr. CRAIN. How can you tell whether the Congress that comes in will be in harmony with the political views of the President?

Mr. HOOKER of Mississippi. We have to take our chances about that.

Mr. CRAIN. So do I, under my resolution.

Mr. HOOKER of Mississippi. Yes, but unfortunately your proposed amendment to the Constitution may not go into effect for years, and my bill can be passed now by this House and obviate the necessity of ever having to call an extra session.

Mr. CRAIN. How are you going to count the Presidential vote if you do not meet until the 4th of March? For the twelfth amendment provides that in case there is no choice by the electoral college, there shall be an election by the House by the 4th of March.

Mr. HOOKER of Mississippi. That shows the necessity for the House being in session on the 4th of March, and my bill provides how you shall accomplish that.

Mr. CRAIN. I want to show you that the Congress of the United States should be in session in January.

Mr. HOOKER of Mississippi. Well, I want to say this now, that so far as the election of a President of the United States is concerned, and his inauguration, my bill does not propose to change the time of the inauguration of a President of the United States. But it does propose to change the assembling of Congress, which is elected in November of last year, say, and instead of waiting for it to assemble for thirteen months, on the first Monday of the December of the year following, have it meet in the following March.

It would call into existence the Congress just elected by the people and meet the purposes which my honorable friend from Texas [Mr. CRAIN] proposes to meet by his resolution, only to meet them in a much prompter manner. So that you would have a Congress in session, and when that Congress chanced to be in accord with the Executive of the United States you would have the legislative and executive departments in full accord. If they were not in full accord you would have to take the chance, just as you now have to take the chance, of a different constitution of the other body who constitute a part of the legislative branch of the Government.

Mr. JOHNSON of Indiana. Will the gentleman permit me to ask him a question?

Mr. HOOKER of Mississippi. Certainly.

Mr. JOHNSON of Indiana. How long does the gentleman think it would probably take in order to secure the passage of this constitutional amendment?

Mr. HOOKER of Mississippi. I can not tell. That would depend on the different times that the State Legislatures would meet, and it would take a very long time; and it would also depend on the constitution and temper of the Legislatures, and their disposition to make this change.

Mr. JOHNSON of Indiana. Most of them assemble biennially, I believe.

Mr. HOOKER of Mississippi. I believe so. So that in reality, unless we could know how these Legislatures would be constituted, it would be impossible to see whether it would be adopted or not. I think in my bill you meet the condition that exists by the best method and meet it promptly, decisively, and at once, and then the constitutional amendment can come along afterwards in regard to the inauguration.

Mr. JOHNSON of Indiana. Will the gentleman permit me to ask him another question? Were it not for the constitutional difficulty and the impossibility of fixing the 1st of January as the

time for the assembling of Congress, would the gentleman not consider that a better time than the 4th of March for the beginning of the session?

Mr. HOOKER of Mississippi. I do not know.

Mr. JOHNSON of Indiana. That would obviate a called session of Congress, and would put Congress in session when the electoral vote was to be counted and the President to be elected by the House in the event of a failure to elect by the people.

Mr. HOOKER of Mississippi. There would be a Congress in session by the 4th of March, and thus we would avoid having the long and short sessions. Old members who have been here for a long time know that the short session of Congress is an annoyance to everybody; to the President, to the heads of Departments, and to members of Congress—those who are defeated and those who are reëlected.

Mr. JOHNSON of Indiana. If the gentleman from Mississippi will permit me. Even if it requires two sessions of Congress in one year, would not much more be accomplished by having a continuous session, rather than to have it broken with the warm months and still further broken by the Christmas holidays, which would still further break the continuity of the proceedings?

Mr. HOOKER of Mississippi. I think it would be better for the country if instead of having the session commenced on the first Monday in December it should commence the first Monday after the 4th day of March, and stay in session, if the business of the country required, for nine months; and in the second session let the Congress also remain in session nine months, if necessary, so that we should be relieved from the necessity and trouble of having a short session, which, as I say, is perplexing both to the Executive, the heads of Departments, and to members of Congress. Oftentimes we have witnessed the fact that the occupant of the chair has had to have the fingers of the clock set back in order to pass the necessary appropriations on the 4th of March, because under the present arrangement when the gavel of the Speaker falls on the 4th day of March all legislative power ceases; whereas there can be no such a thing as this if the bill I propose should pass.

And in addition to that, Mr. Speaker, there never could arise a necessity for an extra session of Congress, a thing which every party is reluctant to call. There have been but few instances of an extra session in the history of our Government, and it has never been resorted to unless on account of the financial condition of the country, or the failure to pass some great appropriation bill, as occurred some years ago when an extra session of the Congress of the United States was called. Under my proposition there could never, I say, arise an occasion when there would be a necessity for an extra session of Congress. These are the reasons which have operated upon my mind in proposing that we should accomplish these results by legislation, and if, subsequently, the result can be accomplished of changing the time of the inauguration of the President, I shall have no objection to that, but I remind the House that a distinguished Senator at the other end of this Capitol [Mr. HOAR] has had pending before that body for several years propositions looking to a change of the Constitution in that respect; my distinguished friend from Texas [Mr. CRAIN] has had his measure before the Congress of the United States for years and years——

Mr. CRAIN. If the gentleman will permit me, my legislation was a compromise made between myself, the gentleman from Massachusetts, Mr. LODGE, and the other gentleman from Massachusetts, Mr. Collins, both representing Senator HOAR; and Senator HOAR'S suggestion is embodied as a part of my joint resolution.

Mr. HOOKER of Mississippi. That does not at all change the fact, as I have stated it, that such propositions have been pending before the Senate and before the House for many years and have never been adopted.

Mr. CRAIN. In reply to that, let me say that what the gentleman from Mississippi has proposed in this connection was proposed years ago by a Representative from Illinois, Mr. Adams, and reported adversely, and his own proposition has failed to get a favorable report from the Judiciary Committee.

Mr. HOOKER of Mississippi. That is very true, because the Judiciary Committee has not had time to consider it; but I take it for granted that when that intelligent committee meet and comes to consider the bill which I have introduced and had referred to them, they will report it favorably. I have not heard a word of opposition to it from any quarter.

Mr. CRAIN. I have.

Mr. HOOKER of Mississippi. Every one of the great metropolitan newspapers of this country has pronounced in favor of it, and I have never mentioned the subject to a single member of Congress who has not expressed his approval. It is a simple, straightforward, direct road to the result that I want to accomplish. There is nothing partisan about it, and I presume it would receive the sanction of any Executive of the United States to whatever party he might belong. That is all I have to say.

Mr. JOHNSON of Indiana. Mr. Speaker, I wish to say that the gentleman from New York [Mr. COCKRAN] seems to argue, and so does the gentleman from Texas [Mr. CRAIN], upon the idea that there is an irreconcilable difference between the two measures.

Mr. HOOKER of Mississippi. Not at all.

Mr. CRAIN. Oh, no.

Mr. HOOKER of Mississippi. I will make both the gentleman from Indiana and the gentleman from Texas happy by agreeing with them. [Laughter.]

Mr. COCKRAN. Mr. Speaker, I have no doubt that if my distinguished friend from Texas [Mr. CRAIN] had had a fair opportunity at framing a constitution in the initial days of this Republic he would have turned out a much better instrument than the one which we have. [Laughter.] As a general proposition I presume there is nothing which has ever been recognized as the handiwork of man in his collective capacity that could not be improved by some ingenious artisan one way or another if he had a fair opportunity.

I think, however, that this country has prospered pretty well under our existing Constitution for over one hundred years, and, generally, I may say with reference to any proposition to amend it, that I would rather trust to the experience of one hundred years than to the wisdom of any individual however wise he may be. The real objection to this constitutional amendment, as I take it, is that it is subversive of the whole scheme of our Government, and destroys the only safeguard which has been erected around disputed Presidential successions. Every person in this Chamber must remember the Presidential election of 1876, when a violent dispute arose as to who had been chosen Chief Magistrate of this nation.

Let us assume that this amendment had gone into force at that time, that a Congress had gone out of existence on the 31st of December and that another Congress had come in on the 1st day of January charged with the decision of the disputed question, is it not consistent with human nature to suppose that the same forces that had raised the dispute about the succession to the Presidency would have been able to foment disputes about the complexion of the new Congress, so that you would have had two Congresses contending for regularity?

Mr. CRAIN. If the gentleman will permit me a moment I wish to say that of course I do not dispute the superior wisdom and ability of the gentleman from New York over the Representative from Texas.

Mr. COCKRAN. The gentleman from New York yields the palm in that respect to the gentleman from Texas.

Mr. CRAIN. I do not dispute the superior wisdom of the gentleman. Of that there can be no question: But I want to ask him, however, this question: Was not the same Congress that was then in session charged with the performance of the very duty of which he speaks?

Mr. COCKRAN. Undoubtedly; and the continuance of that system is what I contend for.

Mr. CRAIN. Then what would have been the difference if a new Congress had come in? Did not your Mr. Tilden act the part of a——

Mr. COCKRAN. Say it out. I can stand anything. I bare my back to any lash. [Laughter.]

Mr. CRAIN (continuing). Of a gentleman and statesman, and refuse to be governed by the vote of the House of Repretentatives? And did not his representative on this floor tell the people of the American Congress that he was in favor of the Electoral Commission bill?

Mr. COCKRAN. Mr. Speaker, I might reply to that by saying that I decline to have the value of a principle tested or gauged or measured by the action of any individual.

Mr. CRAIN. Certainly; but that is what you proposed just now.

Mr. COCKRAN. What I say is that where you have a disputed Presidential succession—and we have had such a disputed Presidential succession within the memory of every member of this House—the only method by which a solution can be reached is by the action of a Congress whose validity can not be impeached. What causes the validity of any legislative body to be questioned? The fears or the desires of some person or of some party who may be influenced by its action. If you had a Presidential election coming for decision before a House chosen at the same election, and that Presidential election should awaken the passions of men, is it to be believed or pretended for a moment that the same motives and impulses which set in force the discussion and the dispute as to the Presidency would not seek to foment a dispute as to the complexion of the Congress? And right there you have the means of giving a color of authority to each claimant to the Presidential chair, and that is the open gap through

which all free institutions have crumbled to their ruin. [Applause.]

Mr. CRAIN. If the gentleman had read the Constitution of his adopted country——

Mr. COCKRAN. I have read the Constitution of my adopted country and it is dear to me, and therefore I do not want to see it imperiled by the whim of any individual who may seek glory by proposing to change its provisions.

Mr. CRAIN. Your statement is incorrect legally, because the choice by the House must be made from a certain limited number of individuals.

Mr. COCKRAN. Why, Mr. Speaker, it seems extraordinary to me that the gentleman does not understand my proposition. There is no question that the choice of Congress is limited to a certain number of individuals, but because it is limited to that certain number, and because that certain number is greater than one, if you have a dispute large enough to split the country on the Presidential succession it will be equally potent to split it upon the regularity of the election of the Congress.

Mr. CRAIN. Will the gentleman from New York pardon me a question?

Mr. COCKRAN. Certainly, if the gentleman means to put a question.

Mr. CRAIN. My relations with the gentleman are of too friendly a character to permit me——

Mr. COCKRAN. Of the friendliest character—full of admiration on my part for the gentleman.

Mr. CRAIN. But the gentleman was a little severe on me in the beginning of his argument——

Mr. COCKRAN. Oh, no; I was merely recognizing one of the ordinary mainsprings of human action.

Mr. CRAIN. Certainly; and I desire to treat the gentleman in the same spirit. I want to suggest to him that the Democrats in the Congress which passed the bill providing for the appointment of the Electoral Commission were equally good with the Democrats who came into the next Congress.

Mr. COCKRAN. That is an interesting historical fact, a criticism of great depth and acumen, and I have no disposition to dispute it. But I fail to see, Mr. Speaker, how it affects the question which I am submitting to the judgment of this body.

The care which the framers of this Government displayed in providing a means of settling Presidential successions is shown by the constitutional provisions for the existence at the time the question may arise of a body whose authority can not be questioned. That the resolution now before the House is an attempt to abolish this provision is a fundamental objection to this constitutional amendment.

Mr. CRAIN. Will the gentleman pardon me a moment?

Mr. COCKRAN. Yes, sir.

Mr. CRAIN. Does not my resolution provide that a Congress shall be in existence?

Mr. COCKRAN. It is quite true that the gentleman's proposition provides for the coming in of a Congress to settle the very question which has arisen in the election of the members themselves; and that is my objection to it. The superiority of the Constitution as it stands as against the Constitution as it would be under the operation of this amendment, is that the Congress which under the existing Constitution must pass upon all questions relating to a Presidential succession has been chosen two years before the question can arise. It has organized by the election of a Speaker. Nobody can dispute its authority. No question of unfairness in its organization can be raised two years after the election of the Congress. It has already received the sanction of the loyalty of the people of the entire country. Its statutes have been recognized. That is the body which ought properly to pass upon all questions arising out of the Presidential election. My friend from Texas would substitute for that well-settled and undisputed authority a body chosen in the very contest out of which has arisen the dispute with regard to the Presidential succession.

Mr. CRAIN. A Congress chosen by the people.

Mr. COCKRAN. Chosen by the people but chosen in the very contest out of which the Presidential dispute arises. The circumstances attending the Presidential election would be the circumstances attending the election of members of Congress. The questions upon which the validity of the election of Presidential electors would be disputed would furnish grounds for disputing the election of members of the House of Representatives. And when the debate came before the people of the country, they would find themselves confronted not alone with the question of a disputed Presidential succession, but moreover with the question of a disputed Congressional succession. That dispute would be injected into the emergency by a force which no power could withstand, because of the great question which the Congress would be called upon to decide.

By this proposition you substitute the unsettled for the settled; you substitute for the body which has received the unquestioned loyalty and assent of all the people of the country a body whose very existence and complexion would be the subject of dispute. Instead of having a well-ordered, well-regulated method, which has settled more than one question of Presidential succession, which has given to this country from the day of its foundation a long line of rulers whose authority was never questioned by any department of the Government, you are going to open wide a breach in the constitutional system through which disputes of every character may enter—disputes which may cast a doubt for years upon the title of a President, and which may even array the people of the country into hostile camps warring against each other to settle by arms a question which there will be no tribunal to settle by peaceful methods. That is my objection, Mr. Speaker, to the scope and character of this proposed constitutional amendment.

If there were any grave inconveniences arising under the existing method of conductiug the public business, if this country had at any time seen its prosperity impaired or its stability endangered by defects of the present system, if in view of a perilous crisis we were called upon to devise some means by which the country might escape the danger, the criticism I now make might not be as conclusive as it is.

But since this country has grown and prospered under the existing system, since Congress with periods of two years' existence behind them, Congresses of unimpeached title, supported by the unquestioned loyalty of the country, have been able to settle each one of these questions as they have arisen, I believe no reason can be advanced in favor of this proposition beyond a certain love of fanciful experiment which seems to be inseparable from the human race, in regard to which I attribute no particular weakness to my friend from Texas, but which I recognize simply as an exhibition of a human impulse which finds expression wherever men assemble in legislative bodies.

Since that love of experiment is the only motive that can be back of this proposition, I protest against the resolution, and trust we will be allowed to repose in tranquillity on that Constitution which has made us great and prosperous for more than a hundred years. [Applause.]

Mr. ENGLISH. Mr. Speaker, of the propositions before the House, the one offered by the gentleman from Ohio [Mr. JOSEPH D. TAYLOR] is the least harmful, in my judgment. I object, however, to all and any of this tinkering with the Constitution.

I may state, after a careful reading of the debates of the convention that framed the Constitution of this country, that our forefathers knew what work they were doing and builded wisely, and in some instances wiser than they knew. If the proposition were confined simply to the change of the date for the inauguration of the President to a more genial season, I should have no serious objection to it, except the horror that is in my nature at any profane touch upon the Constitution. But when it is proposed, as it is proposed here, and apparently in good faith, to bring Congress in session at an earlier date after its election than is imposed upon it by the provision in the Constitution, then I oppose it, because that proposition is in direct opposition to the theory and practice as well as the principles of our Government.

A gentleman during this discussion, I think the gentleman from Michigan [Mr. CHIPMAN], spoke rather approvingly, if I understood him, of the methods of constitutional governments abroad. Our Government is framed upon entirely different principles. It is neither a democracy on the one hand, nor a constitutional monarchy on the other. It is a representative republic, wherein the people are guarded against their own rash and hurtful actions. The will of the people is not invaded, but they are forced to exercise it slowly and deliberately, to carry out the golden words of Van Buren, that "the sober second thought of the people is never wrong and always efficient."

You call your Congress together, as has been proposed in this debate, shortly after its election by the people. You call it together with all the rash passions of partisan conflict raging in the bosoms of men. You call it together with a number of gentlemen, very excellent of themselves, but very many of them inexperienced in matters of legislation, who have had no time or opportunity to consider the proper methods to carry out soberly and discreetly the will of the people. It is opposed to the whole practice and policy of the Government, which are to prevent them from that hasty action which has been the destruction of all former republics. We want slow, deliberate action, and therefore that year is allowed to elapse after the election before the assembling of the Congress so chosen.

The great fault, the great defect, if there be any in our Constitution, lies elsewhere. It lies in the fact that a Congress elected by the people for one term sits after its election, and during a large part of the time when the people have pronounced against its policy, against its measures, and at a time when it

can almost nullify the will of the people as expressed as the polls. That is a defect which no gentleman here seems to perceive, and which should be cured. But that is to be done by careful approaches, and not by hasty and ill-considered action. Let us pause before we further amend the Constitution and lay profane hands upon it—to reflect whether or not we are setting a precedent which may be evil or bring evils upon the Republic.

I for one want no such tinkering with the Constitution. It has worked well for us for over a century. It has withstood domestic strife and foreign war. It was framed by men who had made the science of government their study. I have read the master debates of the parliaments of the world, and the masterpieces of Greek and Roman history, but I aver here on this floor that the man who reads the debates on the Constitution of the United States by its framers will take to his mind a stronger amount of wisdom, and a greater knowledge of government, and a greater and deeper insight into human nature than will be found in all the debates either of antiquity or of the present day. [Applause.]

Let the Constitution stand. You have already made amendments to it which may some day bring about, as a result, the destruction of the Republic. Go no further if you value that inheritance which your fathers gave you and which their sons are bound to defend and support. [Applause].

Mr. BUSHNELL. Mr. Speaker——

The SPEAKER *pro tempore*. The Chair recognizes the gentleman from Wisconsin.

Mr. CRAIN. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. CRAIN. What is the rule in the discussion of this proposition? I understand that there was a rule brought in by the Committee on Rules, giving the committee of which I am a member a day for the consideration of this resolution.

The SPEAKER *pro tempore*. The gentleman from Ohio [Mr. JOSEPH D. TAYLOR], as the Chair is advised, offered a substitute for the original proposition.

Mr. CRAIN. Yes; but, Mr. Speaker, while I had no opportunity to do it then, I now make the point of order that a substitute for a joint resolution in the nature of a bill can not be entertained in the House. I was perfectly willing to let the gentleman from Mississippi [Mr. HOOKER] have his bill read, because he assured the House that he was in sympathy with my resolution, and he made his bill a part of his remarks; but when a substitute is offered for a joint resolution it is not in order according to the rules of the House. I make the point of order against it so far as the consideration of it outside of a discussion of it is involved.

The SPEAKER *pro tempore*. The gentleman can reserve the point of order.

Mr. CRAIN. In addition to that, I want to know how much time I have remaining?

The SPEAKER *pro tempore*. There are forty-five minutes of the gentleman's time remaining, as the Chair is advised. The Chair now recognizes the gentleman from Wisconsin [Mr. BUSHNELL].

Mr. CRAIN. I reserve the remainder of my time.

Mr. JOSEPH D. TAYLOR. Mr. Speaker, it is too late to make the point of order, is it not? I understood the gentleman to make a point of order against my substitute.

The SPEAKER *pro tempore*. He simply reserved it.

[Mr. BUSHNELL withholds his remarks for revision. See Appendix.]

Mr. CRAIN. Mr. Speaker, I yield fifteen minutes to the gentleman from Louisiana [Mr. BOATNER].

Mr. BOATNER. Mr. Speaker, I have listened with profound attention to the remarks of the gentleman from New York [Mr. COCKRAN] and the remarks of the gentleman from New Jersey [Mr. ENGLISH] against the adoption of this resolution. In my judgment the argument of the gentlemen from New York is founded upon a mistaken impression that the same election returns which certify the election of the House of Representatives certify the election of the President and Vice-President of the United States.

Mr. COCKRAN. No; but that the same electoral methods are used for the election of both.

Mr. CRAIN. I think that is a reflection on the South. [Laughter.]

Mr. BOATNER. The gentleman is equally mistaken in that assertion. In my judgment by no possibility, under the provisions of this bill, could the election to the Presidency, in the event of a dispute, be complicated with any dispute over the election of the House of Representatives. The members of the House are elected by the people. The returns are made to the governors of the States, who certify the election of the Representatives to this House, and the Clerk of the House, under the rules of the House, is compelled to put upon the roll the names thus certified to him. Under the provisions of this bill the House would necessarily organize on the second Monday in January preceding the inauguration of the President, and therefore a House of Representatives must be in existence and organized before the Senate can, in the presence of the House of Representatives, as is required by the Constitution, count the electoral votes and declare who has been elected President.

Mr. COCKRAN. Will the gentleman allow me a question?

Mr. BOATNER. Certainly.

Mr. COCKRAN. Suppose there were a dispute about the organization of the House—suppose such a condition of affairs as existed——

Mr. BOATNER. What kind of a dispute can the gentleman imagine? The imagination of the gentleman is very fertile, I know, but how can he imagine a dual House of Representatives under our system of government?

Mr. COCKRAN rose.

Mr. BOATNER. I will yield to the gentleman in a moment. The governors of the States issue their certificates, and there is no authority except this House that can revise their action. Those certificates must be sent to the Clerk of the House of Representatives, and that Clerk, the Clerk of the last preceding House of Representatives, must, on the convening of the new Congress, put those names upon the roll; and those whose names are thus put upon the roll constitute the House, and they have the authority—they only have the authority—to elect the Speaker. So that upon the second Monday of January the House is required to be organized upon the roll thus made up by the Clerk of the preceding House.

The members thus certified as elected proceed to the election of a Speaker, and upon the 30th day of April thereafter they proceed in a body thus organized to the Senate, and there, in conjunction with the Senate, count the returns for President and Vice-President and declare who have been elected. I now yield to the gentleman from New York.

Mr. COCKRAN. The question which I put to the gentleman has been answered after a fashion, but I think I will reserve my right to answer his statement until the conclusion of his remarks.

Mr. BOATNER. It seems to me, Mr. Speaker, that this is a conclusive reply to the argument of the gentleman from New York. The twelfth article of the amendments to the Constitution of the United States requires that in the presence of the Senate and House of Representatives the votes for President and Vice-President shall be counted and the result of the election declared. That presupposes the fact that there is a House of Representatives, that this House of Representatives must be organized, must be recognized by the President and by all the Departments of the Government. In order to be the House of Representatives it must be the House recognized by the Senate of the United States. I can not conceive how upon any reasonable hypothesis there can be a contingency in which the Senate of the United States would be in doubt as to what was the House of Representatives.

Then at last, Mr. Speaker, the stability of this Government must depend upon the loyalty and patriotism of the people of the United States. Could there be furnished any more striking illustration of the strength of that dependence and the strength of the presumption that the American representatives will do their duty than by the historical instance to which the gentleman has called our attention? Here was a case in which the majority of the people of the United States believed that Samuel J. Tilden had been elected President. They believed that an attempt had been made to defraud him of the electoral vote to which he was justly entitled; and a Democratic House of Representatives, a House of Representatives in sympathy with his claims, who believed that he had been elected, adopted peacefully and quietly measures which averted the danger of a revolution which would have resulted from the attempt to count the votes in the usual way contemplated by the Constitution. And if the integrity and patriotism of the American people were sufficient to save us from a revolution at that critical time, how can the gentleman anticipate in advance that in some contigency, which his imagination can not materialize and give to the House in precise form, there may arise revolution and bloodshed as the result of changing a mere matter of detail in the Constitution of the country?

That is all I care to say, Mr. Speaker, on that view of the case. Now, let us come to the practical aspect of the question. After we are elected, thirteen months elapse before we enter upon the discharge of our duties. For nine months we draw pay from the Treasury of the United States before we are even sworn in and become qualified to exercise our duties as members of Congress. Thus the issues upon which we are elected become to a great measure stale before opportunity for action on our part arises.

The people are compelled to wait an unreasonable length of time before they can see carried into effect the reforms for which they have declared themselves at the ballot box.

Why, Mr. Speaker, take the last Congress as an illustration. The Republican party came here and staked its existence upon the passage of an election bill, known as the "force bill." They said they were willing to go before the country on it. They did go before the country upon it, and they were overwhelmingly defeated. When they came back here at the second session of that Congress it was in their power, if they had seen fit to abuse it—and let it be said to their credit they did not abuse it—it was in their power to have enacted into legislation a measure which had been repudiated by the people. So, Mr. Speaker, within a few months past, we have had a campaign, the reiteration and renewal of the campaign of four years ago, upon questions of taxation. We went before the people declaring that we favored certain reforms in the tax laws of the country, that we sought relief from the oppressions, as we considered them, put upon the country by the Republican party. Yet, sir, we must wait until the larger portion of our term has expired before we can get to those measures, and give the people the relief we have promised them.

So far as concerns amending that great instrument, the Constitution, upon any question of principle, I stand with the distinguished gentleman from New Jersey [Mr. ENGLISH]. I would not touch it upon any question of principle. I agree with him that its framers "builded better than they knew," that it is the most magnificent chart of government ever devised by man. But, sir, I do not allow my admiration for the instrument and the principles on which it is founded to prevent me from correcting it in a mere matter of detail which the experience of one hundred years has proved is inconvenient to the people and which prevents this House from discharging its full duty to the people.

If I agreed with the gentleman from New York that by a measure of this kind we might bring on revolution and civil war and disrupt this Government from top to bottom, I should, like him, oppose this change. But in my views his fears are entirely chimerical. They are fanciful; they are not based upon any solid foundation. There will be no more opportunity for the difficulties which his imagination has conjured up under the joint resolution now before the House than under the existing law.

Why, sir, suppose that in the celebrated Tilden and Hayes Presidential contest this House had refused to participate with the Senate in the electoral count. Suppose the House had gone in and raised the question under that article of the Constitution which declares—

> The President of the Senate shall in the presence of the Senate and House of Representatives open all the certificates, and the votes shall then be counted.

By whom?

> The person having the greatest number of votes for President shall be the President, if such number be a majority of the whole number of electors appointed.

Suppose there had been a dispute between the Senate and the House of Representatives as to the authority that was to declare what the majority was, what authority would have been empowered to declare whether the Senate or the House of Representatives was the body authorized to declare the result of the election?

The danger which lurks in the ambiguity of the language of this section is far greater than that stated by the gentleman from New York, yet we have seen that it is only apparent and not real.

I say that as against that, Mr. Speaker, the integrity, the loyalty, and the patriotism of the members of both branches of the Government will be a sufficient guaranty to the American people, and as in the face of that great danger they provided ample means to avert it, so it is unreasonable and chimerical to suppose that hereafter a dispute will arise about what body constitutes the House of Representatives which will involve the Presidential election and prevent this body going to the Senate Chamber on the 30th day of April and, acting under the Constitution, declaring who is the President of the United States.

It appears to me that there is no sound reason why this House should not adopt this resolution, and why it should not correct an evil which has impressed itself more and more on the country every year for a number of years past; and why we should not permit the States to say whether they desire that their Representatives shall come here soon after their election to carry out the will of the people, or whether we shall be compelled to remain at home until after the middle of our term before entering on the discharge of the duties which have been assigned to us. Not believing that there is the remotest chance of danger to the Republic in the adoption of this proposed legislation, but believing, on the contrary, that it will conserve not only the interests of the people, but will enable us to discharge better the duties we owe to our fellow-citizens, I feel constrained to vote for the resolution.

Mr. LODGE. Mr. Speaker, there are two distinct propositions involved in the resolution submitted by the committee, one to change the date of the inauguration of the President, and the other to change the date of the assembling of Congress. I hope that this proposition may be divided when the vote comes to be taken. I think they are entirely distinct and separate propositions; and while I am heartily in favor of one, I am opposed to the other.

The proposition to change the date of the inauguration of the President is not in the least a vital constitutional change. It is simply a matter of convenience, and all arguments in regard to it must be merely arguments of convenience. It is simply to fix the date on the day on which Washington was inaugurated, at a pleasanter season of the year, instead of the date which is now fixed, and which comes at an inclement time; and also I think if the old bill had been reported it would extend in a desirable way the second session of Congress. In favor of that change there is much to be said and but little against it. It seems to me to be a most desirable change.

Mr. CRAIN. If the gentleman from Massachusetts will permit a momentary interruption, I would like to state that in his absence I made a statement that this resolution was a compromise adopted between himself and the gentleman from Massachusetts, Mr. Collins, and myself in the Fiftieth Congress, I think it was, to amalgamate the Hoar proposition and that of myself, which was the main proposition. Is that not correct?

Mr. LODGE. The resolution in the Fiftieth Congress, which I supported, provided simply for carrying on the second session of Congress to the 30th of April; that is, instead of having the session end on the 4th day of March, it went on with the Presidential term to the 30th of April. I favored that proposition then, and I favor it now.

But the proposition to inaugurate the President two or three months after the new Congress is organized seems to me to be a very doubtful proposition. A very serious objection to my mind has been made by the gentleman from New York [Mr. COCKRAN]. I think the President should be inaugurated and the new Congress come in at the same time. The terms should begin together, a new President and a new Congress as now, and the message of the new President should come in to the new Congress.

The present arrangement of the session is, as all know, as thoroughly inconvenient as possible. We have a long session, extending eight or nine or even ten months, running through the summer, and we have a second session of perhaps two months, in which with great difficulty are carried through the appropriation bills, leaving but little room for legislation. I think myself that it is desirable to extend the second session and thereby shorten the first and equalize their length. That would be done by extending the date of the inauguration to the 30th of April. It would add two months to the second session of Congress, and in that way reduce the length of the long session.

But, Mr. Speaker, when you come to change the Congress and instead of having your old Congress have a new one, you propose a constitutional change which goes much further than the mere argument of convenience.

It is impossible to say how well founded or possible the contingencies are which have been suggested this afternoon in objection to this proposition. But it seems to me that it is much better to proceed very slowly in this matter, and make only the change which we know to be wise, and which we know can not bring any evil result.

Any radical change in the Constitution is something concerning which I for one should long hesitate before I voted in favor of it; but this change from the 4th of March to the 30th of May, proposed in the first article, is a sensible change, one which will make for the convenience of Congress, one which will inure to better legislation, and which I believe is in all ways desirable; and I hope, Mr. Speaker, that when the vote is taken we may be able to divide the two propositions and to vote on them separately.

I now yield the remainder of my time to the gentleman from New York [Mr. COCKRAN].

Mr. COCKRAN. Mr. Speaker, I desire the attention of the House just for a moment, as I fear I have not made my objection to this constitutional provision sufficiently explicit, since it appears to have been misunderstood by gentlemen on the other side of this question.

I desire to say here that so far as the proposed change in the date of inauguration of the President is concerned, it is a mere question of convenience and of detail, and it is hardly worthy of serious discussion as a constitutional provision.

The important question here, the one that underlies the entire

debate, is the propriety of submitting disputed Presidential succession to a Congress that has received the assent and support of the whole people for a period long anterior to a Presidential election or to a Congress chosen at the very election whose validity may be questioned.

Now I desire to say to gentlemen on the other side of this question, that in the history of the decay of republican institutions, we find many instances of disputed elections, of struggles that involve the perpetuity of representative government, arising from just such provisions as this amendment seeks to incorporate into the Constitution. The whole tendency of the fabric of Government devised by our fathers has been a system of divided responsibilities, of divided powers, of divided opportunities for the exercise of popular power.

The scheme has resolutely set its face against staking the stability of any more than a portion of the Government upon any one election. Look over the history of republican forms of government that have perished in the struggles that have arisen through disputed elections, and in every one of them you will find that the cardinal error that brought about disaster was the insertion in the constitutional scheme of provisions for elections involving the entire structure of government in one exercise of popular sovereignty.

Mr. CRAIN. Will the gentleman in his historical recollection name one such case?

Mr. COCKRAN. I did not think it would be necessary for me to mention anyone particular case illustrating the dangers of disputes arising from Presidental elections; but in order to enlighten the gentleman from Texas, whose memory seems to have taken a holiday, I would invite his attention to the recent experience of the Republic of Chile.

Mr. CRAIN. That was a revolution. There was no vote there.

Mr. COCKRAN. The trouble was that it was an attempt to control the popular vote, through the extraordinary powers vested in single officers; and it is because you seek now to vest the power of counting the electoral vote, in officers chosen at the same election with the Presidential electors, that I consider this scheme fraught with evil and fraught with dangerous tendencies.

Let me illustrate exactly my meaning. Suppose in the disputed Presidential election between Tilden and Hayes the vote of the Louisiana Congressmen alone would have decided the complexion of this House. Does anybody believe that the dispute would have been confined to the mere selection of the electors? Every question that affected the validity of the selection of the electors in that State could have been raised as to the selection of the Congressmen?

Mr. CRAIN. Mr. Speaker——

The SPEAKER *pro tempore*. Does the gentleman from New York yield?

Mr. COCKRAN. Yes, I will yield.

Mr. CRAIN. As a matter of fact the gentleman knows that the settlement of the question in Louisiana was a bargain and a trade.

Mr. COCKRAN. These historical contributions of the gentleman from Texas are valuable, but they are entirely wide of this question. I have not the slightest doubt that the gentleman speaks advisedly of the conditions in Louisiana. He lives nearer to it than I do——

Mr. CRAIN. Yes, and, Mr. Speaker, if I lived in New York I would speak advisedly of the way that Tammany——

Mr. COCKRAN. I did not understand the last remark of the gentleman, but if he would speak advisedly about Tammany, or anything else, it would be such an improvement on his usual method of speaking that I would sacrifice Tammany to his argument. [Laughter.] But, Mr. Speaker, I hope I may be allowed to go on.

Mr. CRAIN. If the gentleman will permit me——

Mr. COCKRAN. Yes; I will yield to the gentleman again.

Mr. CRAIN. After making that speech the gentleman will be read out of Tammany, unless he honors his State by going to the Senate.

Mr. COCKRAN. I do not exactly understand the gentleman's new proposition, Mr. Speaker, but I will say that in exposing Tammany to the eloquence of the gentleman from Texas I do not think I expose Tammany to any serious risks. [Laughter.]

Mr. CRAIN. No; I come here by righteous votes.

Mr. COCKRAN. Now, Mr. Speaker, at the time of this valuable interruption, this interruption which has contributed so much to the discussion of this question, this interruption which, coming from the author of this resolution, ought to commend its value so strongly to the intelligent judgment of this House, I was about to say——

Mr. CRAIN. I want the gentleman from New York to understand that, so far as my interruption was concerned, I meant no personal offense to him.

Mr. COCKRAN. I have not the slightest doubt that the gentleman was entirely free from that motive. I was about to state, Mr. Speaker, that if in the Presidential election of 1876 the vote of the State of Louisiana would have controlled the complexion of this House and if there had not been a compromise adopted which was outside of the Constitution, there would have been no power on earth that could have averted the creation and organization of two rival Houses and a dispute the end of which no man could have foreseen.

And if in that case we made a compromise which resulted in a surrender by the Democratic party of the Presidency in the interest of peace, it was because there was a tribunal capable of making it, a tribunal that did not derive its title from that same election, and which in creating the Electoral Commission in no wise cast a slur on its own title. If the horrors of civil war were averted by the action of the Democratic party at that time, it was due to the excellent machinery provided by the Constitution to meet just such a case.

Mr. BOATNER. Will the gentleman permit me to interrupt him?

Mr. COCKRAN. I yield to the gentleman.

Mr. BOATNER. I simply wish to call the attention of the gentleman to the fact that there was no controversy about the election of the members of the House from the State of Louisiana at that time.

Mr. COCKRAN. I had just been stating what the gentleman knows is quite true. There was no contest as to members of Congress elected by the State of Louisiana, because the whole delegation from that State would not have affected the complexion of the House.

Mr. BOATNER. Nor could there have been any under the Constitution or laws of the country, because the members of the House of Representatives from the State of Louisiana, whatever dispute there may have been about their election, they must have come here with a certificate of election signed by the governor of that State. There is no authority on earth that could question the validity or authencity of such a certificate.

Mr. COCKRAN. Does the gentleman undertake to say that there have not been cases where dual certificates have been presented to this House? Will the gentleman dispute that in the organization of the House, when Hunter was elected Speaker——

A MEMBER. Pennington.

Mr. COCKRAN. When Hunter was elected Speaker, dual certificates were presented from the State of New Jersey?

Why, Mr. Speaker, are gentlemen indifferent even to the perils which are latent even in the present system, the existence of which is suggested in the history of the country? I say that we have escaped these perils because in no one election has the whole system of the country been subjected to the test of a single balloting. Were we to have a question raised as to a Presidential election under this plan, there is no dispute that could arise about the choice of electors that could not be raised as to the election of members of the House; and if this resolution were adopted you would, where there was a disputed Presidential election, have it submitted to a House whose own complexion was in dispute.

If you will read the history of the revolutions to which I have referred, you will find that wherever there has been a dispute as to the control of the government itself, it has been founded upon some claim arising out of defective or obscure constitutional provision.

My objection to this proposition is that you submit the very question raised in the Presidential election to a House chosen at the same time, in the same election, and whose own complexion must necessarily be subject to the same question.

When the last House assembled there was a majority of three on one side, with a number of disputed elections, and a number of instances where the certificate itself was questioned. When that Congress assembled, if any question as to the election of the President had been involved, and a dispute had arisen as to the selection of the electors, does anybody believe that those who raised the dispute would not have raised it at the very threshold and have endeavored to secure for his party sufficient seats here to give his party a greater chance of ultimate success?

The happy feature of the Constitution as it stands is that the founders of this Government have established a system by which an existing body gives a certificate of character to and certifies the regularity of the new officers chosen by the people.

The President chosen by the electoral college must pass the scrutiny of a body which has been elected two years before, and whose title had never been disputed, and about whose complexion no question can possibly be raised.

The gentleman from Louisiana suggests, it is true, that the Senate would recognize one particular House in case there were two bodies claiming regularity, but does not that confess the whole argument against this bill? By what theory of constitu-

tional balances does he claim that it would be proper to have the complexion, the regularity of this House, of this body which springs from the people themselves, and which is the direct reflection of the electorate of the United States, submitted to the decision of another legislative body?

Upon what theory does he propose that the questions of the regularity of this body, of its power to control its Chamber, to select its Speaker, to decide upon the regularity of the electoral votes, shall be subjected to the decision of a concurrent branch of the Legislature, whose importance it was never intended by the Constitution should equal the importance of this body, much less transcend it? And yet, if you open wide here the possibility of these disputes, what body that is continuous will you have in existence when the exigency comes except the Senate of the United States?

The Presidency may be in dispute, two Houses of Representatives may be contending as to which is entitled to decide the regularity of the electoral votes, and those Houses can get no legal recognition from any existing, continuous body other than the Senate of the United States; thus making the independence of the House of Representatives subject to the decision and control of the Senate.

Mr. Speaker, these are the questions which inevitably arise in the consideration of this proposed plan. We have one hundred years of experience attesting the value of our existing methods. We have had Presidential disputes and they have been settled. We have had a case where a man was seated in the Presidential chair who never had been elected, yet there was no jar to the progress of this country and no serious injury to its Constitution. And because this system has worked so well for over one hundred years we are asked now lightly to change it; we are asked to submit to an experiment which may or may not prove to be of value—and here I concede all that the gentleman from Texas can possibly claim—to surrender the tried and the proven for the untried and experimental.

In face of such a prospect this House should pause. It should not lightly lay its disturbing hands upon the instrument which has been the safeguard of its liberties and which has been throughout the whole world a light which has served to lead the people of this earth along the pathway that must be pursued in order to reach free and durable institutions. [Applause.]

Mr. CRAIN. Will the gentleman yield to me for a moment?

Mr. COCKRAN. Certainly.

Mr. CRAIN. I want to ask the gentleman whether the settlement of the dispute as to the election of Tilden or Hayes was made in the House of Representatives that had been elected two years before or whether it was the passage of a bill authorizing the creation of an Electoral Commission that settled it; and if the latter, I want to ask him further, why, if a like dispute should arise in another case before a new House, the same thing could not be done?

Mr. COCKRAN. The gentleman's question answers itself. It was the old body, with authority to pass a bill, that passed the Electoral Commission bill. Had there been two Houses of Representatives, each claiming regularity, no bill could have been enacted which would have received the entire and cordial support or submission of the American people. Sir, that experience of 1876–'77 is the strongest argument I can adduce in support of my opposition to this proposed experiment on the Constitution.

Mr. SPRINGER. Mr. Speaker, I desire briefly to reply to the remarks of the gentleman from New York [Mr. COCKRAN]. If the House will recur to the first proposition submitted it will find that the time for the Presidential succession to begin is fixed on the 30th day of April. The new Congress would assemble on the 2d day of January, thus giving nearly four months' time in which the House could perfect its organization prior to the inauguration of the new President. If gentlemen will recur to the history of this country in the past they will find, I think, that at no time has the House of Representatives remained in an unorganized condition for so long a period.

The House of Representatives is organized in pursuance of law. Gentlemen who have the certificates of the governors of the States from which they come, duly signed, are, by the law, directed to be put upon the roll by the Clerk of the previous House, so that before the House can perform any duties a roll of its members must have been made up in pursuance of law. And that roll is to govern in the organization of the House. So that under the present method of organizing this House, it seems to me, it would be next to impossible for a House of Representatives meeting in January to be in a disorganized condition for four months preceding the time when a President should be inaugurated.

If the House could organize at all—if it could ever be organized under the machinery provided by law and the Constitution, it could be organized during that period. But it will be found by reference to the act of February 3, 1887, providing for the counting of the votes for President and Vice-President, that—

> No electoral vote or votes from any State which shall have been regularly given by electors whose appointment has been lawfully certified to according to section 3 of this act, from which but one return has been received, shall be rejected; but the two Houses concurrently may reject the vote or votes when they agree that such vote or votes have not been so regularly given by electors whose appointment has been so certified.

So that the vote is to be counted, unless it is rejected by both Houses. A House only partially organized could perform this function which the Constitution and the laws impose upon it; and unless a vote were rejected by both Houses, it would stand as counted.

So that in view of the fact that the first provision in this resolution fixes the time for the inauguration of the President on the 30th day of April, it seems to me that proper precaution has been taken in the next provision for the convening of the incoming Congress in the beginning of January.

There are other reasons than the Presidential succession which this House should take into consideration. I think it is universally conceded by our constituents, by the country at large, that a Congress should not assemble for the transaction of business after a general election for the choice of their successors has taken place. Under the existing system Congresses have been in session, as this one is, from the first Monday of December till the 4th day of March after their successors have been elected—elected perhaps to carry out a different policy from that which the existing Congress is regarded as disposed to carry out.

If there is anything in elections—if elections elect, and if when persons are elected they should execute the will of the people, they should be permitted to do so before the old Congress elected on different issues can make it impossible for the reforms to be carried out in the succeeding body. There is nothing in our legislative system so contrary to the principles of democracy and republicanism as the fact of a Congress holding one session after it has been repudiated by the people, and at that session passing possibly more legislation than in the preceding session.

In view of this fact, I think it wise to provide that when an election has taken place in November, the new Congress shall assemble in January and at once set about the enactment of such legislation as has been demanded by the people in the election immediately preceding. If our State Legislatures were organized upon the same basis on which Congress is now organized there would not be one person in the country who would defend the system. Look all over the States of the Union now and you will see in their several capitals legislative bodies in session executing the will of the people, and those bodies composed in all cases (except as to senators holding over) of members elected in the November election immediately preceding.

Would anybody propose that a State Legislature elected in November should not assemble until December of the following year—thirteen months after its election by the people? Such a proposition applied to the State Legislatures would not receive the approbation of anyone. Where is the difference when it is applied to this body? It will not be contended that in reference to any single function of this body it is less important that we should represent the immediate will of the people than that the State Legislatures of the country should do so. The State Legislature stands upon precisely the same footing as ourselves; it is a body created by the people to represent the people, to execute the popular will.

So far as the forms of law stand in the way of the execution of the popular will as declared at the elections by the people, just so far is republicanism set at defiance and the voice of the people disregarded. There is no pretext, therefore, for requiring that a new Congress elected in November shall be kept away from this Hall until thirteen months after its members are elected, and perhaps until the conditions have been so changed that all the fruits of the victory by the people at the polls have been lost. I hope, therefore, that these two propositions will be agreed to. Both of them are reforms demanded by existing conditions, and both are calculated to promote the expression of the public will.

Mr. BOATNER. Mr. Speaker, all the ability and ingenuity of the gentleman from New York [Mr. COCKRAN] did not enable him to imagine a case in which there could be a dual House of Representatives or to give any foundation whatever for the chimerical fear which he entertains as to the danger of adopting this constitutional amendment. He seems to ignore entirely the fact that under the provisions of this resolution the House must be organized on the second Monday of January, more than three months in advance of the inauguration of the President.

Mr. COCKRAN. Suppose it is not organized on the second Monday of January? Suppose it is not organized until some weeks later?

Mr. BOATNER. Well, suppose the moon may have turned to green cheese during that interval.

Mr. COCKRAN. That has never occurred; but in our Con-

gressional history the other contingency which I suggest has occurred.

Mr. BOATNER. But has the gentleman any idea that such a thing, if it occurred, could have any effect upon the operations of our Government? I do not propose to suppose for an instant that this Government is going into that state of anarchy. I do not propose to suppose that the House will abolish laws which it has provided for obtaining security and certainty in these matters.

Mr. COCKRAN. Does not the gentleman remember the contest in the case of the election of Mr. Banks?

Mr. BOATNER. Yes.

Mr. COCKRAN. Well, if you remembered that, you would not probably be so positive in the assertion that such a contingency may not arise.

Mr. BOATNER. There was no dispute about the question of the organization of the House of Representatives. The dispute was simply on the Speakership question. The House merely delayed the election of the Speaker. But the House had been organized already by the Clerk, and there was no question of what constituted the House of Representatives. It is astonishing that the gentleman from New York should ignore the fact that the Congress has by legislation required that the certificates of election of the members of Congress shall be sent to the Clerk of the House, existing at the time that election took place, and that the Clerk shall make up the list from the certificates of election so forwarded to him, which shall constitute the next House of Representatives, and the names of all of those who are put on that roll by the Clerk are *prima facie* those who constitute the members of the House, and it is their duty under the law to meet and organize.

Now, the gentleman from New York, either designedly or otherwise, undertakes to put me in a false position in respect to what I said of the recognition of the House by the Senate. I said that in the event of dual bodies claiming to be the House of Representatives, which contingency you can not anticipate, and which can never arise under our Constitution and system of government; but if such an unusual, unexpected, and improbable occurrence should happen, what is the result? Why, simply, there is a necessity which compels the President of the United States and the Senate to declare for the time being which body it will recognize as the lawful House of Representatives.

Mr. COCKRAN. Will the gentleman permit another question?

Mr. BOATNER. Certainly.

Mr. COCKRAN. Louisiana has had a constitution for some years, I believe?

Mr. BOATNER. Well, that question answers itself. If the gentleman is not aware of that fact, I do not think I could enlighten him upon it.

Mr. COCKRAN. Did you not have a dual government in the State of Louisiana, notwithstanding the fact that you had a constitution?

Mr. BOATNER. We had a dual government there.

Mr. COCKRAN. And that was so, notwithstanding your constitution?

Mr. BOATNER. We had two bodies there claiming to be the governor and Legislature of the State.

Mr. COCKRAN. Now, I ask the gentleman if such a thing as that was liable to happen and did happen in the State of Louisiana, notwithstanding the existence of your constitution, is there not a possibility that such a contingency might also arise notwithstanding the fact that the United States Constitution exists?

Mr. BOATNER. I do not believe it can happen at all, because the conditions existing in Louisiana at that time were different, and such as could not exist under the Constitution of the United States. Why, sir, if the gentleman found it impossible with all of his fertility of imagination and ingenuity to state a case in which a dual House of Representatives were a possibility, we may take it for granted there can be none. When the Clerk calls the roll of names of members whose certificates he has received, and they are answered in the House of Representatives, that constitutes the House of Representatives, and the action of the majority of the men who are put on that roll is the action of the House of Representatives itself and anything outside of that organization would be wholly revolutionary.

Mr. Speaker, I submit to the House of Representatives that there is nothing whatever, no foundation at all for the fears entertained by the gentleman from New York; but so far as my observations extend, and so far as I have read the public press of the country, the consensus of opinion throughout the land is almost universally in favor of a provision of this character. Now is the time to correct this evil. Now is the best time, as we have now the signal illustration of the necessity of the change and I hope, sir, that the resolution will be adopted.

I reserve the remainder of my time.

Mr. JOSEPH D. TAYLOR. I yield such time as he may wish to the gentleman from Maine [Mr. REED].

Mr. REED. Mr. Speaker, I will not undertake to add anything to the admirable statement made by the gentleman from New York [Mr. COCKRAN] as to the principles which it seems to me will govern the matter in dispute between him and the gentleman from Louisiana [Mr. BOATNER], but I think I may venture to add as a detail a statement of the method in which the question might arise.

In the first place certificates are issued by the governors of States, or other proper certifying officers, of the election of members of Congress. If a question arose of sufficient importance to be a temptation, even the governor of the State might be thereby swerved. There then would be an element of confusion and of possible disaster. If upon the governor's certificate were to depend not only the seat of a member, but the complexion of a House, and not only the complexion of a House, but the character of an administration, we might easily imagine that even the governor of a State might be swerved in his duty.

Mr. CRAIN. I will say, Mr. Speaker, that no such emergency could arise.

Mr. REED. If, for instance, at the end of the first session of the Fiftieth Congress, and upon the election of its successor, the three certificates which were then in question, for there were at least that number then in dispute, carried in their decision not only the House of Representatives, but the Presidency of the United States, it is pretty difficult to judge what would have been the effect of the pressure upon the certifying officers. Then after we have passed that there comes the making up of the list by the Clerk of the preceding House, who, however good a man he may be, is more or less human. And at a time of great political excitement, even if he decided justly and wisely, his decision would be questioned just as the wise decision of the commission in the Hayes case was questioned by injudicious persons. [Laughter.] If the gentleman from Louisiana [Mr. BOATNER] will pass in review before his mind these two details of the possible situation he can see methods whereby there might be two Houses of Representatives, each claiming the right to exist, and each claiming not only the right of existence, but the right to pass upon the Presidential election, which to say the least would be inconvenient.

Now, what are we going to run this risk for?

Mr. BOATNER. Will the gentleman from Maine yield for a question?

Mr. REED. Would the gentleman have the kindness to wait until I get through? I will yield if the gentleman insists, but I prefer not to do so at this time, because it destroys the continuity of my argument; and I intend to connect on the leader of the House in a moment. [Laughter.] For what purpose now are we undertaking to run this serious risk? For I admit that all things in this world are worth their price. If we are going to do something for the country that is adequate to this risk, then I have no objection to taking it, because I quite agree with the idea that the wisdom that will save this country at any given time is not the wisdom of the dead people but the wisdom of the living people.

Now, what are we going to achieve? The gentleman from Illinois [Mr. SPRINGER] has stated what we are going to achieve in his judgment. We are going to have a quick response to the opinion of the people. Now, I was very sorry to hear a gentleman occupying the exalted position of the gentleman from Illinois [Mr. SPRINGER] repeat what seems to me to be a very gravely mistaken notion. That is, that the second session of a Congress, after the people have decided to elect members of another party is a session which is repudiated by the country. That thing is a defiance of the Constitution of the United States; and some gentlemen on the other side think that they are in favor of it.

The Constitution of the United States, be it wise or unwise, does not contemplate an immediate response to the opinion of the people. Our institutions are not framed upon that basis nor with that idea. Our institutions are formed upon the idea that the careful determination of the people of the United States, well stuck to, shall be the law of the land; not the opinion of one election, but the opinion of a series of elections. I am not saying whether this is wise or unwise. I am only talking about the scheme of the Constitution.

Now, the gentleman proposes to put new cloth into old garments. He proposes to modify the condition of the House of Representatives so as to make it responsive to the people, but he does not propose to modify either the Presidency or the Senate. In other words, the people of the United States may move this body quickly, effectually, on condition that nothing comes of it, on ac-

count of the stability of the Presidency and of the Senate. In other words, he is trying to get this House out of tune with the system of the Constitution. That is the purpose for which we are to run these risks of disorder and misfortune which the gentleman from New York [Mr. COCKRAN] has so admirably portrayed.

Now, let me descend to a much smaller matter in which I want to express my individual feeling. I do not believe in extending the short session of Congress. I believe that it is wasting two months more of our time; and I do not know how it is with the rest of you, but two months of my time I think are too valuable to waste, and I do not want to help waste that time. Talk about this session not being long enough for us to do our duty! Why, I fancy I could see on the countenance of the gentleman from Missouri [Mr. BLAND] if he were here, a smile, as he thought of his demanding the yeas and nays on every pension bill and taking up a whole day of this short session, which it is the fancy of gentlemen every now and then in this House to imagine is yearning for the opportunity to do public business. [Laughter.]

I never have seen this session too short to do public business unless the House did not want to do it, and I do not care how long a session is, the House never will do business when it does not want to. Houses that mean business can always find time in which to do it. Houses that do not mean business can always find eternity in which not to do it; and if this House is not an example of the latter I do not remember to have met one. [Laughter on the Republican side.]

Now we have, every one of us, as individuals, sixteen months of work upon our hands. We start the first of December in a new Congress; we finish the first session, which is long and laborious. We then go into a political campaign and come wearied from that to the short session, which ought to be laborious also; and when we get through with that sixteen months we need a vacation, and I do not mean any sneer at Congress when I say that the country needs one too [laughter], and nine months are none too long.

Mr. SPRINGER. One word in reply. [Laughter.]

I would like to submit to the gentleman from Maine whether the evils which he so graphically pointed out are not themselves, in his judgment, the very evils which exist, namely, that a House of Representatives elected two years ago may now, under the Constitution, be required to elect a President, and that the House of Representatives may elect a President of the different political party from the one——

Mr. REED. From the one that did not elect a President?

Mr. SPRINGER (continuing). At the preceding election. In other words, this Congress was elected in 1890. It is possible that it might have contained a majority of Republicans, though it happened to contain nearly 150 Democratic majority; but, if it had a majority of Republicans, and if at this election the election had come into the House of Representatives, notwithstanding the overwhelming victory of the Democratic party at the recent election, giving Mr. Cleveland over 125 majority of the electoral college, this House would have come together and elected the President.

Mr. REED. If Mr. Cleveland had 125 majority, how could that be?

Mr. SPRINGER. I say that while at this election the result was as I have stated.

Mr. REED. In other words, if the facts had been different they would have been otherwise. [Laughter.]

Mr. SPRINGER. Mr. Cleveland might have had a large majority, a hundred more votes than Mr. Harrison, and still the election would have gone to the House of Representatives.

Mr. REED. Very well; if the people could not decide, they would refer it to the House of Representatives under the Constitution. It is only another case where the people do not act for themselves, just the same as where we say a committee have considered a matter and come to no resolution thereon, and leave other people to attend to it.

Mr. SPRINGER. It is because the people's representatives elect a President who are not chosen for that purpose, and who would elect one who did not represent the popular expression at the time when the election took place. What I contend for is that the election should have more reference to the wishes of the people after a party or person has been elected. A Congress elected at the same time that the President is elected would be more likely to be responsive to the will of the people as expressed at that election than a Congress elected two years before.

I do not mean to say that the Congress now in existence had been repudiated by the election which took place in November. I say that a Congress might be repudiated, as in the case of the Fifty-first Congress, which contained a majority of Republicans, and which elected the honorable gentleman from Maine as its Speaker, after it had gone through with one session, the first session of Congress, another Congress was elected, and that Congress was in existence but not permitted to assemble in this Chamber, while the Congress repudiated by 150 majority of the people's representatives did assemble and perform the legislative functions.

Mr. REED. They were only repudiated *nunc pro tunc*.

Mr. SPRINGER. A Congress which had been repudiated by such an overwhelming vote still remained here and exercised legislative powers for four months.

Mr. CRAIN. Will the gentleman permit me to ask him a question?

Mr. SPRINGER. Certainly.

Mr. CRAIN. I desire to ask the gentleman as a question of parliamentary history whether it was in the first session or the second session of the Republican Congress that the subsidy bill was passed?

Mr. SPRINGER. That is a matter of history. The gentleman understands that it was passed in the second session, of course; and a great many other measures were passed by that Congress in the second session that would not have been passed at the first session, when the members were to go before the people and give an account of their actions as Representatives here; but after the election had taken place and after the place that knew them was to know them henceforth no more forever they assembled in this body and defeated the popular will, and four months is given to this kind of legislation, notwithstanding the fact that this is supposed to be a Government of the people, by the people, and for the people.

Mr. CHIPMAN. Mr. Speaker, there seem to be two objections urged against this bill, one by the gentleman from New Jersey [Mr. ENGLISH], which is a sentimental one, and the other by the gentleman from New York [Mr. COCKRAN], which is a practical one. I sympathize fully with the gentleman from New Jersey in his great respect for the Constitution and for the immortal men who framed it. I will not yield one jot or tittle to any man in proper respect for those great men; yet I must candidly confess that I agree with the gentleman from Maine [Mr. REED] in the belief that, after all, we must depend upon the wisdom of live men for our well being, and not upon those who have passed away, however glorious their memories may be.

I believe, Mr. Speaker, that there is a positive evil existing under our institutions—I mean the lack of responsiveness on the part of the legislature to the popular will. Whether that evil is so great as to fully counterbalance other evils which might arise from a change of system is a proper question for discussion, one to which this House and the people can not give too great consideration; and I now say that it is idle—it certainly is not at all to the purpose—to conduct this argument with any reference to the legislation of Congress upon the subject of the constitution of this House. That legislation, not being a constitutional provision, is susceptible of change at any time or under any exigency of party necessity. Therefore, in looking at this question we must survey it in the abstract light of a fundamental provision upon which legislation may be founded, but which, at all events, will be paramount to that legislation and will circumscribe its limits.

The evil which I have adverted to is a lack of responsiveness to the popular will. There is one objection connected with that which is patent to all those which have followed the course of legislation in this country. You have an election to-day and a year from now your Congress meets. During that time gentlemen who get the popular ear, gentlemen who get control of the press, or of the attention of members of Congress will so change a measure that was demanded by the people or will so dwarf its importance by artificial processes, that it is hardly ever again heard of in Congress. It is during that period of delay that people who are personally interested in legislation of a doubtful character do their work and get control of public sentiment and sometimes of Congress itself.

A measure which has been earnestly supported and urged by the press you will find, in the same press, slurred over, minimized, and finally recommended to be postponed after it has served its election purpose of securing a partisan triumph. I think I could cite several instances. Take this matter of tariff reform, some papers in this country which were strongest, most positive, most dictatorial, if I may use the term, upon that subject are now advising delay, are now presenting to the people a tariff reform which was never discussed during the election, which was never contemplated, and which, if adopted, will simply result in a disappointment to the people who elected us as their representatives in the next Congress.

So it is in regard to other questions. You will find newspapers which cried aloud upon the question of tariff reform, or the question of immigration—which is to-day, next to tariff reform, the most important question before the American people—you will find newspapers that were the most strenuous for the rights and the protection of American labor during the campaign, be-

ginning now to have doubts, to hesitate and to tell a tale which they did not tell during the election, and upon which, I may say, if they had told it then, they could never have secured public support. In this way the fresh impulse of the popular heart, the vigor, the impetus given to a reform or to a policy in legislation by the popular will is lost; it grows cold and dead.

The importance of it is eclipsed by other matters. It may be replied that these newspapers are simply expressing what is called the sober second thought. Sir, the sober second thought in the history of nations has rarely, in my judgment, tended to true progress. On the contrary, it has tended to an emasculation of vigor, of principle, and impedes directness of action. The objections made by the gentleman from New York [Mr. COCKRAN] to this joint resolution are worthy of consideration. I desire a quicker response to the will of the people, but I do not desire to obtain that by overthrowing other safeguards or by in any way jeopardizing the future peace of the country.

I have read history in vain—though with all respect to the gentleman from New York [Mr. COCKRAN], I will not claim to be a proficient in that branch of study—I have read history in vain if his position is correct, that disputes concerning who shall be members of legislative bodies have been the cause of the overthrow of republican institutions. Where and when has that happened? Certainly it was not the case in Chile. That was a case of usurpation followed by revolution. Balmaceda assumed the power of continuing in office and the power of perpetuating in office after him the person who would be his mere tool and henchman. That was an unfortunate instance.

But where in the history of republics do we find difficulty of that kind? How was it under the "Long Parliament" in Great Britain? Was there any dispute as to who should be members of that body? Let us go to the Swiss republic; are there any disputes there? Let us go to France, where that noisy, turbulent, and I had almost said disgraceful assembly is in session at this moment. Do we find any difficulty of this kind there? Where in either ancient or modern times do we find a difficulty of this kind? That there might be the state of things which the gentleman dwells upon, I am not one who has the hardihood to deny. I do not choose to stake my reputation, I do not choose to stake my future in this House, upon a denial of that proposition. There are no evils connected with government which we may not fear may happen to us. There may be disputed presidential successions; there may be rival Congresses; but of the two, the disputed presidential succession is the most apt to happen, and dual Congresses the least apt to happen.

But if there is danger of that—if this proposition opens the door to the evils suggested as even a possibility, though I deny that they are probable—then do not let us turn our backs upon an evil which certainly does exist, this evil of the irresponsiveness of the Legislatures of the country to the will of the country; but let us see whether we can not devise some scheme by which the one evil may be corrected and the other evil may be avoided. To stand here and deny that the irresponsiveness of the Legislature to the will of the people is an evil and therefore to refuse to do anything to correct it seems to me, Mr. Speaker, to be opposed to the entire experience of the times.

From every part of the country the complaint comes as to the slowness of action here and the utter irresponsibility, after all, of the members of this body to the people who elect them. We have the theory that the people are the masters; but how can they be masters when their commands are not obeyed for a period of over a year, and when during that time those they have elected may change their minds, not at the mandate of the people, but under the insidious influence of interested persons who have legislation they wish to put in the stead of the legislation required by the people.

The gentleman from Maine [Mr. REED] said that we propose to put new cloth into old garments, and he speaks of that as being inconsistent. Why, Mr. Speaker, when this House comes here fresh from the constituencies it represents the last expression of their will—it is the final order given by the people; and if there is a President out of accord with them—if there is a hostile Senate—yet the House sent here is not "new cloth in old garments," but it is the entire garment, as I might say, for it can stand here and protect the people against the errors either of the Executive or of the Senate. Standing here as the true protectors and agents of the people, the House of Representatives may say to the Executive: "You shall not carry out this policy or that." It may say to the Senate: "You shall not carry out this policy or that; there is only one policy that is to be carried out, and that is the policy which the people have deputed us to enforce; otherwise there shall be nothing done except what is absolutely necessary to carry on the Government."

How long is it since among English-speaking races the value of such a power in the lower House, the House representing the people—how long is it since the value of such a prerogative in the popular branch of government, is to be called "new cloth in old garments?" It is the very body and bulwark of parliamentary liberty; it is the great restraining power upon all the other powers. It constitutes in fact this body the supreme body after all in the government of this country.

This view of the subject, Mr. Speaker, may be jocular; yet this is no occasion for jocularity. Whatever becomes of this measure, the discussion here to-day should be serious. Above all it should be honest. And therefore, while I insist upon this great evil of the irresponsiveness of the Legislature of this country to the will of the country, I also freely acknowledge that there may be danger in the opposite direction. But instead of opposing this bill for such a reason, we should get together and see if we can not destroy the one evil and protect ourselves against the other.

Now, Mr. Speaker, I hope I have said nothing here that would savor of passion or anger concerning this measure. It is one to which we should give our best, our most dispassionate and earnest thought. We have no right to recommend to the Legislatures of the States any measure of constitutional amendment which does not commend itself to our own best judgment. It is not a partisan matter; it ought not to be a partisan matter, and, so far as I am concerned, it shall not be such in the consideration I give it. No partisan question should be involved in the consideration of such a measure as this. If the evils predicted or the apprehensions set forth by the gentleman from New York [Mr. COCKRAN] have any foundation, or are even possible in the future, then I call upon the members of this House to propose such amendments to this joint resolution as will prevent these evils from even being possible, and at the same time to aid in getting rid of the other evil, which I think is paramount over all the other evils in this Government.

I reiterate, sir, there is no man, I hope, on this floor who has a greater but at the same time a more proper admiration for the past than I have. But we do not live in the past. Our duty is to the present and the future. We are living in the breathing present, not in the dead past. It is the duties of to-day which are incumbent upon us. It is the wisdom of to-day which the world needs; and so long as I have been in this House I have refused to be bound by the past simply because it is the past, or to bow down in fetich worship before the Constitution or the men who framed the Constitution. They were great men, as great men as the history of the world has ever produced, probably. But even in that we are given to the American vice of exaggeration.

We dishonor even these great men by the excess of adulation we heap upon them. Respect their worth, respect it; but remember that they in their day and generation could not conceive the country which exists to-day. Remember that men change as well as the circumstances surrounding them. Remember that the nature of man, which has been appealed to and commented upon here to-day—the nature of man of to-day—is not the nature of man over a hundred years ago. We are creatures of circumstance.

Each generation brings forth a different type of men, men of different mental constitutions and powers; and I hope it is not vanity, I hope it is not an overweening love of the present when I assert and believe that there is more wisdom to-day, more general public virtue, more capacity to govern the world than there was at the time the Constitution was formed. So that when one arises here and appeals to sentiment I join in it as I would join in the admiration of the most beautiful poem; but when another appeals to the experience of the past I answer him, "God Almighty put me here to-day to use my brain, to use my information, to use my powers in the position which I occupy, and that He has put you in the same position." [Applause.]

Mr. DE ARMOND was recognized.

Mr. SPRINGER. Mr. Speaker——

The SPEAKER. The gentleman from Missouri has been recognized.

Mr. HOLMAN. I ask the gentleman to yield to me to offer an amendment.

Mr. DE ARMOND. I will yield for that purpose.

Mr. HOLMAN. I desire to submit the amendment that I send to the desk.

The Clerk read as follows:

That section 3 of Article I be so amended that the same shall be as follows:

"ARTICLE I.

"SEC. 3. That the Senate of the United States shall be composed of two Senators from each State, who shall be chosen by a direct vote of the people of the several States for six years; and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature; and each Senator shall have one vote."

Mr. DINGLEY. I desire to reserve all points of order on that amendment.

Mr. CRAIN. Mr. Speaker, I wish to submit a motion.

The SPEAKER. The Chair understood the gentleman from Missouri to yield to the gentleman from Indiana only for the purpose of offering an amendment.

Mr. HOLMAN. That is correct.

Mr. JOSEPH D. TAYLOR. I rise for a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. JOSEPH D. TAYLOR. The substitute is now pending. Is this amendment of the gentleman from Indiana to the substitute?

The SPEAKER. This is an amendment to the original resolution. The substitute of the gentleman from Ohio is pending, as the Chair understands, but the original resolution may be perfected before the substitute is voted upon.

Mr. CRAIN. Mr. Speaker, the gentleman from Missouri yields to me.

I move that the House take a recess until five minutes to 12 o'clock to-morrow.

Several MEMBERS. Oh, no! Let us vote now.

Mr. PEEL. Before that motion is submitted I want to say in a moment that the House will remember this morning a rule was adopted setting apart this day for the consideration of business from the Committee on the Election of the President and Vice-President, and to-morrow——

The SPEAKER. The Chair will remind the gentleman that the motion is not debatable.

Mr. PEEL. I understand that, Mr. Speaker, but I wanted to state that to-morrow was set apart for the Committee of Indian Affairs by the special rule, and I hope we will not be deprived of the day.

The SPEAKER. The question is on the motion of the gentleman from Texas [Mr. CRAIN].

The question was taken; and on a division there were—ayes 38, noes 75.

So the motion was rejected.

Mr. CRAIN. Mr. Speaker, the gentleman from New York [Mr. COCKRAN], who is leading the opposition in this measure, has agreed with me, if I understand him, that if there is no quorum present, which has been demonstrated by this vote, he will allow me to take a recess until five minutes to 12 to-morrow.

Mr. COCKRAN. I do not assume to give the gentleman permission to do anything, for it is not in my power. If it was, I would be very glad to coöperate with him. I suggest that the gentleman take a vote on the question now, and if that vote discloses the absence of a quorum, then I shall certainly vote to take a recess until to-morrow.

Mr. CURTIS. Perhaps the question of a quorum will not be raised.

Mr. CRAIN. I do not think there is a quorum here.

Mr. COCKRAN. Then it will be shown on the vote.

Mr. CRAIN. This vote has shown that there is no quorum.

Mr. COCKRAN. But there are many members of the House who did not vote who are about the Capitol. I think there are 175 members present.

The CHAIRMAN. The question is on the amendment proposed by the gentleman from Indiana [Mr. HOLMAN].

Mr. TUCKER. Has not a point of order been raised on that?

Mr. DINGLEY. I raised a point of order.

The SPEAKER. The gentleman from Maine [Mr. DINGLEY] reserved a point of order, but did not state what it was.

Mr. DINGLEY. That it is not germane to this bill; that it is on another subject.

Mr. HOLMAN. I think it is germane to the pending proposition. This is an amendment to the Constitution of the United States with reference to the two Houses of Congress. The Chair will observe that the last provision is in regard to the Senate.

The SPEAKER. The Chair will hear the gentleman from Maine [Mr. DINGLEY] in respect to his point of order. The gentleman will observe that one of these amendments relates to the expiration of the terms of Senators.

Mr. DINGLEY. It simply relates to the date of the commencement of the term.

The SPEAKER. The expiration of the term.

Mr. BURROWS. It does not relate to the method of election. That is another subject entirely.

Mr. HOLMAN. The subject-matter is an amendment to the Constitution of the United States touching the organization of Congress. I submit that on that ground my amendment is germane to the subject-matter.

The SPEAKER. The gentleman from Indiana [Mr. HOLMAN] will observe that there is a distinct article of the Constitution relating to the tenure or term of Senators. The article proposed to be amended relates simply, as the Chair thinks from such examination as he can give to the bill hurriedly, to the expiration of the term and the day of meeting of Congress. There is nothing in it respecting the election of Senators or Representatives. Therefore the Chair thinks that the amendment is not germane. The question now is on the substitute offered by the gentleman from Ohio [Mr. JOSEPH D. TAYLOR].

Mr. SPRINGER. Let it be read again.

The substitute offered by Mr. JOSEPH D. TAYLOR was again read.

The question being taken on the substitute, it was rejected.

The SPEAKER. The question now is upon the joint resolution.

Mr. CHIPMAN. Mr. Speaker, I move the previous question on the third reading and passage of the joint resolution.

Mr. DICKERSON. I hope the gentleman will allow the question to be divided.

Mr. CRAIN. I ask the gentleman from Michigan [Mr. CHIPMAN] to withdraw his demand for the previous question for a moment.

Mr. CHIPMAN. I will withdraw it for a moment at the request of the gentleman from Texas [Mr. CRAIN].

Mr. CRAIN. Mr. Speaker, the objections which have been raised to this resolution have come from quarters that to me were unexpected. Nevertheless in the discussion of them I have to leave that out of consideration.

Mr. BURROWS. I do not think the gentleman has recovered from his surprise yet.

Mr. CRAIN. The gentleman from New York [Mr. COCKRAN] has, through his fertile imagination, conjured up spectacular dramas of bloodshed and rapine that may occur in this country. He has referred to cases where republics in foreign countries have gone down because of the fact that the electoral system has been perverted; and when I asked him to name a single republic that possessed the peculiar system of government that we possess, he simply said that I was ignorant of history.

I say to him that no country in the world has ever presented to the people a system of government like ours. The gentleman has referred to a question of revolution, which has no connection with our peculiar system of government. He has stated on the floor of the House that there has been a dual House of Representatives, and he suggested the case of the election of Mr. Winthrop.

Mr. Speaker, there was no dual House of Representatives, and there never has been in the history of this Government. I have before me the Congressional Globe, setting forth the facts of Mr. Winthrop's election. There was no dispute. The Clerk of the House of Representatives called the House to order, votes were taken, and Mr. Winthrop was elected. There never has been a dual House of Representatives in the history of this country. The suggestion of the gentleman, that the new House of Representatives coming from the people might be influenced by the motives and the impulses which actuated the people in the selection of the President, is futile, because, as every gentleman in this House knows, the Clerk of the House of Representatives, elected by a prior House, swears in the members; or if he does not do it he calls the House to order and an older member swears them in.

This is an organized House, just exactly as there would be an organized House in the second session. In 1876 or 1877, when the question arose between Mr. Tilden and Mr. Hayes, it was, as he says, an organized House. But why should not the objection which he raises as to the organized House at that time be obnoxious to the presentation of this question, as it is represented in this resolution. He may not know it, but older members of Congress know the fact that men have been seated in this House on the last day of the last session, and they have drawn their two years' pay.

The gentleman from Maine [Mr. REED], who argued, as he always does, with sarcastic reference to the people who have succeeded his people in charge of this Government, and who always speaks well and eloquently, forgets the fact that he was in favor of this amendment at the time when there was a Republican majority in the House, and the Democrats went down to their constituents and defeated them. The gentleman from Massachusetts [Mr. LODGE] ignores a similar fact when he opposes this resolution, after having told me that he was in favor of it. There is nothing, absolutely nothing in the suggestions that have been made, although they have been eloquently made, against the proposition embraced in this resolution. It simply means what the country demands in an extra session of Congress, as has been suggested by newspapers in New York and elsewhere, and by Democratic members of this House who have prominence.

It means, Mr. Speaker, that the theory of this Constitution shall be carried out practically; that the Representatives elected in the fall elections shall come here in touch with the people. It means, Mr. Speaker, that instead of being brought here as we are in the month of December and wasting, as we do, one whole month, which no gentleman can deny, in the election of a Speaker

and the selection of committees, that we shall be brought here within sixty days after our election.

The Senate, Mr. Speaker, is more in touch with the people of this country than the House of Representatives; and why? Because one-third of their members go out and their successors are elected by their respective Legislatures, and they come here and are kept in session for special purposes, whereas the House does not meet until thirteen months after its members have been chosen by the people to represent them.

Suppose that the election of the President had devolved upon the last Congress, when the gentleman from Maine [Mr. REED] was reputed to have counted umbrellas and walking canes, what chance would the Democratic party have had for the election of a President? None, whatever. Now, I say, Mr. Chairman, that this House ought not to be for nine months without a Speaker, as it is under existing conditions. I say that the men who are elected in November ought to be here within sixty days after their election, at their post of duty, responding to the will of the people expressed at the polls.

I say that it was wrong for the Mills Congress to be in session at the short session for three months, legislating for the people after that bill had been repudiated. I say with equal force, because it is not partisan, that the Republican Congress ought not to have been in session for three months after the McKinley bill had been repudiated. The will of the people was thwarted. The representatives of the people felt that they had been repudiated; and nobody will deny the statement that a man who has been beaten by his people at the polls is not as efficient a representative as when he came here with a majority in his favor.

This measure may be beaten. I am not wedded to it, as I told gentlemen on the other side. I do think there ought to be a remedy for the evils of which the people, through the press, complain. I do not think that those evils can be remedied by legislative enactment. I am fortified in the presentation of this case from a legal standpoint by Attorneys-General of the United States. I am fortified by the statement of the Committee on the Judiciary, and I have the pleasure to say that I have at my back in the presentation of this amendment the distinguished gentleman from Maine, who represents the opposition to this matter. Having stated these facts and the principles which are necessarily evolved by them, I yield, of course, to the will of the House.

Mr. CHIPMAN. Mr. Speaker, I now renew my motion for the previous question on the third reading of the joint resolution.

The previous question was ordered.

The SPEAKER. The question now is on the third reading of the joint resolution.

The question was taken; and the Speaker announced that the noes seemed to have it.

Mr. SPRINGER. I would suggest to gentlemen on the other side that they allow the previous question to be ordered on the adoption of this resolution, and then we can adjourn, and to-morrow, when the House is full, it can take action.

Mr. COCKRAN. Take the yeas and nays now, there is a quorum present.

Mr. CHIPMAN. I demand a division.

The House divided; and there were—ayes 33, noes 86.

Mr. CHIPMAN. I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 49, nays 128, not voting 152; as follows:

YEAS—49.

Beeman,	Daniell,	Lagan,	Stout,
Boatner,	De Armond,	Long,	Taylor, Ill.
Boutelle,	Donovan,	Mallory,	Tucker,
Brown, Md.	Durborow,	McGann,	Warner,
Bryan,	Elliott,	McKaig,	Weadock,
Busey,	Everett,	McLaurin,	White,
Bushnell,	Gantz,	McRae,	Wike,
Butler,	Geary,	Moore,	Willcox,
Chipman,	Hare,	Moses,	Winn,
Clarke, Ala.	Hayes, Iowa	Scott,	Youmans.
Coolidge,	Hooker, Miss.	Smith,	
Covert,	Houk, Ohio	Springer,	
Crain,	Jones,	Stone, Ky.	

NAYS—128.

Alexander,	Broderick,	Cobb, Ala.	English,
Allen,	Brookshire,	Coburn,	Geissenhainer,
Andrew,	Brosius,	Cockran,	Grady,
Antony,	Brown, Ind.	Coombs,	Greenleaf,
Atkinson,	Brunner,	Cox, Tenn.	Hall,
Babbitt,	Buchanan, N. J.	Crawford,	Hallowell,
Bailey,	Buchanan, Va.	Crosby,	Halvorson,
Baker,	Burrows,	Cummings,	Harries,
Bartine,	Bynum,	Curtis,	Henderson, Ill.
Barwig,	Cadmus,	Cutting,	Herbert,
Beltzhoover,	Caminetti,	Dickerson,	Hitt,
Bergen,	Castle,	Dingley,	Hoar,
Blount,	Catchings,	Dockery,	Holman,
Branch,	Cate,	Dolliver,	Hopkins, Ill.
Breckinridge, Ark.	Clancy,	Dunphy,	Houk, Tenn.
Bretz,	Clark, Wyo.	Edmunds,	Huff,
Jolley,	Meredith,	Peel,	Stockdale,
Kem,	Meyer,	Pendleton,	Stone, W. A.
Kendall,	Miller,	Perkins,	Taylor, Tenn.
Kribbs,	Montgomery,	Post,	Taylor, J. D.
Kyle,	Oates,	Ray,	Terry,
Lane,	O'Ferrall,	Reed,	Tillman,
Lapham,	O'Neill, Pa.	Reilly,	Tracey,
Lawson, Va.	Otis,	Reyburn,	Turner,
Lester, Ga.	Outhwaite,	Richardson,	Walker,
Livingston,	Page,	Robertson, La.	Watson,
Loud,	Parrett,	Russell,	Wheeler, Ala.
Magner,	Patterson, Tenn.	Seerley,	Williams, Mass.
Martin,	Patton,	Shell,	Williams, Ill.
McAleer,	Payne,	Shively,	Wilson, Ky.
McCreary,	Paynter,	Sperry,	Wilson, W. Va.
McMillin,	Pearson,	Stewart, Tex.	Wise.

NOT VOTING—152

Abbott,	De Forest,	Johnson, N. Dak.	Rayner,
Alderson,	Dixon,	Johnson, Ohio	Rife,
Amerman,	Doan,	Johnstone, S. C.	Robinson, Pa.
Arnold,	Dungan,	Ketcham,	Rockwell,
Bacon,	Ellis,	Kilgore,	Rusk,
Bankhead,	Enloe,	Lanham,	Sanford,
Belden,	Enochs,	Lawson, Ga.	Sayers,
Belknap,	Epes,	Layton,	Scull,
Bentley,	Fellows,	Lester, Va.	Shonk,
Bingham,	Fitch,	Lewis,	Simpson,
Blanchard,	Fithian,	Lind,	Sipe,
Bland,	Flick,	Little,	Snodgrass,
Bowers,	Forman,	Lockwood,	Snow,
Bowman,	Forney,	Lodge,	Stahlnecker,
Brawley,	Fowler,	Lynch,	Stephenson,
Breckinridge, Ky.	Funston,	Mansur,	Stevens,
Brickner,	Fyan,	McClellan,	Steward, Ill.
Bullock,	Gillespie,	McKeighan,	Stone, C. W.
Bunn,	Goodnight,	McKinney,	Storer,
Bunting,	Gorman,	Milliken,	Stump,
Byrns,	Griswold,	Mitchell,	Sweet,
Cable,	Grout,	Morse,	Tarsney,
Caldwell,	Hamilton,	Mutchler,	Taylor, E. B.
Campbell,	Harmer,	Newberry,	Taylor, V. A.
Capehart,	Harter,	Norton,	Townsend,
Caruth,	Hatch,	O'Donnell,	Turpin,
Causey,	Haugen,	Ohliger,	Van Horn,
Cheatham,	Haynes, Ohio	O'Neil, Mass.	Wadsworth,
Clover,	Heard,	O'Neill, Mo.	Washington,
Cobb, Mo.	Hemphill,	Owens,	Waugh,
Cogswell,	Henderson, Iowa	Pattison, Ohio	Wever,
Compton,	Henderson, N. C.	Pickler,	Wheeler, Mich.
Cooper,	Hermann,	Pierce,	Whiting,
Cowles,	Hilborn,	Powers,	Williams, N. C.
Cox, N. Y.	Hooker, N. Y.	Price,	Wilson, Wash.
Culberson,	Hopkins, Pa.	Quackenbush,	Wilson, Mo.
Dalzell,	Hull,	Raines,	Wolverton,
Davis,	Johnson, Ind.	Randall,	Wright.

So the House refused to order the joint resolution to a third reading.

The following pairs were announced:

Until further notice:

Mr. FORNEY with Mr. BELDEN.

Mr. WHITING with Mr. SWEET.

Mr. CAMPBELL with Mr. JOHNSON of North Dakota.

Mr. BLANCHARD with Mr. DOAN.

Mr. HEARD with Mr. WEVER.

Mr. HATCH with Mr. HARMER.

Mr. WASHINGTON with Mr. SANFORD.

Mr. GOODNIGHT with Mr. KETCHAM.

The following were announced as paired for this day:

Mr. SNODGRASS with Mr. SCULL.

Mr. CAUSEY with Mr. RANDALL.

Mr. OWENS with Mr. MILLIKEN.

Mr. ABBOTT with Mr. PICKLER.

Mr. TARSNEY with Mr. QUACKENBUSH.

Mr. TURPIN with Mr. GRISWOLD.

Mr. BLAND with Mr. BINGHAM.

Mr. LANHAM with Mr. HOPKINS of Pennsylvania.

Mr. O'NEIL of Massachusetts with Mr. LODGE.

Mr. ARNOLD with Mr. O'DONNELL.

Mr. HENDERSON of North Carolina with Mr. STORER.

Mr. ALDERSON with Mr. MORSE.

Mr. MITCHELL with Mr. RIFE.

Mr. CARUTH with Mr. VINCENT A. TAYLOR.

Mr. ENLOE with Mr. TOWNSEND.

Mr. SAYERS with Mr. GROUT.

The following as paired for the rest of this day:

Mr. BOWMAN with Mr. HULL.

Mr. LIVINGSTON with Mr. HENDERSON of Iowa.

Mr. MANSUR with Mr. BINGHAM, for two days.

The result of the vote was then announced as above recorded.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 3564) for the relief of Josiah Pickett; and

A bill (S. 3649) for the relief of William J. Carnell and Joseph M. Carnell.

ENROLLED BILLS SIGNED.

Mr. OHLIGER, from the Committee on Enrolled Bills, re-

ported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 118) for the relief of the estate of Isaac W. Talkington, deceased; and

A bill (S. 3623) to amend the act of March 3, 1873, for the relief of the Columbian University, in the District of Columbia.

REPRINT OF A BILL.

On motion of Mr. PEEL, by unanimous consent, an order was made for the reprint of the bill (H. R. 9190) to ratify and confirm an agreement with the Cherokee Indians of the Indian Territory, etc.

SATURDAY HALF-HOLIDAY IN THE DISTRICT OF COLUMBIA.

The SPEAKER laid before the House a Senate joint resolution (S. R. 130) to amend an act entitled "An act to make Saturday a half-holiday for banking and trust companies in the District of Columbia;" which was referred to the Committee on the District of Columbia.

ELECTION OF PRESIDENT, VICE-PRESIDENT, AND REPRESENTATIVES.

Mr. COCKRAN moved to reconsider the vote by which the House had refused to order the joint resolution (H. Res. 98) to a third reading; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. WOLVERTON, on account of important business.

To Mr. BLAND, for to-day, on account of sickness.

The House then, on motion of Mr. SPRINGER (at 5 o'clock and 24 minutes p. m.), adjourned.

REPORTS OF COMMITTEES.

Under clause 2 of Rule XIII, Mr. PAGE, from the Committee on Claims, reported the bill (S. 730) for the relief of H. W. Shipley (Report No. 2215), which was delivered to the Clerk's desk, ordered to be printed, and referred to the Committee of the Whole House.

BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BARTINE: A bill (H. R. 10115) to provide a battery of modern field guns for the Nevada National Guard—to the Committee on Military Affairs.

By Mr. STORER: A bill (H. R. 10116) to amend an act entitled "An act to regulate commerce," approved February 4, 1887—to the Committee on Interstate and Foreign Commerce.

By Mr. BRYAN: A bill (H. R. 10117) to amend "An act authorizing the construction of a railway, street railway, motor, wagon, and pedestrian bridge over the Missouri River near Council Bluffs, Iowa, and Omaha, Nebr., and to extend the time for the completion of the bridge therein provided for"—to the Committee on Interstate and Foreign Commerce.

By Mr. BACON: A bill (H. R. 10118) to amend section 5209 of the Revised Statutes—to the Committee on Banking and Currency.

By Mr. ENOCHS: A joint resolution (H. Res. 184) to print 250,000 copies of the special report of the Bureau of Animal Industry on diseases of cattle and on cattle feeding—to the Committee on Printing.

Also, a joint resolution (H. Res. 185) to print 100,000 additional copies of the special report of the Agricultural Department on the diseases of the horse—to the Committee on Printing.

By Mr. BROSIUS: A resolution to amend Rule XLI of the House—to the Committee on Rules.

By Mr. DUNPHY: To investigate why War Department refuses to grant medals of honor to those who, during rebellion, served in Army of United States as acting assistant surgeons—to the Committee on Military Affairs.

By Mr. MILLER: A resolution in relation to labor—to the Committee on Labor.

By Mr. STOUT: A resolution calling upon the Secretary of the Interior for information as to the opening of a portion of the Navajoe Indian Reservation in Utah—to the Committee on the Public Lands.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as indicated below:

By Mr. BROOKSHIRE: A bill (H. R. 10119) to pension Lemuel M. Walker—to the Committee on Invalid Pensions.

By Mr. BINGHAM: A bill (H. R. 10120) for the relief of Brig. Gen. John R. Brooke, United States Army—to the Committee on Military Affairs.

By Mr. BOATNER: A bill (H. R. 10121) for the relief of the estate of Samuel Richardson, deceased, late of East Carroll Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 10122) for the relief of J. S. Douglass, deceased, late of Tensas Parish, La.—to the Committee on War Claims.

By Mr. CLANCY: A bill (H. R. 10123) for the relief of Ellen Fitzgerald—to the Committee on Invalid Pensions.

By Mr. CATCHINGS: A bill (H. R. 10124) for the relief of the estate of Madison Stephenson, deceased, late of Warren County, Miss.—to the Committee on War Claims.

By Mr. HOLMAN: A bill (H. R. 10125) granting a pension to James Theodore Walker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10126) granting a pension to Laura M. Cheek—to the Committee on Invalid Pensions.

By Mr. KYLE: A bill (H. R. 10127) for the relief of the estate of Alice Hardaway—to the Committee on War Claims.

By Mr. KENDALL: A bill (H. R. 10128) removing the charge of desertion from John Ward—to the Committee on Military Affairs.

Also, a bill (H. R. 10129) removing the charge of desertion from the record of James F. Prewitt—to the Committee on Military Affairs.

By Mr. LODGE: A bill (H. R. 10130) to relieve Charles M. Shattuck of the charge of desertion—to the Committee on Military Affairs.

By Mr. LONG: A bill (H. R. 10131) for the relief of C. P. Gooch—to the Committee on Claims.

By Mr. PARRETT (by request): A bill (H. R. 10132) to correct the military record of Henry S. Scull—to the Committee on Military Affairs.

By Mr. REED: A bill (H. R. 10133) to grant a pension to Helen C. Goodwin, widow of Andrew J. Harmon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10134) granting a pension to Lucina H. Harmon—to the Committee on Invalid Pensions.

By Mr. SNODGRASS (by request): A bill (H. R. 10135) for the relief of Slater and William Cowart, of Hamilton County, Tenn.—to the Committee on Claims.

By Mr. JOSEPH D. TAYLOR: A bill (H. R. 10136) granting an honorable discharge to John Benson—to the Committee on Military Affairs.

Also, a bill (H. R. 10137) granting a pension to Elizabeth Parry—to the Committee on Pensions.

By Mr. WHEELER of Alabama: A bill (H. R. 10138) for the relief of Francis Wilkes, of Lauderdale County, Ala.—to the Committee on War Claims.

Also, a bill (H. R. 10139) for the relief of the estate of Josiah Jackson, of Lauderdale County, Ala.—to the Committee on War Claims.

Also, a bill (H. R. 10140) for the relief of the estate of Alexander F. Perryman, deceased, late of Landerdale County, Ala.—to the Committee on War Claims.

Also, a bill (H. R. 10141) for the relief of the estate of William D. Humphrey, deceased, late of Madison County, Ala.—to the Committee on War Claims.

Also, a bill (H. R. 10142) for the relief of Calvin S. Hill, of Lauderdale County, Ala.—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ANDREW: Petition of Robert G. Ingersoll, the executive committee of the Evangelical Alliance, the Hon. Abram S. Hewitt, the Rev. John P. P. Peters, the Rev. A. S. Kavanagh, the Rev. F. Hamlin, the Rev. J. Wesley Johnston, the Rev. H. Baumann, the Rev. David H. Greer, the Rev. R. S. MacArthur, the Rev. Thomas B. Hughes, and other organizations and citizens, for the repeal of an act to prohibit the coming of Chinese persons into the United States, excepting the first section—to the Committee on Foreign Affairs.

Also, petition of Charles J. Roberts, president Boston Fruit and Produce Exchange; F. O. White, president Boston Retail Grocers' Association; F. L. Young, president Oil Trade Association of Boston; Chadwick Lead Works, George O. Carpenter, New England Paint and Oil Club, Boston Merchants' Association, all of Boston, Mass.; C. E. Adams and C. B. Coburn, Lowell, Mass.; H. E. Smith & Co., of Worcester, Mass.; The J. M. Moore Company, of Cincinnati, Ohio; German-American National Bank, H. S. Hill, E. C. Howlett, of Peoria, Ill.; Detroit White Lead Works, of Detroit, Mich.; Buckeye Paint and Var-

nish Company, of Toledo, Ohio; A. E. Whitney, T. L. Blood & Co., Powers Dry Goods Company, Donaldson, Ogden & Co., of St. Paul, Minn.; Little Rock Board of Trade, of Little Rock, Ark.; Peter Van Schaack & Son, Phœnix Powder Manufacturing Company, Charles S. Harris, Senour Manufacturing Company, of Chicago, Ill.; president New Hampshire Board of Trade, Commercial Club of Concord, N. H.; Hon. William E. Barrett speaker Massachusetts house of representatives; W. W. Lawrence & Co., of Pittsburg, Pa.; J. Seaver Page, of New York; M. D. Eger, president, and D. Van Ness, secretary, representing the National Paint, Oil, and Varnish Association; A. E. F. White, W. P. Foster & Son, Selden Webber, and 1,600 others, citizens of the United States, praying that a department of trade and commerce be established, and that provision be made for the appointment of a secretary thereof, who shall be a member of the President's Cabinet—to the Committee on Interstate and Foreign Commerce.

By Mr. BAKER: Petition of C. P. Graham, of New Salem, Cowley County, Kans., against opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, protest of the people of Elgin, Ill., against opening the Columbian Exposition on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Calvary Presbyterian Church, of Newburg, N. Y., relative to the closing of the World's Columbian Exposition on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of general-service clerks and messengers of the United States Army, relative to pay when on the retired list—to the Committee on Military Affairs.

By Mr. BEEMAN: Petition of physicians of Meridian, Miss., for aid to the Pan-American Congress to be held in Washington City, September 5, 1893—to the Committee on Appropriations.

Also, petition of the mechanics of Meridian, Miss., regarding machinery for the manufacture of sugar—to the Committee on Ways and Means.

By Mr. BUCHANAN of New Jersey: Petition of 520 citizens of Atlantic City, N. J., in favor of closing the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. CHIPMAN: Petition of the 258 delegates to the Woman's Christian Temperance Union of Michigan, and an audience of 300 persons, asking for the passage of House bill 8369, giving women the right to vote for members of the House of Representatives—to the Select Committee on Election of President, Vice-President, and Representatives in Congress.

By Mr. DALZELL: Resolution of the State Border Claims Commission of Pennsylvania, relative to fixing a day for hearing of the border raid claims bill—to the Committee on Claims.

Petition of the Presbytery of Monongahela of the United Presbyterian Church of North America, against Sunday opening of the World's Fair—to the Select Committee on the Columbian Exposition.

Also, petition of steamboat owners and licensed officers of rivers flowing into the Gulf of Mexico, in favor of extending the provisions of the civil service to under-inspectors—to the Select Committee on Reform in the Civil Service.

By Mr. DUNPHY (by request): Petition in the matter of the proposal of the Scientific Publishing Company of New York to furnish the United States with the forthcoming volume of mineral statistics, etc., for 1892—to the Committee on Printing.

By Mr. ENOCHS: Petition of the First Presbyterian Church of Athens, Ohio, against the repeal of the law of the first session of this Congress, against the opening of the World's Fair on Sunday—to the Select on the Columbian Exposition

By Mr. FITHIAN: Seven petitions of citizens of Illinois, as follows: Of citizens of Clark County; of Fair Play Lodge, Clark County; of citizens of Jasper County; of citizens of Clay County; of citizens of Moonshine Lodge, Clark County; and of Lodge No. 421, Wayne County; all relative to a combination between the mills, railroads, and elevators for the purpose of depressing the price of wheat, and praying for a Congressional investigation, etc.—to the Committee on Agriculture.

By Mr. GANTZ: Petition of 21 citizens of Piqua, Ohio, asking that the World's Fair be closed on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. HOOKER of New York: Three petitions of citizens of New York: one of the Woman's Christian Temperance Union, numbering 35 members, of Maysville; the second, of the Political Equality Club of Fredonia, numbering 212 members; and the third, of the Political Equality Club of Cassadaga, all asking for the passage of House bill 8369, giving women the right to vote for members of the House of Representatives—to the Select Committee on Election of President, Vice-President, and Representatives in Congress.

Also, two petitions of citizens of New York: one of Fredonia Grange, No. 1, Fredonia, and the other of the Woman's Christian Temperance Union of Fredonia, both asking for the passage of House bill 8369, giving women the right to vote for members of the House of Representatives—to the Select Committee on Election of President, Vice-President, and Representatives in Congress.

Also, petition of Rev. J. D. Hillman and others, against the repeal of the law of August 5, 1892, closing the World's Fair on Sunday—to the Committee on the Columbian Exposition.

By Mr. HAYNES of Ohio: Memorial of Toledo Lodge, No. 105, International Association of Machinists, relative to the employment of machinists in the United States Arsenal Company—to the Committee on Labor.

Also, memorial by the same lodge, relative to the manufacture of machinery, and relative to the manufacture of sugar—to the Committee on Ways and Means.

By Mr. HENDERSON of Iowa: Papers from Rev. J. B. Albrook, Mount Vernon, Iowa, opposing the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. KENDALL: Petition of Mrs. George A. Brooks, for a pension—to the Committee on Pensions.

By Mr. KRIBBS: Three resolutions of churches of Belfont, Pa.; of the Presbyterian congregation, of the Methodist Episcopal congregation, and of the Presbyterian congregation, all against repealing the act closing the gates of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. MEREDITH: Petition of William Pearson, of Fairfax County, Va., praying that his war claim be referred to the Court of Claims under the provisions of the Bowman act—to the Committee on War Claims.

By Mr. OHLIGER: Petition of the Canton (Ohio) Equal Rights Association of 30 members, asking for the passage of House bill 8369, giving women the right to vote for members of the House of Representatives—to the Committee on the Judiciary.

By Mr. LODGE: Petition of Emeline M. Hoddard, with accompanying papers, for an increase of pension—to the Committee on Invalid Pensions.

By Mr. PATTISON of Ohio: Eleven petitions citizens of Ohio, as follows: Of E.O.Grim and others of Morrow; of Charles Crabsey and others of Station C, Cincinnati; of J. E. H. Sentman and others of Spring Valley; of Rev. J. T. Shriver and others of Jacksonville; of Rev. D. Lee Aultman and others of Madisonville; of A. Flamp and others of Cincinnati; of L. Nippert and others of Walnut Hills; of John W. Lucas and others of Miami; of Frank Leever and others of Bethany; of W. W. Rockfield and others of St. Paul Methodist Episcopal Church of Dayton, and of John H. Leese and others of Mount Lookout Methodist Episcopal Church, all against the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. PATTON: Petition of citizens of Hammond, Ind., asking Congress to repeal the act under which silver bullion is purchased by the Secretary of the Treasury of the United States—to the Committee on Coinage, Weights, and Measures.

By Mr. PAYNE: Petition of the Woman's Christian Temperance Union, of Sherwood and Scipioville, N. Y., numbering 38 members, asking for the passage of House bill 8369, giving women the right to vote for members of the House of Representatives—to the Select Committee on Election of President and Vice-President and Representatives in Congress.

By Mr. PAYNTER (by request): Petition of Gulried Stafford, setting forth his claim—to the Committee on War Claims.

By Mr. POWERS: Joint resolutions of the Legislature of Vermont, relating to foreign and interstate emigration of paupers, criminals, and dependent persons—to the Select Committee on Immigration and Naturalization.

Also, joint resolution of the Legislature of Vermont, favoring free delivery of mail in rural districts—to the Committee on the Post-Office and Post-Roads.

Also, joint resolution of the Legislature of Vermont, favoring the proposed sixteenth amendment to the Constitution—to the Committee on the Judiciary.

By Mr. SMITH of Illinois: Petition of farmers and laborers of Johnson County, Ill., relative to a combination between the mills, railroads, and elevators for the purpose of depressing the price of wheat, and praying for a Congressional investigation, etc.—to the Committee on Agriculture.

By Mr. JOSEPH D. TAYLOR: Two petitions of citizens of New Lisbon, Columbia County, Ohio, both praying that the law closing the World's Columbian Evposition on the Lord's Day be not repealed—to the Select Committee on the Columbian Exposition.

SENATE.

WEDNESDAY, *January 11, 1893.*

Rev. J. G. BUTLER, D. D., the Chaplain of the Senate, offered the following prayer:

O, Thou, who livest and reignest forever, the everlasting God, our Maker, in Whom we live and move and have our being, we come humbly and reverently into Thy presence as we stand again in the shadow of death. We thank Thee for this faithful and useful life. We bless Thee for its patience in suffering and for the peace and quiet of its end. We remember before Thee the home bereft. Do Thou sustain and comfort and sanctify. O, that the peace of God may dwell there, in the midst of the great darkness.

Teach us heavenly wisdom. Thou art reminding us that there is but a step between us and death, that our life is only a vapor. Help us so to live day by day in the fear of God and in the service of men, keeping our own consciences right, that whenever labor and care and anxiety and joy and sorrow shall cease, we may be prepared to fall asleep and to enter into rest.

O, Thou, who livest and wast dead and art alive forevermore, the abolisher of death, our only Saviour, our eye is toward Thee. We pray Thee lead us all through this pilgrim way over which the shadow of death is so often thrown. We thank Thee for light from heaven, and we pray Thee give unto us inspiration, that our lives may be so restrained and fashioned and molded that they may be made a blessing to men and that God may be honored in our living.

Bless us in our families; bless us in our public and social relations; and help us everywhere to walk in the fear and love of the Lord, delivered from all uncharitableness one toward the other. We ask these mercies, with forgiveness and grace, in Jesus' name. Amen.

THE JOURNAL.

The Journal of yesterday's proceedings was read and approved.

DEATH OF SENATOR KENNA.

Mr. BLACKBURN. Mr. President, it has never fallen to the lot of man to deliver a sadder message than I now bear to the Senate Chamber.

Because of the absence from this city of Mr. FAULKNER, a Senator from the State of West Virginia, the painful duty devolves upon me to announce to this body that John E. Kenna, late a Senator from that State, died in this city in the early hours of this morning. After a long and lingering illness, during which the fatal malady of which he was the victim made steady and relentless progress, the end came. About 3 o'clock this morning, surrounded by his wife and family, he ceased to live, and the soul of the great Senator passed behind the veil and made its entry into the realms of that unknown world.

In the face of this fresh and mighty sorrow the tongue fails and refuses to speak that which wells up in the heart for utterance. Measured by years, he was one of the youngest members in this Chamber, not yet 45 years of age; but measured by the accomplishments of his life, he ranked with the octogenarian. Whether as soldier or as citizen, as husband, father, or friend, he had rounded out a life and leaves behind him a record to challenge the approval of mankind. Measured as a lawyer or a lawmaker, he left his impress upon the generation to which he belonged. He has engraven in ineffaceable characters upon the history of his country his achievements here and in the other branch of the National Legislature. Kindly as a woman, unselfish to a fault, brave and unflinching in the discharge of every duty, it has never been my good fortune to come in contact with a nature more lovable, more exalted, than was that of our dead comrade.

I will not, Mr. President, trust myself to speak of him now. At some day in the early future the Senate, in obedience to its appropriate and honored custom, will set apart a day when tributes may be paid, by those who knew him and loved him, to his memory. Till then I will content myself by asking the present consideration of the resolutions I send to the desk.

The VICE-PRESIDENT. The resolutions will be read.

The Chief Clerk read the resolutions, as follows:

Resolved, That the Senate has heard with great sorrow of the death of the Hon. John E. Kenna, late a Senator from the State of West Virginia.

Resolved, That a committee of seven Senators be appointed by the Vice-President to take order for superintending the funeral of Mr. Kenna, which will take place to-morrow, Thursday, in the Senate Chamber, at 1 o'clock p. m., and that the Senate will attend the same.

Resolved, That, as a further mark of respect entertained by the Senate for his memory, his remains be removed from Washington to West Virginia in charge of the Sergeant-at-Arms, and attended by the committee, who shall have full power to carry this resolution into effect.

Resolved, That the Secretary communicate these proceedings to the House of Representatives, and invite the House of Representatives to attend the funeral to-morrow, Thursday, at 1 o'clock p. m., and to appoint a committee to act with the committee of the Senate.

The VICE-PRESIDENT. The question is on agreeing to the resolutions.

The resolutions were agreed to unanimously.

The VICE-PRESIDENT appointed as the committee under the second resolution Mr. FAULKNER, Mr. BLACKBURN, Mr. RANSOM, Mr. DANIEL, Mr. WALTHALL, Mr. MANDERSON, and Mr. SQUIRE.

Mr. BLACKBURN. Mr. President, I ask for the consideration of the resolutions I now send to the desk.

The VICE-PRESIDENT. The resolutions will be read.

The resolutions were read, as follows:

Resolved, That invitations be extended to the President of the United States and the members of his Cabinet, the Chief Justice and the associate justices of the Supreme Court of the United States, the diplomatic corps, the Major-General Commanding the Army, and the senior Admiral of the Navy to attend the funeral of the Hon. John E. Kenna, late a Senator from the State of West Virginia, in the Senate Chamber, to-morrow, Thursday, at 1 o'clock p. m.

Resolved, That as a further mark of respect the Senate do now adjourn.

The VICE-PRESIDENT. The question is on agreeing to the resolutions.

The resolutions were agreed to unanimously; and (at 12 o'clock and 15 minutes p. m.) the Senate adjourned until to-morrow, Thursday, January 12, 1893, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *January 11, 1893.*

The House met at 12 o'clock m. The Chaplain, Rev. W. H. MILBURN, D. D., offered the following prayer:

Oh, eternal God! as the knell once more sounds through the Capitol, and the saddening intelligence comes to us that a distinguished Senator and a man once prominent on this floor have finished their earthly journey and gone to the solemn tribunal of Thy presence, we pray that the lesson taught us may come home to every heart. "All flesh is grass, and all the goodliness thereof is as the flower of the field. The grass withereth, the flower fadeth, but the word of our God shall stand forever."

Hear our humble and earnest petitions in behalf of the wife and children of the Senator and of the children of the general, and comfort them, we pray Thee, by the consolations of Thy word and of Thy Holy Spirit. Let all who are in trouble and distress receive the benediction of Thy grace and the sunshine of the truth of Thy word. Prepare us all for the solemn change whenever it shall come; and at the end may we quietly pass to that rest which Thou hast prepared for Thy people. We pray through Jesus Christ our Saviour. Amen.

The Journal of yesterday's proceedings was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed the bill (S. 2707) granting additional quarantine powers and imposing additional duties upon the Secretary of the Treasury and the Marine Hospital Service, and for other purposes; in which the concurrence of the House was requested.

GUN AND MORTAR PLATFORMS.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting an estimate of appropriation submitted by the Secretary of War for gun and mortar platforms; which was referred to the Committee on Appropriations, and ordered to be printed.

WORN AND MUTILATED PAPER CURRENCY.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, renewing the recommendation made by the Treasury Department last year for the redemption of worn and mutilated United States paper currency, and the issue of new currency therefor at the cost of the Government; which was referred to the Committee on Appropriations, and ordered to be printed.

WOLF RIVER HARBOR, INDIANA.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting, with a letter of the Chief of Engineers, report of a preliminary examination of Wolf River Harbor, Indiana, on Lake Michigan; which was referred to the Committee on Rivers and Harbors, and ordered to be printed.

JOHN H. WEST.

The SPEAKER also laid before the House a copy of the finding of the Court of Claims in the case of John H. West *vs.* The United States; which was referred to the Committee on War Claims, and ordered to be printed.

ELECTORS OF PRESIDENT AND VICE-PRESIDENT.

The SPEAKER also laid before the House certified copies, transmitted by the Secretary of State, of final ascertainment of

the electors for President and Vice-President in the States of Indiana, California, and Kentucky; which were laid on the table.

SENATE BILLS REFERRED.

Senate bills of the following titles were taken from the Speaker's table, read twice, and referred as indicated:

A bill (S. 3564) for the relief of Josiah Pickett—to the Committee on Claims.

A bill (S. 3649) for the relief of William J. Carnell and Joseph M. Carnell—to the Committee on Claims.

DEEP-WATER HARBOR, COAST OF TEXAS.

The SPEAKER also laid before the House, with an amendment of the Senate, the bill (H. R. 9824) to amend "An act to promote the construction of a safe deep-water harbor on the coast of Texas," approved February 9, 1891.

Mr. LONG. I ask that the Senate amendment be now considered and concurred in.

Mr. WATSON. What is the request of the gentleman?

The SPEAKER. This is a House bill returned with an amendment of the Senate, which is submitted to the House under the rule. The gentleman from Texas [Mr. LONG] moves that the amendment be concurred in.

Mr. WATSON. Is that in order?

The SPEAKER. It is.

The amendment of the Senate was read, as follows:

Strike out "five," before "years," and insert "two;" so as to read:
"That section 2 of said act be so amended as to extend the time for commencing said work two years from the 9th day of February, 1893."

Mr. BUCHANAN of New Jersey. Does that amendment relate to the time of commencing the work or the time of finishing it?

The SPEAKER. The Chair will state that the amendment proposes to reduce the time within which the work may be commenced from five years, as in the bill passed by the House, to two years.

Mr. TAYLOR of Illinois. The bill as originally introduced proposed, I believe, two years.

Mr. WATSON. The original bill on this subject was approved, I believe, only one year ago, and I would like to understand what necessity there is for passing now an act extending the privilege then granted. Is there really any company organized?

Mr. LONG. Yes, sir; there is a company organized.

Mr. WATSON. What prevents them from going on with this work under the authority asked in the original act?

Mr. LONG. The time would expire, perhaps, before they could complete the work.

Mr. WATSON. What prevented them from going forward heretofore and taking advantage of the act as originally passed?

Mr. LONG. I do not know.

Mr. WATSON. Mr. Speaker, is this matter debatable?

The SPEAKER. It is.

Mr. WATSON. I would like to have recognition for the purpose merely of pointing out to the House what I understand the effect of this bill is. I oppose the passage of this bill, Mr. Speaker, because I believe it bad in principle as well as in practice. The House is asked here to give a private association—a private corporation—the national work of constructing and controlling this harbor on the coast of Texas. As I understand it, this is the only feasible point for the construction of a deep-water harbor on that coast for a distance of some 500 miles. We grant away what is essentially a national prerogative to a private corporation. They have the power to levy tolls on the commerce at that point. They will virtually preëmpt that high privilege and control the operations of commerce on that coast.

I oppose it, Mr. Speaker, because whenever the United States shall hereafter find it necessary or desirable to construct a harbor on that coast at any point within 500 miles of this location—this being, as I am informed, the only feasible one—they will have to do it on such terms as this corporation may see proper to prescribe. It does seem to me to be a very dangerous principle of legislation to enter upon for the Government practically to give the construction and control of its harbors to private corporations.

This company came to Congress a year ago and asked certain privileges upon the promise that they would construct the harbor within a given time. Without its being alleged that they have turned a single hand towards the completion of the work, without it being alleged that they have expended a dollar of money on the work or have attempted in any manner to comply with their contract, they now come and ask the Government to extend the time, without alleging any reason whatever for the extension. If we need a harbor at this point, the Government should construct it, own it, and control it.

Mr. LONG. Mr. Speaker, this is not out of the usual line of legislation. The bill now before the House for consideration was passed and is now sought to be amended. I do not feel that it is necessary for me to go further and present to the House any reasons for its consideration and passage at this time. The House has already acted upon it. I have asked the consideration of this amendment. I believe that when the House passed the bill before it was right, and I believe it is right now. I concur, myself, in the amendment of the Senate, and ask the House to adopt it.

I now demand the previous question.

The previous question was ordered, under the operation of which the Senate amendment was concurred in.

On motion of Mr. LONG, a motion to reconsider the last vote was laid on the table.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. CARUTH, indefinitely, on account of sickness.

To Mr. BUNTING, for ten days, on account of sickness in his family.

INTERSTATE COMMERCE.

Mr. WISE. Mr. Speaker, I ask unanimous consent to take from the House Calendar and put upon its passage the bill (S. 1933) to amend section 860 of the Revised Statutes of the United States.

The SPEAKER. The bill will be read subject to objection.

The bill was read at length.

Mr. TAYLOR of Illinois. Mr. Speaker, I object to the consideration of the bill.

Mr. JOSEPH D. TAYLOR. Let me ask the gentleman from Virginia if this bill has been considered by a committee of the House?

Mr. WISE. If the gentleman will permit me, I will state that the bill read from the Clerk's desk was passed by the Senate a few days ago without objection and was reported by the House Committee on Interstate and Foreign Commerce.

The whole scope and effect of the act is simply to meet the decision rendered recently by the Supreme Court in the case known as "the Councilman case."

The bill provides that where a witness is examined touching any violation of the act known as "the interstate commerce act," he shall not thereafter be prosecuted for any offense committed by him in connection with the subject about which he is examined.

Mr. JOSEPH D. TAYLOR. Is there a report made by the Senate?

Mr. WISE. Yes, sir.

Mr. JOSEPH D. TAYLOR. I will ask to have it read.

Mr. WISE. I have not the report at hand, but have stated the whole of it.

Mr. TAYLOR of Illinois. It is not worth while to take up the time of the House with the reading of the report, as I will object to its consideration in the morning hour.

LOUIS A. YORKE.

Mr. McALEER. Mr. Speaker, I ask unanimous consent to call up for present consideration the bill (S. 2260) for the relief of Louis A. Yorke.

The SPEAKER. The bill will be read subject to objection.

The bill was read at length.

Mr. HOLMAN. Let the report be read.

The report was read at length.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HARRIES. I do not think these bills ought to be considered in this manner and I call for the regular order.

The SPEAKER. The demand for the regular order is equivalent to an objection.

PRINTING OF THE REPORT OF THE SECRETARY OF AGRICULTURE, 1892.

Mr. RICHARDSON. Mr. Speaker, I send to the Clerk's desk a Senate joint resolution, for which I wish immediate consideration.

The SPEAKER. Is it privileged?

Mr. RICHARDSON. It is not. It is a report from the Committee on Printing on a resolution to print the Agricultural Report for 1892.

The resolution was read, as follows:

Resolved, etc., That there be printed 500,000 copies of the annual report of the Secretary of Agriculture for the year 1892; 110,000 copies for the use of the Senate, 360,000 copies for the use of the House of Representatives, and 30,000 copies for the use of the Department of Agriculture; the illustrations for the same to be executed under the supervision of the Public Printer, in accordance with directions of the Joint Committee on Printing, said illustrations to be subject to the approval of the Secretary of Agriculture.

SEC. 2. That the sum of $300,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to defray the cost of printing said report.

Mr. RICHARDSON. I ask for the reading of the report.

The SPEAKER. The Clerk will read the report.

The report [by Mr. RICHARDSON] was read, as follows:

The Committee have considered Senate joint resolution providing for the printing of the Agricultural Report of 1892, and direct me to report the same with the recommendation that it do pass.

The estimated cost of same is $300,000.

The committee call attention to the fact that this resolution provides for the printing of 500,000 copies of this report, which is an increase of 100,000 copies over the number printed in previous years.

Mr. RICHARDSON. Mr. Speaker, I simply call attention to the fact that this is an increase of 100,000 copies of this annual report. We have heretofore printed 400,000 copies of the annual report of the Secretary of Agriculture. This is an increase made by the Senate from 400,000 to 500,000 copies. The estimated cost of this document is about $300,000. This is a Senate joint resolution, and I ask for its passage.

Mr. MANSUR. I would like to ask the gentleman a question. When did the printing of 400,000 copies commence? How long have we been printing 400,000 copies?

Mr. RICHARDSON. I can not give the exact date, but for the past four or five years we have been printing that number.

Mr. MANSUR. This increase is to meet the growth of the population?

Mr. RICHARDSON. This is an increase to 500,000 copies.

Mr. SEERLEY. How are the copies to be distributed?

Mr. RICHARDSON. The distribution is the same relatively as in preceding Congresses.

The joint resolution was ordered to a third reading; and was accordingly read the third time, and passed.

On motion of Mr. RICHARDSON, a motion to reconsider the last vote was laid on the table.

ORDER OF BUSINESS.

The SPEAKER. The regular order is the calling of standing and select committees for reports. The Clerk will call the committees.

The roll of the standing and select committees was called; when bills of the following titles were severally reported, read a first and second time, referred to the Calendars named below, and, except as otherwise stated, with the accompanying reports ordered to be printed:

CIRCULATION OF NATIONAL BANKS.

Mr. CATE. Mr. Speaker, I am instructed by the Committee on Banking and Currency to report a substitute for the bill (H. R. 9833) to increase the circulation of national banks, and for other purposes. The committee have prepared a report to accompany this bill. It is not a unanimous report, and gentlemen of the committee having views differing from the majority have asked that the report be withheld until they have time to prepare the views of the minority, so that they may all be printed at the same time. I therefore ask leave to withhold the report until the views of the minority can be prepared and printed with the report, if there is no objection on the part of the House.

The SPEAKER. The gentleman from Arkansas [Mr. CATE], from the Committee on Banking and Currency, asks leave to submit a report upon a substitute for the bill (H. R. 9833) to increase the circulation of national banks, and for other purposes, withholding the report until the views of the minority are prepared. Is there objection to the bill being filed without the report?

There was no objection.

The bill (H. R. 10143) to increase the circulation of national banks, and for other purposes, was read a first and second time.

The SPEAKER. Is there any appropriation made in this bill?

Mr. CATE. No appropriation.

The SPEAKER. The bill will be referred to the House Calendar and printed.

REGULATION OF INTERSTATE COMMERCE.

By Mr. STORER, from the Committee on Interstate and Foreign Commerce: A bill (H. R. 10042) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, as amended March 2, 1889—to the House Calendar.

BRIDGES ACROSS THE MONONGAHELA RIVER.

By Mr. GEARY, from the Committee on Interstate and Foreign Commerce: A bill (H. R. 9997) to authorize the Homestead and Pittsburg Bridge Company to construct a bridge over the Monongahela River from Pittsburg to Homestead—to the House Calendar.

Also, a bill (H. R. 9827) to authorize the Union Railroad Company to construct and maintain a bridge across the Monongahela River—to the House Calendar.

HOSPITAL CORPS, UNITED STATES ARMY.

By Mr. BELKNAP, from the Committee on Military Affairs: A bill (H. R. 9925) to establish companies of the Hospital Corps, United States Army, and for other purposes—to the Committee of the Whole House on the state of the Union.

CERTAIN LANDS, WASHINGTON.

By Mr. SWEET, from the Committee on the Public Lands: A bill (S. 216) granting to the State of Washington certain lands therein for the purpose of a fish hatchery—to the Committee of the Whole House on the state of the Union.

OKLAHOMA MIDLAND RAILROAD COMPANY.

By Mr. PEEL, from the Committee on Indian Affairs, reported back a bill (H. R. 10145), as a substitute for the bill (H. R. 9994), to authorize the Oklahoma Midland Railroad Company to construct and operate a railroad through the Indian and Oklahoma Territories, and for other purposes—to the Committee of the Whole House on the state of the Union.

CHICAGO, ROCK ISLAND AND PACIFIC RAILWAY COMPANY.

Mr. HARVEY, from the Committee on Indian Affairs, reported back the bill (H. R. 10145), as a substitute for the bill H. R. 8269, granting to the Chicago, Rock Island and Pacific Railway Company the use of certain lands at Chicasha Station, in the Indian Territory; which was referred to the Union Calendar, and, with accompanying report, ordered to be printed.

INDIAN WAR PENSIONS.

Mr. MOSES, from the Committee on Pensions, reported back favorably the joint resolution (H. Res. 180) relating to proof of citizenship of applicants for Indian-war pensions under the act of Congress approved July 27, 1892; which was referred to the House Calendar, and, with accompanying report, ordered to be printed.

RIGHT OF APPEAL.

Mr. BUCHANAN of Virginia, from the Committee on the Judiciary, reported back, with an amendment, the bill (H. R. 9979) to regulate the right of appeal in certain cases; which was referred to the House Calendar, and, with accompanying report, ordered to be printed.

The call of committees for reports was concluded.

ORDER OF BUSINESS.

The SPEAKER. The morning hour begins at twenty minutes to 1. The call rests with the Committee on the Militia. The committee have a bill before the House.

Mr. LANE. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill in relation to the militia.

The SPEAKER. The Clerk will read the title of the bill.

The Clerk read as follows:

A bill (H. R. 7318) to promote the efficiency of the militia.

The SPEAKER. The gentleman from Illinois moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of this bill.

The motion was agreed to.

The SPEAKER. Before the House resolves itself into Committee of the Whole the Chair will receive a message from the Senate.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced the passage of sundry resolutions relative to the death of Hon. John E. Kenna, late a Senator from the State of West Virginia.

DEATH OF HON. JOHN E. KENNA.

The SPEAKER. Without objection, the vote by which the House determined to resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill indicated by the gentleman from Illinois [Mr. LANE] will be rescinded, and the Chair will recognize the gentleman from West Virginia [Mr. WILSON] respecting the resolution just sent over from the Senate.

There was no objection.

Mr. WILSON of West Virginia. Mr. Speaker, the resolutions just communicated from the Senate announce to this House a fact whose impressive solemnity I shall not lessen by words of my own at this time.

For sixteen years Mr. Kenna had represented West Virginia in this House and in the Senate with the warm approval of his constituents and the applause of his countrymen.

Judged by the length of his service and the distinction of his service, he had filled out a long and honored career. Judged by the number of his years, as they are measured in the calendar, he had scarcely reached the meridian of life, or entered upon that tableland where his rare powers would have borne their ripest and most abundant fruit.

I ask leave, sir, in response to the resolutions of the Senate, to offer the resolutions which I send to the Clerk's desk.

The SPEAKER. The Clerk will first report the resolutions from the Senate.

The Clerk read as follows:

Resolved, That the Senate has heard with great sorrow of the death of the Hon. John E. Kenna, late a Senator from the State of West Virginia.

Resolved, That a committee of seven Senators be appointed by the Vice-President to take order for superintending the funeral of Mr. Kenna, which will take place to-morrow, Thursday, in the Senate Chamber at 1 o'clock p. m., and that the Senate will attend the same.

Resolved, That as a further mark of respect entertained by the Senate for his memory, his remains be removed from Washington to West Virginia in charge of the Sergeant-at-Arms and attended by the committee, who shall have full power to carry this resolution into effect.

Resolved, That the Secretary communicate these proceedings to the House of Representatives, and invite the House of Representatives to attend the funeral to-morrow, Thursday, at 1 o'clock p. m., and to appoint a committee to act with the committee of the Senate.

Resolved, That as a further mark of respect the Senate do now adjourn.

The SPEAKER. The Clerk will now report the resolutions offered by the gentleman from West Virginia.

The Clerk read as follows:

Resolved, That this House has learned with profound sorrow of the death of Hon. John E. Kenna, a Senator of the United States from the State of West Virginia.

Resolved, That the Speaker of the House appoint a committee of ten members, to act in conjunction with the committee appointed by the Senate, to take order for superintending the funeral and to accompany the remains to their last resting place.

Resolved, That the House accept the invitation of the Senate to attend the funeral to-morrow, Thursday, at 1 o'clock p. m., and that the Clerk of the House communicate these proceedings to the Senate.

Resolved, That, as a further tribute and mark of respect to the memory of the deceased, this House do now adjourn.

The SPEAKER. The question is on the adoption of the resolutions.

The resolutions were agreed to unanimously.

The SPEAKER. Before announcing the result of the vote, and declaring the House adjourned, the Chair will announce the appointment of the committee.

The Clerk read as follows:

Mr. ALDERSON, Mr. PENDLETON, Mr. WILSON of West Virginia, Mr. CAPEHART, Mr. OUTHWAITE, Mr. TUCKER, Mr. DUNGAN, Mr. MANSUR, Mr. HENDERSON of Illinois, and Mr. BINGHAM.

The SPEAKER. In accordance with the terms of the resolutions just adopted, the Chair now declares the House adjourned until to-morrow at 12 o'clock m.

And accordingly (at 12 o'clock and 48 minutes) the House adjourned.

REPORTS OF COMMITTEES.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. PICKLER, from the Committee on Indian Affairs: The bill (H. R. 9742) for the relief of John Palmier, Pine Ridge, Shannon County, S. Dak. (Report No. 2226.)

By Mr. CUMMINGS, from the Committee on Naval Affairs: The bill (H. R. 4794) for the removal of the charge of desertion from the record of John Cassidy. (Report No. 2227.)

By Mr. FLICK, from the Committee on Invalid Pensions: The bill (H. R. 9741) to increase the pension of Capt. E. R. Chase from $20 to $72 a month. (Report No. 2228.)

By Mr. COBB of Missouri, from the Committee on War Claims: In lieu of the bill (H. R. 9912) a bill (H. R. 10147) for the relief of Thomas M. Leneave, administrator of Irby Tinsley Leneave, deceased. (Report No. 2229.)

Also, the bill (H. R. 10105) for the relief of Andrew B. Phillips. (Report No. 2230.)

BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills of the following titles were introduced and severally referred as follows:

By Mr. LOCKWOOD: A bill (H. R. 10144) fixing the rate of postage to be paid on printed mail matter of certain corporate societies or associations—to the Committee on the Post-Office and Post-Roads.

By Mr. ROBINSON of Pennsylvania: A bill (H. R. 10148) to increase the tax on fermented liquors to $2 per barrel—to the Committee on Ways and Means.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as indicated below:

By Mr. BEEMAN: A bill (H. R. 10149) for the relief of Margaret Champion—to the Committee on War Claims.

Also, a bill (H. R. 10150) for the relief of the estate of J. J. Galtney—to the Committee on War Claims.

By Mr. COBB of Missouri: A bill (H. R. 10151) for the relief of officers and crew of the United States steamers Forest Rose and Argosy, late of Red River expedition—to the Committee on Naval Affairs.

By Mr. ENLOE: A bill (H. R. 10152) for the relief of the estate of Mrs. C. Williamson, deceased, of Madison County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 10153) for the relief of T. M. D. Coln, of McNairy County, Tenn.—to the Committee on War Claims.

By Mr. RUSK: A bill (H. R. 10154) for the relief of John Cunningham—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. AMERMAN: Memorial and petition of L. C. Floyd and 400 others, of Scranton, Pa., against opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, memorial and petition of Rev. E. F. Cones and 74 others, of Scranton, Pa., against opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. BELTZHOOVER: Resolutions of the United Presbyterian Church of Airville, York County, Pa., against opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. BENTLEY: Petition of the Methodist Episcopal Church of Boonville, N. Y., for Sunday closing of the Columbian Exposition—to the Select Committee on the Columbian Exposition.

By Mr. BRICKNER: Protest of the Green Bay (Wis.) Turnerbund Verein, against seriously restricting or totally suspending immigration—to the Select Committee on Immigration and Naturalization.

By Mr. BUCHANAN of New Jersey: Petition of trustees and elders of the First Presbyterian Church of Hightstown, N. J., in favor of closing the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petitions of 67 citizens of Tuckertown, N. J., against opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. CHIPMAN: Resolutions of District Assembly No. 66, Knights of Labor, Washington, D. C., in favor of House bill 9750, for the protection of American workingmen—to the Committee on Labor.

By Mr. COMPTON: Petition of W. H. Sanders and others, against opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. ENOCHS: Resolutions of the Cincinnati Chamber of Commerce and Merchants' Exchange, favoring the report of the silver-purchase act of 1890—to the Committee on Coinage, Weights, and Measures.

By Mr. FITCH: Petition of Garret Cosin, for extension of patent No. 173591, for improved process of artificial butter—to the Committee on Patents.

By Mr. FUNSTON: Petition of citizens of Douglass County, Kans., in favor of closing the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of the Presbyterian congregation at Richmond, Kans., relating to the World's Fair—to the Select Committee on the Columbian Exposition.

By Mr. HAYNES of Ohio: Petition of the pastor and 100 members of the German Methodist Episcopal Church of Toledo, Ohio, in favor of closing the World's Columbian Exposition on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. HOOKER of New York: Resolutions of the Congregational Church of Ellington, N. Y., for the closing of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. JOHNSON of Indiana: Petition of the United Brotherhood of Carpenters and Joiners of America, for the suspension of immigration for one year—to the Committee on Foreign Relations.

By Mr. LIVINGSTON: Petition of W. A. Candler and others, against the opening of the World's Exposition at Chicago on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. LOCKWOOD: Petition of Conrad Heller and others, against any legislation as to keeping the Columbian Exposition open on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. LODGE: Papers to accompany House bill to relieve Charles M. Shattuck of the charge of desertion—to the Committee on Military Affairs.

By Mr. MARTIN: Affidavits of Jacob Sellers and David Manford, to accompany House bill 9987 to pension Joseph W. Snyder—to the Committee on Invalid Pensions.

Also, affidavit of Dr. J. C. Bucher, to accompany House bill 9987 to pension Joseph W. Snyder—to the Committee on Invalid Pensions.

By Mr. MITCHELL: Resolution of the Chamber of Commerce

of the city of Milwaukee, urging the suspension or repeal of the Sherman silver law—to the Committee on Coinage, Weights, and Measures.

By Mr. O'NEILL of Pennsylvania: Petition of the Philadelphia Board of Trade, favoring the creating of a road department for promoting knowledge in the art of constructing roads and preparing students as engineers for the construction of the same—to the Committee on the Revision of the Laws.

Also, protest of the Drug Exchange of Philadelphia, against the passage of the Paddock food and drug bill—to the Committee on Agriculture.

By Mr. PEEL: Petition of Cherokee Settlers on Cherokee Outlet, in reference to property interests in the settlement—to the Committee on Indian Affairs.

By Mr. RUSK: Petition of John Cunningham for the removal of the charge of desertion—to the Committee on Military Affairs.

By Mr. SHIVELY: Petition of Mrs. P. J. Perkins and 24 other citizens of Indiana, asking for the passage of House bill 8369, giving women the right to vote for members of the House of Representatives—to the Select Committee on the Election of President, Vice-President, and Representatives in Congress.

By Mr. SIPE: Two petitions of citizens of Pennsylvania: one, of the members of the medical profession of Washington County, Pa., and the other, of the medical profession of Fayette County; both praying Congress to appropriate moneys to meet the expenses of the Pan-American Medical Congress to be held in 1893—to the Committee on Appropriations.

Also, two memorials of citizens of Pennsylvania; one of the Young People's Christian Union of Mt. Prospect United Presbyterian Church, and the other, of the members of the Cumberland Presbyterian Congregation of Carmichaels; both against the opening of the World's Columbian Exposition on Sunday—to the Select Committee on the Columbian Exposition.

Also, resolutions adopted by the United Presbyterian Church of Claysville, Pa., against the opening of the World's Columbian Exposition on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. WILLIAM A. STONE: Two protests of the Allegheny Turnerbund Verein, against the passage of bill restricting immigration—to the Select Committee on Immigration and Naturalization.

By Mr. JOSEPH D. TAYLOR: Communication officially signed by Rev. A. B. Marshall, secretary, and Rev. H. Locke, president of the joint meeting of church officials of East Liverpool, Columbiana County, Ohio, representing 3,000 communicants, praying that the law closing the gates of the World's Fair on Sunday may not be repealed—to the Select Committee on the Columbian Exposition.

By Mr. WADSWORTH: Petition of the Methodist Episcopal Church and citizens of Lima, N. Y., opposing the repeal of the law closing the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. WILLIAMS of Illinois: Two petitions of citizens of Illinois, one of Gallatin County and the other of farmers and laborers of Saline County; both relative to a combination between the millers, railroads, and elevators for the purpose of depressing the price of wheat, and praying for a Congressional investigation—to the Committee on Agriculture.

SENATE.

THURSDAY, *January 12, 1893.*

FUNERAL OF SENATOR KENNA.

Rev. J. G. BUTLER, D. D., the Chaplain of the Senate, offered the following prayer:

O Thou, in whom is no darkness at all, the light and the life of men, help us this day and every day to walk in Thy light. We thank Thee for the light of Thy Word and the light of the perfect life. We bless Thee for all who so live in the obedience and faith and love of the gospel that their light shines abroad, that men may see their good works and be led to glorify Thee, our Father in Heaven.

We bless Thee for this great free land, with all its institutions of education and religion and all the people free. We pray, O God, that Thou wouldest shine more and more into our hearts, making plain the path of duty, delivering us from the power of darkness and error in every form and from the bondage of ignorance and sin, filling us with Thine own mind, so that we may enter more and more into that freedom wherewith Christ makes men and nations free.

Guide us this day by Thy counsel. We thank Thee for the care of the night and the mercies of the morning.

We look to Thee, O God, as we come to these duties, and pray that as we turn toward and from the open grave we may learn lessons of heavenly wisdom, so walking in the fear and love of God, with charity toward our fellow-men, that our lives may be made a benediction.

Sanctify to us all Thy providences. Bless with us our fellowmen in every class and condition, and may our land stand more and more for the truth and justice, the equity and righteousness, of the religion of Christ. We ask these mercies, with forgiveness and grace, in Jesus' name. Amen.

The Journal of yesterday's proceedings was read and approved.

Mr. FAULKNER. Mr. President, owing to my absence yesterday I made an arrangement with the Senator from Kentucky [Mr. BLACKBURN], on whom was imposed the sad privilege of announcing to the Senate the death of my distinguished colleague, Senator John E. Kenna, of West Virginia. I come from the capital of the State, where were assembled yesterday the representatives of the people of that State. I bear with me to the Senate the evidences of their sympathy at this sad bereavement, not only to the people of that State, but to the nation.

As a further evidence of their high esteem and distinguished regard for the Senator who is now departed, they appointed from the senate and house of representatives of that body a joint committee to proceed to the Capitol of the nation and to escort the remains of the deceased Senator to the capital of the State, where the interment will take place. Under the rules of the Senate it becomes my duty at this time to ask the unanimous consent that the privileges of the floor be granted to this representative committee of the Legislature of the State of West Virginia.

The VICE-PRESIDENT. Unanimous consent will be considered as agreed to, if there be no objection. The Chair hears none.

Mr. MANDERSON. I move that the Senate take a recess until a quarter of 1 o'clock.

The motion was agreed to; and at the expiration of the recess (at 12 o'clock and 45 minutes p. m.) the Senate reassembled.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had passed the following resolutions:

Resolved, That this House has learned with profound sorrow of the death of Hon. John E. Kenna, a Senator of the United States from the State of West Virginia.

Resolved, That the Speaker of the House appoint a committee of ten members, to act in conjunction with the committee appointed by the Senate, to take order for superintending the funeral and to accompany the remains to their last resting place.

Resolved, That the House accept the invitation of the Senate to attend the funeral to-morrow, Thursday, at 1 o'clock p. m., and that the Clerk of the House communicate these proceedings to the Senate.

Resolved, That, as a further tribute and mark of respect to the memory of the deceased, this House do now adjourn.

The message also announced that the Speaker had appointed as the committee under the second resolution Mr. ALDERSON, Mr. PENDLETON, Mr. WILSON of West Virginia, Mr. CAPEHART, Mr. OUTHWAITE, Mr. TUCKER, Mr. DUNGAN, Mr. MANSUR, Mr. HENDERSON of Illinois, and Mr. BINGHAM.

At eight minutes before 1 o'clock the members of the House of Representatives, preceded by the Sergeant-at-Arms and Clerk, and headed by the Speaker, entered the Senate Chamber. The Speaker was escorted to a seat at the right of the Vice-President, the Clerk at the Secretary's desk, the Sergeant-at-Arms on the right of the Vice-President's desk, and the members of the House were escorted to the seats on the floor provided for them.

They were soon followed by the Major-General Commanding the Army, the diplomatic corps, the Chief Justice and associate justices of the Supreme Court of the United States, the President of the United States, and the members of the Cabinet; who were respectively escorted to the seats assigned them on the floor of the Senate Chamber.

At 1 o'clock and 14 minutes p. m. the casket containing the remains of the deceased Senator were brought into the Senate Chamber, having been preceded by the committee of the Legislature of West Virginia, the family of the deceased, and escorted by the Sergeant-at-Arms of the Senate, the committee of arrangements of the two Houses, the pallbearers selected from the Capitol police, and followed by acolytes and Rt. Rev. John J. Keane, rector of the Catholic University of America; Rev. P. J. Donahue of Baltimore, Md.; Rev. D. F. Schmitt, Rev. James F. Donahue, Rev. M. J. Riordan of Barnesville, Md.; Rev. J. Havens Richards, S. J., president of Georgetown University; Rev. Jacob Walter, Rev. C. Gillespie, S. J.; Rev. William J. Scanlan, S. J.; Rev. P. J. McGinney, S. J.; Rev. John G. Delaney, Rev. James Mackin, Rev. John Gloyd, Rev. Joseph F. McGee, Rev. M. P. Sullivan, Rev. P. J. O'Connell, Rev. E. E. Maynadier, Rev. B. Gordian, F. S. C.; Rev. D. J. O'Connor of Clarksburg, W. Va., and Rev. J. M. Gleason, Rev. James L. Gorey, Rev. Edward P. Dempsey, and Rev. John A. Cull of the Catholic University of America.

The prayers for the burial of the dead prescribed by the ritual of the Catholic Church were read first in Latin and then in English by Rev. James F. Donahue, assistant pastor of St. Joseph's Church, and the responses were made by attending clergymen.

After the incensing and blessing of the body,

Rt. Rev. JOHN J. KEANE delivered the following sermon:

At the request of his Eminence Cardinal Gibbons, and as his representative on this solemn occasion, it is my privilege to offer to Senator Kenna the church's tribute of respect and affection. His country, whose chief and most honored representatives are at this moment clustered around him, has given and will yet give fitting expression to her appreciation of the tireless energy, the distinguished ability, and the blameless integrity with which he filled for so many years the high offices to which his fellow-citizens had called him. Let it be permitted to his mother church to mingle her accents with those of his country, to tell of those qualities that made him near and dear to her—yea, the qualities in which lay the real secret of all his public worth.

A life is noble in proportion as it has before it a noble ideal and strives manfully to live up to it. But nowhere in all the universe of human thought and aspiration can there be found such an ideal as that which faith from his earliest years held before him; nowhere such motives and means for its attainment as his faith supplied him with.

In his early childhood faith taught him to say to his own busy mind, and to answer to all who asked of him the reason of his being: "God made me, that I might know Him, love Him, and serve Him in this world, and be happy with Him forever in the next." It showed him that he was the offspring of infinite love, and that his destiny was the perfection and the beatitude of his being in love eternal.

When, from the littleness of his finite being and from the lowliness of this earthly abode, he looked up to the far-off boundless infinite and asked "How can I reach a destiny there?" his faith showed him the one Mediator, the Word made flesh, the God Man, the bridge between the infinite and the finite, whose humanity stoops to embrace the lowliest child of earth, and whose divinity lifts those that are willing to be lifted up to their destiny in the eternal bosom. He heard the Saviour whisper, "No one cometh to the Father but through me." He saw that only through love incarnate could humanity find its way to God; and even as a child he vowed in his heart that he would do it.

Then he asked, "But tell me what this means in practice, what it implies in my daily life?" And his faith answered, in the words of our Lord, "Thou shalt love the Lord thy God with thy whole heart, and with thy whole soul, and with thy whole mind, and with thy whole strength." To this his young heart responded willingly, because he knew that the sweetest of all things is love, and that the noblest of all loves is the love of God. And then faith pointed to all that his life was ever to have relations with and said, "And the second commandment is like to the first: Thou shalt love thy neighbor as thyself." Thus in the light that beamed forth from the incarnate God he saw clearly, unmistakably, the spiritual nobleness to which his own life was called, while that same radiance clothing every human being in the sweetness and dignity of the eternal Father's love and of kinship to the Saviour stirred his young heart with yearnings that his life might be useful as well as holy, that it might not only give glory to God in the highest, but also spread peace and good will along his pathway on earth.

Within his soul he heard the voice of conscience and of natural benevolence echoing the Saviour's words and giving them forth as a command of their own; but how immeasurably was their persuasiveness intensified and their efficacy heightened when he recognized that they were indeed an echo of His voice who so sweetly said to him: "Whatsoever thou shalt do even to one of my least brethren thou shalt have done it unto me." He had before him the loftiest ideal, and he craved to be worthy of it.

Then, as his life developed and the horizon of his relationships and his duties expanded, his faith showed him that the same eternal Father, who has so wonderfully framed and elevated human nature, and who has so sweetly fashioned and blessed the links which bind one to family, to friends, and to the associates of daily intercourse, has also with equal wisdom and love devised and sanctioned human society in its widest and highest forms of country and of humanity; that it is He who fires the patriot's heart with love of country; that it is He who distends the heart of the philanthropist with longings for the welfare of mankind, for the progress of the race. He saw in the light of Christ that this was the noblest reach of unselfishness and benevolence; that this above all was worthy to be animated by His spirit; that whatever the life of man was capable of under the promptings of manly courage, of loyalty to duty, of broadness of sympathies, of disinterested self-sacrifice—all this, and more and higher still, was comprised in the ideal of Christian patriotism and Christian heroism; that herein was found the lofty inspiration that made apostles and martyrs for country and for humanity as well as for religion and for God. And he saw that if even the least act of charity and self-sacrifice, done for the least of human beings, would be regarded by our Divine Saviour as done to Himself, much more would noble and lofty service, achieved in the spirit of a Christian for the good of country or of mankind, be regarded by the Saviour of the world as most pleasing and meritorious service to the Divine Majesty.

Here was the lofty ideal which, from his earliest years, John Edward Kenna saw held before him by his faith. And such was the ideal by which, up to his latest breath, Senator Kenna well knew that he had to measure and to judge all the work of his life. Well has the great apostle said: "The just man liveth by faith." That life must, in the nature of things, fall short of the measure of full justice that is not thus inspired and directed by faith. For faith alone tells in its fullness all that a man is meant to be to himself, to his fellow-men, to his God; and he who measures his life by another standard measures it necessarily by a lower one, and must fall short of his full heaven-appointed duty

Thanks be to God whose providence gave this good man from his earliest boyhood no other standard by which to shape and estimate his life, and unto his last day permitted him to judge himself by no different criterion. Were I to assert that he had never in any moment of his life relaxed in his striving after the great ideal or swerved from the line of perfect fidelity in its realization, he would be first to rebuke me for the exaggeration, and I can fancy that those silent lips, erst so prompt and strong for honesty and truth, would say, "No, I was human; even while the spirit was willing the flesh was weak. Many and many a time did I strike my breast and say, 'O, God, be merciful to me a sinner.'" And now, in the language of the liturgy, his spirit cries out, "Have mercy on me, O God, according to thy great mercy, and according to the multitude of thy tender mercies blot out my iniquity. A sacrifice to God is a repentant spirit; the contrite and humble heart, O God, thou wilt not despise."

"But," he would add with characteristic frankness, "whenever I approached the sacrament of penance by a good confession"—and his family can testify that he did it frequently and fervently—"I honestly deplored before God my shortcomings and sins; and every time I received my Saviour into my poor heart in the holy communion I vowed to Him that I would renew my resolve of fidelity to every duty towards my God, my country, and my fellow-men, and that I would strive to fulfill them in His own spirit."

Well did our Divine Lord know the needs of human nature when He established in His church these sacramental channels of His grace, to curb, to spur, to chide, to comfort, and encourage and cheer upward, according to our many necessities. And well do we know that no man who conscientiously has recourse to them can be a bad man. Nay, well do we know that he can not but be a good man, a better man by far than without these restraints and helps and encouragements of religion he naturally could be.

Because of his faith, because of the glorious uplifting truths it taught him, because of the potent spiritual aids it gave him, John Edward Kenna was a wiser man, a stronger man, a safer man, a more reliable and dutiful and useful man in every department of life. His career was all the more an honor to his country and a blessing to humanity because of the divine element that was in it. The links of deep and strong and sincere affection which bound him to family and to friends were all the sweeter and all the tenderer because of that spirit in the heart of Christ which he venerated, which he loved, and in which his soul yearned to participate.

Blessed be God for all that His faith did for him, for the ideal it held before him, for the ambition it implanted in his heart, for the aspirations it poured into his soul, for the holy aids and restraints with which it enriched his daily life. Blessed be God for the depths of comfort and of peace with which the ministrations of divine mercy filled his weeks of suffering and the hour of his death.

And now may eternal love repair and perfect in him whatever his life has left faulty and imperfect. May "the Father of mercies and the God of all consolation, who comforteth us in all our tribulations," pour into the hearts of his bereaved loved ones the balm of His healing and soothing grace. And may the God of wisdom and of power, the author of all that is true and beautiful and good, grant to every one of us that we may be truly wise, that we may render our lives pleasing to our Creator and profitable to our fellow-men, by living them under the inspiration and guidance of His holy faith.

The VICE-PRESIDENT. The committee of arrangements will escort the remains of the deceased Senator from the Chamber, accompanying the body to the Pennsylvania Railroad depot

and from thence to the place of burial; and the guests of the Senate will retire in the reverse order of their entrance.

The casket was borne from the Chamber, attended by the committee of arrangements, the family of the deceased Senator, the clergymen, and the committee of the Legislature of West Virginia.

The invited guests having retired from the Chamber,

Mr. ALLISON. I move that the Senate do now adjourn.

The motion was agreed to; and (at 1 o'clock and 48 minutes p. m.) the Senate adjourned until to-morrow, Friday, January 13, 1893, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

THURSDAY, *January 12, 1893.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. WILLIAM H. MILBURN, D. D.

The Journal of the proceedings of yesterday was read and approved.

SITE FOR APPRAISER'S WAREHOUSE, NEW YORK.

The SPEAKER laid before the House a communication from the Secretary of the Treasury relating to the site for the appraiser's warehouse in the city and State of New York; which was referred to the Committee on Appropriations, and ordered to be printed.

ADDITIONAL LABORERS, INSPECTOR-GENERAL'S OFFICE.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting an estimate of appropriation submitted by the Secretary of War for two laborers in the office of the Inspector-General for the current fiscal year; which was referred to the Committee on Appropriations, and ordered to be printed.

MAIL MESSENGER, TREASURY DEPARTMENT.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting for favorable action a request from the chief of the division of mail and files requesting that the salary of the mail messenger be increased; which was referred to the Committee on Appropriations, and ordered to be printed.

OFFICE ASSISTANT TREASURER, ST. LOUIS.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting for favorable consideration a communication from the assistant treasurer of the United States at St. Louis, submitting certain increases in the force and compensation of the employés in his office; which was referred to the Committee on Appropriations, and ordered to be printed.

OFFICE ASSISTANT TREASURER, NEW ORLEANS.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting a communication from the assistant treasurer of the United States at New Orleans, submitting certain increases in the force and compensation of employés in his office; which was referred to the Committee on Appropriations, and ordered to be printed.

LIFE-SAVING STATION, LONG BRANCH.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting a copy of a communication from the General Superintendent of the Life-Saving Service, stating the necessity for an additional appropriation for the purchase of a site for the Long Branch life-saving station; which was referred to the Committee on Appropriations, and ordered to be printed.

JUDGMENTS AGAINST THE UNITED STATES IN CIRCUIT AND DISTRICT COURTS.

The SPEAKER also laid before the House a letter from the Attorney-General, transmitting a report of the judgments rendered in the circuit and district courts of the United States received since July 12, 1892; which was referred to the Committee on Appropriations, and ordered to be printed.

FINDINGS OF COURT OF CLAIMS.

The SPEAKER also laid before the House copies of the findings of the Court of Claims in the following-named cases; which were referred to the Committee on War Claims:

John Waldron, deceased, *vs.* The United States.

Catherine Murchison *vs.* The United States.

Peter Cook *vs.* The United States.

C. F. F. Rosenthal and J. T. Jenkins *vs.* The United States.

ELECTORAL VOTE.

The SPEAKER also laid before the House certified copy of the final ascertainment of electors for President and Vice-President in the State of South Carolina, transmitted by the Secretary of State; which was laid on the table.

ADDITIONAL QUARANTINE POWERS.

The SPEAKER also laid before the House a bill (S. 2707) granting additional quarantine powers and imposing additional duties upon the Secretary of the Treasury and the Marine Hospital Service, and for other purposes.

The SPEAKER. The gentleman from Maryland [Mr. RAYNER], who is unable to be present to-day, requests that this bill be laid temporarily upon the Speaker's table, and if there be no objection it will be so ordered.

There was no objection, and it was so ordered.

YUMA PUMPING IRRIGATION COMPANY.

The SPEAKER also laid before the House a bill (S. 3195) granting to the Yuma Pumping Irrigation Company the right of way for two ditches across that part of the Yuma Indian Reservation lying in Arizona.

Mr. PEEL. Mr. Speaker, a bill identical with that has been reported from the House Committee on Indian Affairs, and I ask unanimous consent for the present consideration of the Senate bill. The matter is a very simple one.

The SPEAKER. The bill will be read, after which the Chair will ask if there be objection.

The bill was read, as follows:

Be it enacted, etc., That there is hereby granted unto the Yuma Pumping Irrigation Company, incorporated under the laws of Arizona, its successors and assigns, a right of way 100 feet wide, the center line of which right of way shall commence on the bank of the Colorado River, 300 feet west of the east line of the Yuma Indian Reservation, in Arizona (formerly the Fort Yuma military reservation); thence running westerly along said bank to the center of the angle of the flume of said company; thence following the center of the ditch of said company to the boundary line of the said reservation. Also, there is hereby granted unto said corporation, its successors and assigns, a right of way 200 feet wide across said reservation in Arizona, the center line of which shall commence at low water of the Colorado River, 150 feet westerly of the east line of the said reservation; thence running in a southerly direction to and crossing the west line of said reservation 150 feet, more or less, north of the southwest corner of said reservation: *Provided*, That for the distance of 250 feet from the point of beginning on said river said right of way shall be 300 feet in width. The plats of the ditches of said company through said reservation shall be subject to the approval of the Secretary of the Interior, and such ditches shall not be so located or the rights of way herein granted so used as to in any manner interfere with any permanent building upon said reservation, except with the express assent of said Secretary of the Interior.

SEC. 2. That the rights herein granted are upon the express condition that the grantee or grantees thereof shall, at all times during the continuance thereof, furnish the Indian occupants of the lands situated south of and under either of said ditches, and within said reservation as now bounded, water sufficient for all domestic and agricultural purposes, and purposes of irrigation, on such terms and under such rules and regulations as shall be prescribed by the Secretary of the Interior.

SEC. 3. That this act shall take effect and be in force from and after its passage, but the right to amend or repeal it at any time is hereby reserved to Congress.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas that this Senate bill be now considered?

Mr. TAYLOR of Illinois. Mr. Speaker, is this a grant of a right of way through an Indian reservation?

Mr. PEEL. I will state to the gentleman that this irrigating company established ditches through this reservation under the impression that it was a military reservation which had been abandoned and which they had a right to pass through under the act of Congress; but upon examination of the matter and reference to the Attorney-General it was found that inasmuch as by an Executive order this land had been added to the Yuma Reservation, it did not come under the act of Congress authorizing irrigating companies to cross Government reservations, so that this legislation is necessary. I have examined the matter very thoroughly; there are only a few acres involved, and the bill ought to pass.

Mr. TAYLOR of Illinois. The only question about it in my mind is this: If this is an Indian reservation the bill does not provide for obtaining the consent of the Indians.

Mr. PEEL. The Indians do not occupy this land, but the bill provides that the company shall furnish the Indians all the water they need, and the plan of the irrigating ditches can not be carried out until it is first approved by the Secretary of the Interior.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

FUNERAL SERVICES OF SENATOR KENNA.

Mr. WILSON of West Virginia offered the following resolution; which was read, considered, and adopted:

Resolved, That at 12 o'clock and 55 minutes p. m. to-day, the House proceed to the Senate Chamber to attend the funeral services of the late Senator Kenna, and upon the conclusion of such services the House return to its Chamber and resume its session for the day.

CHARLES M. KENNERLY.

Mr. ENLOE. I ask unanimous consent for the present consideration of the bill which I send to the desk.

The bill (H. R. 1218) for the relief of Charles M. Kennerly was read.

Mr. TAYLOR of Illinois. If there is a report I ask that it be read.

The SPEAKER. The report will be read, the right of objection being reserved.

The report was read.

Mr. ENLOE. I wish to make a statement——

Mr. BURROWS. Before consent is given for the consideration of this bill, I wish to know whether the matter has been referred to the Commissioner of Internal Revenue——

Mr. ENLOE. Yes, sir.

Mr. BURROWS. And whether there is a letter from him in reply?

Mr. ENLOE. I have here the letter of the Commissioner of Internal Revenue, which I will ask to have read. It shows that the amount which went into the Treasury was $339, and I propose to have the bill amended so as to cover that amount.

The Clerk read as follows:

Hon. B. A. ENLOE, M. C.,
House of Representatives:

SIR: In response to your request of the 7th instant for a report in the matter of the bill (H. R. 1218) for the relief of Charles M. Kennerly, I have the honor to state that the records and files of this office show the following:

March 12, 1874, two mules, a wagon and harness, and three packages of tobacco, property of Mr. Kennerly, were seized for forfeiture in the third collection district of Mississippi.

The mules, wagon and harness were libeled, and released on bond.

December 14, 1874, cause called and judgment of condemnation by default against the mules, wagon and harness, valued at $325, and that the United States recover of the stipulators the said sum of $325 and interest and costs.

Same day, forfeiture against the three boxes of tobacco.

December 19, 1874, motion filed to set aside the above-described judgment. Motion apparently not granted, since in June following the judgment was paid and the amount covered into the Treasury.

The three condemned packages of tobacco were also sold, the gross proceeds being $75.44, and net proceeds $14.12, which sum of $14.12 has also been covered into the Treasury.

No report was ever furnished this office that Mr. Kennerly had been indicted, or of any criminal proceedings against him whatever.

In view of the fact that Mr. Kennerly must have had a hearing in court on his petition to set aside its judgment, and that the court insisted upon its execution, while all the facts were then fresh and ascertainable, I do not consider that the petitioner is entitled to the relief now sought.

I return the paper received from you.

Respectfully yours,

JOHN MASON, *Commissioner.*

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. BURROWS. The latter part of that letter discloses the fact that the Commissioner of Internal Revenue thought this claim ought not to be allowed. Inasmuch as this is a private bill and we are so near private bill day, I think the bill had better go over until we can have time to look into the matter.

Mr. LANE. I demand the regular order.

ORDER OF BUSINESS.

The SPEAKER. The regular order is the call of the committees for reports of a public nature.

COURT OF APPEALS FOR DISTRICT OF COLUMBIA.

Mr. CULBERSON, from the Committee on the Judiciary, reported back, with an amendment in the form of a substitute, the bill (S. 1185) to establish a court of appeals for the District of Columbia, and for other purposes; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

BRIDGE ACROSS THE OHIO AT CINCINNATI.

Mr. STORER, from the Committee on Interstate and Foreign Commerce, reported back with amendment the bill (H. R. 10007) to provide for lowering the height of a bridge proposed to be constructed across the Ohio River between Cincinnati, Ohio, and Covington, Ky., by the Cincinnati and Covington Rapid Transit Bridge Company; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

BUSINESS OF LIBRARY COMMITTEE.

Mr. CUMMINGS, from the Committee on the Library, reported the following resolution; which was referred to the Committee on Rules:

Resolved, That Wednesday, February 8, 1893, immediately after the morning hour, be set apart for the consideration of bills reported from the Committee on the Library.

THE MILITIA.

The SPEAKER. The morning hour begins at 12 o'clock and 25 minutes p. m. The call rests with the Committee on the Militia.

Mr. LANE. I move that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of further considering the bill (H. R. 7318) to promote the efficiency of the militia.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole (Mr. DOCKERY in the chair), and resumed the consideration of the bill (H. R. 7318) to promote the efficiency of the militia.

The CHAIRMAN. The Chair is advised that there is pending an amendment to the fourth section, offered by the gentleman from Illinois. That amendment will be read.

The Clerk read as follows:

Amend section 4 by striking out all after the word "make" in line 4, and in lieu thereof inserting the following:

"Return of the militia of the State with their arms, accouterments, and ammunition, agreeably to the provisions of law, to the President of the United States annually, on or before the first Monday in January; and it shall be the duty of the Secretary of War from time to time to give such directions to the adjutant-generals of the militia as may in his opinion be necessary to produce uniformity in such returns."

Mr. LANE. I ask unanimous consent that my colleague on the committee, the gentleman from California [Mr. CUTTING], be allowed ten minutes to explain the provisions of this bill.

The CHAIRMAN. Is there objection to allowing the gentleman from California ten minutes for debate? The Chair hears none.

Mr. CUTTING. Mr. Chairman, there appears to be a grave misunderstanding on the part of some of the members of this House as to the objects of this bill.

That it tends to nationalize the militia forces of the several States I deny, and challenge any member to point out a single section in the bill pointing in that direction beyond that provided for in existing law. What it does accomplish is this: It codifies the militia law, repeals or amends all provisions of the law of 1792 that have become impracticable and obsolete, and substitutes therefor provisions in harmony with the existing conditions of the militia laws of the respective States and Territories as they stand to-day.

Some objections have been made to calling the active militia the National Guard. To this I will say, the framer of the bill selected this name because there are thirty-three States and Territories that through their Legislatures adopted that name for their State troops. Among them can be found the States of Tennessee, Mississippi, Maryland, Missouri, Kansas, West Virginia, and nearly every Northern State. At the proper time, however, for the purpose of satisfying those members who object to the name National Guard, I am willing to substitute therefor the name State Guard.

Three points regarding the bill under consideration seem to me to commend this measure not only to the careful but favorable consideration of the members of this House: First, it is absolutely nonpartisan in its character; second, it is nonsectional in its operation; and, third, when so amended (as I shall move to amend when it is considered by sections), it will not call for the appropriation of one dollar additional to that now required under existing law.

It is sufficient to state that the object of the bill is to improve and perfect the general militia law of the country as it stands to-day, and to make it uniform in its application in every Commonwealth of the country. The necessity of something of the kind is evident to everyone who has ever given consideration to the law as it exists. I presume that a plain statement of that law would be listened to with surprise by those who have not made it a subject of study. I simply state a fact of record when I declare to you that it has been one hundred years the 8th of May last since any legislation has been had on the subject-matter of the militia forces of the United States. Surely in this intelligent body, when the mind looks back over the past and sees the mighty changes that have occurred in the world during that century of time, everyone will appreciate that there has of necessity been ample reason for the lawmaking power of the Government enacting changes in this direction.

The inventive genius of man applied to development of mechanics of every phase; the vast improvements in the appliances of warfare; the advancement of contention between nations from a mere matter of superior brute force to the exhibition and application of some of the highest phases of science, have revolutionized warfare and its modes and methods as almost everything else has been revolutionized with the advance of time and the progress of mankind during that century.

It is hard to restrain a smile when one turns over the pages and reads the cold requirements of the law as it stands to-day and as it has stood for a hundred years. Listen a moment to these requirements:

SEC. 1625. Every able-bodied male citizen of the respective States, resident therein, who is of the age of 18 years, and under the age of 45 years, shall be enrolled in the militia.

SEC. 1626. It shall be the duty of every captain or commanding officer of a company to enroll every such citizen residing within the bounds of his company, and all those who may, from time to time, arrive at the age of 18 years,

or who, being of the age of 18 years and under the age of 45 years, come to reside within his bounds.

SEC. 1627. Each captain or commanding officer shall, without delay, notify every such citizen of his enrollment by a proper noncommissioned officer of his company, who may prove the notice. And any notice or warning to a citizen enrolled to attend a company, battalion, or regimental muster, which is according to the laws of the State in which it is given for that purpose, shall be deemed a legal notice of his enrollment.

SEC. 1628. Every citizen shall, after notice of his enrollment, be constantly provided with a good musket or firelock, of a bore sufficient for balls of the eighteenth part of a pound, a sufficient bayonet and belt, two spare flints and a knapsack, a pouch with a box therein to contain not less than twenty-four cartridges, suited to the bore of his musket or firelock, each cartridge to contain a proper quantity of powder and ball; or with a good rifle, knapsack, or shot-pouch, and powderhorn, twenty balls suited to the bore of his rifle, and a quarter of a pound of powder, and shall appear so armed, accoutered, and provided when called out to exercise or into service, except that when called out on company days to exercise only he may appear without knapsack, and all arms, ammunition, and accouterments so provided and required shall be held exempted from all suits, distresses, executions, or sales for debt or for the payment of taxes. Each commissioned officer shall be armed with a sword or hanger and spontoon.

It is within the memory of every member of this honorable body that one of the most distinguished citizens this country ever produced, one of the most distinguished men the world ever saw, uttered the historic truth that the quickest way to secure the repeal or improvement of an unjust and ludicrous enactment of law was to cause its strict enforcement. No man within the sound of my voice to-day will doubt for one moment but had there been an honest effort to strictly enforce the grotesque provisions of this law they would have long since have been stricken from the statute books of the nation.

It is with considerable diffidence that I approach the consideration of this matter and bring the necessities of the case to your attention; but it certainly is work that someone should undertake. A reform is needed and it is necessary for someone to point out the way. I claim certainly no superior ability, but the lines of my life for many years have brought me in active coöperation and earnest sympathy with that portion of our citizenship which is willing to give its time and its efforts during peace to the end that the citizenship of the country at large may know and feel that if sudden calamity or a whirlwind of passions in the minds of men should ever make an armed force immediately necessary to preserve the majesty of the law and render safe the common citizenship of all the land, that there are organized forces able and willing to stand by and uphold the executive power of either the State or nation and preserve order and respect for law at any cost.

The services heretofore rendered by the National Guard to the States and nation is of incalculable value, as will be seen in an appendix to my printed remarks which I submit, being a portion of my report from the Committee on the Militia to the present Congress.

These men, in whatever State in the Union they may organize, have a right to expect from the people and the lawmaking power of the Government such appreciation of their spirit of self-sacrifice and their efforts for the general good as will cause their endeavors to be most effective and to be of credit to the whole country.

Our people are a people of peace. The advantages of our location and the fact that domination of our continent is easily sustained, inculcates in our people a desire for peace and a natural distaste for needless war. And yet the generation living can witness the fact that when our people, North and South, believe that duty calls upon them to assume the character of soldiers no hardships are too onerous to be borne and no amount of bloodshedding can be in excess of what they are willing to endure. We admire the valor exhibited in the past; we deprecate and mourn the great number of useful lives lost in both sections of our country, and we thank God from the depths of our hearts that we stand once again in a united citizenship with a loyalty to a common flag.

We look ahead, and while it is not given to mortal mind to pierce the veil of the future, we are strong in our confidence that never again shall the crash of internecine warfare sound within the borders of the Republic; but if the time should ever come when our sons shall go to battle, it will be when the boys North and South are touching elbows, standing in one common line in joint defense of the majesty of the Republic.

It is most plainly our duty to so legislate that citizens who have an aptitude for the ways of military life, and who have the disposition to take such advantage of military culture in times of peace as will make them most effective material in time of strife, shall have their arms upheld and shall be so equipped as to make them of the most speedy availability and of the utmost efficiency in action.

Lest it should be thought that I am too emphatic in my statements for the necessity of the change in the law, let me state, without going into detail, that every President from George Washington to the present occupant of the Executive chair has, either personally or through his Secretary of War, urged that its defects be remedied; yet no change has been made during all these years. Our people are a law-abiding people. More of them violate the law through ignorance than through design. In no respect are the laws of the United States more generally disregarded by the enforcing power than those bearing upon the militia. It is entirely within bounds to state that ninety-nine out of every one hundred of the male population of the United States between the ages of 18 and 45 are never called upon to sustain the provisions of the existing law.

In 1808 a law was enacted providiing for an annual appropriation of $200,000 for the maintenance of the militia. That continued until 1887, when the law was amended increasing the annual appropriation to $400,000. The sum thus fixed in the act of 1887, has remained the standard annual appropriation to this date. It was my intention at first to ask this House to vote an increase of $200,000, which would have made an annual appropriation of $600,000; and the bill, as it stands before you at present, does so provide.

I am frank to say that, in my opinion, the importance of this subject, considering the immensity not only in area but in population, wealth, and all other respects of this Republic, that a million dollars a year would be a sum not at all in excess of the needs and requirements of the measure under discussion. But I realize that the spirit of the hour is against increased appropriations, and I have reluctantly submitted to that sentiment, and have agreed to consent, when we reach the appropriating section, to provide simply for a continuance of an annual appropriation of $400,000.

It is a popular delusion among many who have but a superficial knowledge of this matter that the money which is annually appropriated by the United States for arming and equipping the militia is given to the militia. The law states that this money is appropriated for the purpose of providing arms, etc.; that is to say, the United States appropriates this money, and with it buys or manufactures war material; which war material, instead of being placed in storehouses, is turned over to the National Guard of the States and Territories; and while some of it is of course worn out in the drilling and disciplining of this reserve of volunteers, all of it that is serviceable, to quote the language of the law, "shall remain the property of the United States," and, in the event of need, can be and will be utilized by the United States in arming and equipping its troops. The money thus appropriated should therefore be looked upon not only as money expended for the benefit of the militia, but as funds provided for the very necessary purpose of preparing a reserve stock of war material for use by the General Government in emergencies.

In asking for a favorable consideration of this bill, it is also proper that I should call your attention to the fact that section 17 of the militia bill provides that any State or Territory may purchase at cost for the use of its National Guard stores and and supplies from any department of the Army in addition to those issued under the provisions of this act. And, furthermore, I desire to emphasize the fact that there is nothing whatever in this measure which, in the slightest degree, interferes with the autonomy of the States or which tends to place the State forces under the control of the General Government, except wherein such control is specifically and pronouncedly provided for in existing law.

It is an old axiom, and as true as it is old, that in contention a blow quickly dealt is of double force. History shows that in the past one hundred and ninety-two years, from 1700 to date, inclusive, less than ten instances have occurred in which declarations of war have preceded hostilities. On the other hand, one hundred and seven cases are recorded in which hostilities have been commenced by the various powers of Europe or by the United States of America without previous declarations of war, as shown in my report from the Committee on the Militia to this Congress during the first session, as follows:

HISTORICAL EXTRACTS SHOWING WHERE HOSTILITIES BEGAN WITHOUT DECLARATIONS OF WAR.

The year 1700 opened with profound peace, yet on March 12, without public declaration of war, 40,000 Saxons under Gen. Fleming swept down before Riga, then belonging to Sweden.

In the month of December, 1700, French troops arrived by night and took possession of the strongest places in Spanish Flanders.

On July 28, 1701, Marshal Catinat with a French corps d'armée took possession of the Alpine passes and descended into Lombardy.

During the early part of the winter of 1701 Prince Eugene seized, without declaration of war, Canneto and other places in the territories of Guastalla, Parma, and Modena.

Throughout 1701 a naval war was carried on by England and Holland against France, but a formal declaration of war was not declared for several months after hostilities had been carried on.

In 1708 the Pope of Rome attacked by surprise a body of German imperial troops and ordered them cut to pieces with great barbarity; also,

In 1708, the English fleet suddenly appeared at Civita Vecchia and by surprise dictated terms to the Pope.

In 1714 the Turks by sudden invasion seized from Venice the Morea without declaration of war.

In 1715 England in peace seized Swedish provinces.

In August, 1717, during peace, a fleet of war vessels carrying 9,000 men left

Barcelona secretly for Sardinia. Cagliari, the capital, was surrendered to the Spaniards.

In 1719, Spain secretly prepared an expedition and seized Messina and the greater part of Sicily.

The first case in the eighteenth century when declaration preceded war was in 1719, when France and England joined in war against Spain.

In 1726, without declaration of war, a British squadron under Admiral Hosin was sent to the West Indies and blockaded Porto Bello.

In 1727, Spain, at peace with England, laid siege to Gibraltar from February 11 to November 23.

In 1733, Russia invaded Poland without a declaration of war.

In 1739, reprisals preceded war between Spain and England. War was declared by England October, 1739.

1740, the first Silesian war.

1741, naval fights between France and England without declaration of war.

1742, without declaration of war, Naples, by action of an English admiral, forced to become neutral.

On June 27, 1743, the battle of Dettingen was fought, at which time no declaration of war had been made, nor was it made until March 20, 1744, when France declared war against England.

On August 9, 1744, Saxony and Bohemia were invaded by Frederick without declaration of war.

In 1747, sudden invasion of Holland by the French, in which the French secured all the advantages of sudden attack.

In 1754, France and England put forth hostile claims in America without declaration of war or notice. Fighting commenced between English and Virginia troops on the one hand and French on the other.

On May 17, 1756, England declared war on France.

In August, 1756, Frederick the Great suddenly invaded Saxony with 75,000 men. He did not publish a declaration until after crossing the frontier.

In 1759 the Dutch commenced hostilities in India against the English without proclamation of war.

In June, 1770, 1,700 Spanish soldiers and mariners with five frigates and a train of artillery and ordnance stores arrived at Port Egmont, when only two sloops-of-war and a miserable blockhouse with four guns constituted all the means of defense. Articles of capitulation were immediately concluded.

In 1777, Austrian troops numbering many thousand entered Lower Bavaria and seized every important place, no declaration of war having been previously issued.

On February 6, 1778, France signed secretly a treaty with Franklin, engaging to give assistance to the American Colonies. France did not then declare war upon England.

In 1779 Spain joined France in a war against England.

On April 21, 1784, Austria sent a detachment of troops into Dutch territories and took possession of Fort Lillo.

On December 20, 1787, before the declaration of war was issued, Austria sent six regiments into Turkey for the purpose of surprising the Turkish fortress Belgrade. Declaration of war was not made until July 10, 1788.

In July, 1789, a Spanish frigate of twenty-six guns captured two English vessels and seized a settlement.

On April 20, 1792, France declared war against the Empire of Germany.

On September 28, 1792, the French Republic surprised Nice, Montalbon, and Ville Franche, in the Kingdom of Sardinia, during peace.

In the same year, without declaration of war, the French Republic ordered invasion of neutral Switzerland.

On July 1, 1793, France declared war upon England, Spain, and the Netherlands.

In 1795 England seized Dutch colonies, capturing the Island of Ceylon without fighting, no declaration of war having previously been made.

In 1796 the French republican army, without declaration of war, seized forts and territories of the States of the Church, Naples, Tuscany, Parma, Modena, etc.

On January 28, 1798, France suddenly invaded Switzerland. Naples moved against France, and France took possession of Navarra, Suza, and Coni. No declaration of war was made in any instance.

On September 5, 1800, Russia seized two British ships in Russian ports and sent their crews prisoners into the interior without declaration of war.

On July 14, 1801, reprisals were ordered by the English cabinet. All Swedish, Denmark, and Russian vessels in English ports were seized, and a large English fleet under Sir Hyde Parker was dispatched to the Baltic, although there was no declaration of war.

On March 20 the Swedish inland steamer Bartholomew, wholly unprepared for any defense, surrendered at the first summons to a force of three regiments of foot and a detachment of artillery under Lieut. Gen. Trigge and a squadron under Rear-Admiral Duckworth.

In 1802 Napoleon sent a force of 20,000 men into friendly Switzerland and seized by surprises Soleure, Zurich, and Berne.

On November 23, 1806, the Russian army, during negotiation and after full concessions, suddenly invaded Moldavia and seized Chotsim, Bender, and Jassi.

In 1806 England sent an expedition against Curaçoa; her fleet suddenly entered the harbor, and Fort Amsterdam was assaulted and captured.

On March 6, 1807, England sent an expedition, during negotiations, into Egypt, and on the 21st of March the governor of Alexandria accepted terms of capitulation.

In 1807 the English man-of-war Leopard, 52 guns, demanded of the Chesapeake, an American frigate cruising off Virginia, the requisition of some English deserters on board the Chesapeake. The American captain denied the right of search, whereupon the Leopard fired a broadside, killing and wounding several Americans in time of peace.

In 1812 Napoleon, by sudden attack on troops of Kowno, declared war with Russia.

On June 18, 1812, the United States declared war against Great Britain. During the month of April previous, however, a general embargo was laid by Congress upon all vessels in the harbors of the United States for seventy days.

In 1815 Murat, King of Naples, attacked Austria without notice.

In 1816 Portugal invaded the Spanish possessions on the River Plate without explanation or previous declaration.

In 1818 the United States, during peace with Spain, seized Pensacola and St. Marks.

In 1821 the United States seized a French ship during time of peace.

In 1826 the King of Spain carried on hostilities against Portugal with willful falsehood, without declaring war, but professing friendship.

During the same year England, without declaration of war on Spain, dispatched troops to fight the Spaniards.

In 1827 the Turkish fleet was destroyed by Russia, England, and France without warning of war.

In 1828 the Russo-Turkish war occurred. Hostilities on both sides preceded declaration of war.

In the same year France sent an expedition against the Turks in Greece and captured five fortresses.

In 1831, without declaration of war, Russia fired into, sank, and captured Greek ships and joined in a formal attack upon Poros.

During this same year a French admiral carried off the whole Portuguese fleet and converted reprisals into war. And the King of Holland pressed his troops into Belgium and in nine days crushed the Belgian forces.

On February 22, 1832, France sent a squadron with troops and captured Ancona by sudden surprise during absolute peace between France and Rome.

In 1834 the Spanish army, without notice, crossed the Portuguese frontier and, by a forced march, surprised and defeated the force under Don Carlos.

In 1835 the inhabitants of Texas raised the standard of revolt against the Mexican Government and declared themselves independent.

During the year 1838 an invasion of Canada took place under circumstances described in the United States Congress as such "that the people were at war while their Governments were at peace."

On the 17th of April, 1840, the British ships of war in the vicinity of Naples commenced hostilities and captured a number of Neapolitan vessels, and an embargo was laid on all ports of Malta that bore the Sicilian flag.

In 1844 hostilities by France against Morocco commenced by Prince de Joinville on not receiving a satisfactory answer to an ultimatum.

On May 13, 1846, the Congress of the United States passed a resolution that, by virtue of the constitutional authority vested in them, declared that a state of war existed between the Republic of Mexico and the United States. The President in his message recited many and various acts of hostility prior to any declaration of war.

In 1847 a revolutionary junta had been established in Portugal and was carrying on a war against the Queen. The war having dragged on for some time, England, France, and Spain agreed to interfere, but no declaration of war was made.

In 1848 the Italian insurrectionary war broke out; the King of Piedmont at once joined his armies to those of the Italians, and the war from its nature, was carried on without any formal notice.

On April 25, 1849, the French General Oudinot entered citadel Civitá Vecchia. The Roman Assembly protested in the name of God and the people against this unexpected invasion. A short time after there followed the seige and capture of Rome.

In 1850 and 1851 the United States waged the "unofficial" war against Cuba.

In 1853 and 1854 the Crimean war was waged. Hostilities preceded war as follows: The Russian Government seized the Danubian Principalities.

On May 31 the order for the passage of the Pruth was passed.

On June 2, before it was known in London, orders were sent to English and French admirals to move up the Besike Bay.

On October 22 the English and French fleet, under orders from London and Paris, entered the Dardanelles in express breach of treaty of 1841.

On October 23 Turkey declared war upon Russia and crossed the Danube to expel the Russians.

In 1859, France and Italy against Austria. The Austrian Government alleged that the actual commencement of this war was on both sides (as between France and Austria) declared to be due to prior hostile acts, not words.

On May 5, 1860, Garabaldi sailed from Genoa with 2,000 troops to wrest Sicily from the King of Naples.

In 1863 war between Austria and Prussia on one side and Denmark on the other virtually commenced by the occupation of Holstein and Lauenburg by the troops of the two great powers.

In 1870, in the war between France and Germany, the declaration clearly preceded the war.

This statement shows how all-important the element of time is in this matter. I quote from a lecture delivered by Capt. D. M. Taylor, of the Ordnance Department of the United States Army, at San Francisco, in 1885:

With the introduction of steam, electricity, and arms of precision, the "pomp and circumstance of glorious war" went out, and with them departed the dignified slowness which characterized military operations of the period when combatants took their time about wars, and their duration was from seven to thirty years. Modern wars are short and sharp. In this connection the following dates are instructive:

Year.	War.	Declared.	Decisive battle.	Days.
1859..	France and Austria	May 3	Solferino, June 24	52
1864..	Dano-German	Jan. 16	Fall of Duppel, Apr. 18	93
1866..	Austro-Prussian	June 16	Sadowa, July 3	17
1866..	Austro-Italian	June 20	Lissa, July 20	30
1870..	Franco-German	July 15	Sedan, Sept. 2	49

So in many instances we see that decisive battles have been fought in fewer days from the declaration of war than is needed in shipbuilding England to prepare the plans and let the bids for one class of unarmored vessels.

As a matter of economical administration of the funds of the people this subject demands your favorable consideration. Nothing has developed since the beginning of time which is so utterly extravagant in expenditure as war. The history of the nations of the earth teaches us that the surest way for a nation to command peace is to be able, in the shortest possible space of time, to wage successful battle.

To maintain to-day a regular force of a little less than 25,000 men this Government expends about $25,000,000 per annum, while a force of 150,000 volunteers could be maintained by the General Government, with the aid now rendered by the States, for less than a million dollars.

I invite your attention to the desirability of proceeding on the lines laid down in the bill under consideration on a broader field than the one of mere desirable superiority in physical strife, and on that line I positively assert, and point, irrespective of locality, all over this land to the established citizen soldiery of to-day as proof of my assertion that the dicipline of military life which they illustrate produces better citizens and men more forceful in all avenues of citizenship. It develops patriotism; it inculcates love of home and country; it keeps the country's flag in the hearts of Americans.

Two things are the natural attributes of the true citizen soldier.

First, he learns prompt obedience to all orders from superiors; second, every officer naturally exercises such gentlemanly consideration for those who are under his command as is compatible with discipline. Some think that membership in the National Guard, a prompt performance of the duties attending membership, and a strict observance of all rules of military etiquette, involves a surrender of manhood to a greater or less extent. This is not true, and I claim that the citizen soldier stands on a higher plane than the mere citizen, and on a still higher plane than the famed knights of old, whose deeds have been the theme of innumerable song. The latter held themselves the special champions of fair damsels in distress, but the citizen-soldier knights of to-day, who compose the National Guard of our States, are protectors of all that is dearest to us, and I do not doubt, should the opportunity offer, they would have both the disposition and the capacity to show that they could have met the knights of old on their own field and vanquished them in deeds of valor and chivalry.

I consider that it is entirely unnecessary for me to argue that discipline means approximate perfection; of that I am sure you are all convinced. A body of some hundreds of thousands of men well drilled, thoroughly disciplined, and acting as one, holding themselves absolutely at the command of a responsible and competent head, becomes of ten times the force and power it would exert if acting upon individual responsibility. It becomes a thunderbolt, terrible in its power. Were it not for the intelligence, patriotism, and purity of motive which directs that power for purposes of public and private good, this power could not easily be controlled.

I assert, without fear of successful contradiction, that the men who in the ranks of our citizen soldiery are alert to perceive and quick to perform the duty assigned them, who, in other words, are well disciplined, are more valuable men in all their relations of life by reason of that discipline. Through this discipline they come to consider and appreciate more than they otherwise would the force and value of deliberately ordered and promptly executed action. I assert that a military training to-day is a valuable adjunct to everyday life, and that every man who is a good soldier is, perforce, a more valuable citizen.

Prosperity makes us slow to see the necessity to protect the gains we have made. Peace and plenty, as with the old Romans, emasculate a soldiery at one time inured to hardship, but glutted by the luxury of conquest. It is when the home is invaded, rights—which are never too stable—are infringed, prosperity endangered, religion, political rights, personal freedom, or the dignity of our land is in peril, that we need these men, who in peace are always willing to use the pen but never willing to admit that it is not sometimes mightier than the sword. Our citizen soldiers ask no remuneration for their services, no reward for what to them is a simple patriotic duty. No one ever heard them ask anything of their country I demand simple homely justice, the passage of the bill which will provide for the necessities and requirements of the National Guard of this United States.

APPENDIX A.

Table showing the active service performed by the National Guard, as furnished by the adjutants-general of the several States and Territories of the Union.

State.	Times called out in past twenty-five years.	Date.	Cause.	Number of troops.	Duration.	Remarks.
Alabama	Eight	Jan., 1883	To quell election riot	40 men	3 days	Weather cold and rainy, and troops without overcoats or blankets.
		Dec., 1883	To retake jail from rioters and prevent lynching	300 men	5 days	
		June, 1887	To prevent a lynching	1 company	1 day	Many other cases have occurred within twenty-five years, but no official reports of them are obtainable.
		Jan., 1888	do	35 men	do	
		May, 1888	To assist sheriff in making arrests.	3 companies	2 days	
		Aug., 1888	To repress a mob	26 men	1 day	
		do	do	1 company	do	
		Nov., 1888	do	do	do	
		Dec., 1888	To protect jail and quell a riot.	8 companies infantry, 1 troop cavalry, 2 batteries artillery.	5 days	
		July, 1889	To prevent rescue of prisoner	35 men	1 day	
		Sept., 1889	To quell a riot	38 men	2 days	
		Dec., 1889	To protect jail and prevent a lynching.	70 men	do	
Arizona	Can not be definitely given.					Records are incomplete. Adjutant-general states that between 1875 and 1887 the National Guard, in whole or in part, has been called into service nearly every year on account of Indian outbreaks.
California	Six	1872 and 1873	Protection against hostile Indians.	Not stated	Not stated	
		Feb., 1876	To guard prisoners during fire in State prison.	1 brigade	do	
		May, 1877	To guard prisoners in transit	1 company	do	
		July, 1877	To preserve order	Several companies	do	
		Apr., 1882	To quell riot at Sacramento	4 companies	do	
		July, 1884	To eject squatters	2 companies	2 weeks	
Colorado	Many times; exact number not known.	June, 1880	To suppress riots and for protection against Indians.	14 companies	As high as 10 days.	
Connecticut	Four	Apr., 1870	To enforce law	5 companies	1 day	
		July, 1877	To prevent spread of labor riots.	Not given	Not given	
		Feb., 1889	To assist civil authorities in preserving order at time of great accident.	5 companies	2 days	
		June, 1891	To prevent a riot	2 companies and section of artillery.	do	
Delaware	None					
Georgia	One	Dec. 25, '89	To quell a riot	2 companies	1 day	
Illinois	Seven	July, 1877	To prevent riot	2,000 men	4 days	Not including instances (of which there were many) in which local companies were called out, but only enumerating cases in which a considerable body of the Illinois National Guard was under arms.
		May, 1883	To protect mines and miners	Not given	5 days	
		May, 1885	To disperse a mob	do	13 days	
		April, 1886	To enforce law (railroad strike)	do	From April 9 to May 24.	
		Nov. 1886	To enforce law (packing-house strike).	2 regiments	13 days	
		May, 1889	To enforce law (mining strike)	Not stated	Not stated	
		June, 1889	do	do	do	
Iowa	Twenty	1876	To disperse mob of tramps	1 company	do	Troops did not serve, but were held in readiness.
		July, 1877	To quell railroad riots	7 regiments	5 days	
		Aug., 1878	To disperse rioting miners and guard jail.	1 company	Not stated	
		Sept., 1878	To disperse mob	do	do	
		1879	To guard jail	do	do	
		1879	To preserve order	do	do	Troops held ready, but not ordered out.
		1879	To guard jail	do	do	
		1881	To arrest murderers	Detachment, number not stated.	do	

Table showing the active service performed by the National Guard, etc.—Continued.

State.	Times called out in past twenty-five years.	Date.	Cause.	Number of troops.	Duration.	Remarks.
Iowa—Continued.	Twenty	1883	To disperse mob	1 company	Not stated	
		1884	To arrest murderers	do	do	
		1884	To quell a riot	do	do	
		Aug., 1884	To repress rioters (coal-miners)	2 companies	do	Troops held ready, but not ordered out
		Jan., 1885	To disperse mob and arrest ring-leaders.	3 companies	do	
		Mar., 1885	To guard jail	2 companies	2 days	
		June, 1885	To preserve order	1 company	do	
		1885	To disperse mob	do	Not stated	
		June, 1886	do	do	do	
		Aug., 1887	To oust liquor-sellers	do	do	In several other instances not stated troops were ordered to be put in readiness, but were not called out.
		Dec., 1887	To protect jail and prisoners	do	do	
		May, 1891	To avert riot and protect property.	do	do	
Kansas	Eighth	Sept., 1868	To assist United States forces against Indians.	5 companies	Not stated	Many other cases in which troops were called out to suppress riots are not reported; only the most important cases have been stated.
		Nov., 1868	do	1 regiment	Over a month	
		June, 1869	do	5 companies	Not stated	
		Apr., 1878	To suppress riot on Santa Fe R. R.	Not stated	do	
		Apr., 1886	To suppress riot on Missouri Pacific R. R.	1 regiment	2 weeks	
		July, 1888	Cause not stated	1 regiment and section of artillery.	do	
		July, 1889	To preserve order (county-seat trouble).	1 company	Not stated	
		Jan., 1892	To preserve order (Seward County).	2 companies	2 weeks	
Louisiana	Two	Aug., 1884	To recover court-house from an armed mob.	Between 200 and 300 men.	About 2 weeks	These disturbances lasted a long time, and detachments and companies relieved each other from time to time, so that duration and numbers can not be definitely stated.
		Oct., 1887	To repress riotous sugar laborers.	About 200 men	About 1 month	
Maryland	One	July, 1877	To preserve order (labor riots)	3 regiments and battery artillery.	30 days	Cost to State over $80,000.
Massachusetts	Six	Nov., 1872	To preserve order (Boston fire)	Not stated	13 days	
		May, 1875	To preserve order (Springfield fire).	2 companies	Not stated	
		Sept., 1875	To preserve order (labor riot)	4 companies	3 days	
		Feb., 1887	To prevent riot	2 companies	1 day	
		Nov., 1889	To preserve order (Lynn fire)	4 companies	2 days	
		July, 1890	To preserve order (Lawrence fire).	2 companies	Not stated	
Michigan	Three	July, 1877	To preserve order (railroad strike).	1 regiment	do	This statement does not mention several minor cases in connection with the railroad troubles of 1877 in which the Michigan troops took part.
		Oct. 1881	To preserve order (labor troubles).	3 companies	do	
		Not stated.	To repress riots at Saginaw and Bay City.	8 companies	do	
		July, 1877	To quell railroad riots	Entire National Guard.	2 weeks	
Missouri	Four	1883 and 1885	To preserve order during strikes on Missouri Pacific Railroad.	Not stated	Not stated.	Troops in readiness and under arms many times, but not called out.
		1888	To quell coal-miners' riot	100 men	1 month	
New Hampshire	None					
New Jersey	Five	July, 1870	To prevent riot in Newark and Jersey City (Orange riots).	2,000 men	1 day	
		Nov., 1870	To quell riot	1 regiment	do	
		Jan., 1876	To protect property and quell expected railroad riot.	do	do	
		Oct., 1876	To prevent escape of criminals	do	do	
		July, 1877	To protect property and preserve order (railroad riots).	Entire National Guard.	1 week	
Oregon						The militia records are very meager. The volunteer and militia forces were engaged in suppressing Indian hostilities in Eastern Oregon in the years 1877 and 1878.
Pennsylvania	Six	Apr., 1871	To preserve order (mining troubles).	1,000 men	Apr. 7 to May 24	Cost to State, $38,000.
		July, 1872	To preserve order (lumber troubles).	450 men	July 22 to Aug. 1	Cost to State, $15,000.
		Mar., 1873	To preserve order (railroad troubles).	800 men	Mar. 27 to Apr. 2	Cost to State, $25,000.
		Apr., 1875	To preserve order (mining troubles).	1,800 men	Apr. 4 to May 18, and June 3 to June 23.	Cost to State, $110,000.
		July, 1877	To preserve order (railroad riots and mining troubles).	9,453 men	July 19 to Nov. 15	Cost to State, $710,000
		Apr., 1891	To preserve order (mining troubles).	900 men	Apr. 2 to May 26	Cost to State, $35,030.
Rhode Island	None					Two companies volunteered as guards at large fire in Providence in 1877.
South Carolina	Several times; dates and durations not stated.					
South Dakota	One	1884	To prevent riot (county-seat disturbance).	Not stated	Not stated	
Tennessee	Not stated, except generally.	1891	To preserve order (mining troubles).	Entire National Guard.	do	Expense to State, $15,000.
		1891	do	125 men	Still in service.	Expense to State, $2,000 per month.
Texas	Twenty-nine	Jan., 1876	Service against hostile Indians.	Detachment	Not stated	
		Sept., 1877	To quell a riot (election)	50 men	1 day	
		June, 1881	To protect civil prisoners	Detachment	do	
		Aug., 1881	To preserve order	1 company	8 days	
		Jan., 1882	To suppress convict uprising	Detachment	1 day	
		1882	To quell riot	1 company	do	

Table showing the active service performed by the National Guard, etc.—Continued.

State.	Times called out in past twenty-five years.	Date.	Cause.	Number of troops.	Duration.	Remarks.
Texas—Cont'd	Twenty-nine	Dec., 1883	To suppress a mob	Not stated	1 day	
		May, 1885	To recapture prisoners	1 company	Not stated	
		Sept., 1885	To protect a jail	...do	...do	
		Aug., 1885	To preserve order (strike)	2 companies	...do	
		Mar., 1886	...do	277 men	...do	
		Apr., 1886	To suppress riot	70 men	...do	
		Sept., 1887	To preserve order	1 company	...do	
		...do	To repress race troubles	50 men	1 day	
		Jan., 1888	To prevent a lynching	1 company	Not stated	
		May, 1888	...do	...do	...do	
		June, 1889	To guard a jail	...do	...do	
		...do	...do	...do	...do	
		...do	To preserve order	...do	...do	
		Aug., 1889	...do	2 companies	3 days	
		Sept., 1889	To guard a jail	...do	Not stated	
		Oct., 1889	To preserve order	15 men	...do	One of the two companies called out in September, 1889, was of colored troops.
		June, 1890	To prevent a lynching	1 company	...do	
		July, 1890	To assist civil authorities in making arrests.	Not stated	...do	
		Dec., 1890	To repel Indian invasion	1 company	...do	This was a company of cavalry, and scouted the edge of a Texas county.
		Mar., 1891	To assist at an execution	...do	1 day	
		May, 1891	To disperse a mob	...do	...do	
		Sept., 1891	To guard a jail	...do	Not stated	
		...do	...do	...do	...do	
Virginia	Thirty-three	1881 to 1891	To preserve order			The number of men and length of service has varied in the different cases. Details are not given in the report of the adjutant-general.
Vermont	One	July, 1883	To quell riot of miners	5 companies	1 day	Ninety per cent of the number reported at only two hours' notice.
Washington	Three	Feb., 1886	To preserve order (Chinese riots)	Entire National Guard.	1 week	Also under arms at dates and for periods not stated to preserve order at Spokane Falls and Vancouver during fires, and to suppress coal miners' riot at Newcastle. Smaller bodies called into service nearly every year, but no specific details given.
		June, 1889	To preserve order (Seattle fire)	5 companies	Not stated	
		July, 1891	To preserve order (coal-mining trouble).	1 regiment infantry, 1 troop cavalry.	...do	
Wisconsin	Five	July, 1881	To protect property and preserve order (mill strike).	8 companies	4 days	
		...do	To arrest murderers	1 company	1 week	
		May, 1886	To protect property and preserve order (Milwaukee riots).	836 men (largest number).	10 days (longest time).	In this case the numbers changed, some being in service longer than others.
		July, 1889	To suppress riot in the city of Superior.	1 company	1 day	
		Dec., 1890	To preserve order at Wausau	...do	...do	This company assembled in thirty minutes after call for its services was made.
Wyoming	None					
West Virginia	Five	1877	Railroad strikes — to protect property and restore peace.	4 companies	1 month	Efficient service rendered.
		1881	To guard jail and protect United States prisoners confined.	1 company	Not stated	
		Nov., 1881	Aid sheriff in suppressing riot caused by strikes.	4 companies	...do	Valuable and efficient service promptly rendered.
		Jan., 1888	To suppress lawlessness and protect citizens from threatened violence growing out of Hatfield and McCoy feud.	2 companies (77 men)	Reported for duty, but not needed.	
		Jan., 1892	To guard prisoners in jail	1 company	Not stated	The company responded and rendered required service.

APPENDIX B.

REPORTS RECEIVED FROM THE ADJUTANTS-GENERAL, SHOWING THE NUMBER OF TROOPS FURNISHED THE NATIONAL GOVERNMENT BY THEIR RESPECTIVE STATES DURING THE WAR OF THE REBELLION FROM THEIR ORGANIZED MILITIA.

MAINE.

The First, Second, Third, Fourth, and Sixth Regiments of Infantry, Maine Volunteers, were recruited almost wholly from the State militia.

NEW HAMPSHIRE.

The following-named militia companies were mustered into the United States service for garrison duty at Portsmouth, N. H.:

Strafford Guards, Capt. I. B. Littlefield, were mustered in May 5, 1864, for sixty days, 83 men and officers.

National Guards, Capt. J. O. Chandler, were mustered in May 9, 1864, for sixty days, 84 men and officers.

Lafayette Artillery, Capt. J. H. Tarbell, were mustered in August 1, 1864, for ninety days, 84 men and officers.

Martin Guards, Capt. George E. Houghton, were mustered in July 25, 1864, for ninety days, 83 men and officers. The Martin Guards were discharged September 16, 1864, and 54 of the officers and men were immediately mustered in again and with recruits formed Company K, First New Hampshire Heavy Artillery.

Many of the militia companies undoubtedly formed the nucleus of companies which were mustered into the United States service, but unfortunately the records were not well preserved.

VERMONT.

When the war of the rebellion broke out it found the State of Vermont with a volunteer militia organization of four regiments (principally on paper), with from four to eight companies in each battalion.

There was a meeting called of all the officers by the adjutant-general of Vermont, who in conference with the brigade commander, selected ten companies from the above organizations to be known as the First Regiment Vermont Volunteer Infantry, which volunteered for three months under President Lincoln's call for 75,000 troops. The designated companies began at once to enlist recruits and discharge such men as were unwilling or unable to leave home, and in a few days they were each filled to the requisite number of 81 officers and men.

On the 27th of April, 1861, the adjutant-general of Vermont issued an order designating the ten companies above named as the First Regiment, with instructions to hold themselves in readiness to march to the place of rendezvous on twenty-four hours' notice. This was soon followed by an order directing the companies to report at Rutland on the 2d of May following. The first man to offer his services to the Government was the colonel of the Fourth Regiment Vermont Militia, who afterwards became Bvt. Maj.-Gen. George Jerrison Stannard, of St. Albans, Vt. He did this on the 15th of April, 1861, immediately on hearing the report of the fall of Fort Sumter.

Many of the officers and men of the Vermont militia enlisted and served throughout the war with credit to the country and themselves. If it had not been for this militia organization it would have been hard for Vermont to furnish the quotas called for as rapidly as she did.

A national guard of well-disciplined and organized men should be maintained throughout all the States, and in which the Government should be thoroughly interested.

MASSACHUSETTS.

The following is the list of organized, uniformed, drilled, and equipped militia of the State of Massachusetts that did not wait to be called, but were in readiness when the call came and responded at once by regiments. Many of the companies composing that militia had been in the State service constantly since the close of the war of the Revolution, and some still remain in the State service, with an unbroken record of over a hundred years, ready now to respond to any call. The statement given does not even show the great service rendered by the State militia during the war of the rebellion. Many of these organizations by regiments rendered two and three terms of service, besides forming regiments for three years. Many of the oldest companies entered at once for three years, and upon return from the service after the war resumed their place in the militia of the State and now continue to exist, more efficient than ever, and ready for duty.

Organizations of the active militia prior to the breaking out of the rebellion who were mustered into the United States service during the war.

Organization.	Companies.	Strength.	Date.	Term.	Remarks.
Third Infantry	A, B, G, H, K	444	Apr. 16, 1861	3 mos.	Company A, 1792; B, 1818.
Fourth Infantry	A, B, C, D, E, F, G, H.	636	Apr. 17, 1861	..do...	Company E, 1787; F, 1776.
Fifth Infantry	A, B, C, D, E, F, G, H, I, K.	823	Apr. 19, 1861	..do...	
Sixth Infantry	A, B, C, D, E, G, H, I, K, L.	665	Apr. 16, 1861	..do...	Responded at 12 hours' notice.
Eighth Infantry	A, B, C, D, E, F, G, H, I, K.	711	....do.....	..do...	
Third Battalion Rifles.	A, B, C, D	322	Apr. 20, 1861	..do...	
Light Battery	A	115	....do.....	..do...	
First Infantry	B, D, E, F, G, H.	660	May 25, 1861	3 yrs..	Companies dating from 1784 down.
Tenth Infantry	F, G, H	303	July —, 1861	..do...	Company F, prior service 3 months.
Thirteenth Infantry.	A, B, C, D, H.	103	July 29, 1861	..do...	
Fourth Battalion Rifles.	A, B, C, D	424	May 25, 1861	.....	Served in forts in Boston and was the nucleus of Thirteenth Regiment.
Fifteenth Infantry	A, B, C	340	July 26, 1861	3 yrs..	Organized 1788, 1816, 1853.
Total		5,566			

NEW YORK.

In 1861 there were ordered in the United States service, left the State, were mustered in, served three months, and were mustered out: Company A, First Cavalry; Company C, Third Cavalry; Varian's Battery of Artillery; Fifth, Sixth, Seventh, Eighth, Twelfth, Thirteenth, Twentieth, Twenty-fifth, Twenty-eighth, Sixty-ninth, and Seventy-first Regiments of Infantry; total number of men..... 8,534

In 1862 there were ordered in United States service and served three months the Seventh, Eighth, Eleventh, Twelfth, Thirteenth, Nineteenth, Twenty-second, Twenty-fifth, Thirty-seventh, Forty-seventh, Sixty-ninth, and Seventy-first Regiments of Infantry; total number of men..... 8,588

In 1863 there were ordered in United States service and served thirty days and more, the Fourth, Fifth, Sixth, Seventh, Eighth, Eleventh, Twelfth, Thirteenth, Seventeenth, Eighteenth, Twenty-first, Twenty-second, Twenty-third, Twenty-eighth, Thirty-seventh, Forty-seventh, Fifty-second, Fifty-fourth, Fifty-fifth, Fifty-sixth, Sixty-fifth, Sixty-seventh, Sixty-eighth, Sixty-ninth, Seventy-first, and Seventy-fourth twice, and Eighty-fourth Regiments of Infantry; total number of men..... 14,475

In 1864 there were ordered in United States service and served thirty days, the Fifteenth, Thirty-seventh, and Sixty-ninth; for one hundred days, the Twenty-eighth, Fifty-fourth, Fifty-sixth, Fifty-eighth, Seventy-seventh, Eighty-fourth, Ninety-third, Ninety-eighth, and One hundred and second Regiments of Infantry, Companies A and B, Fiftieth Infantry, and First Battalion of Artillery; total number of men..... 6,431

Grand total..... 38,028

Sixty-four regiments, one battalion, five companies.

In 1861, volunteers for three-years service were mustered in and left the State, the Second, Ninth, Fourteenth, Fifty-fifth, Seventy-ninth, and Twentieth Regiments of militia serving as the Eighty-second, Eighty-third, Eighty-fourth, Fifty-fifth, Seventy-ninth, and Eightieth New York Volunteers, respectively, six regiments.

NEW JERSEY.

The greater part of the four regiments composing the three-months volunteer militia were either militia organizations or the nucleus thereof. Very many of the companies that entered the three-years service in the early regiments were militia organizations.

PENNSYLVANIA.

Under the forms adopted during the late rebellion, the organized militia of this State went into the United States service as volunteers, and were numbered as volunteer regiments, and not as militia. The members of the militia companies and regiments in many cases volunteered in a body, so much so that all the militia of the State practically ceased to exist, owing to the members thereof being in the United States service.

OHIO.

In 1861 the National Guard of Ohio was not very efficient, but still they furnished some troops in the first three-months call in April, 1861, in all ten or twelve companies. They were among the first to offer their services, and many of them took part in the campaign of 1861, in Virginia, and participated in the first Bull Run fight.

There were also several two-gun batteries that went into the service and served in Virginia during the early part of the war; and one battery in particular was present and took part in the fight at Philippi, Va.

In the year of 1863 the National Guard of Ohio was organized under a new law, and in the summer of 1864 forty-three regiments, from the One hundred and thirtieth to the One hundred and seventy-third, inclusive, were mustered into the United States service and served for one hundred days.

In addition to this, during the summer of 1863, the militia rendered efficient service in what is known as the "Morgan raid" through Ohio, as hundreds of them were called into service at that date.

MICHIGAN.

It appears from the records and papers of the adjutant-general's office that the First (three-months) Regiment Michigan Infantry was composed of companies accepted from the State militia, and was the first regiment, fully armed and equipped, in uniform, to reach Washington from west of the Alleghanies.

It is true that a large proportion, perhaps a majority, of the men of this regiment, were recruits, but the fact remains that the several companies of this regiment offered their services as organizations, and that they were armed, uniformed, and drilled.

It is found by the report of the adjutant-general of this State, dated December 1, 1860, that there were twenty-eight companies of organized State troops armed with muskets, eight of these companies being also supplied with one piece of light artillery. It is a matter of record that each of these organizations offered their services, were accepted and mustered as rapidly as possible, although in most companies but few of the actual active members enlisted, the organizations being filled up with volunteers.

INDIANA.

In 1861 there was no law in this State providing for organization of a national guard, there being no statute except an obsolete law. There existed in the State in 1861 a number of uniformed companies, though without any special State recognition; of these the following-named companies, almost in a body, went into the service of the United States, to wit:

Indianapolis City Grays, Company A, Eleventh Indiana, Capt. (afterwards Maj. Gen.) R. S. Foster.

Fahnestalk Zouaves, Indianapolis, Company B, Eleventh Indiana.

Fort Harrison Guards, Company C, Eleventh Indiana, Terre Haute, Ind.

Vigo Guards, Terre Haute, Company D, Eleventh Indiana.

Indianapolis Zouaves, Capt. De Witt C. Rugg and Lieut. Dan McAuley, afterwards colonel Eleventh Indiana and brevet brigadier-general.

Company H, Eleventh Indiana, Capt. Fred Kneffler, afterwards Gen. Fred Kneffler, was organized from men left out of the other Indianapolis companies by reason of cutting down the strength of organizations after going into camp.

Montgomery Guards, Capt. Lew Wallace, afterwards Maj. Gen. Lew Wallace. Company I, Eleventh Indiana.

Indianapolis National Guards, Capt. George F. McGinnis, afterwards Brig. Gen. McGinnis, Company K, Eleventh Indiana.

Company G of the Eleventh was organized, I believe, from a small company at Ladoga and filled up by the overflow from Capt. Lew Wallace's company.

These companies went into the service with their officers before the President's proclamation, and took with them the larger majority of their members, though of course all the companies received some recruits.

The above-named companies, after the three months' service, furnished about 300 officers for their Indiana regiments.

ILLINOIS.

On the evening of April 15, 1861, the following dispatch was received:

WASHINGTON, *April 15, 1861.*

His Excellency RICHARD YATES:

Call made on you, by to-night's mail, for six regiments of militia, for immediate service.

SIMON CAMERON,
Secretary of War.

The great but humiliating event which immediately preceded this dispatch was the fall of Sumter, at noon, on the 13th of that month, on which day, for the first time since the organization of our Government, our national ensign was struck by traitors. The event and dispatch found our Government unprepared for war. Although secession ordinances had before then been passed by Southern States—although public property had been seized, in violation of law, and strange colors displayed over our Southern forts—although food and reënforcements for a beleaguered garrison had been driven back to sea, in January—yet our people could not easily realize that we were indeed in a state of civil war.

On the same day, April 15, 1861, a proclamation was issued by the governor convening the Legislature on the 23d, and the subjects named for its consideration were, as follows: "The more perfect organization and equipment of the militia of the State and placing the same upon a war footing, and to render efficient assistance to the General Government in preserving the Union, enforcing the laws, and protecting the property and rights of the people. And also to raise such money or other means as may be required to carry out the foregoing objects; and also to provide for the expenses of such session." Orders were issued for the immediate organization of six regiments, which were equipped and mustered into the United States service.

The following equipped organizations were immediately mustered into the United States service:

Brig. Gen. Swift and staff	14
Chicago Light Artillery, Capt Smith	150
Ottawa Light Artillery, Capt. Houghtaling	86
Lockport Light Artillery, Capt. Hawley	52
Plainfield Light Artillery, Capt. McAllister	72
Company A, Chicago Zouaves, Capt. Hayden	89
Company B, Chicago Zouaves, Capt. Clyborne	83
Capt. Harding's company	80
Turner Union Cadets, Capt. Kowald	79
Lincoln Rifles, Capt. Mihalotzy	66
Sandwich Company, Capt. Carr	102
Drum Corps	17
Total	908

Capt. Campbell's Ottawa Independent Artillery, with about 20 men and two 6-pounder cannon, joined the force about the 28th of April.

KENTUCKY.

The "Kentucky State troops proper" were never mustered into the service of the United States. They were, however, placed at the disposal of the Federal commander of the United States forces in Kentucky at that time, and for their actual service under him were paid by the State, the latter being reimbursed by the United States.

KANSAS.

Kansas not only furnished in volunteers for the United States Army during the war almost double her quota of men, but maintained a large and efficient militia, organized into companies and regiments, and that in response to a call upon Governor Thomas Carney by Maj. Gen. Curtis of the United States Army, then commanding this department, twenty-four regiments of Kansas State militia, numbering 13,000 men, were ordered into the field, and, under command of Gen. Deitzler, aided in driving Gen. Price and his army out of Missouri. This valuable service was recognized by the General Government and paid for out of the United States Treasury.

Though the above-mentioned service was the most important rendered the militia was several times called out to meet a foreign foe, as in the case of Quantrill when he destroyed the city of Lawrence.

MISSOURI.

There were practically no "militia" organizations in this State in 1861. What few there were were in St. Louis, and were captured and paroled by Gen. Lyon, May 10, 1861. A number of these men went into the Union Army afterward, and others went into the Confederate service. During the late flurry with Chile every organization in this State tendered their services as organizations, and could have gone to the front with full ranks within ten days.

During the delivery of the foregoing remarks the time of Mr. CUTTING was extended on request of Mr. LANE.

Mr. LANE. Mr. Speaker, I ask consent now that the gentleman from Georgia [Mr. WATSON] be allowed ten minutes to reply.

There was no objection.

Mr. WATSON. Mr. Speaker, if the view of the gentleman from California [Mr. CUTTING] were correct, there could be no objection to the passage of this bill. But I submit to the committee that the view he entertains is not correct; and I submit further that this bill reorganizes our militia simply on the national plan.

Now, to show what has been done let us see what was intended to be done. The committee in its report—as gentlemen will ascertain if they turn to Appendix L, on page 32 of the report—publishes a communication from the Adjutant-General of the Army, Gen. Kelton, and that communication is made by the committee a part of its report and made an exhibit as to the purposes of the bill. Let us see now what is disclosed in this communication as to the purpose aimed at. The Adjutant-General says this:

To legalize the National Guard and bring it under the control of the General Government can be accomplished only by and through a mutual agreement between the National Guard on the one hand and the General Government on the other. This bill is the proposed mutual agreement.

Now, if anything could be stronger than that language——

Mr. CUTTING. That is simply the opinion of Gen. Kelton.

Mr. WATSON. That is true; but he says this bill is for the purpose of carrying out that idea, and I submit that it does carry it out fully. It was put in for the purpose of carrying out the idea; and the gentleman from California in framing the bill has done precisely what he was expected to do, or otherwise he would not have the support of those gentlemen who are frankly disclosing their purposes through the medium of this communication of the Adjutant-General.

Mr. CUTTING. Will the gentlemen allow me a moment?

Mr. WATSON. Certainly, if it does not come out of my time.

Mr. CUTTING. The report of Adjutant-General Kelton is a report that was made to the Fifty-first Congress——

The CHAIRMAN. Does the gentleman from Georgia yield?

Mr. WATSON. I can not yield to the gentleman for an argument. I am perfectly willing to yield for a question, as a matter of course. But his reply is in the nature of an argument, and the gentleman will surely have an opportunity in his own time.

Mr. CUTTING. Very well; I have said about all I desire to say.

Mr. WATSON. That, Mr. Chairman, is the first point. Now let us examine this communication of the Adjutant-General a little further. He says:

Our 100,000 patriotic National Guard protectors are obliged to ask our citizens and State Legislatures for $2,000,000 each year to maintain them as military organizations. The $400,000 the General Government appropriates for their equipment, less than $4 for each man, not being sufficient to buy enough ammunition to make them good shots.

Mr. LANE. Will the gentleman yield now for a motion that the committee rise?

Mr. WATSON. Certainly.

Mr. LANE. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. DOCKERY reported that the Committee of the Whole House on the state of the Union having had under consideration the bill H. R. 7318 had come to no resolution thereon.

FUNERAL OF SENATOR KENNA.

The SPEAKER. The Chair is informed that it is the desire of those in charge of the funeral of the late Senator Kenna that the services shall begin in the Senate Chamber promptly at 1 o'clock. The order adopted by the House provides that this body shall leave its Chamber at five minutes before that time, but if there is no objection that order will be so modified as that we now proceed to the Senate Chamber to attend the funeral, the Chair being informed that the Senate is ready to receive us. Without objection, the House will at once proceed to the Senate Chamber.

There being no objection, the House (at 12 o'clock and 45 minutes p. m.), preceded by its Speaker, Sergeant-at-Arms, and other officers, left its Hall and proceeded in a body to the Senate Chamber.

At 1 o'clock and 48 minutes p. m. the House returned to its Hall, and the Speaker resumed the chair.

Mr. HOLMAN. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 1 o'clock and 50 minutes p. m) the House adjourned.

REPORTS OF COMMITTEES.

Under clause 2 of Rule XIII, Mr. BOATNER from the Committee on the Judiciary, reported the bill (S. 3537) for the relief of M. P. Deady; which was delivered to the Clerk, ordered to be printed, and referred to the Committee of the Whole House.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Claims was discharged from the consideration of the bill (H. R. 9499) for the relief of John H. Larkin, and the same was referred to the Committee on Appropriations.

BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills and a resolution of the following titles were introduced, and severally referred as follows:

By Mr. HARVEY: A bill (H. R. 10155) supplemental to sections 2387 and 2388 of the Revised Statutes of the United States and to authorize the entry of town sites in certain cases, and for other purposes—to the Committee on the Public Lands.

By Mr. BOATNER: A bill (H. R. 10162) to amend section 5171 of the Revised Statutes of the United States, and to increase national-bank circulation—to the Committee on Banking and Currency.

By Mr. CUMMINGS: A resolution to set apart Wednesday, February 8, for the consideration of bills reported from the Committee on the Library—to the Committee on Rules.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as indicated below:

By Mr. FITCH: A bill (H. R. 10156) for the relief of Garret P. De Hart—to the Committee on Claims.

By Mr. HARTER: A bill (H. R. 10157) granting an increase of pension to Andrew B. Keith—to the Committee on Military Affairs.

Also, a bill (H. R. 10158) for the relief of James Winbigler—to the Committee on Military Affairs.

Also, a bill (H. R. 10159) to establish the rank of Arza B. Gilson, of Havana, Ohio, as major of the One hundred and sixty-sixth Ohio Volunteers—to the Committee on Military Affairs.

Also, a bill (H. R. 10160) for the relief of Edmon Kiser—to the Committee on Military Affairs.

By Mr. OUTHWAITE: A bill (H. R. 10161) granting a pension to Alice K. Potter, widow of Gen. Joseph H. Potter, deceased—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BACON: Two petitions of citizens of New York, one of the United Presbyterian Church of Newburg, and the other of Rev. Joseph Greenleaf and others, relative to the closing of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. BELKNAP: Resolutions of the Ministers' Conference of Grand Rapids, Mich., against the repeal of the Sunday-closing act relative to the World's Fair—to the Select Committee on the Columbian Exposition.

Also, petition of the Fifth Reformed Church of Grand Rapids, Mich., asking Congress to abide by the action of last year and have the gates closed on Sunday—to the Select Committee on the Columbian Exposition.

Also, two petitions of citizens of Florida, one of A. Von Balson for the estate of Henry Von Balson, late of Duval County, and the other of H. J. Baker, for the estate of Cleophas H. Huot, of Nassau County, both praying that his war claim be referred to the Court of Claims under the provisions of the Bowman act—to the Committee on War Claims.

By Mr. BRECKINRIDGE of Arkansas: Petition of 24 citizens of Fort Smith, Ark., in favor of a constitutional amendment forbidding any State from passing a law respecting an establishment of religion, etc.—to the Committee on the Judiciary.

By Mr. BULLOCK: Resolutions of the Board of Trade of Jacksonville, Fla., protesting against indiscriminate immigra-

tion—to the Select Committee on Immigration and Naturalization.

By Mr. CASTLE: Petition of the physicians of Stillwater, Minn., in favor of an appropriation for the Pan-American Medical Congress—to the Committee on Appropriations.

Also, petition of citizens of Minnesota, against Government furnishing free envelopes—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Presbyterian Synod of Minnesota, against opening the Columbian Exposition on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. DOLLIVER: Petition of Rev. William A. Gibbens and others, against opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. EDMUNDS: Resolutions of citizens and ministers of Lynchburg, Va., against the repeal of the law of Congress closing the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. ENOCHS: Resolutions of the New York National Exchange, asking for the repeal of the law authorizing the purchase of silver by the Government—to the Committee on Coinage, Weights, and Measures.

By Mr. FITCH: Petition of Christina Flocken, asking for the passage of a pension in her behalf—to the Committee on Invalid Pensions.

Also, petition of Garrett P. De Hart, to accompany House bill—to the Committee on Claims.

By Mr. FITHIAN: Two petitions of citizens of Illinois, one of Jasper County and the other of Cumberland County, both relative to a combination between millers, railroads, and elevators for the purpose of depressing the price of wheat, and praying for a Congressional investigation—to the Committee on Agriculture.

Also, petition of the pastors and members of the various Protestant churches of Olny, Ill., against the repeal of the law by Congress closing the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. GREENLEAF: Resolutions of the German-American citizens of Rochester, N. Y., against the prohibition of foreign immigration and in favor of a strictly enforced national quarantine against cholera—to the Select Committee on Immigration and Naturalization.

By Mr. HARMER: Memorial of Rev. J. P. Duffy, of Philadelphia, and 330 of his congregation, protesting against the opening of the Columbian Exposition on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. HENDERSON of Iowa: Resolution adopted by the ministers at Cascade, Iowa, in opposition to the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, three papers of citizens of Iowa; one of S. H. Taft, of Humboldt; of Alfred S. Badger, of Hampton, and of George Earhardt, of Ackley; all against opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, memorial of the citizens of Elgin, Ill., in opposition to opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. HOOKER of New York: Petition of the New York Metal Exchange, demanding the repeal of the laws under which authority is given for the purchrse of silver by the United States Government—to the Committee on Coinage, Weights, and Measures.

By Mr. KRIBBS: Four resolutions of citizens of Pennsylvania, as follows: Resolutions of the United Brethren Church of Christ, of the Presbytertan Congregation of Corsica; of the Woman's Christian Temperance Union, of Center County, and of the Woman's Christian Temperance Union of Bellefonte, all against repealing the law closing the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of the Christian Endeavor Society of Bellefonte, Pa., against repealing the act closing the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. LODGE: Resolutions of the executive committee of the Drysalters Club of New England, favoring the repeal of the purchasing clause of the silver law—to the Committee on Coinage, Weights, and Measures.

By Mr. LOUD: Petition of the fruit-growers of California, in convention assembled, favoring the early completion of the Nicaragua Canal, to be controlled by the United States—to the Committee on Interstate and Foreign Commerce.

Also, petition of horticulturists of California, in favor of the establishment of a division of roads in the Department of Agriculture—to the Committee on Agriculture.

By Mr. OHLIGER: Protest of Hoperwill Presbyterian Church of Holmes County, Ohio, against the repeal of the Sunday closing law for the Columbian Exposition—to the Select Committee on the Columbian Exposition.

By Mr. PATTISON of Ohio: Five petitions of citizens of Ohio as follows: The petition of A. F. Leggett, of Decatur; of Irwin Snook, jr., and others, of South Lebanon; of McCampbell and others, of Troy; of Elize Pedrozet and others, of Mount Carmel; and of Rev. J. P. Shultz and others of Batavia; all against the repeal of the law closing the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Rev. S. D. Crothers and 75 others, of Ohio, against the repeal of the law closing the World Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. PEARSON: Petition of M. E. Stonbraker and 60 others, of Bethel, Belmont County, Ohio, against the repeal of the law closing the World's Columbian Exposition on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. PERKINS: Petition of the Clearing House Association of business men of Sioux City, Iowa, for the immediate repeal of the Sherman silver-purchase act—to the Committee on Banking and Currency.

By Mr. STAHLNECKER: Protest of the New York Metal Exchange, against the present silver laws, and demand of the repeal of the same—to the Committee on Coinage, Weights, and Measures.

By Mr. STUMP: Petition of the Slate Ridge Presbyterian Church of Delta, Pa., protesting against the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. TOWNSEND: Preamble and resolutions of the Trades League of Philadelphia and indorsed by the Denver Chamber of Commerce, in favor of a bill by Congress empowering the State Department to forward, free of charge to the sender, plates, books, etc.—to the Committee on the Post-Office and Post-Roads.

Also, petition of Richard R. Smith, relative to duties being collected on machinery for the manufacturing of sugar—to the Committee on Ways and Means.

SENATE.

FRIDAY, *January 13, 1893.*

Prayer by Rev. W. WALLACE ATTERBURY, D. D., of New York City.

The Journal of yesterday's proceedings was read and approved.

PRESIDENTIAL ELECTORS.

The VICE-PRESIDENT laid before the Senate communications from the Secretary of State, transmitting, in pursuance of the provisions of the act of Congress approved February 3, 1887, certified copies of the final ascertainment of the electors for President and Vice-President appointed in the States of New York and South Carolina, at the elections held therein on the 8th of November, 1892, as certified to him by the governors of those States; which were ordered to lie on the table.

EXECUTIVE COMMUNICATION.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury relative to the purchase of a site for an appraiser's warehouse and custom-house in the city of New York, under the act of September 14, 1888, and acts amendatory thereof; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

CREDENTIALS.

Mr. WHITE presented the credentials of Donelson Caffery, appointed by the governor of the State of Louisiana a Senator from that State to fill the vacancy occasioned by the death of Hon. Randall L. Gibson; which were read, and ordered to be filed.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the Board of Trade of Minneapolis, Minn., praying that the continued purchase of silver under the act of 1890 be repealed, since it "is a serious source of disturbance to our industrial interests and a menace to our sound financial standing;" which was referred to the Committee on Finance.

He also presented a petition of the Federation of Labor of Washington, D. C., praying for the passage of legislation prohibiting foreign immigration for the next five years; which was referred to the Committee on Immigration.

He also presented a petition of the Georgia State Sunday School Association, of Savannah, Ga., praying for the passage of legislation prohibiting the opening of the World's Columbian Exposition on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

He also presented the petition of B. L. Sutton and 16 other citizens of Adams County, Wash., praying for the passage of the Washburn-Hatch antioption bill; which was ordered to lie on the table.

He also presented a resolution adopted by the Democratic and Republican Territorial central committees in joint session held in Phœnix, Ariz., January 3, 1893, urging upon Congress the immediate admission of Arizona Territory as a State; which was referred to the Committee on Territories.

Mr. DAWES presented memorials of the Memorial Methodist Episcopal Church of Wilbraham; of the First Congregational Church of Wilbraham, and of the Worcester (South) Massachusetts Association of Ministers, all in the State of Massachusetts, remonstrating against the repeal of the act closing the World's Columbian Exposition on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

Mr. PEFFER. I present a petition numerously signed by citizens of Kansas, without naming the locality, stating that the device now in general use on the exchanges and boards of trade, known as selling short, enabling speculators to offer for sale quantities of grain and other farm products many hundred-fold in excess of the amount of such articles which are actually produced, has become so oppressive upon the producers, that they feel it their duty to call upon their Senators for the passage of the Hatch antioption bill as it passed the House of Representatives at its last session, and that they will feel grateful to their national lawmakers for the relief from such burdens. As the bill is now under consideration in the Senate, I move that the petition lie on the table.

The motion was agreed to.

Mr. PEFFER presented a memorial of the Marine Engineers' Beneficial Association, No. 35, and of the American Brotherhood of Steamboat Pilots, Harbor No. 15, of San Francisco, Cal., remonstrating against the passage of legislation granting American registry and license to alien officers heretofore employed on the steamships City of New York and City of Paris; which was referred to the Committee on Naval Affairs.

Mr. GALLINGER. I present a series of resolutions passed by the Board of Trade of Manchester, N. H., setting forth that whereas many billions of dollars have been expended for aqueducts, waterworks, sewers, telegraph lines, electric lights, and railways, and many hundred millions of dollars of the issues of securities for those purposes are held by the people of Europe who make gold a legal tender, and they have shown by a continued selling of our securities (thereby steadily diminishing our supply of gold) that they fear by a continued issue of silver certificates by our Government that the principal and interest of the securities held by them may be paid in a silver dollar of some 68 cents in value, they therefore resolve that they believe it for the interest of our people to suspend the issue of our currency based upon silver bullion or coin so as to restore confidence in our ability and intention to pay our securities in full valued dollars, and that they are in favor of the repeal of the Sherman act and opposed to the further coinage of silver dollars until the hundreds of millions now in the United States Treasury are used or placed in circulation.

I move that the resolutions be referred to the Committee on Finance.

The motion was agreed to.

Mr. STOCKBRIDGE presented memorials of W. M. Butler and other citizens of Martin, Mich.; of George H. French and other citizens of Homer, Mich.; of the Sunday School Association of Savannah, Ga.; of Mrs. Helen M. Thomas and other citizens of Albion, Mich., and of Rev. S. M. Welch and other citizens of Lakeview, Mich., remonstrating against the repeal of the present law closing the World's Columbian Exposition on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

He also presented a memorial of the Engineers' Beneficial Association of San Francisco, Cal., remonstrating against the passage of legislation granting American registry and license to alien officers heretofore employed on the steamships City of New York and City of Paris; which was referred to the Committee on Commerce.

He also presented a petition of the Board of Trade of Detroit, Mich., praying for the immediate completion by the Government of the Nicaragua Canal; which was ordered to lie on the table.

Mr. FRYE presented a petition of the Maine State Grange, Patrons of Husbandry, praying for the passage of the Washburn-Hatch antioption bill and the pure-food bill; which was ordered to lie on the table.

Mr. WILSON presented memorials of the Congregational Church of Atlantic; of the United Presbyterian Church and the Young People's Christian Union of Birmingham; of the pastors of the United Presbyterian, Baptist, and Methodist Episcopal churches of Goldfield; of the Plymouth Presbyterian Church of Akron; of the Methodist Episcopal Church of Akron, and of the Presbyterian churches of Laurel and Mariposa, all in the State of Iowa, remonstrating against any repeal of the law closing the World's Columbian Exposition on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

He also presented a petition of the Ministerial Association of Lisbon, Iowa, praying for the passage of legislation restricting immigration; for the submission of an amendment to the Constitution forbidding the States legislating for a union of church and state; that the sale of liquors be prohibited on the grounds of the World's Columbian Exposition, and remonstrating against any repeal of the law closing the Exposition on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

Mr. SHERMAN presented memorials of a union meeting of representatives of the Methodist, Protestant, and other churches of Richwood; of 31 citizens of Jamestown; of 17 Protestant churches of Toledo; of R. B. Reppard and other members of the Georgia State Sunday School Association; of 7 citizens of Knoxville; of 10 citizens of McConnelsville; of a union meeting of the First Reformed and United Presbyterian churches of Cincinnati; of the Christian Endeavor Union of Belle Center; of the First United Presbyterian Church of Bellefontaine; of the First Presbyterian Church of London; and a memorial of the Young People's Society of Christian Endeavor of Springdale; all in the State of Ohio, remonstrating against a repeal of the law closing the World's Columbian Exposition on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

He also presented a resolution adopted by the Democratic and Republican Territorial central committees, of Phœnix, Arizona Territory, urging the admission of Arizona Territory into the Union as a State; which was referred to the Committee on Territories.

He also presented a petition of the Monroeville (Ohio) Farmers' Institute Society, praying for the passage of the Washburn-Hatch antioption bill; which was ordered to lie on the table.

He also presented a petition of 62 citizens of Fitchville, Ohio, praying for the passage of legislation suspending immigration for one year, and also for the appointment of a commission to investigate foreign immigration into the United States; which was ordered to lie on the table.

Mr. HOAR presented memorials of the Brookfield Association of Congregational Ministers, of Worcester, Mass.; of the congregations of all the churches of New Mayville, Pa.; of the Methodist Episcopal Church of East Bridgewater, Mass.; of the members of the Congregational and Methodist Episcopal churches of Auburndale, Mass.; of the Congregational churches of Worcester, Mass., and of the Methodist Episcopal Church of Wilbraham, Mass., remonstrating against the repeal of the law closing the World's Columbian Exposition on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

He also presented a petition of the Merchant Tailors' Exchange, of Worcester, Mass., praying for the passage of House bill 8535, limiting the free entry of wearing apparel of foreign manufacture; which was referred to the Committee on Finance.

He also presented a memorial of the First Congregational Church of Wilbraham, Mass., remonstrating against the sale of intoxicating liquors on the grounds of the World's Columbian Exposition; which was referred to the Committee on the Quadro-Centennial (Select).

He also presented a petition of merchants of Salem, Mass., praying for the passage of legislation repealing the law for the purchase of silver bullion, commonly known as the Sherman act; which was referred to the Committee on Finance.

Mr. QUAY presented a petition of the Chamber of Commerce, of Pittsburg, Pa., praying for the repeal of the Sherman act of 1890; which was referred to the Committee on Finance.

He also presented memorials of the faculty and students of Westminister College of New Wilmington; of Oak Grove United Presbyterian Congregation of Butler County; of the Presbyterian Congregation of Columbia; of William T. Johnson and other citizens of Wilkesbarre; of the Presbyterian Church of Edinburg; of Seacock Presbyterian Church of Paradise, and the First Baptist Church of York, all in the State of Pennsylvania, remonstrating against the repeal of the present law closing the World's Columbian Exposition on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

He also presented a petition of the Chamber of Commerce of Pittsburg, Pa., praying for the passage of legislation placing the quarantine of New York and other ports under national control; which was ordered to lie on the table.

He also presented a petition of the mayor and council of Oklahoma City, Okla., praying for the passage of legislation appropriating the Oklahoma military reservation to Oklahoma City for school purposes; which was referred to the Committee on Territories.

Mr. VILAS presented a memorial of the union meeting for national thanksgiving, held at Lodi, Wis., November 24, 1892, remonstrating against the repeal of the present law closing the World's Columbian Exposition on Sunday, and thanking Congress for its passage; which was referred to the Committe on the Quadro-Centennial (Select).

Mr. VEST presented a memorial of the Merchants' Exchange of St. Louis, Mo., remonstrating against the passage of the Washburn-Hatch antioption bill; which was ordered to lie on the table.

He also presented a petition of the Merchants' Exchange of St. Louis, Mo., praying for the passage of legislation providing for the purchase of the Cherokee Strip and the opening of the land to settlement; which was ordered to lie on the table.

Mr. COCKRELL presented memorials of J. P. Fullerton, of Pleasant Hope; of Rev. A. L. Gridley, of Kidder; of Rev. R. W. Ely, of Neosho: of members of Benton family, of Lexington: of Rev. Frank Russell, of Center View; of Rev. J. N. Huggins, of Springfield; of Rev. Edgar A. Hamilton, of Springfield; of Rev. John F. Triplett, of Clayton; of M. Reed and other citizens of Center View, and of Rev. F. J. Leavitt, of Springfield, all in the State of Missouri, remonstrating against the repeal of the law closing the World's Columbian Exposition on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

Mr. COCKRELL. I present a petition of the Merchants' Exchange of St. Louis, Mo., praying for the passage of legislation providing for the purchase of the claim of the Cherokee Nation to the Cherokee Strip. This petition is similar to the one presented by my colleague [Mr. VEST]. I believe that the bill has already been reported from the Committee on Indian Affairs, and is now upon the Calendar, and I hope that the Committee on Indian Affairs will press the consideration of the bill at no distant day.

Mr. DAWES. I will state to the Senator from Missouri that the bill in reference to the Cherokee Outlet is in charge of the Senator from Connecticut [Mr. PLATT], and I know he and the Senator from Kansas [Mr. PERKINS] will engage the attention of the Senate upon the bill at the earliest possible moment.

The VICE-PRESIDENT. The petition will lie on the table.

Mr. WOLCOTT presented a petition of the Denver (Colo.) Chamber of Commerce and Board of Trade, praying for a national quarantine system; which was ordered to lie on the table.

He also presented a petition of the Denver (Colo.) Chamber of Commerce and Board of Trade, praying for the passage of legislation encouraging an interchange of trade between the United States and foreign countries; which was referred to the Committee on Finance.

He also presented a petition of the Denver (Colo.) Chamber of Commerce and Board of Trade, praying that the city of Denver, Colo., be selected as the headquarters of the Military Department of the West; which was referred to the Committee on Military Affairs.

He also presented the petition of J. W. McCullah and 19 other citizens of Delta County, Colo., praying for the appointment of a Senate committee to investigate the combine formed to depreciate the price of grain, and asking for the postponement of the Washburn-Hatch antioption bill until such committee shall report; which was referred to the Committee on Agriculture and Forestry.

Mr. JONES of Arkansas presented the petition of Mrs. E. L. Eblen, formerly Mrs. E. L. McElrath, of Tahlequah, Ind. T., praying for the passage of legislation authorizing the payment of the sum of $22,400 to her for the possession and use by the United States Army during the late rebellion of certain mill property located in Tennessee; which was referred to the Committee on Claims.

He also presented the petition of Frances E. Gale and J. S. Blackford, administratrix and administrator, respectively, of the estate of Capt. Charles Willey, deceased of San Francisco, Cal., praying for the passage of legislation authorizing the payment to them as the legal representatives of the deceased, the sum of $45,000, the same being the value of four vessels which were seized by the Federal Government during the war of the rebellion; which was referred to the Committee on Claims.

Mr. KYLE presented a memorial of the pastor and 140 members of the Baptist Church of Mitchell, S. Dak., remonstrating against the opening of the World's Columbian Exposition on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

Mr. PROCTOR presented a petition of the Board of Trade of Rutland, Vt., praying for the establishment of a national road department or the passage of such other legislation as will tend to promote the building and maintaining of improved highways in the United States; which was referred to the Committee on Interstate Commerce.

Mr. PETTIGREW presented petitions of M. Hoffman and 23 other citizens of Union County; of A. J. Robinson and 23 other citizens of Yankton County; of J. D. Conley and 22 other citizens of Union County; of G. U. Smith and 19 other citizens of Clay County; of J. N. Moore and 20 other citizens of East Fall River; of Frank Burleigh and 17 other citizens of Yankton County; of George Sawyer and 22 other citizens of Yankton County; of W. F. Shoop and 24 other citizens of Yankton County; of G. G. J. Peterson and 23 other citizens of Clay County, and of B. S. Pixley and 24 other citizens of Clay County, all in the State of South Dakota, praying for the appointment of a Senate committee to investigate the combine formed to depreciate the price of grain, and asking for the postponement of the Washburn-Hatch antioption bill until such committee shall report; which were referred to the Committee on Agriculture and Forestry.

Mr. WASHBURN presented a memorial of the Presbyterian Pastors' Association of Minneapolis, Minn., remonstrating against any repeal of the law closing the World's Columbian Exposition on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

He also presented a memorial of the Minneapolis (Minn.) Board of Trade, remonstrating against additional restrictions being placed upon the shipment of grain products to the northwest seacoast; which was referred to the Committee on Commerce.

Mr. HILL presented a petition of business men and citizens of Albany, N. Y., praying for the repeal of the Sherman silver act; which was referred to the Committee on Finance.

He also presented a petition of 121 members of the New York Cotton Exchange, praying for the repeal of the Sherman silver act; which was referred to the Committee on Finance.

Mr. HISCOCK presented a petition of the Chamber of Commerce of the State of New York, praying for the passage of legislation placing the quarantine at New York and all other places under national control; which was referred to the Committee on Immigration.

He also presented a petition of 121 members of the New York Cotton Exchange, praying for the repeal of the act of Congress known as the Sherman act; which was referred to the Committee on Finance.

He also presented a memorial of the Methodist Church of Ellington, N. Y., remonstrating against the opening of the World's Columbian Exposition on Sunday, and praying that the sale of intoxicating liquors be prohibited thereat; which was referred to the Committee on the Quadro-Centennial (Select).

He also presented a petition of the Merchant Tailors' Society of the City of New York, praying for the passage of House bill 8535, limiting the free entry of wearing apparel of foreign manufacture; which was referred to the Committee on Finance.

FUR-SEAL FISHERIES.

Mr. SHERMAN. I am directed by the Committee on Foreign Relations, to whom was referred the bill (S. 3629) to extend to the North Pacific Ocean the provisions of the statutes for the protection of fur seals and other fur-bearing animals, to report it without amendment. As this is a matter of considerable importance, I ask for the present consideration of the bill. In view of the meeting of the tribunal of arbitration to take place next summer in regard to the fisheries it is deemed necessary to have the bill passed, and I believe upon reading it there will be no objection to it. The bill is strongly recommended by the President of the United States and was prepared at the State Department.

The VICE-PRESIDENT. The Senator from Ohio asks for the present consideration of the bill. It will be read for information.

The Chief Clerk read the bill, as follows:

Be it enacted, etc., That whenever the Government of the United States shall conclude an effective international arrangement for the protection of fur seals in the North Pacific Ocean, by agreement with any power, or as a result of the decision of the tribunal of arbitration under the convention concluded between the United States and Great Britain February 29, 1892, and so long as such arrangement shall continue, the provisions of section 1956 of the Revised Statutes, and all other provisions of the statutes of the United States, so far as the same may be applicable, relative to the protection of fur seals and other fur-bearing animals within the limits of Alaska or in the waters thereof, shall be extended to and over all that portion of the Pacific Ocean included in such international arrangement. Whenever an effective international arrangement is concluded as aforesaid, it shall be the duty of the President to declare that fact by proclamation, and to designate the portion of the Pacific Ocean to which it is applicable, and that this act has become operative; and likewise when such arrangement ceases, to declare that fact and that this act has become inoperative, and his proclamation with respect thereto shall be conclusive. During the extension as aforesaid of said laws for the protection of fur seals and other fur-bearing animals all violations thereof in said designated portion of the Pacific Ocean shall be held to be the same as if committed within the limits of Alaska or in the waters thereof, but they may be prosecuted either in the district court of Alaska or in any district court of the United States in California, Oregon, or Washington.

Mr. TELLER. I should like to have the bill read again. I do not know exactly what it is.

Mr. SHERMAN. In view of the meeting of the tribunal of arbitration, of which the Senator from Alabama [Mr. MORGAN]

is a member, it is deemed necessary to give the President of the United States certain power——

Mr. COCKRELL. Mr. President, we can not hear anything going on in the way of an explanation.

The VICE-PRESIDENT. The Senate will be in order.

Mr. SHERMAN. Perhaps the shortest statement that could be made of the matter would be to read the brief report which embodies the message of the President of the United States, but I will state the substance of it.

In view of any judgment that may be made by the tribunal of arbitration next summer in respect to the sea-island fisheries it will be necessary to arm the President of the United States with power to issue a proclamation to extend the present law, which applies only to Bering Sea, to the North Pacific Ocean. That is the judgment of all parties who know anything about the subject-matter. The bill simply gives the President of the United States the power to extend the provisions of existing law over the North Pacific, because the real trouble in the seal fisheries is in the North Pacific. The bill is recommended very clearly and forcibly in the message of the President of the United States, and was prepared by the Secretary of State. It has met with the approval of every member of the Committee on Foreign Relations, and the necessity for its passage now is apparent to everyone, because whatever judgment may be rendered, that instant it will necessarily involve the exercise of this power.

Mr. TELLER. I certainly do not desire to antagonize the bill when I understand it, because, as the chairman of the committee has stated, the trouble in the preservation of seals is not in Bering Sea, but in the North Pacific Ocean; and although we may succeed in the arbitration in having it determined that we can protect the seals in Bering Sea, they will be utterly destroyed if we do not extend some protection to the seals in the North Pacific Ocean.

Mr. FRYE. There is no objection to the bill.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REPORTS OF COMMITTEES.

Mr. SAWYER. I am instructed by the Committee on Pensions, to whom was referred the bill (H. R. 6969) for the relief of Elisha Brown, to report it favorably, without amendment, and I ask for its immediate consideration.

Mr. VEST. I object to the consideration of the bill until we finish the morning business. I do not know anything about the bill, but we should proceed with the routine business.

The VICE-PRESIDENT. Objection is made by the Senator from Missouri, and the bill will be placed on the Calendar.

Mr. SAWYER, from the Committee on Pensions, to whom was referred the bill (H. R. 5705) to increase the pension of Amelia Graham, reported it without amendment and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 7099) granting an increase of pension to Samuel S. Anderson, reported it with an amendment and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 8925) to increase the pension of Harvey Lyon, reported it without amendment and submitted a report thereon.

Mr. PASCO, from the Committee on Claims, to whom was referred the bill (H. R. 915) for relief of the heirs of Noah Noble, deceased, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. 2281) for the relief of Miss Jane Linn, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. MCMILLAN, from the Committee on the District of Columbia, to whom was referred the bill (S. 3691) regulating the employment of certain persons in manufactories, workshops, and stores in the District of Columbia, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 3682) to narrow California avenue within Bellair Heights, District of Columbia, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, reported an amendment intended to be proposed to the District appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. MITCHELL. For the Senator from Virginia [Mr. DANIEL], who is necessarily absent from the Senate, I report back with amendments from the Committee on Claims the bill (H. R 1036) for the benefit of Logan, Simpson, Hardin, and Hart Counties and of the city of Louisville, Ky., and of Sumner and Davidson Counties, Tenn., accompanied by a written report.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had passed the following bill and joint resolution:

A bill (S. 3195) granting to the Yuma Pumping Irrigation Company the right of way for two ditches across that part of the Yuma Indian Reservation lying in Arizona; and

A joint resolution (S. R. 113) providing for the printing of the Agricultural Report of 1892.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H. R. 9824) to amend "An act to promote the construction of a safe deep-water harbor on the coast of Texas," approved February 9, 1891.

The message further announced that the House has passed the following bills, in which it requested the concurrence of the Senate:

A bill (H. R. 3591) to authorize the Norfolk and Western Railroad Company of Virginia to extend its line of road into and within the District of Columbia, and for other purposes; and

A bill (H. R. 10015) to authorize the construction of bridges across the Hiawassee, the Tennessee, and the Clinch Rivers, in the State of Tennessee.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (S. 118) for the relief of the estate of Isaac W. Talkington, deceased; and

A bill (S. 3623) to amend the act of March 3, 1873, for the relief of the Columbian University, in the District of Columbia.

BILLS INTRODUCED.

Mr. FRYE introduced a bill (S. 3706) providing for a commission on the subject of the social vice; which was read twice by its title, and referred to the Committee on Education and Labor.

He also introduced a bill (S. 3707) making an appropriation for establishing buoyage on the water front of Chicago, Lake Michigan, Illinois; which was read twice by its title, and referred to the Committee on Commerce.

Mr. WOLCOTT introduced a bill (S. 3708) granting a pension to Helen L. Dent; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MCMILLAN introduced a bill (S. 3709) granting a pension to John E. Burnes; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. WILSON (by request) introduced a bill (S. 3710) to incorporate the Chesapeake and Washington Underground Electric Railway Company; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. BERRY. The junior Senator from New Jersey [Mr. BLODGETT] was compelled to be absent this morning and requested me to introduce for him a bill and have it referred to the Committee on Military Affairs.

The bill (S. 3711) granting the right of way through the Arlington Reservation for railroad purposes, was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. HILL introduced a bill (S. 3712) to grant the right of way for electric railroad purposes through certain lands of the United States in Richmond County, N. Y.; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 3713) to provide an American register for the steam yacht Golden Fleece; which was read twice by its title, and referred to the Committee on Commerce.

Mr. DAWES introduced a bill (S. 3714) to ratify and confirm an agreement with the Comanche, Kiowa, and Apache tribes of Indians in Oklahoma Territory, and to make appropriations for carrying the same into effect; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. PROCTOR introduced a bill (S. 3715) to authorize the appointment of an associate professor of mathematics at the Military Academy; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. MORRILL submitted an amendment intended to be proposed by him to the District appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Appropriations.

Mr. HALE submitted an amendment intended to be proposed by him to the fortification appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

NICARAGUA CANAL.

Mr. MORGAN. I submit a resolution, and ask that it be printed and lie on the table, to be called up to-morrow.

The resolution was read, as follows:

Resolved, That the Committee on Commerce is instructed to inquire and report to the Senate the advantages, if any, that will accrue to the productions, industries, coastwise and foreign commerce, immigration, and other interests of the United States, by means of the additional facilities of transportation, and the reduction of the cost thereof that would be afforded by the building of a ship canal to connect the waters of the Atlantic and Pacific Oceans through Lake Nicaragua.

Mr. MORGAN. I shall call up the resolution to-morrow morning, and desire the opportunity to make a very few brief observations to the Senate upon it.

The VICE-PRESIDENT. Meanwhile the resolution will lie on the table and be printed.

DISTRIBUTION OF SOUVENIR COINS.

Mr. WILSON submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Treasury be directed to transmit to the Senate a copy of the opinion of the law officer of the Government for his Department under which he is disbursing the $2,500,000 in souvenir coins in aid of the World's Columbian Exposition, appropriated by the act of Congress approved August 5, 1892, and conditioned upon Sunday closing; and also to transmit a copy of such regulations relative to the issuance and delivery of said coins as he may have established in pursuance of said opinion.

PRINTING OF A REPORT.

Mr. HANSBROUGH. I move that the report of the subcommittee of the Committee on the District of Columbia on the Senate resolution directing an investigation of the garbage question in the District of Columbia be printed.

The motion was agreed to.

COINAGE OF SILVER.

Mr. MORRILL. I was requested in a note from the Senator from New Jersey [Mr. MCPHERSON] to ask that the joint resolution (S. R. 126) authorizing and directing the Secretary of the Treasury to suspend all purchases of silver bullion as provided in the act of July 14, 1890, be referred to the Committee on Finance.

The VICE-PRESIDENT. The joint resolution will be so referred if there be no objection.

Mr. STEWART. Is it proposed to call up the joint resolution?

The VICE-PRESIDENT. The Senator from Vermont [Mr. MORRILL] moves that the joint resolution be referred to the Committee on Finance.

Mr. MORRILL. I was requested by the Senator from New Jersey [Mr. MCPHERSON] to have it referred to that committee.

Mr. STEWART. I hope the joint resolution will not be referred. I know that several Senators wish to make some remarks upon it. I think after the Senator from New Jersey has made a speech on the joint resolution, and several Senators have signified their intention to reply to him, that to remove it from the Senate for the purpose of preventing a reply would not look well. I do not think the Senator from New Jersey would like to have that done.

Mr. MORRILL. I do not think there is any such purpose on the part of the Senator from New Jersey. He desired to have the joint resolution before the committee previous to its next meeting, and I ask to have it so referred.

Mr. STEWART. I hope it will not be referred until Senators have had an opportunity to reply to the Senator from New Jersey. When such measures are retained for the purpose of debate, after a speech has been made on them it is usual to give an opportunity to reply before they are referred.

Mr. MORRILL. The Senator will see that the amendment proposed by the Senator from Rhode Island [Mr. ALDRICH] is still before the Senate, and that brings up the whole subject.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Vermont.

Mr. STEWART. I suppose that the question of reference is debatable?

The VICE-PRESIDENT. It is.

Mr. STEWART. Upon that question I should like to make a few remarks. This is the most serious proposition that has been presented——

Mr. TELLER. I ask the Senator from Nevada to yield. I appeal to the Senator from Vermont to withdraw the motion. He knows very well that the joint resolution can not be referred this morning if persisted in, and there is no reason why it should be referred. The speech of the Senator from New Jersey has been made, and it is no more than fair that before the joint resolution goes to the committee somebody on our side shall have a chance to reply to him. The Senator knows that Senators wish to reply, and I think he should not desire a reference.

Mr. MORRILL. I do not insist upon my motion. I merely made it at the request of the Senator from New Jersey.

Mr. SHERMAN. If the Senator from Nevada will allow me a word, I will state that I myself do not see any special reason or any necessity for referring the joint resolution to the Committee on Finance before its next meeting. The Committee on Finance have three or four bills on the same subject-matter before them; but as the subject-matter will necessarily be considered by the Committee on Finance the Senator from New Jersey desired that his proposition should be considered at the same time. As a matter of course we would consider it anyway. It is a mere matter of form, and rather than now interject a debate upon the silver question inopportunely I hope that the request of the Senator from New Jersey will not be complied with.

Mr. HALE (to Mr. MORRILL). Withdraw the motion.

Mr. MORRILL. I have no objection to withdrawing the motion.

Mr. HARRIS. What is the motion of the Senator from Vermont?

The VICE-PRESIDENT. The motion has been withdrawn. The motion was that the joint resolution be referred to the Committee on Finance.

MEMORIAL ADDRESSES ON THE LATE SENATOR BARBOUR.

Mr. HUNTON. Upon consultation with my colleague [Mr. DANIEL] and at his request, I give notice that on Tuesday, the 24th instant, I shall ask the Senate to suspend its business in order that fitting tributes may be paid to the memory of my late predecessor in the Senate, Hon. John S. Barbour.

THE PRESIDENTIAL TERM.

Mr. PEFFER. I give notice that next Monday morning, as soon as the routine morning business is completed, I shall call up the joint resolution (S. R. 96) proposing an amendment to the Constitution of the United States, to limit the office of President to one term for each incumbent, and that I shall ask the Senate at that time to indulge me while I submit a few remarks upon the joint resolution.

PRINTING OF QUARANTINE BILL.

Mr. HARRIS. There has been no print of Senate bill 2707, the quarantine bill as passed by the Senate, and as there are a great many demands for copies, I move that the bill be printed as it passed the Senate.

The motion was agreed to.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had, on the 10th instant, approved and signed the following acts:

An act (S. 1831) to admit free of duty the wreckage of the ships Trenton and Vandalia, presented by the United States to the King of Samoa; and

An act (S. 3029) authorizing the construction of a bridge across the Columbia River, in the State of Washington.

The message also announced that the President of the United States had on the 11th instant approved and signed the following acts:

An act (S. 1786) granting a pension to Mrs. Jennie Gray;

An act (S. 2187) granting a pension to Margaret M. Rice; and

An act (S. 2593) granting an increase of pension to Samuel M. Campbell.

The message further announced that the President of the United States had, on the 12th instant, approved and signed the following acts:

An act (S. 317) granting an increase of pension to John M. Roberts;

An act (S. 2592) granting an increase of pension to William C. Tarkington;

An act (S. 2990) for the relief of George W. McKinney;

An act (S. 3048) granting to the Blue Mountain Irrigation and Improvement Company a right of way for reservoirs and canals through the Umatilla Indian Reservation in the State of Oregon; and

An act (S. 3314) for the relief of E. Darwin Gage, late lieutenant-colonel of the One hundred and forty-eighth New York Infantry.

HOUSE BILLS REFERRED.

The bill (H. R. 10015) to authorize the construction of bridges across the Hiawassee, the Tennessee, and the Clinch Rivers was read twice by its title, and referred to the Committee on Commerce.

The bill (H. R. 3591) to authorize the Norfolk and Western Railroad Company of Virginia to extend its line of road into and

within the District of Columbia, and for other purposes, was read twice by its title, and referred to the Committee on the District of Columbia.

REPORT ON LABOR IN EUROPE.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read:

To the Senate:

In response to the resolutions of the Senate, dated December 20, 1892, and January 5, 1893, respectively, I transmit herewith a report from the Secretary of State of the 10th instant, accompanying the reports of Mr. Walter T. Griffin, United States commercial agent at Limoges, France, and Mr. W. H. Edwards, United States consul-general at Berlin, Germany, which were called for by the aforesaid resolutions.

BENJ. HARRISON.

EXECUTIVE MANSION,
Washington, January 11, 1893.

Mr. CHANDLER. I move that the message and accompanying papers be referred without printing to the Committee on Immigration.

Mr. COCKRELL. Is there anything in the papers that ought not to be printed and made known to the public?

Mr. CHANDLER. Certainly not; but they are very bulky, and the committee propose to make a preliminary consideration of the question as to whether they shall be printed.

Mr. COCKRELL. If they are so bulky as appears, it is all right.

The VICE-PRESIDENT. The message and accompanying papers will be referred to the Committee on Immigration without printing.

ANNUAL REPORT OF THE BUREAU OF AMERICAN REPUBLICS.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Appropriations, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith for your information a letter from the Secretary of State, inclosing the annual report of the Bureau of American Republics for the year ending June 30, 1892.

BENJ. HARRISON.

EXECUTIVE MANSION, *January 13, 1893.*

WASHINGTON FREE PUBLIC LIBRARY.

Mr. WOLCOTT. I ask unanimous consent of the Senate for the present consideration of Order of Business No. 967 on the Calendar under Rule VIII. The reason for asking its consideration at this time (the bill being to establish a free public and departmental library and reading room in the District of Columbia) is that the library room is to be in the new post-office building, and it will be necessary for the architect of the building to make suitable preparations for its proper construction. The bill is accompanied by a short report, which explains its purport.

If the bill becomes a law no additional expense will be incurred by the Government of the United States except the expense of compensating two people to take charge of the books and the documents of the library, the books being those now received by the different Departments and surplus books in the hands of the Librarian of Congress. The Librarian of Congress strongly recommends the passage of the bill, which will relieve a great deal of the pressure now on the Congressional Library, and will get the books now in circulation in the different Departments altogether in one department. Each Department of the Government now has a library and reading room. These will be condensed into one library and one reading room.

While there is an appropriation for the compensation of two people to take care of the proposed library, yet the services of clerks in the different Departments, who now draw pay from the Government for taking care of the books of each Department, will be dispensed with; and upon the point of expenditure the Government will be the gainer. I ask that the report, which is very short, may be read.

The VICE-PRESIDENT. The bill will first be read for information.

The Secretary read the bill (S. 1491) to establish a free public and departmental library and reading room.

Mr. MORRILL. I am cordially in favor of a free public library for the District of Columbia, but I can not quite agree with the propriety of emptying all the departmental libraries and pouring them into one spot alone. Take, for instance, the Treasury Department. There is in that Department a very considerable and valuable miscellaneous library, where the large number of clerks there employed can go, take their books as they go home at night, and, after they read them, bring them back in the morning without loss of time. If they have to go to another public institution it will be necessary for those clerks to make two journeys.

Then it seems to me that nearly all of the Departments will have to keep up a library in consequence of the public documents which they require for constant usage. Therefore, while I am in favor of a free library for the District, I do not see the entire propriety of emptying the libraries of the various Departments. I am very sure it will impose a burden upon the employés of those Departments and a very considerable loss of time. I hope, therefore, that that part of the bill will be modified.

Mr. HALE. Mr. President, it struck me, as the bill was being read, that it involves a pretty large enterprise. It would seem to me from the provisions of the bill as the Secretary read them, that it inaugurates not only the removal of the small departmental libraries from the different departmental buildings to the city post-office, but establishes what will be in time a great public library here in Washington in addition to the Congressional Library proper.

I think, if that is the view of the committee which reports this bill through the Senator from Colorado, that he should state to the Senate what the scope of the bill is and whether it is the intention of the committee in the bill to lay the foundation of a great public library in addition to the Congressional Library; because, if that is done, it will not be a question of a few rooms or a limited space in one of the floors of the new post-office building, but this library will advance and aggrandize, and before many years will require a large proportion of the room of a very great building.

I do not say that it is not desirable that we should have such a library here for the departmental clerks and employés and for anybody else in the District, but it should be understood clearly that, when we embark upon all these great matters, the vast amount of room and the number of books which will be required should be anticipated by the Senate.

I thought also that I noticed a provision in the bill—perhaps I am wrong about that—which is rather a novelty, and that is, that provision should be made by messenger service for furnishing books to persons outside. That is a thing which the Senator, I hope, comprehends in its full extent.

If Congress is to incorporate such a provision into this bill for a public library for the citizens of this District and the departmental employés and clerks, and is also to send them books and take them back, as is done now in a limited way for Senators and Members of the House of Representatives, it will be a very great advance in expenditure; nobody will go to the library, but orders will be given for books; and a force of messengers will be engaged in carrying the books to the houses of the persons and returning them. It may be that that is desirable; it may be that the Senator has taken all this in view. If he has, I hope he will explain to the Senate, so that we may understand what we are doing when we adopt this bill.

Mr. WOLCOTT. Mr. President, I am very glad the Senator from Maine has asked the questions which he has. The committee which reported this bill through me very much hope that this will be the foundation of a creditable, an extensive, and fully equipped public library for the city of Washington. We have now no library whatever here. The Librarian of Congress is forbidden by law to issue the books of the Congressional Library except to officers and employés of the Government. The general public in Washington, the departmental clerks, and the citizens of the city have absolutely no access whatever to the public library of Congress, except as they call at the Library to read there the books within this building.

Mr. GRAY. If I may interrupt the Senator by asking a question. Is he not mistaken about that?

Mr. WOLCOTT. I think not.

Mr. GRAY. Is it not a fact that the citizens of Washington have on certain terms the right to procure books from the Library?

Mr. WOLCOTT. They may go into the Library and read the books.

Mr. GRAY. And take books out.

Mr. WOLCOTT. Oh, no. The Librarian is badgered day after day by eternal requests from the public that they may get books; but he is forbidden by law to let the books go out. We have to call for them; and when we do it we become personally responsible for the books, and we violate the law when we let other persons have those books in this city, which ought to be a center of culture and intelligence; but there is no public library here, and there should be one. I hope this will be the means at a moderate expense or at no expense at all of founding here what will eventually be a creditable library for Washington.

We start upon this basis: Almost every Department has now included within its buildings certain circulating library books, which have been gradually accumulated, not including the public documents to which the Senator from Vermont [Mr. MORRILL] referred, but different books and different periodicals which have been presented to it, and which are forwarded gratuitously and given to that Department. The scope and theory of

this bill is that we shall have all those books and periodicals put into one building. The Librarian of Congress has sent him additional copies of almost every book which is now published, which he can not now dispose of, nor can he give the public the benefit of them.

The intention of this bill is that such additional books as he can spare shall be given to this library; and I say again that the Librarian of Congress strongly urges the passage of this bill as relieving the Congressional Library from the constant demands upon it. The surplus books, not needed, are likewise to be sent to this library; there they are to be stored; and the library is to be open from 9 a. m. until 9 p. m., so as to give Department clerks out of hours a chance to use the books and use the reading room. There is no city in the United States approaching in population the city of Washington which has not already a public library.

We have not incorporated in this bill a provision that the books shall be sent for and called for, although that plan is now adopted by almost every city in the United States; but in order to meet the suggestion and criticism which the Senator from Maine [Mr. HALE] made, that the Department clerks would object, so far as they could, to the taking of their little circulating libraries from their buildings, we have provided that under proper regulations departmental messengers may call for and receive books, and deliver them at the various Departments. In other words, if an employé of the Treasury Department could not, if this bill became a law, go into his own library longer and get his books, he might, at proper hours and at a proper time—I suppose the clerks all sending together—send down and get what books were wanted and have them sent to the Department.

Mr. HALE. Not to their houses?

Mr. WOLCOTT. No; it is limited expressly to the Departments.

Mr. GRAY. Will it interrupt the Senator if I make a suggestion?

Mr. WOLCOTT. Not at all. I shall be very glad to hear the suggestion of the Senator.

Mr. GRAY. I sent to the Librarian to get a copy of the regulations.

Mr. WOLCOTT. I shall be glad if the Senator will read them.

Mr. GRAY. This is the regulation as to the loaning of books:

The Librarian may loan books to any person not a member of Congress upon deposit of the value thereof, such deposit to be returned on the return of the book or books to the Library.

The custom under that regulation is that if a person makes a deposit, say of $5, and lets it stay in the hands of the Librarian, without withdrawing the deposit, he may take the books out.

Mr. WOLCOTT. Will the Senator kindly send me the copy of the regulations?

Mr. GRAY. I will do so; but that is all there is on that subject.

Mr. WOLCOTT. That, of course, destroys entirely the object of the Library. The people who read books obtained from a public library can not, as a rule, afford to pay for them, and if you require a money deposit from people who can not get it, you destroy the object of a library; but, meanwhile, we have a building which at this time, without additional expense and without trenching upon anybody, can give room for these books; we have a chance of starting this library and gathering these books together, and it will be a very happy day for me, and I think for every member of the Senate, if we can in this simple way lay the foundation of a library which will be creditable to the city and may at some day be housed in a suitable building.

Mr. SHERMAN. I should like to have read the section which authorizes books to be transferred from the departmental libraries to the proposed library.

Mr. WOLCOTT. That will be found in the first few lines of section 3.

The VICE-PRESIDENT. The part of the bill referred to by the Senator from Ohio [Mr. SHERMAN] will be read.

The Secretary read as follows:

SEC. 3. That whenever provisions for the library are completed such books, periodicals, and papers as now belong to and are included in the circulating libraries of the several Executive Departments and offices of the Government in the city of Washington shall be transferred to the free public and departmental library and reading room, for its use, and it is hereby made the duty of the head of each Department, Bureau, or office in which a circulating library is maintained for the use of employés of the Government to deliver all such books, periodicals, and papers, without delay, to the free public and departmental library and reading room, and thereafter no circulating library but only such library as is required for its special official use shall be established or maintained by any Department, Bureau, or office of the Government in the District of Columbia.

Mr. SHERMAN. I suggest that an amendment ought to be inserted to allow the head of a Department to retain in the Department all such books as in his opinion are necessary for the information of the clerks or for the discharge of the public business. It is very clear that all the books should not be transferred, because, as I know, in the Treasury Department there are very valuable books, which are useful only to persons engaged in the kind of business dealt with in the Treasury Department. Such books ought not to be transferred. There ought to be some discretionary power in the head of a Department to say what books should or should not be transferred to the proposed public library.

Mr. WOLCOTT. I am very ready for such an amendment if, on reflection, the Senator from Ohio desires it. Inasmuch as the bill only provides for the transfer of such books as are now circulated in the Departments, it is safe to assume that the head of the Treasury Department, for instance, will not take a book wanted in that Department and permitted to have general circulation in the Department. This bill only calls for the transfer of such books as are now in the circulating libraries of the Departments, and if a book is now in such a circulating library and goes to the houses of the employés, it certainly ought to be in general circulation.

Mr. CHANDLER. Will the Senator read the clause?

Mr. WOLCOTT. Certainly.

That whenever provisions for the library are completed such books, periodicals, and papers as now belong to and are included in the circulating libraries of the several Executive Departments and offices of the Government in the city of Washington shall be transferred to the free public and departmental library and reading room.

Mr. SHERMAN. I think there ought to be an exception made of the books which are used for departmental purposes. Indeed the Departments encourage the use and study of many of those technical books by officers of the Government. They ought to be retained in the departmental libraries and there should be an exception as to them.

Mr. WOLCOTT. I suggest that they will be just as safe in the hands of the general public, if they are to be in circulation, as in the hands of clerks of the Departments, and if they are technical books, I do not know why they should be shut out from the use of the general public.

Mr. MORRILL. I suggest to the Senator from Colorado [Mr. WOLCOTT] that he accept the suggestion of the Senator from Ohio [Mr. SHERMAN], and insert the words "at the discretion of the heads of the Departments." Take the State Department, where there is a very unique library, which contains the biographies and speeches of most of the eminent men of the last century. There are many such books that the head of a Department would not like to have taken out. I hope, therefore, the suggestion of having the matter left entirely to the discretion of the heads of the respective Departments will be accepted by the Senator from Colorado.

Mr. WOLCOTT. I should be unwilling to make the exception as broad as that, for the head of a Department would naturally want to keep his library, and would not want to let anything go out if he could help it; but if we may have an amendment which will except books used and necessary for departmental purposes, and that will satisfy the Senator from Ohio, I shall be very glad that that may be added.

Mr. MORRILL. The suggestion of the Senator from Colorado that every head of a Department will be against the removal of the library now in his Department is at war with his other suggestion that all the heads of Departments have approved of the bill.

Mr. WOLCOTT. I refer, of course, to those in charge of the Department libraries. The clerks desire to have the conveniences of their own circulating libraries and the proposed library as well; but they ought to sacrifice something for the sake of the enlarged library facilities they will have.

I suggest to insert in line 5, of section 3, after the word "Washington," the words which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The CHIEF CLERK. In section 3, line 5, after the word "Washington," it is proposed to insert "except books used and necessary for departmental purposes;" so as to read:

That whenever provisions for the Library are completed such books, periodicals, and papers as now belong to and are included in the circulating libraries of the several Executive Departments and offices of the Government in the city of Washington, except books used and necessary for departmental purposes, shall be transferred to the free public and departmental library and reading room, for its use, etc.

Mr. MORGAN. I wish to inquire whether the Joint Committee on the Library have in any way been consulted about this bill?

Mr. WOLCOTT. It does not come within the province of the Joint Committee on the Library, on which I have the honor of serving, but it comes before the District Committee. It is a facility which is to be paid for half by the District and does not touch the province of the Committee on the Library, except so far, I may say to the Senator from Alabama, as the Congressional Library may be affected. But accompanying the bill is a report from the Congressional Librarian, to the effect that he

will be very glad to dispose of his surplus books and give them to a public library if one shall be established in Washington.

Mr. MORGAN. I should rather have the opinion of somebody else than the Congressional Librarian upon an important point like that. I do not think the Librarian, because he may want to get rid of the trouble of handling a lot of books, ought to dump them into some other place without the consent of the Joint Committee on the Library. If we are going to extract from the Congressional Library a very large amount of very valuable material and transfer it to a city library here, I do not think that Congress ought to act upon that until the Joint Committee on the Library has had a chance to examine this bill. I will therefore move the reference of the bill to that committee.

Before that motion is put, however, I ask leave to say a word. I wish to ask the Senator from Colorado whether this bill provides that all the people of the District of Columbia shall have free access to the proposed library?

Mr. WOLCOTT. It is for the purpose of giving to every citizen of the District of Columbia what no citizen now has, free access to a library, which shall comprise all the present departmental libraries and all the surplus books of the present Congressional Library which may be spared.

Mr. MORGAN. I should like to know something about what the cost of maintaining this new establishment is to be to the Government and to the District of Columbia.

Mr. WOLCOTT. Four thousand five hundred dollars a year, but relieving more than that amount by saving the employment of clerks now in the different Departments.

Mr. HOAR. If the Senator from Alabama [Mr. MORGAN] will yield to me one moment, I desire to make a suggestion to him. I think he is quite right in his view of the jurisdiction of the Library Committee of Congress, but I should like to suggest to him that his difficulty might be removed by adding to the fourth section, "the list of such books, however, being first approved by the Joint Committee on the Library of Congress." If the Senator from Colorado will accept such an amendment, that will so far remove the objection.

Mr. WOLCOTT. I shall be very glad to accept it.

Mr. MORGAN. As far as it goes it would.

I believe the Congressional Library ought to be open to the people of the District of Columbia. I do not see why, if the Government of the United States buys books with the people's money, the people can not be allowed to read them.

Mr. WOLCOTT. They do not buy the books.

Mr. MORGAN. The Government of the United States buys them.

Mr. WOLCOTT. The majority of the books are sent in exchange and received under the copyright law.

Mr. COCKRELL. Ten thousand dollars is appropriated every year for that purpose.

Mr. MORGAN. No matter how we get them, there is a $10,000 appropriation every year for the purpose of buying new books that we do not exchange. The cost and value of books we print and obtain in exchange for books that come into the Congressional Library must be very great. At all events, every part of this institution, except the self-executing part, the swapping of books, must depend upon the Treasury of the United States, and the people supply the money to that Treasury. I do not see, therefore, why it is that a member of Congress should have access to that Library while a citizen of the District of Columbia should not under proper regulations.

More than that, we pay the Librarian and his employés very good salaries for keeping that Library open about five or six hours in a day. That Library ought to be kept open until 9 or 10 o'clock every night, and it ought to be open every Sunday, so that the people who want to go there to read may go and inform themselves in regard to whatever they wish to study. The Government of the United States ought to pay extra compensation for the clerks who are detained there beyond the usual hours to keep that Library open. As it is now it is a sealed book; it is a dead letter; it is not anything of advantage or of value to anyone except to some literary investigator or explorer or to members of the two Houses of Congress.

I believe that all this difficulty could be removed by referring this bill to the Committee on the Library, to see if they can not be persuaded to have some relaxation in respect of the rights of the people of this District so as to permit them to go to that Library and get books, making it *sub modo* a circulating library, if you please.

But there is one other feature about this bill. The Government of the United States, in so far as the entire expenses have heretofore been incurred in maintaining the Congressional Library and also the libraries in the different Departments, many of which are very valuable indeed, has put up money and contributed the whole expense. There has been no complaint about that. It is true the people have been shut out from them, but I do not think that the taxes upon the people of this District at large should be increased for the purpose of enabling them to go to a public library to get books. I do not think that one-half of the expenses of this library system ought to be fastened down upon the people of this District.

Mr. WOLCOTT. May I ask the Senator a question?

Mr. MORGAN. Certainly.

Mr. WOLCOTT. Is the Senator of opinion that the citizens of a community should not be taxed to support a public library in any form, but should rely on voluntary subscriptions?

Mr. MORGAN. The citizens of this community ought not to be taxed, because they have had no voice in buying any of these books, have no ownership of them at all, and these books are contributions heretofore collected by the Government of the United States in the different departmental libraries. The people have not had to pay for them, they have got no property interest in them or no rights in them at all, and they ought not to be taxed for the maintenance of these other libraries.

The Government maintains the librarians and employés of the different Departments, and properly does so; and now to take that burden and shoulder half of it upon the people of this District, I think is simply a cruelty. I do not think it ought to be done. More than that, the drift of public sentiment and also of legislation is in the opposite direction. I understand, if I am correctly informed, that the schoolbooks which are used in the public schools in this District are supplied entirely at Government expense. While we are doing that and taking that direction, what is the reason that we should reverse our action now and take a different course in regard to supplying an opportunity to the people of this District to read books which perhaps they do not want to look at?

Why tax a man who drives a dray through the streets of this city every day, who can not read and write, to make him support a library which he can not have access to, and which he has no use for in the world? If the Government is going to do a decent thing, let us do it in a decent way; let us do as we have always been doing, take the expense of it upon the shoulders of the Government; make it a national institution; and let the Congress of the United States vote the necessary appropriations to keep it going.

I move the reference of the bill to the Joint Committee on the Library.

The VICE-PRESIDENT. The question is on the motion of the Senator from Alabama [Mr. MORGAN].

Mr. ALLISON. Before this amendment is disposed of, I desire to call the attention of the Senator from Colorado to what I think is a serious defect in this general plan, and that is the provision that this library shall be located in the new building which is now being constructed on the south side of Pennsylvania avenue between Eleventh and Twelfth streets. That building is being wholly constructed by the Government for a specific purpose, and every portion of it will be needed for that purpose. Now, to inject into a bill a provision that the entire plan and arrangement of a building, which is to cost two millions and a half of dollars, shall be adjusted so as to provide for a local library, seems to me to be a proceeding which will involve very great expenditure.

I should much prefer, if this bill is to pass—and I am in sympathy with those who desire the passage of some such bill—that there should be a spot of ground purchased and a library building erected for this purpose. It will cost the General Government and the District of Columbia a much less sum to do that than to rearrange a public building now in the course of construction to save the rental which we are now paying here, in the aggregate amounting to more than $130,000, and apportion it to the future needs of a library building. I shall, for one, not consent to that portion of the bill under any circumstances so far as my vote is concerned.

Mr. WOLCOTT. I am willing that the bill may be referred in view of the existing criticism to the Committee on the Library. I prefer, however, that it should not be referred to the joint committee, unless the Senator from Alabama or some other Senator insists upon it, because Senators know the difficulty of getting the joint committee together. The Senator from Indiana [Mr. VOORHEES] is aware of the great difficulty we encounter when we seek to have a meeting of the Joint Committee on the Library.

Mr. VOORHEES. To insure proper consideration of this bill, it is only necessary to refer it to the Senate Committee on the Library.

Mr. MORGAN. I will modify my motion to that effect, and move that the bill be referred to the Committee on the Library.

Mr. VOORHEES. Then it will receive proper consideration.

Mr. HOAR. Before the bill is referred I should like to move an amendment, so that it may go with the bill. I move to strike out in the second line of the fourth section the words "turn over

to" and substitute the words "deposit in." Then, I move to add to the fourth section these words:

The same or any of them be returned when required by the Joint Committee on the Library, and the list of books so deposited to be first approved by said committee.

This will put the whole power of transferring books from the Congressional Library in the hands of the committee. Of course, they will practically take the opinion of the Librarian.

Mr. WOLCOTT. I understand the bill has been referred to the Committee on the Library.

The VICE-PRESIDENT. The bill will be referred to the Committee on the Library, if there be no objection.

Mr. ALLISON. Before the bill is referred I should like to offer an amendment for the consideration of the committee, which shall provide for the erection of a building for the purposes of the proposed library in lieu of the suggested arrangement whereby the city post-office building is to be dedicated and devoted in part to that purpose.

Mr. WOLCOTT. I may say to the Senator from Iowa that what he says as to the needs of the new post-office building is in direct contradiction to the information which the chairman of the Committee on the District of Columbia has. It is a great, extensive building, never intended to be used entirely as a post-office, and we were assured there was ample room in it for the proposed library. Of course we have already a public library, but I think the Senator from Iowa must know that Congress will not pass a bill to erect another building for a library.

Mr. ALLISON. I do not know the source of the Senator's information, but I think I have as good knowledge on the subject of the aims and objects of that building as any gentleman either on this floor or off of it.

Mr. WOLCOTT. I think the Senator has better knowledge. I am only speaking of the information conveyed to the chairman of the District Committee.

Mr. ALLISON. Before the Committee on Appropriations recommended the construction of this building, we went into the whole question with the greatest care. I know perfectly well that there are people who have authority in this city in various ways who were not favorable to the construction of that building in its present form, but it was the purpose and object of Congress in authorizing its construction and providing appropriations for it, that it should be used for governmental purposes in the way provided for in the act of Congress, and for one, I shall not consent to its diversion, whatever may be the opinion of those who think otherwise.

Mr. CALL. Mr. President, before the bill is referred I wish to submit some observations.

I agree entirely with the chairman of the Committee on Appropriations [Mr. ALLISON], not only for the reason he stated, but also because the object of the bill of the Senator from Colorado [Mr. WOLCOTT] may be better attained by such an amendment to the law as will make the Congressional Library, for which a building is now being erected, open to the use of the public. The erection of a library such as is worthy of a great city is a matter of large expenditure, and you can not have a library which will be of any great value without incurring an expense ultimately and altogether of hundreds of thousands of dollars. This great Library Building is being constructed and ought to be made adequate for the uses of the whole nation and the people of the District of Columbia. The money which Congress appropriates can be much more wisely appropriated by providing for the extension of that Library. The building being now ample for all purposes, may easily be opened as desired by an amendment of the law to the use of the people of the District of Columbia.

Mr. COCKRELL. I simply want to emphasize what the Senator from Iowa [Mr. ALLISON] said. I apprehend when the post-office building is completed that Congress will have some control over it, and that it will use it for some other purposes than simply for a city post-office.

Before the bill is referred I wish to move to strike out of section 6 the words:

And provided further, That the regulations adopted shall include provisions for supplying employés of the several Executive Departments with books through accredited departmental messengers.

I do not know how many messengers it would take in each of the Executive Departments to accommodate all the men, women, and children who are in those Departments in going to and from this proposed library and carrying back and forth such books as might be wanted, but it would certainly be an enormous number. It would be simply treading back and forth from the Departments at the beck of this lady, at the beck of that man, and at the beck of this boy, to bring a book to a Department and take another back, and all that. I think it would be about the most ornamental and expensive portion of the whole concern, and I hope that provision will be stricken out.

Mr. WOLCOTT. I hope the bill will be referred.

The VICE-PRESIDENT. The bill will be referred to the Committee on the Library in the absence of objection.

Mr. TELLER. Mr. President, the bill which has been pending, I suppose is now disposed of.

The VICE-PRESIDENT. The bill is disposed of by its reference to the Committee on the Library.

WILLIAM M'GARRAHAN—VETO MESSAGE.

Mr. TELLER. Mr. President, the McGarrahan bill, which has been before the Senate in the morning hour, was the regular order on Wednesday morning after the routine business of the morning hour; but we had the sad announcement of the death of the Senator from West Virginia [Mr. KENNA], and, of course, yesterday we did no business. I ask now that the McGarrahan bill may be taken up on the same terms on which it was to have been taken up on Wednesday.

The VICE-PRESIDENT. In the absence of objection, the bill referred to by the Senator from Colorado [Mr. TELLER] will be regarded as before the Senate. The title of the bill will be stated.

The CHIEF CLERK. A bill (S. 1958) to submit to the Court of Private Land Claims, established by an act of Congress approved March 3, 1891, the title of William McGarrahan to the Rancho Panoche Grande, in the State of California, and for other purposes.

Mr. MILLS. I suggest to the Senator from Colorado that the Senator from West Virginia [Mr. FAULKNER], who has gone with the committee to attend the funeral of his late colleague, wishes to speak on this bill, and the venerable Senator from Vermont [Mr. MORRILL] also wishes to submit some remarks upon it. He is not yet prepared to proceed, and I ask unanimous consent for the consideration of the bill next Tuesday morning.

Mr. TELLER. I do not understand that the Senator from West Virginia desires to speak. He informed me he did not care to make any remarks on the bill.

Mr. MILLS. The Senator from West Virginia told me at one time that he desired to speak on the bill.

Mr. TELLER. I do not, of course, expect to insist on a vote until Senators have an opportunity to speak on the bill. If the Senator from Texas wishes to speak this morning, I certainly do not expect to ask for a vote until after he has been heard.

Mr. MILLS. I am perfectly willing to submit what I have to say this morning, but I was asking that the vote might be deferred until our venerable friend from Vermont [Mr. MORRILL], the father of the Senate, has had an opportunity to be heard upon the bill. He is not prepared to speak this morning.

Mr. MORRILL. I did not think in the first instance of saying anything on this subject. I have, however, concluded to do so; but I have been detained at my home for the last two days by a slight cold, and am not prepared to proceed now. I shall be ready on Monday to submit some brief remarks.

Mr. TELLER. I have no objection to the arrangement that the bill shall not be voted on until Tuesday next, as the Senator from Texas has suggested, but I wish that we should progress. If the Senator is ready to go on, perhaps he had better do so this morning; the Senator from Vermont can speak on Monday, and we will take the vote on Tuesday, if there be no objection.

Mr. MILLS. Mr. President, I had expected when the consideration of this bill began that I should vote for it when it came to its passage. I supposed it was a bill to submit the whole question to the investigation and determination of a court. The discussion of the bill, however, has caused me to investigate it for myself, and I have reached the conclusion that it ought not to pass. I will briefly submit to the Senate some of the reasons which have controlled me in reaching this conclusion.

The bill, in the very beginning of it, recognizes that there was a grant made by the Government of Mexico to Gomez, the vendor of McGarrahan. The report of the committee states the same fact, and all the arguments made by those who have supported the measure in the Senate maintain that the Government of Mexico granted the land in question to Gomez. If that be the fact, the bill states McGarrahan out of court, and he has no claim for the consideration of the legislative branch of the United States Government.

What can the Government of the United States do but part with its title to the grantee? I had supposed that McGarrahan had an inchoate title, a title which had to be perfected, a title which was in the process of being perfected when the separation of the sovereignty of the soil took place and passed from the Government of Mexico to the Government of the United States.

We are told that this claim is based on the treaty of Guadalupe Hidalgo, the treaty which was made when hostilities determined between the two republics; but the treaty of Guadalupe Hidalgo only reaffirmed a principle well recognized in international law, that when a territory changes its sovereign the rights of person and property are not disturbed by the change. This article in

the treaty was only placed there to quiet the alarm of those people who had been living under Mexican authority, to assure them that they should receive the same treatment under the United States Government which they would have received had they remained under their own Government, that is, security to person and property.

But we are told that this grant came with Gomez and with the Territory of California under the jurisdiction of the United States when this treaty was made and that the grant was perfected. There is, therefore, nothing for the Government of the United States to do but to protect the owners of that property in the peaceful enjoyment of it. If this bill is mistaken, if the report of the committee is mistaken, and if the arguments of the friends of the measure are mistaken, which assure the Senate that Gomez had a grant, and if it should turn out that he only had an inchoate title, then he has a right to come to Congress and ask it to perfect his right. Then it would be the duty of the United States Government to institute an investigation to see whether he is entitled to have the grant completed and the title vested in him.

It may be possible that this grant was issued on condition, because we know the Mexican Government and the Spanish Government did issue grants to large tracts of land on condition, sometimes of settlement, sometimes that the grantees would introduce families, sometimes upon cultivation—upon one condition and another. If such had been the case, it would have been proper for the Government of the United States to ascertain whether these conditions had been complied with, and if so, to have perfected the grant by investing Gomez with all the title the United States Government had.

Can the Government grant to McGarrahan that which McGarrahan already has in as full possession, in as full title now under the Mexican grant as he would have if the Government were to issue to him a patent? If two patents were to issue, if a hundred patents were to issue for that land, the title could not have been a particle stronger than it was when the sovereign first parted with its entire title and placed it in the possession of the assignee. If he had a grant from the Government of Mexico, it would be as valid as a patent from the United States, the only difference being that United States Government grants its titles on parchment and the Mexican Government grants its titles on paper. In the one case or the other, however, either government parts with all the title the sovereign has.

It is stated in the bill that McGarrahan comes to the Congress of the United States with a paper which invests him with all the title the Mexican Government had to the territory before it transferred it to the United States. What can we do? We are asked to warrant the title by this bill. What sovereignty ever warranted a title? Where has the Government of the United States or the government of any State having public lands ever warranted a title to an assignee? The sovereign only parts with what title it has, and if it has none the assignee takes none. If the sovereign has title the assignee takes such title, good, bad, or indifferent.

I have seen titles three deep in Texas, and so has my colleague doubtless. Spain issued titles to land in that territory before the separation of the Mexican Government in 1824; then the Mexican Government issued titles; subsequently the Republic of Texas issued titles, and after 1845 the State issued titles, for it is known to every one that the State of Texas reserved her public lands when she entered the Union. The Spanish Government and the Mexican Government were very generous indeed in giving away their land. They gave it in large quantities. The grantee would sometimes go out with a grant of 11 leagues of land and start at some beginning corner.

I remember one case in my own county where the first corner calls for 150 miles north of the San Antonio road. That was about as specific as almost any other portion of the grant. Perhaps they would fix a place on some stream, mark a tree or a rock, start by courses and distances, run a hundred yards or perhaps half a mile, and if Indians were in the neighborhood take up their compass and chain and go back 150 miles to the settlement they left. Then the surveyor by his fireside would make out the plat by courses and distances to take in a territory equal to 11 leagues of land, or whatever the body of land might be. Then their title would be sent to Matamoros or some other old town in Mexico, one delivered to the grantee and the other filed away in the government archives. There was no tracing or any map of the land embraced in the grant.

Then came the Republic, not knowing that the land had been separated from the public domain, and grants a league of land in accordance with the constitution of the 17th of March, by which the State promised every head of a family who was in Texas on the 2d of March, the date of our declaration of independence, a league and a quarter of land.

Mr. GRAY. Was it the Republic or the State of Texas?

Mr. MILLS. That was the republic. This head of a family gets his certificate and goes out on this domain of 11 leagues. He starts a point on the ground and perhaps is run away by the Indians, who were then all over the country. This man gets his title, however, by courses and distances. Then in 1845 and 1846, and subsequently, the State of Texas issued patents similar to those issued by the Government of the United States, and gave 640 acres of land to the head of a family who would go and settle there. They would make their lines showing the courses and distances. Then the patent is issued and there are three titles to the same piece of land, but I have never known in the forty odd years which I have lived in that State, that any of the junior claimants had ever come before the Legislature and asked the government to warrant the title when the government had issued three titles to the land.

No government issues anything but a quit-claim title; no government guarantees a title. It gives to the assignee what the government has got, and then leaves to the junior owners of title to these lands to go into court and litigate to see which is the best owner. Sometimes the courts have decided that the junior owner was the best; sometimes they have held that he was an innocent purchaser, without notice. When the owner of the senior grant has carried it in his pocket and refused to put it on the map, and refused to give notice to subsequent locators on the land, he was held to have lost it.

Mr. President, the whole substance of the bill pending before the Senate is to ask the Government of the United States to bind itself, perhaps the first time in its history, as a warrantor of a title; and to what extent? I do not know. I have heard it said that this bill will carry millions against the Government. I do not know whether it is thousands or whether it is millions, but when it is a mere bounty that Congress is going to vote, I think some one ought to know and some one ought to inform the Senate how much this bounty is which we are to pay to Mr. McGarrahan out of the pockets of the taxpayers of the United States. Why does he not go against the junior holders of these titles? Why does he not go with his grant, which he says he owns and which he has held for forty odd years from the Mexican Government, into the courts? The courts are open to him, as they are to every citizen of the United States, and have been all this time. The Government has given him open courts to hear his plea, to examine his complaints, and to render full and perfect justice to him. Why does he not go and hold the owners of the junior title responsible for the damages which they have done in taking the minerals out of the soil?

But, Mr. President, I shall not pursue that subject any further. The Government is asked and binds itself by the bill to hold itself responsible for all the minerals which have been taken during this long lapse of time out of the soil in the grant. I do not say that Mr. McGarrahan has no rights which ought not to be cared for; I do not say that he is not entitled to some relief from the Government, but I do say with the President that he is not entitled to the relief he seeks; and I say he is entitled to no relief if the statement made in the bill is true, that he has had all the Government could ever give him, the Government title to the land.

Mr. President, there is one other feature of the bill that I wish to notice briefly, for I am going to be very brief. The bill makes evidence of all the papers that are mentioned in the bill. It makes them evidence for the courts whether the evidence is legal or illegal, competent or incompetent, admissible or nonadmissible under the rules of law. If we are going to do that why not just say, "Mr. McGarrahan, your title is perfect; it is no use to go through with the forms of law; we acknowledge your claim, and appoint an auditor to state the account and ascertain how much the Government of the United States is liable, and then we will make an appropriation and pay you for it?" Listen to the terms of the bill. The second section provides—

That upon the trial of questions or issues arising on the hearing of said petition herein provided for the said court shall receive as evidence of said grant and boundaries thereof the original expediente presented by the said Gomez to the said Governor Manuel Micheltorena, and the diseño or map accompanying same, or a copy thereof, the depositions and other evidence produced before said Board of Land Commissioners, or copies thereof, and all depositions, proofs, testimony, or affidavits taken before any circuit or district court of the United States, in the State of California, or the clerks of such courts, or any commissioner appointed by said courts, or before any notary public, or before any committee of the Senate and House of Representatives of the Congress of the United States, or of any map or record of any Department of the Government of the United States, or of any act of Congress through which the aforesaid boundaries set forth in said expediente and the title to the said lands can be shown protected and established, or of any oral or written testimony or deposition or copies thereof, concerning said record touching said grant, etc.

The court has nothing to do with these papers but simply to admit the affidavits and *ex parte* statements whether legal or illegal. It is a fundamental principle in courts of justice established to enforce justice that both sides must be permitted to investigate; that the witnesses must be cross-examined, that

both parties must be heard; but here the old fundamental rule of justice is dispensed with by this measure, and we in Congress make the evidence, and there is nothing for the court to do but simply to make a decree five minutes after they take control of the cause.

This bill is simply to prepare the way for an auditor (for it acknowledges the liability of the Government of the United States) to state how many dollars we are to pay to Mr. McGarrahan for the minerals taken out of this land during the last forty or fifty years.

I am perfectly willing, Mr. President, to send Mr. McGarrahan into the courts of the United States, where the Government of the United States shall be represented by a district attorney, where the court is empowered to summon witnesses and compel their attendance, where he can be confronted with those who may testify against him, and the Government shall have compulsory process, as he shall have it, to bring all witnesses to give their testimony, where he shall have a jury trial; and then, when the judgment of that court shall be rendered against the Government of the United States, as far as the Government has any liability, I am ready to help to discharge that liability. But I shall not vote for a bill that confesses the Government of the United States is to be held as a warrantor to pay enormous damages, which may have been incurred during more than two generations by the junior occupant of a piece of land.

These, sir, are the reasons which I have thought proper to express to the Senate as my reasons why I can not support this measure.

Mr. TELLER. I suppose the bill will go over without any further action until Monday, and with the same understanding as before.

The PRESIDING OFFICER (Mr. PASCO in the chair). That will be the order in the absence of objection. The Chair hears none.

WILLIAM M. WATSON.

Mr. GORDON. If the matter which has been before the Senate is disposed of, I ask unanimous consent to call up a bill to pension a very old man. It has passed the other House, has been reported by the Senate Committee on Pensions, and I think there will be no objection to it. It is House bill 8038.

The PRESIDING OFFICER. The Calendar under Rule VIII being in order, the Senator from Georgia asks unanimous consent for the present consideration of the bill (H. R. 8038) granting a pension to William M. Watson, of Walker County, Ga. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll the name of William M. Watson, of Walker County, Ga., an invalid soldier of the Mexican war, having been a member of Company E, First Alabama Volunteers, 1846, and in consequence of his disability, arising from a wound received in the service, grants him a pension of $15 dollars per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES A. LANG.

Mr. SAWYER. I ask unanimous consent to call up the bill (S. 3670) granting an increase of pension to Charles A. Lang.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll the name of Charles A. Lang, who was a private in Company G, Second Regiment Dragoons, and served in the Florida war, was captain of Company G, Thirty-fourth Regiment Wisconsin Infantry, and served in the war of the rebellion, and to pay him a pension at the rate of $20 a month in lieu of the amount he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REMOVAL OF SNOW AND ICE.

Mr. HANSBROUGH. I ask unanimous consent to call up for consideration the bill (S. 2265) for the removal of snow and ice from the sidewalks, crosswalks, and gutters in the cities of Washington and Georgetown, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from North Dakota?

Mr. COCKRELL. Let the bill be read for information.

The PRESIDING OFFICER. The bill will be read.

Mr. HANSBROUGH. Several provisions have been stricken out by the Committee on the District of Columbia, and I think the Secretary had better read the amended bill.

Mr. COCKRELL. The Secretary has the amended bill before him. He will first read the original bill and then state the amendments of the committee.

Mr. HANSBROUGH. That course appears to me simply a waste of time.

Mr. COCKRELL. After he has read the original he will state the amendments?

The PRESIDING OFFICER. The bill will be read.

The bill was read, and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on the District of Columbia with amendments.

The PRESIDING OFFICER. The amendments will be stated in their order.

Mr. CALL. Mr. President, I submit that the provisions of the bill will prove very harsh to a great many poor people here.

Mr. COCKRELL. I suggest to the Senator from Florida to hear the amendments stated. I see there are a great many amendments reported. Let them be acted upon.

Mr. CALL. Very well.

The first amendment of the Committee on the District of Columbia was, in section 1, line 7, after the word "hours," to insert "of daylight;" in line 9, before the word "sidewalks," to insert "paved;" and in line 11, after the word "tenant," to insert:

And such owners or tenants shall, under a like penalty, within five days after notice so to do by the Commissioners, clean off and remove, or cause to be cleaned off and removed, all dirt, sand, gravel, or other refuse matter that may fall or be washed upon any paved sidewalk or alley inside of the cities of Washington and Georgetown.

So as to make the section read:

That the owner or tenant of each house or other building, or lot or lots of ground, in the cities of Washington and Georgetown, and in such other part or parts of the District of Columbia as the Commissioners of said District shall from time to time designate, shall within the first four hours of daylight after every fall of snow cause the same to be removed entirely from off the paved sidewalks opposite such house, building, lot, or land, under the penalty of $1 for each lot for every such neglect, to be paid by the said owner or tenant; and such owners or tenants shall, under a like penalty, etc.

The amendment was agreed to.

The next amendment was, in section 3, line 5, after the word "ice," to strike out "or both" and insert "or any dirt, sand, or gravel;" and in line 6, after the word "sidewalks," to insert "and alleys;" so as to make the section read:

That in case the owner or tenant of any house, lot, building, or land shall neglect to comply with any of the provisions of the preceding sections of this act, it shall be the duty of the Commissioners of the District of Columbia to cause the removal of snow or ice, or any dirt, sand, or gravel, from all paved sidewalks and alleys in the cities of Washington and Georgetown wherever there has been a failure on the part of the owner or tenant as aforesaid to remove the same, and the cost of such removal by order and under the direction of the said Commissioners shall be assessed as a tax against the property to which the sidewalks in question belong, for the purposes of this act, and the said tax so assessed shall be carried to the regular tax roll of the cities aforesaid, and shall be collected in the manner provided for the collection of other taxes.

The amendment was agreed to.

The next amendment was, in section 4, line 3, after the word "snow," to strike out "or rain which shall freeze;" in line 4, after the word "gutters," strike out "at the corners;" in line 5, after the word "crosswalks," to insert "to a width of 10 feet;" and in line 8, after the word "obstructions," to insert "and in case the crosswalks are covered with ice it shall be their duty to cause such crosswalks to be liberally sprinkled with sand or sawdust, or such other material as will insure safety to pedestrians;" so as to make the section read:

That it shall be the duty of the Commissioners of the District of Columbia, immediately after every fall of snow on the crosswalks or in the gutters, forthwith to cause the same to be removed from the said crosswalks to a width of 10 feet and from out of the said gutters to the breadth of 1 foot, in the said cities respectively; and the said crosswalks and gutters shall be kept clean and free from obstructions, and in case the crosswalks are covered with ice it shall be their duty to cause such crosswalks to be liberally sprinkled with sand or sawdust, or such other material as will insure safety to pedestrians.

The amendment was agreed to.

The next amendment was in section 5, line 3, after the word "immediately," to strike out "upon the commencement of a snow or sleet storm or," and insert "after;" in line 6, before the word "and," to strike out "under the circumstances," and insert "when funds are available;" in line 7, after the word "crosswalks," to insert "which may be used as thoroughfares;" in line 10, after the word "sleet," to insert "to a width sufficient to accommodate winter pedestrian travel;" in line 17, after the word "parks," to strike out:

Provided, That the compensation allowed in payment of the services of the persons employed by the superintendent of public buildings and grounds, as aforesaid, shall not exceed 50 cents per hour for each person while actually at work: *And provided further*, That one overseer for each public park within the cities of Washington and Georgetown may be employed by such superintendent of public buildings and grounds, at a rate of compensation not to exceed 75 cents per hour for each overseer while actually engaged in overseeing the work.

And in line 31, after the words "provided for," to strike out:

And if the work at any of the parks has not been performed in accordance with instructions, payment of the persons so engaged shall be withheld until such time as the work is properly and suitably performed;

So as to make the section read:

That it shall be the duty of the superintendent of public buildings and grounds in the District of Columbia, immediately after a fall of snow or

sleet, or as soon thereafter as practicable, to engage such assistance as he may deem necessary, when funds are available, and proceed to remove from all paved sidewalks or crosswalks which may be used as thoroughfares around, about, or through the public parks within the cities of Washington and Georgetown all accumulations of snow or sleet to a width sufficient to accommodate winter pedestrian travel; or in case the same be so congealed as to make removal by ordinary methods impossible, he shall cause such paved side or cross-walks to be liberally sprinkled with sand or sawdust or such other material as will insure safety to pedestrians who, in the lawful and legitimate pursuit of their respective avocations, find it convenient to pass around, about, or through said public parks; and it shall be the duty of the superintendent of public buildings and grounds, personally, or by deputy or deputies, to visit each public park in the cities of Washington and Georgetown as soon as possible after any snow or sleet storm, as aforesaid, and carefully inspect the work as herein provided for.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DEALING IN "OPTIONS" AND "FUTURES."

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7845) defining "options" and "futures," imposing special taxes on dealers therein, and requiring such dealers and persons engaged in selling certain products to obtain license, and for other purposes.

The PRESIDING OFFICER. The pending question is on the adoption of the amendment offered by the Senator from Louisiana [Mr. WHITE], on which the yeas and nays have been ordered.

Mr. CALL. Let the amendment be read.

The PRESIDING OFFICER. The amendment will be read.

The SECRETARY. At the end of section 2 it is proposed to strike out the following proviso:

Provided, however, That such contract or agreement shall not be made, settled for by delivery or settlement of differences, or by another mode of performance or settlement in or upon any board of trade, produce, cotton, hop, merchants', or other exchange, or other commercial association, or in any place or upon any premises where price quotations of said articles are announced, bulletined, or published, nor be subject to the rules or regulations of any such board, exchange, or other commercial association.

The PRESIDING OFFICER. The Secretary will call the roll on agreeing to the amendment.

The Secretary proceeded to call the roll.

Mr. HANSBROUGH (when Mr. CASEY'S name was called). I desire to announce that my colleague [Mr. CASEY] is paired with the Senator from Kentucky [Mr. CARLISLE].

Mr. DIXON (when his name was called). I have a general pair with the Senator from Mississippi [Mr. WALTHALL]. As he is not present, I withhold my vote.

Mr. HANSBROUGH (when his name was called). I announce my pair with the Senator from Montana [Mr. SANDERS]. I will also announce that I transfer that pair to the Senator from Nevada [Mr. JONES], who is absent, and will vote. I vote "nay."

Mr. HISCOCK (when his name was called). I am paired with the Senator from Arkansas [Mr. JONES]; otherwise I should vote "yea."

Mr. SAWYER (when his name was called). I am paired on the bill and all amendments with the Senator from Minnesota [Mr. DAVIS].

Mr. STOCKBRIDGE (when his name was called). I am paired with the Senator from Maryland [Mr. GIBSON].

Mr. WILSON (when his name was called). I am paired generally with the Senator from Georgia [Mr. COLQUITT], but I am informed that if present he would vote "nay" on the pending amendment, and I will therefore vote. I vote "nay."

The roll call was concluded.

Mr. DIXON. As I stated, I have a general pair with the Senator from Mississippi [Mr. WALTHALL], who is absent as a member of the committee appointed by the Senate to escort the remains of the late Senator Kenna to West Virginia. My colleague [Mr. ALDRICH] is absent unpaired. I transfer the pair I have with the Senator from Mississippi to my colleague, and upon this question I vote "yea."

Mr. MORGAN (after having voted in the negative). A pair has been arranged by which I am paired with the Senator from Virginia [Mr. DANIEL], and I withdraw my vote.

Mr. GORDON (after having voted in the negative). I voted inadvertently. I am paired with the Senator from Wyoming [Mr. WARREN].

Mr. COCKRELL. My colleague [Mr. VEST] has been called away for a short time to-day on business, and is paired with the junior Senator from Kansas [Mr. PERKINS]. I do not know how my colleague would vote on this particular amendment.

Mr. PLATT. My colleague [Mr. HAWLEY] is absent. Believing that he would vote "nay" if here, and as I should vote "yea," I announce a pair with him upon this vote.

Mr. GEORGE (after having voted in the negative). Does the Senator from Oregon [Mr. MITCHELL] know how his colleague [Mr. DOLPH] would vote on the pending amendment?

Mr. MITCHELL. He would vote "nay."

Mr. GEORGE. Then I will let my vote stand.

Mr. IRBY (after having voted in the negative). I have just noticed the absence of the Senator from New York [Mr. HILL]. I am paired with him and withdraw my vote.

Mr. MITCHELL (after having voted in the affirmative). I understand the Senator from Mississippi [Mr. GEORGE] has a pair with my colleague [Mr. DOLPH].

Mr. GEORGE. He has; but upon inquiry of the Senator from Oregon [Mr. MITCHELL] I understood his colleague would vote "nay" on the pending question. That is the way I have voted.

Mr. MITCHELL. Then, inasmuch as I vote the other way upon the question, I ask to have my colleague's pair transferred to myself.

Mr. GEORGE. Does the Senator from Oregon withdraw his vote?

Mr. MITCHELL. I will withdraw my vote.

Mr. GEORGE. That suits me very well. I will let my vote stand, and the Senator from Oregon withdraws his vote.

Mr. MITCHELL. I withdraw my vote, and announce my pair with my colleague [Mr. DOLPH].

The result was announced—yeas 10, nays 31, as follows:

YEAS—10.

Brice,	Gorman,	Quay,	Wolcott.
Cameron,	Hunton,	Vilas,	
Dixon,	Palmer,	White,	

NAYS—31.

Berry,	Dubois,	McMillan,	Shoup,
Butler,	Frye,	Morrill,	Stewart,
Call,	Gallinger,	Pasco,	Teller,
Carey,	George,	Peffer,	Vance,
Chandler,	Hale,	Pettigrew,	Voorhees,
Cockrell,	Hansbrough,	Pugh,	Washburn,
Coke,	Harris,	Ransom,	Wilson.
Dawes,	Kyle,	Sherman,	

NOT VOTING—45.

Aldrich,	Dolph,	Jones of Ark.	Sanders,
Allen,	Faulkner,	Jones of Nev.	Sawyer,
Allison,	Felton,	McPherson,	Squire,
Bate,	Gibson,	Manderson,	Stanford.
Blackburn,	Gordon,	Mills,	Stockbridge,
Blodgett,	Gray,	Mitchell,	Turpie.
Carlisle,	Hawley,	Morgan,	Vest,
Casey.	Higgins,	Paddock,	Walthall.
Colquitt,	Hill,	Perkins,	Warren
Cullom,	Hiscock,	Platt,	
Daniel,	Hoar,	Power,	
Davis,	Irby,	Proctor,	

The PRESIDING OFFICER. No quorum having voted, the roll will be called.

Mr. MITCHELL. How many are now required to make a quorum?

The PRESIDING OFFICER. Forty-four. The roll call will proceed.

The Secretary called the roll, and the following Senators answered to their names:

Berry,	Gallinger,	Mitchell,	Stockbridge,
Brice,	George,	Palmer,	Teller,
Butler,	Gorman,	Pasco,	Vance,
Call,	Hale,	Peffer,	Vilas,
Cameron,	Hansbrough,	Platt,	Voorhees,
Carey,	Harris,	Pugh,	Washburn,
Chandler,	Hiscock,	Quay,	White,
Cockrell,	Hoar,	Ransom,	Wilson,
Coke,	Hunton,	Sawyer,	Wolcott.
Dawes,	Irby,	Sherman,	
Dixon,	Kyle,	Shoup,	
Frye,	McMillan,	Stewart,	

The VICE-PRESIDENT. Forty-five Senators having responded to their names, a quorum is present. The roll will be again called on agreeing to the amendment proposed by the Senator from Louisiana [Mr. WHITE].

The Secretary proceeded to call the roll.

Mr. DAWES (when his name was called). I am paired with the senior Senator from Alabama [Mr. MORGAN] whenever he is out of the Chamber.

Mr. DIXON (when his name was called). I transfer my pair with the Senator from Mississippi [Mr. WALTHALL] to my colleague [Mr. ALDRICH] and vote "yea."

Mr. HARRIS (when his name was called). I am paired with the Senator from Vermont [Mr. MORRILL], but he and I voted the same way on the last roll call. I record my vote "nay," notwithstanding the pair.

Mr. HISCOCK (when his name was called). I am paired with the Senator from Arkansas [Mr. JONES].

Mr. IRBY (when his name was called). I am paired with the Senator from New York [Mr. HILL], but I transfer my pair to the Senator from Wyoming [Mr. WARREN] and vote "nay."

Mr. PLATT (when his name was called). Upon this vote I am

paired with my colleague [Mr. HAWLEY]. I should vote "yea" if he were present.

Mr. QUAY (when his name was called). I have a general pair with the Senator from West Virginia [Mr. FAULKNER], but I understand from the Senator from Minnesota, after conversation with the Senator from West Virginia, that I am free to vote upon the bill and amendments. I am in favor of the bill and will vote "yea" on the amendment of the Senator from Louisiana.

The roll call was concluded.

Mr. DAWES. I understand that the Senator from Alabama [Mr. MORGAN] would vote the same way I would on this question, and therefore I will vote. I vote "nay."

Mr. HUNTON. I wish to announce that my colleague [Mr. DANIEL] is paired on this vote with the Senator from Alabama [Mr. MORGAN]. If they were present my colleague would vote "yea" and the Senator from Alabama would vote "nay."

Mr. GRAY. I have a general pair with the senior Senator from Illinois [Mr. CULLOM]. If he were present I should vote "yea." I do not know how he would vote.

Mr. HIGGINS. I have a general pair with the senior Senator from New Jersey [Mr. MCPHERSON]. If he were present he would vote "yea," and I should vote "nay."

Mr. HISCOCK. I understand the Senator from Arkansas [Mr. JONES] would vote "yea" on the pending amendment, and as I would vote that way I will vote. I vote "yea."

The result was announced—yeas 15, nays 32; as follows:

YEAS—15.

Brice,	Gibson,	Mills,	Vilas,
Cameron,	Gorman,	Mitchell,	White,
Dixon,	Hiscock,	Palmer,	Wolcott.
Felton,	Hunton,	Quay,	

NAYS—32.

Allison,	Dawes,	Irby,	Sherman,
Berry,	Dubois,	Kyle,	Shoup,
Butler,	Frye,	McMillan,	Stockbridge,
Call,	Gallinger,	Pasco,	Teller,
Carey,	George,	Peffer,	Vance,
Chandler,	Hale,	Proctor,	Voorhees,
Cockrell,	Hansbrough,	Pugh.	Washburn,
Coke,	Harris,	Ransom,	Wilson.

NOT VOTING—39.

Aldrich,	Davis,	Jones of Nev.	Sanders,
Allen,	Dolph,	McPherson,	Sawyer,
Bate,	Faulkner,	Manderson,	Squire,
Blackburn,	Gordon,	Morgan,	Stanford,
Blodgett,	Gray,	Morrill,	Stewart,
Carlisle,	Hawley,	Paddock,	Turpie,
Casey,	Higgins,	Perkins,	Vest,
Colquitt,	Hill,	Pettigrew,	Walthall,
Cullom,	Hoar,	Platt,	Warren.
Daniel,	Jones of Ark.	Power,	

So the amendment was rejected.

The VICE-PRESIDENT. The question recurs on agreeing to the amendment proposed by the Senator from Virginia [Mr. DANIEL], to strike out section 10 of the bill.

Mr. WHITE. The Senator from Virginia is absent on official duty, and I ask that the amendment may lie over until his return.

The VICE-PRESIDENT. The amendment will lie over if there be no objection.

Mr. WASHBURN. I will consent to its lying over unless it is to delay action on the bill. Otherwise I shall ask for a vote upon it. It has been laid over once owing to the absence of the Senator from Virginia, and I hardly feel like letting action on the bill be delayed on that account.

Mr. HALE. Let the amendment be read.

The VICE-PRESIDENT. The amendment will be read.

The Chief Clerk read the amendment, which was to strike out section 10 as amended, as follows:

SEC. 10. Whenever any contract or agreement for the sale and future delivery of any of the articles mentioned in section 3 of this act shall be made, and the making thereof shall not be reported by the collector of internal revenue, as required by section 9, and it shall come to the knowledge of such collector, or he shall have reasonable cause to believe that the party by whom such contract or agreement was made as vendor was not, at the time of the making thereof, the owner of the article or articles which were the subject of, embraced in, or covered by such contract or agreement, and had not then acquired, and was not then entitled to the right to the future possession of such article or articles under and by virtue of a contract or agreement for the sale and future delivery thereof previously made by the owner of such article or articles, it shall be the duty of such collector to require the party who shall have made such contract or agreement as vendor to forthwith furnish to such collector proof of such vendor's ownership, or right or title to the future possession of the article or articles so embraced in or covered by such contract or agreement, and said party shall thereupon make, and file with such collector, an affidavit stating by whom the said article or articles were owned at the time said contract or agreement was made, and, if affiant was not at that time such owner, whether at the time of making such contract or agreement affiant was entitled to the right to the future possession of said article or articles, and how such right was acquired. Such affidavit shall also state the warehouse, elevator, or other place where said article or articles are stored, or, if the same be then in the possession of a vessel, railroad, or other carrier for transportation, the name of such vessel, railroad, or carrier, and the number and date of each separate bill of lading or receipt issued by such vessel, railroad, or carrier therefor, and the amount or quantity of such article or articles called for by such bill of lading or receipt; and such affidavit shall further state the amount or quantity of other articles of the kind embraced in and covered by such contract or agreement which said affiant is then the owner of, or entitled to the possession of, and any and all contracts or agreements which affiant may have made, and which are then outstanding and remaining uncanceled, for the sale and future delivery of any such article or articles of such kind. And said party is further required if demanded by such collector, to exhibit to the collector the original receipt of the warehouse or elevator where the aforesaid article or articles are then stored, or the bill of lading or receipt of the vessel, railroad, or other carrier having possession of said article or articles for transportation. And in case said party shall fail or refuse to make and file with the collector the said affidavit when so required, or shall fail or refuse to exhibit the said warehouse or elevator receipt or said bill of lading, when so demanded, such failure or refusal shall constitute and be deemed and held to be *prima facie* evidence than the contract or agreement so made by said party was a "futures" contract or agreement as described and defined in section 2 of this act, and said party shall thereupon become liable and be required to pay to said collector upon the article or articles which are the subject of, embraced in, or covered by such contract or agreement, the amount or amounts of special taxes imposed and required by section 4 of this act to be paid for and upon an article or articles of the same kind when sold under any "futures" contract or agreement; and if when such contract was made, the party making the same was not authorized, by a certificate issued to him under the provisions of section 5 of this act, to make "futures," contracts, or agreements, then said party shall also become liable and be required to pay the further sum of $1,000 prescribed by said section 5 of this act as a license fee for conducting the business of dealer in "futures."

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from Virginia.

Mr. WHITE. Do I understand the Senator from Minnesota to object to the amendment being carried over?

The VICE-PRESIDENT. That is the understanding of the Chair.

Mr. WASHBURN. I do not feel that the bill should be postponed. It has already been put over once on account of the absence of the Senator from Virginia. If there are any Senators prepared to go on with the discussion, of course I have no objection to the amendment going over further, but I do not feel that the day should be lost by having the amendment go over.

Mr. WHITE. Does the Senator from Minnesota understand that the Senator from Virginia is absent on official duty and the nature of the duty on which he is absent?

Mr. WASHBURN. Certainly, I understand it.

Mr. WHITE. Notwithstanding that, the Senator makes objection. Then I ask——

Mr. WASHBURN. Of course, when it is put on that ground I shall not object to the amendment going over. I recognize the courtesies of the Senate, especially on an occasion like the one on which the Senator from Virginia is engaged. At the same time I hardly think it is a fair way of dealing to have the discussion put over on a pretext of that kind. I shall not object under the circumstances to the amendment going over.

The VICE-PRESIDENT. The objection is withdrawn, and the amendment will lie over.

Mr. WASHBURN. I suppose the reading of the bill can proceed.

The VICE-PRESIDENT. The bill has been read at length. There are no pending amendments. The bill is before the Senate, as in Committee of the Whole, and open to amendment.

Mr. VILAS. I desire to offer an amendment to the bill. I move to amend section 2, after line 15, by inserting the following words:

And does not in good faith intend to purchase and deliver the articles contracted to be sold and delivered according to the terms and requirements of such contract.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Wisconsin [Mr. VILAS].

Mr. VILAS. Mr. President, it will be observed at once that the amendment proposes to distinguish, in accordance with some discussion which passed on the floor a few days since, those contracts which are undeniably legitimate, supported by the laws of every State and by a universal consensus of judicial opinion from those which are open to criticism and have sometimes been denominated on this floor as gambling contracts.

To state the proposition is to state all that I desire to say in support of it at this time. It will be observed that instead of drawing the line by the words of the amendment rigorously for the class of contracts stigmatized as gambling, I have drawn it most favorably to include them, so that in order that futures should be recognized as legitimate under the bill it will be necessary that it should be understood, or shown perhaps, that there was an intention in good faith to go into the market and purchase the articles for delivery. I do not see how the amendment can be justly objected to.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from Wisconsin [Mr. VILAS].

Mr. WOLCOTT. On that I call for the yeas and nays.

Mr. WASHBURN. I should like to have the amendment printed and go over until to-morrow so that I may consider it a little further. My impression is, from what I understand from the Senator from Wisconsin, that the effect of it would be to absolutely destroy the force and effect of the bill, but before

there is any vote upon it I should like to have time to consider it a little further and give Senators an opportunity to consider it further. I ask that the amendment be printed and go over until to-morrow.

Mr. BUTLER. I suggest to the Senator from Colorado to withdraw his demand for the yeas and nays if the amendment is to go over.

Mr. WOLCOTT. Very well.

The VICE-PRESIDENT. The Senator from Colorado withdraws his demand for the yeas and nays.

Mr. HARRIS. As the two amendments are going over to a future day, I ask the Senator from Minnesota if we may not devote the remainder of the day to the consideration of the Calendar under Rule VIII.

Mr. WASHBURN. I understand there are several Senators who desire to speak on this measure, and I see no reason why they should not go on this afternoon.

Mr. HARRIS. I think there are several Senators who desire to debate the bill, but it seems that no one is now ready to take the floor or proposes to do so. That being the case—of course I shall make no motion—I simply ask the Senator from Minnesota if we may not devote the remainder of the day to the Calendar under Rule VIII, in view of the fact that the two pending amendments have gone over.

Mr. WASHBURN. Senators have had about a year's time to prepare themselves on this question, and I hope the debate will be continued this afternoon.

Mr. WOLCOTT. I move that the Senate proceed to the consideration of business on the Calendar under Rule VIII.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Colorado [Mr. WOLCOTT].

Mr. WASHBURN. Upon that I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. DIXON (when his name was called). I transfer my pair with the Senator from Mississippi [Mr. WALTHALL] to my colleague [Mr. ALDRICH], and I vote "yea."

Mr. HARRIS (when his name was called). I am paired with the Senator from Vermont [Mr. MORRILL]. Not knowing how he would vote, I withhold my own vote.

Mr. SAWYER (when his name was called). I am paired on the bill and amendments with the Senator from Minnesota [Mr. DAVIS], but I have the right to vote to make a quorum. I vote "nay."

Mr. STOCKBRIDGE (when his name was called). I am paired with the Senator from Maryland [Mr. GIBSON].

Mr. WILSON (when his name was called). I am paired with the Senator from Georgia [Mr. COLQUITT], but I am satisfied that if he were present he would vote "nay." I will therefore vote. I vote "nay."

The roll call was concluded.

Mr. GORDON. I am paired with the Senator from Wyoming [Mr. WARREN].

Mr. GRAY (after having voted in the affirmative). When I voted just now I overlooked the fact of my pair with the Senator from Illinois [Mr. CULLOM]. I withdraw my vote.

Mr. PLATT. I am paired with my colleague [Mr. HAWLEY] on the bill, and therefore do not vote on the pending question.

Mr. GORDON. I have just been informed that the Senator from Wyoming [Mr. WARREN] if here would vote "nay." I therefore feel at liberty to record my vote "nay."

The result was announced—yeas 9, nays 36; as follows:

YEAS—9.

Dixon,	Hoar,	Mills,	Vilas,
Hill,	McMillan,	Palmer,	White.
Hiscock,			

NAYS—36.

Allison,	Dubois,	Jones of Ark.	Ransom,
Berry,	Frye,	Kyle,	Sawyer,
Butler,	Gallinger,	Mitchell,	Sherman,
Call,	George,	Morgan,	Shoup,
Carey,	Gordon,	Pasco,	Teller,
Chandler,	Hale,	Pettigrew,	Vance,
Cockrell,	Hansbrough,	Proctor,	Voorhees,
Coke,	Hunton,	Pugh,	Washburn,
Dawes,	Irby,	Quay,	Wilson.

NOT VOTING—41.

Aldrich,	Daniel,	Jones of Nev.	Stanford,
Allen,	Davis,	McPherson,	Stewart.
Bate,	Dolph,	Manderson,	Stockbridge,
Blackburn,	Faulkner,	Morrill,	Turpie,
Blodgett,	Felton,	Paddock,	Vest,
Brice,	Gibson,	Peffer,	Walthall,
Cameron,	Gorman,	Perkins,	Warren,
Carlisle,	Gray,	Platt,	Wolcott.
Casey,	Harris,	Power,	
Colquitt,	Hawley,	Sanders,	
Cullom,	Higgins,	Squire,	

So the motion was not agreed to.

Mr. WASHBURN. Upon a little further consideration I am satisfied as to the effect of the amendment proposed by the Senator from Wisconsin [Mr. VILAS], and I withdraw my request to have it go over until to-morrow and be printed. I ask for a vote on the amendment.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Wisconsin [Mr. VILAS].

Mr. MITCHELL. The Senator from Minnesota is not in favor of the amendment?

Mr. WASHBURN. I am not in favor of it because it would absolutely destroy the force of the bill.

Mr. VILAS. I should like to know how the amendment would destroy the force of the bill when it would only provide for contracts that are unquestionably legal and proper.

Mr. WASHBURN. It is a provision that would surely be evaded. Where it comes to the question of delivery it is as certain of evasion as any provision which could be put in the bill. I regard it as absolutely disastrous to the effect of the bill.

The VICE-PRESIDENT. Is the Senate ready for the question on agreeing to the amendment of the Senator from Wisconsin?

Mr. WHITE. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. HOAR. Let the amendment be again read.

The VICE-PRESIDENT. The amendment will be read.

The CHIEF CLERK. In section 2, line 15, after the word "thereof," insert "and does not in good faith intend to purchase and deliver the articles contracted to be sold and delivered according to the terms and requirements of such contract;" so as to read:

That for the purposes of this act the word "futures" shall be understood to mean any contract or agreement whereby a party contracts or agrees to sell and deliver to another or others at a future time, or within a designated period, any of the articles mentioned in section 3 of this act, when at the time of making such contract or agreement the party so contracting or agreeing to sell and make such delivery, or the party for whom he acts as agent, broker, or employé in making such contract or agreement, is not the owner of the article or articles so contracted or agreed to be sold and delivered, or has not theretofore acquired by purchase and is not then entitled to the right to the future possession of such article or articles under and by virtue of a contract or agreement for the sale and future delivery thereof previously made by the owner thereof and does not in good faith intend to purchase and deliver the articles contracted to be sold and delivered according to the terms and requirements of such contract.

Mr. WHITE. Mr. President, I do not think the full scope of the amendment is understood. Under all the judicial opinions now, the rulings of all the State courts and of the Supreme Court of the United States, where a contract for the future delivery of property is made that contract is a valid contract unless proof be made that both the parties to the contract did not intend to deliver. In other words, the contract is a valid contract and can be enforced unless the party assailing the contract makes proof not that one or the other but that both of the parties never intended to deliver. That is the present law as adjudicated by all the cases.

The amendment does not go anything like as far as the adjudicated cases. The amendment makes the contract valid provided the seller bona fide and actually intends to deliver; in other words, where it is a future contract, not the intention of both parties is necessary to an invalidity of the contract, but if the seller has not the actual and bona fide intention to buy and deliver then the contract is null. As the section makes future contracts null and makes this an exceptional case, it puts the burden upon the seller to show those facts.

I certainly do not understand that there would be any possibility of evading such a provision. I certainly do not understand that the objection of the Senator from Minnesota has any force as applied to this contract. Under the law as it now stands the burden is on the party attaching the contract, and the burden is on him not only to show it as to one party, but to show it as to both, whilst under the amendment the burden is on the seller of the property for future delivery to show, before the contract can become valid, that he had a bona fide intention to buy and actually deliver the property under the contract. I can not for the life of me see how the statement of the Senator from Minnesota is accurate.

Mr. GEORGE. Mr. President, I suppose I ought to beg the pardon of the Senate for obtruding upon it any further observations on the bill, but as the amendment if adopted would utterly destroy the bill, as the measure would be utterly worthless, I feel it incumbent on me to say a word or two in reference to it.

I should like to call the attention of Senators to an established fact in the testimony which has been taken in this case. What is called the future business of this country, so far as cotton is concerned, amounts to about 40,000,000 bales per year, taking the two exchanges of New Orleans and New York together. I have not my memoranda before me, and I speak in general terms. I have the exact amount of deliveries both in New Orleans and New York, but not anticipating a debate this morning, I have not the memoranda before me. I will state, however, that not more

than 270,000 bales were delivered in the year 1890–'91 in New York and not more than 13,500 bales were delivered in the city of New Orleans. So we are confronted with the fact in the beginning that as to that year about 36,000,000 bales of cotton were sold on future delivery, and less than 300,000 bales were delivered.

There is another point to which I desire to call the attention of the Senate. With a crop of 9,000,000 bales, taking not only that which was sold and delivered in the United States, but all that was exported to Europe and dealt with in the three exchanges there—Liverpool, Havre, and Bremen—taking all this together, without making any deduction for cotton which was exported, more than 4 bales to 1 of all the actual crop were sold. So it was impossible that there should have been a delivery; and, furthermore, it was impossible that the intelligent men engaged in these dealings should have contemplated that delivery should be made.

I desire to call the attention of the Senate to the great fact established by the evidence in this case, that four or five bales of cotton in the two exchanges of New York and New Orleans (leaving out the sales in Liverpool, Havre, and Bremen), were sold to one bale of cotton produced.

Now, I come to the next point. It is a remarkable fact, and I desire to call the attention of the Senate especially to it, that notwithstanding this large deficiency on the part of the crop to meet sales of "futures," nearly every man who was examined from the New York Exchange and from the New Orleans Exchange testified before the committee that every single bale of cotton of the 36,000,000 bales thus sold was sold under the contemplation of actual delivery.

Now, let us stop and mark the point there. If these honest and intelligent men (and I admit they are both honest and intelligent) could so warp their judgments, if they could so convince themselves as to a mere figment of the brain being a solid fact, then if we adopt the amendment how shall we ever be enabled to enforce the bill? They will all say, as they have said, that every single transaction was based upon the contemplation of an actual delivery.

Mr. President, I now go one step further. Having shown to the Senate that if the amendment is adopted it will be utterly impossible ever to enforce the bill effectually, and for that reason it ought to be voted down; now another point. Senators who advocate the amendment seem to think that Congress in suppressing this great evil ought not to touch a transaction which may be valid by the law of a State. It is well-settled constitutional law—settled by John Marshall and reiterated again and again by the decisions of the Supreme Court—that notwithstanding the transaction or the thing prohibited by Congress may be upheld by State law, if in fact the transaction be an interference with interstate or foreign commerce it is within the competency of Congress to make a regulation annulling that which is good under the State law. Though I did not intend to do it this morning, I believe I will read something from Chief Justice Marshall on that subject. Speaking of inspection and quarantine laws, Mr. Marshall, in Gibbons *vs.* Ogden, said:

> No direct general power over these objects is granted to Congress; and, consequently, they remain subject to State legislation. If the legislative power of the Union can reach them, it must be for national purposes; it must be where the power is expressly given for a special purpose, or is clearly incidental to some power which is expressly given.

Now, I call the attention of the Senate to the gist of the judgment given by Judge Marshall:

> It is obvious that the Government of the Union, in the exercise of its express powers, that, for example, of regulating commerce with foreign nations and among the States, may use means that may also be employed by a State, in the exercise of its acknowledged power; that, for example, of regulating commerce within the States.

So, if we establish the fact, as I think it has been abundantly established in this debate, that the bill is a regulation of interstate and foreign commerce, it makes no difference that in passing an effectual law upon the subject we are compelled to exercise a power and do a thing which otherwise would be within the jurisdiction of the States, for the reason that wherever Congress has a power delegated to it it has the delegation made in full and perfect terms. Wherever Congress has a power it may exercise it fully and completely, notwithstanding that in the exercise of the power it may do something which is in contravention of a State law upon the subject. That is settled. So the point made by the Senator from Louisiana that there are certain contracts which the bill condemns which are valid by the State laws is no objection to the passage of the bill.

Mr. WHITE. Will the Senator allow me to interrupt him a moment.

Mr. GEORGE. Yes, sir.

Mr. WHITE. I did not address the argument, in the few remarks I submitted, to the question of power. I was addressing it to the question of expediency.

Mr. GEORGE. Very well; we will go on, then, with the question of expediency. I have answered that in the first part of my argument. If you accept the evidence, you will, under the view which these men have sworn to, never be able to bring any contract whatever within the operation of this bill. I think I may go a little further on that, and when I have done so I will close.

I mean now to say, and I challenge contradiction, that every single contract for futures made in the Cotton Exchange of New York, by the rules of that exchange—and every one of them is made subject to the rules of that exchange—is a gambling transaction. I make that out, Mr. President, by a very short statement of the rules of that body.

In the first place, as is well known and I read here some days ago, the form of the contract established by the New York Exchange as well as the New Orleans Exchange requires that every contract for futures shall be made in specific form, which is set out, and lest there should be some means of escape it is further enacted in the rules of the Exchange, that when the contract is verbal it shall be understood to have been made in the form prescribed by the rules and by-laws of the exchange.

What next? When an outsider, who is not a member of the exchange, gives an order to a member of the exchange to buy or sell futures for him, he is required to give it in a form which I will read to the Senate. I read from rule 1 of the New York Cotton Exchange:

> Every order, given to a member of the New York Cotton Exchange, to buy or sell a contract for the future delivery of cotton as agent or broker of the party giving the order, shall be in the following form.

Now I will read the form:

> Subject to the rules and by-laws of the New York Cotton Exchange, make for my account, and as often as cancelled, replace a contract for the sale [purchase] of 100 bales of cotton deliverable [receivable] in—
>
> A named month.

So not only the members of the exchange are bound by the rules, but every citizen of the United States before he can give an order to a member of that exchange to buy or sell for him—remember he can not do that himself unless he is a member of the exchange—must himself submit in writing that his contract shall be subject to the rules and orders of the New York Cotton Exchange. That brings every transaction within the rules of the New York Cotton Exchange.

I have a case before me from a very respectable court, the supreme court of the State of Illinois, to wit, the case of Lyon & Co. *vs.* Culbertson, Blair & Co., which is in print. I shall not read the case to the Senate, but I assert that the syllabus made by the reporter, which I shall now read to the Senate, is a correct statement of the decision of the court.

> A contract for the sale of wheat in store, to be delivered at a future time, which requires the parties to put up margins as security, and provides that, if either party fails, on notice, to put up further margins according to the market price, the other may treat the contract as filled immediately, and recover the difference between the contract and market price, without offering to perform on his part, or showing an ability to perform, is illegal and void, as having a pernicious tendency.

In that case, I might explain to the Senate, there was a contract made for future delivery of wheat in the Chicago Exchange, and the condemnation of the contract came from a rule of the exchange in Chicago, which is inserted in the report. Now, let us see if the New York Exchange has not a similar rule:

> If any party fails to deposit any margin called for in accordance with the contract and rule 3 the other party may close the contract at his option by giving written notice of his decision to do so. The party in default shall then account to the other party for the difference between the contract price and the average quotations of the cotton exchange for that day for like deliveries, with an allowance against the defaulting party of .02 cents per pound.

If that be good law, and I believe it is, this provision of the rules of the New York Cotton Exchange, which allows men who have traded and when the opposite party has failed to put up the margin, as required, to treat the contract as at an end and recover the difference, stamps every contract made in the New York Cotton Exchange as a gambling transaction. Is there any answer to that?

So, sir, I object to this amendment on two grounds: First, if there be any contracts which are legal and valid according to the laws of the State, they constitute, as I understand the Senator from Louisiana now to admit, no valid objection in a constitutional point of view to the passage of the bill; next, if we adopt it, taking this book, to which I invite the attention of Senators, containing the reports of the Senate and the House committees and the evidence taken, we shall find that nearly every one of these dealers representing these exchanges, notwithstanding the facts to which I have alluded, notwithstanding the provisions to which I have called the attention of the Senate, state that these contracts contemplate actual delivery, and if you will put the provision on the bill, I should like to see how you could enforce any law we might pass upon the subject. Admitting the contracts to be valid, it constitutes an insuperable objection, and makes the bill utterly futile; but, in addition to that, under

the rules of the New York Cotton Exchange, not a single contract made there is free from the taint of illegality on the ground of its being a gambling contract.

Mr. HOAR. Before the Senator from Mississippi sits down I wish to put to him a question in reference to his citation of Gibbons *vs.* Ogden. I do not speak now of interference with national instrumentalities of government, like license laws or agencies of government. Does the Senator conceive that there is any transaction performed in the course of State commerce which may be made illegal and punishable by an act of Congress as an interference with commerce, international or interstate, which is not equally illegal as an interference with international or State commerce without the act of Congress?

Mr. GEORGE. I do not know that I exactly comprehend the question of the Senator, but I will state that there are two ways in which an act may be an obstruction to interstate or foreign commerce. I do not want to go into that to-day largely, but I will show, as I have stated on a former occasion, that Congress, under its power to regulate commerce, has solely the power to determine what is and what is not a proper regulation of commerce.

It may happen that the States may exercise certain powers, which may to some extent interfere with interstate and foreign commerce, not because they are the exercise of that power, but because in the exercise of a police power they may do something which interferes with it, in the absence of regulation by Congress; yet when Congress speaks that regulation falls. An instance of that is found in the case of Gilman *vs.* The Mayor of Philadelphia, where a bridge was erected across the Schuylkill River, which interfered with the navigation of the river, was held to be a proper exercise of State power until Congress acted. So I believe in the case of Blackbird Creek Marsh Company similar doctrine was held. It is true, therefore, that certain things may be done under the authority of a State which, in the absence of regulation by Congress, may be good and valid; yet when Congress acts they cease to be good and valid.

Mr. HOAR. Mr. President, the Senator has not answered the question which I proposed to him, as I understand him. I was not speaking of the limits of affirmative legislation by a State to authorize acts, which, until Congress prohibited them, should be treated as valid. I was not speaking of that class of acts, whether attempted to be justified under State legislation or not, which are invalid as being obstructions to national commerce, foreign or interstate. I was speaking of those transactions done by individual citizens which are interferences with foreign commerce. For instance, the obstruction by a citizen of the entry into this country of persons from abroad, or the obstruction by a citizen of the bringing of goods into this country by persons from abroad, or the doing of acts like those, which have been held to be illegal by the Supreme Court as being in the nature of immoral contracts or contracts contrary to public policy, which, being performed in regard to foreign commerce, would be held void by national authority without an act of Congress, and which also might be punished with it.

What I want to know is, if the Senator can conceive of any act which can be done by a citizen which would not be held void by the courts as contrary to public policy or as immoral or as illegal or as obstructing national commerce, which can be avoided by an act of Congress? In other words, can the Senator conceive of a case where a court would say such an act is perfectly lawful and harmless notwithstanding it interferes with foreign commerce if there was not any act of Congress? Where the act of Congress simply declares the fact to be otherwise, would that alter the judgment of the court?

Mr. GEORGE. There are numerous acts which may be done by private citizens which would be proper and lawful in themselves, and which Congress may declare unlawful in the regulation of interstate commerce. In the interstate commerce law Congress denounces as illegal and as an interference with interstate commerce, a contract for the pooling of freights between independent and competing lines.

Mr. HOAR. That was an act in interstate commerce and not in State commerce.

Mr. GEORGE. No, sir; I do not want to go into that, but I will undertake to show that the pooling referred not only to freights earned in interstate commerce, but to all freights, those earned in interstate and also those earned in commerce purely internal. That is a case of contract. Take another case——

Mr. HOAR rose.

Mr. GEORGE. The Senator will pardon me a moment.

Mr. HOAR. I want to call the Senator's attention to the particular point he is leaving, but I will not interrupt him.

Mr. GEORGE. The Senator asked me to point out acts which citizens may lawfully do under the State law and which Congress may condemn in the exercise of its power to regulate interstate commerce. I should suppose that any citizen has a natural right to make a steamboat boiler under the common law and under the laws of the State—I do not know of a single State which prohibits him—out of any kind of iron which he may see proper to use; and yet Congress has said that that steamboat boiler shall only be made out of a specific kind of iron. Is not that an answer to the Senator? There is an act of a private citizen in the pursuit of his private business which he may lawfully do according to the State law, and yet he is prohibited from doing it by an act of Congress.

I take it that those two instances answer the objection made by the Senator.

Mr. HOAR. Mr. President, the Senator from Mississippi answers my question by stating cases which are acts done by a citizen in relation to national commerce. His last answer to my question would have been a parallel one if Congress had undertaken to prohibit the entire manufacture of steamboat boilers, except of a particular pattern, although they were to be used exclusively in plying on a river within the limits of a single State and never used for the transportation of passengers or freight from State to State. So of the first illustration of the Senator in regard to pooling.

Does the Senator claim in regard to either of his illustrations that Congress could have said because of the pooling of two railroads both leading from Boston to Worcester in Massachusetts, and prohibited by their charter from carrying passengers or freight, that it would go any further; that because that was an evil example to mankind and induced railroads engaged in international commerce to follow their example and do it there, they could prohibit the pooling by State corporations? Does the Senator from Mississippi conceive that it would be in the power of Congress to pass an act regulating all the transactions of the street railways of the city of Worcester, Mass., because the forming of the gambling habit and speculating in those stocks was likely to establish habits of gambling and speculation in regard to stocks of the railroads leading from Chicago to San Francisco?

This is not the case which the Senator and the Senate are now dealing with, of Congress having the right to determine that a bridge over a particular creek or river which is navigable, like that which the Senator from Mississippi cited in his speech at the last session, may lawfully be erected, and of reconciling the claims of the local traffic across the bridge and the national traffic under it on the water. That, of course, is within the jurisdiction of Congress. Nobody will question that; but it is the case of an attempt to say that a bet as to what is to be the future price of a bushel of wheat raised in Iowa, garnered in Iowa, delivered in Iowa, paid for in Iowa, is to be three months hence, shall be illegal because the effect of the existence of that kind of transaction is an evil example in foreign commerce, or because that wheat, after that transaction has ceased to operate upon it, may some time or other become the subject of foreign commerce, and that its price may be rendered unsteady or may be raised or depressed when it gets into the markets of the world because of this transaction? That is the step which the Senator from Mississippi is endeavoring to take, as I understand, and that is the class of transactions to which my question relates.

I do not propose at this moment to go into the general objections to this bill. I wish to say a word or two about it, perhaps to-morrow, if it shall then be before the Senate. What I have to say of it now is, that if the doctrine which the Senator from Mississippi seeks to establish here be sound and constitutional, in the first place, there is not a transaction of mankind which it is not within the constitutional authority of Congress to regulate, unless it come within the direct prohibition of what we may call the bill of rights, or unless it come within the direct affirmative action of the powers of the States.

There is no other transaction which is not within the jurisdiction of Congress. You may suppress the habit of private gambling, because gamblers do not raise in equal abundance the products which are the subject of foreign commerce. You may make laws punishing idleness, because the prevalence of idleness in any State certainly diminishes the contributions of that State to the commerce of the country and of the world, and so on. There is not a transaction of life which can not be shown to have as direct control and effect in regard to the commerce of this country, if it be an evil and demoralizing transaction of life, as this particular evil of purely State transactions, which is suggested by the honorable Senator from Mississippi.

Mr. GEORGE. Mr. President, a word or two only, because I do not want to be misunderstood.

Whoever will do the Senator from Massachusetts and myself the honor to read the colloquy which has occurred between us to-day will discover that the first question propounded to me by the Senator has been fully answered, and he will also discover that the Senator was compelled to accept that answer, and has changed his ground of inquiry.

The Senator seems to conclude that I contend for the proposition that any species of gambling, because it may interfere with the industry and the ordinary vocations of men, may be denounced by Congress as an interference with interstate and foreign commerce. If the Senator had been present at the last session of Congress when this matter was fully discussed, he would have discovered that I stated distinctly that that was not my position. The Senator has not read, I fear, the evidence given before the Senate committee and the House committee by the men who represent those exchanges. I wish to call his attention and the attention of the Senate to that which is distinctly proven by the representatives of those exchanges, and which, when proven, brings this case out of the category supposed by the Senator.

I did admit that Congress can not punish gambling merely because it is gambling; but the witnesses all testified that the future system, so far as cotton is concerned—and I am speaking about nothing else, leaving it to my friends from the Northwest to speak about wheat—has been so interwoven and interlocked—I use the very language of the witnesses—with the commerce in cotton, that if we destroy it we disorganize the whole cotton trade.

I submit to the candid judgment of the Senator and the Senate, that when a business has grown up which has been so interlocked and so interwoven with interstate and foreign commerce that you can not touch it without disorganizing the whole trade, if that does not bring it within the competence of Congress to say whether that interlocking and that interweaving is not an obstruction to commerce. I went into all that six months ago; I went into it again a few days ago, and I showed that this interlocking and this interweaving of this gambling in futures affected the price of cotton, and made it higher to the consumer and lower to the producer.

Mr. PALMER. Mr. President, I have no disposition to enter into the colloquy between these two professional giants; but there is a view of this amendment—and I propose to confine myself to it—that I think worthy of consideration.

The first section of the bill defines one class of options. The second section of the bill includes options and what are now recognized as legitimate transactions, sales in good faith for future delivery. The object of this amendment is to eliminate from the section all uncertainty and to leave it but the mere supplement of the first section. Both sections after this amendment is adopted will refer to options alone, transactions which do not necessarily imply future delivery.

The bill as it stands purports to prohibit all sales for future delivery, as well those which are to be executed between the United States and foreign countries and those which are made in one State to be executed in another, as those which are to be made in a State and to be executed in the State where the contract was made.

It is an objection to any statute that it comprehends too much. Suppose this bill should be limited alone in the manner proposed by the amendment of the Senator from Wisconsin [Mr. VILAS]. Then it would leave the law as it is, that all contracts made in good faith which contemplate an actual delivery of the thing sold, would be legitimate. All contracts for future delivery which are in the form of future delivery, which contemplate a mere adjustment between the differences in the values, the differences between the day of the contract and the date fixed for its execution, would still remain prohibited by the bill.

I might grant, if my legal perceptions were as acute as those of the Senator on my left [Mr. GEORGE], that futures, as they are termed, made in one State to be executed in another or futures made in the United States to be executed abroad, would be within the constitutional power of Congress; but what can be said of contracts made in a State to be executed in the same State? Obviously they are included within the terms of this bill.

It is a fact which I think exists—it is the law of Illinois, and I think it is the law of Indiana, probably of most of the Western States, and probably of Mississippi—that contracts payable in property, either specific property or in property generally, are recognized in the laws of Illinois and other States as promissory notes, negotiable as notes payable in money. They are not promissory notes according to the law merchant; but in Illinois a note may be executed at a date to be made payable in the future in property. Such a note by our statute is negotiable by indorsement. That note may be transferred from hand to hand or transferred by indorsement; it may be discharged in any chattel property, or it may be made payable in wheat.

I have known many such notes to be made, passed from hand to hand, given by persons who might or might not at the time be the owners of wheat, with the legal effect of the paper that the note might be discharged at maturity in wheat at its market value. That is usually the language of these notes. I think the law of Indiana and of other States sanctions such notes. I know the law of Illinois does.

Mr. GRAY. How do they read?

Mr. PALMER. I think I might furnish one if I had permission to go to my room; but they read in this manner: "Six months after date I promise to pay to John M. Palmer $100 in property at cash prices." That is the form I have in my mind.

Mr. COKE. I will suggest to the Senator that suits may be brought for the collection of such notes.

Mr. PALMER. Yes, I have brought suits and defended them on such notes, and the value of the property at the time fixed for delivery was the measure of damages.

I think it will not be denied that if this bill should pass no citizen of Illinois would be permitted to make or accept a note like that unless he has first obtained a license to deal in options, although it may be made in the neighborhood where he lives, payable at the steam mill, for I think I can recollect the simple habits of old times when it was often done and such contracts were made with the miller.

I have in early times, when money was scarcer than now, seen men borrow money of those who might thereafter desire to acquire property. In that case the note was given, and such notes were held to be negotiable and payable in anything the party might acquire before the day of payment; or if there was no delivery the measure of damages would be the number of dollars mentioned in the note at the time fixed for its payment. Such a transaction would be impossible if this bill passes, unless the farmer who gives the note should first obtain a license to deal in options.

Mr. GEORGE. Farmers are excepted.

Mr. PALMER. I ask pardon. I believe the farmers are for some reason excepted. There are men who execute such notes who as a matter of fact do not own property, but hope to acquire it. Indeed, it is a recognized transaction in Illinois. Every Senator on this floor can in his own imagination supply illustrations quite sufficient to reach the point I have in view. While the farmer may be excepted and while the miller may be excepted, which I believe is the fact in this case, he may buy for future delivery. I suppose the manufacturer, a miller being a manufacturer of flour, would have a right to buy for the use of his mill. I suppose that to be the fair interpretation of this bill. But a merchant who seeks to collect from a class of men debts, if you will, or sells them goods, is compelled to make some such arrangement. I grant that there are cases which are excepted from the provisions of the bill.

Mr. GRAY. I wish to ask the Senator a question at that point. I am interested in the history he is giving us of the traffic of early and simpler times. Suppose a man had labored on the farm of another for a year upon a contract to receive one hundred or one hundred and fifty or two hundred bushels of wheat, and he should, in the exigeney which might be upon him, seek to make one of those promissory notes to deliver wheat to his creditor, the person who wished to derive the means of sustenance from him, would he be within the exception of this bill?

Mr. PALMER. I doubt it, but I must refer questions of that kind to Senators who have studied this bill from a friendly standpoint. It seems to me not. I might give an illustration which might be somewhat difficult, because it would be a personal one. A good many years ago I had a brother to whom I was very much attached, and I assisted him in buying a little farm near the town in which I lived. It was necessary for him to incur a debt for the purpose. I became security. Sometimes in Illinois we were very successful with our crops. My brother sowed the whole tract of land in wheat.

Full of anticipation, full of expectation of the product of his harvest, he gave a note payable in wheat on the 1st of September of the following year. The wheat was of a very choice variety. I became his surety for the seed. It was sowed; but from the casualties which attend upon the life of a farmer he did not raise a bushel of wheat. I remember that I paid the cash for the wheat at the stipulated price. Now, what would be the condition of a citizen under these circumstances who, not having sown the wheat yet, but expecting a crop, gives a note payable in wheat, and the crop fails? Would he be a dealer in futures? Would he require a license or not under this bill?

Mr. President, the difficulty is that the bill goes into the minutest relations of commercial life; it covers everything. Instead of being carefully guarded so as to meet the views of the Senator from Mississippi, it goes into all the transactions of life, between all the persons in the country; it requires a license to deal in options or futures from anybody and everybody not within the exception of the law who makes a contract.

Now, I come back to the point, can a law be defended which comprehends so much? Concede that the Senator is right, that Congress may take hold of an immoral traffic, and because that immorality diminishes that material for interstate commerce or

because that business renders the transactions between foreign countries and the United States uncertain and confused, can it be claimed upon any principle that it is wise or constitutional to subject those who are engaged in the ordinary transactions of life, where the idea of gambling occurs to no one, where the parties expect to deliver, not having the property now, but expect to acquire it in lawful market, to the requirements of this proposed law on the pretense that it is immoral or that it interferes with foreign commerce? It might as well be held that if you withhold a gallon of water from the Mississippi River, the mighty channel of Northwestern commerce, you would interrupt foreign commerce, as to insist upon this view of the case.

Mr. WHITE. Before the Senator from Illinois takes his seat I should like to ask him a question. I wish to ask him whether, in the line of his argument, the necessary effect of this bill is not to strike down the farmer, to compel the farmer to become a gambler, and deprive him of the benefit of the rise in the market? For instance, the transaction to which the distinguished Senator from Mississippi [Mr. GEORGE] has referred overwhelmingly shows that the merchant who advances to the farmer money, guaranteeing that the farmer shall ship him a certain quantity of the crop, is now invariably in the habit, in order to secure the price which he is willing to take, to sell for future delivery for his own account the quantity of the product which the farmer has agreed to deliver.

Under this bill can he do that? No. Now, I ask the Senator how he can do it under the bill? He can only do it under the bill by exacting from the farmer at the time a transfer of the farmer's rights to sell in the farmer's name the farmer's cotton or the farmer's wheat. Therefore the necessary effect of the bill is to compel every farmer, before he gets to the merchant, to enter into the future market and to sell for his own account all his crop *eo instanti*.

Mr. PALMER. I have no doubt of the soundness of the suggestion of the Senator from Louisiana; but I think it is especially to be deplored that the Senator from Minnesota [Mr. WASHBURN], who is eager, I have no doubt, that the bill shall be passed, and the Senator from Mississippi [Mr. GEORGE], who so forcibly defines the evils which grow out of the transactions he describes, have not had it in their minds in some way to exclude from the operation of the bill transactions entirely within the States. They no doubt might include some very large transactions, but in the sweeping provisions of this bill they include the most minute transactions. I take it upon myself to say that with a fair construction of this bill as it reads no sale for future delivery can be made under the bill unless it is made by or to one of the excepted classes in the bill. There is an extensive class of transactions not included in the bill, miniature sales for future delivery.

I live in an agricultural portion of Illinois; I have spent my life there, and am familiar with the operations among those people, and I venture to say that if this bill passes in its present form, there is not a man within the range of my acquaintance—I speak, of course, of men who act—who will not at some time bring himself within the letter of the law and become subject to its penalties.

I am treating the bill now as a prohibitory law. I am not at present discussing it in that attitude which I think, as I do not use the language I intended—I am not discussing it as the mere fraud that it is, an attempt to use the revenue powers of the Government as a means of prohibition, but I am insisting that it does prohibit; that it is a bill of pains and penalties, and that within its general terms, if it passes without some careful restrictions, it will bring within its net a numerous class of persons, so numerous that unless we are saved by the mercy of some mere executive officers who will refuse to enforce the law against transactions of this sort, it will produce an amount of mischief which is incalculable. It will bring into our neighborhoods, into our villages, detectives, spies, and informers, and it will, like some of the other laws passed by Congress, bring within its meshes a class of helpless people who will have no means of self-defense.

Mr. President, I have to say that this is the only view I desire to consider. I ask the Senator from Minnesota and the Senator from Mississippi, whatever may be the merit in the objects of the bill, while it may be wise to reach this powerful organization in New York and New Orleans and to bridle that power, is it wise for the sake of reaching that class of men to enact a law which may tell upon the very people whom it is intended to benefit? No man will dare make a sale for future delivery if this bill passes, unless he owns property in some of the particulars mentioned in the bill. I would not take a note from a friend payable in property without warning him of the danger of this law. I would say to him you can not promise, because you have neither the property now nor have you a contract under which you are to receive it.

It is one of the blessings of the bill that it comprehends so little. If it comprehended everything, all transactions, it would be worse than a pestilence, it would be intolerable; but it is limited, and one of its advantages is that it is limited to so few objects.

That is all I mean to say at present. I do intend in the future to test the question whether this is a revenue measure or whether it is a bill simply of pains and penalties, with the revenue aspect taken upon itself in order to deceive, in order to render it impossible for the Supreme Court to see what the truth is.

Mr. HOAR. I should like to say in addition to what the Senator from Illinois has said—I do not know but what he has said the same thing—that this bill as drawn punishes under a severe penalty the ordinary contract by a farmer letting his land on shares.

Mr. VILAS. Mr. President, I wish to call attention to only a part of what has been suggested by the distinguished Senator from Mississippi [Mr. GEORGE] in objection to this amendment, because I think, waiving for the time being the constitutional question, it does not constitute the objection which he contends for or seems to suppose.

I do not wish to be considered in proposing this amendment to be acting in an attitude of unreasonable or obstructive hostility to this bill. I have stated the objections upon which I stand in my opposition to it, but if the bill shall be passed by there being a majority of the Senate who think it within constitutional power to enact such a law, it certainly ought, and its friends should recognize that it certainly ought, to be limited so as to be the least injurious, the least destructive to the established methods of business which it is possible it can be and reach its objects.

It is said that if this amendment shall be adopted the bill will fail to reach its objects. Why should it be so? Its objects are iniquitous contracts, not lawful contracts. In order that there should be less possibility of objection to this amendment on that score, I so wrote it as that in order to put this exception in the seller must show in good faith an intention to obtain and deliver the articles contracted for. That is a good deal further, as the Senator from Louisiana [Mr. WHITE] well put it, than the laws of the States now require. The answer which the distinguished Senator from Mississippi [Mr. GEORGE] makes to that is this: First, he says there are four bales or five bales of cotton sold on the exchange for one bale of cotton which actually exists. That is true, as I understand the facts, but I think it is true by reason of a circumstance which the distinguished Senator from Mississippi will himself acknowledge and admit to be operative to that result. If it were not for the board of trade or the cotton exchange the farmer would, I suppose, sell to A B, A B would sell to C D, and C D would sell to E F, and finally it would reach the consumer or the miller who will manufacture it.

Mr. GEORGE. Will the Senator from Wisconsin permit me there just for a moment?

Mr. VILAS. Certainly.

Mr. GEORGE. If the contract of the farmer is merely transferred from A B to C D and from C D to E F, and so on—if that be the transaction, there is nothing in the bill which prohibits a bona fide contract in the beginning being transferred and assigned an indefinite number of times, if necessary.

Mr. VILAS. I recognize that; but the point I am drawing attention to is, that without the cotton exchange there would be one sale after another between the original producer and the mill manufacturer where the cotton is spun. If you were to take those several sales and bring them all together, you would have therefore 2, 3, 4, or 5 bales of cotton sold to only one bale of cotton in existence. That is just what the cotton exchange does, for the reason that by the establishment of the cotton exchange all the transactions in the market between the farmer and the manufacturer are brought on to one or two boards. Thus this apparent multiplication of cotton is not a real multiplication of fictitious and unfair trades.

Mr. GEORGE. Will the Senator allow me to read just one sentence from the evidence on that subject?

Mr. VILAS. Certainly.

Mr. GEORGE. Mr. Labouisse, at one time the president of the New Orleans Stock Exchange——

Mr. WHITE. He is not now.

Mr. GEORGE. He is very prominently connected with it; he is a gentleman of very high character, who was sent here by the New Orleans Cotton Exchange to represent their interests on this bill before the Senate. He testified as follows:

Senator PLATT. How many million bales are sold on the cotton exchange during the year?

Mr. LABOUISSE. I have not last year's record. I think they sold about 8,000,000 bales in New Orleans and 28,000,000 bales in New York; somewhere about that ratio; about 35,000,000 bales altogether.

Senator PLATT.—

The very question now which the Senator discusses—

So that the crop was sold about four times over?

Mr. LABOUISSE. No, sir; the crop was not sold four times over; but there was four times as much cotton sold as the crop amounted to.

Mr. VILAS. I do not see that that is any different from what I was stating. If you were to collect all the sales which might be made between the producer and the final manufacturer, who is the consumer for the time being of the raw cotton, you would have of course an apparent aggregrate of cotton sold greatly in excess of real cotton.

The point I am making is, that one of the uses of the cotton exchanges is to collect at one place all the dealings in cotton; and thus you do apparently multiply the dealings beyond the amount of real cotton, but only a part of that is, I think, fairly attributable to speculative dealings in cotton. That is what seems to me from the evidence to be the fact. I may be mistaken in regard to it, but it looks as if it were a reasonable explanation of the fact.

I admit also that very likely, by the facilities offered by the cotton exchanges, there is some increase of speculative transactions beyond what there would be if the trade were carried on by the actual purchase by a speculator of the cotton itself, and the holding of it until the market rose or until he saw fit to sell. The only point I desire to make there is, that it does not justly prove that all sales of cotton are speculative which are in excess of the actual amount of the cotton transactions in real cotton on the exchange.

The next point the learned Senator from Mississippi makes is, that upon the basis of those facts he feels himself able to assert that the trade upon the cotton exchanges is actually without the intent of delivery. If that be so, the learned Senator will observe at once that this amendment will have no relation to such transactions, and that the evidence which to him is so satisfactory that all of these transactions are not in good faith and was without the intention to deliver will be evidence that may just as fairly establish that fact to the court or to the officers charged with the inquiry as to the learned Senator or any of the rest of us. Therefore when he cites the case from Illinois it seems to me he is calling our attention to an authority which, rightly interpreted, ought to lead us more readily to adopt the amendment, for he shows by this authority certain propositions to which I give my assent.

First—

I read from the head notes or syllabus of the case of Lyon & Co. *vs.* Culbertson, Blair & Co., in 83 Illinois, page 33:

> Where there is a well-known usage which obtains in trade, it will be presumed that all who engage in that business where it prevails contracts with a view to it, unless they exclude the presumption by their contract. Hence, a usage may be proved to interpret the otherwise indeterminate intention of the parties and to ascertain the nature and extent of their contracts.

It is strictly within this rule of law that the Senator calls attention to the rules and regulations of the Cotton Exchange of New York as being evidence tending to show that all the contracts made upon that Cotton Exchange are within the prohibited contracts which courts will not enforce; but if that be true then this amendment does not protect them nor shelter them. The more easily you can show by the rules and regulations of the Cotton Exchange of New York that the intention not to deliver is necessarily inferable from their contract under those rules, the more certainly you exclude the transaction from the operation of the amendment.

Mr. WHITE. May I call the Senator's attention to a fact?

Mr. VILAS. Certainly.

Mr. WHITE. The Senate has already voted down the amendment striking out the provision forbidding dealings on the exchange, and therefore the argument of the Senator from Mississippi is entirely irrelevant to the subject under discussion, because no transaction could take place on an exchange. If the amendment of the Senator from Wisconsin is adopted it would not refer to a transaction on an exchange, since the very section which he proposes to amend forbids even bona fide transactions on an exchange.

Mr. VILAS. The obvious additional force of the observation made by the Senator from Louisiana requires no comment.

Mr. VOORHEES. May I ask the Senator from Wisconsin a question?

Mr. VILAS. Certainly.

Mr. VOORHEES. I have been a good deal in search of light on this subject. It seems to me that the point made by the Senator from Mississippi against the amendment raises the question that all of these fictitious transactions are claimed to be made with a view to actual delivery.

Mr. GEORGE. They all swear to it.

Mr. VOORHEES. They all swear to it, the Senator says. They would all come under the protection of the amendment, it seems to me. There is the troublesome point in my mind. It is stated here this afternoon—and makes a very startling impression upon my mind—that the cotton crop, for instance, has been sold more than four times, or in the better language of the gentleman from Louisiana, who was examined as a witness, four times as much has been sold as there is in existence. In every one of those sales, I understand (and if I do not understand it a right, I want to be set right), a claim has been made which would place them absolutely under the protection of the amendment. The objection I see to the amendment is that it would apply to fictitious sales just as much as to actual sales. In other words, there is a fraudulent method of dealing going on that the amendment does not seem to reach.

Mr. PUGH. If the Senator from Wisconsin will allow me, I will state that I was one of the subcommittee with the Senator now in the chair [Mr. PLATT in the chair], which took the testimony that has been reported to the Senate, and I state that the testimony shows beyond question that 90 per cent at least of the future contracts made in New York and New Orleans during the last twenty years would be protected by the amendment of the Senator from Wisconsin if it were made the law.

The testimony further shows that every one of the contracts sought by the bill to be prohibited is made in good faith with intention to deliver, and the witnesses swear that in nearly every instance there was no execution of that bona fide intention to deliver by an actual delivery. So the amendment of the Senator from Wisconsin comes precisely within the terms of all the contracts the witnesses testified to be bona fide with the real intent to deliver the cotton or wheat or the commodity sold. The amendment if adopted would take all the life out of the bill.

Mr. GRAY. If the Senator from Wisconsin will allow me, I should like to ask the Senator from Alabama if a contract of that kind is proved by sworn testimony to be bona fide, if it is proved by sworn testimony that the commodity sold was in good faith intended to be delivered, why should it not be delivered?

Mr. PUGH. That question can be better answered by the parties to the contract than it can be answered by me. The parties to the contract have testified that one of the terms of their contract was that it was made with the bona fide intent that there was to be an actual delivery of the commodity sold, and every one of the parties to the contract declared in his testimony that there never had been or rarely had ever been an execution of the contract by an actual delivery. I do not believe a word that they testify that there ever was an intent to deliver. How could they deliver 40,000,000 bales when there were but seven or eight million bales produced?

Mr. HILL. Will the Senator from Alabama and the Senator from Wisconsin allow me to ask a question? I desire to ask the Senator from Alabama why in the cases supposed by him the question of intention should not be passed upon by the court and jury in that case, as well as in many other cases?

Mr. PUGH. In every case where that issue has been made the testimony showed that the intent to deliver existed and entered into the contract; and there has not been a single case where the issue of fact was made as to whether the intent really existed, and was bona fide where the intent not to deliver had been ascertained. How can you prove the bona fides of the contract?

Mr. WHITE. I beg the Senator's pardon. There have been cases of that kind decided in my State. The Senator says there never has been such a case. The books are full of such cases. If he desires to look at reported cases I can bring a list of them here to-morrow morning in which the courts have so held.

Mr. PUGH. They have escaped my observation. If there was any contract——

Mr. WHITE. One of them is before the Senator from Wisconsin now, the case cited by the Senator from Mississippi [Mr. GEORGE].

Mr. PUGH. Such a case is very rare; it is exceptional. I know these parties themselves testified before the subcommittee of the Judiciary Committee that in 90 per cent of the contracts, embracing over 30,000,000 bales of cotton, the intent entered into the contract and that there was a bona fide purchase to make an actual delivery, and when the question was asked whether there had been any execution of that intent of an actual delivery they all said there had not been, and it was very rare an actual delivery had ever been made. The amount actually delivered was trifling in comparison with the amount that was actually sold.

Mr. VOORHEES. If the Senator from Wisconsin, who is always patient, will allow me, I should like to make an observation in reply to the Senator from New York [Mr. HILL]. The Senator from New York suggested, in a lawyer's way, that this question is referable to the courts to try what the intention of the parties is, as if it were a matter of doubt whether the men who were dealing in four bales of cotton when there was only one in existence intended in point of fact to deliver the four. The question propounded by the Senator from New York involves the further consideration that we are to try in a court of justice whether parties who are notoriously dealing with 36,000,000 bales, with

7,000,000 bales in existence in good faith intend to deliver the 36,000,000 bales.

The proposition is made for a court to inquire solemnly and deliberately into the intention of parties when here is as notorious, open, and world-wide fraud as it is possible for the human mind to conceive. It seems to me it is trifling with the English language to suggest an issue to be tried in a court of justice, taking the statement made by the Senator from Mississippi as undisputed, that the deal embraces 36,000,000 bales of cotton and there are 7,000,000 in existence. Now, where is the intention to comply? How do you try the intention? The fact is tried, and the verdict is against you before you start.

Mr. HILL. If the question has already been disposed of, of course there is no use to have a trial.

Mr. VOORHEES. I mean to say if the statement of the Senator from Mississippi is accepted that there are 36,000,000 bales of cotton sold in this country with 7,000,000 actually in existence, then the question whether men intend in good faith to deliver the 36,000,000 bales is adjudicated in all rational minds.

Mr. HILL. I suppose the cases are not to be tried by wholesale, but that every transaction will stand by itself. If the cases are as plain as the Senator from Indiana seems to suppose, there will be no difficulty in any State in the Union in having the question fairly determined, and I think it would be so determined even in the State of Indiana.

Mr. GRAY. May I have the permission of the Senator from Wisconsin to say a few words?

Mr. VILAS. Certainly.

Mr. GRAY. It strikes me as a little bit curious that the Senator from Indiana is willing to stake the strength of his proposition on the mere statement of the fact taken upon testimony before the committee that whereas the crop of cotton amounted to about 8,000,000 bales, say, that being all the cotton in existence, there were 36,000,000 bales sold, and therefore, for that reason, and for that reason alone, all the transactions over and above the 8,000,000 bales were necessarily fictitious and fraudulent, representing not a bona fide business negotiation.

Now, let me put him a question. When I sell him 100 bushels of wheat for 100 silver dollars or 100 gold dollars (if I may be bold enough in this presence to speak of a gold dollar as a current dollar) it is an exchange of 100 gold or silver dollars for 100 bushels of wheat, and yet we know that if you sum them up every day's transactions of all the commodities which are exchanged for silver and gold dollars in this country alone would amount to many hundred times more than the number of gold and silver dollars or the dollars current in any way in the United States. Yet according to the reasoning of the Senator from Indiana this would prove that every bargain outside of the exact number of dollars which were represented in the currency was not bona fide and did not represent a real transaction.

Mr. VILAS. Mr. President, the colloquy which has taken place between the distinguished Senators in reference to the point I suggested sometime ago has to a considerable extent evolved a solution of the question. But I wish to call attention again to the original proposition for a moment because of the inquiry made by the distinguished and eloquent and above all things the kindly and sympathetic Senator from Indiana [Mr. VOORHEES], who enters into the feelings of men, with, I was about to say, an intenser appreciation, but certainly with an appreciation as intense as any man in the whole United States.

His is the same old question, how can there be 36,000,000 bales of cotton sold when there are only 9,000,000 bales produced? Let me ask his attention for another illustration of what I was suggesting to the rule and practice on the cotton exchange. A cotton spinner wishes to buy a thousand bales of cotton. He telegraphs to his broker in New York to buy him a thousand bales of cotton or to some dealer there to sell him a thousand bales of cotton.

The dealer agrees to sell. He makes a future contract. That is one. He goes to the cotton exchange at once, and to protect himself, he sells. That is two. He telegraphs to a farmer or a factor in the South for a thousand bales of cotton and gets his terms of selling it. Having made a contract with him for the purchase of the cotton, he sells against it on the Cotton Exchange in New York. So that simple transaction by the usages of trade operates as three future transactions on the Cotton Exchange of New York.

Now, what is the value of such a transaction? No one ever demonstrated that more perfectly than the distinguished Senator from Louisiana [Mr. WHITE] last summer, and I did not intend to enter upon this subject. It reduces the risk of the middleman to nothing, and therefore when he is dealing between the producer and the consumer he ought to have, and is content with having, only the mere shade of a commission, a mere moderate sixteenth or something like that—I do not know the exact amount. The tables which were produced by the distinguished Senator from Louisiana were as much of a demonstration as statistics could demonstrate the point that the difference between the producer and the consumer had been reduced since the era of future dealings from something like 3 cents a pound on cotton to about 1 cent between Liverpool and the cotton-grower in Louisiana. So in that point of view, instead of its being an injury to the farmer it is an absolute benefit to the farmer, for it dispenses with the charges of the middleman. However, I did not intend to discuss that point to any great extent.

Of course the men who are thus ready on the board of trade to buy a future, or sell a future, whenever any proponent of such a bargain comes on that board, are speculators. They may lose, but if they do they lose their money and not the farmer's money. They may gain by the change of the market, it is true, but those are the considerations of the speculator. But I do not intend to be drawn into that discussion. I only ask the attention of my distinguished friend from Indiana to that idea in respect to these transactions. I only want to point out to him now that the amendment does not touch, that it does not protect a dishonest transaction, not in terms, and not in fact.

The distinguished Senator from Alabama [Mr. PUGH] says the evidence proves to his mind that the positive affirmation under oath of men of whom at least the distinguished Senator from Mississippi said they were respectable and excellent men is false in his judgment, so obviously false that the Senate of the United States ought to rise up at once on that evidence and put its tremendous denunciation upon the business interests of this country. If that be true, can any man say he has a right to fear that the effect of that evidence will be any less obvious to the courts of this country, who will interpret this amendment and the law as it will thus stand?

We have to leave the interpretation of our laws and the carrying of them into effect finally to the courts, who will administer the penal denunciations which the distinguished Senator from Mississippi has introduced as the sanctions of his proposed substitute. They must determine that question, and if it shall be so plain then as it is to the distinguished Senator, why does the amendment operate the least ill effect? Must we so legislate here in this crusade upon the business interests of the country that courts can not inquire into an honest intention? Must the honest and legitimate purposes of trade and business be swept away in order that we may reach this evil, which was known to be an evil but a very short time ago?

I am not speaking of it as a gambling evil. To that I agree. Whatever the evil of the gambling is I am not seeking to defend; but, as I said the other day, I am striving to draw the line so that beyond all question a gambling transaction, in whatever form it shall be, will be within its prohibitions and the honest transaction, which ought to be protected, shall be safely on the other side.

Is it possible that we can declare that the cotton-spinner shall not have the right to telegraph to a dealer in New York, "I want a thousand bales of cotton sent to me," and that the dealer shall have to say, "I can not sell it to you, for I have not got it. I can get it, of course; such are my connections that I can obtain it; but I can not sell it to you. You can not make your contract for the carrying on of your mill. You must wait until I send a man down to Louisiana, or to Mississippi, or to Georgia, or wherever the cotton of the kind he wants is to be found, and get it." But the spinner says, "I can not wait; I must know what I can do, because right here at this moment I can make a most valuable contract for the delivery of manufactured cloth, and if I can not know that I am to have the material and the price at which I am to have it I can not enter into this contract." This proposed law says, "No, make your contracts after you have made your cloth," or "Make your contracts after you have bought your cotton."

That immediately imposes on the cotton spinner a risk in respect to his business which he must in turn cast back upon the cotton producer. The more risks you introduce into the conduct of business the more the weight of the charges of those risks falls upon the original producer. I believe the distinguished Senator from Mississippi will agree with me as to that. You benefit the producer when you remove the difficulties between him and the consumer, diminishing the risks of the middleman so that his charges can safely be less. The speculator goes upon the cotton exchange and proposes to buy a considerable quantity of cotton. He would be glad to make a profit of perhaps a quarter of a cent a pound on his cotton.

But suppose he were a speculator who could not buy except he bought the actual cotton, would he take the risk of buying the cotton and holding it for a rise, thinking he could obtain or expecting to obtain no more than a quarter of a cent a pound? Surely he would not. He must see a greater margin in it and in order that he may do so he must press harder on the producer.

Although it may be true that here is a species of gambling in this business it can not, it seems to me, be denied that that gambling is a thing which removes rather than adds to the weight of the middleman's transactions.

Now, there is another effect to which I wish to call attention. By reason of these speculators there are always men on the market ready to buy. All the men in the country who otherwise would, perhaps, as under former systems, be engaged in buying produce and storing it somewhere, waiting for a rise, collect at the cotton exchanges or on the produce exchanges of the country. They furnish an instantaneous market. You can go on the Board of Trade or the Chamber of Commerce in Chicago and sell wheat any day when the board is in session. You can go on the Produce Exchange of New York and sell on any day when the Produce Exchange is in session. The banks know that. They know, therefore, that the wheat and the cotton constitute instantly convertible securities upon collaterals for loans. They can lend money for the necessary operations of business upon those collaterals without a particle of hesitation.

Take one of the extensive wheat dealers in Chicago who has perhaps a hundred or a hundred and fifty elevators under his control. He buys one day wheat throughout the whole lot of those elevators. He receives a telegraphic account of the quantity which has been purchased for him. He steps on the chamber of commerce and sells the next day a future to cover that wheat. He is perfectly safe in his transaction. He will go right into the bank and obtain all the money he wants for the next day's purchase. But if he were obliged to obtain in the beginning the money for the purchase of wheat for the conduct of his business, he would have to take an amount which he could not handle in that way at all, and if he were left to his day's transactions without the banks knowing that there was a market which would instantly take the wheat, he could not begin to borrow as he can now up to substantially the full value, and thus carry forward the transactions day by day in an easy flow that takes up all the crop of the country and moves it forward without difficulty.

Mr. GEORGE. Will the Senator allow me just one word?

Mr. VILAS. With pleasure.

Mr. GEORGE. Of course we are all anxious to get at the truth in this matter. I understand the Senator's argument to mean that futures facilitate the real dealing in cotton for speculation. Is that correct?

Mr. VILAS. Not quite. I admit that the system of exchanges probably tends to increase speculation somewhat, but legitimate futures are useful for the purpose of assisting genuine purchases, the movement of cotton, wheat, and other staple products under discussion.

Mr. GEORGE. Now, let me make a statement. I say that the proof taken from the reports of the New York Cotton Exchange shows that the dealing in futures, that is, the buying of this large amount of cotton without any cotton being there, absolutely destroys the purchase of real cotton for speculation. I will state the fact. In the last commercial year, 1890-'91, the report of the Cotton Exchange of New York shows that 26,000,000 bales of futures were sold, and that 1,052 bales of real cotton were sold for speculation.

Mr. VILAS. Mr. President, I do not intend to repeat what was said on the subject of the quantity of cotton being sold, and yet, as I am reminded of it by the statement of the distinguished Senator, I will ask his attention to this question: If A should honestly agree to sell to B, with the purpose of delivering a thousand bales of cotton three months hence, and B should make a similar contract upon the faith of this to sell it to C, and C should make a similar contract to sell it to D, which is three, and D should make a similar contract to sell it to E, which is four, and E should make a similar contract to sell it to A, who subsequently concluded to buy in again, which is five, would there not be five perfectly honest transactions, and yet not a bale of cotton handled? That is the effect and operation upon the various trades and exchanges in the country, so that they come to be not less the places of honest and legitimate business than the clearing-houses, by which numerous honest contracts are set off against one another, precisely as was so well illustrated by the distinguished Senator from Delaware [Mr. GRAY] a little while ago, and as happens in the financial transactions of the city of New York.

Look at the clearing house in New York. Is there any doubt about the genuineness of the checks, the certificates of deposit, the drafts that come from all over the United States and are drawn by the citizens of New York in their various tranactions, and which all go pouring into the clearing house until sometimes their transactions run perhaps to a hundred millions a day? Yet a very moderate sum of money pays all the balance. I only illustrate by this example that much of the inference that all the sales are fictitious because the aggregate of the quantity of cotton included in the totality of the sales is so much greater than the actual cotton is not quite just, not denying at the same time that there are speculative trades among the transactions, and not denying also that probably the facilities for carrying them on have increased the speculative trades.

But, Mr. President, I had no purpose to go into so long a discussion upon this matter. I only wanted to show, irrespective of the constitutional objection which I conceive lies to the bill in any aspect, treating it as a bill which is perfectly proper that the Senate should enact with the aid of the lower House, that this exception ought to be in the bill for the interests of business and for the benefit of the community, and that it can be safely put in for the reason that all the evidence which is suggested by the distinguished Senator, and which they took with so much care to prove that many of these transactions are fictitious and without honest intent, will be just as efficacious in the minds of those who administer the law to destroy them as they are in the mind of the distinguished Senator; and in order that there might be no risk, as I said before, in drawing the amendment in perfect good faith to have it improve the bill and render its effects less pernicious if it must pass, I expressly drew it so as to make it more favorable to the view which is urged here by only rendering it necessary to destroy a contract to show that the seller did not intend—nay, it puts the burden upon him; he must show he did intend in good faith—to deliver the cotton.

As the distinguished Senator from Mississippi stated the testimony, the point was not that these men swore that there was always a bona fide intention to deliver, but that the contracts were always made in contemplation of delivery if delivery should be required. That, it seems to me, is a very different statement from the statement that they were made with the bona fide intention to deliver, and that is the requirement of the amendment.

Now, let me call attention to the case from Illinois which has been cited. To show that instead of such testimony failing to impress the court, instead of its being possible, as I understood my learned friend, the distinguished Senator from Indiana [Mr. VOORHEES], to intimate, that the court should be hoodwinked, here is a case where the court enforced the inference from rules and regulations such as the distinguished Senator from Mississippi has called our attention to with reference to the Cotton Exchange of New York. Let me read it:

> A contract for the sale of wheat in store, to be delivered at a future time, which requires the parties to put up margins as security, and provides that, if either party fails, on notice, to put up further margins according to the market price, the other may treat the contract as filled immediately, and recover the difference between the contract and market price, without offering to perform, on his part, or showing an ability to perform—

That is, a contract under these rules and regulations or similar rules and regulations to those which the Senator from Mississippi has spoken of so vigorously—

> is illegal and void, as having a pernicious tendency.

The court, in speaking of it, speaks of it more as a question of intention, although that word be not exactly used. The judge in rendering the opinion says:

> It would by no means be a forced construction to say that this contract means that when the party elects to regard the contract as filled, if he desires to do more than to simply declare the contract at an end—if he desires to hold the other party liable for damages—he must do all things that would have been required of him in case the time for the delivery had elapsed.

Then follow other remarks, upon which the court concludes that the contract ought not to be upheld, judging of the transaction with reference to the intention of the parties.

Now, Mr. President, I have said all that I desire to say upon this point, and very much more than I had the least purpose to say when I rose to endeavor to make it apparent that the amendment is not proposed in any spirit of obstructive hostility. It is proposed in the hope that if the bill is to become a law, by reason of this amendment it may lay a less violent and destructive hand upon the usages of trade and business by which they have been so many years carried on that to change them now could not but injure the producer to a greater or less degree.

Mr. WASHBURN. Mr. President, I have listened with great interest to the legal arguments which have been made by the intellectual giants of the Senate, but I only propose to treat this matter in a practical way and to look at it in a practical way.

With the Senator from Alabama [Mr. PUGH] I listened to the testimony that was taken before the Judiciary Committee, and I confirm every word he has said with regard to the testimony there given. It came out distinctly before the committee that of the transactions on the Chicago Board of Trade not more than 5 per cent were legitimate, where there was any property at stake——

Mr. HISCOCK. Will the Senator from Minnesota allow me to ask him a single question?

Mr. WASHBURN. I wish the Senator from New York would allow me to finish the sentence.

Mr. HISCOCK. No, right there I want to make an inquiry.

Mr. WASHBURN. Very well.

Mr. HISCOCK. Is it not true in point of fact that these futures do cover practically all the wheat that goes into the market?

Mr. WASHBURN. They cover all the wheat that goes into the market and about a thousand per cent more.

Mr. HISCOCK. If you take the two statements together, they do in fact cover all the wheat.

Mr. WASHBURN. No, I do not think they cover all the wheat——

Mr. HISCOCK. Practically all?

Mr. WASHBURN. They cover the wheat that never does go into the market.

Mr. HISCOCK. The point is whether in fact, so far as the great markets are concerned, futures and future contracts do not practically cover all the wheat that legitimately goes into the market, and whether the legitimate business to-day in wheat, corn, and cotton is not covered by this proposed law.

Mr. WASHBURN. There is an amount of wheat in actual existence that is sold for future delivery. There is no doubt about that; but the great bulk of such transactions cover sales of no property whatever, and it is not pretended that they do. Now, for instance——

Mr. HISCOCK. I understand——

Mr. WASHBURN. If the Senator will allow me to make my speech, he can make his afterwards.

Mr. HISCOCK. Very well.

Mr. WASHBURN. For instance, on the Chicago Board of Trade, one day last April, one of the great operators sold 5,000,000 bushels of wheat of which he did not own a bushel. The result was that it broke the market 5 cents a bushel. That transaction reduced the value of the wheat crop of this country in one day $20,000,000. He never expected to deliver the wheat, yet he had made a contract in due form with somebody to deliver it. How are you to show that he did not do that in good faith? He comes up and says, "I sold that wheat. I expected to deliver it. I have made a contract. There is the contract." How are you going to contradict him? How are you going to show that that was not his intention? Is not his intention in his own heart and in his own mind? He is not going to swear that he made a contract to deliver wheat when he had no expectation of doing it. Take the cotton exchange.

Senators talk about the resales accounting for all this immense amount. Take the dealings of the cotton exchange in November—22,700 bales of actual cotton sold there; 8,100,000 bales of future contracts or bets. Does anybody believe for a moment that the 22,000 form the initial step for selling the 8,000,000 bales? It is simply preposterous. The whole thing is a fraud. The whole thing is gambling and a bet. When you undertake to draw the distinction proposed by the amendment you open the door widely. I would not give a rush for the bill in its practical effects when you say as the amendment does, "and does not in good faith intend to purchase the article." Is a man going to stultify himself after he has made a contract for delivery and another one for purchase by saying that he did not intend to deliver, that he was not acting in good faith? Not for a moment. It would be a rope of sand. I would not give a rush for the bill with any such provision in it.

Mr. VILAS. I should like to ask the Senator from Minnesota if he does not think he could find as a juryman the intention upon the same evidence on which he is willing to find it as a Senator?

Mr. WASHBURN. I ask in reply whether the Senator from Wisconsin thinks for a moment, if there is a provision of that kind placed in the bill, there will ever be a case where a man is brought up and it is shown that he did not make an actual sale with the intention to deliver?

Mr. VILAS. I shall have no difficulty in answering that question. If the facts be such as the distinguished Senator says they are, there will be numerous cases or there will be a cessation from that line of conduct.

Mr. SAWYER. Mr. President——

Mr. WASHBURN. I should like to have a vote on the amendment to-night, if nothing further is to be said.

Mr. SAWYER. I was going to move an executive session.

Mr. WASHBURN. I should like to have a vote on the amendment.

The PRESIDING OFFICER (Mr. PLATT in the chair). Is the Senate ready for the question on agreeing to the amendment of the Senator from Wisconsin [Mr. VILAS]?

Mr. HOAR. I hope the Senator from Minnesota will not insist on a vote now, but that there may be a brief executive session. It is very important to have one.

Mr. WASHBURN. I should like to have a vote on the amendment to-night. We have spent a great deal of time here——

Mr. VOORHEES. A roll call would develop the lack of a quorum.

Mr. HOAR. The executive session will only take three minutes. I appeal to the Senator from Minnesota to allow a brief executive session without making any point that would require a call of the Senate and the presence of a quorum. He can certainly depend on it that it will not make any difference in the time when a final vote on his bill will be reached.

Mr. PALMER. I should be glad, before the Senate adjourns, to give notice of an amendment which I shall offer to the bill at the first opportunity.

The PRESIDING OFFICER. The proposed amendment will be received and printed.

Several SENATORS. Let it be read.

The PRESIDING OFFICER. The amendment intended to be proposed by the Senator from Illinois will be read.

The SECRETARY. In section 4, line 5, strike out the words "five cents" and insert "one-sixteenth of one cent;" and in line 8 strike out the words "twenty cents" and insert "one-eighth of one cent;" so as to read:

That special taxes are imposed as follows: Every dealer in "options" or "futures" as hereinbefore defined in this act, shall pay annually the sum of $1,000 as a license fee for conducting such business, and shall also pay the further sum of one-sixteenth of 1 cent per pound for each and every pound of raw or manufactured cotton, hops, pork, lard, or bacon, and the sum of one-eighth of 1 cent per bushel for each and every bushel of any of the other articles mentioned in section three of this act.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Wisconsin [Mr. VILAS].

Mr. WASHBURN. I suppose it is very doubtful whether there is a quorum present. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After three minutes spent in executive session the doors were reopened, and (at 5 o'clock and 15 minutes p. m.) the Senate adjourned until to-morrow, Saturday, January 14, 1893, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate January 13, 1893.

PROMOTIONS IN THE ARMY.

Ordnance Department.

Second Lieut. George W. Burr, First Artillery, to be first lieutenant, January 10, 1893, vice Howard, retired from active service.

POSTMASTERS.

Frank Simmons, to be postmaster at Evergreen, in the county of Conecuh and State of Alabama, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1893.

John L. Merriam, to be postmaster at South Riverside, in the county of San Bernardino and State of California, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1893.

Miss Emma F. Stevens, to be postmaster at Blackfoot, in the county of Bingham and State of Idaho, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1893.

Josiah Baker, to be postmaster at Sheldon, in the county of Iroquois and State of Illinois, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1893.

Frank H. Bangs, to be postmaster at Chatsworth, in the county of Livingston and State of Illinois, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1893.

Caleb Hoopes, to be postmaster at Sumner, in the county of Lawrence and State of Illinois, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1893.

Andrew S. McDowell, to be postmaster at Clayton, in the county of Adams and State of Illinois, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1893.

Jacob T. Moss, to be postmaster at Rogers Park, in the county of Cook and State of Illinois, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1893.

Charles H. Sneed, to be postmaster at Benton, in the county of Franklin and State of Illinois, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1893.

George J. Clark, to be postmaster at Primghar, in the county of O'Brien and State of Iowa, the appointment of a postmaster

for the said office having, by law, become vested in the President on and after January 1, 1893.

Evan Gibbons, to be postmaster at Dyersville, in the county of Dubuque and State of Iowa, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1893.

Henry Kettell, to be postmaster at Grand Junction, in the county of Greene and State of Iowa, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1893.

John Knapp, to be postmaster at Parkersburg, in the county of Butler and State of Iowa, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1893.

Samuel Mayne, to be postmaster at Bancroft, in the county of Kossuth and State of Iowa, the appointment of a postmaster for the said office having, by law, become vested in the President on and after Jannary 1, 1893.

Leonard Miller, to be postmaster at Hartley, in the county of O'Brien and State of Iowa, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1893.

William H. McCune, to be postmaster at Ruthven, in the county of Palo Alto and State of Iowa, the appointment of a postmaster of the said office having, by law, become vested in the President on and after January 1, 1893.

George F. Spence, to be postmaster at Rolfe, in the county of Pocahontas and State of Iowa, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1893.

Andrew C. Walker, to be postmaster at Northwood, in the county of Worth and State of Iowa, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1892.

John J. McWilliams, to be postmaster at Charter Oak, in the county of Crawford and State of Iowa, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1893.

Charles D. Cutting, to be postmaster at Clinton, in the county of Lenawee and State of Michigan, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1893.

Miss Faustina M. Towle, to be postmaster at Gaylord, in the county of Otsego and State of Michigan, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1893.

William W. Hopkins, to be postmaster at Oakland, in the county of Burt and State of Nebraska, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1893.

Cyrus E. Hunter, to be postmaster at Wakefield, in the county of Dixon and State of Nebraska, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1893.

Walter D. Smith, to be postmaster at Lyons, in the county of Burt and State of Nebraska, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1893.

Chester L. Rix, to be postmaster at West Lebanon, in the county of Grafton and State of New Hampshire, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1893.

Ernest Olday, to be postmaster at Little Valley, in the county of Cattaraugus and State of New York, the appointment of a postmaster for said office having, by law, become vested in the President on and after January 1, 1893.

Charles D. Straight, to be postmaster at Cattaraugus, in the county of Cattaraugus and State of New York, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1893.

Jesse H. Hunter, to be postmaster at Niles, in the county of Trumbull and State of Ohio, in the place of Tilghman N. Robbins, whose commission expires February 13, 1893.

Johnson D. Neely, to be postmaster at Derry Station, in the county of Westmoreland and State of Pennsylvania, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1893.

Mrs. Susan M. McEwen, to be postmaster at Oakdale Station, in the county of Allegheny and State of Pennsylvania, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1893.

Joseph E. Mitchell, to be postmaster at State College, in the county of Center and State of Pennsylvania, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1893.

James M. Perrin, to be postmaster at Chartiers, in the county of Allegheny and State of Pennsylvania, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1893.

David A. Wellborn, to be postmaster at Pilot Point, in the county of Denton and State of Texas, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1893.

Ferdinand C. Willbern, to be postmaster at Llano, in the county of Llano and State of Texas, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1893.

Jonathan B. Stovall, jr., to be postmaster at South Boston, in the county of Halifax and State of Virginia, in the place of Edward B. Yancey, whose commission expires February 13, 1893.

CONSULS.

Johnson Brigham, of Iowa, to be consul of the United States at Aix la Chapelle, vice Charles Weare, resigned.

John H. Grout, jr., of Massachusetts, to be consul of the United States at Bermuda, vice William K. Sullivan, resigned.

Albert S. Twitchell, of Gorham, New Hampshire, to be consul of the United States at Santiago de Cuba, to fill a vacancy.

CONFIRMATION.

Executive nomination confirmed by the Senate, January 13, 1893.

ASSOCIATE JUSTICE OF UTAH TERRITORY.

George W. Bartch, of Utah Territory, to be associate justice of the supreme court of the Territory of Utah.

HOUSE OF REPRESENTATIVES.

FRIDAY, *January 13, 1893.*

The House met at 12 o'clock noon, and was called to order by the Speaker. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of yesterday was read and approved.

SPECIAL ORDER FOR TUESDAY, JANUARY 17, 1893.

Mr. CULBERSON. Mr. Speaker, I ask unanimous consent that Tuesday next, instead of Saturday, may be set apart for the consideration of bills reported from the Committee on the Judiciary.

Mr. RAYNER. I object to that, because I think it ought to go to the Committee on Rules, and let the Committee on Rules determine it.

Mr. CULBERSON. I will say to the gentleman that I have talked with the Committee on Rules about this.

Mr. RAYNER. If the Committee on Rules are willing to give Tuesday it is all right.

Mr. CULBERSON. I will say to the gentleman that it will be perfectly satisfactory to the Committee on Rules.

Mr. RAYNER. Then I will withdraw my objection, if the Committee on Rules have agreed to give Tuesday.

Mr. CULBERSON. Mr. Speaker, I understand the gentleman from Maryland withdraws his objection to my request.

The SPEAKER. Is there further objection to the request of the gentleman from Texas [Mr. CULBERSON] that Tuesday next, instead of Saturday, be set apart for the consideration of bills reported from the Committee on the Judiciary?

Mr. HOLMAN. What is the request?

The SPEAKER. The request of the gentleman from Texas [Mr. CULBERSON] is that instead of to-morrow, which has been assigned to the Judiciary Committee, that that committee be permitted to occupy the time on Tuesday next. This request, as the Chair understands, arises from the fact that the gentleman from West Virginia [Mr. WILSON] and the gentleman from Virginia [Mr. TUCKER] are absent attending the funeral of the late Senator Kenna, and there is a bill to be called up respecting the direct-tax account of the State of West Virginia, upon which these gentlemen desire to be heard; and therefore the gentleman from Texas [Mr. CULBERSON] desires to substitute Tuesday for Saturday for the Judiciary Committee. Is there objection to the request?

There was no objection.

CHANGE OF REFERENCE.

Mr. WISE. Mr. Speaker, I ask that the Committee on Interstate and Foreign Commerce be discharged from further consideration of the bill (H. R. 9828), and that it be referred to the Committee on Ways and Means.

The SPEAKER. The gentleman from Virginia [Mr. WISE], from the Committee on Interstate and Foreign Commerce, asks that that committee be discharged from the further considera-

tion of the bill, the title of which the Clerk will report, and that it be referred to the Committee on Ways and Means. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 9828) to encourage the construction of electric railroads, to facilitate the rapid transportation of the mails, to promote the interests of commerce and travel, and to aid in demonstrating the feasibility of the distribution of electrical power for agricultural and other purposes along the line of electric roads, and especially to aid in the construction of a pioneer electric railroad between the cities of Chicago and St. Louis by the Chicago and St. Louis Electric Railroad Company, and to secure to the Government the use of the same for postal, military, and other purposes, at existing rates.

Mr. STOUT. Mr. Speaker——

The SPEAKER. The Chair will clear the table, and will then recognize the gentleman from Michigan.

EMOLUMENTS OF OFFICERS OF THE CUSTOMS SERVICE.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting an abstract of the official emoluments of officers of the customs service received by them during the fiscal year ending June 30, 1892; which was ordered to be printed, and referred to the Committee on Expenditures in the Treasury Department.

PAYMENT TO INFORMERS, ETC.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting a statement showing all payments made to informers and seizing officers under section 3 of the act of Congress, approved June 22, 1874, during the fiscal year ending June 30, 1892; which was ordered to be printed, and referred to the Committee on Expenditures in the Treasury Department.

PLEASANT OWEN AND C. A. PENGE, DECEASED, VS. UNITED STATES.

The SPEAKER laid before the House a copy of the findings of the Court of Claims in the cases of the following-named persons against the United States: Pleasant Owen and C. A. Penge, deceased; which was referred to the Committee on War Claims.

ELECTORAL VOTE.

The SPEAKER also laid before the House a certified copy of the ascertainment of electors for President and Vice-President in the State of New York, transmitted by the Secretary of State; which was laid on the table.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. SHIVELY, for one week, on account of important business.

To Mr. RAINES, indefinitely, on account of sickness.

NAVAJO INDIAN RESERVATION.

Mr. STOUT. Mr. Speaker, I wish to submit a privileged report from the Committee on Public Lands.

The SPEAKER. The Clerk will read the report.

The Clerk read as follows:

Resolved, That the Secretary of the Interior be directed to inform the House whether an executive order has been issued to restoring to the public domain any portion of the Navajo Indian Reservation, lying in the Territory of Utah; and if so, that he furnish the House with a copy of said order.

The report (by Mr. STOUT) was read, as follows:

The Committee on Public Lands, to whom was referred the accompanying resolution, have had the same under consideration, and report it back with the recommendation that it be adopted with the following amendment:

Add after the word "order," in the last line, "with a report of all proceedings thereunder."

Mr. STOUT. I move the previous question on the amendment and the resolution.

The previous question was ordered.

The amendment was agreed to.

The resolution as amended was agreed to.

On motion of Mr. STOUT, a motion to reconsider the last vote was laid on the table.

ENROLLED BILL SIGNED.

Mr. SCOTT, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

A bill (H. R. 9824) to amend "An act to promote the construction of a safe deep-water harbor on the coast of Texas," approved February 9, 1891.

MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was communicated to the House by Mr. PRUDEN, one of his secretaries, who also announced that the President had approved and signed bills of the following titles:

On January 5, 1893:

An act (H. R. 9417) to incorporate the Protestant Episcopal Cathedral Foundation of the District of Columbia.

On January 7:

An act (H. R. 6644) to amend an act entitled "An act authorizing the sale of title of the United States in lot 3 in square south of square 990," approved March 3, 1891;

On January 9:

An act (H. R. 6737) granting a pension to Delzell R. Bradford, Twenty-fourth Michigan Volunteers;

An act (H. R. 8907) to increase the pension of John Malloy;

An act (H. R. 9487) to amend an act approved April 22, authorizing the Natchitoches Cane River Bridge Company to construct and maintain a bridge across Cane River in Louisiana; and

An act (H. R. 9488) to amend an act approved March 2, 1891, authorizing the construction of a bridge across the Red River, Louisiana, by the Rapides Bridge Company, limited.

DISEASES OF CATTLE AND CATTLE FEEDING.

Mr. RICHARDSON. Mr. Speaker, I desire to submit a privileged report from the Committee on Printing.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That there be printed and bound of the special report of the Bureau of Animal Industry on diseases of cattle and cattle feeding 60,000 copies, of which 20,000 shall be for the use of the Senate and 40,000 for the use of the House.

The report of the Committee on Printing (by Mr. RICHARDSON) was read, as follows:

The committee have considered the various resolutions which have been referred to them for the printing of the special report of the Bureau of Animal Industry on diseases of cattle and cattle feeding. There are several of these resolutions pending before the committee, and they call for different numbers of this work to be printed. There have been already printed by the Secretary of Agriculture, under the discretion given him, 10,000 copies of the work. The estimated cost of printing and binding this work is about 65 cents per copy. They recommend the passage of the resolution herewith submitted, providing for the printing and binding of 60,000 copies of the work, the estimated cost of which, as shown, will be about $39,000. They recommend that the other resolutions on the subject herewith returned lie on the table.

Mr. O'NEILL of Pennsylvania. Mr. Speaker——

The SPEAKER. The gentleman from Tennessee has the floor. Does the gentleman yield to the gentleman from Pennsylvania?

Mr. RICHARDSON. I will in a few moments.

Mr. Speaker, this publication is one which has recently been made by the Secretary of Agriculture, and up to this time members of Congress have no copies of this work for distribution. I do not desire to comment improperly upon the action of the Secretary of Agriculture, or of anybody in that Department; but I ask to have read an article which I send to the Clerk's desk, which has been sent broadcast over the country through the United Press. This article must have been inspired at the Department of Agriculture. It is a misstatement of fact. It must have been known by the gentleman who sent it out that it did not convey a proper impression to the country.

The sending of it out has caused persons in all sections of the United States where the United Press dispatches are read, to correspond with members of Congress, in both branches, frequently sending the clipping with their letters calling upon their members for copies of this publication. The gentleman who inspired it, whoever he was, in the Department of Agriculture or elsewhere, must have known and did know that members of Congress have no copies of this work for distribution. The only copies that have been distributed were printed upon the requisition of the Secretary of Agriculture. He had printed 10,000 copies of the work, and distributed them himself through that Department, except that he has sent one copy, I believe, to each member of Congress——

A MEMBER. Five copies.

Mr. RICHARDSON (continuing). With a statement that no more could be furnished.

Now, this morning, through the mails, we get a second letter from the Secretary of Agriculture, saying that four more copies can be furnished. But, Mr. Speaker, I imagine that there is not a gentleman here—perhaps I ought not to say that there is not one—but there are very few members who have not received letters from their constituents asking for this book, based upon this publication which I have sent to the Clerk's desk, in which it is pretended to give information to the country that members of Congress have these books for distribution.

Mr. COGSWELL. Will the gentleman allow me for a moment?

Mr. RICHARDSON. I will in a moment, when the Clerk shall have read that article.

The Clerk read as follows:

REPORT ON SHEEP INDUSTRY.

WASHINGTON, *January 2*.

One of the most valuable publications ever issued by the Government is a report upon the sheep industry of the United States, prepared under direction of the Secretary of Agriculture. It treats of the history and conditions of the industry from the early settlement of the country down to the present day, and is handsomely illustrated. It bids fair to rival in popularity the work on the diseases of the horse, published by the Department some time since. It is ready for distribution by the Secretary and through members of Congress.

Mr. RICHARDSON. The fact that I want to impress, Mr. Speaker, upon the House and upon the country is, in making this statement to the public that members of Congress have copies of this work for distribution, the country has been misled. But it is to the latter part to which I make objection more particularly. I do not want to detract from the value of the work. The declaration is made here that it is going to rival the Horse book in popularity. I do not know whether that is true; it may be true. The fact that I want to controvert and what I want the country to know is, that members of Congress have no copies for distribution. And when the resolution I offer passes and the book ordered for members, it will be six months or longer before we will receive a copy for distribution. It will require that length of time to get it out at the Printing Office.

Mr. OATES. Will the gentleman allow me?

Mr. RICHARDSON. In a moment. We have reported this resolution calling for the printing of 60,000 copies—40,000 for the use of the House and 20,000 for the use of the Senate. These, I think, in addition to the 10,000 copies that have been published by the Secretary of Agriculture for his own distribution, will meet the demand. It will give each member of this House more than 100 copies, and it seems to me that ought to be sufficient.

As I have said, we have several resolutions before the committee calling for the printing of this book; one calls for 250,000 copies. According to the estimate which the Public Printer has furnished to the committee, these books will cost about 65 cents per copy. Therefore, the 60,000 copies which the resolution recommends will cost about $40,000. That, as I have said, is in addition to the 10,000 copies already published. Now, Mr. Speaker, I will yield to my friend from Alabama [Mr. OATES] for his question.

Mr. OATES. It does not come in quite so pertinently at this point, but I wanted to ask my friend from Tennessee whether he knows who is responsible for giving out that information?

Mr. RICHARDSON. I do not know, but it must come from some person in the Department of Agriculture. I do not know who gave the information, but I do not think that such publications ought to be made, because they impose upon members of Congress an immense correspondence in answering the inquiries to which they give rise.

Mr. OATES. Does the gentleman think that the statement was authorized by the Secretary of Agriculture?

Mr. RICHARDSON. I do not pretend to say that it was authorized by the Secretary.

Mr. COX of Tennessee. Can the gentleman tell us by what authority the Secretary published the 10,000 copies that he did publish and distribute?

Mr. RICHARDSON. That is a pertinent inquiry. He made that publication under the authority given him in the legislative, executive, and judicial appropriation bill, which sets apart for the Secretary of Agriculture, as it does for the other heads of Departments, a certain amount of money to be used in printing. In this instance the Secretary of Agriculture may have taken a part of the money that is appropriated for the promotion of the interests of the Bureau of Animal Industry and used it in printing this book.

Mr. COGSWELL. Mr. Speaker, my question is hardly covered by that of the gentleman from Alabama. The gentleman from Tennessee [Mr. RICHARDSON] says that this publication, which has embarrassed us so much—and in that respect I fully sympathize with the gentleman from Tennessee—must have been inspired by the Department of Agriculture. I want to ask him what authority he has for saying that, because I know that he wants to be just, and this is a pretty serious matter?

Mr. RICHARDSON. Yes, I want to be perfectly fair towards everybody. I stated that that was a mere assumption on my part. I made that assumption because I imagined that nobody except some one in the Department of Agriculture knew at that time that such a book was on the press.

Mr. COGSWELL. The Printing Office knew it.

Mr. RICHARDSON. Undoubtedly; but it was hardly given out there. Now, Mr. Speaker, I yield three minutes to the gentleman from Pennsylvania [Mr. O'NEILL].

Mr. O'NEILL of Pennsylvania. Mr. Speaker, because of the publication which has been read from the Clerk's desk I have received, I suppose, some fifteen or twenty communications from my constituents in Philadelphia asking for copies of the report upon the sheep industry and also of the report upon cattle diseases and feeding. In pursuance of the knowledge that I had from the Department of Agriculture that each member was to have but 1 copy—although since that we have received communications stating that we are entitled each to 5 copies of the report on sheep industry and 4 copies of the report on diseases of cattle and feeding—I offered a resolution, which was referred to the Committee on Printing, requesting that they would examine into the subject and report to this House a provision for publishing not only the report upon cattle diseases and feeding, but also the report upon the sheep industry. Now, I do not find that the committee have included the report on sheep industry in their report to this House.

Mr. RICHARDSON. I will say to the gentleman from Pennsylvania that I have here a report which I will present in relation to the sheep industry as soon as we take action on the pending one, but we have to take one thing at a time.

Mr. O'NEILL of Pennsylvania. Very well, Mr. Speaker, then I take back that part of my remarks. [Laughter.]

Mr. RICHARDSON. As soon as the pending resolution is disposed of I will present the one in relation to the publication of the report on the sheep industry.

Mr. O'NEILL of Pennsylvania. I am very glad to hear it.

Mr. Speaker, while it is the fact that in the district of the city of Philadelphia which I represent, embracing very intelligent and cultured people, there is not one acre of farming land, yet there are among my constituents many gentlemen who have the means to own country seats, and who want information either for themselves or for their farmers upon such subjects as are embraced in these two reports.

Now I wish to say—perhaps other members would be glad to say it if they had the floor—that I hope this little discussion may get fully into the papers through the Associated Press, so that our constituents may know that when members of Congress receive these books we will distribute them as we are asked. And I will gladly send a copy to any individual who writes for it, as long as my quota lasts.

[Here the hammer fell.]

Mr. RICHARDSON. Mr. Speaker, I am aware that in the opinion of a number of gentlemen of this House the Government ought to print a larger number of this publication, but I do not agree with them, for this reason: each copy of this book costs 65 cents, and if the Government undertakes to print enough to supply the demand—a fictitious demand in part—that can be created by such publications as that to which I have now called attention, it will be impossible to accomplish it. I think that if men of means, such as are spoken of by my friend from Pennsylvania [Mr. O'NEILL], have sheep or cattle they ought to be willing to pay 65 cents per copy for such a book, and the Government ought not to undertake to supply such people with these books gratis.

Mr. O'NEILL of Pennsylvania. I do not propose that my constituents shall buy these books; but, so far as my quota may go, I shall distribute them. I do not want people, however, to expect to receive these publications very soon, because many weeks must elapse before they can be printed and ready for distribution. I will keep lists of those who ask.

Mr. RICHARDSON. I think the proper plan would be to pass the general printing bill (if I may be pardoned for referring to that subject), and adopt the plan which is therein proposed, that after the Government has collected this information and prepared it for publication and distributed it in the first instance the plates should be sold to some printer that he may publish the work and sell it at a reasonable price to the people throughout the Union who are anxious to receive it. In this way only can we meet the legitimate demand for books of this kind.

So long as members of Congress undertake to make the distribution, one constituent may receive a copy while another constituent, owning perhaps more sheep or cattle, may receive none, and thus injustice will be done. These books can not be distributed so as to meet all the demands; and the proper method it seems to me would be to adopt a plan by which they may be sold at a cheap price and the people get the benefit of the information which the Government has superior facilities for collecting and collating.

Mr. SCOTT. Is there any provision in this report for giving the people these books in that way at the present time?

Mr. RICHARDSON. Not at all; but there is in the general printing bill to which I have referred.

While I have the floor I wish to have read an announcement which I tore from a copy of this book which was sent to me by the Secretary of Agriculture. I do not think such an announcement ought to be placed in a public document by any head of a Department or any bureau officer of the Government. I ask the Clerk to read.

The Clerk read as follows:

This book is mailed to you by direction of J. M. Rusk, Secretary of Agriculture.

Mr. RICHARDSON. Now, Mr. Speaker, the law provides that no head of a Department or any other officer of this Government may send out Government publications with notice to the person receiving them that they are sent with the officer's "compliments." That is a provision of law passed by this Congress during the last long session, and I charge here and now that this law is evaded when any public officer puts in any book

a notice such as has just been read from the Clerk's desk. Mr. Speaker, I now move the previous question.

Mr. FUNSTON. I hope the gentleman will not do that.

Mr. RICHARDSON. Why not?

Mr. FUNSTON. Some of us would like to say a word in defense of the Department.

Mr. RICHARDSON. How much time does the gentleman desire?

Mr. FUNSTON. Five minutes.

Mr. RICHARDSON. I yield five minutes to the gentleman from Kansas.

Mr. FUNSTON. Mr. Speaker, the gentleman has, unintentionally I doubt not, reflected upon the Department of Agriculture by producing here this morning the first article which was read at the Clerk's desk and stating that it evidently had come from some one in the Agricultural Department. That Department is authorized to use the means at its disposal in the manner they have been used for the publication of this book, and while it was being published enterprising newspaper men obtained a knowledge of the facts and gave them to the public.

Now, so far as the Agricultural Department had something to do with it, and no further: It was only an item of information that was given by the newspapers of this country to the public; and the Agricultural Department is no more responsible for its having been given out to our people generally than for any other items of news given out which are matters of public knowledge. So much for the Agricultural Department.

Now, as to the law to which the gentleman refers, and which the Secretary has violated, according to his suggestion: I am not acquainted with the law, but I prefer that the chairman of the committee, who makes such a grave statement, would produce the facts, if he has them. I am unfamiliar with the law myself, but it can be very easily settled if he will produce the facts which he alleges.

Mr. MCKINNEY. They are in the book.

Mr. FUNSTON. It is probable; but this is a custom that has been followed by all the heads of the Departments for a long time.

Mr. RICHARDSON. No; the custom was to say "sent with the compliments" of the Secretary or officer sending it.

Mr. FUNSTON. How does this differ from that?

Mr. RICHARDSON. Why, this contains a notice that it is "sent by J. M. Rusk, Secretary of Agriculture."

Mr. FUNSTON. But what is the difference?

Mr. RICHARDSON. No difference, as I insist. He simply changes the mode to evade the law, which says they shall not be sent with his "compliments."

Mr. MCKINNEY. Let me ask the gentleman from Kansas if it is sent with the "compliments of Mr. Rusk" when you or I send it to our constituents?

Mr. FUNSTON. No, sir.

Mr. MCKINNEY. Then why is it sent in that form now? Why should it be included in the book?

Mr. RICHARDSON. It should not be, and that is what I complain of.

Mr. FUNSTON. My idea is to show that the Department is not at all responsible for the publicity that is given to this matter, and is not responsible for these facts having been made a subject of newspaper comment, as I understand. Everything, of course, that occurs in the Department is known to the public, and it is unjust to the Secretary to say that by his action or connivance or otherwise facts are given to the public in advance of any action being taken upon them by members of Congress. This information was properly given out, as any other fact is given out and which the public have a right to know.

Mr. RICHARDSON. The gentleman will notice that I have not objected to that matter, but only to the fact that this places members in the attitude of refusing these books to their constituents when they are told as by authority that they are on hand for distribution. It is a mistake to assume that the members have these books for distribution.

Mr. FUNSTON. But the Department never gave out that information.

Mr. RICHARDSON. How then did it come to the notice of the United Press, which had the information and gave it out some weeks ago?

Mr. FUNSTON. It was a matter of public record. It was put on your desk and mine, and it would not be strange if the newspapers did get the information and publish it to the country.

Mr. RICHARDSON. That notice went out some weeks ago; long before the book was on your desks, and it was evidently given out by some one who knew of the contemplated publication.

Mr. FUNSTON. Yes; because the matter has been before the public for some time and known to the newspapers.

Mr. RICHARDSON. I demand the previous question, Mr. Speaker, upon the adoption of the resolution.

Mr. OWENS. I hope the gentleman will allow me to ask a question of the gentleman from Kansas.

I want to ask him by what authority he states that the Department of Agriculture did not give out this information.

Mr. FUNSTON. I did not make that positive statement; but simply say, when the gentleman from Tennessee intimates that it was given out by the Department, that there are other means by which it could have reached the public than through the Department.

Mr. JOHNSON of Indiana. But the gentleman from Tennessee admits that he does not know anything about that.

Mr. OWENS. And the gentleman from Kansas admits that he does not know anything about it.

Mr. JOHNSON of Indiana. The gentleman from Tennessee makes a charge that he does not follow up.

Mr. FUNSTON. It is unreasonable to presume that the secretary is guilty until proven innocent.

Mr. JOHNSON of Indiana. But he admits that he does not know anything about it.

Mr. CURTIS. I would like to ask the gentleman from Tennessee as to the number——

The SPEAKER. The resolution on which the House is to vote will be reported.

The resolution was again read.

Mr. CURTIS. I wish to make an inquiry of the Committee on Printing as to whether it would not be well to submit this matter to the Committee on Ways and Means, with a view to ascertaining whether a greater number may not be necessary to fully inform the farmers of the country on the subject. We are told that it is the purpose of the gentlemen in the majority to give the country free wool, and it is important that the farmers engaged in raising sheep should know how greatly they are to be benefited by that policy.

I think therefore that a measure of this kind should come before the House after a conference of the two committees. Let the farmers have a large edition of this valuable work, that they may proceed at once to prepare for the proposed new and beneficent policy of rearing sheep without any protection upon wool.

Mr. RICHARDSON. In my part of the country we do not raise wool from cattle, and as this resolution relates exclusively to cattle I do not see that the question of the gentleman has any application to the matter in hand. [Laughter.]

I demand the previous question.

The previous question was ordered; under the operation of which the concurrent resolution was adopted.

On motion of Mr. RICHARDSON, a motion to reconsider the last vote was laid on the table.

PRINTING OF SPECIAL REPORT ON SHEEP INDUSTRY OF THE UNITED STATES.

Mr. RICHARDSON. I now submit another report from the same committee.

The SPEAKER. The gentleman from Tennessee [Mr. RICHARDSON], from the Committee on Printing, submits another privileged report, which the Clerk will read.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That there be printed and bound, of the special report of the sheep industry of the United States, 60,000 copies, of which 20,000 copies shall be for the use of the Senate and 40,000 for the use of the House.

The SPEAKER. The Clerk will read the report upon the resolution.

The report (by Mr. RICHARDSON) was read, as follows:

The committee have considered the several resolutions which have been referred to them to print extra copies of the special report on the sheep industry of the United States.

There are several of these resolutions pending before the committee, calling for the printing of different numbers of this work. There have been already printed by the Secretary of Agriculture, under the discretion given him, 10,000 copies.

The estimated cost of printing and binding the work is about $1 per copy. The committee recommend the passage of the resolution herewith submitted, providing for the printing and binding of 60,000 copies of the work, the estimated cost of which, as shown, will be about $60,000. They recommend that the other resolutions on this subject, herewith returned, lie on the table.

Mr. CURTIS. This is the report which I understood was before the House when I made my inquiry of the gentleman from Tennessee a few moments ago.

Mr. RICHARDSON. Mr. Speaker, I simply call the attention of the House to the fact that this publication costs more than the cattle book which we have just ordered printed, and that comes not so much from the fact that there are more pages in it, but because there are more plates, as I understand, and these plates cost more. This book will cost a little more than a dollar a copy, and the 60,000 copies will therefore cost about $60,000. The Secretary of Agriculture, under the same discretion to which I referred a moment ago, has also had printed 10,000 copies of this work for his own use and distribution.

I now move the previous question on the adoption of this resolution.

Mr. O'FERRALL. Is the resolution amendable?

Mr. RICHARDSON. Not unless you vote down the previous question.

Mr. O'FERRALL. Then I hope it will be voted down.

Mr. JOHNSON of Indiana. We can publish the book in installments, and have some more printed next year.

The question being taken on the demand for the previous question, the Speaker announced that the ayes seemed to have it.

On a division (demanded by Mr. O'FERRALL), there were—ayes 120, noes 21.

Pending the division

Mr. JOHNSON of Indiana said: Does the gentleman from Virginia [Mr. O'FERRALL] desire to amend the resolution?

Mr. O'FERRALL. Yes.

Mr. JOHNSON of Indiana. To have more copies printed?

Mr. O'FERRALL. Yes.

Mr. JOHNSON of Indiana. So do I.

The result of the vote was then announced as above stated.

Mr. O'FERRALL. Mr. Speaker, my object in voting against the previous question——

Mr. RICHARDSON. I object to debate.

Mr. O'FERRALL (continuing). Was that the resolution might be amended so as to order the printing of 100,000 copies.

Mr. RICHARDSON. I call for the regular order.

Mr. O'FERRALL. I therefore raise the question of no quorum, and call for tellers.

The SPEAKER appointed as tellers Mr. RICHARDSON and Mr. O'FERRALL.

The House again divided; and there were—ayes 136, noes 32.

So the previous question was ordered.

The SPEAKER. The question now is on concurring in the resolution.

The resolution was concurred in.

On motion of Mr. RICHARDSON, a motion to reconsider the last vote was laid on the table.

Mr. RICHARDSON. I ask that the other resolutions relating to this subject, reported by the committee and sent to the Clerk's desk, may lie on the table.

The SPEAKER. Without objection the other resolutions on the same subject reported by the committee will lie on the table.

There was no objection.

SPECIAL ORDER FOR TO-MORROW.

Mr. PEEL. Mr. Speaker, inasmuch as last Wednesday was set apart by the Committee on Rules for the consideration of reports from the Committee on Indian Affairs, which day was lost on account of the death of Senator Kenna, I ask unanimous consent that to-morrow (Saturday) be substituted and set apart for that work, as the Judiciary Committee have abandoned that day?

The SPEAKER. The gentleman from Arkansas [Mr. PEEL], from the Committee on Indian Affairs, asks unanimous consent that in lieu of Wednesday, which was lost to that committee, they may be assigned to-morrow, to be set apart for the consideration of bills reported from the Committee on Indian Affairs. Is there objection to the request?

There was no objection.

BRIDGE ACROSS THE OHIO RIVER AT CINCINNATI.

Mr. DICKERSON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 10007) to provide for lowering the height of a bridge proposed to be constructed across the Ohio River between Cincinnati, Ohio, and Covington, Ky., by the Cincinnati and Covington Rapid Transit Bridge Company.

The bill was read, as follows:

Be it enacted, etc., That the Cincinnati and Covington Rapid Transit Bridge Company be, and is hereby, authorized and permitted to construct a general traffic highway bridge across the Ohio River between the cities of Covington, Ky., and Cincinnati, Ohio, at the place and according to the plans of said bridge approved by the Secretary of War, except that the height of said bridge above low water shall be 105.3 feet instead of 115 feet as now required by law and as shown by the plans approved by said Secretary of War: *Provided*, That nothing in this act shall be so construed as to repeal or modify any of the provisions of the law now existing in reference to the protection of the navigation of rivers, or to exempt this bridge from the operation of the same.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

SEC. 3. That this act shall take effect from and after its passage.

The amendments recommended by the committee were read, as follows:

Strike out the words "one hundred and five and three-tenths feet," in line 9 of the first section of said act, and insert in lieu thereof "one hundred and five feet and four inches."

Insert after the present ending of section 1 of said act the following:

"*And provided further*, That the rights and privileges herein granted shall be null and void if actual construction of this bridge be not begun within one year and completed within three years from the date of the approval of this act."

The SPEAKER. Is there objection to the request of the gentleman from Kentucky for the immediate consideration of this bill? (After a pause). The Chair hears none.

The amendments recommended by the committee were agreed to.

The bill, as amended, was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. DICKERSON, a motion to reconsider the vote by which the bill was passed, was laid on the table.

ORDER OF BUSINESS.

Mr. BELTZHOOVER. I call for the regular order.

The SPEAKER. The gentleman from Pennsylvania calls for the regular order, which is equivalent to an objection. The regular order is the call of committees for reports.

The Clerk proceeded to call committees for reports.

ROCKPORT, TEX., A SUBPORT OF ENTRY.

Mr. MALLORY, from the Committee on Interstate and Foreign Commerce, reported back favorably the bill (H. R. 9531) to make Rockport, Tex., a subport of entry; which was referred to the House Calendar, and, with accompanying report, ordered to be printed.

BRIDGE ACROSS THE MISSISSIPPI RIVER ABOVE NEW ORLEANS.

Mr. GEARY, from the Committee on Interstate and Foreign Commerce, reported back favorably the bill (S. 2345) to authorize the construction of a bridge across the Mississippi River above New Orleans; which was referred to the House Calendar, and, with accompanying report, ordered to be printed.

BRIDGE ACROSS THE MONONGAHELA RIVER AT WEST ELIZABETH, PA.

Mr. GEARY, from the Committee on Interstate and Foreign Commerce, reported back with amendments the bill (H. R. 9786) authorizing the construction of a bridge across the Monongahela River at West Elizabeth, in the State of Pennsylvania; which was referred to the House Calendar, and, with accompanying report, ordered to be printed.

BRIDGE ACROSS THE MONONGAHELA RIVER AT BELLEVERNON, PA.

Mr. GEARY, from the Committee on Interstate and Foreign Commerce, reported back with amendments the bill (H. R. 9897) authorizing the construction of a bridge over the Monongahela River at the foot of Main street, in the borough of Bellevernon, in the State of Pennsylvania; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

GOSPORT NAVY-YARD.

Mr. CUMMINGS, from the Committee on Naval Affairs, reported back with amendments the bill (S. 1543) authorizing and directing the Secretary of the Navy to contract for the purchase a lot of land opposite to the Gosport navy-yard; which was referred to the Union Calendar, and, with the accompanying report, ordered to be printed.

HIRAM R. RHEA.

Mr. SNOW, from the Committee on Invalid Pensions, reported back the bill (H. R. 10167) granting a pension to Hiram R. Rhea.

The SPEAKER. That is a private bill and goes through the box.

Mr. MARTIN. I desire to suggest that the bill was prepared and reported by the committee, together with the report. Although it is a private bill, we were undecided as to how it should be reported.

The SPEAKER. Is it not a private bill?

Mr. MARTIN. It is; but it is reported by the committee with a report showing why it should pass. It is a committee bill.

The SPEAKER. Reports on private bills are made through the box.

Mr. MARTIN. Permit me a suggestion.

The SPEAKER. The Chair does not understand. This is a private bill, is it not?

Mr. MARTIN. Allow me to make a suggestion, Mr. Speaker. This bill is prepared by and reported from the committee with a favorable report. It is a bill for the repeal of a special act, and we did not know but what it ought to be reported upon the call of the committee.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 10167) granting a pension to Hiram R. Rhea.

The SPEAKER. The bill will be referred to the Committee of the Whole on the Private Calendar, and, with the report, will be printed.

The call of the standing and select committees was concluded.

ORDER OF BUSINESS.

Mr. BELTZHOOVER. Mr. Speaker, this being the day fixed by the rule for the consideration of bills on the Private Calendar, I move that the House resolve itself into Committee of the Whole for that purpose.

The question was taken.

The SPEAKER. The ayes have it, and the gentleman from Tennessee [Mr. RICHARDSON] will please take the chair.

Mr. HOOKER of New York. A division, Mr. Speaker.

The SPEAKER. Did the gentleman rise before the announcement?

Mr. HOOKER of New York. Yes, sir.

The SPEAKER. The Chair accepts the gentleman's statement.

The House divided; and there were—ayes 60, noes 5.

Mr. HOOKER of New York. No quorum.

Mr. BELTZHOOVER. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 159, nays 29, not voting 141, as follows:

YEAS—159.

Abbott,	Cobb, Ala.	Lagan,	Pickler,
Alexander,	Cobb, Mo.	Lane,	Pierce,
Allen,	Compton,	Lanham,	Post,
Amerman,	Cox, Tenn.	Lawson, Va.	Powers,
Arnold,	Crain,	Lawson, Ga.	Ray,
Babbitt,	Crosby,	Layton,	Reilly,
Bailey,	Culberson,	Lester, Ga.	Richardson,
Baker,	Davis,	Lewis,	Robertson, La.
Bartine,	De Armond,	Lockwood,	Scott,
Barwig,	Dickerson,	Long,	Scull,
Beeman,	Dockery,	Magner,	Seerley,
Beltzhoover,	Donovan,	Mallory,	Shell,
Bentley,	Dunphy,	Martin,	Smith,
Blanchard,	Edmunds,	McAleer,	Snodgrass,
Blount,	Elliott,	McCreary,	Snow,
Boatner,	Ellis,	McKaig,	Sperry,
Bowman,	Enloe,	McKinney,	Springer,
Branch,	Everett,	McLaurin,	Steward, Ill.
Brawley,	Fellows,	McMillin,	Stewart, Tex.
Breckinridge, Ark.	Fyan,	McRae,	Stone, Ky.
Breckinridge, Ky.	Geissenhainer,	Meyer,	Stout,
Brickner,	Gillespie,	Miller,	Stump,
Brookshire,	Gorman,	Milliken,	Tarsney,
Brown, Ind.	Grady,	Montgomery,	Terry,
Brown, Md.	Greenleaf,	Moore,	Tillman,
Brunner.	Hallowell,	Mutchler,	Tracey,
Buchanan, Va.	Halvorson,	Newberry,	Turner,
Bunn,	Hare,	Oates,	Van Horn,
Butler,	Haynes, Ohio	O'Ferrall,	Warner,
Bynum,	Heard,	Ohliger,	Watson,
Cadmus,	Henderson, Ill.	O'Neill, Pa.	Waugh,
Caminetti,	Hoar,	Otis,	Wheeler, Mich.
Castle,	Hooker, Miss.	Outhwaite,	White,
Catchings,	Johnson, Ohio	Page,	Wike,
Cate,	Johnstone, S. C.	Parrett,	Williams, Ill.
Causey,	Jones,	Patterson, Tenn.	Wilson, Ky.
Chipman,	Kem,	Patton,	Winn,
Clancy,	Kendall,	Paynter,	Wise,
Clark, Wyo.	Kribbs,	Pearson,	Wright.
Clarke, Ala.	Kyle,	Peel,	

NAYS—29.

Antony,	Crawford,	Hitt,	Taylor, J. D.
Belden,	Dalzell,	Kilgore,	Wadsworth,
Belknap,	Enochs,	Lind,	Walker,
Bretz,	Fithian,	Lodge,	Weadock,
Brosius,	Funston,	Moses,	Youmans.
Burrows,	Grout,	O'Donnell,	
Busey,	Hall,	Rayner,	
Coombs,	Haugen,	Stephenson,	

NOT VOTING—141.

Alderson,	De Forest,	Huff,	Rusk,
Andrew,	Dingley,	Hull,	Russell,
Atkinson,	Dixon,	Johnson, Ind.	Sanford,
Bacon,	Doan,	Johnson, N. Dak.	Sayers,
Bankhead,	Dolliver,	Jolley,	Shively,
Bergen,	Dungan,	Ketcham,	Shonk,
Bingham,	Durborow,	Lapham,	Simpson,
Bland,	English,	Lester, Va.	Sipe.
Boutelle,	Epes,	Little,	Stahlnecker,
Bowers,	Fitch,	Livingston,	Stevens,
Broderick,	Flick,	Loud,	Stockdale,
Bryan,	Forman,	Lynch,	Stone, C. W.
Buchanan, N. J.	Forney,	Mansur,	Stone, W. A.
Bullock,	Fowler,	McClellan,	Storer,
Bunting,	Gantz,	McGann,	Sweet,
Bushnell,	Geary,	McKeighan,	Taylor, Ill.
Byrns,	Goodnight,	Meredith,	Taylor, Tenn.
Cable,	Griswold,	Mitchell,	Taylor, E. B.
Caldwell,	Hamilton,	Morse,	Taylor, V. A.
Campbell,	Harmer,	Norton,	Townsend,
Capehart,	Harries,	O'Neil, Mass.	Tucker,
Caruth,	Harter,	O'Neill, Mo.	Turpin,
Cheatham,	Hatch,	Owens,	Washington,
Clover,	Hayes, Iowa	Pattison, Ohio	Wever,
Coburn,	Hemphill,	Payne,	Wheeler, Ala.
Cockran,	Henderson, Iowa	Pendleton,	Whiting,
Cogswell,	Henderson, N. C.	Perkins,	Willcox,
Coolidge,	Herbert,	Price,	Williams, Mass.
Cooper,	Hermann,	Quackenbush,	Williams, N. C.
Covert,	Holborn,	Raines,	Wilson, Wash.
Cowles,	Holman,	Randall,	Wilson, Mo.
Cox, N. Y.	Hooker, N. Y.	Reed,	Wilson, W. Va.
Cummings,	Hopkins, Pa.	Reyburn,	Wolverton.
Curtis,	Hopkins, Ill.	Rife,	
Cutting,	Houk, Ohio	Robinson, Pa.	
Daniell,	Houk, Tenn.	Rockwell,	

So the motion was agreed to.

Mr. HUFF. Mr. Speaker, I have voted upon this question, but I desire to withdraw my vote, as I am paired with the gentleman from Missouri [Mr. HATCH].

The following-named members were announced as paired:

Until further notice:

Mr. FORNEY with Mr. RAINES.

Mr. BANKHEAD with Mr. DOAN.

Mr. CARUTH with Mr. VINCENT A. TAYLOR.

Mr. MITCHELL with Mr. MORSE.

Mr. WHITING with Mr. SWEET.

Mr. CAMPBELL with Mr. JOHNSON of North Dakota.

Mr. SHIVELY with Mr. WEVER.

Mr. WASHINGTON with Mr. SANFORD.

Mr. GOODNIGHT with Mr. KETCHAM.

The following for this day:

Mr. HARRIES with Mr. GRISWOLD.

Mr. HATCH with Mr. HUFF.

Mr. HERBERT with Mr. HARMER.

Mr. STEVENS with Mr. RANDALL.

Mr. WILSON of West Virginia with Mr. BINGHAM.

Mr. SAYERS with Mr. HENDERSON of Iowa.

Mr. ALDERSON with Mr. SHONK.

Mr. BLAND with Mr. HULL.

The result of the vote was then announced as above recorded.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. RICHARDSON in the chair.

HIRAM JOHNSON AND OTHERS.

The CHAIRMAN. The House is in Committee of the Whole on the state of the Union for consideration of bills on the Private Calendar. The Clerk will report the title of the first bill.

The Clerk read as follows:

A bill (H. R. 1219) for the relief of Hiram Johnson and others.

Mr. BELTZHOOVER. Mr. Chairman, the status of that bill, as I understand it, is that there was a vote being taken upon it by tellers when the committee rose at the time the bill was last considered, and I suppose we shall resume the consideration of the bill at the point where we left off.

Mr. BURROWS. Mr. Chairman, I think that the bill and the report ought to be read for the information of the House.

Mr. BELTZHOOVER. There is no objection to the reading of the bill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any moneys in the Treasury not otherwise appropriated, the respective sums of money as hereinafter provided, to the respective persons named herein, or to their heirs or legal representatives, to wit:

To H. Johnson, $659.86.
To Stephen M. Johnson, $659.86.
To D. J. Franklin, $130.48.
To Josiah Franklin, $156.60.
To Nat Buckley, $261.20.
To John Tull, $313.49.
To Elias Bray, $391.92.
To Dr. G. Johnson, $156.60.
To Harrison Trice, $261.20.
To Jeremiah Crook, sr., $522.41.
To Willis Arnold, $5,213.89.
To Arch McCorkle, $391.92.
To G. L. Ross, $1,306.91.
To S. L. Ross, $1,306.91.
To John M. Hart, $522.41.
To William A. Brummer, $801.69.
To John D. Smith, $261.20.
To A. B. Crook, $261.20.
To Daniel McCollum, $261.20.
To Jeff Jones, $130.48.
To Thomas McGill, $156.61.
To James Ledbetter, $156.61.
To William Ozier, $522.41.
To Elijah Bond, $261.20.
To John L. Cawthon, $522.41.
To William Hall, $522.41.
To Carroll Beaver, $522.41.
To John West, $659.86.
To James Clifford, $261.20.
To O. F. Hendrix, $784.04.
To Frank Cawthon, $313.49.
To James Cawthon, $130.49.
To S. E. Grider, $130.49.
To Silas Grider, $130.49.
To John Robinson, $240.34.
To Hugh McKnight, $200.25.
To John G. Smith, $79.96.
To Caleb McKnight, $200.25.
To James Thomas, $200.25.
To William P. Walker, $120.06.
To A. S. Rogers, $341.55.
To Tison G. Maness, $561.02.
To William H. Bond, $120.06.
To F. M. Ballard, $240.04.
To Stephen Massengill, $120.06.
To William Swink, $440.80.
To Keton M. Jones, $361.15. In all, $22,271.26.

Mr. BURROWS. Mr. Chairman, while the Chair is looking up the status of this bill, can not we have the report read?

There being no objection, the report (by Mr. ENLOE) was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 1219) for the relief of Hiram Johnson and others, submit the following report:

The facts of this claim are fully set forth in a report made by this com-

mittee to the House in the first session of the Fifty-first Congress, hereto annexed and made a part of this report.

Your committee therefore adopt the said report as their own, and report back the bill and recommend its passage.

[House Report No. 14, Fifty-first Congress, first session.]

The facts out of which this claim for relief arises and the reasons of the committee for recommending the passage of the bill will be found stated in the report of the Committee on War Claims, submitted to the second session of the Forty-sixth Congress, by Gen. Bragg, of Wisconsin, who was then chairman of said committee, which report is as follows:

[House Report No. 1345, Forty-sixth Congress, second session.]

The Committee on War Claims, to whom was referred the petition of Hiram Johnson and others for relief, submit the following report:

The facts out of which this claim for relief arises will be found stated in House report of the Committee on Military Affairs, No. 184, second session, Forty-fourth Congress, and in reports from the Secretary of War, with correspondence attached, on file with the papers in the case, and are in substance as follows:

On the 25th day of November, 1862, a party of rebels made a raid upon a small force of Union troops stationed at Henderson, in the State of Tennessee, on the Mobile and Ohio Railroad. The raiding party captured the Union troops, with their arms and camp equipage, burned a quantity of cotton belonging to the United States and to private individuals, and also destroyed the depot buildings and water tank belonging to the railway corporation.

Thereupon, on the 2d day of December following, the commandant of the Union forces at the post of Bethel, Tenn. (Col. J. N. Haynie, Fortieth Regiment Illinois Volunteers), appointed a board of officers to investigate the losses sustained and appraise the damages suffered from the raid, with a view to an assessment by way of reprisal upon rebel sympathizers in and about Henderson.

The board so appointed assessed the value of the property captured and destroyed as follows:

Cotton burned belonging to the United States	$1,900.00
Arms and camp equipage belonging to the United States	3,180.00
Total belonging to the United States	5,080.00
Cotton belonging to private persons	18,171.36
Railway property	3,500.00
Grand total	26,751.36

Upon this report being made, Col. Haynie ordered an assessment of this amount to be levied upon the rebel sympathizers in and about Henderson, which action was approved at the headquarters of the district of Jackson, in the Department of Tennessee, Brig. Gen. Sullivan commanding, on the 12th day of December, 1862; and an order bearing date on that day was issued from said last-named headquarters directing the collection of the tax.

Col. Haynie proceeded in the execution of the order, and collected of the said assessment the sum of $23,325.16, leaving a deficit of $3,426.20 not collected, by reason of the absence of the persons against whom the same was assessed. And thereafter, but at what precise date does not appear, Col. W. W. Sanford, Forty-eighth Illinois Volunteer Infantry, commanding post at Bethel, made an additional and supplemental assessment for $4,326.20 to make up such deficit; and of this amount there was collected $4,026.20, making the total amount collected to repair losses and damages sustained by said raid $27,351.36; all of which sum was paid by the persons now asking relief by this petition.

The right of the military commandant in time of war to order and enforce assessments upon hostile communities by way of reprisal, and to prevent the giving information and encouragement to enemies outside of his lines by enemy sympathizers within his lines, is well settled and affirmed by all writers upon the laws of war, and is a most salutary check upon predatory incursions by making the friends of those who commit the damage bear the brunt of the injury suffered.

At the time of the appraisal of the damages and of the levying and collecting these assesments it was supposed to be under and in execution of an order of Gen. Grant, then commanding the troops in that department. But it appears from the papers filed that Gen. Grant disavowed the construction put upon his general orders by the local officers, and declared the purpose and intent of his general order to be that reprisal should be made by way of levy and assessment in case of raids within our lines, like the one at Henderson, only to repay such losses as the Government might sustain in its property thereby, and he refused to recognize the right of private claimants to reimbursement by such levy and assessment; and on the 23d day of January, 1863, ordered the proceeds of such assessment and collection to be turned over to the Provost-Marshal-General; and it appears by the papers filed that his action in denying the right of private claimants to reimbursement for losses sustained by the raid out of this fund was approved by the Secretary of War, on the report made thereon by Gen. M. C. Meigs, which report maintains the law to be that the power existed to levy and collect an assessment to pay private losses in the discretion of the general commanding; but as against such general's construction of his own order and purpose no right whatever could accrue to a private claimant for reimbursement.

The logical sequence from these facts, and this declaration and construction by Gen. Grant of his orders, seems to be that the subordinates, in the execution of the orders of the commanding general, should have made an assessment only for the losses sustained by the Government, viz:

For cotton burned belonging to the United States	$1,900
Arms and camp equipage belonging to the United States	3,180
	5,080

Had the Government rebuilt or repaired the injury to the railway property, as an essential for their use of it, that also should be included as a proper item for assessment; but the evidence shows that the railway company repaired their injuries at their own expense.

Deducting this amount, for which the assessment was authorized, from the total amount collected, there remains a balance of $22,271.26 taken from the petitioners under a misconstruction of the order of the commanding general, as certified to by his own action and the evidence of an officer of his staff.

This committee have maintained, and still adhere to the doctrine, that no nation is liable for the willful torts of its soldiery.

But was this assessment a tort, within the meaning of such well-established doctrine? It is submitted that this wrong is clearly without the rule, because this assessment was collected by an officer of high rank, commanding a military district, in the execution of an office giving him colorable authority, to say the least, to do the act he did; and that act was ratified by the general commanding, impliedly at least, by not ordering restitution when the excessive assessment came to his knowledge.

But if the reasoning on this point may be deemed questionable, there is, upon the facts, another and complete answer to the application of this principle. The proof shows, to an absolute certainty, that of the money so collected $23,325.16 was applied by the United States to its use, knowing the source from whence it was derived, and the remainder of the sum, $4,026, by all reasonable presumption, was likewise applied to the use of the Government. And the committee is so constrained to hold, as a contrary conclusion would compel us to impeach the integrity of a gallant officer who fell before Vicksburg without a stain upon his citizen or soldier life.

The law of the case, then, may be stated to be, that if the officers, agents of the Government, committed a tort originally, it was approved by the principal, the Government, when it knowingly accepted the benefits of the tortious acts. And no proceedings by way of confiscation or condemnation have ever been had to divest the persons so assessed of their right in the surplus fund.

Hence your committee are constrained to hold that the claims of the petitioners to the amount collected of them ($22,271.26) in excess of the requirements of Gen. Grant are valid, and that the Government ought in right to refund the same; and report herewith a bill, redistributing the same to the persons who paid the same ratably, in proportion to the sums originally paid by each of them, respectively, and recommend its passage.

Your committee adopt the said report as their own, and report herewith a substitute for the bill and recommend its passage.

The CHAIRMAN. The Chair will state the status of this bill. On June 10 last it was considered by the Committee of the Whole, and the gentleman from Tennessee [Mr. ENLOE] moved that it be laid aside to be reported to the House with the recommendation that it do pass. Upon that motion a vote was taken, and the Chair will have the Clerk read from the RECORD what occurred.

The Clerk read as follows:

The CHAIRMAN. The question recurs on the motion of the gentleman from Tennessee [Mr. ENLOE] that House bill No. 1219 be laid aside to be favorably reported to the House. The tellers will resume their places.

The committee again divided, and the tellers reported—ayes 126, noes 6.

Mr. KILGORE. No quorum.

Mr. ENLOE. I move that the committee rise.

The motion was agreed to.

The CHAIRMAN. The tellers appointed by the Chair on that occasion were the gentleman from Tennessee, Mr. ENLOE, and the gentleman from Illinois, Mr. TAYLOR.

Mr. BELTZHOOVER. Mr. Chairman, inasmuch as so long a time has elapsed since this bill was discussed that members of the House may not be familiar with its merits or with the objections to it, I ask unanimous consent that twenty minutes' debate be allowed; ten minutes to be used by those in favor of the bill and ten minutes by those opposed to it.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. BELTZHOOVER] asks unanimous consent that twenty minutes be allowed for debate upon this bill; ten minutes in favor of the bill and ten minutes in opposition to it. Is there objection?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Tennessee [Mr. ENLOE] to control the time in favor of the bill, and the gentleman from Illinois [Mr. TAYLOR] (who made the point of "no quorum" when the bill was last under consideration, and who was a teller) to control the time against the bill.

Mr. ENLOE. Mr. Chairman, I understand that the gentleman from Ohio [Mr. STORER] desires to occupy ten minutes in opposition to this bill, and I ask him to take his time now so that I may hear his argument and have an opportunity to answer it.

Mr. STORER. Mr. Chairman, this bill purports to return to certain persons living in Tennessee the amount of an assessment which was collected from them under the order of Gen. Grant during the war. The report gives the facts, and the gentleman from that district of Tennessee, Col. COX, gave us at the last session a most interesting personal account of the circumstances under which this claim arose. There is but one point that I desire to address myself to, and I think this committee should consider it very carefully before passing the pending bill.

The assessment made and collected was $27,000. The report sets up that, by mistake, $27,000 was collected, whereas only $5,000 was intended to be collected; in other words, that Gen. Grant intended to assess and collect only the value of the Government property destroyed, which was $5,000. The $27,000 having been assessed and collected as is alleged by mistake, and $5,000 having been paid to the Government, this bill is an attempt to refund to the people who paid the assessment of $27,000 the sum of $22,000. It seems from the history of the legislation pertaining to this case, both that mentioned in the report of the committee and that which may be found in the various volumes of the Statutes at Large, that after that money was deposited in the Treasury to the credit of the captured and abandoned property fund, there was a race of diligence as to who should receive payment out of that fund.

The Government, it seems, was paid for arms and camp equipage destroyed $3,180, and for Government cotton burned $1,900, making in round figures the $5,000 which was paid out of this assessment, and this bill takes for granted that that leaves $22,000. The race of diligence, however, was not confined to the Government or to the parties for whom this bill is now brought in, because we find a special act approved on March 3, 1875, whereby John Aldridge, of McNairy County, Tenn., was paid out of this identical assessment the sum of $9,606, to make reimbursement

for cotton belonging to him which was burned at that time at the town of Henderson, Tenn. That act provided that—

The sum so paid to be charged to the account of captured and abandoned property—

The identical fund into which this money as assessed and collected from the people was paid.

Mr. DINGLEY. That is, the assessment was made to cover losses not only by the Government but by private individuals in the burning of their cotton.

Mr. STORER. There is no doubt of the fact which the report shows, that the officer who actually made the assessment supposed that the order of his superior officer included private property destroyed, and made his assessment accordingly. The point I make is that instead of there being $22,000 of this assessment left in the captured and abandoned property fund of the United States, out of which this money can be restored to the people who paid it, $9,606 was paid out in 1873, leaving only $13,000 in round numbers to be paid out.

Mr. BOATNER. Could the Government properly take the money of one body of private citizens to pay it to other private citizens for property destroyed by the ravages of war?

Mr. STORER. The report of the committee is conclusive on that point. It admits the right to make the full assessment. The letter of Gen. Grant, which is cited as justifying the restoration of this money, concludes that point; for there it is asserted, and nowhere contradicted, that the Government had the right to assess the full amount. So that now the plain question presented is whether we can pay $5,000 and $9,000 out of a fund of $27,000 and then have $22,000 left.

Mr. BOATNER. I understood the gentleman to say that the order of Gen. Grant contemplated only an assessment sufficient to reimburse the Government for its losses, and that a part of the assessment which was collected has been appropriated to reimburse a private citizen for his property which was destroyed on that occasion. Now, my question is, whether we can properly take the money of these citizens which was paid in under this order and use it in the reimbursement of another private citizen, whose property was destroyed by the ravages of war. In other words, do we not owe to these people the reimbursement of their money, notwithstanding that we have improperly applied it for another purpose, for which it should not have been used?

Mr. STORER. I look on this question in the way in which it would be treated if we were discussing a case in court. There was this money there to be distributed, and all parties were before the court when the case came before the Congress of the United States. The parties now seeking this $22,000 were then before the court with opportunity to be heard; and this House and the Senate, acting like a court, decided that $9,000 of this fund should go to John Aldredge and should not go to the people named in this bill. That leaves only $13,000 to go to them, even supposing that the money was erroneously collected. This John Aldredge was a citizen of that county——

Mr. BOATNER. Were these parties before the court then?

Mr. STORER. They are before Congress now.

Mr. BOATNER. You mean, they might have been.

Mr. STORER. This is not like a case in the Court of Claims. I look upon this as the distribution of a fund of which Congress orders the distribution, and every citizen of the United States is before that court. If from this fund of $27,000 there be paid $5,000 and then $9,000 it can not leave more than $13,000, whether the fund arose in the first place wrongfully or rightfully. That is my objection, as the gentleman from Tennessee and the gentleman from Louisiana will remember, to this bill.

I will remind the gentleman from Tennessee that I called his attention to this prior act, and said that so far as I was concerned I had no objection to voting to refund all the money there was left pro rata to the people who paid it, but I did not see how the captured and abandoned property fund could pay out more money than it had received on this particular item.

Mr. Speaker, I reserve the residue of my time.

Mr. DICKERSON. I would like to ask the gentleman a question.

Mr. STORER. I reserve the residue of my time.

The CHAIRMAN. The gentleman from Ohio [Mr. STORER] has three minutes left.

Mr. ENLOE. Mr. Chairman, it seems to me that there is but one question in regard to this matter and that is the question raised by the gentleman from Ohio as to whether the $9,000 paid to John Aldredge and others was properly taken from this fund. I claim that when John Aldredge came to present his claim to Congress to be reimbursed for property that had been destroyed at Henderson Congress should have been governed by the facts as they appeared in the official order providing for the levy of this assessment. This money either belonged to those people who paid it to the Government or it belonged to the Government. It could not have belonged to John Aldredge. It certainly did not belong to the Government, in equity at least.

The assessment was collected, and after discharging the Government claim the excess was turned into the public Treasury. President Grant was appealed to by these same cotton speculators, and when he was asked to pay them out of this fund he stated emphatically that he did not levy that assessment to protect cotton speculators.

More than that, Mr. Chairman, when they applied to the War Department Quartermaster-General Meigs, for whose legal ability I think the House will entertain as high respect as it does for that of the gentleman from Ohio, stated in response to the application:

Gen. Grant, then commanding, ordered a war levy upon neighboring rebels, and the full value of the United States property and of the cotton (private property) destroyed appears to have been collected. Col. Hillyer states that the money thus collected exceeded the amount which Gen. Grant had intended to have collected, and that Gen. Grant refused to permit it to be applied to the payment of private losses and damages.

Gen. Hillyer, in a letter to Gen. Grant, called attention to these facts, and on the 25th day of February, 1882, in reply to a communication from the Senate committee investigating the claim, Gen. Grant said in regard to this:

Gen. Hillyer's letter as printed above is, no doubt, entirely correct. I certainly never intended any collection for the benefit of cotton purchasers.

Now, it turns entirely on the question as to whether or not Congress, in dealing with this fund, may disregard the purpose in view in the collection of it, and take from one claimant against the Government a certain proportion of the fund in its hands and turn it over to somebody else who is not entitled to receive it. I maintain, Mr. Chairman, that the Government retains this fund as a trustee, and by the terms of the order under which it was collected it was a violation of the trust on the part of the Government to take any portion of the fund and apply it to the payment of these speculators claims. That is all I want to say in response to the gentleman from Ohio, and the objections which he raised to this bill.

Mr. COX of Tennessee. Before my colleague takes his seat will he permit me to ask him a question?

Mr. ENLOE. Certainly.

Mr. COX of Tennessee. Do you know who this man Aldredge was?

Mr. ENLOE. Not personally, but he lived in McNairy County.

Mr. COX of Tennessee. Have you any personal knowledge of him?

Mr. ENLOE. No personal knowledge. The evidence in connection with this claim says that he was a cotton speculator, but it does not appear that he was possessed of any such amount of cotton at any one time. And besides, Gen. Grant, in dealing with the question, said that the cotton was used for breastworks, and if it was destroyed it was in connection with military operations, and the Government was not responsible to the speculators under the circumstances.

Mr. JOSEPH D. TAYLOR. Does the gentleman know whether any other parties were paid at the same time, and why they were not paid?

Mr. ENLOE. None of them were paid, and I suppose because they were not as smart as Mr. Aldridge was. He came here and succeeded in getting an allowance in his behalf.

Mr. JOSEPH D. TAYLOR. Had they a bill pending for their relief?

Mr. ENLOE. They had a bill subsequently introduced, but whether or not it was introduced at that time, or was then pending, I do not know. But one of my predecessors, Mr. Atkins, introduced a bill here which was reported favorably by Gen. Bragg, of Wisconsin, then chairman of the Committee on War Claims, and that report has been reaffirmed time after time by Congress after Congress, and this bill has passed both branches at different sessions, but never at the same session.

Mr. BURROWS. Was this presented to the Southern Claims Commission or to the Quartermaster-General?

Mr. ENLOE. I think not.

Mr. BURROWS. Then it is barred under the law as it is now.

Mr. ENLOE. It would be, I suppose, if presented to the court. But it is not a case that could go before the court. I do not think it is a case that could go under the act providing for the references of cases to the Court of Claims. It is a case *sui generis*. There is no other case like it, as far as I am aware.

Mr. BURROWS. Would it be referable under the Tucker act?

Mr. ENLOE. I think not. That act expressly provides that war claims shall not be referred.

Mr. DICKERSON. Let me ask the gentleman from Tennessee this question: Whether or not this $9,000, which was paid as alluded to by the gentleman from Ohio, is the only amount that has been paid out of this fund?

Mr. ENLOE. I think that is all. I reserve the remainder of my time.

Mr. STORER. Mr. Chairman, if I have any time remaining——

The CHAIRMAN. The gentleman has three minutes.

Mr. STORER. I understand the gentleman from Kentucky desired to ask me a question when I was on the floor a few moments ago. I will now yield to him for that purpose.

Mr. DICKERSON. I wanted to ask whether the $9,000 to which you referred was the only amount that had been paid out of that fund?

Mr. STORER. That is all I have been able to discover.

Mr. DICKERSON. Have you asked the Secretary of the Treasury?

Mr. STORER. I have not. I confined my search to the legislation. I have not asked the Treasurer. I have no interest, I will state, for or against the bill any more than any other member of the House.

Mr. DICKERSON. Then the committee has no information from the Treasury Department whether that fund has been exhausted or not?

Mr. STORER. The report fails to state.

Mr. BELTZHOOVER. May I inquire of my colleague what objection there would be to referring this bill to the Court of Claims in conformity with the practice of the House under the Tucker act?

Mr. ENLOE. If the gentleman is familiar with the Tucker act he will remember that the reference of a war claim is expressly forbidden under that act. I doubt if a reference under that act would give the court jurisdiction.

Mr. BELTZHOOVER. I am quite familiar with the Tucker act, and understand the construction of the act given by the gentleman, and I think, perhaps, it is the correct one; but the practice of this House is, under section 14 of that act, to send such claims as this to the Court of Claims to ascertain the facts, and if they see proper to enter judgment.

Mr. ENLOE. I think the gentleman is mistaken about that. The only claims that have been referred under the Tucker act by the practice of the House—the correctness of which I doubt very much—are claims for stores and supplies and for use and occupation of property.

Mr. BELTZHOOVER. I beg the gentleman's pardon. I have no doubt that this House, as it has done in very many cases, can give the Court of Claims jurisdiction to pass upon this case, and enter judgment if they find it proper under the law.

Mr. ENLOE. The Court of Claims might, by special act of Congress, be vested with jurisdiction in the case. There is no question about that.

Mr. BELTZHOOVER. What objection is there, then, to allowing an amendment to the present bill, referring it to the Court of Claims and giving them jurisdiction to inquire into the equities of the claim, and, if they find favorably, to enter judgment against the Government for the amount.

Mr. ENLOE. My objection is that I believe this House is about as competent to determine questions of law and equity as is the Court of Claims, and I am satisfied that the House itself has as much confidence in its capacity to pass upon the question as it has in the ability of the Court of Claims to do it. There is no dispute about the facts, and no occasion that I can see for referring it.

Mr. BELTZHOOVER. The suggestion I make is only in the interest of economy of time in the consideration of this Calendar. I think all claims of every description that can be properly considered by the Court of Claims ought to go to that court, under just such a process as that I now suggest.

Mr. BURROWS. That is right.

Mr. ENLOE. I would assist the gentleman to provide some tribunal for the settlement of all claims against the Government, for I think the most unsatisfactory tribunal that I ever saw, to deal with private claims against the Government, is the Congress of the United States. Under our rules a few men can defeat the will of the majority.

Mr. BELTZHOOVER. I agree substantially with the gentleman, but what better disposition can we make of this claim, in view of its situation now before the House; that is, in view of the declination of members to vote on the bill, and the consequent delays to other bills on the Calendar? If the gentleman finds that this bill will not pass the House, for any reason, why not refer it to the Court of Claims under such a suggestion as that which I now make.

Mr. ENLOE. I would suggest to the gentleman that these people have been waiting for twenty-five years or more already, and it seems to me that this is a perfectly plain case. There is no dispute about the facts, and I do not see any reason why the House should not dispose of it.

The CHAIRMAN. The twenty minutes allowed for debate have expired. The question is on the motion of the gentleman from Tennessee [Mr. ENLOE], that the bill be laid aside with a favorable recommendation.

The question being taken, the Chairman announced that the ayes seemed to have it.

On a division (demanded by Mr. STORER) there were—ayes 38, noes 39.

Mr. ENLOE. I demand tellers.

The CHAIRMAN. Does the gentleman make the point of no quorum?

Mr. ENLOE. I want tellers, and if necessary to make the point of no quorum I will do so.

The CHAIRMAN. The gentleman can decide that for himself.

Mr. ENLOE. I will make the point of no quorum, then.

The CHAIRMAN appointed as tellers Mr. ENLOE and Mr. STORER.

The committee divided; and there were—ayes 70, noes 5.

Mr. PAYNE and Mr. TAYLOR of Illinois made the point of no quorum.

The CHAIRMAN. The point of no quorum is made. The rule requires that when the Committee of the Whole finds itself without a quorum the roll shall be called and the names of the absentees reported to the House.

Mr. HOOKER of Mississippi. Inasmuch as my friend from Tennessee [Mr. ENLOE] has already, during the last session of Congress, secured the passage of several bills on this Calendar, I suggest that he withdraw this bill, to which there seems to be serious objection, and let us get to some other to which there is no objection.

Mr. BELTZHOOVER. I desire to concur very earnestly in that request.

The CHAIRMAN. Debate is not in order.

Mr. HOOKER of Mississippi. This is in the nature of an agreement.

Mr. BELTZHOOVER. To save time.

The CHAIRMAN. The gentleman from Tennessee [Mr. ENLOE] does not seem to be regarding the request, however.

Mr. HOOKER of Mississippi. I hope the gentleman from Tennessee [Mr. ENLOE] will give his attention. I hope the Chair will call his attention to my request.

The CHAIRMAN. The gentleman from Mississippi [Mr. HOOKER] is addressing the gentleman from Tennessee [Mr. ENLOE], who will please give his attention.

Mr. HOOKER of Mississippi. I desire to say to the gentleman from Tennessee that I hope he will withdraw this bill, to which there seems to be serious objection, because he had the ear of the House and passed several bills on the Private Calendar last session, and he ought to allow a debated bill to be laid aside and let us get to the consideration of bills to which there is no objection.

Mr. ENLOE. You make an appeal to my conscience. If you had your claim up for consideration, and the committee had reported in favor of it, how would you justify your action in withdrawing it to your constituency?

Mr. HOOKER of Mississippi. I voted for your bill and made the speech that passed it. [Laughter.]

The CHAIRMAN. Debate is not in order, and the Clerk will proceed to call the roll.

The roll was called; and the following-named members failed to respond:

Alderson,	Cowles,	Hayes, Iowa	Peel,
Allen,	Cox, N. Y.	Heard,	Pendleton,
Antony,	Crain,	Hemphill,	Pierce,
Atkinson,	Crawford,	Herbert,	Raines,
Bacon,	Culberson,	Hermann,	Randall,
Baker,	Dalzell,	Hoar,	Reyburn,
Bankhead,	De Forest,	Hopkins, Pa.	Robinson, Pa.
Bartine,	Dixon,	Houk, Tenn.	Russell,
Beeman,	Doan,	Huff,	Sanford,
Belden,	Dockery,	Hull,	Shonk,
Bergen,	Dungan,	Johnson, N. Dak.	Simpson,
Bland,	Dunphy,	Ketcham,	Snodgrass,
Branch,	Durborow,	Kribbs,	Springer,
Brawley,	Edmunds,	Lane,	Stahlnecker,
Brown, Md.,	Elliott,	Lester, Va.	Stevens,
Bryan,	Epes,	Lind,	Stone, W. A.
Buchanan, N. J.	Fellows,	Lodge,	Sweet,
Bunting,	Fitch,	Loud,	Taylor, E. B.
Burrows,	Flick,	Mallory,	Taylor, V. A.
Busey,	Forney,	Mansur,	Townsend,
Bushnell,	Fowler,	McGann,	Tucker,
Byrns,	Gantz,	McKeighan,	Turpin,
Cable,	Geary,	Meredith,	Walker,
Cadmus,	Goodnight,	Miller,	Washington,
Campbell,	Greenleaf,	Mitchell,	Wever,
Capehart,	Griswold,	Norton,	White,
Caruth,	Hall,	Oates,	Whiting,
Catchings,	Hamilton,	O'Neil, Mass.	Williams, Mass.
Cheatham,	Harries,	O'Neill, Pa.	Williams, N. C.
Clancy,	Harter,	O'Neill, Mo.	Wilson, Mo.
Cockran,	Hatch,	Pattison, Ohio	Wilson, W. Va.
Cooper,	Haugen,	Payne,	Wolverton.

The committee rose; and Mr. COMPTON took the chair as Speaker *pro tempore*.

Mr. RICHARDSON. Mr. Speaker, the Committee of the

Whole, having under consideration the Private Calendar, found itself without a quorum. Under the rule the Chair caused the roll to be called, and 201 members have answered to their names. I report the names of the absentees to the House.

The SPEAKER *pro tempore*. The gentleman from Tennessee, chairman of the Committee of the Whole, reports that the committee, having found itself without a quorum, he had directed the roll to be called, and 201 members have answered to their names. The names of the absentees will be entered on the Journal, and the committee will resume its session.

The committee resumed its session.

The CHAIRMAN. Tellers will take their places.

The committee again divided; and, after sometime spent in the count, the tellers reported—yeas 92, noes 9.

The CHAIRMAN. Upon this question the yeas are 92, the noes 9.

Mr. PAYNE. No quorum.

The CHAIRMAN. The point of no quorum being made, under the rule the Chair will again direct the roll to be called.

The roll was called, and the following-named members failed to respond:

Alderson,	Dixon,	Johnson, Ohio	Robinson, Pa.
Amerman,	Doan,	Kem,	Rusk,
Bankhead,	Dolliver,	Ketcham,	Russell,
Bardine,	Donovan,	Lester, Va.	Sanford,
Bergen,	Dungan,	Lewis,	Seerley,
Blanchard,	Durborow,	Lind,	Simpson,
Bland,	Edmunds,	Little,	Smith,
Blount,	Elliott,	Lodge,	Sperry,
Brawley,	Epes,	Loud,	Springer,
Broderick,	Fellows,	Magner,	Stahlnecker,
Buchanan, N. J.	Fitch,	Mansur,	Stone, William A.
Bunting,	Flick,	McClellan,	Storer,
Busey,	Forney,	McGann,	Sweet,
Butler,	Fowler,	McKeighan,	Taylor, Ill.
Byrns,	Geary,	McRae,	Taylor, Ezra B.
Campbell,	Goodnight,	Meredith,	Taylor, Vincent A.
Capehart,	Griswold,	Meyer,	Tillman,
Caruth,	Grout,	Miller,	Tucker,
Castle,	Hall,	Milliken,	Turpin,
Catchings,	Hamilton,	Mitchell,	Van Horn,
Cheatham,	Harmer,	Montgomery,	Wadsworth,
Clancy,	Harries,	Morse,	Walker,
Clover,	Harter,	Norton,	Washington,
Cobb, Mo.	Hatch,	Oates,	Wever,
Cockran,	Haugen,	Ohliger,	Wheeler, Mich.
Compton,	Hayes, Iowa	O'Neill, Pa.	Whiting,
Cooper,	Hemphill,	O'Neill, Mo.	Williams, Mass.
Cowles,	Henderson, Iowa	Outhwaite,	Williams, N. C.
Cox, N. Y.	Henderson, N. C.	Pattison, Ohio	Wilson, Mo.
Crain,	Herbert,	Pendleton,	Wilson, W. Va.
Culberson,	Houk, Tenn.	Raines,	Wolverton.
Cummings,	Huff,	Randall,	
De Forest,	Hull,	Reyburn,	
Dickerson,	Johnson, N. Dak.	Rife,	

The committee rose; and Mr. DOCKERY took the chair as Speaker *pro tempore*.

Mr. RICHARDSON. Mr. Speaker, the Committee of the Whole finding itself without a quorum, the Chair ordered the roll to be called, when 196 members answered to their names. I report the names of the absentees.

The SPEAKER *pro tempore*. The gentleman from Tennessee, chairman of the Committee of the Whole, reports that that committee finding itself without a quorum, the Chair had directed the roll to be called, when 194 members answered to their names. The names of the absentees will be entered on the Journal, and without further order the committee will resume its sitting, the presence of a quorum having been disclosed.

The committee resumed its session.

The CHAIRMAN. Tellers will take their places. The question is on the motion of the gentleman from Tennessee [Mr. ENLOE] that the bill be laid aside with a favorable recommendation.

The Chair is informed that one of the tellers is temporarily absent, and will recognize the gentleman from Illinois [Mr. TAYLOR] to act as teller in place of the gentleman from Ohio [Mr. STORER].

The committee again divided, and tellers reported—ayes 82, noes 2.

The CHAIRMAN. On this question the ayes are 82, noes 2.

Mr. TAYLOR of Illinois. No quorum.

Mr. REED. Let us have the roll called again.

Mr. PAYNE. Why not count?

Mr. ENLOE. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose, and the Speaker having resumed the chair, Mr. RICHARDSON, chairman of the Committee of the Whole, reported that that committee had had under consideration the bill H. R. 1219, and had come to no resolution thereon.

Mr. ENLOE. I move that the House do now adjourn.

Mr. MARTIN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MARTIN. Would not the effect of adjourning now be to vacate the order for to-night's session?

The SPEAKER. It would.

The question was taken; and the Speaker announced that the noes seemed to have it.

Mr. ENLOE. Division, Mr. Speaker.

The House divided; and there were—ayes 65, noes 70.

Mr. ENLOE. Let us have the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 74, nays 129, not voting 126; as follows:

YEAS—74.

Abbott,	Cobb, Ala.	Kribbs,	Seerley,
Alexander,	Cobb, Mo.	Kyle,	Shell,
Allen,	Cox, Tenn.	Lane,	Snodgrass,
Anthony,	Crawford,	Lanham,	Sperry,
Arnold,	Daniell,	Lester, Ga.	Stevens,
Babbitt,	De Armond,	Little,	Stewart, Tex.
Bailey,	Dickerson,	Livingston,	Tarsney,
Beeman,	Donovan,	Lockwood,	Tillman,
Bowman,	Edmunds,	McGann,	Turner
Branch,	Elliott,	McLaurin,	Turpin,
Breckinridge, Ark.	Ellis,	Montgomery,	Watson,
Brickner,	English,	Morse,	Wike,
Brown, Md.	Enloe,	Moses,	Wilcox,
Brunner,	Fithian,	Newberry,	Williams, Mass.
Buchanan, Va.	Forman,	O'Ferrall,	Williams, N. C.
Bushnell,	Hayes, Iowa	Ohliger,	Winn,
Bynum,	Johnstone, S. C.	Owens,	Youmans.
Causey,	Jones,	Paynter,	
Clarke, Ala.	Kilgore,	Robinson, Pa.	

NAYS—129.

Amerman,	Curtis,	Jolley,	Reed,
Atkinson,	Cutting,	Kem,	Reilly,
Baker,	Dalzell,	Lawson, Va.	Richardson,
Bartine,	Davis,	Layton,	Rockwell,
Barwig,	Dingley,	Lind,	Scott,
Belden,	Dockery,	Lodge,	Scull,
Belknap,	Dolliver,	Long,	Shonk,
Beltzhoover,	Enochs,	Lynch,	Sipe,
Blount,	Everett,	Mallory,	Smith,
Boatner,	Fellows,	Martin,	Snow,
Boutelle,	Funston,	McCreary,	Springer,
Bowers,	Geissenhainer,	McKaig,	Stephenson,
Brawley,	Gillespie,	McKinney,	Steward, Ill.
Bretz,	Gorman,	McRae,	Stone, C. W.
Broderick,	Grady,	Miller,	Stone, W. A.
Brookshire,	Grout,	Mutchler,	Storer,
Brosius,	Hallowell,	O'Donnell,	Stout,
Bryan,	Halvorson,	Otis,	Stump,
Burrows,	Hamilton,	Outhwaite,	Taylor, Ill.
Butler,	Hare,	Page,	Taylor, Tenn.
Cable,	Heard,	Parrett,	Taylor, J. D.
Cadmus,	Henderson, N. C.	Patton,	Terry,
Caldwell,	Henderson, Ill.	Payne,	Tracey,
Caminetti,	Hermann,	Pearson,	Walker
Cate,	Hilborn,	Peel,	Warner,
Chipman,	Hitt,	Perkins,	Waugh,
Clark, Wyo.	Hoar,	Pickler,	Weadock,
Clover,	Hooker, Miss.	Post,	Wheeler, Ala.
Coburn,	Hooker, N. Y.	Powers,	White
Coolidge,	Hopkins, Ill.	Price,	Wilson, Wash.
Covert,	Houk, Ohio	Quackenbush,	
Crosby,	Johnson, Ind.	Ray,	
Cummings,	Johnson, Ohio	Rayner,	

NOT VOTING—126.

Alderson,	Culberson,	Hull,	Reyburn,
Andrew,	De Forest,	Johnson, N. Dak.	Rife,
Bacon,	Dixon,	Kendall,	Robertson, La.
Bankhead,	Doan,	Ketcham,	Rusk,
Bentley,	Dungan,	Lagan,	Russell,
Bergen,	Dunphy,	Lapham,	Sanford,
Bingham,	Durborow,	Lawson, Ga.	Sayers,
Blanchard,	Epes,	Lester, Va.	Shively,
Bland,	Fitch,	Lewis,	Simpson,
Breckinridge, Ky.	Flick,	Loud,	Stahlnecker,
Brown, Ind.	Forney,	Magner,	Stockdale,
Buchanan, N. J.	Fowler,	Mansur,	Stone, Ky.
Bullock,	Fyan,	McAleer,	Sweet,
Bunn,	Gantz,	McClellan,	Taylor, E. B.
Bunting,	Geary,	McKeighan,	Taylor, V. A.
Busey,	Goodnight,	McMillin,	Townsend,
Byrns,	Greenleaf,	Meredith,	Tucker,
Campbell,	Griswold,	Meyer,	Van Horn
Capehart,	Hall,	Milliken,	Wadsworth
Caruth,	Harmer,	Mitchell,	Washington,
Castle,	Harries,	Moore,	Wever
Catchings,	Harter,	Norton,	Wheeler, Mich.
Cheatham,	Hatch,	Oates,	Whiting
Clancy,	Haugen,	O'Neil, Mass.	Williams, Ill.
Cockran,	Haynes, Ohio	O'Neill, Mo.	Wilson, Ky.
Cogswell,	Hemphill,	O'Neill, Pa.	Wilson, Mo.
Compton,	Henderson, Iowa	Patterson, Tenn.	Wilson, W. Va.
Coombs,	Herbert,	Pattison, Ohio	Wise,
Cooper,	Holman,	Pendleton,	Wolverton
Cowles,	Hopkins, Pa.	Pierce,	Wright
Cox, N. Y.	Houk, Tenn.	Raines,	
Crain,	Huff,	Randall,	

So the motion to adjourn was not agreed to.

The following additional pairs were announced for the rest of this day:

Mr. OATES with Mr. FLICK.

Mr. CRAIN with Mr. HAUGEN.

Mr. PIERCE with Mr. TOWNSEND.

Mr. O'NEIL of Massachusetts with Mr. O'NEILL of Pennsylvania.

The result of the vote was then announced as above recorded.

ORDER OF BUSINESS.

Mr. ATKINSON. Mr. Speaker, I demand the regular order.

The SPEAKER. The gentleman from Pennsylvania [Mr. ATKINSON] demands the regular order. This being Friday, it is in order under the rule to go into Committee of the Whole for the consideration of business upon the Private Calendar.

Mr. ATKINSON. I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. ATKINSON. I understand that under the rule the first thing in order would be unfinished business on the Private Calendar. Paragraph 5 of Rule XXIV provides that—

It shall be in order to proceed to the consideration of all other unfinished business whenever the class of business to which it belongs shall be in order.

And the first clause of the sixth paragraph is:

Unfinished business, if any, having been disposed of, motions shall be in order as follows.

And among the motions enumerated is the motion that the House resolve itself into Committee of the Whole House on the state of the Union, etc.

Now, there is unfinished business on the Private Calendar.

The SPEAKER. What business?

Mr. ATKINSON. A bill (H. R. 1466) for the relief of the personal representatives of Henry H. and Charles K. Sibley, which will be found on page 78 of the Calendar.

The SPEAKER. The Chair will state to the gentleman from Pennsylvania that a vote has been taken upon that bill, and a motion to reconsider entered. That motion has not been called up, and, under the rule, it will not be acted upon until it is called up.

Mr. ATKINSON. There is a motion to reconsider pending; now I move to lay that motion on the table.

The SPEAKER. The gentleman from Pennsylvania calls up the motion to reconsider.

Mr. ATKINSON. I do not call it up, but I make the motion to lay the motion to reconsider on the table.

The SPEAKER. But it is not before the House; it has not been called up.

Mr. ATKINSON. It remains, however, upon the Calendar as unfinished business, and it seems to me that it comes within the provision of the fifth paragraph of Rule XXIV, to which I have called attention.

The SPEAKER. The Chair will state to the gentleman from Pennsylvania that where a bill is reported from the Committee of the Whole it is in the House for consideration, but the bill to which the gentleman refers was considered in the House and voted down, whereupon a motion to reconsider was entered. That motion, not having been acted upon at the time it was entered, is now pending and can be called up at any time when such business is in order; but, the House having once voted upon it, the Chair does not think that it would necessarily come before the House as unfinished business unless called up by somebody.

If there had been no vote upon the bill, then, in the opinion of the Chair, the gentleman's position would be correct, and it would be the duty of the Chair to submit the bill to the House as having been reported to it from the Committee of the Whole; but as the House has already acted upon the bill and as a motion to reconsider has been entered, the Chair thinks the matter might rest in that position until the end of the session unless called up by some gentleman.

Mr. ATKINSON. That is the question that I wish to submit to the Chair, whether this is unfinished business under the rule or not.

The SPEAKER. The impression of the Chair is that unless the motion to reconsider is called up it is not the duty of the Chair to announce it as unfinished business.

Mr. BELTZHOOVER. Mr. Speaker, I move that the House now take a recess until 8 o'clock this evening, the evening session to be confined to the business prescribed by the rule for Friday evening sessions.

Mr. MARTIN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MARTIN. If this motion be adopted can we meet regularly this evening under the rule?

The SPEAKER. The motion of the gentleman from Pennsylvania, as the Chair understands it, is that the House take a recess until 8 o'clock, the evening session to be held as under clause 3 of Rule XXVI of the House, which provides for Friday evening sessions for the consideration of pension bills and bills removing disabilities.

The question was taken on the motion of Mr. BELTZHOOVER; and there were—ayes 73, noes 43.

Mr. ANTONY. No quorum.

Mr. BELTZHOOVER. I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 125, nays 56, not voting 148; as follows:

YEAS—125.

Allen,	Coburn,	Johnson, Ind.	Rayner,
Amerman,	Cogswell,	Jolley,	Reed,
Andrew,	Coolidge,	Kem,	Reilly,
Atkinson,	Coombs,	Kribbs,	Rockwell,
Babbitt,	Covert,	Lagan,	Scott,
Baker,	Crosby,	Lane,	Scull,
Bartine,	Cummings,	Layton,	Shonk,
Barwig,	Curtis,	Livingston,	Sipe,
Beeman,	Cutting,	Lockwood,	Smith,
Belden,	Dalzell,	Martin,	Snow,
Belknap,	Daniell,	McCreary,	Springer,
Beltzhoover,	Davis,	McKaig,	Stephenson,
Bingham,	Dingley,	McKinney,	Stockdale,
Boutelle,	Dockery,	Meyer,	Stone, C. W.
Bowers,	Dolliver,	Miller,	Stone, W. A.
Bretz,	Fithian,	Milliken,	Storer,
Broderick,	Forman,	Moore,	Tarsney,
Brookshire,	Funston,	Moses,	Taylor, Tenn.
Brosius,	Gantz,	Mutchler,	Taylor, J. D.
Brunner,	Gorman,	O'Donnell,	Tracey,
Bryan,	Greenleaf,	Ohliger,	Van Horn,
Burrows,	Hallowell,	O'Neil, Mass.	Warner,
Busey,	Halvorson,	Otis,	Waugh,
Bushnell,	Hamilton,	Page,	Weadock,
Butler,	Haynes, Ohio	Parrett,	White,
Bynum,	Henderson, Ill.	Patton,	Willcox,
Cable,	Hilborn,	Payne,	Williams, Ill.
Caminetti,	Hitt,	Pearson,	Winn,
Causey,	Holman,	Pickler,	Wright.
Chipman,	Hooker, N. Y.	Post,	
Clark, Wyo.	Houk, Ohio	Powers,	
Clover,	Houk, Tenn.	Ray,	

NAYS—56.

Alexander,	Cobb, Mo.	Kyle,	Peel,
Antony,	Cox, Tenn.	Lanham,	Price,
Arnold,	De Armond,	Lapham,	Richardson,
Blount,	Dickerson,	Lawson, Va.	Seerley,
Bowman,	Edmunds,	Lawson, Ga.	Sperry,
Branch,	Enochs,	Lester, Ga.	Steward, Ill.
Breckinridge, Ark.	Everett,	Lewis,	Stone, Ky.
Breckinridge, Ky.	Gillespie,	Long,	Stout,
Brown, Md.	Grady,	Mallory,	Terry,
Buchanan, Va.	Hayes, Iowa	McLaurin,	Tillman,
Bunn,	Henderson, N. C.	McRae,	Turner,
Cate,	Hooker, Miss.	Montgomery,	Turpin,
Clarke, Ala.	Johnstone, S. C.	O'Ferrall,	Watson,
Cobb, Ala.	Jones,	Patterson, Tenn.	Wike.

NOT VOTING—148.

Abbott,	Donovan,	Johnson, N. Dak.	Rife,
Alderson,	Dungan,	Johnson, Ohio	Robertson, La.
Bacon,	Dunphy,	Kendall,	Robinson, Pa.
Bailey,	Durborow,	Ketcham,	Rusk,
Bankhead,	Elliott,	Kilgore,	Russell,
Bentley,	Ellis,	Lester, Va.	Sanford,
Bergen,	English,	Lind,	Sayers,
Blanchard,	Enloe,	Little,	Shell,
Bland,	Epes,	Lodge,	Shively,
Boatner,	Fellows,	Loud,	Simpson,
Brawley,	Fitch,	Lynch,	Snodgrass,
Brickner,	Flick,	Magner,	Stahlnecker,
Brown, Ind.	Forney,	Mansur,	Stevens,
Buchanan, N. J.	Fowler,	McAleer,	Stewart, Tex.
Bullock,	Fyan,	McClellan,	Stump,
Bunting,	Geary,	McGann,	Sweet,
Byrns,	Geissenhainer,	McKeighan,	Taylor, Ill.
Cadmus,	Goodnight,	McMillin,	Taylor, E. B.
Caldwell,	Griswold,	Meredith,	Taylor, V. A.
Campbell,	Grout,	Mitchell,	Townsend,
Capehart,	Hall,	Morse,	Tucker,
Caruth,	Hare,	Newberry,	Wadsworth,
Castle,	Harmer,	Norton,	Walker,
Catchings,	Harries,	Oates,	Washington,
Cheatham,	Harter,	O'Neill, Pa.	Wever,
Clancy,	Hatch,	O'Neill, Mo.	Wheeler, Ala.
Cockran,	Haugen,	Outhwaite,	Wheeler, Mich.
Compton,	Heard,	Owens,	Whiting,
Cooper,	Hemphill,	Pattison, Ohio	Williams, Mass.
Cowles,	Henderson, Iowa	Paynter,	Williams, N. C.
Cox, N. Y.	Herbert,	Pendleton,	Wilson, Ky.
Crain,	Hermann,	Perkins,	Wilson, Wash.
Crawford,	Hoar,	Pierce,	Wilson, Mo.
Culberson,	Hopkins, Pa.	Quackenbush,	Wilson, W. Va.
De Forest,	Hopkins, Ill.	Raines,	Wise,
Dixon,	Huff,	Randall,	Wolverton,
Doan,	Hull,	Reyburn,	Youmans.

So the motion for a recess was agreed to.

The following pairs were announced:

Until further notice:

Mr. GEISSENHAINER with Mr. BERGEN.

For the rest of the day:

Mr. SNODGRASS with Mr. LODGE.

Mr. PAYNTER with Mr. RIFE.

Mr. MCMILLIN. I have been detained from the House by a committee meeting, and for that reason did not answer to my name on this roll call. The same remark applies to the other roll calls of this afternoon.

The result of the vote was announced as above stated.

ENROLLED BILL AND JOINT RESOLUTION SIGNED.

Mr. SCOTT, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill and joint resolution of the following titles; when the Speaker signed the same:

A bill (S. 3195) granting to the Yuma Pumping Irrigation Company the right of way for two ditches across that part of the Yuma Indian Reservation lying in Arizona; and

Joint resolution (S. R. 113) providing for the printing of the Agricultural Report for 1892.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. COX of Tennessee, for the evening session, on account of important business.

To Mr. COOMBS, for the evening session, on account of important business.

Mr. SCOTT. I ask leave of absence for the evening session.

There being no objection, leave was granted.

REPRINT OF A BILL.

On motion of Mr. RAYNER, by unanimous consent, Senate bill 2707, granting additional quarantine powers and imposing additional duties upon the Marine Hospital Service, was ordered to be reprinted for the use of members of the House.

The SPEAKER. The gentleman from Missouri [Mr. TARSNEY] will discharge the duties of the Chair at the evening session.

The House then (at 4 o'clock and 28 minutes p. m.), in accordence with the vote just taken, took a recess until 8 o'clock this evening.

EVENING SESSION.

The recess having expired, the House reassembled at 8 o'clock p. m., Mr. TARSNEY in the chair as Speaker *pro tempore*.

ORDER OF BUSINESS.

Mr. MARTIN. I move that the House resolve itself into Committee of the Whole for the purpose of considering bills on the Private Calendar, under the order for Friday night sessions.

Mr. BAILEY. Pending that motion, I move that the House adjourn.

The motion of Mr. BAILEY was rejected.

The question being taken on the motion of Mr. MARTIN,

The SPEAKER *pro tempore* said: The ayes seem to have it.

Mr. BAILEY. I demand a division.

The question being again taken, there were—ayes 31, noes 4.

Mr. BAILEY. No quorum.

Tellers were ordered, and Mr. BAILEY and Mr. MARTIN were appointed.

The House again divided; and the tellers reported—ayes 36, noes 2, no quorum voting.

Mr. MARTIN. I move a call of the House.

The motion was agreed to.

The Clerk proceeded to call the roll, when the following members failed to answer to their names:

Abbott,	Campbell,	Ellis,	Hopkins, Ill.
Alderson,	Capehart,	English,	Houk, Tenn.
Alexander,	Caruth,	Enloe,	Huff,
Allen,	Castle,	Enochs,	Hull,
Andrew,	Catchings,	Epes,	Johnson, Ind.
Antony,	Cate,	Fellows,	Johnson, N. D.
Atkinson,	Causey,	Fitch,	Johnson, Ohio
Bankhead,	Cheatham,	Fithian,	Johnstone, S. C.
Bartine,	Clancy,	Flick,	Kem,
Barwig,	Clarke, Ala.	Forman,	Ketcham,
Belden,	Cobb, Ala.	Forney,	Kilgore,
Beltzhoover,	Cobb, Mo.	Fowler,	Kyle,
Bentley,	Coburn,	Fyan,	Lagan,
Bergen,	Cockran,	Geary,	Lanham,
Bingham,	Compton,	Geissenhainer,	Lapham,
Blanchard,	Coolidge,	Goodnight,	Lawson, Va.
Bland,	Coombs,	Grady,	Lawson, Ga.
Blount,	Cooper,	Griswold,	Lester, Va.
Boatner,	Cowles,	Grout,	Lester, Ga.
Boutelle,	Cox, N. Y.	Hall,	Lewis,
Bowers,	Cox, Tenn.	Hamilton,	Lind,
Brawley,	Crain,	Harmer,	Little,
Breckinridge, Ark.	Crawford,	Harter,	Livingston,
Breckinridge, Ky.	Culberson,	Hatch,	Lockwood.
Brickner,	Cummings,	Haugen,	Lodge,
Brosius,	Cutting,	Hayes, Iowa	Long,
Brown, Ind.	Dalzell,	Haynes, Ohio	Loud,
Brunner,	Davis,	Heard,	Lynch,
Buchanan, N. J.	De Forest,	Hemphill,	Magner,
Buchanan, Va.	Dickerson,	Henderson, Iowa	Mansur,
Bullock,	Dingley,	Henderson, N. C.	McClellan,
Bunn,	Dixon,	Henderson, Ill	McCreary,
Bunting,	Doan,	Herbert,	McGann,
Burrows,	Dolliver,	Hermann,	McKaig,
Bushnell,	Donovan,	Hitt,	McKeighan,
Bynum,	Dungan,	Hoar,	McLaurin,
Byrnes,	Dunphy,	Holman,	McMillin,
Cable,	Durborow,	Hooker, Miss.	McRae,
Cadmus,	Edmunds,	Hooker, N. Y.	Meredith,
Caldwell,	Elliott,	Hopkins, Pa.	Meyer,
Milliken,	Post,	Simpson,	Tucker,
Mitchell,	Powers,	Sipe,	Turner,
Montgomery,	Price,	Snodgrass,	Turpin.
Moore,	Quackenbush,	Sperry,	Wadsworth,
Morse,	Raines,	Springer,	Walker,
Newberry,	Randall,	Stahlnecker,	Warner,
Norton,	Ray,	Stephenson,	Washington,
Oates,	Rayner,	Stephens,	Wever,
O'Ferrall,	Reed,	Stewart, Texas,	Wheeler, Ala.
Ohliger,	Reyburn,	Stockdale,	Wheeler, Mich.
O'Neil, Mass.	Richardson,	Stone, C. W.	Whiting,
O'Neill, Pa.	Rife,	Stone, W. A.	Wike,
O'Neill, Mo.	Robertson, La.	Stone, Ky.	Willcox,
Outhwaite,	Robinson, Pa.	Storer,	Williams, Mass.
Page, R. I.	Rockwell,	Stout,	Williams, N. C.
Parrett,	Rusk,	Stump,	Williams, Ill.
Patterson, Tenn.	Russell,	Sweet,	Wilson, Ky.
Pattison, Ohio	Sanford,	Taylor, Ill.	Wilson, Wash.
Payne,	Sayers,	Taylor, Tenn.	Wilson, Mo.
Paynter,	Scott,	Taylor, E. B.	Wilson, W. Va.
Pearson,	Scull,	Taylor, V. A.	Wise,
Peel,	Seerley,	Terry,	Wolverton,
Pendleton,	Shell,	Tillman,	Wright.
Perkins,	Shively,	Townsend,	
Pierce,	Shonk,	Tracey,	

The SPEAKER *pro tempore*. The Clerk will now call the names of the absentees, during which call excuses are in order.

Mr. JOLLEY (when Mr. COBURN'S name was called). I move that Mr. COBURN be excused on account of sickness.

There was no objection.

Mr. BAILEY (when Mr. CULBERSON'S name was called). I ask that my colleague, Mr. CULBERSON, be excused on account of the sickness of his wife.

Mr. OWENS. I object.

Mr. BAILEY. I move that the gentleman from Texas be excused on account of the sickness of his wife.

The motion was agreed to.

Mr. DOCKERY (when the name of Mr. FYAN was called). I ask that my colleague, Judge FYAN, be excused on account of his physical condition.

Mr. OWENS. I object.

Mr. DOCKERY. I move that Mr. FYAN be excused.

Mr. OWENS. Now I insist on the point of order, that it is out of order during this proceeding to ask for the excuse of anybody.

The SPEAKER *pro tempore*. The gentleman is mistaken. This call is for the purpose of giving an opportunity for excuses to be made for those members who have failed to respond, and this is the only time it is in order.

The question being taken on the motion of Mr. DOCKERY, it was agreed to.

Mr. KRIBBS (when the name of Mr. HENDERSON of Illinois was called). Gen. HENDERSON was here this evening——

Mr. BUTLER. I wish to call the attention of the Chair to the fact that Mr. ALDERSON, Mr. PENDLETON, Mr. WILSON of West Virginia, Mr. CAPEHART, Mr. OUTHWAITE, Mr. TUCKER, Mr. DUNGAN, Mr. MANSUR, Mr. HENDERSON of Illinois, and Mr. BINGHAM are absent by order of the House.

The SPEAKER *pro tempore*. They have been excused by order of the House.

Mr. KRIBBS. Mr. HENDERSON of Illinois did not go with that committee on account of sickness, and I move that he be excused.

The motion was agreed to.

When the name of Mr. HOAR was called,

Mr. CROSBY. I move that my colleague, Mr. HOAR, be excused on account of sickness.

The question was taken; and on a division there were—ayes 22, noes 6.

So the motion was agreed to.

Mr. OWENS. No quorum has voted, Mr. Chairman.

I wish to ask if in these proceedings less than a quorum can excuse a member?

The SPEAKER *pro tempore*. The Chair will state that this call is for the purpose of obtaining a quorum. Less than a quorum can excuse a member on the call.

Mr. MARTIN (when the name of Mr. HOLMAN was called). Mr. Chairman, I desire to move that my colleague, Mr. HOLMAN, be excused on the ground that he is not physically able to be here to-night.

There was no objection.

Mr. OWENS. I desire to move that Mr. KILGORE be excused on account of not being here. [Laughter.]

The SPEAKER *pro tempore*. The Chair will state to the gentleman from Ohio that he is too late in making the motion. The name of the gentleman from Texas having been already passed over on the call.

Mr. MOSES (when the name of Mr. MONTGOMERY was called). I ask that the gentleman from Kentucky, Mr. MONTGOMERY, be excused on account of sickness.

There was no objection.

Mr. COGSWELL (when the name of Mr. O'NEIL of Massachu-

setts was called). I ask that my colleague, Mr. O'NEIL, be excused from attendance to-night.

The SPEAKER *pro tempore*. The Chair will state that the gentleman from Massachusetts has already been excused.

Mr. WINN (when the name of Mr. PEARSON was called). I move that Mr. PEARSON be excused on account of sickness.

The motion was agreed to.

Mr. KENDALL (when the name of Mr. STONE of Kentucky was called). I ask that Mr. STONE of Kentucky be excused from attendance to-night.

There was no objection.

Mr. MARTIN (when the name of Mr. SHIVELY was called). I move that my colleague, Mr. SHIVELY, be excused from attendance, he being absent on account of the sickness of his wife.

The SPEAKER *pro tempore*. The Chair is informed that the gentleman from Indiana has been granted leave of absence by the House.

Mr. JOSEPH D. TAYLOR (when the name of Mr. EZRA B. TAYLOR was called). I ask that Mr. EZRA B. TAYLOR be excused from attendance to-night.

There was no objection.

Mr. COGSWELL. Mr. Speaker, I ask that my colleague, Mr. WALKER, be excused, he not being able to be here on account of illness.

The motion was agreed to.

Mr. BUTLER. Mr. Speaker, I rise to ask unanimous consent that my colleague, Mr. HENDERSON of Iowa, be excused from attendance to-night, owing to his inability to come.

Mr. OWENS. I object.

Mr. BUTLER. Then I move that my colleague [Mr. HENDERSON of Iowa] be excused.

The motion was agreed to.

Mr. MCKINNEY. Mr. Speaker, I ask that the gentleman from Florida [Mr. BULLOCK] be excused from attendance on account of physical inability to be present.

The SPEAKER *pro tempore*. Does the gentleman from New Hampshire make that as a motion?

Mr. MCKINNEY. I do.

The motion was agreed to.

Mr. JOSEPH D. TAYLOR. I have just been informed that my colleague, Mr. ENOCHS, is ill; otherwise he would be here. I move that he be excused.

The motion was agreed to.

Mr. MARTIN. Mr. Speaker, owing to the extreme severity of the weather, I do not feel like pressing the proceedings under the call of the House further, although I do desire to say in all kindness that at the next Friday evening session I shall feel like asking that the call be pursued to the end. In view of the situation to-night, I move that all further proceedings under the call be dispensed with.

Mr. MOSES. I would like to ask the gentleman a question before he takes his seat. Did not the gentleman know the condition of the weather this afternoon, while urging a meeting this evening?

Mr. MARTIN. I did.

Mr. MOSES. Then why did not the gentleman dispense with this evening's session without bringing here those of us who are here? I notice that many of the very men who voted to come here this evening are not here.

The SPEAKER *pro tempore*. The question is on the motion of the gentleman from Indiana [Mr. MARTIN] that all further proceedings under the call be dispensed with.

Mr. MILLER. Mr. Speaker, it seems to me that with the number here who have turned out this cold night we should insist upon at least those men who voted in favor of the evening session being brought forward to make excuse for not being here. For my part I think it is the duty of the members present to insist upon the members of this House coming here on Friday evenings. Here we have a large number of claims upon the calendar that can not be reached, even if we have a session and business is attended to promptly every night during the balance of the session. Many of these claims are meritorious, and they should be attended to. I think it is our duty to insist upon this call, and that we should have it understood by the people of the country that we are endeavoring to do what is proper and right by these people who have good claims against the Government. Night after night I have come here, called here by men who never appear at these Friday night sessions. These seats, which should be occupied by men who insist on our coming here, are vacant. My idea is that we should insist on their making proper excuse for not being here.

Mr. OWENS. Mr. Speaker, I would like to state that I think it wise and I probably shall at the proper time introduce a resolution to have a regular physician employed, so that these sick men may be attended to properly. There are so many men sick to-night that it seems to me that we need a sort of Congressional quarantine or something to look after their health. They get excused so easily and so readily that we ought to have their health looked after or there will be more of these great men who will die. I make this suggestion, that at the proper time I will introduce such a resolution.

The SPEAKER *pro tempore*. The question is upon the motion of the gentleman from Indiana [Mr. MARTIN].

Mr. MARTIN. I desire to inquire of the Chair as to how many actually answered to their names?

The SPEAKER *pro tempore*. Sixty-nine gentlemen have responded to their names.

Mr. OWENS. And all the balance are sick.

Mr. MARTIN. Then I ask a vote on my motion.

Mr. DOCKERY. That number being only 98 short of a quorum, I believe.

The SPEAKER *pro tempore*. The question is on the motion of the gentleman from Indiana [Mr. MARTIN] that all further proceedings under the call be dispensed with.

The question was taken; and the Speaker *pro tempore* announced that the noes seemed to have it.

On a division (demanded by Mr. MARTIN) there were—ayes 38, noes 17.

Accordingly all further proceedings under the call were dispensed with.

Mr. MARTIN. There being nearly 100 less than a quorum present, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 8 o'clock and 37 minutes p. m.) the House adjourned.

REPORTS OF COMMITTEES.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. CROSBY, from the Committee on Military Affairs: The bill (H. R. 5668) for the relief of Regis P. Gorry. (Report No. 2239.)

By Mr. MARTIN, from the Committee on Invalid Pensions: The bill (H. R. 3311) granting a pension to Michael Costello. (Report No. 2245.)

By Mr. BELKNAP, from the Committee on Military Affairs: The bill (S. 2298) for the relief of James L. Townsend. (Report No. 2246.)

By Mr. ROCKWELL, from the same committee: The bill (S. 3213) authorizing the Secretary of War to correct the military record of Capt. Edward Wheeler, of Fifty-sixth New York Volunteers. (Report No. 2247.)

By Mr. CURTIS, from the Committee on Invalid Pensions: The bill (H. R. 9810) to increase the pension of Julia Bews. (Report No. 2248.)

BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. PATTERSON of Tennessee: A bill (H. R. 10163) to amend an act entitled "An act to regulate commerce," approved February 4, 1887—to the Committee on Interstate and Foreign Commerce.

By Mr. BAKER: A bill (H. R. 10164) for the free coinage of both gold and silver, and for other purposes—to the Committee on Coinage, Weights, and Measures.

By Mr. PAYNE: A bill (H. R. 10165) for the construction of new buildings and the enlargement of the military post at Oswego—to the Committee on Military Affairs.

By Mr. STORER (by request): A bill (H. R. 10166) to amend an act entitled "An act to regulate commerce," approved February 4, 1887—to the Committee on Interstate and Foreign Commerce.

By Mr. HARVEY: A bill (H. R. 10168) to provide for the sale of the surplus land belonging to certain tribes of Indians within the limits of the Quapaw Agency, in the Indian Territory, and for other purposes—to the Committee on Indian Affairs.

By Mr. BRANCH (by request): A bill (H. R. 10169) for the adjustment of the rights of the Indians and Indian tribes to lands owned or occupied by them in the Indian Territory, and for other arrangements, with a view to the creation of a State embracing such Territory—to the Committee on Indian Affairs.

By Mr. COVERT: A bill (H. R. 10170) to grant the right of way for electric railroad purposes through certain lands of the United States in Richmond County, N. Y.—to the Committee on Public Buildings and Grounds.

By Mr. WADSWORTH: A bill (H. R. 10171) for the purpose of increasing the efficiency of the coast defenses—to the Committee on Naval Affairs.

By Mr. SPERRY: A bill (H. R. 10172) granting leave of ab-

sence to certain employés of the Post-Office Department—to the Committee on the Post-Office and Post-Roads.

By Mr. ELLIS: A bill (H. R. 10173) providing for rebuilding lock No. 2, at Rumsey, Kentucky—to the Committee on Rivers and Harbors.

By Mr. BURROWS: Resolution to investigate the whisky trust—to the Committee on Rules.

By Mr. BUNN: A resolution to amend Rule XXIV, by adding certain matter relating to the consideration of business on the Private Calendar—to the Committee on Rules.

Also, a resolution to amend Rule XXIV, so that each member shall have the right to call up a bill for consideration—to the Committee on Rules.

By Mr. DUNPHY: A resolution empowering the Postmaster-General to obtain additional premises in the city of New York to be used for the business of the Post-Office Department—to the Committee on the Post-Office and Post-Roads.

By Mr. LEWIS: A resolution to set apart Tuesday, January 24, 1893, for the consideration of such business as may be called up by the Committee on Agriculture—to the Committee on Rules.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were re-referred as follows:

The bill (H. R. 10157) granting an increase of pension to Andrew B. Keith—the Committee on Military Affairs discharged, and referred to the Committee on Invalid Pensions.

The bill (S. 3564) for the relief of Josiah Pickett—the Committee on Claims discharged, and referred to the Committee on the Post-Office and Post-Roads.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as indicated below:

By Mr. BINGHAM: A bill (H. R. 10174) for the relief of Jasper Hanson—to the Committee on Claims.

By Mr. BUNN (by request): A bill (H. R. 10175) for the relief of Mrs. Margaret D. Young, of Highlands, N. C.—to the Committee on War Claims.

By Mr. CABLE: A bill (H. R. 10176) to increase the pension of Thomas Toland—to the Committee on Pensions.

By Mr. DALZELL: A bill (H. R. 10177) for the relief of W. B. Horner—to the Committee on War Claims.

By Mr. GILLESPIE: A bill (H. R. 10178) to provide for the retirement of Lieut. Col. James Cooper McKee, surgeon United States Army, retired, as full colonel—to the Committee on Military Affairs.

By Mr. GROUT: A bill (H. R. 10179) granting a pension to Sarah W. Decamp, of Burke, Vt.—to the Committee on Invalid Pensions.

By Mr. PRICE: A bill (H. R. 10180) for the relief of Pierre Jolivet, of St. Marys Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 10181) for the relief of Leolede Le Blance, of Iberville Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 10182) for the relief of Felicite Monette, of St. Marys Parish, La.—to the Committee on War Claims.

Also, a bill (H. R. 10183) for the relief of the estate of Louis Ursin, deceased, late of St. Marys Parish, La.—to the Committee on War Claims.

By Mr. SHONK: A bill (H. R. 10184) to amend the military record of John W. Marcy, late second lieutenant Company G, Fifty-second Pennsylvania Volunteers—to the Committee on Military Affairs.

By Mr. SPRINGER: A bill (H. R. 10185) for the relief of the estate of William V. B. Wardwell, deceased—to the Committee on Claims.

By Mr. WARNER: A bill (H. R. 10186) for the removal of the charge of desertion against Thomas Bird—to the Committee on Naval Affairs.

By Mr. WILSON of Kentucky: A bill (H. R. 10187) granting a pension to Louisa J. Tucker—to the Committee on Invalid Pensions.

By Mr. WHITE: A bill (H. R. 10188) to correct the military record of Capt. E. M. Ives, late Company H, Forty-second United States Colored Infantry—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk, and referred as follows:

By Mr. BAKER: Protest of the Methodist Episcopal, Presbyterian, Baptist, and Christian churches of Phillipsburg, Kans., against opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. BOWMAN: Five petitions of citizens of Iowa, as follows: The petition of the Congregational and Methodist churches of Anita; of Trinity Methodist Episcopal Church of Council Bluffs; of the Congregational Church of Red Oak; of the Congregational churches of Fontanell, and of the Young People's Christian Union of Atlantic, all against repealing the law closing the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. BROOKSHIRE: Papers to accompany House bill 10119, to pension Samuel M. Walker—to the Committee on Invalid Pensions.

By Mr. BROSIUS: Petition of the Presbyterian Church at Chestnut Level, Lancaster County, Pa., against opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. BROWN: Petition of residents of Seymour, Ind., against opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. BUSEY: Two petitions of citizens of Illinois: one, of Robert Fleming and 50 others of Flemington, Edgar County, and the other, of 28 citizens of Edgar County; both relative to a combination between the mills, railroads, and elevators, for the purpose of depressing the price of wheat, and praying for Congressional investigation—to the Committee on Agriculture.

By Mr. BUTLER: Petition of citizens of Frankville, Iowa, praying for the closing of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. CABLE: Three petitions and protests of citizens of Illinois: the petition of Ellison United Presbyterian Church, of Henderson County; the protest of ministers of Carthage, and the protest of the Epworth League of Monmouth; all against opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, resolutions passed at union meeting of churches of Rock Island, Ill., against the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Ellison United Presbyterian Church, of Henderson County, Ill., asking that the sale of liquors be prohibited at the World's Fair—to the Select Committee on the Columbian Exposition.

By Mr. CHIPMAN: Petition of workingmen, in favor of the passage of House bill to protect American workmen—to the Committee on Labor.

Also, petition of Mrs. Fannie Bostwick, for pay according to the service of her husband, deceased—to the Committee on Claims.

By Mr. CLARK of Wyoming: Protest of E. T. Richards and 17 others, members of Divide Lodge, No. 222, International Association of Machinists, of Rawlins, Wyo., against entry of sugar machinery free of duty—to the Committee on Ways and Means.

By Mr. CRISP (by request): Memorial from the Locomotive Firemen of the Northern Pacific system, asking that the World's Fair be opened on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition from 16 citizens of Butler County, Ga., against the opening of the World's Fair on the Sabbath day—to the Select Committee on the Columbian Exposition.

Also, memorial from the Board of Trade of the City of Minneapolis relating to the purchase of silver under the act of 1890—to the Committee on Coinage, Weights, and Measures.

Also, memorial from the Maritime Association of the Port of New York, asking the passage of Senate bill 743—to the Committee on Merchant Marine and Fisheries.

Also, memorial from the Locomotive Firemen of the Northern Pacific system, asking the passage of an act restricting immigration for five years—to the Select Committee on Immigration and Naturalization.

Also, memorial from the Board of Trade of the city of Minneapolis, relating to the purchase of silver under the act of 1890—to the Committee on Coinage, Weights, and Measures.

By Mr. CROSBY: Four remonstrances of citizens of Massachusetts, one of B. H. Taylor Lee, of Massachusetts; the second, of Francis S. Hopkins and 114 others, of Great Barrington; the third, of Marcellus Baugh and 20 others, of Stockbridge, and the fourth, of D. G. Horton and 21 others, of Stockbridge, all against opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. DALZELL: Resolutions of the Chamber of Commerce of Pittsburg, Pa., in favor of the repeal of the Sherman act—to the Committee on Banking and Currency.

Also, resolutions of the North American Turnerbund, against legislation restricting immigration—to the Select Committee on Immigration and Naturalization.

Also, resolutions of the Chamber of Commerce of Pittsburg, Pa., in favor of national quarantine—to the Committee on Interstate and Foreign Commerce.

Also, memorial of Silent Army of Deaf Soldiers and Sailors, in favor of increased pensions—to the Committee on Invalid Pensions.

By Mr. DAVIS: Petition of 77 citizens of Washington County, Kans., asking that the gates of the World's Fair be closed on Sunday and that intoxicants shall not be sold on the grounds—to the Select Committee on the Columbian Exposition.

By Mr. DONOVAN: Two petitions of citizens of Ohio, one of A. W. Fisher and 16 others of Fulton County, and the other of the Sunday School Association of Defiance County, both against the repeal of the law closing the gates of the Columbian Exposition on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. ELLIOTT: Petition of Dr. T. P. Bailey and others, for appropriation to defray expenses of the Pan-American Medical Congress—to the Committee on Appropriations.

By Mr. HEARD: Remonstrance from members of East Sedalia Baptist Church, against action by Congress removing the restriction contained in existing law prohibiting the opening of the World's Fair at Chicago on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. HENDERSON of Iowa: Two resolutions of the congregations of churches of Iowa, one of the Congregational Church of Muscatine and the other of Shell Rock, both opposing the opening of the World's Fair on the Sabbath—to the Select Committee on the Columbian Exposition.

Also, paper from the Rev. George W. Brindell, of Shell Rock, expressing the sentiment of his congregation and others, against the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. HITT: Petition of Henry Ofeil and 17 others, of the counties of Stephenson, Carroll, and Ogle, of Illinois, relative to a combination between the millers, railroads, and elevators, for the purpose of depressing the price of wheat—to the Committee on Agriculture.

Also, petition of 25 members of the Christian Endeavor Society of Dakota, Ill., in favoring Sunday closing of the World's Fair—to the Select Committee on the Columbian Exposition.

Also, memorial and petition of the United Presbyterian Congregation at Zion, Carroll County, Ill., against the repeal of the Sunday closing of the World's Fair—to the Select Committee on the Columbian Exposition.

By Mr. HOPKINS of Pennsylvania: Two petitions of citizens of Pennsylvania, one of 44 citizens of Jersey Shore and the other of Mulberry Street M. E. Church of Williamsport, both against the repeal of the Sunday-closing clause of the World's Fair—to the Select Committee on the Columbian Exposition.

By Mr. KEM: Three petitions of citizens of Nebraska; the petition of the Nebraska Woman Suffrage Association, of 27 citizens of Penda, and of 96 citizens of Nebraska, all asking for the passage of House bill 8369 giving women the right to vote for members of the House of Representatives—to the Select Committee on Election of President and Vice-President and Representatives in Congress.

By Mr. O'DONNELL: Resolutions of the First Presbyterian Church and congregation of Homer, Mich., protesting against the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. O'NEILL of Pennsylvania: Communication of the U. S. Grant Post, No. 5, Grand Army of the Republic, favoring the purchase by Congress of the Townsend library—to the Committee on the Library.

By Mr. MCALEER: Communication from Rev. J. P. Duffey, against Sunday opening of the World Fair—to the Select Committee on the Columbian Exposition.

By Mr. MORSE: Petition of the Boston Stock Exchange, asking for the repeal of the silver-purchase act of 1890—to the Committee on Coinage, Weights, and Measures.

By Mr. PARRETT: Protests and resolutions of the Evansville (Ind.) Turnverein Varwoerts, against seriously restricting or suspending immigration—to the Select Committee on Immigration and Naturalization.

By Mr. PATTERSON of Tennessee: Petition of the estate of Daniel S. Wright, deceased, late of Shelby County, Tenn., for reference of his case to the Court of Claims under the provisions of the Bowman act—to the Committee on War Claims.

By Mr. PERKINS: Three petitions of the congregations of churches of Iowa—the petition of the Baptist Church of Storm Lake, of the Reformed Church of Alton, and of the Baptist Church of Le Mars, all against Sunday opening of the World's Fair—to the Select Committee on the Columbian Exposition.

By Mr. RAY: Petition of Kingston (N. Y.) Conference of the Methodist Episcopal Church, for closing of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of citizens of Kartwright, N. Y., in favor of closing the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. SANFORD: Resolutions of the Board of Trade, Amsterdam, N. Y., asking for the repeal of the interstate-commerce law—to the Committee on Interstate and Foreign Commerce.

Also, resolution by the same board, urging the passage of the "Torrey bankrupt bill" or a substitute for it, similar in scope and design—to the Committee on the Judiciary.

Also, resolutions of the Board of Trade of Amsterdam, N. Y., for the enactment of legislation for the restriction of immigration—to the Select Committee on Immigration and Naturalization.

By Mr. SCOTT: Petition of Lodge No. 3694, citizens of Piatt County, Ill., relative to a combination between the mills, railroads, and elevators for the purpose of depressing the price of wheat, and praying for a Congressional investigation—to the Committee on Agriculture.

By Mr. SMITH of Illinois: Petition of farmers and laborers of Pulaski County, Ill., relative to a combination between the mills, railroads, and elevators for the purpose of depressing the price of wheat, and praying for a Congressional investigation—to the Committee on Agriculture.

By Mr. TERRY: Resolution of the Arkansas Annual Conference of the Methodist Episcopal Church South, adopted at Bentonville, December 4, 1892, indorsing the action of Congress in requiring the closing of the World's Fair on the Sabbath and earnestly importuning Congress not to repeal its action on this question—to the Select Committee on the Columbian Exposition.

Also, petition of citizens of Dardanelle, Ark., protesting against the repeal of Sunday closing, conditioned upon which an appropriation of $2,500,000 was made in aid of the Columbian Exposition at Chicago—to the Select Committee on the Columbian Exposition.

By Mr. WALKER: Two resolutions of citizens of Massachusetts—the resolution of Blackstone Congregational Church, of Waterford People's Church, and of the Worcester South (Massachusetts) Association of Congregational Ministers, held in Uxbridge, both opposing the sale of liquor in the World's Fair—to the Select Committee on the Columbian Exposition.

Also, two petitions of citizens of Massachusetts, one of the Brookfield Association of Congregational Ministers, and the other of the Congregational ministers of Worcester, both opposing the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. WARNER: Petition of Thomas Bird for the removal of the charge of desertion against him—to the Committee on Naval Affairs.

By Mr. WHITE: Petition of Iowa State Grange on the subject of oleomargarine—to the Committee on Ways and Means.

By Mr. WRIGHT: Memorial of churches and societies of Smithfield, Bradford County, Pa., against Sunday opening of the World's Columbian Exposition—to the Select Committee on the Columbian Exposition.

Also, petition of citizens of Wyoming County, Pa., in favor of restricting immigration—to the Select Committee on Immigration and Naturalization.

SENATE.

SATURDAY, *January 14, 1893.*

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

PRESIDENTIAL ELECTORS.

The VICE-PRESIDENT laid before the Senate communications from the Secretary of State, transmitting, in pursuance of the provisions of the act of Congress, approved February 3, 1887, certified copies of the final ascertainment of the electors for President and Vice-President, appointed in the States of South Dakota and Oregon, at the elections held therein on the 8th of November, 1892, as certified to him by the governors of those States; which were ordered to lie on the table.

SENATOR FROM LOUISIANA.

Mr. WHITE. Mr. President, my newly appointed colleague, Mr. Donelson Caffery, is present, and I ask that he be sworn in.

The VICE-PRESIDENT. The Senator recently appointed by the governor of Louisiana will come forward and take the oath of office.

Mr. Caffery was escorted to the Vice-President's desk by Mr. WHITE, and the oath prescribed by law having been administered to him, he took his seat in the Senate.

EXECUTIVE COMMUNICATION.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury recommending the passage of a law vesting in the Secretary of the Treasury exclusive control and custody of public buildings erected under the super-

vision of the Treasury Department; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

ANACOSTIA AND POTOMAC RIVER RAILROAD.

The VICE-PRESIDENT laid before the Senate a communication from the president of the Anacostia and Potomac River Railroad Company, transmitting a list of the stockholders and a report of the receipts and expenditures of that company for the year ending December 31, 1892; which, with the accompanying papers, was referred to the Committee on the District of Columbia, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. FRYE presented a petition of the Good Templars of Maine, praying for the passage of legislation prohibiting the sale of intoxicating liquors at the World's Columbian Exposition; which was referred to the Committee on the Quadro-Centennial (Select).

Mr. STOCKBRIDGE presented memorials of Rev. E. B. Bancroft and other citizens of Owosso; of the ministers' conference held at Grand Rapids; of B. B. Stutphine and other citizens of Allegan; of Rev. W. I. Cogshall and other citizens of Grand Rapids; of N. Cawthorne and other citizens of Port Huron; of Rev. A. H. Orr and 200 other citizens of Troy and Southfield, and of A. D. Newton and other citizens of Carson City, all in the State of Michigan, remonstrating against the repeal of the present law closing the World's Columbian Exposition on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

Mr. QUAY presented memorials of the Baptist Church of Tarentum and of the congregation of Plain Grove, both in the State of Pennsylvania, remonstrating against the repeal of the present law closing the World's Columbian Exposition on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

Mr. VEST presented a petition of the Commercial Club of Kansas City, Mo., praying for the passage of legislation opening up the Cherokee Strip to settlement; which was ordered to lie on the table.

He also presented the memorial of Rev. Theodore B. Farry and other citizens of Wright City, Mo., remonstrating against the repeal of the law closing the World's Columbian Exposition on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

Mr. SHERMAN presented memorials of the Reformed Presbyterian Church of Northwood, Ohio; of the Cleveland Ministers' Union, and of 91 citizens of Shelby, Ohio, remonstrating against the repeal of the present law closing the World's Columbian Exposition on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

He also presented a petition of the stockholders of the First National Bank of Hamilton, Ohio, praying for the suspension of the purchase of silver bullion by the Government; which was referred to the Committee on Finance.

He also presented a petition of the American Cotton Oil Company of Cincinnati, Ohio, praying for the establishment of a department of roads, and for a road exhibit at the World's Columbian Exposition at the expense of the National Government; which was referred to the Committee on the Quadro-Centennial (Select).

He also presented petitions of the Ohio State board of health and of the boards of health of South Charleston, Westerville, Washington Court-House, West Salem, Toledo, and New Lisbon, all in the State of Ohio, praying for the adoption of a national quarantine and the suspension of immigration until the quarantine defenses of the country shall be placed in a condition to guarantee protection from contagious diseases; which were ordered to lie on the table.

He also presented the memorial of Mrs. Mary E. Ingersoll, president, and F. E. Huntington, secretary, representing 420 women, members of the Nonpartisan Christian Temperance Union of Cleveland, Ohio, remonstrating against the sale of liquor on the grounds of the World's Columbian Exposition; which was referred to the Committee on the Quadro-Centennial (Select).

Mr. TELLER presented a petition of Denver (Colo.) Council, No. 1, American Protective Association, praying for the passage of legislation restricting immigration; which was ordered to lie on the table.

Mr. BRICE presented memorials of Archibald A. Murphy, pastor of the First Presbyterian Church of Springfield; of S. Burt, pastor of the Methodist Episcopal Church of Wellsville; of J. F. Stout of St. Marys; of F. M. Kumler, pastor of the First Presbyterian Church of St. Marys; of Henry W. Bennett, pastor of the First Methodist Episcopal Church of Akron; of J. A. Gordan, J. E. Avaun, J. Thomas, and 1,300 other church members of Van Wert; of Rev. J. G. Kennedy in behalf of 268 members of the United Presbyterian Church of Wellsville; of pastors and members of the several religious congregations of Bowling Green; of A. P. Wylie of Belle Center; of H. B. Westervelt, pastor of the Methodist Episcopal Church, and W. A. Powell, pastor of the Presbyterian Church of Athens; of the congregations of the Presbyterian churches of South Salem; of the Norwood Baptist Church of Hamilton County; of the the Ministerial Association of Warren; of the union meeting of the First Reformed, the Covenanter Reformed, and United Presbyterian churches of Cincinnati; of Rev. W. S. McClure, pastor of the United Presbyterian Church of Dean; of the United Presbyterian congregagregation of Bellefontaine; of Ministerial Association of Zanesville; of the congregation of the First Presbyterian Church of Huntsville; of the Christian Endeavor Union of Clinton County; of 60 members of the Young People's Society of Christian Endeavor of Spring Dale; of Rev. D. K. McKnight, pastor of the United Presbyterian Church of Rice Mills; of Rev. C. L. Barker of McConnellsville; of Rev. D. B. Hypes in behalf of the Christian citizenship of South Charleston; of Rev. Irving W. Metcalf, pastor of Hough Avenue Congregational Church of Cleveland; of the New Concord Presbyterian Church; of the Ministerial Union embracing all denominations of the Evangelical Christian Church of Cleveland; of union meeting of the churches of Wooster; of 67 citizens of Lockland; of the Presbytery of Cincinnati; of the congregation of the First Presbyterian Church of Athens; of 34 citizens of Mount Carmel; of Rev. H. C. Schulter, pastor of the Evangelical Church of Lancaster; of members and adherents of Hopewell Presbyterian Church of Holmes County; of J. S. Thompson of Utica; of pastors, elders, trustees, members, and supporters of the Presbyterian Church of West Berlin; of Rev. William G. Marsh of Marysville; of Rev. John F. Lloyd in behalf of 49 members of the Methodist Episcopal Church of Mainville; of a union meeting of the representatives of the Methodist Episcopal, Methodist Protestant, and Presbyterian churches, representing 600 communicants, of Richwood; of Green County Woman's Christian Temperance Union of Cedarville; of Rev. J. M. Keck, pastor of the Methodist Episcopal Church of Minerva; of representatives of the Presbyterian, German Reformed, United Brethren, Albright Methodist, and Baptist churches of Bloomville; of Rev. R. V. Hunter, chairman, and others, representing various religious denominations; of J. A. Schroder of Northfield; of the Osborn Ministerial Association; of 73 citizens of Wyandotte County, and of Rev. Alonzo M. Dawson and others, representing several religious organizations of Cincinnati, all in the State of Ohio, remonstrating against the passage of any legislation authorizing the opening of the gates of the World's Columbian Exposition on Sunday, and the sale of intoxicating liquors thereat; which were referred to the Committee on the Quadro-Centennial (Select).

He also presented the petition of G. F. Evans, of Lawrence County, Ohio, praying for the passage of legislation providing for the opening of the World's Columbian Exposition on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

He also presented a petition of the Farmers' Institute of Wilmington, Ohio, praying for the passage of the antioption and pure-food bills; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Chamber of Commerce and Merchants' Exchange of Cincinnati, Ohio, praying for the immediate repeal of the silver-purchase act of 1890; which was referred to the Committee on Finance.

He also presented petitions of the Farmers' Institute Society, of Pike County; of C. V. Brown, of Mercer County; of the Farmers' Institute Society of Monroeville, and of the Ohio State Agricultural Society in session at Columbus, all in the State of Ohio, praying for the passage of the Washburn-Hatch antioption bill; which were ordered to lie on the table.

He also presented a petition of the Ohio State board of health, praying for the suspension of all immigration until such time as the quarantine defenses of the country shall be placed in condition to guarantee protection from contagious diseases; which was ordered to lie on the table.

He also presented petitions of Edwards Brothers, proprietors of the Troy Roller Mills; of Warden and Barnett, of Springfield, and of F. E. Snyder & Co., of Burbank, all in the State of Ohio, praying for the passage of the bill relating to contracts of common carriers, and to certain obligations, etc.; which were referred to the Committee on Interstate Commerce.

Mr. COKE presented a petition of the mayor of Dallas and numerous other citizens of Texas, praying for the passage of legislation opening the Cherokee Strip to settlement; which was ordered to lie on the table.

He also presented a petition of the Coryell County (Tex.) Farmers' Alliance, praying for the passage of the Washburn-Hatch antioption bill; which was ordered to lie on the table.

Mr. MILLS presented a petition of the mayor of Dallas, Tex.,

and numerous other citizens of Texas, and a petition of citizens of Bowie, Tex., praying for the passage of legislation opening up the Cherokee Strip for settlement; which were ordered to lie on the table.

Mr. CAMERON presented a petition of the Philadelphia (Pa.) Board of Trade, praying for the establishment of a Federal Bureau to be known as the department of national roads; which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Chamber of Commerce of Pittsburg, Pa., praying for the passage of legislation creating an Ohio River Commission; which was referred to the Committee on Commerce.

He also presented petitions of John E. Brandt and other citizens of Philadelphia, Pa., and of Charles J. Harrison and 30 other citizens of Somerset, Pa., praying for the appointment of a commission to examine into and report upon immigration evils; which were ordered to lie on the table.

He also presented memorials of the United Presbyterian Church of Airville; of A. L. Cressler and other citizens of Wilkesbarre; of the Methodist Episcopal, Congregational, and other churches of Smithfield; of the Methodist Church of Shiremanstown, and of the Baptist ministers of Philadelphia, all in the State of Pennsylvania, remonstrating against any repeal of the law closing the World's Columbian Exposition on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

Mr. HOAR. I present resolutions adopted by the Cold Cut Club of Waltham, Mass., which are in the nature of a petition, and which declare, among other things, that banking corporations give us a volume of money only as their profit allows, and they therefore shamefully reduced the volume of money in this country between 1880 and 1890, which made it necessary for Congress to increase its purchases of silver to supply us with money; and that thereupon the bankers began to increase the volume of bank notes, thereby throwing great discredit upon the wisdom of Congress and its silver law of July 14, 1890. Wherefore they pray that all private corporations be prohibited from issuing money, and that Congress take measures to compel the retirement of bank notes already out.

I commend the resolutions especially to the attention of my honorable friend from Ohio [Mr. SHERMAN]. I think he will derive great pleasure from their perusal. I move that the resolutions be referred to the Committee on Finance.

The motion was agreed to.

Mr. COCKRELL presented a petition of Rose Valley Union, No. 104, of Saline County, Mo., praying for the passage of the Washburn-Hatch antioption bill; which was ordered to lie on the table.

He also presented a petition of the Commercial Club of Kansas City, Mo., praying for the passage of legislation to ratify and confirm an agreement with the Cherokee Nation of Indians of the Indian Territory, and to make appropriations for carrying out the same; which was ordered to lie on the table.

He also presented the affidavit of Dr. J. W. Snowden, of San Jose, Cal., in support of the petition of Mrs. Gabrilla P. Moody, praying to be granted a pension; which was referred to the Committee on Pensions.

Mr. BUTLER presented the memorial of C. E. McDonald, R. N. McMaster, and other members of the Bethel Associate Reformed Presbyterian Church of Winnsboro, S. C., remonstrating against any repeal of the law closing the World's Columbian Exposition on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

Mr. GEORGE presented memorials of citizens of Columbus, Miss., and of members of the Methodist Episcopal Church (South) of Lauderdale County, Miss., remonstrating against the opening of the World's Columbian Exposition on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

REPORTS OF COMMITTEES.

Mr. VEST. I am directed by the Committee on Commerce, to whom was referred the bill (H. R. 10015) to authorize the construction of bridges across the Hiawassee, the Tennessee, and the Clinch Rivers, in the State of Tennessee, to report it without amendment, and I ask that it take the place on the Calendar of Senate bill 3525, which has been heretofore reported favorably from the Committee on Commerce. The bills are identical, and I ask that the House bill be substituted for the Senate bill.

The VICE-PRESIDENT. The bill will be placed on the Calendar, and Order of Business 1173, Senate bill 3525, being a bill of the same title, will be indefinitely postponed.

Mr. SAWYER, from the Committee on Pensions, to whom was referred the bill (H. R. 8162) to pension Mary E. Trimble, widow of Montague N. Trimble, of the Mexican war, submitted an adverse report thereon.

Mr. VEST. Let the bill be placed on the Calendar.

The VICE-PRESIDENT. The bill will be placed on the Calendar with the adverse report of the committee.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had passed a bill (H. R. 1007) to provide for lowering the height of a bridge proposed to be constructed across the Ohio River between Cincinnati, Ohio, and Covington, Ky., by the Cincinnati and Covington Rapid Transit Bridge Company, in which it requested the concurrence of the Senate.

The message also announced that the House had passed a concurrent resolution to print and bind 60,000 copies of the special report of the Bureau of Animal Industry on diseases of cattle; in which it requested the concurrence of the Senate.

The message further announced that the House had passed a concurrent resolution to print and bind 60,000 copies of the special report of the sheep industry of the United States; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and a joint resolution; and they were thereupon signed by the Vice-President:

A bill (H. R. 9824) to amend "An act to promote the construction of a safe deep-water harbor on the coast of Texas," approved February 9, 1891;

A bill (S. 3195) granting to the Yuma Pumping Irrigation Company the right of way for two ditches across that part of the Yuma Indian Reservation lying in Arizona; and

A joint resolution (S. R. 113) providing for the printing of the Agricultural Report for 1892.

BILLS INTRODUCED.

Mr. PEFFER introduced a bill (S. 3716) for the relief of James Richardson; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced a bill (S. 3717) for the relief of John Kircher; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. BERRY introduced a bill (S. 3718) to authorize the Oklahoma Midland Railroad Company to construct and operate a railway, telegraph, and telephone lines through the Indian and Oklahoma Territories, and for other purposes; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. HIGGINS introduced a bill (S. 3719) for the relief of Jasper Hanson; which was read twice by its title, and referred to the Committee on Claims.

Mr. GALLINGER introduced a bill (S. 3720) to set aside the verdict of a court-martial in the case of George J. Barnes, late private in Company F, Second Regiment United States Sharpshooters, and Company H, Fifth New Hampshire Volunteer Infantry; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. CAMERON introduced a bill (S. 3721) for the relief of George Rushburger; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. VOORHEES introduced a bill (S. 3722) to increase the pension of William G. Smith; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 3723) to reimburse the Miami Indians of Indiana for money improperly withheld from them; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. COCKRELL introduced a bill (S. 3724) granting a pension to Henry Hahman; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. QUAY introduced a joint resolution (S. R. 134) authorizing the exhibition at the World's Columbian Exposition of the picture entitled "The Recall of Columbus," by Augustus G. Heaton; which was read twice by its title, and referred to the Committee on the Library.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. PETTIGREW submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. MCMILLAN submitted an amendment intended to be proposed by him to the District appropriation bill; which was referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. QUAY submitted an amendment intended to be proposed by him to the sundry civil appropriation bill, the amendment

providing for the purchase of the historical manuscripts lately compiled by Erastus Thatcher, relating to the District of Columbia, the city of Washington, and the towns of Alexandria and Georgetown, etc.: which was referred to the Committee on the Library, and ordered to be printed.

MARITIME CANAL OF NICARAGUA.

Mr. WOLCOTT. I submit a resolution and ask for its present consideration.

The resolution was read, as follows:

Be it resolved, That the Committee on Foreign Relations be directed to inquire what sums, if any, have been expended by the Maritime Canal Company, the Nicaragua Canal Construction Company, or any company allied to either of said companies, in and about the construction of said canal or otherwise, with the items of said expenditure, since the accounts of expenditure heretofore rendered to said committee.

Mr. SHERMAN. I can only say that a recent report has been made which probably the Senator has not examined. However, I do not know that that gives the items called for in the resolution.

Mr. WOLCOTT. I think possibly the Senator from Ohio will not object to the resolution after I make a statement.

Some two years ago testimony was taken by the Committee on Foreign Relations showing the expenditures made by the different canal companies up to that date. At that time a bill was pending in the Senate proposing Government aid for the Nicaragua Canal to the extent of the indorsement of $100,000,000 of bonds with the deposit in the Treasury of 70 per cent of the stock of the Maritime Canal Company as collateral security. Since that time the scheme has been entirely changed. While that bill was pending testimony was taken showing the expenditures made by the Canal Construction Company and the Maritime Canal Association, aggregating some $3,000,000.

As I said, the whole scheme has been changed, and now the Government of the United States is to indorse $100,000,000 of bonds; the construction of the canal is to be taken from the construction company, where it was placed some two years ago, and is to be intrusted solely to the Maritime Canal Association; and in consideration of its past expenditures that company is to receive $6,000,000 of the bonds of the company guaranteed by the Government and $12,000,000 of its stock. All the other stock except the stock that goes to Costa Rica and Nicaragua is to be vested in the Government of the United States as a gift.

The testimony taken two years ago shows that upwards of $3,000,000 or about $3,000,000 was expended, and that was to be paid back to the construction company, which was then to have the profits of construction. Now it is proposed to give them $6,000,000 of bonds and $12,000,000 of stock. I do not suppose it is seriously contended that $9,000,000 have been expended since the last testimony taken two years ago; but before the Senate can act intelligently upon the question as to how much stock shall be donated to this company, the Committee on Foreign Relations should certainly desire that we shall have before us some testimony to show how much has been expended. It was with that purpose in view and with the idea of facilitating the progress of the bill that I offered the resolution.

The VICE-PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. SHERMAN. I ought to say a word or two, although I have no objection to the passage of any resolution calling for information in regard to the Nicaragua Canal.

The Senator from Colorado is mistaken in regard to the recent report made by the Committee on Foreign Relations in two very important particulars. The company now building the Nicaragua Canal is called the Maritime Company. It is working through a construction company. They had expended a year or two ago, when the first report was made, about $3,000,000, according to their own statement. They now claim to have expended considerably more, quite as much as $6,000,000. The aggregate maximum was inserted. The amount that has actually been paid in money in the construction of the Nicaragua Canal is to be ascertained by the Secretary of the Treasury and the Secretary of State, but the maximum shall not exceed $6,000,000 when all is paid.

In respect to the $12,000,000 of stock, under the first bill that was proposed there was $30,000,000 of stock left in the hands of the two countries through which the canal runs and the Maritime Company, but it was thought better that the Government of the United States should assume a more direct and absolute control and ownership of the canal and that it should be built upon guaranties furnished by the Government. Therefore the bill requires that all stocks, all securities of every kind, all bonds shall be extinguished and liquidated except stock that was issued to the Governments of Costa Rica and Nicaragua and also $12,000,000 of stock that had been issued in payment of the concessions, etc., which had been granted.

Mr. WOLCOTT. That is $12,000,000, as I stated.

Mr. SHERMAN. The amount is $12,000,000. The Senator is correct about it. But that was simply to cover the concessions. As to the value of that stock it is a matter for anybody to form his own opinion upon. However, all the facts in regard to it and all the information we can gather has been printed with the recent report, as the Senator will see if he will look at it; but if there is anything further in the way of information that may be given we will give it with great pleasure.

Mr. WOLCOTT. I have read the report and I fail to find any statement of the expenditures since the last testimony was taken.

Mr. SHERMAN. The detailed expenditures were not given, and the reason why we did not exact that was because those expenditures were going on day by day, and we were willing to trust to the Secretary of the Treasury and the Secretary of State, whoever they may be in the next Administration, if the bill is passed, to fix and limit and liquidate the amount that has actually been expended.

Mr. HOAR. I simply desire to say in this connection, before the resolution is adopted, that the recent experience of another country and our own experience in relation to the transcontinental railroad from 1862 to 1864 make it very important that Congress, through the Committee on Foreign Relations, should see to it that in the construction of the Nicaragua Canal, if the Government is to have any relation to it whatever, daylight shall constantly be turned in upon every transaction, and that nothing shall happen either of expenditure or receipt of Government aid, or conduct of the officials, or engineers, or the agencies charged with that structure which shall not be instantly made known to all mankind. It is a matter which concerns very much indeed the good name of this country and the pure and upright expenditure of our public moneys.

The VICE-PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. MORGAN. I prefer that the resolution shall go over until to-morrow and be printed.

Mr. WOLCOTT. Let it go over until Monday.

Mr. VOORHEES. I ask that the resolution be read again.

The resolution was again read.

The VICE-PRESIDENT. The resolution will lie over until to-morrow and be printed.

HOUSE BILL REFERRED.

The bill (H. R. 10007) to provide for lowering the height of a bridge proposed to be constructed across the Ohio River between Cincinnati, Ohio, and Covington, Ky., by the Cincinnati and Covington Rapid Transit Bridge Company, was read twice by its title, and referred to the Committee on Commerce.

REPORT ON DISEASES OF CATTLE.

The VICE-PRESIDENT laid before the Senate the following concurrent resolution of the House of Representatives; which was referred to the Committee on Printing:

Resolved by the House of Representatives (the Senate concurring), That there be printed and bound of the special report of the Bureau of Animal Industry on diseases of cattle and cattle feeding 60,000 copies, of which 20,000 shall be for the use of the Senate and 40,000 for the use of the House.

REPORT ON THE SHEEP INDUSTRY.

The VICE-PRESIDENT laid before the Senate the following concurrent resolution of the House of Representatives; which was referred to the Committee on Printing:

Resolved by the House of Representatives (the Senate concurring), That there be printed and bound of the special report of the sheep industry of the United States 60,000 copies, of which 20,000 copies shall be for the use of the Senate and 40,000 for the use of the House.

NICARAGUA CANAL.

The VICE-PRESIDENT. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The resolution submitted yesterday by Mr. MORGAN was read, as follows:

Resolved, That the Committee on Commerce is instructed to inquire and report to the Senate the advantages, if any, that will accrue to the productions, industries, coastwise and foreign commerce, immigration, and other interests of the United States, by means of the additional facilities of transportation, and the reduction of the cost thereof that would be afforded by the building of a ship canal to connect the waters of the Atlantic and Pacific Oceans through Lake Nicaragua.

The VICE-PRESIDENT. The question is on agreeing to the resolution.

Mr. MORGAN. Mr. President, the resolution of the Senate which was adopted in executive session, under which the Committee on Foreign Relations got jurisdiction of the inquiry in respect of the Nicaragua Canal, was directed more particularly to the political aspects of that question, by which I mean of course the foreign aspects of it, than to the material questions that might affect the people of the United States in their commerce, in their productions, in their enterprises, and in their coastwise and foreign trade. So that committee, taking the instruction of the Senate, went very earnestly to work to ascertain what was the situation of the canal project under the concessions of the Governments of Nicaragua and Costa Rica, and to ascer-

tain what explorations and surveys had been made through that country to justify the expectation that a canal there, advantageous to the commerce of the world, could be constructed at a reasonable cost, and also to consider how far the Government of the United States had become engaged with the Governments of Costa Rica and Nicaragua in the effort to promote the building of the canal.

The committee did not feel that it was necessary or proper perhaps for them to go into a very broad inquiry in regard to the commercial advantages which would result from the canal to the people of the United States. It has occurred to me that that is an important inquiry. It is one to which the attention of the people of the United States has been very sharply directed and which they are now considering broadly through the land in a great many different ways and in a great many different conventions, tribunals, and Legislatures.

So I ventured to offer the resolution which has been read, with the view of getting the superior knowledge of the Committee on Commerce upon these particular topics, for the purpose of ascertaining whether the canal was after all to be of great commercial advantage to the people of the United States. I offered the resolution without consultation with the Committee on Foreign Relations and by no means as reflecting upon that committee in any sense at all, but for the purpose of getting before this body an expression of the proper committees concerned in such matters of the advantages or disadvantages, the propriety or impropriety of the building of this great work.

If the resolution should have the effect of delaying action upon the bill which has been reported the second time now with some changes, of course I would withdraw it. I would deprecate an action of that kind, for, while the country may not be fully informed in regard to all of the merits of the canal project, I think the Senate certainly must be if it has devoted any attention at all to the examination of the question, for the Committee on Foreign Relations has presented heretofore a sufficient statement in regard to the advantages of the canal to warrant all of us, I think, in believing that this work is one of great magnitude and great importance to the commerce and industries of the United States, to say nothing of its political effect upon our country, its effect in respect of its relations with foreign countries, and its effect also in respect of the communication between the Eastern and Western States of the American Union, and more particularly its effect upon a coastwise line of intercommunication between the Eastern and Western States.

The extent to which this subject has been investigated in the United States may be briefly stated by reference to the fact that memorials and resolutions favoring the Nicaragua Canal are pending before several of the Legislatures of the States. My own State has adopted a very earnest memorial to Congress in favor of the building of this canal by the Government of the United States or through its assistance. Then the two great national conventions took the subject up, and while their committals were not to any particular plan or project, they were broad and sweeping as to the necessity of the communication and the importance of it to the people of the United States, and I may say to the territorial defense, and perhaps I might further add the territorial integrity of this country of ours.

The national conventions that acted upon this subject, in substantial agreement, followed a much more specific resolution which the Democratic party had the honor of originating at the time when Mr. Buchanan was nominated for President of the United States, in which this canal was selected as a work that was committed, as far as they could commit it at least, to the care and custody of the Democratic party of the United States. That was a noble resolve of the Democratic party, as it is now of both the great parties. The disturbing influences of the political quarrels in our own country deferred action upon that subject, and the matter was dropped until recently both the national conventions have taken it up, and they have broadly espoused the idea advanced by Mr. Hayes and by all the Presidents in fact who have written upon this question in their messages, that this was to be an American canal and under American control; that it was a matter which was obliged to be consummated; that the sooner it was consummated the better; and that all proper and constitutional means are to be employed for the purpose of facilitating the progress of this very great work.

There are more than 6,000 newspapers in the United States that have committed themselves fully and completely to this project. There are not 100 newspapers in the United States that are opposed to it. Besides that, almost every commercial city in the United States has through its boards of trades, boards of exchange and the like, committed the governments of the cities to the proposition that the Government of the United States ought to build this canal, getting as close to the subject as a proper regard and respect for the sovereignty of Nicaragua and Costa Rica will permit us to approach it.

Besides that, many of the governors of the States have recommended the canal in messages to their respective Legislatures. Conventions have been held by five States—I may say State conventions have been held in five States—and in the State of New York there have been four or five different meetings of the leading commercial boards upon this question. The resolutions of every one of these conventions are specific to the purpose that the Government of the United States must assist in the construction of this canal in some form or other.

The control which the Government of the United States must have and can gain over this canal must depend entirely, I think, upon its opportunity and the use of its credit or money for assisting in its construction, for the nations of the earth with very jealous care have watched over the disposition which was to be made of this transit between the two oceans, and they have resolved and we have admitted that it was to be for the benefit of mankind. They have all further resolved openly or tacitly that some government must control it. No nation which has yet spoken on the subject has even conjectured that a mere private corporation or a corporate embodiment of private citizens would be able, without the control and assistance of some government, to build, operate, and control this canal.

Nicaragua and Costa Rica, who own the land, the lakes, etc., which furnish the opportunity and facilities for the building of this canal, who are sovereign within their own domain, and whose sovereignty is almost as precious in the eyes of the United States as our own, have concluded solemnly that they could not construct this canal. They have not the power to do it; they have not the credit; they have not the money; and they are obliged to have those resources of credit and money drawn from other countries or other people than their own. These Governments have therefore reserved the sovereignty over the territory in which the canal is to be built, and they are content with that reservation. They united in granting concessions, solemnly made by the legislative and executive authorities of their respective countries, to American citizens for the purpose of enabling them to do what? Not to build a canal out of their own money or through their own exertions or upon their own credit, but to organize, according to the terms of these concessions, a company of execution, which company of execution receives its baptismal name in the concessions themselves, and is to be called the Maritime Canal Company of Nicaragua. That company of execution is to have its principal place of business in New York or elsewhere, as the company may determine; but New York is mentioned.

These two governments have conceded in respect of the canal and the properties which are essential to its construction, maintenance, and operation, everything which could be required, except the ultimate sovereignty over the territory. They have conceded, in accordance with the treaty they made with Great Britain in 1860 and in accordance with the treaties made with us heretofore, in 1867, a free port at Brito and at Greytown, those ports being the terminals of this canal. They have conceded to these gentlemen a right of way across that Isthmus for the canal as broad as may be requisite for its construction and maintenance; they have conferred upon them the power of condemnation so as to reach, under their laws, private property that may be necessary to be condemned for this purpose. They have withheld nothing at all which might be advantageous in the construction and operation and maintenance of this canal.

I think human ingenuity would overtax itself to find that Nicaragua and Costa Rica could possibly confer upon any company of execution any higher or greater advantages than are conferred in these concessions in respect of all the material assistance which can be given by the grant of the right of way, the right of free navigation, and the remission of tolls of every kind and character on the part of the governments in connection with this enterprise.

When these concessions had been made—and I will here remark that these concessions provide for the impartial use of this canal by all the nations of the earth—Nicaragua and Costa Rica had therein made engagements in respect of it, which have equal solemnity as if they had been announced in a treaty between two governments. They are engagements made with American citizens; they are engagements which relate to the physical geography of the western hemisphere they relate practically to our coast lines, our coastwise trade, certainly, and to our trade with foreign countries.

They have a very peculiar relation to the United States in the fact that when this canal is constructed we shall save the necessity of expending twice the amount of money in building ships of war which we now find necessary to protect our interests upon the two great oceans which wash our shores on the east and on the west. Other facilities of a like kind, of a military kind, I will say, or of a naval kind, are of the highest possible importance, and they also are guaranteed in these concessions. All

these rights are guaranteed to American citizens. One hundred thousand dollars in money was paid by them for these concessions into the treasury of Nicaragua, and other large sums were paid by them and by the United States for surveys.

In addition to what I have mentioned, however, Nicaragua also conceded a dowry of public land of very great value and of immense extent to this canal company in absolute right, with the right and privilege of not merely taking the land for the purpose of building the canal, but the company may proceed to sell it; they may proceed to cut the valuable timbers from it, and to export them to foreign countries. The company entered into the possession of these properties in absolute right, not even determinable, as I understand, by the ninety-nine years termination of the concession, and another renewal, if it should not be renewed for another period of ninety-nine years, or indefinitely. Both these governments have declared these concessions to be permanent.

The Government of the United States, finding that it could facilitate the building of this canal, and could accomplish the great American purpose, that it should be an American canal and under American control; finding that these concessions had been made in this broad and solemn form in favor of our own citizens; finding that Costa Rica and Nicaragua, in pursuit of a policy from which they have never deviated at all, preferred that the Government of the United States should have the dominant control in the building and management of this canal, and with that view had made all of these concessions and grants; the United States Government, in view of those things, granted a charter here to the Maritime Canal Company of Nicaragua, using the same name that had been employed in the concession; and thereby gave its consent to the entire plan.

In respect of that legislation the Congress of the United States pursued exactly the same lines of jurisdiction and the same breadth of control which they would have done if this had been a domestic corporation; just the same control over it as if all of the corporate functions were to be exercised completely within the United States. We limited the amount of the capital stock; we limited the amount and described the nature and character of the bonds which the company might issue; we prescribed to them who should be their directors and how they should be chosen; first of all, who should be their stockholders and company of organization, and we named the incorporators. Then we prescribed how their directors should be chosen and what their powers should be.

We gave to that company powers which were to be derived simply and solely from the sovereign power and authority of the United States, thereby corresponding in concurrent sovereign power with the Governments of Nicaragua and Costa Rica in this great international project, which was to be accomplished by parallel legislation, and not by treaty, because we had failed to do it by treaty. In thus responding to these Governments and accepting their overtures we bound our Government in honor and good faith that our citizens, under this charter and those concessions, should enjoy the rights and privileges and powers and immunities which we conferred upon them as a body corporate. Not only so, but we reserved to ourselves the right to repeal or alter or amend that charter, as Congress might see proper to do.

In estimating the importance of that reservation, let us observe for a moment who are the stockholders in this canal. By the concessions themselves and also by the charter which we granted, Costa Rica and Nicaragua, as sovereign republics, are stockholders in the canal. They reserved in those concessions, one of them six millions of stock and the other one and one-half millions as a part of the consideration of making the concessions, with the accompanying right to appoint directors in the board of directors.

We have according to that charter a corporation created here with fifteen directors, one of whom shall be appointed by the Government of Nicaragua and one appointed by the Government of Costa Rica. So, virtually and actually, three republics are engaged as stockholders and directors and managers and legislative controllers of this great international corporation.

The powers conceded to the United States in these grants include the full legislative power to create, organize, and control the canal corporation and to be the owners of stock therein and to take mortgages upon all the property and belongings of the company except the concessions themselves.

Some question has been made about this being a private corporation. I pity the man who does not know the distinction between public and private corporations sufficiently to see at once a distinction between this corporation and any private corporation. It rises even above that, and it attains to the peculiar distinction, justified perhaps only by the situation in this particular instance, of an international corporation not created by treaty, but created by legislative obligations assumed by the respective powers through the agency of their own legislative tribunals, which, in our own country, and I believe in the others also, stand above the treaty-making power.

Mr. WOLCOTT. If it will not interrupt the Senator from Alabama, since he is speaking so interestingly upon the charter of this company as passed by the Government and having relation to pending legislation, I should like to ask a question. The charter of the company provides that none but stockholders shall be directors, a provision which is inserted in the charter of every corporation of which I have any knowledge, whether created by the Government or by any State of the Union, and the pending bill provides as to ten or fifteen directors that it shall be a condition precedent to their being directors of this company that they shall not own stock. I should like to ask which will govern, the charter heretofore granted, or this bill if it should pass?

Mr. MORGAN. I will come to the minutia of the Senator's objection when I reach the Senator's point. I will not deal with it just now. That is too small a question to come up just in this connection.

The Government of the United States, however, has committed itself to these concessions and to these acts of Nicaragua and Costa Rica by admitting these two Governments to be stockholders in a corporation chartered by itself, and also to the right to appoint directors in this company. Costa Rica and Nicaragua, on the other hand, have so far submitted their rights as sovereign powers into the control of the Congress of the United States—which, as I remarked, is the supreme controlling power in our land over treaties and obligations of every kind with foreign countries—as that we can alter or amend a charter to which Nicaragua and Costa Rica are parties. And they have each accepted and ratified all that Congress has enacted.

More than that. In order to show how clearly and how fully the Congress of the United States understood its relations to this canal project, how truly it is an international project, and how far it is under the control of the Government of the United States, we further provided in that charter that the president and secretary of that company annually, or as often as might be required, should make a report to our Secretary of the Interior of all of the assets and debts and obligations of this corporation, and all of its doings, not merely in matters of construction, but also in matters of maintenance and operation, thereby retaining on the part of the Government of the United States, through one of its departments, a continual supervision over every step that is taken in respect of this canal work and the management and control of the canal.

Therefore, we shall have to divorce ourselves from this canal company before we can escape these obligations, or else the canal company will have to divorce themselves from us before they can escape the control and management which we are going to exercise over them. I do not doubt that they could do it; I do not doubt that Nicaragua and Costa Rica could consent—I doubt if they would do it without great reluctance, however—that the Government of Great Britain should step into our shoes and charter this company and take advantage of these concessions and go on and do what we are proposing to do about them.

Logically, the Government of Great Britain has just as much right as we have, under those concessions, to charter a company, to supply the money, and to take the control of it which we propose to take. I think nobody can deny that. If Costa Rica and Nicaragua were to tender an overture of that kind to that Government, and if the owners of these concessions—we are not the owners of these concessions—were to take them to the Parliament of Great Britain and offer them what they have offered to us, and he British Parliament should accept it, we should have but one plea to present in opposition to it; and that is the worn and torn and fragmentary Monroe doctrine, which we have succeeded in the Senate of the United States in nearly destroying.

We would have no other plea for resisting the transfer of the right to create and control such a company of execution to Great Britain, except that this must be an American canal, under American control, and that this is an essential feature of the Monroe doctrine.

Mr. SHERMAN. I should like to have the Senator state in this connection, in case objection is made to the pending bill, that in some way or other the owners of the $12,000,000 of stock, who have received it for the concessions which have been granted by those two governments, will have an undue influence in governing and controlling this corporation and be able to regulate its tolls, that the view taken by the Committee on Foreign Relations is that the power of the corporation is absolutely under the control of the Government from the very beginning of its operations.

Mr. MORGAN. Upon the bill reported there is no doubt that the power of the Government is reserved in control of the operations of this corporation in many ways. The first and most im-

portant matter in that connection is that we are to own absolutely eighty-one and a half million dollars of the stock of this company.

Mr. SHERMAN. Eighty million five hundred thousand dollars.

Mr. MORGAN. I thought it was $81,000,000 of the stock of this company out of $100,000,000. That gives us the whole power of control, so far as the direction of the company is concerned; and I do not understand that anybody desires to have greater control than that within the limits of the powers of the corporation upon the basis of the concessions.

Then we go on to prescribe various matters of settlement between this company and the Government of the United States before anything can be done in the way of the issue of bonds or the transfer of stock to the United States Government. One of these is that all contracts existing for work upon that canal of every kind and character shall be considered as abrogated, wiped out, so that we shall have *tabula rasa* when we start out again to make new contracts. Another is that all the work to be done upon this canal and all the expenditures to be made for the payment of that work is to be made under the supervision of a board of United States engineers, having no connection whatever with this canal company, no interest in it, and no dependence upon it at all.

We concede in this bill $12,000,000 of stock to the present owners of it, which $12,000,000 of stock was placed beyond the power of the canal company before Congress commenced to deal with this question, and when they had just as much right to dispose of that stock as any Senator here has to dispose of any piece of property he owns. We found the canal company in that situation. A company had been formed, under a charter in Colorado, I believe, with a capital of $12,000,000 for the purpose of owning and working under these concessions. In the first estimate of what they would do the Colorado company was considered to be the nucleus around which the whole structure of this canal was to be formed.

Finding, however, that the people of the United States—not the people of Colorado—had great and material interests in this canal, and that it was proper and better and necessary that the people of the United States, through their Congress, should grant powers of incorporation, the Maritime Canal Company was chartered here. That did not dissolve or in any way affect the Colorado Construction Company, who owned the concession. They had paid for the concession to the gentlemen who bought it and paid the money out of their pockets for it, and paid for the surveys in large part which were made through that country. They had paid for this concession, and the construction company sold it to the Maritime Company for what? Twelve million dollars of their stock.

What was that worth at the time? In the market it was worth nothing; it was something that was entirely problematical and conjectural. They expected, of course, if the canal should be built, that it would rise perhaps to par and might even go above par, for I am one of those people who believe that in twenty years from to-day, if this bill is passed, the $80,000,000 which the United States proposes to own of the stock in this canal will be worth $160,000,000. But at the time that they paid $12,000,000 of the stock of the Maritime Canal Company for stock of the construction company under the Colorado charter that stock was practically worth nothing. It was a mere exchange of stock from the construction company into the Maritime Company. We found it there. What did the Senator expect us to do? Take it away from them? We had not any right to do it. They had done nothing contrary to the powers of legislation which Congress exercised in respect of the transfer of that stock. The canal company had the right to purchase the concessions and pay for them in their stock. Finding it there, we were compelled to respect the ownership. Congress could not annul that purchase and sale except by repealing the charter of the canal company.

More than that, the Maritime Canal Company in raising money for the purpose of doing the work which had been already done upon the canal—and a very large amount of it has been done—to a greater or less degree consented to the sale of this stock to raise the money to enable this construction company or its contractors to go on and build this very work. How did they raise it? By selling this stock through the country. It is now in the ownership of American citizens, and a number of American citizens own this stock.

How are we to get this back? Are we to hunt around through the country and find the different individuals in the United States who, under the authority of law, have made these purchases in order that we may capture it? When we get it under this bill or under any bill that shall be passed, all the stock that we shall take away from the purchasers from the Maritime Company or the Maritime Company itself, which they bought and paid for, and which was delivered to them for cash in hand paid out—all of that stock would have to be merely added to the eighty millions of stock donated to the United States, got without paying a cent for it. How can we assume an attitude of that kind? We say to the Maritime Company, "Deliver up to us $80,000,000 of this stock in absolute right as a part of the consideration of our indorsing your bonds for $100,000,000."

After we have done that they say, "Why, here is $12,000,000 of stock in addition, which we have actually sold, in the hands of private citizens." Shall we say to them, "Get that also and add that to the $80,000,000 of stock"? Shall we take it out of the hands of private citizens of the United States and put it into the Treasury as an asset of the Government? Certainly not. We might just as well say to Nicaragua that your reservation of $6,000,000 and to Costa Rica that your reservation of $1,500,000 of stock, in the concessions themselves, you also shall deliver into the hands of the United States before we will vote a dollar or before we will do anything to assist any person in building this canal.

Mr. WOLCOTT. Will the Senator from Alabama permit me another question, which I trust he will not consider as unimportant as the other?

Mr. MORGAN. I considered the Senator's question important, but I had not got to a point where I could answer it.

Mr. WOLCOTT. The Senator stated that under this arrangement the United States would have $80,000,000 of ownership in stock. What the United States does for this company, in view of the vast importance of the undertaking, is to guarantee the payment of $100,000,000 of its bonds, principal and interest, at maturity, and in consideration of that guaranty of its bonds the United States is to receive a gift of $80,000,000 of stock, or eight-tenths of the stock of the company, which is to be marked by law "full paid and nonassessable."

Mr. SHERMAN. Eighty million five hundred thousand dollars.

Mr. WOLCOTT. Eighty million five hundred thousand dollars. As I read the bill, it is $80,000,000 of the stock of the company. If this were a private corporation this would be considered the most atrocious watering of stock that was ever heard of, and any court would set it aside on the ground that it had not been issued for value. I ask the Senator from Alabama if he believes this Government can take good title for $80,000,000 of stock, for which it has not paid a penny and is not obligated to pay a penny?

Mr. MORGAN. I do not know anything about that. I do not know any judicial establishment in this country that would set it aside. There is no question that the United States would take good title unless some court should overturn it. I think that no court would hold that Congress has no power to make such a provision of law.

Mr. WOLCOTT. I will ask the Senator from Alabama if he thinks it is a good precedent to set to other corporations, to tell them that they may water their stock to any extent, provided they can get somebody to indorse their bonds?

Mr. MORGAN. There is no other corporation like this in the world, never was, and I suppose never will be. Therefore the question of precedent does not have any great effect upon the morality of any contracts hereafter made under which works are hereafter to be built and constructed. Moreover the Government of the United States is dealing with this subject as a sovereign, and the Congress of the United States is exercising in this matter that sort of relationship to foreign governments which is a very close approximation to the diplomatic power. Indeed, this seems now to be the only procedure that is left open to us. I have not heard yet that nations are always controlled by sentiment or ideas of strict morality in their dealings with each other in respect of matters which concern their destiny and the interests of their people.

Wars are not usually very moral methods of redress, yet nations resort to war sometimes for the right, sometimes for the wrong; even diplomacy is not always severely moral.

So, while I, with some considerable shrug of my shoulders, received the suggestion that we should absolutely own the $80,000,000 of stock, because I thought it a hard exaction on the company, when I came to think it over I found that after all we were putting up the $100,000,000; that we were relying upon our ability to control the operations of the canal and upon the income from the canal to return to us the $100,000,000 after it had been expended. I thought therefore we might as well have stock in the ownership of the United States as to make it a very valuable property for gentlemen who would otherwise own it and who had expended no large amount of money upon it. That was the conclusion to which I came. Now that we are at that conclusion, I feel firmly fortified in the belief that it is strictly honest and high-toned in every respect, and I have not any sort of qualms about it.

If the owners of the concession are willing to this proceeding, as I am informed they are, they have the right to donate all the stock, not otherwise disposed of, to the United States, and they will not suffer in doing so beyond the speculative advantage they might find in the ultimate building of the canal with foreign money. This is as repugnant to them as it would be to any other patriotic Americans.

Mr. SHERMAN. Mr. President, if the Senator will allow me, I wish to suggest another thing. The $12,000,000 of private stock held by individuals, together with the stock held by the two governments of Costa Rica and Nicaragua, is utterly valueless except as subject to the payment of the entire cost of the whole work. Practically, therefore, it is very much like a good deal of other stock which has been issued by railroads in the United States of America, where stock and bonds have been issued, the bonds issued to build the road and the stock given in the nature of a benefit to the successful builders of the road. That has been very common. As a matter of course, this stock of $12,000,000—that is one thing I would like to have in the RECORD—together with the stock owned by the two governments, is absolutely mortgaged as well as the stock owned by us; so that they have no property whatever until every dollar of the debt contracted in the building of this work is paid off in full.

Mr. MORGAN. That is all true, Mr. President, and it is a very forcible illustration of the fact that it is right and proper in morals as well as in national legislation that where a government comes forward and furnishes its credit to give value to whatever is contributed or allowed to be reserved by other people, they have not any right to complain (and in this case they do not complain) that we are making for them the par value of $12,000,000 in this stock after the canal has been entirely completed, whereas that stock at the present moment and under existing circumstances may be said to have no value.

If we lift the $12,000,000 of stock to par in money; that is a good reason why they should accept our offer; but until the canal is completed and paid for they can get no dividends, neither can they sell the stock.

The Senator from Colorado [Mr. WOLCOTT] referred also to a mortgage which is provided for in the bill. I was a little averse to putting a mortgage in the bill, because it is a mortgage operating upon the stock and all the belongings of the canal of every kind and character, except the concessions themselves, and might hereafter possibly lead to some confusion in the matter of foreclosure, etc. When I examined the concessions more carefully, I found a mortgage was provided in their terms, to be given by the company of execution—the Maritime Canal Company—for the security of the bonds they might issue; and that these two republics, Costa Rica and Nicaragua, had consented that their stock in the company might be mortgaged for the security of the bonds, if I rightly understood the purport of the concessions. So, as the Senator from Ohio [Mr. SHERMAN] well suggests, all the money that the United States may have to expend in the building of this canal must be returned to us before this mortgage is satisfied; and after that is satisfied the stock will be at par or above par.

Mr. President, in dealing with a question of this kind we are obliged to leave some things to be provided for in the future. No man can anticipate every emergency of legislation or of direction or control which will arise in the administration of a work like this. Therefore the committee in preparing this bill have not attempted to anticipate every possible objection which might arise, or every possible difficulty which might be in the way, nor is that a wise effort of legislation.

We should fail utterly if we were compelled to satisfy ourselves here that every provision we make in every bill will work out the proper consequences and that there would be no defects hereafter to be supplied. Look at your Interstate Railway Commission. Here after the courts have acted upon its powers, notwithstanding the Senate and House of Representatives bestowed months of labor and investigation of the most patient and searching character upon that bill, we find it necessary even for the purposes of its operation that we shall now amend it.

Here we are considering an antioption bill. We have that before the Senate and a great many objections arise and a great many difficulties are suggested. No man expects that when that bill comes to a final test, if it is passed at all, that it will contain a perfect system of legislation upon that intricate and involved subject, nor need any man expect that in a proposed act of Congress like that which we have reported from this committee, every emergency which may arise in this affair has been anticipated and successfully answered. That a man like my friend from Colorado [Mr. WOLCOTT], who is a very able and astute lawyer, can raise objections, only argues against the infirmity of human legislation, it argues that the mind which is constructing is far more defenseless and assailable in its best efforts than the one which is attacking and attempting to destroy, or throw down.

I have attempted to lay before the Senate the general outline of the situation as to this canal. Before leaving the subject, however, I should like to say that this bill is in strict accordance with the Clayton-Bulwer treaty; it is an execution of the Clayton-Bulwer treaty in respect of all that relates to that canal.

In 1860, seven years before we essayed to establish our rights in Nicaragua by treaty relating to a ship canal, the vigilant and almost all-wise Government of Great Britain went into that country with her minister and negotiated a treaty with Nicaragua in relation to a canal through Lake Nicaragua and the waters of the San Juan River, which seven years later were literally copied, almost word for word, in a treaty which we negotiated with Nicaragua for the same purpose. Great Britain was six years ahead of us in getting the very privileges which are found in our treaty with Nicaragua to sustain these concessions and all that we are doing under them. That was ten years later than the Clayton-Bulwer treaty.

If this bill is in accordance with our treaty with Nicaragua, it is obliged to be in accordance with the British treaty with Nicaragua, because the treaties are almost word for word identical upon all of these propositions.

If, therefore, Great Britain in 1860 could make such a treaty as that with Nicaragua, notwithstanding the Clayton-Bulwer treaty, which had been made ten years before, how can there be a doubt that in executing the treaty with Nicaragua we have got the consent of Great Britain to do what we propose, expressed in like words in the treaty, which seven years before she had negotiated with the same Government? I repeat, if it is necessary thus to silence objections, that we are only doing what Great Britain has sanctioned in her construction of the Clayton-Bulwer treaty, as it appears in her treaty of 1860 with Nicaragua.

I refer to this, Mr. President, to show the idleness and ineffectualness of all the objections which have been sprung in respect of this measure in the consideration of our diplomatic relations with Great Britain and Nicaragua and all other countries of the world. We are strictly in line with all that has been agreed upon by these respective governments.

In my advocacy of this scheme, Mr. President, I must plead guilty to a strong sectional bias, and I look with admiration and reverence to the firm and manly and patriotic and statesmanlike advocacy of this great scheme, which has been given to it by the Senator from Maine [Mr. FRYE], who was on that committee when we made a unanimous report in favor of a bill not so good as this; by the two Senators from Ohio, Messrs. SHERMAN and Payne, by the Senator from Vermont, Mr. Edmunds, the Senator from New York, Mr. Evarts, and later the Senator from New York [Mr. HISCOCK], and the Senator from Oregon [Mr. DOLPH]. These gentlemen, whose States have not the actual and immediate interest in this canal which my State has, came forward in a spirit of broad, splendid statesmanship and proved their devotion to the best interests of this whole country by undertaking to do, through powers which I think are indisputable and unquestionable, that for our country which is to be the crowning glory, if we shall accept it, of the nineteenth century.

I have a more immediate interest in the ship canal. I represent a State here which borders upon that great southern Mediterranean, the Gulf of Mexico, surrounded by greater powers of natural production than the Mediterranean of the East—a Mediterranean into which the Amazon pours its flood from the south and the west and the Mississippi from the north, a Mediterranean through which the Gulf Stream pours its floodtide of warm waters across the Atlantic Ocean to refresh the western coast of Europe; a Mediterranean around which God has clustered all power of agricultural production, and then He nas raised the mountains, that shield and protect these peculiar agricultural interests, and has stored them full of the most valuable minerals known to the uses of humanity, and clothed them with forests that are majestic beyond the power of words to describe. River after river pours its floods into this grand Mediterranean.

The eye of that great American seer, Lieut. Maury, looked at this subject more than fifty years ago, and pictured far beyond the power that I possess even to recall it, the greatness and the grandeur of this enterprise of connecting these two oceans by a ship canal, which has been the dream of all the maritime powers of this earth in all the ages since Columbus first discovered this western hemisphere.

My peculiar interest in it, Mr. President, is because we in Alabama, Tennessee, and Georgia, have a vast peninsula of coal, making the nearest approach to the Gulf of any other deposit of that kind in America, an inexhaustible supply of valuable coal for all the purposes of the arts and of navigation. We can supply power out of the bosom of the earth in Alabama and in contiguous parts of Tennessee and Georgia at a lower rate of cost, including transportation to the place of consumption, than I think can be found in any part of the United States.

When I have said that, I have said as much for it as I can say, because the United States can furnish power to her machinery

at a lower rate by far than any other country in the world, even if we include in the estimate the cheapness of the cost, the degradation, poverty, and distress of their laboring classes, and the consequent ability to obtain cheap fuel. The Alabama River embraces the coal fields of that State as if the arms of Providence had encircled her for the purpose of carrying the productions of our State down to the Gulf.

On all the bosom of this great Southern country, from Petersburg in Virginia around to the western limit of Texas, there grows a crop which is peculiar to the climate, a crop which gives to us, even if we had nothing else to boast of in the United States, a commercial power and ascendency over all the nations of this earth if we make a proper use of it, if we raise all that we can, manufacture all that we can, and supply to all the other nations of the earth this great and beautiful textile at a cheaper rate than can be done elsewhere in the world.

In the recent depression which has taken place in the value of the cotton crops of the South, when we are producing at the outside nine million bales and ought to be producing eighteen millions, we have been casting about for the reasons which have caused the loss in the value of cotton, and we have supposed, erroneously, that it was because we were making more cotton than the world demanded, when the fact is that we are simply making more than the cost of transportation will justify us in carrying it to the fields of consumption.

This subject has recently attracted the attention of the people of the South, and has, of course, greatly interested them. We have resorted to our best means of information to ascertain whether anything could be done by the Government of the United States, as a government, in furnishing facilities to commerce to relieve us of a depression, which is not natural and is not due to an oversupply of cotton, but to a depression which has been the result of overcharges of transportation, the great distances we have to travel, and the dangers and difficulties of the seas through which we have to pass in order to reach a real market of consumption.

This subject was brought to the attention of the Cotton Exchange of New Orleans, and I think I am safe in saying that there is not a more intelligent body of commercial men in the United States than the Cotton Exchange of New Orleans, particularly in reference to that staple. Mr. Hester has been the secretary of that exchange for many years, and he has devoted great abilities—for he possesses great abilities—industriously, carefully, systematically, and honestly to the development of every fact which could bear upon the production and price of cotton and upon every fact relating to the commerce which cotton furnishes the material to support.

Mr. F. J. Odendahl is the president of the New Orleans Board of Trade, another very important body of commercial men, wise, able, discreet, and sincere. Mr. Odendahl believes that the construction of a canal through Nicaragua would have a material bearing upon the consumption of cotton, and so he addressed a letter to the secretary of the Cotton Exchange, Mr. Hester, and got from him a reply which is worthy of the attention of every man in the United States. It is accurate, succinct, complete, sincere, and true, and therefore I will ask the Secretary, with the permission of the President, to read the letter of Mr. Hester in reply to Mr. Odendahl.

The PRESIDING OFFICER (Mr. JONES of Arkansas in the chair). The letter will be read, in the absence of objection.

The Secretary read as follows:

OFFICE OF THE COTTON EXCHANGE,
New Orleans, La., January 3, 1893.

F. J. ODENDAHL, Esq.,
President New Orleans Board of Trade, Limited, New Orleans, La.:

DEAR SIR: In answer to your request for data concerning the cotton trade of England with the East, I find it most convenient to use the figures of 1891, as the latest year of which we have full statistics. In a few days the facts for 1892 will be made known, but for the purposes we have in view one year will serve equally with another.

Taking the close of the ten-year periods of 1870, 1880, and 1890, the value of the total exports of piece goods from Great Britain to the principal districts of the world ranged from £52,500,000 to £57,700,000, and that of yarns from £12,300,000 to £14,800,000. While the trade of 1891 was somewhat less than the average of these, due rather to low prices than volume of transactions, it reached £52,400,000 in piece goods and £11,200,000 in yarns.

In a word, Great Britain manufactures from raw cotton and exports more than the value of $300,000,000 annually in American money of piece goods and yarns, not including nearly $40,000,000 of thread, hosiery, lace, etc.

The official statistics show that of this vast trade in cotton goods alone (equivalent to over one-third the annual exports of all articles of agricultural products and other merchandise from the United States), nearly 57 per cent of the piece goods and 33 per cent of the yarns were shipped to the British East Indies, China, Japan, Java, etc., amounting in values to upward of $170,000,000. The significance of this total may be best appreciated when compared with the value of shipments of raw cotton from the United States to the United Kingdom, which is stated by the Bureau of Statistics of the Treasury Department, at Washington, to have amounted for the year ending June 30, 1891, to $170,864,000. In short, Great Britain sent to the East, in the shape of manufactured cotton goods, most of which might find a market via the Nicaragua Canal, an amount equal to the entire value of our exports of raw cotton to her.

At present, our own trade with the East is comparatively insignificant, the entire exports of all articles, manufactured and unmanufactured, to Asia and Oceanica during the Treasury year above named aggregating $43,814,000, of which $6,496,000 were agricultural products and $37,318,000 other merchandise.

Of these China took $8,700,000 worth; Hong Kong, $4,743,000; Japan, $1,801,000; British East Indies, $1,400,000; Dutch East Indies, $2,103,000; or, say in all, $24,747,000.

Small as these figures appear by comparison, they will appear smaller still when it is remembered that they embrace not cotton goods alone, but every article of any kind exported. In fact our exports of cotton goods amount to a trifle; not only as compared with Great Britain's total of these articles, but as compared with the volume of our own export trade. I have not the items by me at the moment to show precisely what our shipments were to British India, China, Japan, etc., but this is not necessary to give a clear idea of the situation as regards cotton.

The following will do as well:

Total exports of domestic produce and merchandise of all kinds from the United States, year ending June 30, 1891	$872,270,000
Total to Asia and Oceanica	43,813,000
Per cent of the latter to whole, .05.	
Total exports cotton manufactures, same time	13,605,000
Per cent of latter to whole, .015.	
Total exports of cotton manufactures, same time, to West Indies, Mexico, Central and South America	4,686,000
Leaving exports of cotton manufactures to other countries, including China, Japan, Canada, etc	8,787,000

While England sends of the products of her looms and spindles the worth of one hundred and seventy odd millions of dollars to clothe the people of the far East, we, who produce the raw material in the greatest quantity and under the most favorable circumstances, send considerably less than one-twentieth of that amount.

Referring to our China trade, a leading trade journal notices that our exports to that country have fallen from 80,934,000 yards in 1890-'91, to 65,859,000 in 1891-'92, due, it states, to the very poor condition of the China trade. It takes courage, however, from the fact that our shipments to South American ports appear to have reached 45,920,000 yards in 1891-'92, against 26,678,000 in 1890-'91, premising that such a statement affords a hopeful outlook, and indicates a promising opening for the development of this trade. Such figures, compared with nearly 2,000,000,000 yards shipped from Great Britain to British East India, and 823,000,000 yards to China, Japan, etc., show not only the enormous disparity, but what we might possibly draw from, under favorable circumstances.

It is for you and others who have studied the question of proximity to the great consuming centers, by way of the proposed Nicaragua Canal, to demonstrate how vast will be the improvement in our competitive facilities should that great highway be completed.

Without entering into such details, it almost goes without saying that while the entire manufacturing interests of the country are deeply concerned in its success, no section will be so greatly benefited thereby as the South. We need manufactures, but also a sure and lasting outlet for our manufactures.

Statistics show that we increased the number of our mills in the South from 164, containing 561,000 spindles, in 1880, to 305, containing 1,999,000 spindles in 1892, but yet we marketed in 1891-'92 a crop of 9,035,000 bales of cotton, of which we worked up but 686,000. The latter showed a marked increase, but it was quite small compared with what we should have done under properly favoring circumstances. In fact the entire United States, North and South, took for consumption less than 2,900,000 bales out of the 9,035,000 bale crop, and we were forced to find a market abroad for 6,000,000 bales.

Naturally, the foreign purchasers of two-thirds of our crop dictated the prices, which were the lowest for half a century, and they carried the bales thousands of miles off to undergo the process of manufacture, thence to be sent, in part, with cost of transportation to and fro, maintenance of British workmen and profits of manufacturers added, to the great markets of the East, giving America the go-by, because in the nature of things as they now exist there is no help for it. How far would the building of the Nicaragua canal offset these conditions? I am aware that there are many other points to be considered in this great question of trade and trade channels, but how far would they be simplified by the construction of that great artery? The cry is, room; room for our manufactures! How are we to obtain it unless we help ourselves? We not only want room for our manufactures, but we want more manufactures, especially in the South.

We have prospered as an agricultural people, but we can no longer depend on that alone. It is needed that we build manufactories by the side of our cotton fields and as we manufacture our seed into oil and cake, so must we convert the fleecy staple into yarns and cloths. When we can do this and find a cheap, ready, and speedy means of transporting these products to a market we shall find that cotton crops of nine, ten millions, or over, instead of proving a burden to the cotton farmer, will command fair prices and bring in their train prosperity and riches. Texas, with a crop which last year reached 2,400,000 bales, worked up in her mills less than 12,000 bales, her farmers having to find a market for practically her entire crop among the manufacturers in other States and foreign countries, and the cost of transportation to the consumer had to be borne by the producer. Louisiana consumed only 15,000 bales; Mississippi, 16,000; Arkansas but 1,600, and Alabama 42,000. Here are five great cotton-growing States, producing more than two-thirds of the American cotton crop, having within their borders but thirty-eight cotton mills (out of a total of 305 in the South), and whose annual consumption is less than 90,000 bales.

Would not the Nicaragua canal change all this? We need a market for cotton, raw or manufactured. Would not the Nicaragua canal bring it to our doors in such shape as to prevent our begging the foreign mill owner to take it from us at starvation prices, as we were forced to do with last year's heavy surplus?

To my mind this great question, the successful issue of which will add to the prosperity of every State in the Union, appeals more directly to the South than any other section. Vast and far-reaching in its consequences, the work, which is beyond individual effort, is truly national in its scope; and, rich and powerful, the United States as a nation can readily accomplish without embarrassment that which, even were it within their power, should not be left to the care of individuals.

I can not see how this great question can be viewed in other than a favorable light by every well-wisher of our Southern country.

Very truly, yours,

H. G. HESTER, *Secretary.*

Mr. MORGAN. Mr. President, I put those facts on record in order that any Senator or anybody else in the United States may challenge any or all of the statements made by Mr. Hester; and with the assertion that if his statements are true, there can not be anything done for the Southern people of equal advantage to the building of the Nicaragua Canal, so as to give us access to the eastern Asiatic countries for our cotton. Those people

consume per capita, according to their ability—of course, that is a qualification I must put in—more cotton than any other people in the world. If we can get direct communication across the Pacific Ocean from our cotton fields to China and Japan and other countries, and even to India, we shall find that we shall harvest that wealth of the Indies about which we have heard so many romantic statements made in past times.

It used to be that the harvest of the wealth of the Indies was made by the buccaneers, the pirates, and the invaders who would go there and seize the glittering gems of those people, their gold and silver treasures, and the like, but in this age of a better civilization we are trying to harvest the wealth of the Indies through our enterprise in manufactures and other industries; and in that respect we are promised a richer harvest, I think, than any nation has ever reaped from those countries if we will only have lines of cheap transportation to and from them.

The proposition which I submit to the Committee on Commerce is one which concerns, I think, more particularly the question of transportation than any other question. I am quite aware, in order to get our goods consumed in China and Japan and along there, that we have got to reduce the cost of manufacturing as well as the cost of transportation to some extent—I do not know to what extent—but certainly, if we begin by reducing the cost of transportation by one-half, as we shall, and the cost of time in making the journey there and back by more than one-half, we shall have made a very great advance in the direction of finding a proper market for the consumption of what has been considered, for the last three years, a large surplus of cotton. The fact is that it is a large deficiency, if measured by the actual demands of the world.

Mr. Odendahl submits some extracts from the annual address to the New Orleans Board of Trade by its president on January 4, 1893, in reply to Mr. Hester, which I shall also read:

On November 30 the national Nicaragua convention assembled in this city. This convention was called and organized within twenty days. Delegates of the highest representative character from forty States met here and memorialized Congress to aid in the construction and to assume the control of the Nicaragua Canal.

It is needless to dwell on the advantages the commerce of the United States, yes, the entire world will gain from the completion of this canal.

The population of this country is daily increasing, and this increased population is daily producing larger and greater crops; so that our productions are increasing at an immense ratio over the increase of our consumption.

For the past twenty-five years this increase in production has been steadily going on, but no new avenues of trade have been opened to meet this increase in production.

It has come to this: that an average crop of either of the great agricultural products causes depressed values below the possible cost of production. An eight to nine million-bale crop of cotton will be a matter of ordinary occurrence in the future, but the consequence, with only the present outlets for disposition, will be fearful for the planter.

It is the duty of our Government and of every commercial body in this country, and especially of our board of trade, to see that new avenues for disposition of these surplus crops are created.

The Nicaragua Canal is one which will open to America a large and new field for the consumption of cotton and cotton goods. Near 2,000,000 bales of this article are consumed yearly on the eastern coast of Asia, for which the Southern ports will be, by means of this canal, the direct basis of supply, being nearer than any other direct cotton port of the world.

England's commercial greatness is due to her aggressive commercial policy. She pushes her wares and aids all British commercial enterprises wherever she can.

The United States should follow her example and find new and larger fields for her surplus crops, no matter at what cost, otherwise our country will suffer immensely in the near future from overproduction.

In all of which, Mr. President, I must give my hearty concurrence to the wise suggestions and arguments of the president of the Board of Trade of New Orleans.

Now, Mr. President, this matter of increasing the consumption of our productions has had recently a very remarkable illustration. The famine in Russia caused us to ship large quantities of corn into Russia. Those people knew nothing about the use of it or the preparation of it for food, but we sent instructions along, and even, I believe, cooks for the purpose of showing them how to prepare this splendid grain for human nutrition. The result is that Germany, France, and Italy, as well as Russia and Austria, are now casting about for the best method of the preparation of Indian corn for food, and that is likely to enter very largely into the consumption of the world.

What a blessing that will be to the farmers in all parts of the United States, from the Canadian line down to the southern part of the peninsula of Florida! There is no development of commerce that promises better than this, or is better worthy of the care and attention of the people of the United States. Suppose we can get the Chinese, the Japanese, the Hindoos to substitute even as a part of their food our flour and the wheat productions for the rice they are consuming now, how will we go about doing that? We have merely to teach them how to cook it. That is all, for when they get here they discard their rice and take up with our flour bread.

The people in that section of the earth have to be educated, to some extent, in the consumption of these cereals, but when that process of education has gone on even very moderately what a vast outlet it will make for the wheat and corn of the West and for all the productions that are grown in consequence of it. Here is the Japanese Government, the other day, issuing an imperial decree that the people of Japan shall indulge more in the consumption of flesh as food. They say their stature is being dwarfed—of course their mental and physical powers are being lessened—and their wise men in that country have come to a very wise conclusion about it, which is that they have been living entirely too much upon farinaceous foods; that they must resort to an increased use of flesh. What a field of commerce is open to us in these new and improved ideas which they are borrowing from us and which are worth nearly as much to them as the Christianity that we are sending them.

Mr. President, I do not wish to protract these remarks. It is a subject upon which any man might dwell almost indefinitely. What I wish to do is to get the Committee on Commerce to investigate this matter and see whether or not Mr. Hester has told the truth about the cotton crop in the South. If he has told the truth about it, it is a perfectly logical argument that there are truths hidden away, and ready to be developed in respect of the cereals and the meat product of this country which are of infinite importance, and we shall reach through this canal, immediately and directly, that market which will draw to us truly the harvest of the wealth of the Indies.

I no not wish to protract my remarks upon this occasion, for I really rose only for the purpose of trying to draw the attention of the Senate and the country to these remarkable statements of Mr. Hester and to a great body of facts cognate to these, which must present themselves to the minds of all enterprising and patriotic men in this country.

A question was asked me in regard to the frame of the bill. I did not intend when I got up to go into the matter as to the frame of the bill, except merely to show the outline of the proceeding and to show how intimately the Government of the United States, as a Government, is connected already by its legislation with this great project.

The question asked by the Senator from Colorado [Mr. WOLCOTT] related to the fact that the Government directors are not to be stockholders of the company, and shall report directly to the President of the United States. Now, we have a precedent for that. We have Government directors who are not stockholders in the Union and Central Pacific Railroads, and they are required also to report directly to Congress, or to the President of the United States.

Mr. WOLCOTT. May I interrupt the Senator?

Mr. MORGAN. Certainly.

Mr. WOLCOTT. The Government directors of the Union Pacific have no voting powers as to the affairs of the corporation.

Mr. MORGAN. They ought to have.

Mr. WOLCOTT. But they have not. No Government director has a voice in the direction of the policy of the corporation.

Mr. MORGAN. What is the use of having them if they can not vote with the other directors?

Mr. WOLCOTT. They are the Government directors to report, I understand, to the Government the conduct of the affairs of the company.

Mr. MORGAN. They can stand there as spies, but they can not vote as to the affairs of the company. That is a very great mistake in legislation, and that very defect led to the Crédit Mobilier. If we had put in Government directors there, men of independence to act on behalf of the Government and control its affairs the Crédit Mobilier scandal would not have occurred. Just so if the French Government could, with the permission of the United States, have taken charge of the Panama Canal and put its directors there, the robberies which have taken place and which have disgraced and nearly destroyed that honorable republic would not have been perpetrated.

This bill provides, with abundant caution, that ten of the fifteen directors shall be nominated by the President and confirmed by the Senate; that they shall be men who are not stockholders of the company; that they shall report directly to the President of the United States, and that not more than five of the ten directors shall be of the same political faith, dividing them equally between the great leading political parties of the country.

With a guardianship of that sort, ten directors out of fifteen, and with the further guardianship of a director from the Republic of Nicaragua, and another from the Republic of Costa Rica, and then three more to be selected by the stockholders, have we not furnished every possible opportunity for scrutiny, and have we not anticipated and frustrated, I may say, every possible chance for carrying this canal scheme into that mire of fraud and corruption and villainy which is now so shocking to the sensibilities of the great and noble French people.

They are a great and noble people, and always have been. The name of France is not only dear to us in connection with our grand revolutionary traditions, but it is near to us in connection

with having inspirited us with that progressiveness in invention and in other grand endeavors that have marked the nineteenth century as the grandest in all the list.

The French are a wise, sagacious, thoughtful, earnest, determined people. Even their peasantry are men who study over public and private affairs with great deliberation, and when they have made up their minds they act with firmness. They found that they had intrusted, some of them at least, large sums of money and great powers into the hands of Mr. De Lesseps, and that he had made a magnificent and triumphant success in the building up of the Suez Canal. He therefore had no difficulty in attracting to his scheme large contributions or subscriptions from the French people. They poured their money in a flood into the mire of the Panama Canal, where, according to the premonition of our own delegate sent to the Parisian congress, it was necessarily bound to be lost.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, it becomes the duty of the Chair to lay before the Senate the unfinished business, which will be stated.

The CHIEF CLERK. A bill (H. R. 7845) defining "options" and "futures," imposing special taxes on dealers therein, and requiring such dealers and persons engaged in selling certain products to obtain license, and for other purposes.

Mr. MORGAN. Will the Senate indulge me one minute longer?

Mr. PUGH. I ask that the unfinished business may be laid aside temporarily so that my colleague may finish his remarks.

Mr. MORGAN. I have only a few words more.

The PRESIDING OFFICER. The Senator from Alabama asks unanimous consent that the regular order be laid aside informally to allow his colleague to conclude his remarks. Is there objection? The Chair hears none, and the Senator from Alabama will proceed.

Mr. MORGAN. I am very thankful to my colleague and the Senate for this indulgence.

This committee on two occasions have reported bills to aid this canal, and they have, with the utmost caution, in view of all the developments of the Crédit Mobilier and the recent Panama scandal, put into the bill every cautionary provision that we could find for the purpose of guarding against any of the disgraceful results which have characterized some of these great enterprises. It is only in respect to railroads in this country, or to one railroad in this country, I believe, that any corruption has been alleged, although we have six or seven transcontinental roads and four or five of them have been largely subsidized by the Government with grants of land or grants of money.

The people of the United States, when they are themselves looking upon the conduct of their own officials in the management of a great public trust like this, are not afraid that they are going to drop into the slough of putridity and corruption. They are not to be terrified from doing a great public duty by the mere fact that other men, in their attempts to benefit their country or to do something else, have gone into a distressful condition of disgrace. We have nothing to fear about that unless we are afraid of ourselves. If we are afraid of the Congress of the United States and the President of the United States and the confirming power of the Senate of the United States, then of course we ought to be afraid of what shall become of this canal.

Mr. HOAR. Mr. President——

The PRESIDING OFFICER (Mr. HARRIS in the chair). Does the Senator from Alabama yield to the Senator from Massachusetts?

Mr. MORGAN. Certainly.

Mr. HOAR. If it be not disagreeable to the honorable Senator from Alabama I should like to ask him a question in regard to this matter which I think it quite appropriate should be answered now. He is probably as familiar with this whole subject as anyone in the Senate or perhaps out of it. What are the securities now existing for absolute publicity in regard to all the transactions of the Nicaragua Canal Company?

The Senator has alluded to the Union Pacific Railroad. The two acts, the act of 1862 and the act of 1864, that act which we had occasion to review so thoroughly in connection with the Crédit Mobilier investigation, appointed so-called Government directors as supervisors or watchmen, without any authority of control, if the Senator from Colorado [Mr. WOLCOTT] is right. I do not remember about that; but at any rate the main purpose was that they were required by the law, if I recollect it aright, to be present, and it was provided that a Government director must be a member of every special and standing committee of the board of directors of the Union Pacific Railroad. They were to report annually to Congress, or to the Secretary of the Interior, and through him to Congress, such observations as they made in regard to the conduct of the affairs of the road. But, as everyone knows, the great contracts with the Crédit Mobilier and all the proceedings which excited so much popular condemnation of the Union Pacific Railroad were absolutely secret, in spite of that provision of the law.

The scandal which originally called the attention of Congress to the subject grew out of the efforts of the Union Pacific Railroad Company to avoid an investigation moved in the other House. In the first instance, if I am not detaining the Senator too long, there was a struggle between the Boston stockholders and owners of the road and the New York stockholders. The Boston stockholders carried the day, turned out the New York directors, and intended to move the offices of the road from New York to Boston, whereupon one of the defeated parties, which had been entirely outgeneraled in all the strife—there had been some legal proceedings and so on—quietly observed to one of the victorious party that he had written a letter to Mr. E. B. Washburn, of Illinois, then a distinguished and very vigilant member of the House of Representatives, a near relative of my honorable friend from Minnesota [Mr. WASHBURN] who sits near me, informing him of the recent proceedings of the Union Pacific Railroad Company.

The victorious party instantly reassembled, sent to the New York post-office and took steps to have the letter taken out of the post-office, and went down on their knees and took the New Yorkers back into their full share of the contract. I am not sure that they had moved the offices at that time, but they put them all back, gave Crédit Mobilier stock to an official of the road, and undertook to distribute it among the Representatives from all parts of the country in order to get them interested in it. So the mere existence of the few Government directors, without voting responsibility, and simply in order to keep a watch, turned out in that case to be a most imperfect and inadequate protection.

Now, I should like to have the honorable Senator from Alabama, if he will do me that favor, state what are the safeguards and precautions and securities which will enable the people of the United States and mankind at large to know at once and at the time every transaction in the building of the canal to which the Government is expected to lend its credit so largely, the expenditure of every dollar of money, the employment of every agency, and everything else which may possibly, if it be not looked upon, become a means of wrongdoing. As I said earlier in the day, when the resolution was introduced by the Senator from Colorado [Mr. WOLCOTT], the recent example of France and the not very remote example of this country make it important for our public credit and good fame and the purity of our Government that this enterprise shall proceed to its termination without the possibility of a reproach.

Mr. MORGAN. Mr. President, the Committee on Foreign Relations have exhausted really their ability—I may better say they have employed all their ability at least—in trying to get such provisions into the bill as would give absolute publicity to everything that is done in the construction of the canal, and absolute security that there should be no fraud perpetrated in connection with it by anybody. The first and main provision on that subject is in regard to the ten of the fifteen directors who shall be entitled to vote and participate in the actual direction of the company, which was not the case, I am informed, in regard to the Union and Central Pacific Railroad Companies.

Now, I should be willing to trust every dollar that will ever be in the Treasury of the United States for expenditure into the hands of a man like the Senator from Massachusetts, without bond or without security, just upon his record, his history, and what I know to be the principles which have controlled his action. Here are ten directors, every one of whom may be a man of equal merit with the Senator from Massachusetts, to be appointed by the President of the United States and confirmed by the Senate, who are to take charge of this canal in connection with five others, one of them appointed by Nicaragua, one by Costa Rica, and three by the stockholders. These ten directors take this matter in hand, and are we to suppose that it will be possible, with the reports that they are required to make of their proceedings regularly and annually, and even monthly, to the Secretary of the Treasury, that any fraud can be allowed to permeate the management of this business? It is a matter of almost physical impossibility, if we are to look to the directors alone.

Then it is required that the bonds to be issued by the United States shall be printed and signed by the company, put into the Treasury of the United States, and issued with the indorsement of the United States only in payment for work actually done, upon estimates to be made by a board of engineers of the United States Government, not of the company. So we have a Governmental supervision independent of the action of the board of directors as to the expenditure of every dollar of this money; and then the total expenditure shall not exceed $100,000,000, and the pro rata expenditure shall not exceed the pro rata of proper expenditure for the $100,000,000, considering the entire amount of work that is to be done.

Mr. HOAR. Will the Senator state what are the provisions for auditing the accounts?

Mr. MORGAN. They are to be audited by the Secretary of the Treasury.

Mr. HOAR. How often?

Mr. MORGAN. Not less frequently than once in two months they are to be audited by the Secretary of the Treasury.

Mr. HOAR. All the accounts of the company, or merely the expenditure of the bonds?

Mr. MORGAN. All the accounts, the use of every dollar of money that is realized from the sale of the bonds. The bonds are not paid out in advance; they are paid out upon audited bills for work actually done.

Mr. HOAR. That was the case with the Union Pacific.

Mr. MORGAN. The bills must be brought in and audited, and then the bonds are authorized to be issued in payment of that audit.

Mr. VOORHEES. I ask the Senator from Alabama to yield that I may introduce two bills. Morning business has not had much chance this morning.

Mr. MORGAN. Certainly, I will yield, and I apologize for taking so much time. If I were not compelled to be absent from the country I would not take this liberty.

[The bills were introduced, and appear under their appropriate head.]

Mr. VOORHEES. I am very much obliged to the Senator from Alabama. I can only say that no greater question can be discussed than the one he is discussing now, and nobody can discuss it any better than he can discuss it. I am much obliged to him for his courtesy.

Mr. MORGAN. In addition to what the Senator from Massachusetts has referred to as a means of ascertaining what the company is doing, here is a provision in the charter which requires that—

Said company shall make a report on the first Monday of December in each year to the Secretary of the Interior—

That is a different officer—

which shall be duly verified on oath by the president and secretary thereof, giving such detailed statement of its affairs and of its assets and liabilities as may be required by the Secretary of the Interior, and any willfully false statement so made shall be deemed perjury and punishable as such.

That guaranty comes also to our assistance in the prevention of frauds.

I have to say further that if there is any Senator in this body, or any member of the other House, or any other person who can suggest any reasonable cautionary plan or phraseology for making it impossible for fraud to enter into these affairs, the Committee on Foreign Relations will welcome the suggestion and will recommend its adoption at any time that it may be brought forward, for surely nothing can be further from our desire than that the slightest opportunity should be afforded through the means of this bill or in building this canal for the squandering or improper use of public funds. We have seen enough of that, and being cautioned in advance by the experience of other governments, as well as our own, it does stand us in hand to make every reasonable provision of the character suggested by the Senator from Massachusetts [Mr. HOAR].

Mr. President, I have not gotten through with all that I meant to say this morning, but in deference to the business of the Senate, I feel bound to yield the floor. At a future day, not far distant, I hope I may have the opportunity of presenting my views on some other matters included in the bill of the Senator from Ohio [Mr. SHERMAN], reported back to the Senate from the Committee on Foreign Relations.

DEALING IN "OPTIONS" AND "FUTURES."

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7845) defining "options" and "futures," imposing special taxes on dealers therein, and requiring such dealers and persons engaged in selling certain products to obtain license, and for other purposes; the pending question being on the amendment of Mr. VILAS in section 2, line 15, after the word "thereof," to insert, "and does not in good faith intend to purchase and deliver the articles contracted to be sold and delivered according to the terms and requirements of such contract;" so as to read:

That for the purposes of this act the word "futures" shall be understood to mean any contract or agreement whereby a party contracts or agrees to sell and deliver to another or others at a future time, or within a designated period, any of the articles mentioned in section 3 of this act, when at the time of making such contract or agreement the party so contracting or agreeing to sell and make such delivery, or the party for whom he acts as agent, broker, or employé in making such contract or agreement, is not the owner of the article or articles so contracted or agreed to be sold and delivered, or has not theretofore acquired by purchase and is not then entitled to the right to the future possession of such article or articles under and by virtue of a contract or agreement for the sale and future delivery thereof previously made by the owner thereof and does not in good faith intend to purchase and deliver the articles contracted to be sold and delivered according to the terms and requirements of such contract.

Mr. WOLCOTT. I move that the Senate proceed to the consideration of the Calendar under Rule VIII.

The VICE-PRESIDENT. Does the Senator from Colorado move to proceed to the consideration of the Calendar or to the consideration of the first bill on the Calendar?

Mr. WOLCOTT. I move to proceed to the consideration of the first bill on the Calendar.

The VICE-PRESIDENT. The question is on the motion of the Senator from Colorado, that the Senate proceed to the consideration of the first bill on the Calendar.

Mr. WASHBURN. On that I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. HARRIS (when his name was called). Upon all questions I am paired with the Senator from Vermont [Mr. MORRILL].

Mr. PLATT (when his name was called). I am paired with the Senator from Virginia [Mr. HUNTON].

Mr. SAWYER (when his name was called). I am paired with the Senator from Minnesota [Mr. DAVIS] on the antioption bill and all questions pertaining to it.

Mr. WILSON (when his name was called). I have a general pair with the Senator from Georgia [Mr. COLQUITT]; but I am advised that if he were present he would vote "nay" on this question, and I therefore vote. I vote "nay."

The roll call was concluded.

Mr. BUTLER. May I inquire if the senior Senator from Pennsylvania [Mr. CAMERON] has voted?

The VICE-PRESIDENT. The senior Senator from Pennsylvania is not recorded.

Mr. BUTLER. Then I will withhold my vote. I am paired with him.

Mr. CALL. My colleague [Mr. PASCO] is absent, and the Senator from Maryland [Mr. GIBSON] has agreed to pair with him. If my colleague were here he would vote "nay."

Mr. GIBSON (after having voted in the affirmative). I withdraw my vote, and stand paired with the Senator from Florida [Mr. PASCO]. If he were present, I should vote "yea."

Mr. DIXON. I have a general pair with the Senator from Mississippi [Mr. WALTHALL], who is absent in the performance of duties imposed by the Senate. My colleague [Mr. ALDRICH] is also absent and unpaired. I transfer my pair with the Senator from Mississippi to my colleague, and vote "yea."

Mr. HIGGINS. I am paired with the Senator from New Jersey [Mr. MCPHERSON], and in his absence I withhold my vote. I should vote "nay" if he were here.

Mr. HISCOCK. Has the Senator from Arkansas [Mr. JONES] voted?

The VICE-PRESIDENT. He is not recorded.

Mr. HISCOCK. I refrain from voting, being paired with him.

Mr. VEST (after having voted in the affirmative). I have a general pair on the antioption bill with the Senator from Kansas [Mr. PERKINS]. I prefer to withdraw my vote under the circumstances.

Mr. HIGGINS. I suggest to the Senator from Missouri [Mr. VEST], who is paired with the Senator from Kansas [Mr. PERKINS], and I being paired with the Senator from New Jersey [Mr. MCPHERSON], that we exchange pairs so that the Senator from Missouri and myself may vote.

Mr. VEST. Very well.

Mr. HIGGINS. I vote "nay."

Mr. VEST. I vote "yea."

Mr. SAWYER. I am paired with the Senator from Minnesota [Mr. DAVIS], but I see that no quorum has voted, and I have a right to vote under the circumstances. I vote "nay," as the Senator from Minnesota would vote if present.

The result was announced—yeas 9, nays 31; as follows:

YEAS—9.

Brice,	Palmer,	Vest,	White,
Caffery,	Stewart,	Vilas,	Wolcott.
Dixon,			

NAYS—31.

Allison,	Dubois,	Kyle,	Sherman,
Berry,	Felton,	McMillan,	Shoup,
Call,	Frye,	Morgan,	Stockbridge,
Carey,	Gallinger,	Peffer,	Teller,
Chandler,	George,	Pettigrew,	Vance,
Cockrell,	Hansbrough,	Pugh,	Washburn,
Coke,	Higgins,	Quay,	Wilson.
Dawes,	Irby,	Sawyer,	

NOT VOTING—47.

Aldrich,	Davis,	Hoar,	Platt,
Allen,	Dolph,	Hunton,	Power,
Bate,	Faulkner,	Jones, Ark.	Proctor,
Blackburn,	Gibson,	Jones, Nev.	Ransom,
Blodgett,	Gordon,	McPherson,	Sanders,
Butler,	Gorman,	Manderson,	Squire,
Cameron,	Gray,	Mills,	Stanford,
Carlisle,	Hale,	Mitchell,	Turpie,
Casey,	Harris,	Morrill,	Voorhees,
Colquitt,	Hawley,	Paddock,	Walthall,
Cullom,	Hill,	Pasco,	Warren.
Daniel,	Hiscock,	Perkins,	

The VICE-PRESIDENT. No quorum having voted, the roll will be called.

Mr. WOLCOTT. Pending the call of the roll, I move that the Senate adjourn.

Mr. WASHBURN. On that I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. DIXON (when his name was called). I again announce the pair of my colleague [Mr. ALDRICH] with the Senator from Mississippi [Mr. WALTHALL], and I vote "yea."

Mr. HARRIS (when his name was called). I am paired with the Senator from Vermont [Mr. MORRILL].

Mr. PLATT (when his name was called). I am paired with the Senator from Virginia [Mr. HUNTON].

The roll call was concluded.

Mr. HISCOCK. Observing that the Senator from Arkansas [Mr. JONES] is present, I vote "yea."

Mr. HANSBROUGH. I again announce my pair with the Senator from Montana [Mr. SANDERS], and also the transfer of that pair to the Senator from Nevada [Mr. JONES]. I vote "nay."

The result was announced—yeas 11, nays 31; as follows:

YEAS—11.

Brice,	Hiscock,	Quay,	White,
Caffery,	Hoar,	Vest,	Wolcott.
Dixon,	Palmer,	Vilas,	

NAYS—31.

Allison,	Frye,	Kyle,	Sherman,
Berry,	Gallinger,	McMillan,	Shoup,
Call,	George,	Morgan,	Stockbridge,
Carey,	Hale,	Peffer,	Teller,
Chandler,	Hansbrough,	Pettigrew,	Vance,
Coke,	Higgins,	Proctor,	Washburn,
Dawes,	Hill,	Pugh,	Wilson.
Dubois,	Irby,	Sawyer,	

NOT VOTING—45.

Aldrich,	Daniel,	Jones, Ark.	Ransom,
Allen,	Davis,	Jones, Nev.	Sanders,
Bate,	Dolph,	McPherson,	Squire,
Blackburn,	Faulkner,	Manderson,	Stanford,
Blodgett,	Felton,	Mills,	Stewart,
Butler,	Gibson,	Mitchell,	Turpie,
Cameron,	Gordon,	Morrill,	Voorhees,
Carlisle,	Gorman,	Paddock,	Walthall,
Casey,	Gray,	Pasco,	Warren.
Cockrell,	Harris,	Perkins,	
Colquitt,	Hawley,	Platt,	
Cullom,	Hunton,	Power,	

So the Senate refused to adjourn.

The VICE-PRESIDENT. No quorum having voted, the roll will be called.

The Secretary called the roll, and the following Senators answered to their names:

Berry,	Gallinger,	Kyle,	Sherman,
Brice,	George,	McMillan,	Shoup,
Butler,	Gibson,	Morgan,	Stockbridge,
Caffery,	Hale,	Palmer,	Teller,
Call,	Hansbrough,	Pasco,	Vance,
Chandler,	Harris,	Peffer,	Vest,
Cockrell,	Higgins,	Pettigrew,	Vilas,
Coke,	Hill,	Platt,	Washburn,
Dawes,	Hiscock,	Proctor,	White,
Dixon,	Hoar,	Pugh,	Wilson.
Dubois,	Irby,	Quay,	
Frey,	Jones, Ark.	Sawyer,	

The VICE-PRESIDENT. Forty-six Senators have responded to their names. A quorum is present.

Mr. SHERMAN. It is not usual for us to have a very long session on Saturday. I take the liberty of suggesting whether the Senate would not be willing, by unanimous consent, to agree now that the pending bill shall be disposed of on Wednesday next. On Monday the debate can go on. On Tuesday I understand certain addresses are to be made, and, in deference to the universal custom, we should adjourn when those addresses are concluded. We shall not probably be able to do anything upon the bill on Tuesday. I have not participated in the debate to any extent, but it seems to me that we ought now to agree that on Wednesday the bill shall be disposed of. We can commence immediately after the morning business upon that day, and certainly on Monday and Wednesday any further debate desired can take place. I therefore ask unanimous consent of the Senate that the bill shall be disposed of on Wednesday.

The VICE-PRESIDENT. Is there objection to the request made by the Senator from Ohio?

Mr. WOLCOTT. I object.

Mr. SHERMAN. Then all I can say is that I hope if the Senator having the bill in charge has a majority of the Senate with him he will try and close the matter out on Wednesday, because it is interfering with very important public business in which we are all interested, together with the appropriation bills and the entire Calendar.

Mr. WASHBURN. In view of the objection made by the Senator from Colorado, I give notice that on Wednesday I shall ask the Senate to remain in session until we reach a vote on the bill and amendments.

Mr. QUAY. I move that the Senate proceed to the consideration of executive business.

Mr. HOAR. Will the Senator withdraw the motion for one moment?

Mr. QUAY. Certainly.

FORM OF CREDENTIALS.

Mr. HOAR. I ask the unanimous consent of the Senate to make a statement, which will take but a moment.

I have received from a good many quarters in the States, and from State officials, applications in regard to the proper form of credentials of the members of this body. In the past some of the States have been in the habit of loading down the credentials with a great deal of superfluous detail. They are becoming more and more compact and brief year by year, but still frequently the best forms contain much that is entirely superfluous. For instance, it is quite the custom of the executive of a State to certify that the person elected is a person 30 years of age, who has been nine years a citizen of the United States, and is an inhabitant of the State from which he is chosen. I conceive that such a certificate is absolutely without effect. The governor is merely to certify to the election of the person, and undoubtedly from the fact of his election the presumption arises, until something else is shown here, that he is eligible, but the governor has no means of knowing whether he is eligible and has nothing to do with the fact.

Then it has been the habit in some States to certify that the election was made by a concurrent vote of the two Houses or that the election was made on joint ballot in convention. If that were necessary, it would certainly in the latter case be necessary to certify carefully that all the steps or all the failures which were essential conditions of the power of the Legislature to elect in that form had occurred.

I conceive that everything of that kind is accomplished by the term "duly elected," and that a certificate that A B was at a certain time duly elected by the Legislature of the State a Senator for a certain term, certified by the executive and countersigned by the secretary of state, is all that is necessary.

Without any one being responsible for it but myself, I have prepared a form which I desire to have read and go into the RECORD, so that if the officials of the several States shall see fit they may conform to it.

Mr. PASCO. Before it is read I will ask the Senator from Massachusetts, through the Chair, whether it applies to an appointment made by the governor as well as to an election?

Mr. HOAR. No; it does not undertake to do that.

Mr. PASCO. Does the Senator propose to suggest a form of that kind also?

Mr. HOAR. I had not thought of doing so.

The VICE-PRESIDENT. The paper will be read.

The Chief Clerk read as follows:

COMMONWEALTH OF MASSACHUSETTS.

To the President of the Senate of the United States:

This is to certify that on the 17th day of January, in the year of our Lord 1893, ——— was duly elected by the Legislature of said Commonwealth a Senator to represent the Commonwealth of Massachusetts in the Senate of the United States for the term of six years, commencing the 4th day of March, A. D. 1893.

Witness, his excellency, ———, our governor, and our seal hereunto affixed at Boston, this — day of January, in the year of our Lord 1893, and the year of the Independence of the United States of America the one hundred and seventeenth.

———, ———,

Secretary of the Commonwealth.

ELISHA BROWN.

Mr. SAWYER. I ask the Senator from Pennsylvania to allow me to call up a little bill. It will take no time.

Mr. QUAY. I will yield for that purpose only.

Mr. SAWYER. I ask that the Senate proceed to the consideration of the bill (H. R. 6969) for the relief of Elisha Brown.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll the name of Elisha Brown, late a private in Company F, First Regiment United States Infantry, serving from February 19, 1829, to February 18, 1834, and to allow him a pension at the rate of $15 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. QUAY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were reopened, and (at 3 o'clock p. m.) the Senate adjourned until Monday, January 16, 1893, at 12 o'clock m.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 14, 1893.

CONSULS.

Albert S. Twitchell, of Gorham, New Hampshire, to be consul of the United States at Santiago de Cuba.

Ferdinand C. Gottschalk, of California, to be consul of the United States at Stuttgart.

John H. Grout, jr., of Massachusetts, to be consul of the United States at Bermuda.

Johnson Brigham, of Iowa, to be consul of the United States at Aix la Chapelle.

Pay Department.

Lieut. Col. Charles M. Terrell, deputy paymaster-general, to be assistant paymaster-general.

Maj. James P. Canby, paymaster, to be deputy paymaster-general.

PROMOTIONS IN THE NAVY.

Assistant Engineer Thomas F. Carter, to be a passed assistant engineer.

Assistant Engineer James M. Pickrell, to be a passed assistant engineer.

Assistant Engineer Martin Bevington, to be a passed assistant engineer.

Assistant Engineer Frederick C. Bowers, to be a passed assistant engineer.

Assistant Engineer George R. Salisbury, to be a passed assistant engineer.

Walter M. McFarland, to be a passed assistant engineer.

Benjamin C. Bryan, to be a passed assistant engineer.

Harold P. Norton, to be a passed assistant engineer.

Clarence A. Carr, to be a passed assistant engineer.

Edward H. Scribner, to be a passed assistant engineer.

Andrew M. Hunt, to be a passed assistant engineer.

Frank M. Bennett, to be a passed assistant engineer.

Passed Assistant Engineer Herschel Main, to be a chief engineer.

Passed Assistant Engineer Holland N. Stevenson, to be a chief engineer.

Ensign Walter S. Burke, of the Navy, to be an assistant engineer.

Assistant Engineer Victor Blue, of the Navy, to be an ensign.

Lieut. (junior grade) Valentine S. Nelson to be a lieutenant.

Lieut. (junior grade) Edward E. Wright to be a lieutenant.

Passed Assistant Surgeon Charles T. Hibbett to be a surgeon.

Brownlee Robertson Ward, a resident of Connecticut, to be an assistant surgeon.

Capt. William R. Brown, of the United States Marine Corps, to be a major.

POSTMASTERS.

Leonard Miller, to be postmaster at Hartley, in the county of O'Brien and State of Iowa.

George F. Spence, to be postmaster at Rolfe, in the county of Pocahontas and State of Iowa.

Andrew C. Walker, to be postmaster at Northwood, in the county of Worth and State of Iowa.

John J. McWilliams, to be postmaster at Charter Oak, in the county of Crawford and State of Iowa.

George J. Clark, to be postmaster at Primghar, in the county of O'Brien and State of Iowa.

Evan Gibbons, to be postmaster at Dyersville, in the county of Dubuque and State of Iowa.

William H. McCune, to be postmaster at Ruthven, in the county of Palo Alto and State of Iowa.

Samuel Mayne, to be postmaster at Bancroft, in the county of Kossuth and State of Iowa.

Henry Kettell, to be postmaster at Grand Junction, in the county of Greene and State of Iowa.

John Knapp, to be postmaster at Parkersburg, in the county of Butler and State of Iowa.

Andrew S. McDowell, to be postmaster at Clayton, in the county of Adams and State of Illinois.

Charles H. Sneed, to be postmaster at Benton, in the county of Franklin and State of Illinois.

Jacob T. Moss, to be postmaster at Rogers Park, in the county of Cook and State of Illinois.

Josiah Baker, to be postmaster at Sheldon, in the county of Iroquois and State of Illinois.

Frank H. Bangs, to be postmaster at Chatsworth, in the county of Livingston and State of Illinois.

Caleb Hoopes, to be postmaster at Sumner, in the county of Lawrence and State of Illinois.

Mrs. Susan M. McEwen, to be postmaster at Oakdale Station, in the county of Allegheny and State of Pennsylvania.

Johnson D. Neely, to be postmaster at Derry Station, in the county of Westmoreland and State of Pennsylvania.

James M. Perrin, to be postmaster at Chartiers, in the county of Allegheny and State of Pennsylvania.

Miss Faustina M. Towle, to be postmaster at Gaylord, in the county of Otsego and State of Michigan.

John L. Merriam, to be postmaster at South Riverside, in the county of San Bernardino and State of California.

Joseph E. Mitchell, to be postmaster at State College, in the county of Center and State of Pennsylvania.

Jesse H. Hunter, to be postmaster at Niles, in the county of Trumbull and State of Ohio.

Frank Simmons, to be postmaster at Evergreen, in the county of Conecuh and State of Alabama.

Charles D. Cutting, to be postmaster at Clinton, in the county of Lenawee and State of Michigan.

Chester L. Rix, to be postmaster at West Lebanon, in the county of Grafton and State of New Hampshire.

Ernest Olday, to be postmaster at Little Valley, in the county of Cattaraugus and State of New York.

Charles D. Straight, to be postmaster at Cattaraugus, in the county of Cattaraugus and State of New York.

Frank J. Loucks, to be postmaster at Dolgeville, in the county of Herkimer and State of New York.

Robert W. Matteson, to be postmaster at Caledonia, in the county of Livingston and State of New York.

Miss Emma F. Stevens, to be postmaster at Blackfoot, in the county of Bingham and State of Idaho.

HOUSE OF REPRESENTATIVES.

SATURDAY, *January 14, 1893.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of yesterday was read and approved.

ANNUAL REPORT FROM THE BUREAU OF AMERICAN REPUBLICS.

The SPEAKER laid before the House the following message from the President; which was read, referred to the Committee on Foreign Affairs, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith for your information a letter from the Secretary of State, inclosing the annual report of the Bureau of American Republics for the year ending June 30, 1892.

BENJ. HARRISON.

EXECUTIVE MANSION, *January 13, 1893.*

MILITIA OF THE DISTRICT OF COLUMBIA.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting estimates of deficiencies in appropriations for the militia of the District of Columbia for the fiscal year 1893, and for prior years; which, with accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

APPROPRIATION FOR FOREIGN MAILS.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting an estimate of appropriation, submitted by the Postmaster-General, for transportation of foreign mails for the fiscal year ending June 30, 1894; which, with accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

SUPPORT OF NATIVE INHABITANTS OF ALASKA.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, recommending an appropriation for the support of the native inhabitants of Alaska, for the fiscal year ending June 30, 1894; which was referred to the Committee on Appropriations, and ordered to be printed.

DELAWARE BREAKWATER QUARANTINE STATION.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, with inclosures, relating to the estimate of appropriations for the Delaware Breakwater quarantine station; which, with accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

EXPENDITURES IN THE NAVY DEPARTMENT.

The SPEAKER also laid before the House a letter from the Secretary of the Navy, transmitting a detailed statement of the expenditures for that Department for the fiscal year ending June 30, 1892; which, with the accompanying papers, was referred to the Committee on Expenditures in the Navy Department, and ordered to be printed.

JOHN DEATON VS. THE UNITED STATES.

The SPEAKER also laid before the House a letter from the assistant clerk of the Court of Claims, transmitting copy of the

findings of the Court of Claims in the case of John Deaton *vs.* The United States; which was referred to the Committee on War Claims, and ordered to be printed.

ANACOSTIA AND POTOMAC RIVER RAILROAD COMPANY.

The Speaker also laid before the House a letter from the president of the Anacostia and Potomac River Railroad Company, transmitting a list of the stockholders and the receipts and disbursements of said company for the year ending December 31, 1892; which was referred to the Committee on the District of Columbia, and ordered to be printed.

ELECTORAL VOTE.

The SPEAKER also laid before the House certified copies of the final ascertainment of electors for President and Vice-President in the States of Oregon and South Dakota, transmitted by the Secretary of State; which were laid on the table.

CITIZENSHIP OF APPLICANTS FOR INDIAN WAR PENSIONS.

Mr. MOSES. Mr. Speaker, I ask unanimous consent for the present consideration of the joint resolution (H. Res. 180) relating to proof of citizenship of applicants for Indian war pensions under the act of Congress approved July 27, 1892.

The SPEAKER. The joint resolution will be read, after which the Chair will ask if there be objection.

The Clerk read as follows:

Resolved, etc., That the Commissioner of Pensions be, and he is hereby, authorized and directed to accept as sufficient proof of the citizenship of an applicant for pension under said act of July 27, 1892, the fact that such applicant at the date of the application was an actual and bona fide resident of the United States.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

Mr. DINGLEY. I would like to have some explanation of that bill.

The SPEAKER. The report can be read, subject to objection.

Mr. DINGLEY. Let the report be read first.

The report (by Mr. MOSES) was read, as follows:

The Committee on Pensions, to whom was referred the House resolution (H. Res. 180) relating to proof of citizenship of applicants for Indian war pensions under the act of Congress approved July 27, 1892, have considered the same and report as follows:

The reasons for the adoption of the resolution fully appears in a communication addressed, under date of December 21, 1892, to the chairman of your committee by the Commissioner of Pensions. Said communication is hereto appended and made a part of this report, and the resolution is returned with the recommendation that it be adopted.

DEPARTMENT OF THE INTERIOR, BUREAU OF PENSIONS.
Washington, December 21, 1892.

SIR: I have the honor to invite your attention to the fact that the second section of the act approved July 27, 1892, granting pensions to the survivors of the Indian wars of 1832, etc., contains a proviso as follows: "That this act shall not apply to any person not a citizen of the United States."

Since the passage of this act nearly seven thousand claims have been filed under it. Many of the claimants are very old persons, some of them representing themselves to be more than 100 years of age. A great many of these claimants have failed to allege and prove that they are citizens of the United States. Many of them have applied for and received bounty land warrants for their military service, and the declarations in those cases contain no statement as to citizenship.

It is obvious that there will be considerable delay in the adjudication of these claims if the claimants are required to amend their applications and furnish evidence of citizenship.

It seems to me that proof that these applicants are now bona fide residents of the United States should be accepted as sufficient evidence to establish the fact of their citizenship, and I have the honor to respectfully recommend the passage of a joint resolution to that effect.

Very respectfully,

GREEN B. RAUM, *Commissioner.*

Hon. ROBERT P. C. WILSON,
Chairman Committee on Pensions.

Mr. HOLMAN. Mr. Speaker, the bill as read was not understood. I hope it will be read again.

The joint resolution was again read.

Mr. HOLMAN. I think, Mr. Speaker, that it is not a proper practice to pass a measure of this kind in the shape of a joint resolution. I think it should be a bill instead of a joint resolution. That is the better mode of legislation.

Mr. MOSES. What is the difference?

Mr. HOLMAN. I know that the old rule prohibited legislation in this form, but the present rules do not. I think this ought to be a bill instead of a joint resolution.

Mr. MOSES. I hope the gentleman from Indiana will not object, because we have a great many of these cases already before us.

Mr. HOLMAN. What objection has the gentleman from Georgia to adopting the usual form of a bill instead of a joint resolution?

Mr. MOSES. It is simply a question of expedition. A joint resolution and a bill are very much the same thing.

Mr. HOLMAN. It has always been deemed improper to pass measures of such character in the form of a joint resolution. For some purposes a joint resolution is entirely proper. Can not you amend it and make it a bill?

The SPEAKER. If the gentleman gets unanimous consent it can be altered and made a bill.

Mr. MOSES. I ask unanimous consent to amend the joint resolution so as to make it a bill.

The SPEAKER. The gentleman from Georgia asks unanimous consent for the present consideration of this bill.

Mr. ANTONY. I object, and demand the regular order.

ORDER OF BUSINESS.

The SPEAKER. The gentleman from Texas objects, and demands the regular order. The regular order is the calling of standing and select committees for reports.

Mr. PEEL. I ask unanimous consent to dispense with the call of the committees for reports, and that gentlemen having reports to make may be permitted to hand them to the Clerk.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas? [After a pause.] The Chair hears none. The morning hour begins at fifteen minutes past 12 o'clock, and the call rests with the Committee on the Militia.

Mr. CUTTING. Mr. Speaker, in view of the importance of the measure to be considered in Committee of the Whole, I ask unanimous consent that another hour be granted to the committee in case the bill is not disposed of, and that it shall take place in the second morning hour of the first legislative day of next week.

The SPEAKER. The gentleman has forty minutes of this hour remaining now.

Mr. CUTTING. I make that request in case the bill is not disposed of.

CITIZENSHIP OF APPLICANTS FOR INDIAN WAR PENSIONS.

Mr. ANTONY. Mr. Speaker, I understood that this joint resolution, to the consideration of which I objected a moment ago, applied to the act of June 20, 1890. I see that it is for some old persons under the act granting pensions to parties who served in the Indian wars; and under these circumstances I withdraw my objection.

The SPEAKER. Without objection, the Chair will again submit the request. Is there objection to the request of the gentleman from Georgia?

Mr. DINGLEY. Before consent is given, I would like to know if a special rule is not set up in this class of pension cases that is not set up in other classes?

Mr. WAUGH. The bill sets up a different rule. This bill sets up a standard of citizenship, and asks that proof of residence be considered as sufficient proof of citizenship.

The SPEAKER. Is there objection to the present consideration of this bill? [After a pause.] The Chair hears none.

The Clerk reported the title, as follows:

A bill (H. R. 10189) relating to proof of citizenship of applicants for Indian war pensions under the act of Congress approved July 27, 1892.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. MOSES, a motion to reconsider the vote by which the bill was passed was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had passed without amendment the bill (H. R. 8038) granting a pension to William M. Watson, of Walker County, Ga.

It also announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. 3629) to extend to the North Pacific Ocean the provisions of the statutes for the protection of fur seals and other fur-bearing animals;

A bill (S. 3670) granting an increase of pension to Charles A. Lang; and

A bill (S. 2265) for the removal of snow and ice from the sidewalks, crosswalks, and gutters in the cities of Washington and Georgetown, and for other purposes.

REPORTS OF COMMITTEES.

The following reports were handed in at the Clerk's desk, referred to their appropriate Calendars, and otherwise disposed of as indicated below:

SIGNAL CORPS OF THE ARMY.

Mr. OUTHWAITE, from the Committee on Military Affairs, reported back, in the nature of a substitute for House bill 9896 the bill (H. R. 10191), to reduce the number of officers in the Signal Corps of the Army; which was read a first and second time, referred to the House Calendar, and, with the accompanying report, ordered to be printed.

ESTABLISHMENT OF A NATIONAL QUARANTINE, ETC.

Mr. MALLORY, from the Committee on Interstate and For-

eign Commerce, submitted the views of the minority on the bill (H. R. 9757) to provide for the better protection of commerce and for the general welfare by the establishment of a national quarantine, etc.; which were ordered to be printed.

ORDER OF BUSINESS.

Mr. LAPHAM. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 1538) for the relief of the heir of James S. Ham.

Mr. CUTTING. I now renew my request, Mr. Speaker.

The SPEAKER. If the demand for the regular order is withdrawn, the Chair will recognize the gentleman from Rhode Island to ask unanimous consent. The demand for the regular order, the Chair understood, was made by the gentleman from Texas.

Mr. LANE. I call for the regular order, Mr. Speaker.

The SPEAKER. The regular order is demanded. That, of course, cuts off all requests for unanimous consent.

Mr. LANE. Mr. Speaker, I move that the House resolve itself into Committee of the Whole on the state of the Union, for further consideration of the bill (H. R. 7318) to promote the efficiency the militia.

The motion was agreed to.

The SPEAKER. The morning hour begins at eighteen minutes past 12 o'clock, and there are forty-two minutes remaining to the Committee on the Militia.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. DOCKERY in the chair.

MILITIA BILL.

The CHAIRMAN. The House is in Committee of the Whole on the state of the Union, for the further consideration of the bill (H. R. 7318) to promote the efficiency of the militia. The gentleman from Georgia [Mr. WATSON] is entitled to the floor for six minutes.

Mr. WATSON. Mr. Chairman, I call the attention of the committee to this further clause in the report of the Adjutant-General, showing what is the real purpose aimed at in this bill:

> The Army, which needs and must have the assistance of the National Guard in any sudden emergency, begs Congress to hasten to assist State Legislatures to disembarrass the State volunteers of this condition of affairs by legalizing this force as a national force and by appropriating for its maintenance in the aggregate $1,500,000 a year, to be increased should this sum be found too small, in order to properly equip and discipline a United States National Guard of 150,000 men.

Under the Constitution and under the old law the United States had nothing to do with the government of the militia. The United States could prescribe its organization, its equipment, etc., but the General Government had nothing to do with the control of the militia, except when it was called out by the President of the United States in terms of law. Until that was done the militia was a State body, commanded and controlled by State officers, and governed by State laws. Under this bill it becomes a national body, governed by national laws, and the control of it is substantially taken out of the hands of the States.

How? Under the old law, section 1667 of the Revised Statutes, the arms and equipments were distributed to the States pro rata according to their Congressional delegations in the House and in the Senate; that is, each State had its share of the arms and equipments allotted to it in proportion to the number of its Senators and Representatives. Under this bill you propose to divide the arms and equipments allotted to the States, not according to any State rule, not according to the mandate or requirement of the governors of the States, but in accordance with the recommendation of United States officers detailed for that purpose.

In other words, no State draws its share of this appropriation for arms and equipments, except upon the warrant of United States Army officers. I can not conceive of any provision which more clearly violates the Constitution than this does, by taking the control away from the State and giving it to the United States Army, because the supplies govern the troops. Cut off the supplies and you cripple the troops. Cut off from the State authority to call for the supplies, and you take from the State authority to govern its own troops.

Mr. HOAR. Will the gentleman permit a question?

Mr. WATSON. Certainly.

Mr. HOAR. Before the passage of this act, under the old law, by whose authority was the distribution of arms made to the States?

Mr. WATSON. Section 1667 prescribes how it shall be done. There is no discretion about it at all.

Mr. HOAR. Is not that a United States act?

Mr. WATSON. It is a United States act; but the apportionment is required to be made to each State as a State, according to its standing as a State.

Mr. HOAR. According to the number of its Representatives and Senators.

Mr. WATSON. Precisely.

Mr. HOAR. And it is done by United States authority entirely.

Mr. WATSON. That is not the point at all. The point is, that under the old law these arms and equipments went to the State and the State controlled them; while under this change which you propose the State gets nothing except upon the voucher, the warrant, the order of a United States Army officer.

Another thing, Mr. Chairman, under the old law it was left discretionary with the State to say how often its militia should meet and where they should meet for drill, but under this proposed law it is made mandatory that the volunteer corps called the National Guard shall meet at least once every month, at least twelve times per year, and that for five consecutive days, and that they shall be stationed at an army fort or some other established camp, to be drilled in heavy artillery practice.

Mr. LANE. The gentleman is mistaken about that.

Mr. WATSON. No; the bill, section 19, provides that they shall—

> Go into camp of instruction or be quartered at a United States fort for instruction in heavy artillery at least five consecutive days in each year in their respective States or Territories, and to assemble for drill and instruction not less than twelve times in each year.

A MEMBER. Unless specially excused by the governor.

Mr. WATSON. That is true; you do give to the governor a certain veto power in this matter; but at the same time you take away from him the initiative which he now has; you simply give him a check-rein where heretofore he has had control of the reins entirely.

[Here the hammer fell.]

Mr. MOSES. I ask that my colleague [Mr. WATSON] be allowed five minutes more.

Mr. HALL. I object.

Mr. HOAR. Mr. Chairman, in my judgment the gentleman from Georgia [Mr. WATSON] has absolutely misunderstood the provisions of the Constitution in regard to the government of the militia of the United States and of the several States. The Constitution of the United States absolutely prohibits any State of the Union from keeping troops—and certainly thereby prohibits any State from organizing troops—unless under the authority of the national Congress. Special authority is given to Congress under the Constitution to organize troops, to pass laws for their discipline and maintenance, and, in fact, to do practically everything in regard to the militia of the several States, except appoint the officers.

Such were the provisions of the Constitution as originally adopted; and they were not changed when the individual citizens of the States were given permission by the second amendment of the Constitution in their individual capacity to "keep and bear arms." On the basis of the original requirements of the Constitution Congress, at the beginning of the Government, passed a militia law, which is practically the law of this country to-day, except that it has become obsolete and in disuse in a large number of its provisions. The present bill recognizes for the first time the authority of the States in such matters, and gives them opportunity to do what they may see fit in regard to the government of their own militia subject to the few limitations of the bill. In the very first section of this bill it is provided:

> That the National Guard shall consist of such regularly enlisted troops as are or may be organized in the several States, Territories, and the District of Columbia in pursuance of their respective laws, etc.

In this provision the States of this Union are for the first time in the history of the country given the right to organize their own militia, provided they do not do so in contravention of the law of the United States. There is no provision in this bill that abridges any right whatsoever that the States have had heretofore. They have had heretofore the authority simply to officer their troops and carry on their operations under the provisions of a national law; by the bill now before us we propose to give them a larger measure of power over their militia than they have had heretofore. I wanted simply to call attention to the constitutional provision in regard to this matter, because it has evidently been misunderstood.

Mr. DICKERSON. I wish to ask the gentleman what material benefits will result from the enactment of this bill.

Mr. HOAR. You are going to have, instead of the old law—absolutely obsolete, absolutely not lived up to by the States, a law requiring spontoons in the hands of your militia officers and flint locks in the possession of your soldiers—a law under which, in accordance with the national regulations for the government of the Army of the United States, the States may organize and carry on their own militia upon a modern basis.

Mr. DICKERSON. Then the effect of the bill is to compel the States to do what they are not now inclined to do.

Mr. HOAR. Not at all. They are doing to-day in almost every State in the Union as much as is required under this bill, and they are under an obligation by the old law to do more than they actually do now. The proposed law says that the States shall

only carry out its provisions about organization and drill so far as practicable, which has been interpreted in the past to mean so far as their State system will allow. For instance, the State of Vermont has but one regiment of troops, and in that regiment are a cavalry company and two sections of artillery. Now, it would be impossible to organize that force for camp drill under the Army regulations, and so a provision was inserted in the present bill allowing the States to organize their troops according to their own State law.

[Here the hammer fell.]

The CHAIRMAN. The question is on the amendment of the gentleman from Illinois [Mr. LANE], which will be read.

The Clerk read as follows:

Amend section 4 by striking out all after the word "make" in line 4, and in lieu thereof inserting the following:

"Return of the militia of the State with their arms, accouterments, and ammunition, agreeably to the provisions of law, to the President of the United States annually, on or before the first Monday in January; and it shall be the duty of the Secretary of War from time to time to give such directions to the adjutant-generals of the militia as may in his opinion be necessary to produce uniformity in such returns."

Mr. WATSON. Mr. Chairman, would it be in order now to move to strike out the entire section?

The CHAIRMAN. It would.

Mr. WATSON. Well, for the purpose of testing the sense of the Committee of the Whole on this bill, I move to strike out the section. I desire to state again to the House as briefly as I can the objections to this bill. In a covert, stealthy way it undermines our militia system as it now stands and adopts another system altogether. If this bill is passed, we would in less than five years wake up some fine morning and find that our militia system was as completely changed as our financial system was found to be changed five years after the passage of the act of 1873 demonetizing silver.

Mr. OATES. Will the gentleman tell us wherein this bill undermines the present system, and what it substitutes?

Mr. WATSON. I am going to make a strenuous effort to do that very thing. In the first place, it substitutes for the militia in each State, which is now a State organization, a national body, composed, it is true, of certain citizens of the States, but in its composite form a national body.

Then, again, it controls that body directly from a national standpoint. It controls the militia of the States in time of peace and not merely when they are called into active service, as provided by the Constitution. They are governed here from the national capital, from a national standpoint, when they are not in active service. This violates the Constitution. They are governed as a national body, where heretofore they have been governed by the States themselves, except when called into active service as provided by the Constitution. If that, Mr. Chairman, does not clearly and specifically make this a national body——

Mr. McKINNEY. Will the gentleman allow me to interrupt him for a question?

Mr. WATSON. I would rather not be interrupted just now.

Mr. McKINNEY. I merely wanted to ask the gentleman if it is not true that the State militia now, in nearly every State in the Union, is recognized and called the National Guard?

Mr. WATSON. I do not know what you might call them in the different States. That is not the question at all. You can call them the Gate City Guards, or the Savannah Volunteers, or the New York Cadets, or any other name that local preferences may suggest. That is a mere matter of fancy with the fellow who is doing the christening.

Mr. McKINNEY. It does not make any difference what may be the local names, but as to the mass of this force, is it not known as the National Guard?

Mr. WATSON. You can call it by whatever name you please. That is only a question of taste. But when we seek to take certain citizens or the great body of the people of the States composing the Union and call them a national guard, we give to such a military organization a legal existence as a national body. It is no longer a mere State affair. It is quite a different thing from what you might choose to call a national guard by way of convenience amongst the States themselves.

Again, we govern these people from a national standpoint. In the first place, we prescribe how they must drill and how often they must drill in time of peace, and also where they shall drill. We do not leave it to the States to say how each State shall drill its own militia, or how often the State may require them to be called into camp for the purpose of drill or training.

Again, Mr. Chairman, heretofore we have supplied the militia of the States as State bodies, giving to each State its pro rata of arms, whether it had the troops or not, on requisition of the proper officer of the State. But from now on, if this bill becomes law, these troops are to have only what a United States Army officer says they ought to have.

Now, I submit that you give them a national name; that you give them a national organization; that you constitute them a national body; that you supply them nationally; that you govern them nationally, and if that does not make in all respects a national body I would like to know how you would set about accomplishing that purpose.

Mr. SNODGRASS. Let me ask the gentleman from Georgia if the old law is not changed in this, that this bill requires them to report to the President of the United States while the former law required them to report only to the governors of the States?

Mr. HOAR. That is not correct.

Mr. WATSON. I do not know as to that, for I have not investigated the matter. But as to furnishing them supplies and governing them in time of peace, as to organizing them and prescribing their make-up, there are three radical changes in the bill from the old law.

Mr. CUTTING. Will the gentleman permit me to ask him this question: Whether he will point out a single section of the bill that nationalizes the militia any more than the existing law?

Mr. WATSON. I am going to ask you first why you change this phraseology, if you do not mean to absolutely change in fact the relation they have heretofore borne to the States?

Mr. CUTTING. Will the gentleman point out the section to which he refers?

Mr. WATSON. I am going to try to do so, but I can not if you keep on asking me questions. Now, let any lawyer in this House examine this proposed change in the phraseology and see if it does not mean a change in the government itself. I read from the old law:

Every able-bodied male citizen of the respective States resident therein, who is of the age of 18 years and under the age of 45 years, shall be enrolled in the militia.

And then section 1630:

The militia of each State shall be arranged into divisions, brigades, regiments, battalions, and companies, as the Legislature of the said State may direct.

Now, this bill says that the militia shall consist of the "able-bodied male citizens," etc., which shall be "divided into two classes," and I call special attention to this:

The organized to be known as the National Guard.

Is that not exactly the phraseology you would use. I ask my friend from Alabama [Judge OATES] if you meant an organization, a national body with a national name, to be governed from a national standpoint, rather than this separate organization in each of the States to be governed by the States themselves?

Mr. CUTTING. Does not the gentleman from Georgia know that thirty-three of the States have adopted the name and use the term "National Guard" in reference to their militia?

Mr. WATSON. They have a perfect right to do so. But we have no right to make them take soup whether they want to or not. Each State has the right to name its militia to suit itself, but the National Government has no right to consolidate the militia of the States in time of peace and make it a national body.

[Here the hammer fell.]

Mr. HOAR. Mr. Chairman, one of the great objections urged by the gentleman from Georgia against the bill is as to the way in which the supplies for the national militia are to be furnished by the National Government to the States. As a matter of fact he can not deny that the National Government has always furnished supplies to the States by national laws, in some way or other.

It has heretofore supplied the States, under a national law, in proportion to their representation in the House and in the Senate; a plan which would allow a State with only 500 militiamen to get a supply of arms and accouterments equal to that received by a State with 5,000 militiamen, provided the first State had an equal representation in the House and in the Senate. Now this law, national like the other, makes a more just and a more fair distribution of the property of the United States among the different States. It gives arms and accouterments to a State in proportion to the way in which it keeps up its State militia organization. It does not simply say, "1,000 guns here and 1,000 guns there," without regard to the way the State keeps up its militia, but it says if the State has an active militia of a certain number of men and makes returns thereof to the United States Government, it shall receive United States assistance up to the point that it keeps up its own local organization.

The number of effective militia and not representation in Congress is to determine the Government grant of aid.

Now, in the interest of economy; in the interest of efficiency; in the interest of everything which the States ought to be interested in, I ask this House if this is not a much better provision than the obsolete one contained in the old law?

Mr. MOSES. Why not simply repeal the obsolete part?

Mr. HOAR. Because we want some new method to act by.

Mr. CURTIS. Mr. Speaker——

The CHAIRMAN. The gentleman from New York [Mr. CURTIS] is recognized.

Mr. DAVIS. I would like to ask the gentleman from Massachusetts [Mr. HOAR] whether this new method will give the control of the militia to the National Government in time of peace?

Mr. HOAR. No more than the old law does, and no more than the Constitution requires.

Mr. BOATNER. Is there anything in this law which increases the power of the United States?

Mr. HOAR. My time has expired. The gentleman from New York [Mr. CURTIS] has the floor, and if the gentleman from Louisiana [Mr. BOATNER] will get him to yield, I will be glad to answer his question.

Mr. CURTIS. Mr. Chairman, I think one of the points of difficulty in the consideration of this question, as indicated by the remarks of the gentleman from Georgia, is a failure to comprehend the method of imparting orders to the militia. It seems to be assumed that the commander-in-chief of the militia of the State, its governor, is entirely disregarded, whereas all communications to the State authorities are addressed to the governor and not to the commandant of company or regimental organization.

As has been stated very clearly and forcibly by the gentleman from Massachusetts [Mr. HOAR], this law only tends to correct the errors of the existing law, to increase the efficiency of the militia, and to repeal the ancient provisions as to equipment, respecting the form and description of which there are not a dozen members of this House who could describe the equipments called for by the present law.

The bill proposes to give to a State that has an organized militia its just share of the money distributed by the Federal Government, so that it shall not be wasted on useless and inefficient organizations. States whose uniformed militia may consist simply of an inch of a buck's tail, assembling once a year for muster, declared by their inspecting officer as members of a uniformed militia of the State, should not be entitled to any of the Federal appropriation. States having organization meriting such designation shall receive their share of the money distributed by the Federal Government.

This sum is infinitesimal in comparison with what the State expends. While the State of New York has had her share of the $400,000 annually since 1887, yet that State has expended for a number of years a sum approximating a half million dollars a year for the support and maintenance of her militia. I draw no comparison between that and other States; but looking back to the last year we can appreciate the value of a well-organized militia under charge of an experienced soldier like the adjutant-general of the State of New York. We expended much money, yet we preserved life by the assembling of the militia in the western portion of the State.

The CHAIRMAN. The time of the gentleman has expired. The question is on the amendment of the gentleman from Georgia [Mr. WATSON] to strike out section 4 as amended.

The question being taken, the Chair announced that the "noes" seemed to have it.

On a division (demanded by Mr. WATSON), there were—ayes 50, noes 53.

Mr. WATSON. No quorum, Mr. Chairman.

The Chair appointed as tellers Mr. WATSON and Mr. LANE.

Mr. HOAR. I would like to have the section read once more.

The CHAIRMAN. That can only be done by unanimous consent.

Mr. WATSON. I object.

The committee again divided; and the tellers announced—ayes 59, noes 95.

Mr. WATSON. No quorum.

The CHAIRMAN. The point of no quorum is made. The hour allotted to the committee having expired, the committee will rise.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. DOCKERY, from the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 7318) and had come to no resolution thereon.

Mr. CUTTING. I now renew my request that the Committee on the Militia be given another hour for the consideration of this bill.

Mr. WATSON, Mr. ROCKWELL, Mr. KILGORE, and others objected.

ORDER OF BUSINESS.

The SPEAKER. The call rests with the Committee on Patents.

Mr. PEEL. I ask unanimous consent that the morning hour be considered as having expired, so that the Committee on Indian Affairs may occupy the time.

The SPEAKER. The gentleman from Arkansas [Mr. PEEL] asks unanimous consent that the twenty minutes remaining of the morning hour be dispensed with for to-day. Is there objection?

There was no objection.

AGREEMENT WITH THE CHEROKEE NATION OF INDIANS.

The SPEAKER. Under a special order previously adopted by the House, this day is set apart for the consideration of bills reported from the Committee on Indian Affairs.

Mr. PEEL. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House for the consideration of the bill H. R. 9190.

The SPEAKER. The Clerk will read the title of the bill.

The Clerk read as follows:

A bill (H. R. 9190) to ratify and confirm an agreement with the Cherokee Nation of Indians of the Indian Territory, to make appropriation for carrying out the same, and for other purposes.

The SPEAKER. The gentleman from Arkansas moves that the House resolve itself into Committee of the Whole House for the purpose of considering the bill the title of which has just been read.

The motion was agreed to.

The SPEAKER. In the absence of the gentleman from Ohio [Mr. OUTHWAITE], who was in the chair on a former occasion when the bill was under consideration, the gentleman from Missouri [Mr. TARSNEY] will please take the chair.

The House accordingly resolved itself into Committee of the Whole, Mr. TARSNEY in the chair.

The CHAIRMAN. The House is in Committee of the Whole House for the consideration of the bill, which the Clerk will now read.

The Clerk proceeded to read the bill, which has already been printed in the RECORD.

Mr. PEEL (during the reading of the bill). Mr. Chairman, as there is a very long preamble, and as the contract has already been printed in the RECORD for over a month, I ask unanimous consent to dispense with the first reading of the bill, and that it be taken up for consideration by sections, ratifying the contract.

Mr. DINGLEY. Does the gentleman contemplate omitting general debate upon the bill?

Mr. PEEL. I desire to dispense only with the first reading, so that we can take the bill up by sections.

Mr. KILGORE. I object.

The CHAIRMAN. Objection is made.

The Clerk resumed and concluded the reading of the contract.

Mr. PEEL. The entire contract has now been read, and the Clerk has commenced the reading of the bill which the committee has reported to ratify the contract. There are several sections, and I ask unanimous consent to dispense with the reading of the bill. I do not desire it for the purpose of interfering with general debate, if any gentleman intends to debate it, but simply that we may read the bill by sections for amendment.

Mr. HOLMAN. General debate not to be affected by it.

Mr. BOWERS. I understand we shall have time for general debate on the bill.

Mr. PEEL. General debate not to be affected by it.

The CHAIRMAN. The gentleman from Arkansas asks unanimous consent to dispense with the first reading of the bill. Is there objection?

Mr. KILGORE. I object.

The reading of the bill was resumed and concluded.

Mr. PEEL. Mr. Chairman, now that the reading has been concluded, I would like to come to some agreement with the committee as to the time to be allowed for general debate. We all understand that under the five-minute rule the bill will be read by sections, which will give a great deal of time for debate on the different sections; but I suppose some gentleman would like to have some general debate upon the bill.

Mr. HOLMAN. How much time does the gentleman from California desire?

Mr. BOWERS. I would like to have a half an hour.

Mr. HOLMAN. Then I suggest that we make it an hour and a half for general debate.

Mr. PEEL. Would not one hour do?

Mr. HOLMAN. Very well; I am willing that it should be an hour.

Mr. DINGLEY. What time has the gentleman agreed to for general debate?

Mr. PEEL. I am perfectly willing that there should be general debate, but as this is Saturday and I want to get the bill through if possible, I hope gentlemen will be satisfied with an hour for general debate. How much time does the gentleman from Maine desire?

Mr. DINGLEY. I think we had better proceed with general debate, and after it has gone along for a time we can tell better when general debate should be closed.

Mr. PEEL. It is proposed to have an hour for general debate.

Mr. DINGLEY. I do not think that one hour is sufficient time for general debate on a bill appropriating $8,500,000 directly and a considerable other sum indirectly.

Mr. HOLMAN. Let it be an hour and a half.

Mr. PEEL. Very well; then I suggest an hour and a half. I think that will be ample. Then we can debate the bill by sections for two hours more under the five-minute rule when we come to the appropriations for carrying out the agreement and whether it will be determined to defer that.

Mr. HOLMAN. I hardly think there will be much general debate.

Mr. PEEL. How much time does the gentleman from Maine want?

Mr. DINGLEY. I would like to have fifteen minutes at least.

Mr. PEEL. An hour and a half would certainly give you that much time.

Mr. DINGLEY. That would give three quarters of an hour on each side. I would not object to that.

Mr. PEEL. Very well; we may get through sooner, but we will get an hour and a half—the time to be equally divided, of course. I ask unanimous consent that all general debate be limited to an hour and a half—to be equally divided between those in favor of the bill and those against it.

The CHAIRMAN. The gentleman from Arkansas asks unanimous consent that all general debate upon this bill be limited to an hour and a half. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. PEEL. I would like to know who is to control the time on the other side.

Mr. HOLMAN. It will be equally divided, of course.

Mr. DINGLEY. I suggest that the gentleman from Indiana [Mr. HOLMAN] control the time in opposition to the bill.

Mr. PEEL. Very well.

The CHAIRMAN. The Chair will recognize the gentleman from Arkansas [Mr. PEEL] to control the time in favor of the bill, and the gentleman from Indiana [Mr. HOLMAN] to control the time in opposition.

Mr. PEEL. I desire to use only ten minutes of my time at present, and I will thank the Chair to remind me when I have occupied so much.

Now, Mr. Chairman, if the committee will give me attention, I will try in as brief a manner as possible to explain the main features of the subject-matter under consideration. The strip of land which has long been known as the Cherokee Outlet contains something over 6,000,000 acres of land. It lies immediately south of the State of Kansas, and will be a part of Oklahoma Territory when the Indian title is extinguished. This has been a vexed question between the Cherokee Nation and the United States Government ever since the treaty of 1866.

Under that treaty the Cherokees ceded these lands to the Government for the express purpose of locating thereon other friendly Indians and freedmen. After that treaty was concluded the Government changed its policy and, by act of Congress I believe, declared that it would locate no more Indians in that section of the country. Consequently a contract was made with the Creeks and Seminoles, out of which grew the Territory of Oklahoma. The Government being so anxious to procure from the Cherokees this large strip of country, to obtain the title to it so as to be able to locate upon it the white people who were seeking homes, created, by act of Congress, four years ago, the Cherokee Commission, which was given authority to negotiate for all the lands west of the ninety-sixth meridian, including this outlet. That Commission was composed of ex-Governor Jerome of Michigan, Judge Sayre of Indiana, and the Hon. Alfred L. Wilson of Arkansas.

After conferring and negotiating with these Indians for some two years they finally succeeded in securing the contract that is before us to-day for ratification. The Indians claimed that these lands were much more valuable than any amount of money that the Government, through this Commission, would agree to pay. The Indians had had the Strip leased for $200,000 a year, and they claimed that they had been offered for it, from time to time, as much as $30,000,000. But the Commission were unwilling to offer any such amount, because the land was to be opened to settlement under the homestead law, and a sufficient charge made to the settlers to reimburse the Government.

Finally, about twelve months ago, the Commission succeeded in getting terms by which they agreed that the Government would pay the Cherokee Nation $8,595,736.12, amounting to about $1.40 per acre. In the contract that has been read here will be found other stipulations. One is that the Government shall remove from among the Indians intruders—a problem which has been a perplexing one for many years. That clause of the contract, however, is but a reaffirmation of agreements in two express treaties made by us with these Indians—one in 1835 and the other in 1866.

In this contract also the Indians retained the right for seventy of their own people to take as much as 80 acres apiece. That stipulation is made upon the ground that these people had made improvements on the lands before this contract with the Government was made, but those seventy persons are to pay the Government for their lands in proportion to what we pay the Indians.

There is another stipulation in the contract to which I will direct attention. These Cherokees are as intelligent as any people in this country. They understand the machinery of government quite as well as we do. They have a local government of their own, organized in analogy with the State governments. They elect their lower house of the Legislature and their senate. They also elect their chief or governor. They have their attorney-general, who is here representing them in this matter now. They have their treasurer, their local courts, their supreme court, just as the States have. They claim that they pay out more money to educate their children than any State in the Union of the same population. They have schools, colleges, asylums, all the appliances of a civilized government.

Therefore, being so intelligent and knowing that our Government operates slowly in matters of this kind, they insisted upon putting a stipulation into this contract that unless we ratify the contract in its entirety on or before the 4th day of March, 1893, it shall be absolutely void. Under the terms of the contract it was made subject to ratification by Congress and by their own government. Their government proceeded, through their national council, immediately after the contract was made, to ratify it; so that it is left for us to say whether or not we will accept this contract or will reject it now and leave the whole matter open to negotiation in the future.

Now, I am pretty familiar with this subject, and I say to this committee that unless this contract is ratified in such terms as the Indians will accept, many years and many Congresses will pass before we shall again obtain terms so satisfactory to us. When we reach the bill proposing to appropriate this large amount of money there will be amendments proposing to defer the appropriation. I am inclined to accept almost any terms that are at all reasonable, because if we change the terms of the contract in any material matter it must go back for ratification by the Indians. I do hope, however, that no amendment will be made so radical as to make the Cherokee Nation refuse to ratify it, because if this contract fails now we shall be years and years in obtaining another as favorable.

These, Mr. Chairman, are the main provisions in the contract. The bill itself has many sections, most of which pertain to the disposition of the lands. When we buy the lands from the Indians and pay them for them, then the land becomes the property of the Government, and Congress can dispose of those lands in any manner it sees proper. The clauses that the Committee on Indian Affairs have placed in the bill in regard to the disposition of the lands are in the line of the general homestead laws, and provide for the payment by settlers to the Government for the eastern third, which everyone who is acquainted with the country knows is much the best part of it, of $2.50 per acre; for the middle third, which is not so good as the eastern third but better than the western third, $1.50 an acre, and for the remainder, or western third, $1 per acre. We sought in this way to average up as nearly as we could, according to the quality of the land.

This sum, when paid in, will as an aggregate reimburse the Government, we think, amply, and bring back to the Government all that we have agreed to pay. Of course there will be certain sections reserved for school purposes, because, as I have said, when the title of these Indians is extinguished and the country is settled up the land in question becomes a part of the Territory of Oklahoma, which is now knocking at the doors of Congress for statehood. Of course there should be certain sections reserved for that purpose.

Mr. BUSHNELL. May I ask the gentleman if the committee can tell us about what will be the proceeds of this strip of land sold at the prices fixed by the bill?

Mr. PEEL. We have made no accurate estimate, but from a general rough estimate any one can see that one-third of it, which is 2,000,000 acres, at $2.50 per acre, would be $5,000,000. It would all amount to just $10,000,000, in round numbers, provided it was all sold, and there was no reservation; but we reserve for school purposes certain sections, and these of course go to the government of Oklahoma Territory and the State, after it becomes a State, in accordance with similar reservations for other States. Of course we made allowances for that. We think when these reductions are taken out the amount received will about reimburse the Government.

Mr. HOLMAN. There is a provision in the bill with refer-

ence to intruders. I would like to ask the gentleman from Arkansas [Mr. PEEL] the meaning of that.

Mr. PEEL. My friend from Indiana [Mr. HOLMAN] will remember that ever since this has been a part of the Indian Territory, in our first treaty with them and in all our treaties with them, we have guaranteed to protect them not only from State and Territorial governments over them, but from intrusions by our people; but in different ways from time to time some white people have gone onto these lands. Some marry into the tribe. When they marry, however, they become adopted citizens. Some have gone in by permits, which are lawful. Some have come in under claim of citizenship, which question of citizenship has not yet been passed upon by their government.

Under the treaties with them they have the right and the sole right to say who are citizens. Many have gone in under claim of citizenship, which question has not yet been adjudicated, and some claims of citizenship have been rejected. That is the occasion of the provision which the gentleman from Indiana [Mr. HOLMAN] speaks of.

Mr. DINGLEY. I would like to ask the gentleman if any estimate has been made as to the probable expenditure under the fourth provision of article 2 of the treaty, which provides for an accounting to the Cherokee Nation under the treaties of 1817, 1819, etc., and then authorizes the Cherokee Nation to bring suit if they are not satisfied with the result of that accounting? My question is whether any estimate has been made of the probable appropriation which will be necessary under that provision?

Mr. PEEL. I am not able to inform my friend from Maine [Mr. DINGLEY] how much they claim the Government owes them. In fact, in my experience in Congress during ten years, I never heard that the Cherokee Nation had any claim against the Government at all; but I see they have incorporated an agreement that the Government is to render an accounting to them under the various treaties, and if they are not satisfied with that accounting, they then have the right to bring suit in the courts to determine what the Government does owe them.

I know they have a large trust fund of some $3,000,000 in the Treasury, out of which we pay about $150,000 in round numbers annually to them. With that money they run their local government, etc.; but what outside matters they are claiming I am not able to say, for I never heard of any claims set up by them until I saw this provision incorporated in this contract.

Mr. DINGLEY. Does not the gentleman think the Government runs a great deal of risk in consenting to such a provision?

Mr. PEEL. I think not. We at least ought not to refuse to allow anybody who claims that we owe him something, the opportunity to try that question in our own courts. The courts of the United States certainly will protect the Government.

Mr. DINGLEY. But why has not the matter been adjudicated before?

Mr. PEEL. Because there was no law authorizing them as an independent community to bring suit, and this only provides for an accounting in the Interior Department in any matters that the Department may admit we do owe them. If they are not satisfied with that accounting this contract authorizes them to bring suit to determine whether we do owe them anything or not.

Mr. DINGLEY. Does my friend think this is a wise provision to insert in the treaty which we are to ratify, authorizing such an accounting running back to the treaty of 1817?

Mr. PEEL. I will say to my friend that if he will go through many other treaties with Indian tribes, he will find similar clauses in those treaties; and I have never yet been afraid to have any Indian tribe sue the Government for what they claim the Government justly owes them.

I have never known any tribunal of the Government to render judgment in favor of the Indians for any amount that we did not owe them; and if we owe them this money, they certainly ought to have it.

Mr. DINGLEY. It seems to me that a provision of this kind ought not to be included in a treaty having reference simply to the purchase of land—a distinct matter entirely.

Mr. PEEL. The negotiators of the treaty could not succeed in negotiating for the land unless this privilege were allowed.

Mr. DINGLEY. It may involve an expenditure of millions of dollars.

Mr. PEEL. That may be true. I do not know how much the Indians claim. But my experience in the practice of the law has been that litigants do not usually get all that they claim. Whether the amount be much or little, the Government ought to pay what it owes. This is all I care to say at present.

Mr. HOLMAN. I yield twenty minutes to the gentleman from California [Mr. BOWERS].

Mr. BOWERS. Mr. Chairman, to whom the honor belongs for taking the initiatory steps in this land speculation is a question on which I am not advised. Whether the movement was initiated by the Government or by the Cherokee Nation, or by the Indian Rights Association or by some other persons, I do not know. Nor am I advised of the present necessity of this legislation.

This bill proposes to make an appropriation of nearly $9,000,000 to buy Indian lands. We must assume, then, that the Indians have more land than they want, or are we driving a sharp bargain with them? If we take these lands shall we be obliged to provide more reservations for the Indians elsewhere, thus taking more land from white settlers who have gone on to the public lands and established homes there? I believe that the Government of the United States should be honest, should be just, should make restitution to its citizens whom it has wantonly despoiled of their homes before it goes into any speculation of this sort. I say the Government should make restitution; and I want to call the attention of the House to the provisions of this bill, and to point out how our method of treating our white citizens of the United States differs from our method of treating Indians, whether on reservations or not. I find in this agreement a provision—

That any citizen of the Cherokee Nation, who, prior to the 1st day of November, 1891, was a bona fide resident upon and further had, as a farmer and for farming purposes, made permanent and valuable improvements upon any part of the land herein ceded and who has not disposed of the same, but desires to occupy the particular lands so improved as a homestead and for farming purposes, shall have the right to select one-eighth of a section of land, to conform, however, to the United States surveys; such selection to embrace, as far as the above limitation will admit, such improvements. The wife and children of any such citizen shall have the same right of selection that is above given to the citizen, and they shall have the preference in making selections to take any lands improved by the husband and father that he can not take—until all of his improved land shall be taken.

That is a just provision. Then I find it further provided—

That any citizen of the Cherokee Nation not a resident within the land herein ceded, who, prior to the 1st day of November, 1891, had for farming purposes made valuable and permanent improvements upon any of the land herein ceded, shall have the right to select one-eighth of a section of land to conform to the United States surveys; such selection to embrace, as far as the above limitation will admit, such improvements.

I hold that those provisions are correct in principle. I have read them because I want to call the attention of this House to the manner in which this Government proceeds when it deals with its own white citizens, with its own pioneer settlers upon the frontier. At the proper time, when we consider this bill by sections, I propose to offer some amendments to it. That is the reason I wanted time now, because the five-minutes' discussion would not allow me sufficient time to explain the matter.

One of the amendments I propose to offer is to this effect: that those citizens of the United States who heretofore have gone upon the public lands of the United States that were advertised and held to be open to settlement and there established their homes, made permanent and valuable improvements of which they have been afterward dispossessed, they themselves wantonly and in most cases uselessly driven from their homes and the land added to Indian reservations as a speculation—that such men shall have the first choice of locations in the lands which you now propose to buy from the Indians. That is one of the provisions I desire to propose as an amendment to this bill.

Mr. JOSEPH D. TAYLOR. How will you identify them?

Mr. BOWERS. They will be identified in the courts. When my amendment comes to be read I think it will be satisfactory. Let me state what leads me to offer an amendment of this kind. I have knowledge of the work of the Indian Department in the section of country where I live. A man whom I have known for twenty-three years, after asking the Secretary of the Interior whether certain lands were public lands and open to settlement, received over the signature of the Secretary the statement that they were. Under the authority of the Land Office he went upon a portion of these lands; he bought conflicting claims and proceeded to improve the land, bringing 100 acres under cultivation; he planted orchards and vineyards; he built a large house; he expended some $10,000 on this claim.

A little speculation was gotten up, and the Indian Department persuaded the President to withdraw that land and put it into an Indian reservation. It was not needed for that purpose at all. I visited the land a few days before I started to come to Washington this fall. I saw it with my own eyes. That man was removed from that land and his property was kept from him; he was not even allowed to take off his hay press. He was driven from his home, which he had established years before. I have a letter on this subject, and I wish to read a little of it.

Mr. PICKLER. Will the gentleman allow me to ask what portion of this bill he objects to?

Mr. BOWERS. I am stating how I propose to amend the bill; I desire to state the merits of my amendment now.

Mr. PICKLER. To what section does the amendment apply?

Mr. BOWERS. I propose to insert a new section after section 5. By this new section I propose to give the white citizen who

has been despoiled of his land, the first choice in the lands which this bill proposes to give to the Indians.

But it has so long been the habit of the Indian Department to ruthlessly take away the homes of the white settlers who have gone on the lands in good faith, where they have built their homes, that it seems to be looked on as an outrage that these people should even protest against such unjust and unwarrantable action on the part of the Government.

The Secretary of the Interior in a letter dated May 24, upon this subject says:

DEPARTMENT OF THE INTERIOR,
Washington, D. C., May 24, 1892.

SIR: I have considered what purports to be an appeal of Charles Hensley from your decision affirming that of the Commission appointed, under the provisions of the act of January 12, 1891 (26 Stats., 712), wherein you held that you are satisfied that no injustice has been done Mr. Hensley by the Department declining to grant a rehearing in his case.

It is not my purpose, in what I have to say upon this subject, to go over the persistent manner in which this case has been presented to your office, to the Commissioner of the General Land Office, and to this Department for the last ten years, as it has been repeatedly rehashed to Mr. Hensley and his representatives during that time, but shall content myself with a brief consideration of the matter in issue.

From an examination of Mrs. Cleland's brief and the papers accompanying the same I am at a loss to know what jurisdiction said commissioners had over the matter or why the application was referred to them, as I understand it to have been for a reinstatement of Mr. Henley's entry, on the ground that at the time he purchased the land from Curo it was public land of the United States, and that the proclamation of President Arthur of the date of June 19, 1883, provided that the withdrawal should not affect any existing valid rights of any party, hence the action of the Department canceling his entry was unauthorized and in violation of his legal rights.

The only authority which said commission had for considering the rights of the settlers is found in section 2 of said act, which reads as follows:

"That it shall be the duty of said commissioners to select a reservation for each band or village of the Mission Indians residing within said State, which reservations shall include, as far as practicable, the lands and villages which have been in the actual occupation and possession of said Indians, and which shall be sufficient in extent to meet their just requirements, which selection shall be valid when approved by the President and the Secretary of the Interior. They shall also appraise the value of the improvements belonging to any person to whom valid existing rights have attached under the public-land laws of the United States, or to the assignee of such person, where such improvements are situated within the limits of any reservation selected and defined by said commissioners, subject in each case to the approval of the Secretary of the Interior. In cases where the Indians are in occupation of lands within the limits of confirmed private grants the commissioners shall determine and define the boundaries of such lands, and shall ascertain whether they are vacant public lands in the vicinity to which they may be removed. And the said commission is hereby authorized to employ a competent surveyor and the necessary assistants."

It will be observed therefrom that the improvements of any person to whom valid existing rights had attached under any of the public-land laws of the United States are the only matters which that commission could consider; hence, applying the rules of the Department to this case in its present condition, it might be very well dismissed on account of the irregular and informal manner in which it has been presented; but waiving all questions of this character, it must be determined that Mr. Hensley has had his day in court.

The entry in question was canceled by the Commissioner of the General Land Office on January 8, 1884, from which judgment Mr. Hensley appealed to the Secretary of the Interior, where said decision was affirmed on July 5, 1884. No motion for review was filed, and thereupon the judgment became final, and it was so held by Assistant Attorney-General Montgomery on May 21, 1887, in an effort by Mr. Hensley to have his case reconsidered.

The doctrine of *res adjudicata* in questions of this kind obtains in this Department the same as in the courts, and it will not now go into the question of whether or not the decision of July 5, 1884, was a correct exposition of the law.

In the case of the Rancho San Rafael de la Zanja, 4 L. D., 482, it is said:

"Unless the principle of *res adjudicata* is recognized, administrative action may become involved in chaos; the labors of the Department would become too cumbrous to admit of their intelligent discharge; uncertainty would cloud every inchoate title, and, in many instances, vested rights would be endangered. Our present duties are amply sufficient to command our whole time and attention without entering unnecessarily into the inquiry as to the intelligence with which every past duty was performed."

This rule has been upheld by a long line of authorities: Higgins *vs.* Wells, 3 L. D., 21; Henry T. Wells, 3 L. D., 193; Buell *vs.* Ayres, 13 L. D., 366; State of Kansas, 5 L. D., 243; A. T. Lamphere, 8 L. D., 134; Mary C. Stephenson, 11 L. D., 232.

The application can not be considered as a motion for review or petition for rehearing, as it does not comply with rules 76-79, and does not present any new question either of fact or law that was not fully considered by the Department in its former decision when the rights of Mr. Hensley were disposed of, hence it will not at this time determine the question of whether or not at the time he settled upon this land in 1881 it was public land of the United States, and as such he was entitled to make homestead entry thereof, which was protected by the proclamation, carving from the public lands of the United States the tract upon which he had settled, together with others, for the purpose of creating a reservation for the Mission Indians.

It has frequently been held that a decision of the Secretary of the Interior is conclusive on all questions involved in the case at the time it is decided and will not be disturbed by his successor in office, where there are no new questions presented for consideration. Francis Palms *et al.*, 7 L. D., 146; Henry A. Pratt *et al.*, 5 L. D., 185; State of Oregon, 9 L. D., 360; Michael Dermody, 11 L. D., 504.

I find nothing in the presentation of this case by Mr. Hensley's attorney which will justify the Department in taking it out of these rules, and it being clear to my mind that the commission to whom this matter was presented was without jurisdiction to entertain the same so far as reinstating Mr. Hensley's entry is concerned, your judgement is affirmed and the appeal dismissed.

You will inform Mr. Hensley's attorney of the conclusions of the Department.

Very respectfully yours,

GEO. CHANDLER,
First Assistant Secretary.

The COMMISSIONER OF INDIAN AFFAIRS.

Now, I say that existing rights attach when a man goes onto a part of the public domain to make himself a home; and when the Government takes possession of his house or his lands and turns it over to somebody else, as they have done in hundreds of cases, then it is only right and proper that compensation should be made for it. That is what I propose in the shape of an amendment to this bill.

Mr. HARVEY. Will the gentleman allow me to interrupt him for the purpose of correcting a misapprehension?

Mr. BOWERS. What is it the gentleman says?

Mr. HARVEY. I want to correct a misunderstanding that the gentleman seems to have. There are no settlers on this land at all. You are laboring under a delusion, apparently, that there are.

Mr. BOWERS. No, sir; I am not laboring under any such delusion at all. I only protest against the policy which has been pursued in regard to these white settlers, of dispossessing them on the slightest provocation; and I claim that these men who have been dispossessed from their lands by the action of the Government, should have the first right to go on to these lands and take possession of them, and not give these men who have gone out on the border and are awaiting an opportunity to make selection and take advantage of their location.

I propose to give these people time who have been dispossessed to make for themselves a home, and this is the only way in which I could bring up this matter before the House. You introduce a bill here to do justice to a citizen who has been despoiled, as many of them have been, and you can not get a hearing for it. He can not get his bill reported, but must take an opportunity on occasions like this, or else there is no hope of relief.

Mr. PICKLER. Do I understand the gentleman to suggest that a man who has been a lawbreaker on other reservations, and who has been dispossessed by the Government as he should be dispossessed, ought to have the first right to these lands?

Mr. BOWERS. I do not mean anything of the kind, and I do not understand any such thing. I do not know what the gentleman from South Dakota understands, or even what he means by his question. Is a man a lawbreaker who goes on to the public domain in accordance with law, and builds his home, and the Government comes along four or five years afterward and lays its strong hand on the property and says, "Here, we want your property, get out of this?" Who is the lawbreaker? The Government is the lawbreaker, and is the dishonest party in such a transaction.

Mr. PICKLER. From a very considerable experience on the public lands of this country, I wish to state that I have never seen anybody dispossessed unless the Government thought there was some error or wrong in his entry.

Mr. SMITH of Arizona. Well, I have seen dozens of cases.

Mr. PICKLER. Where?

Mr. SMITH of Arizona. In Arizona and elsewhere.

Mr. BOWERS. I believe I have the floor.

I can not tell, Mr. Chairman, what the Government thinks, or whether it thinks right or wrong, or whether it is just or otherwise, or acts with wisdom in such matters. I only know what has been done in the past.

Mr. JOSEPH D. TAYLOR. The Government may be mistaken in these cases to which you refer.

Mr. BOWERS. I think the Government was mistaken. But if the gentleman from South Dakota does not know of a case here is a little memorandum which will point out one to him. Here is an extract from a letter of an Indian agent referring to just such a case:

Should you or BOWERS see the way to get a bill through paying you for eviction or giving back your land, I will do anything I can to assist you, as I do not feel the land is needed for the Indians.

H. N. RUST.

They took that 160 acres and are holding it to-day. I saw the land myself, the whole place going back to a state of nature, the orchard having but two or three trees only left, the vineyard destroyed, and Hensley had built two miles of fence, wire fence about his location. I saw part of this wire laying in the road, and the agent had men to wind it up and take charge of it as Government property, that this man had bought and paid for.

I wanted to call the attention of the House to these things and to say that we should have the same consideration in dealing with white citizens as you have in dealing with the Indians. I believe in dealing justly with the Indian, but we have dealt unjustly with our own citizens so long that we have got used to it and almost forget that we are doing a wrong.

I will reserve the remainder of my time, as I think I shall be able under the five-minute rule to bring forward the points that I desire in support of the amendments I shall offer.

Mr. PEEL. I yield five minutes to the gentleman from Kansas [Mr. OTIS].

Mr. OTIS. Mr. Chairman, this is a bill in which the people

of my State take a deep interest. The northern border of this land forms the southern boundary of southwestern Kansas. And in the absence of my friend, Mr. SIMPSON, whose district borders upon this land, I am sure I but voice the sentiments of his constituents when I say that they earnestly favor the early passage of this measure, and the opening up of these lands to settlement. But, Mr. Chairman, this is in no sense a local measure. Every citizen of the United States is interested in it. All along the border of this land of 6,000,000 acres, adjoining Kansas upon the south, hundreds—yes, I may say thousands—of people from every section of the country are awaiting an opportunity to go upon these lands and make for themselves a home. It will not be five years from the time these lands are once opened to settlement before the General Government will be reimbursed for every dollar expended by the actual settlers who will occupy these lands.

But there is another view in which all the people living in the States bordering upon what has been heretofore known as the great Indian Territory, are vitally interested in the measure before us. As long as this region of country is kept in the form of unsettled territory and reservations, so long will it continue to be a rendezvous for an outlaw and criminal class, which will constantly threaten the peace and prosperity of the border. Every law-abiding citizen ought to feel an earnest desire to see all this Indian Territory settled, and the laws, usages, and customs of civilization extending its salutary influence over this rich, beautiful, but to-day poorly regulated region. It forms a commercial barrier between my own State and the great empire State of Texas. At the very earliest possible period every true Kansan, as well as the citizens of adjoining States, would be pleased to speak of this region not as a Territory but as a great State, forming a connecting link between Kansas and Texas.

The inevitable trend of civilization demands the speedy settlement of this region. It is rich not only in the fertility of its soil, but in the number and extent of its minerals. Its surface is undulating and its climate is mild and healthful. Oklahoma (embracing the entire Indian Territory) will yet be the most intensely American of any State in this Union. Here the American Indian has attained his highest degree of development, and here he will have to work out the future of his race.

Mr. PEEL. I now yield five minutes to the gentleman from Oklahoma [Mr. HARVEY].

Mr. HARVEY. Mr. Chairman, the area of this strip is about 8,000,000 acres. It is 56 miles in width, and 220 in length—a little larger than the State of New Jersey. The title to this region is in a very anomalous condition. Nowhere else in the Union is it unlawful for a white man, an Indian, or a negro to settle.

It would consume too much time to review the legislation under which the title has gotten into this anomalous shape; but since 1866 it has been unlawful for anybody to occupy that land except cowboys who care for the herds of Texas cattle. With this exception the region is dedicated to solitude. The eastern half of it is perhaps as fertile a region as there is within the Union, a very inviting country, and at this moment, as has been stated by the gentleman from Kansas [Mr. OTIS], there are perhaps forty-five or fifty thousand people camped along the line awaiting for this legislation. I am informed that there is a solid camp for a distance of 45 miles, and perhaps farther. These people are ignorant of the slow methods of legislation. They only learn by newspapers that this land is liable to be opened for settlement, and they have gone there with their families, and are awaiting the proclamation of the President permitting them to enter.

This is properly not an appropriation, but a loan, or a guarantee, on the part of the Government; but, to avoid even the appearance of an appropriation, we propose, at the proper time, to offer an amendment requiring that the settlers shall pay the Government for their lands as they enter them, such payments to go to the credit of the Cherokee Nation. In other words, the Government is to permit the settlers who are now hovering along the border and other actual settlers to purchase these lands of the Indians.

If this bill is defeated, if the 4th of March passes without the ratification of this agreement, then it will become necessary to effect a new agreement with the Cherokee Nation. The Government, at great expense, has accomplished the making of this one, and it is as certain as fate that if this be now rejected, the next agreement we make with the Cherokees will be for a larger price than we are now to pay. I hope, in behalf of my people, in behalf of those throughout the country who desire to make homes in this fertile region, that the bill will pass as reported from the committee, with the amendments I have suggested.

Mr. HOLMAN. Mr. Chairman, I yield fifteen minutes to the gentleman from Maine [Mr. DINGLEY].

Mr. DINGLEY. Mr. Chairman, my attention was not called to this bill until this morning, and I have only had time to hastily read its provisions. It provides for the ratification of a treaty with the Cherokee Nation whereby the Government purchases certain lands belonging to that nation, and appropriates the purchase money, amounting to $8,595,736. In addition to this, the fourth clause of the second article of the treaty provides for a complete accounting under all the treaties, commencing with 1817, that the United States Government has ever entered into with the Cherokee Nation, and if, in the accounting thus provided for, the representatives of the Cherokees are not satisfied with the amount allowed them, then the bill further provides that they may bring in the Court of Claims a suit for the recovery of the amount which they claim to be due them.

How much money may be involved in this fourth provision of article 2 of this treaty or agreement I do not know; and the gentleman from Arkansas [Mr. PEEL], who has charge of this bill and who is extremely well informed as to all Indian matters, is unable to tell us. It may amount to many millions of dollars.

I am aware that the pressure for the immediate purchase and use of all lands that belong to the various Indian tribes in the United States is so great that it is impossible to resist it. There seems to be a determination on the part of a great many people in this country to seize upon and use immediately every acre of arable land that is included within our boundaries.

I regard this an exceedingly unwise policy. I think we should reserve some of those lands for future wants, and not encourage the taking of them all up immediately, thus increasing beyond reasonable bounds the products of the soil and decreasing the price of those products. In my judgment, the policy of this Government in not only encouraging but in making it necessary almost that these lands shall be all taken up as rapidly as possible, without regard to the demand for the products of the soil, in the manner provided by this bill, is one of the causes that have led to the low prices of farm products during the past few years.

However that may be, I did not rise for the purpose of discussing that question, because I assume that it is hopeless to oppose the carrying out of what I regard, as I have said, as the very unwise policy of using up all the arable lands of this country immediately and reserving none for the future. That policy has gone so far that it is useless to protest, but there are gentleman now living who will see by the results that it has been unwise. When we reach the point where these arable lands have all been brought under cultivation, and there are no more in reserve, then everybody will see that the policy has not been a wise one.

But, passing from that, I want to call attention to two provisions of this bill. It seems to me in the first place that it is extremely unwise to ratify that particular provision of this treaty to which I have called attention—the fourth clause of the second article—whereby we provide for an accounting with the Cherokee Nation under all the treaties that have ever been entered into with that nation back to 1817, and provide that Congress shall then, at the next succeeding session, appropriate the amount that may be found to be due the Indians by this accounting, in relation to matters long since passed away and dating back, as I have said, to 1817.

I suppose it is no use to object to this provision, but I predict now and here that when this treaty shall be ratified with this provision in it you will find in the not distant future claims coming up under this provision that will amount to millions.

I wish now to address myself particularly to the question of the timeliness of the proposition to now purchase and pay for these lands. It is proposed to appropriate $8,595,000, or thereabouts, for the purchase of these lands. I ask gentlemen where the money is to come from to pay so large an amount as this.

Mr. SPRINGER. I believe the gentleman from Indiana [Mr. HOLMAN] has prepared an amendment which may meet the objection the gentleman from Maine makes upon that point, an amendment providing that no money is to be paid on the principal of this contract until six years, and in the mean time interest——

Mr. DINGLEY. We pay 5 per cent interest in the mean time.

Mr. SPRINGER. In the mean time 5 per cent interest will be paid on the amount of the deferred payment.

Mr. ROCKWELL. To be reimbursed out of the sale of the land.

Mr. DINGLEY. That amendment, if accepted, undoubtedly will meet a large part of the objection which I had to that particular provision. But I am addressing myself to the bill as it is before me.

Mr. SPRINGER. That amendment has been submitted to members of the committee and others, and I believe it will be accepted by the chairman of the committee. It removes, as I understand, many of the objections to the bill. I concede the force of the gentleman's objection. I had a similar objection myself. I think the gentleman's point upon the bill as it stands is well taken.

Mr. DINGLEY. It is to be borne in mind that this bill provides that these lands shall be sold, payment for the same to be made one-half in two years and one-half in four years, so that the sum which may be realized from the sale of these lands will come into the Treasury one-half in two years and one-half in four years. In the meantime the nation, if the bill should be enacted in the form in which it is reported here, would be called upon to advance the money, unless the amendment suggested should be adopted.

Mr. HARVEY. I will say for information that what are known as the filing fees alone—that is, $14.50 for every quarter section, which is paid immediately upon the appearance of the intending settler at the land office—will amount to more than half a million dollars. That will undoubtedly be paid within three months.

Mr. DINGLEY. That will reduce the amount to a little over $8,000,000.

Mr. HARVEY. Nothing will be paid until the expiration of six years.

Mr. DINGLEY. You mean if the amendment is adopted.

Mr. HARVEY. If this amendment prevails—and I understand it is acceptable to the committee—a commutation of claims will be allowed within fourteen months; and at the expiration of that time there will be a large number of commutations at $1.50 an acre; so the Government will be at no outlay whatever for the payment either of interest or principal.

Mr. DINGLEY. Now, it is well to bear in mind that we have been doing this kind of business to an unexampled extent for the last four years.

During the four years from March 4, 1885, to March 4, 1889, the expenditures on account of purchase of Indian lands were only $205,284; whereas from March 1, 1889, to March 1, 1893, the expenditures for this purpose will be $5,379,858. Then if the three millions involved in the Choctaw purchase, which the House ordered paid the other day, be added, the expenditures for this purpose in the last four years will reach $8,379,858. Besides there is enough remaining unpaid to bring the amount up to $10,000,000.

We have been carrying on many important public works the past few years which are already necessarily largely increasing our expenditures, and therefore it seems to me that we should in the present situation proceed cautiously in expenditures that can be deferred, and especially where postponement would be wise in itself. A statement appeared in the public prints a few days ago that the expenditures from March 1, 1889, to March 1, 1893, outside of pensions, postal expenses paid by postal revenue, and interest, will be $148,000,000 more than for the previous four years. But, at least $100,000,000 of this increase was made up of this purchase of Indian lands, $35,000,000 increase in the expenditures for the new navy, authorized in large part during the previous four years; $12,000,000 increase in expenditures for rivers and harbors, $10,000,000 increase in public buildings, including new Library building, $9,000,000 increase in fortifications and armament, $10,000,000 for census, $18,000,000 for refund of direct tax and tobacco tax and several other similar items—thus leaving the increase only about twelve millions per annum for ordinary expenditures, which necessarily increase as population and the growth of business go on.

Mr. PEEL. I would like to ask my friend from Maine, since he is criticising these expenditures, if he did not himself support all of the measures looking to appropriations for the building up of the new navy?

Mr. DINGLEY. Certainly I did, and regarded then, as I regard now, such legislation as wise and worthy.

Mr. DAVIS. But that, you know, was for the benefit of the East.

Mr. DINGLEY. But I want to draw a clear distinction between the expenditures which are absolutely necessary at the time and those which may be deferred. I am not even criticising this expenditure on the conditions proposed by the amendment, I would have the gentleman to understand, but I am simply calling the attention of the committee and House to the fact that we have entered, during the last four or five years, upon large public measures, useful public measures, even counting the purchase of these Indian lands as among that class—projects which have been entered upon as essential, must be carried on, and are now demanding the expenditure of as large sums of money as the public Treasury can supply.

The CHAIRMAN. The time of the gentleman from Maine has expired.

Mr. DINGLEY. I should like to be permitted to proceed for a few minutes longer.

Mr. HOLMAN. I yield to the gentleman from Maine five minutes more.

Mr. DINGLEY. I am calling the attention of the committee, Mr Chairman, to our situation. I am not criticising in any manner the expenditures we have made in the past, or even, with the amendment suggested by my friend from Illinois [Mr. SPRINGER], the expenditure involved in the purchase of this land, but I am calling attention to the fact that we have been undertaking during the past four or five years to carry out great public works to an extent never undertaken before and involving an expenditure far in excess of any previous expenditure for such purposes, which has necessarily increased our aggregate expenditures, and with the reduction of revenue caused by the abolition of the duty on sugar, has necessitated care in creating liabilities which can be avoided at present. And this care is all the more necessary when we remember that contracts have been authorized which will continue to increase our expenditures for public works in the next four years.

Mr. HOLMAN. That system to which the gentleman refers, it should be remembered, was commenced by the Fifty-first Congress.

Mr. DINGLEY. It is no matter who commenced it or who enlarged it. I am simply calling attention to the fact that we must be specially careful in these matters of appropriations and the creation of liabilities, and that we must look to see where the revenue to meet the expenditure that we authorize is to come from.

When the 30th day of June of this fiscal year has arrived, we shall have ample money to meet all of the liabilities thus far incurred, for which expenditures will be required the present fiscal year. That is already assured. But we can not go on adding new liabilities which will cause new expenditures, for if we do the Government, and the new Administration soon to come in, will have great difficulty in providing for them. I think we should excercise in matters of this kind the same wisdom and the same good business judgment that a business man would exercise in his own affairs.

The gentleman on my left has suggested that I question the wisdom of the purchasing of Indian lands at the rapid rate we have been making, because it is a matter that does not interest the East. Now the gentleman does not mean that. I trust that I am not bound to any narrow locality in that way. I simply want to favor that policy and those measures for each locality that are wise and for the best interests of the whole nation. Whatever is really for the interest of one section of this country is for the interest of all sections of this country. There is no East, no West, no North, no South in matters that concern the welfare of the nation.

[Here the hammer fell.]

Mr. PEEL. I yield five minutes to the gentleman from New York [Mr. ROCKWELL].

Mr. ROCKWELL. Mr. Chairman, I rise for the purpose of asking the gentleman from Maine [Mr. DINGLEY], whom I did not wish to interrupt during his time, if the gentleman's objection to the fourth section, which he criticised, is founded upon the fact that this will in effect waive the statute of limitations upon the part of the United States as to any claims made by these Indians?

Mr. DINGLEY. That is one objection.

Mr. ROCKWELL. Then am I to understand that if the United States, by contract with the Indians, who are its wards, has bound itself to pay any certain and specific sums of money, that the gentleman objects to the United States waiving the statute of limitations and desires that this Government shall avail itself of that statute in avoiding the payment of its honest debts to these Indians?

Mr. DINGLEY. The gentleman knows that the object of the statute of limitations is to encourage the presentation of claims when they are fresh, when the facts can be ascertained, and not to defer settlement until the facts are difficult or impossible of ascertainment. The statute of limitations, as the gentleman well knows, is based upon the idea of securing justice.

Mr. ROCKWELL. I now desire to call the attention of the gentleman from Maine [Mr. DINGLEY]—and not only his attention as an individual, but as the representative of every gentleman on that side of this House—to the fact that during the last session, when this House had chosen to waive the statute of limitations, not only on its own behalf, but, without their consent, on behalf of all the Indians on this continent in the consideration of depredation claims, there was no objection from that side of the House.

When it was proposed to open up claims for Indian depredations, going back for a period of fifty years, I made a protest upon the floor of this House, knowing that there were twenty-five millions of dollars of claims filed under that statute against this Government and against the Indians, and that half a million dollars of them which had been passed upon by the Court of Claims would not be due until the beginning of the present year and this session; and I undertook to show and did show clearly by the law that those claims should not be paid at that

time; yet every gentleman on that side of the House voted to pay those claims and to take the money out of the Treasury, notwithstanding the condition of the Treasury, which the gentleman from Maine now depicts to us.

Mr. DINGLEY. I did not vote for it.

Mr. ROCKWELL. No; the gentleman did not vote for it. He conceded to me the correctness of my position and went outside when the vote was taken; but every Republican on the floor at the time voted to pay that half million dollars.

Now I want to say to the gentleman from Maine [Mr. DINGLEY] that I congratulate him on the great light that he has seen here in this matter. I congratulate him that after the horse has been stolen he wants to lock the barn door. He speaks of the great amount of money that has been appropriated during the last three or four years.

There has been a great amount of money, as he says, appropriated for naval construction. The gentleman knows that there are two sides to that question, and that the people have criticised those appropriations. There have been great amounts of money appropriated for rivers and harbors. There are two sides to that question, and gentlemen have criticised those appropriations.

Mr. DINGLEY. I have not.

Mr. ROCKWELL. There have been great amounts appropriated for coast defense, and there has been criticism of those appropriations.

Mr. DINGLEY. I have not criticised them.

Mr. ROCKWELL. But for the twelve or thirteen millions of dollars that have been appropriated by the last three or four Congresses to extinguish the title to Indian lands and throw those lands open so they may furnish homes for homeless people, you can not point to a man on this floor or off this floor who has ever criticised a dollar of those expenditures.

Mr. HOLMAN. There has been some criticism.

Mr. ROCKWELL. Has there been any criticism as to those contracts?

Mr. HOLMAN. There has been some criticism as to the opening of these lands in immense quantities at one time.

Mr. ROCKWELL. Every acre of the land has been taken up and paid for by actual settlers, and it has not in effect cost the Government a dollar.

Mr. HOLMAN. Some of the land was opened to settlement under the homestead law without the payment of any money by the setters or with only the payment of a very small amount. That is true of a part of Oklahoma.

Mr. ROCKWELL. I say that there has been no complaint on the floor of this House or anywhere else concerning the money that has been expended in purchasing Indian titles, and so procuring homes for the people of this country for which the people themselves have paid, reimbursing the Government for every dollar that it has expended.

Mr. PEEL. Mr. Chairman, I yield five minutes to the gentleman from South Dakota [Mr. PICKLER].

Mr. PICKLER. Mr. Chairman, I do not care to enter into the discussion between the gentleman from Maine [Mr. DINGLEY] and the gentleman from New York [Mr. ROCKWELL]. As I understand the gentleman from Maine wants the statute of limitations to run against the Indians, and the gentleman from New York wants it to run against the white man because the amounts paid for the Indian depredations are all going to white men.

I want to say, Mr. Chairman, that those gentlemen and this Congress can do no better than to afford homes to the people of our own time. I can not agree with the gentleman from Maine that these rich and fertile lands in the West should lie there idle, as they have for years, unoccupied, doing no person and scarcely any beast any good. I say I can not agree with him that these lands should be reserved for future generations.

It seems to me that that is contrary to the whole homestead policy. We have been building up these great Western States under this magnificent homestead policy, and thousands and tens of thousands, yea, millions of poor men of the East, have been enabled to secure homes in the West under this homestead policy that never would have been enabled to do so otherwise.

This Cherokee Strip is a goodly land. It was my privilege to travel over it, being in the Government service during the time of the opening of Oklahoma Territory. It is a strip of territory 56 miles wide and 150 miles in length, immediately south of Kansas. It is a beautiful and rich country, and, as has been well said, there are thousands and tens of thousands of people waiting to settle upon that country.

Mr. DAVIS. Forty thousand.

Mr. PICKLER. We have, up and down the Mississippi and Missouri Rivers, from Oklahoma to the Canadian line, much land that is inviting to settlers, and I believe in letting them have their choice. These lands should be occupied, as they are useless now. As soon as they are settled, I have no doubt there will be seen in this land cities springing up with 15,000 population in six days, as was the case at Guthrie, Okla.

Now, as to the payment given for these lands. These Indians have agreed on this basis, and if this amount is not paid I believe, as the gentleman from Arkansas [Mr. PEEL] has well said, you will not get such another agreement from these Indians. Much of that land is worth $15 an acre to-day. It would sell for $15 per acre now, and these Indians know the value of it as well as we do. As a member of the committee I concede the amendment that is to be offered, but I believe that amendment is a mistake.

I believe that the Government ought to appropriate the money at once, and our financiers could find this $8,000,000. I think it ought to be appropriated and save the 5 per cent interest that we are to pay on this money under the proposed amendment. But whatever the wisdom of the committee dictates otherwise I concede as to any amendment that shall be made in order that this bill shall pass.

It is to the interest of this Territory that the land should be opened for homes. There is no danger of settling up this country too rapidly. Certainly, it seems to me that it is not dangerous in this generation that ample facilities should be offered for settling on homes where our people may live and rear families and acquire prosperity. It would be a much greater benefit than that the Government should reserve this land for an indefinite period for some other people.

The commissioners who made this agreement are not novices. Whoever knows Gen. Jerome, of Michigan, knows that he has spent a considerable portion of his life in such services as this; and the commissioners have put no extraordinary agreements in this treaty. They are safe provisions. They are the best that could be made with these Cherokee Indians.

The CHAIRMAN. The time of the gentleman from South Dakota has expired.

Mr. PEEL. Mr. Chairman, I only desire to state a few things to the committee to remove some erroneous impressions that may have been made during this discussion. I am very glad to say that there is so little inclination to oppose this measure in the committee.

The "intruder" that my friend from California [Mr. BOWERS] speaks about as being contemplated in this agreement is not upon the land opened to settlement. There is nobody upon these lands at all. The "intruders" are in the Cherokee home country, where they live themselves. They require the Government to carry out, in other words, treaty obligations that were existing before. The treaty of 1835 guaranteed protection to these Cherokee people against intruders. The treaty of 1866 renewed that obligation.

Mr. HEARD. It is the law under the treaty now.

Mr. PEEL. It is the law under the treaty to-day. So that that article is but a renewal of the obligation; it is but reaffirmation of preëxisting power, or a power already existing. Therefore there is nothing new about it. It may in some instances work hardship, but the Committee on Indian Affairs in the Senate in reporting this bill proposed an amendment to that clause—that before these intruders shall be removed, after they have made improvements, they shall be paid for their improvements. That is a question to come up hereafter.

Now as to the clause to which my friend from Maine [Mr. DINGLEY] raises his objection. Nothing can arise under that clause against the Government unless it grows out of one of these treaties. They can not under that clause bring a claim or suit against the Government for any outside matter. It requires the Government to render a statement of the account current. In the dealings of these people with the United States under its various treaties or in signing any contract they reserve the right simply, if the account is not satisfactory to them, that they can go to our own courts to adjudicate this matter. That is certainly not an unreasonable proposition.

We are certainly not afraid of the courts of the United States giving money away that we do not owe under treaty stipulations; and if we do owe them, let it be one or two million dollars, or any amount, if we do owe it, we ought not to try to avoid payment. But I do not believe there is much difference between the Government and the Indians in their accounts, because I have lived for a quarter of a century within 25 miles of the Cherokee lands, and for ten years in Congress I have been a member of the Committee on Indian Affairs, and I have never heard that there was a difference of any considerable size between them and the Government in regard to their account.

That, Mr. Chairman, is about all I desire to say. I do, however, want to say one thing more. I hope that when we take up this bill by sections we shall get along with it as rapidly as possible, because this is the only day the committee has, and if the bill is not disposed of to-day I have no hope that we can reach it again in this Congress; and if we do not pass the bill

the whole contract becomes void and the Government is left in relation to this matter just where it has been for years, after having incurred much trouble and an expense of at least $50,000 in procuring this contract.

As to the provisions in the bill providing for the disposal of these lands, the committee have had but one object in preparing them, viz, to preserve the lands as far as possible for the benefit of actual bona fide settlers, people who desire to go there in good faith and make homes for themselves and their families. The sole object of the committee has been to preserve the land for such settlers and to exclude the speculators and "sooners" who have embarrassed us so much in connection with the lands that have heretofore been opened to settlement.

Mr. PICKLER. I will ask the gentleman whether this is not in the same plan on which the great Sioux and other reservations have been opened up?

Mr. PEEL. Very similar.

Mr. REILLY. Are there not a very large number of people located now on the borders of this Strip, ready to enter?

Mr. PEEL. Judging from the newspaper accounts and from the letters which I receive, there are a great many people there. There is nobody on the land, of course, but the people are all around there within striking distance, and are preparing at their homes to enter upon these lands as soon as they can go in under authority of law.

Mr. REILLY. And have they taken that action in anticipation that Congress would open up this Strip?

Mr. PEEL. Certainly. I believe I have myself stated upon all occasions when the question has come up, that I was confident that whenever Congress came to understand fully the merits of this bill they would ratify this treaty, and I believe so still.

Mr. REILLY. Would the gentleman consider the class of persons to whom I have referred as bona fide settlers in case this bill should pass?

Mr. PEEL. Oh, certainly. I wish to say further that if any improvements can be suggested in any of the provisions of this bill which will still further guard these lands and preserve them for the benefit of actual settlers, the committee will gladly accept them. I do not care to occupy further time.

The CHAIRMAN. There are eleven minutes remaining under the control of the gentleman from Indiana.

Mr. HOLMAN. Mr. Chairman, I ask unanimous consent that general debate upon this bill be now closed, and that the eleven minutes remaining to me may be used in discussing some amendments that will be offered to the bill.

There was no objection, and it was so ordered.

The CHAIRMAN. The Clerk will read the bill by sections.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives, etc., That the agreement recited, accepted, ratified, and confirmed on behalf of the Cherokee Nation in the said act of the national council of that nation be, and the same is hereby, accepted, ratified, and confirmed, subject to the Constitution of the United States.

Mr. HOLMAN. Mr. Chairman, I desire to offer some amendments, which I send to the Clerk's desk, and ask to have read for information.

The amendments were read, as follows:

Add to section 1 of the bill the following words, viz: "Except as to the following provision of the sixth clause of said agreement, viz., 'It is expressly understood that this agreement ceding and relinquishing the title to the lands herein described shall not be effective for any purpose whatever until it shall, in its entirety, be ratified by Congress, and the amount of money herein agreed to be paid to the Cherokee Nation for such cession and relinquishment shall have been appropriated by Congress and placed in the Treasury of the United States, subject to the order of the Cherokee national council.' And the United States hereby propose to the said Cherokee Nation that the following words be substituted for the foregoing provision, viz: 'It is expressly understood that this agreement ceding and relinquishing the title to the lands herein described shall not be effective for any purpose whatever until the United States shall have agreed by law to appropriate the said sum of money, viz., $8,595,736.12, and pay the same to the Cherokee Nation within six years after the final ratification of this agreement, and shall also have by law agreed to pay to the Cherokee Nation interest on said $8,595,736.12, or so much thereof as shall at any time remain unpaid, annually from and after the date of such ratification at the rate of 5 per cent per annum; but the United States shall have the right to pay said money or any part thereof at any time within said six years."

SEC. —. That whenever the Cherokee national council shall at any time hereafter ratify and accept the foregoing amendment of said agreement and said agreement as so amended shall be in full force and effect and the following provision shall immediately be in full force:

In lieu of section 4 insert the following: The United States, in consideration of the cession of said lands as specified in said agreement, will appropriate and pay to the Cherokee Nation the said sum of money, viz., $8,595,736.12 within six years after the said nation shall ratify said amendment to said agreement and will pay to the Cherokee Nation interest on said sum of money or any part thereof at any time remaining unpaid at the rate of 5 per cent per annum from and after the time said Cherokee Nation shall agree to and ratify said amendment until the said sum shall be paid.

Mr. HOLMAN. Mr. Chairman, I am very emphatically opposed to the policy of postponing the payment of our debts or incurring debts which are to be met in the future, for I think that every Congress should appropriate all the money it authorizes to be expended. I have always contended—and I have so often stated my views on this subject in this House that I hardly need to repeat it—I have always contended that no policy can be more fatal to economy in a government like ours than that of entering into contracts to be paid for in the future, creating future charges upon the Treasury. The enlarged expenditures of the next year and the year after will show how rapidly extravagance grows under such a policy. Such a policy results inevitably in excessive extravagance on the part of the Government. It has always done so in the States of the Union and constitutional barriers have been raised, I think, in all the States against it; but this is an exceptional case.

The Government some two years ago authorized the making of a treaty with the Cherokees for the purchase of the Cherokee Outlet, and during the progress of the negotiation, and especially after it was known that an agreement had been reached, a great multitude of people have naturally gone to the northern border of this strip of land for the purpose of obtaining homes. Forty or fifty thousand people, as we are told, are there. Under these circumstances, although I did not believe that the opening up of this land to settlement at so early a period was good policy, as this is the only large tract of land of our once great public domain we have left adapted to cultivation without irrigation, I feel for one that Congress should in some form or other ratify this agreement.

I am not one of those who have been anxious to see our public domain exhausted, indeed I have resisted every step of our legislation by which our once great possession has by grants and monopolies and other artificial agencies passed into private ownership, for all men can see that when it is exhausted the real perils of our free institutions will begin.

Our safety in the past has been this public domain, which excited the hope and inspired the energy of our laboring and landless people in all years gone by. Millions of men have toiled on cheerfully and hopefully, confident that sooner or later they would be rewarded with independent freeholds and happy homes in the public possessions under the humane provisions of the homestead law. Under ordinary conditions, with the natural and conservative development of our country, such as governed the settlement of our country in the march westward from the Atlantic to the Mississippi, the public domain would have furnished homes for our people for generations to come. The legislation of the last thirty years has been fatal to all this. Enormous grants of public lands to corporations, creating a motive for an artificial system of emigration, has put a heavy mortgage on this, the future. We have wasted our priceless possessions, and who shall estimate the shrinkage in the value of lands it has created between the Mississippi and the Atlantic.

But, under the circumstances, it seems to me proper that this treaty should be ratified in some form or other. The remarks of the gentleman from Maine [Mr. DINGLEY] relieve me entirely from the necessity of entering upon the discussion of the necessity of postponing this payment; the state of our finances renders postponement of payment imperative. It is obvious to all gentlemen that the condition of our treasury for the coming year and the following year will not under ordinary conditions bear so heavy a drain upon it as this payment would make. We have not got the money. We have laid heavy mortgages on the early future. Within six years the proceeds of the sale of these lands will furnish the money to pay for them.

Some suggestion has been made as to whether it is likely the Cherokees will ratify this agreement. I have no doubt whatever on that point. As the gentleman from Arkansas [Mr. PEEL] has well said, the Cherokee people are a very intelligent, keen, and businesslike people; they understand their rights and interests very fully. Their Legislature is well conducted. Intelligence is almost universally diffused among them. Their newspapers and their charitable institutions show the progress they have made. There are in this treaty two provisions of the highest moment to them independently of the question of money here involved. One of these is the provision for the removal of intruders.

This is of vital moment to them; and it is to be carried out at the expense of the United States. The other provision is the clause to which the gentleman from Maine has referred in regard to the examination of their accounts. They have in former years and still indulge the belief that large sums of money were due to them from the United States; and hence this provision, and if their claims are correct, as asserted years ago more than of late years, this provision will be of special benefit to them. The gentleman from Maine is undoubtedly correct in his suggestion that the statute of limitations will not apply in such a case. As a general principle it does not apply in any matter of trust, and I think it almost certain that it will not apply here. Hence the right to have their accounts examined and to go into the Court of Claims, may be of great value to the Cherokee Nation.

I have nothing further to add, Mr. Chairman, except to say that the last two sections read were only sent up in connection with the amendment to the first section. I do not offer them at the present time.

Mr. PICKLER. Will the gentleman state the import of his amendment?

Mr. HOLMAN. The gentleman from South Dakota [Mr. PICKLER] suggests that I state the effect of my amendment. A clause in the sixth section of the agreement provides that the agreement shall have no effect whatever unless and until the money is appropriated and placed to the credit of the tribe in the Treasury of the United States, subject to the order of the Cherokee Nation; until this is done the treaty is to be absolutely without effect. The substitute provides that it shall not take effect until the Government of the United States shall provide by law that within six years the money shall be appropriated and paid to the Cherokee Nation, and the United States shall also agree by law to pay interest on the amount at the rate of 5 per cent per annum from the time the Cherokee Nation ratifies the amendment, and that the agreement shall take effect "whenever at any time hereafter" the Cherokees shall ratify the amendment. That is the purport of the amendment. I hope if there is any misapprehension in regard to it the reading will be repeated.

Mr. PEEL. Mr. Chairman, if I should express my individual judgment upon the propriety of this amendment I should pronounce it an unwise provision, because I think there is very great risk that we may not obtain the consent of the Cherokee Nation to the amendment. But in view of the consultations I have had with a number of gentlemen on the floor, and the very great interest we all feel in the condition of the Treasury, the apprehension being general that the Treasury will probably not be in a situation to stand the strain of so large an amount if immediately appropriated, I shall offer no objection to the amendment. This amendment simply defers the appropriation stipulated for in the agreement, and provides for the payment of interest on the amount in the meanwhile.

Mr. BRODERICK. Will the gentleman state whether there is reason to believe that the amendment if adopted will be accepted by the Indians?

Mr. PEEL. I must confess I have some doubt on that point. But there are some other very important matters embraced in this agreement; and when the bill shall be finally perfected the question whether the Indians will accept the modifications which Congress may have placed upon the agreement will be one for the sound discretion of the Cherokee Nation to determine. In the hope that we may be able to secure the consummation of the agreement as an entirety, I feel liberally disposed toward any amendment that may be offered.

Mr. HOLMAN. Well, one word further, Mr. Chairman. As the bill stands now, the treaty is to go back to the Cherokees.

Mr. PEEL. Oh, no; as the bill stands now, that is not required.

Mr. PICKLER. If Congress ratified it, it is an agreement now.

Mr. PEEL. After conferring with the committee on Indian Affairs, we thought better, in order to succeed, to allow this payment to be deferred.

The question being taken on the amendment of Mr. HOLMAN, it was adopted.

The Clerk read as follows:

SEC. 2. That to enable the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior, to effect the removal of intruders from within the territory of the Cherokee Nation, as required by the first subdivision of article 2 of said agreement, the sum of $3,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated, out of any moneys in the Treasury not otherwise appropriated.

SEC. 3. That to enable the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior, to employ such expert person or persons and assistants as may be necessary to properly render a complete account to the Cherokee Nation of moneys due said nation, as required in the fourth subdivision of article 2 of said agreement, the sum of $5,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated out of any moneys in the Treasury not otherwise appropriated.

Mr. HOLMAN. I move to amend this section by striking out in line 7 the sum of "$5,000" and inserting "$2,500." I think one-half of the amount proposed to be appropriated as ample, and I offer that amendment.

Mr. PEEL. I think myself, Mr. Chairman, that the amount suggested by the gentleman from Indiana is ample. That section came to the committee from the Indian Office.

The amendment of Mr. HOLMAN was adopted.

Section 4 was read, as follows:

SEC. 4. That for the purpose of making the compensation provided for in said agreement the sum of $8,595,736.12 be, and the same is hereby, appropriated out of any moneys in the Treasury not otherwise appropriated, to be paid in the manner provided for in article 2 of said agreement.

Mr. HOLMAN. Mr. Chairman, I offer the following as a substitute for section 4:

The Clerk read as follows:

In lieu of section 4 insert:

"The United States, in consideration of the cession of said land, as specified in said agreement, will appropriate and pay to the Cherokee Nation the said sum of money, namely, $8,595,736.12 within six years after the said nation shall ratify said amendment to said agreement; and will pay to the Cherokee Nation interest on said sum of money or any part thereof, at any time remaining unpaid, at the rate of 5 per cent per annum, from and after the time said Cherokee Nation shall agree to ratify said amendment, until the said sum shall be paid."

Mr. HOLMAN. That amendment seems necessary to carry out the provision heretofore adopted, and I move its adoption.

Mr. REED. Why is such an amount of interest fixed as 5 per cent? Is that recommended by the committee?

Mr. HOLMAN. I have followed the provision as it appears in the agreement. I offer that because it was presented as having been agreed upon by the Committee on Indian Affairs. It seems to me to be too large a rate.

Mr. PEEL. It is the rate specified in the contract made between the commissioners of the Government and the Cherokee Nation.

Mr. REED. And not by the committee on Indian Affairs?

Mr. PEEL. No, it is fixed in the contract.

Mr. SPRINGER. I would also suggest that this is the amount that has always been paid by the Government as interest on the Indian fund.

Mr. HOLMAN. The rate is too high.

Mr. PEEL. That is fixed in the agreement.

The question being taken, the substitute to the fourth section was adopted.

The Clerk read section 5, as follows:

SEC. 5. That within ninety days after the approval of this act the President of the United States shall, by proclamation, declare the lands ceded in said contract, except the allotments provided for in the fifth article of said agreement, to be part of the public domain of the United States and open to settlement by actual settlers and citizens of the United States under the homestead laws of the United States only as hereinafter provided.

Mr. BOWERS. To that section, Mr. Chairman, I offer the amendment I send to the desk.

The Clerk read as follows:

Add to section 5 the following:

"For the term of six months succeeding the date of the proclamation of the President as provided, said territory shall not be open to settlement except to such citizens of the United States as have heretofore taken up or actually settled upon public lands under any of the laws relating to the entry of public lands, and who have been dispossessed of the same and the improvements thereon by the United States for the use of Indians without compensation therefor, shall at any time during the said period of six months be allowed to select 160 acres of any of the lands embraced in this agreement ratified by this act: *Provided*, That all such persons shall first have made due proof in a court of record in the State or Territory wherein such settlement on and eviction from public lands was made, and also establish the value of substantial improvements made thereon, and the amount of the value so ascertained shall be deducted from the price to be paid for said lands as provided in section 14 of this act, and in case the value of such improvements shall equal or exceed the price fixed upon such lands, then a patent shall be issued at once to the settler for the land so taken. All United States land offices shall promptly furnish certified abstract of all entries or filings or orders made regarding any claim of which the claimant has been dispossessed and his claim taken for the use of Indians.

"Upon the expiration of the said term of six months the said lands shall be opened to settlement by actual settlers and citizens of the United States, as provided by the following sections of this act."

Mr. PEEL. Mr. Chairman, I trust the committee will not accept that amendment, and I hope the gentleman from California [Mr. BOWERS] will not seriously press it.

The amendment was rejected.

Mr. PEEL. Mr. Chairman, I desire to offer an amendment to section 5, which I send to the Clerk's desk.

The amendment was read, as follows:

Add to section 5, as follows, to wit:

"The selection of said allotments, provided for in the fifth section of article 2 of said agreement, shall be made without delay by such persons, or if minors, by their parents or guardians appointed by the Cherokee courts, who shall be recognized as guardians in respect to said allotments, and the titles as guarantied in section 5, of article 2 of said agreement, shall be made and confirmed by the Secretary of the Interior by patent, prior to the issuance of the proclamation of the President opening said lands to settlement, and he shall publish for the information and protection of proposed settlers what selections have been so reserved."

Mr. PEEL. Mr. Chairman, I will explain the object of that. In the treaty with these Indians, they reserved the right for as may as seventy persons to make selections, claiming that some of their people have gone over and made valuable improvements upon this Outlet, to a number not exceeding seventy. They reserved the right for that many persons to select out of these lands 80 acres apiece and to pay to the Government the proportionate price that the Government is paying for the whole.

Now it will be seen at once that unless they make these selections before the proclamation is issued opening these lands for settlement, settlers will go in there and perhaps get onto some of their claims. This amendment requires them to go ahead and make their selections and let the Secretary of the Interior issue notice in the proclamation, showing where each one of these allotments has been made, so that there will be no conflict of claims.

The amendment was agreed to.

Mr. PICKLER. Mr. Speaker, I desire to ask the gentleman in charge of the bill about a clause in the sixth line, which provides that these lands shall be a part of the public domain of the United States and open to settlement by actual settlers "and citizens of the United States," under the homestead laws of the United States. What is the meaning of the words "and citizens?"

Mr. PEEL. I do not know that there is any particular necessity for that. I believe that under the homestead laws aliens can not take up public lands.

Mr. PICKLER. I move to amend by striking out the words "and citizens."

Several MEMBERS. Why?

Mr. KYLE. Would you not let aliens in then?

Mr. HOLMAN. The homestead law allows persons who have declared their intention to become citizens of the United States, etc., to take up lands.

Mr. PICKLER. That is the very point. This modifies the homestead law so that a man who comes to this country, and who has declared his intention to become a citizen of the United States, could not take up land in Oklahoma Territory. The words "and citizens" ought to come out, and then it will leave the land to be taken up by settlers under the homestead laws of the United States, which are ample to protect the rights of everybody in that particular. If this provision is left in its present form it will cut off every person of foreign birth who has not become a fully naturalized citizen of the United States.

Mr. PEEL. I think the gentleman from South Dakota [Mr. PICKLER] is right about that.

The CHAIRMAN. The Clerk will report the amendment proposed by the gentleman from South Dakota [Mr. PICKLER].

The amendment was read, as follows:

In lines 6 and 7 strike out the words, "and citizens of the United States."

The question being taken on the amendment of Mr. PICKLER, the chairman announced that the "ayes" seemed to have it.

Mr. BOWERS demanded a division.

Mr. HOLMAN. I hope the gentleman will not do that. This will leave the provisions of the homestead law to operate.

Mr. BOWERS. Then I will withdraw the demand for a division.

The amendment was agreed to.

Mr. SPRINGER. I desire to offer an amendment to section 5.

The CHAIRMAN. The Clerk will report the amendment.

The amendment was read as follows:

Strike out in line 1 the words "approval of," and insert in lieu thereof the words "the ratification of the amendments."

Mr. SPRINGER. The object of that is to make it read—

That within ninety days after the ratification of the amendments, the President of the United States shall, etc.

It is a proper amendment in view of the changes which have been made.

Mr. PEEL. I will accept that amendment.

The amendment was agreed to.

Mr. HOLMAN. Mr. Chairman, I wish to offer an amendment to come in as a new section, to be numbered section 2. I wish to ask unanimous consent to return to that part of the bill.

The CHAIRMAN. The gentleman from Indiana [Mr. HOLMAN] asks unanimous consent at this time to offer an amendment to come in as section 2. Is there objection?

There was no objection.

The amendment was read, as follows:

Insert as section 2 the following:

"That whenever the Cherokee National Council shall at any time hereafter ratify and accept the foregoing amendments to said agreement, the said agreement as so amended shall be in full force and effect, and the following provisions shall immediately be in full force."

Mr. SPRINGER. Just add that as a part of section 1.

Mr. HOLMAN. It might just as well be added to the first section.

The CHAIRMAN. The gentleman from Indiana moves to add to the first section the amendment which has just been reported by the Clerk.

The amendment was agreed to.

The Clerk read as follows:

SEC. 6. That no person who is the owner, in his or her own right, of 160 acres of land, or who shall be the owner of real estate in any city or town of the United States the aggregate value of which shall exceed $3,000, shall be allowed to enter or hold any of said lands.

Mr. BRODERICK. Mr. Chairman, I desire to offer an amendment there.

The Clerk read as follows:

On page 13, in line 2, strike out the words "one hundred and sixty," and insert "eighty."

Mr. HOLMAN. Mr. Chairman, I wish to make this suggestion: When a party enters less than 160 acres of land, he does it because it is more desirable to enter a smaller piece, because it is more valuable than a larger piece; and where a citizen has before availed himself of the benefits of the homestead law, why should he have the opportunity, for his own benefit, of settling on 80 or 40 acres, rather than on a whole quarter section? If he does settle on the smaller amount of land, it is because it is more valuable land.

Mr. PEEL. I will say that that is already the law to-day.

Mr. BRODERICK. Section 6 does not have reference to the homestead law. If the whole of the amendments I desire to offer to that section are read, they will explain themselves. Only one amendment has been read.

The CHAIRMAN. The gentleman asks that the two other amendments he has sent up to the Clerk's desk be read for information.

The Clerk read as follows:

In line 4, strike out the word "three," and insert the word "two."

And in line 5 of said section, strike out the word "any," and insert the words "more than eighty acres."

Mr. BRODERICK. Is there any objection to that?

Mr. HOLMAN. I think that is rather a good provision, especially the last one. With 40,000 people on that border and millions of landless people in this country, with this land of special value, too, and the only available tract of land fit for cultivation without irrigation, with the exception of the 3,000,000 acres on which the Comanches are located in the southern portion of the Territory, I think that the proposition to limit the settler to 80 acres of land is a very good one.

The CHAIRMAN. Does the Chair understand the gentleman in charge of the bill to accept these amendments?

Mr. PICKLER. Mr. Chairman, as I understand the amendments of the gentleman from Kansas before us, it is whether section 6 provides that whoever is the owner of 160 acres of land, shall not take land under this bill; the gentleman desires to provide that whoever owns 80 acres shall not take any of it. Is that true?

Mr. BRODERICK. That is not exactly correct.

Mr. PICKLER. I am opposed to that. I believe that when any soldier has taken 80 acres of land under the homestead law in any other States, or any citizen has taken 80 acres of land under the homestead law, he ought to be permitted to take up an additional amount under the homestead law to bring it up to the full amount he would be allowed to take under that law.

I do not believe that it is fair to say that he shall not have the right to make it up to the usual homestead of 160 acres. This has nothing to do with the suggestion made by the gentleman from Indiana [Mr. HOLMAN], who wants to restrict homesteads generally to 80 acres. That is another question altogether.

Mr. HOLMAN. I understand that to be a part of the amendment.

Mr. BRODERICK. Yes, sir. If the gentleman will read the section as it will be amended, he will see that it will be this way:

That no person who is the owner in his or her own right of 80 acres of land, or who shall be the owner of real estate in any city or town in the United States, the aggregate value of which shall exceed $2,000, shall be allowed to enter or hold more than 80 acres of said land.

It simply means that if these amendments are adopted any one who owns 80 acres of land, or owns not exceeding $2,000 worth of property, "may" own 80 acres of this land.

Mr. PICKLER. Then there are two amendments.

Mr. BRODERICK. Three.

Mr. PICKLER. I would like to hear the section read as it would be if these amendments were agreed to.

Mr. BRODERICK. If the Clerk will read the section as proposed to be amended I think there will be no objection.

The CHAIRMAN. The Clerk will read the section as it is proposed to be amended.

The Clerk read as follows:

SEC. 6. That no person who is the owner, in his or her own right, of 80 acres of land, or who shall be the owner of real estate in any city or town of the United States, the aggregate value of which shall exceed $2,000, shall be allowed to enter or hold more than 80 acres of said land.

Mr. BUTLER. Mr. Chairman——

Mr. HOLMAN. I desire to say in regard to that——

The CHAIRMAN. The Chairman recognizes the gentleman from Iowa.

Mr. BUTLER. Mr. Chairman, as I understand this amendment it will simply provide that every man in the United States, whether he be worth a million or any other sum, can homestead 80 acres of land there. That opens up a great question. Any man who owns 80 acres, or has property in a city to the value of not exceeding $2,000 shall not have "more than" 80 acres. He may have 80 acres, so that whatever the value of his property, or whatever the wealth of that man, he may homestead 80 acres, if this amendment is agreed to.

Mr. BRODERICK. I can not see that that amounts to anything. If a man has 159 acres, he may homestead a quarter section.

Mr. BUTLER. Yes.

Mr. BRODERICK. And this is a restriction.

Mr. BUTLER. But it says that if he has 160 acres (or, of course, more) he shall then not be allowed to enter any, but under this amendment if he has 80 acres and property in the city to $2,000 he may, even then, enter 80 acres more.

Mr. BRODERICK. That is true.

Mr. BUTLER. He may have 160 acres or more and he can still homestead 80 acres. If he has 10,000 acres he may still homestead 80 acres.

Mr. BRODERICK. No, no.

Mr. BUTLER. Yes. It can not mean anything else as it reads.

Mr. BRODERICK. It simply says that if he has 80 acres he may not homestead more than 80.

Mr. BUTLER. How much can he homestead under this amendment if he has 10,000 acres?

Mr. BRODERICK. None.

Mr. BUTLER. Yes; he can homestead 80 acres.

Mr. BRODERICK. Oh, no.

Mr. BUTLER. "Not to exceed 80 acres" is what it says.

Mr. PICKLER. "That no person who is the owner in his or her own right of 160 acres of land."

Mr. BUTLER. Yes; but the wealthiest man in America can homestead 80 acres under this amendment.

Mr. BRODERICK and Mr. PICKLER. Oh, no.

Mr. BUTLER. Let the amendment be read again, Mr. Chairman.

The amendment was again read.

Mr. BUTLER (to Mr. BRODERICK). Now, am I not right?

Mr. BRODERICK. No, sir.

Mr. BUTLER. I will bet a horse that I am right [laughter], and it can not be adopted.

Mr. HOLMAN. Mr. Chairman, I highly approve of the first part of the amendment, proposing to strike out "160" and insert "80." I think that is exactly right. I do not think that a man having already an ample farm—because 80 acres of good land is a very handsome farm—should be allowed to enter public lands at a mere nominal price. Gentlemen, we forget the great mass of landless people in this country, a mass which is so rapidly growing, and we propose to legislate here in such a way that a gentleman living, for instance, in my own State, or in any other, having already 80 acres of land, worth thousands of dollars, can go and take up at a merely nominal price these lands which we ought to hold for the landless people of the country.

Let me mention a fact which may not be generally known, that in a portion of my own State where the land is not of the best, being somewhat broken and hilly, the great body of those lands was entered in 40-acre and 80-acre lots. You will find whole counties where there was not a quarter section entered in one lot. That was years ago; yet now, with our public lands substantially exhausted and the landless people of the country increasing continually in numbers, we are proposing to so legislate that a man having already an ample farm may go in and enter a quarter section of land, stay there fourteen months, get his title, the land in the mean time having become worth from fifteen to twenty dollars an acre. We are opening up an ample field for speculation by this kind of legislation.

Mr. BRODERICK. Mr. Chairman, I am willing that the amendment shall be divided.

The CHAIRMAN. The question is first on the amendment of the gentleman from Kansas, proposing to strike out "160" in the second line of this section and insert "80."

Mr. PEEL. Mr. Chairman, I cheerfully accept that amendment.

The amendment was agreed to.

The CHAIRMAN. The question is now on the second amendment offered by the gentleman from Kansas, which the Clerk will report.

The Clerk read as follows:

In line 4 of said section 6, strike out "three" and insert "two."

Mr. PEEL. I am willing to accept that, because it reduces the limit of the value of the town property from $3,000 to $2,000.

The amendment was agreed to.

The CHAIRMAN. The question now is on the third amendment offered by the gentleman from Kansas, which will be read.

The Clerk read as follows:

In line 5 of section 6, strike out the word "any" and insert "more than 80 acres."

Mr. BUTLER. Mr. Chairman, that is the part of the amendment that I criticised awhile ago, and I desire again to call attention to it.

Mr. BRODERICK. Mr. Chairman, I withdraw that amendment.

Mr. BUTLER. That suits me.

Mr. SMITH of Illinois. Mr. Chairman, I desire to offer the amendment which I send to the desk.

The amendment was read, as follows:

Amend section 6, page 13, as follows:

In line 5, after the word "allow," insert the following: "Either directly or indirectly."

Mr. SMITH of Illinois. Mr. Chairman, I offer that simply as a matter of precaution. As the amendments which have been heretofore offered to this section have been designed for the purpose of securing these lands to the poorer classes of our people, I desire to have these words inserted so that a person having already a large amount of means or of property may not do indirectly what he could not do directly under this bill.

Mr. PEEL. I accept the amendment.

Mr. JOSEPH D. TAYLOR. Would it not be better to say, "Who is the owner of real or personal property of the value of $3,000"?

Mr. PEEL. Personal property is so invisible that it would be very hard to determine the matter.

Mr. JOSEPH D. TAYLOR. The provision, as it now stands, would allow a man worth $50,000 to go and make a homestead entry. If it is a short half-quarter, he can take another one; if a long half-quarter, he can not.

Mr. PICKLER. Men worth $50,000 do not take land under provisions of this kind.

Mr. PEEL. Not often.

The Clerk read the next section as follows:

SEC. 7. That no person who has had the benefit of the homestead laws of the United States to the extent of procuring title to as much as 160 acres shall be allowed to take or enter any of the lands embraced in the agreement ratified by this act: *Provided*, That persons who have homesteaded and procured title to less than 160 acres of land shall be allowed to homestead enough of the lands in said agreement to equal 160 acres.

Mr. BYNUM. I move the amendment which I send to the desk.

The Clerk read as follows:

Strike out in lines 2 and 3, of section 7, the words "to the extent of procuring title to as much as 160 acres."

Strike out also the proviso to said section, so that the section as amended will read:

"That no person who has had the benefit of the homestead laws of the United States shall be allowed to take or enter any of the lands embraced in the agreement ratified by this act."

Mr. BYNUM. Mr. Chairman, I have been led to offer this amendment because I hold the same view which was advocated by my colleague [Mr. HOLMAN] a few minutes ago. Those who have homesteaded lands heretofore to the extent of less than 160 acres would have homesteaded the full 160 acres, but for the reason that they secured a more valuable tract than one of 160 acres. It does seem to me that the value of the land homesteaded ought to be the criterion, and that those who have gone in and taken less than 160 acres ought to be precluded just as much as those who have taken the full quantity. The simple effect of my amendment is that any person who has taken land under the homestead law will be precluded from going into this newly opened country and taking any land whatever.

Mr. PICKLER. I would like to ask the gentleman a question upon another point. Where a person has commuted, as we term it, on a homestead, that is, has paid $1.25 an acre instead of living on the land the required five years, would he be prevented under this amendment from taking land?

Mr. BYNUM. My amendment does not change the effect of the section in that respect at all. If under the section as originally drawn such a person would be precluded, he will be precluded under my amendment; otherwise not.

The question being taken, the amendment of Mr. BYNUM was agreed to.

Mr. SPRINGER. It seems to me proper to provide in this section that any person who has had the benefit of the desert-land act, or the timber-culture act, or the preëmption laws of the United States should be precluded from entering land under this bill. I move to amend by inserting after the word "homestead," the words "timber culture, preëmption, or desert land."

Mr. BYNUM. I see no objection to that amendment.

Mr. PEEL. I have no objection to it.

The amendment was agreed to.

Mr. PEEL. Mr. Chairman, there is an amendment which I have promised the gentleman from Oklahoma [Mr. HARVEY] to offer. It was prepared to be added to section 5. A delegation from Oklahoma came before our committee with their memorial. No action was taken by the committee, but I promised the delegation that I would offer the amendment and allow the House to determine whether they were asking more than was proper.

The CHAIRMAN. The Clerk will read the amendment of the gentleman from Arkansas [Mr. PEEL] to section 5.

The Clerk read as follows:

And except sections 13 and 19 in each township, which sections are hereby reserved from sale or entry for the following purposes, to wit: The thirteenth section of each township is hereby reserved for the equal use and benefit of the University of Norman, the Normal at Edmon, and the Agricultural College at Stillwater, in the Territory of Oklahoma, and the nineteenth section of each township is hereby reserved from sale or entry for the charitable reformatory and penal institutions of said Territory, and to be so used and held in trust by the State when statehood shall exist.

Mr. PEEL. Mr. Chairman, the memorial which has been presented to Congress by the gentleman to whom I have referred shows by a tabulated statement that in the creation of the new States of Idaho, Wyoming, the two Dakotas, and Montana between six and seven hundred thousand acres were reserved for purposes similar to those contemplated by the amendment now offered.

I myself think it perfectly just to a new country growing up like that to make some such provision. This is especially true, because much of the Indian lands which have been opened for settlement have had no provisions for reservations for this purpose, and a great deal of the lands allotted to the Indians is nontaxable for twenty-five years, so that it will be embarrassing for the Territory to build up its charitable and penal institutions unless some reservation of the public land is made for this purpose. This will not be more, in my judgment, than was reserved to the other new States.

Mr. BUSHNELL. As I understand, you reserve three sections in each township?

Mr. PEEL. No, section 13 for one purpose and section 19 for another.

Mr. ROCKWELL. Let me ask my colleague on the committee if it would not be better to put this in as a provision to section 13, which provides for school purposes?

Mr. PEEL. I have no objection to that. I prepared it, however, as an addition to section 5.

Mr. PICKLER. I desire to inquire where these institutions named in the amendment are located by this provision of the law?

Mr. HARVEY. They are already located and in operation.

Mr. PICKLER. By a Territorial statute of Oklahoma?

Mr. HARVEY. Yes, sir.

Mr. PEEL. If the reading of the amendment is noticed, it does not locate or fix the locations of these institutions. They can be established at any point in the Territory that the Territorial government or State government may fix. It only specifies that a certain amount of land shall be donated for this particular purpose.

Mr. PICKLER. This has not been granted to the other Territories. I ask that the amendment be again reported.

The amendment was again read.

Mr. PICKLER. Now, Mr. Chairman, it seems to me if we adopt that amendment we absolutely fix these two institutions at these two places, regardless of what the people of the State may desire when it comes in as a State.

Mr. PEEL. My friend is entirely mistaken. The institutions are only named as the beneficiaries of this land. But this does not undertake to fix the location. It does not confine the location to the points fixed. You can, if you see proper, provide that nothing herein contained shall be construed to require them to be located at the points named.

Mr. HARVEY. We are willing to strike out the names.

Mr. TURPIN. How much land has been donated heretofore to the Territory of Oklahoma for this purpose?

Mr. PEEL. None at all.

Mr. PICKLER. I move to strike out the words in the amendment "Edmon" and "Stillwater" and let the appropriation be for the normal schools and let the people themselves determine where they shall be established.

The amendment to the amendment was adopted.

The amendment as amended was adopted.

Mr. ROCKWELL. Now, Mr. Chairman, I move to strike out section 8. That section will have no value in view of the amendments to section 7.

Mr. PEEL. I am not sure that my colleague is correct about that. Let us have the section read.

Section 8 was read, as follows:

SEC. 8. That no person who has heretofore made homestead entry of any Indian lands heretofore opened to settlement within the limits of the Territory of Oklahoma, or who has occupied or set up claim to any such lands, shall be allowed to homestead or otherwise hold any of the lands embraced in the agreement ratified by this act unless he or she, as the case may be, has lost the same by due process of law upon contest or otherwise.

Mr. ROCKWELL. I withdraw the motion.

Mr. SMITH of Illinois. I offer the amendment I send to the desk.

The Clerk read as follows:

Amend section 8, page 14, as follows:
On line 8, after the word "otherwise," insert the following:
"Or shall, prior to his or her application to homestead or enter such land, file with the Secretary of the Interior a relinquishment of his or her claim to such former homestead entry or claim.

Mr. HOLMAN. What is the purpose of this amendment?

Mr. SMITH of Illinois. I think there can be no objection to that.

I offer the amendment for this purpose: The section provides that no person who has heretofore made a homestead entry on any Indian lands shall be allowed to enter any of these lands unless he shall have been actually ejected or lost his right to his prior lands. I simply desire to amend by providing that if a party relinquishes his claim to the Secretary of the Interior then he may be permitted to enter these lands like any other citizen.

Mr. PEEL. I do not think we ought to adopt that provision, Mr. Chairman.

The amendment was rejected.

The Clerk read section 9, as follows:

SEC. 9. That all homestead entries of the lands embraced in the agreement ratified by this act shall be initiated by actual location and going upon the land in person by the entryman and commencing substantial and lasting improvements thereon, and the occupant shall file formal application in proper land office, under this act, within four months after date of entry by occupancy.

Mr. OTIS. I offer the amendment I send to the desk.

The Clerk read as follows:

In line 3 of section 9, after the word "land," insert "and residing at least four months thereon."

Mr. OTIS. The effect of the amendment is to avoid anything like speculation on the part of those seeking to occupy the land, by requiring that a party shall go upon the land and reside there at least four months in person before he can make the entry.

Mr. PICKLER. He is required now to reside there five years in person.

Mr. HOLMAN. No, but fourteen months.

Mr. PICKLER. I beg pardon. If he takes under the homestead law he must reside five years. He can commute in fourteen months, that is, pay a dollar and a quarter an acre. Now, this is not a good amendment. The homestead laws of the United States require actual occupany and actual residence.

Mr. OTIS. The gentleman does not understand me. This provides that it shall be that long before he can make his filing.

Mr. PICKLER. That is not necessary. The section provides that anyhow. That is altogether unnecessary. The original section provides that it shall be an actual occupant who shall take this land, and that he shall have four months to make his filing.

Mr. HOLMAN. I hope that amendment will be reported again.

The amendment was again reported.

The amendment was rejected.

The Clerk read as follows:

SEC. 10. That the President shall give at least thirty days' notice before said lands shall be thrown open to settlement; he shall fix the time for entering upon said lands for settlement under this act, which time shall be at least thirty days before the date named for persons to enter; and persons entering upon any of said lands before the time fixed in the President's proclamation shall not only forfeit all rights in and to any of said lands, but shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than two hundred nor more than one thousand dollars: *Provided*, That persons entering under authority of law shall be exempt from the fine prescribed in this section.

Mr. SPRINGER. I desire to offer an amendment to come in at the end of this section.

The Clerk read as follows:

Add to section 10 the following:
"*And provided further*, That the Secretary of the Interior be, and he is hereby, authorized and required to make such rules and regulations as may be necessary to prevent contests as to priority of location upon any of said lands; and all such rules and regulations shall be incorporated in said proclamation of the President, and they shall become a part of the conditions upon which location and settlement upon said lands shall be made."

Mr. PEEL. That is a good amendment, and I accept it.

The CHAIRMAN. The gentleman in charge of the bill accepts the amendment.

Mr. DINGLEY. It must be voted upon by the committee, however.

The amendment was agreed to.

Mr. MILLER. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

Amend by striking out "thirty" and inserting "sixty," in line 1, section 10, on page 14.

Mr. MILLER. Mr. Chairman, as I understand it, the object of purchasing this land is to furnish homes for poor people. Now, the people in every section of this country are equally interested in this land after it is purchased by the Government, and it is our duty to afford to them all the facilities necessary for reaching these lands.

Mr. PEEL. I am perfectly willing to accept that amendment.

Mr. BRYAN. Let it be reported again.

Mr. PEEL. It gives sixty days' notice instead of thirty.

Mr. SPRINGER. I think thirty days are enough.

Mr. PICKLER. Mr. Chairman, I am opposed to that amendment. Thirty days are altogether too long. Sixty days only double up the number of people who will be there scrambling for these lands.

Mr. HOLMAN. It gives them all an equal chance.

Mr. PICKLER. There is not a man or woman in the United States who will want to take any of this land as a homestead, who will not know it within three days after the proclamation is issued. This amendment only prolongs the matter and leaves

those people camping around the border in an unsettled state, and affords occasion for riots and rows and all sorts of difficulties; and it is altogether unnecessary. Three days would be time enough.

Mr. SPRINGER. I desire to state further that these additional thirty days might postpone the time of settlement so far that it would be impossible during that year to raise any crops at all. These thirty days may be of the utmost importance to the settlers. We leave it to the discretion of the President, who may fix sixty days if he desires to do so.

The amendment was rejected.

Mr. MILLER. I have another amendment.

The CHAIRMAN. The gentleman from Wisconsin offers another amendment, which will be reported by the Clerk.

The Clerk read as follows:

Amend by striking out "thirty" and inserting "sixty," on line 5, section 10, page 14.

Mr. MILLER. Now, I think, in limiting this time you are merely giving an advantage to the people in the immediate vicinity in getting the benefit of this land. We are all equally interested. It is understood that this is valuable land; and even in my section of the country people are talking about going to that region when the land comes into market. Now, those who seek new homes in new countries are not people of wealth. They can not take express trains and go to the regions which they desire to reach.

The people from Maine and the people from Wisconsin are equally interested and have an equal right to make their homes in this valuable tract of country, and I think it is only fair that we should give them an equal chance. It is on this account that I have introduced these two amendments.

Mr. BUTLER. Mr. Chairman, I want to ask that the amendment may be again reported.

The amendment was again read.

The amendment was rejected.

Mr. BUSHNELL. I desire to offer an amendment to section 10, by inserting the word "public" after the word "days," in line 2; so that the clause will read "public notice."

Mr. PEEL. I have no objection to that amendment.

The amendment was agreed to.

The Clerk read as follows:

SEC. 11. That every person who may enter upon and set up claim to any lands embraced in the agreement ratified by this act, knowing that he or she, as the case may be, is not entitled to take and hold the same under this act, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than $300 nor more than $1,000 and be imprisoned not less than six months for each offense.

Mr. CRAWFORD. Mr. Chairman, I desire to offer an amendment to that section.

The Clerk read as follows:

After section 11 add the following:

"*Provided*, That nothing in this act shall in any way affect or abridge any rights or privileges of the Eastern Band of Cherokee Indians under existing treaties and laws."

Mr. PEEL. Certainly; there is no objection to that amendment

The amendment was agreed to.

The Clerk read as follows:

SEC. 14. That all lands embraced in the agreement ratified by this act shall be entered under the homestead laws of the United States only: *Provided*, That each settler shall pay to the United States, as hereinafter provided, in addition to the usual local office fees, for all lands lying east of 97½° west longitude, double minimum or $2.50 for each acre; for all lands west of 97½° west longitude and east of 98½° west longitude at $1.50 for each acre; the remainder at $1 for each acre: *Provided*, That the settler in each case may be allowed to pay for the same as follows: One-half of the purchase price at the end of two years from date of entry; the remainder at the end of four years from date of entry: *Provided*, That in no case shall patent issue until all the purchase money is fully paid.

Mr. PICKLER. I desire to ask the gentleman if he does not think that this section ought to be amended by inserting after the word "price" the words "before or," and after the word "remainder," in line 14, to insert the words "before or" in the interest of persons desiring to commute under the homestead law?

Mr. PEEL. It is not necessary. It is only premissive.

Mr. PICKLER. It does not seem to me that the Government can take out of this one-half the purchase price at the end of two years from the date of entry. I think it ought to be "before or at the end."

Mr. PEEL. I do not think it makes a particle of difference.

Mr. HOLMAN. Mr. Chairman, I should be very glad to have a vote of the committee upon the question of limiting the entry to 80 acres. I do not know what the sentiment of the committee may be, but I move to amend, in the second line, by inserting "shall be limited to 80 acres of land entered under the provisions of the homestead law of the United States:"

That all lands embraced in the agreement ratified by this act shall be entered under the provisions of the homestead law of the United States, and be limited in amount of 80 acres.

The CHAIRMAN. The gentleman from Indiana will please send his amendment to the desk in writing, as the Clerk is unable to understand it.

Mr. BUSHNELL. Do not the amendments already agreed to cover that?

Mr. PEEL. They do not.

The Clerk read as follows:

In section 14, line 3, after the words "United States," insert the words "but not to exceed 80 acres of land for each entry."

Mr. JOSEPH D. TAYLOR. Mr. Chairman, I think this amendment will be a mistake. It seems to me that, in view of the vast area of land still unsettled in that Western country and in view of the many restrictions provided in this bill, that there ought not to be this limit of the amount. I have been on that strip of land, and my great disappointment was that the land was not half as good as I supposed it to be before I went there. On two-thirds of this land a man will do well if he can make a home and support a family on 160 acres of land.

Now, if 80 acres of land only were allowed along the rivers, where the land is very fertile, it would be all right. I would rather have 40 acres of land along the Arkansas and other rivers than 160 acres anywhere on these rough prairies, which are sandy and not very good. The great body of the land is not as good as it is supposed to be. I have heard a good deal said about this land and its fertility, but I was there, and it is not half as good as it is said to be.

You will remember that thousands and thousands of men were disappointed heretofore when these tracts were opened for settlement; and they came back without making settlement notwithstanding the great number of people that were along the borders at the time when the lands were declared opened for entry. I think you will cripple these people and do them an injustice if you limit the number of acres to 80. I think it ought to remain 160 acres, and if you will go there and see that land I know you will agree with me that it will be wrong to limit the number to 80 acres.

Mr. PEEL. I hope we will have a vote upon the amendment.

Mr. HOLMAN. Mr. Chairman, I wish to say a word upon the amendment. I do not wish to consume the time of the gentleman from Arkansas who has charge of the bill, but still I wish to get my proposition before the committee. I am willing to limit this proposition to the eastern third of the land.

Mr. PICKLER. That is all right.

Mr. HOLMAN. Under the conditions on which we are opening this land for entry there would be unexampled speculation as to that eastern third. These lands are unusually valuable today, and there are large settlements right on the border. Why, there are towns right on the border, and lands that are worth from $50 to $75 an acre.

Mr. HEARD. Part of these lands are within 4 miles of Arkansas City, Kans., a town of 12,000 inhabitants.

Mr. HOLMAN. And I therefore think that as to this eastern third, at least, the entry should be limited to 80 acres.

Mr. PEEL. That is all right.

Mr. HOLMAN. I therefore modify my amendment so as to provide that in the eastern third the amount of the entry shall be limited to 80 acres.

Mr. HEARD. That is all right.

The amendment was agreed to.

Mr. SPRINGER. Mr. Chairman, I send up an amendment to come in at the end of the section.

The amendment was read, as follows:

And provided further, That the rules and regulations that may be made by the Secretary of the Interior as defined in section 10 of this act may change the times of the payments of the purchase money required by this section.

Mr. SPRINGER. The object of that is to enable the Secretary to make some modifications, if he so desires, of the requirements as to the times of payment of the purchase money, in order to prevent, if possible, contests with regard to priority of location. The amendment is in harmony with the other provisions heretofore adopted.

The amendment was agreed to.

The Clerk read section 15, as follows:

SEC. 15. That the money appropriated for the purchase of the lands embraced in this act shall be paid as stipulated in said contract, except a sufficient amount to pay the Delawares their per capita share, which amount shall remain in the Treasury of the United States until the status of said Delaware Indians shall be determined by the courts of the United States before whom their suit is now pending.

Mr. PEEL. Mr. Chairman, I desire to offer an amendment in the nature of a substitute for that section. I send the amendment to the desk.

The amendment was read, as follows:

SEC. 15. That the money appropriated in section 4 of this act shall be paid as therein specified, except a sufficient amount to pay the Delawares their pro rata share in the proceeds of said Outlet; which amount shall remain in the Treasury of the United States until the status of said Delaware Indians shall be determined by the courts of the United States, before which their suit is now pending.

Mr. PEEL. The territory where the Delawares are is a part of the Cherokee country. They bought in there in 1866 and '67, and there is some dispute as to whether they are entitled to any

share of the proceeds of these lands. By authority of Congress they have brought a suit to determine that question, and the suit is now pending, and this section proposes to reserve a sufficient amount of money to pay their claim if it shall be found valid.

The amendment was adopted.

Mr. BRODERICK. Mr. Chairman, I offer the amendment which I send to the desk.

The amendment was read, as follows:

Page 18, line 24, after the word "same," insert "provided that no greater number of lots than are embraced in one block shall be sold to or for the same person, association, or corporation."

The amendment was agreed to.

Mr. PEEL. I desire to offer an additional section, to be numbered 17.

The amendment was read, as follows:

SEC. 17. That the act granting right of way to the Fort Worth and Denver City Railway Company, approved February 24, 1887; also the act granting right of way to the Galena, Guthrie and Western Railway Company, approved June 21, 1890; also the act granting right of way to the Hutchison and Southern Railroad Company, approved September 26, 1890, and the act amendatory thereof, approved January 5, 1892; also the act granting right of way to the Sherman and Northwestern Railway Company, approved October 1, 1890, all of which cross what is known as the Cherokee Outlet, the same being the land embraced in the contract ratified by this act, be, and the same are hereby, repealed.

The amendment was adopted.

Mr. CRAWFORD. Mr. Chairman, I desire to offer an amendment, which I send to the Clerk's desk.

The amendment was read, as follows:

SEC. 18. That jurisdiction is hereby conferred upon the United States courts created and established for the Indian Territory to hear, determine, and adjudicate all cases and claims which may arise in the respective judicial divisions or districts affecting or involving the rights of Indian citizenship in any Indian tribe or nation in the said Indian Territory, and which is or may be claimed under the provisions of any treaty between such tribe or nation and the United States, the constitution, acts of councils of said tribes or nations, and the usages, customs, and traditions of said tribes or nations, either by blood or marriage. All cases or claims prosecuted under the provisions of this jurisdiction as conferred shall be commenced by the claimant or claimants, or the principal chief of the tribe or nation in the said Indian Territory, filing in the said courts a petition or complaint setting out fully the title to the said claim, as the court may prescribe, which petition shall be by the court referred to the nearest commissioner in the said division or district in which the claimant or a majority of the claimants may be, in said Indian Territory, and the commissioner shall proceed to examine and take the testimony in said claim or claims, in the manner as the court shall prescribe and direct, and report the evidence and his findings to the court as soon as the investigation is closed, when the said case or claim shall be heard, determined, and adjudicated by the court. In all cases prosecuted under the provisions of this act, where the claimant or claimants shall file the petition or petitions, the defendant shall be the principal chief or governor of the tribe or nation of which the petitioner or petitioners claim to be a citizen, and the service of the summons shall be made on him, and all other proceedings had and taken like as in other cases made and provided.

In all cases prosecuted under the provisions of this act, where the principal chief shall file the petition or complaint that persons or claimants, naming them and describing them, are not citizens of the tribe or nation, and are unlawfully in the said Indian Territory, the said persons so named and described shall be the defendant or defendants, and service of the summons shall be made on such defendant or defendants as in like cases. All orders, judgments, and decrees of the court shall be executed and enforced by the United States marshal for the said Indian Territory. Appeals may be taken and writs of error prosecuted to the appellate and supreme court as in other cases made and provided.

Mr. DINGLEY. Mr. Chairman, I make the point of order that that amendment is not germane to the bill.

The CHAIRMAN. The Chair is of opinion that the point of order is well taken.

Mr. CRAWFORD. Mr. Chairman, I hope the point will not be insisted upon. By referring to page 5 of this bill, it will be seen that the Cherokee Nation is given full and exclusive control of this matter of citizenship, which raises the question of jurisdiction——

Mr. PEEL. That is in the contract.

Mr. CRAWFORD. Well, it seems to me that that is a dangerous power to confer upon this Indian tribe, especially as there are a great many interests involved. There are already citizens who have located there and who have certain rights. No provision is made in this bill for compensating those people who are now settled there and recognized as Cherokees, so that when they are removed by order of this council they will lose everything. I think that is too dangerous a power to put in the hands of this Indian tribe without any right of appeal, and I trust the point of order will not be insisted upon.

The CHAIRMAN. The Chair will state to the gentleman that the matter of the amendment seems to be entirely foreign to the matter under consideration, and the Chair is of opinion that it is not germane as an amendment.

Mr. PEEL. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with a favorable recommendation.

Mr. BYNUM. Before the gentleman makes that motion I would like to ask him a question.

Mr. BRYAN. I ask the gentleman to withhold his motion for a moment.

Mr. PEEL. Very well; I will do that.

Mr. BRYAN. I want to ask unanimous consent to return to section 9 in order to offer an amendment.

The CHAIRMAN. The gentleman from Nebraska [Mr. BRYAN] asks unanimous consent to recur to section 9. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Nebraska [Mr. BRYAN].

The Clerk read as follows:

On page 14, section 9, in line 3, after the word "land," insert the words "and residing thereon at least ninety days."

Mr. HOLMAN. What is the object of that amendment?

Mr. BRYAN. The object of this is simply to protect the settlers against speculators.

The question being taken, the Chairman announced that the "noes" seemed to have it.

Mr. BRYAN. I demand a division.

Mr. PEEL. I hope the gentleman will not delay the passage of the bill by demanding a division.

Mr. BRYAN. Then I will withdraw the demand.

Mr. PEEL. I move that the committee do now rise and report the bill back to the House with a favorable recommendation.

Mr. BYNUM. Before that is done, I want to ask the gentleman a question.

Mr. PEEL. I will yield to the gentleman for a question.

Mr. BYNUM. What provision is contained in this bill that will determine who are intruders, when the Government is asked to remove them?

Mr. PEEL. There is nothing in the bill about that.

Mr. BYNUM. Is there anything in the treaty that will determine that matter?

Mr. PEEL. It just reaffirms two or three treaties existing heretofore.

Mr. BYNUM. But we agree to go there and remove intruders?

Mr. PICKLER. The Indians settle that question themselves.

Mr. PEEL. The Indians settle that question themselves, as they have the right now to do, and have always had.

Mr. BYNUM. So that whatever persons they call upon us to remove, the Government has simply to go and drive them out, whether they have any rights or not?

Mr. PEEL. It leaves the law just as it is now.

Mr. HARVEY. We assume no new obligations in that respect.

The CHAIRMAN. The question now is on the motion of the gentleman from Arkansas [Mr. PEEL] that the committee rise and report the bill to the House with a favorable recommendation.

The motion was agreed to.

The committee accordingly arose; and the Speaker having resumed the chair, Mr. TARSNEY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 9190) to ratify and confirm an agreement with the Cherokee Nation of Indians, of the Indian Territory, to make appropriations for carrying out the same, and for other purposes, and had directed him to report the same back to the House with sundry amendments, with the recommendation that as amended it do pass.

Mr. PEEL. I move the previous question upon the adoption of the amendment and the engrossment and third reading of the bill.

The previous question was ordered.

The SPEAKER. Unless a separate vote is desired on some of the amendments, the Chair will submit them as a whole.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, was accordingly read the third time, and passed.

On motion of Mr. PEEL, a motion to reconsider the last vote was laid on the table.

Mr. PEEL. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 4 o'clock and 29 minutes p. m.) the House adjourned until Monday, January 16, at 12 o'clock noon.

REPORTS OF COMMITTEES.

Under clause 2 of Rule XIII, Mr. STONE of Kentucky, from the Committee on War Claims, reported, in lieu of the bill H. R. 8329, the bill (H. R. 10192) for the relief of Mrs. Catherine Dudley (Report No. 2250); which was delivered to the Clerk, ordered to be printed, and referred to the Committee of the Whole House.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills; which were re-referred as follows:

The bill (H. R. 10176) to increase the pension of Thomas Toland—the Committee on Pensions discharged and referred to the Committee on Invalid Pensions.

The bill (H. R. 10033) granting a pension to Sebastian Maxsam—the Committee on Invalid Pensions discharged and referred to the Committee on Pensions.

BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. PARRETT: A bill (H. R. 10189) relating to proof of citizenship of applicants for Indian-war pensions, under the act of Congress approved July 27, 1892—to the Committee on Pensions.

By Mr. CAINE: A bill (H. R. 10190) to enable the people of Utah to form a constitution and State government, and to be admitted into the Union on an equal footing with the original States—to the Committee on the Territories.

By Mr. HOUK of Tennessee: A bill (H. R. 10193) to incorporate the Chesapeake and Washington Underground Electric Railway Company—to the Committee on the District of Columbia.

By Mr. POST: A bill (H. R. 10194) exempting from taxation the Home of the Aged Colored People in the city of Washington, D. C.—to the Committee on the District of Columbia.

By Mr. DUNPHY: A joint resolution (H. Res. 186) empowering the Postmaster-General to obtain additional premises in the city of New York to be used for the business of the Post-Office Department—to the Committee on the Post-Office and Post-Roads.

By Mr. CUMMINGS: A joint resolution (H. Res. 187) authorizing the exhibition at the World's Columbian Exposition of the picture entitled The Recall of Columbus, by Augustus G. Heaton—to the Committee on the Library.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as indicated below:

By Mr. COVERT: A bill (H. R. 10195) for the relief of Calvin R. Smith, late a private in Company E, Fifty-first Illinois Infantry Regiment—to the Committee on Military Affairs.

By Mr. DANIELL: A bill (H. R. 10196) for the relief of Sarah J. Warren—to the Committee on Invalid Pensions.

By Mr. HERBERT: A bill (H. R. 10197) for the relief of Mrs. F. A. Moore, of Montgomery, Ala.—to the Committee on War Claims.

By Mr. KRIBBS: A bill (H. R. 10198) restoring Sarah J. Thompson, late Sarah J. Wilson, to the pension roll—to the Committee on Invalid Pensions.

By Mr. MARTIN: A bill (H. R. 10199) repealing an act entitled "An act granting a pension to Louisa M. Seppell"—to the Committee on Invalid Pensions.

By Mr. MILLIKEN: A bill (H. R. 10200) to provide for the adjustment and payment of the claim of Thomas Rhys Smith, for the work done and materials furnished for the breakwater at Bar Harbor, Me.—to the Committee on Claims.

By Mr. STONE of Kentucky: A bill (H. R. 10201) for the relief of S. R. Lowery—to the Committee on War Claims.

By Mr. WIKE: A bill (H. R. 10202) to place the name of Mathias Schriber, of Jersey County, Ill., on the pension rolls, and grant him a pension at the rate of $12 per month—to the Committee on Invalid Pensions.

By Mr. MILLIKEN: A bill (H. R. 10203) granting a pension to Alfred L. Heal—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10204) for the relief of Samuel Robbins—to the Committee on Claims.

Also, a bill (H. R. 10205) granting a pension to William S. Mudgett—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. AMERMAN: Two papers from citizens of Pennsylvania, one a resolution passed by a mass meeting of Scranton, and the other a memorial and petition of citizens of Scranton, 3,000 in number, both against opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. ANDREW: Petition of J. H. Hoffman secretary, and the executive committee of the Paint and Oil Club of New England, praying for the repeal of the "Sherman" silver act of 1890—to the Committee on Coinage, Weights, and Measures.

By Mr. BELTZHOOVER: Five petitions of citizens of Pennsylvania, as follows: The petition of the Delta Presbyterian Church of York County; of the Mount Nebo and Delta congregations of the Methodist Church of York County, of the Rehoboth Welsh Presbyterian Church of West Bangor; of the State Ridge Presbyterian Church of Delta, York County, and of the Presbyterian Church of Slateville, all against opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. BENTLEY: Petition of citizens of Herkimer County, N. Y., for the repeal of the Sunday-closing act as to the World's Columbian Exposition—to the Select Committee on the Columbian Exposition.

By Mr. BROOKSHIRE: Papers to accompany House bill 901, to correct the military record of H. A. Benefiel—to the Committee on Military Affairs.

By Mr. CABLE: Additional evidence in the claim of Thomas Toland, Company E, Fifty-eighth Illinois Volunteers—to the Committee on Pensions.

By Mr. COVERT: Petition of Allison E. Lounds and 300 other residents of Suffolk County, N. Y., against the opening of the Columbian Exposition on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. DOLLIVER: Four petitions of citizens of Iowa, one of the First Baptist Church and Congregation of Grundy Center, the second of the Congregational Church of Tabor, and the third of physicians, lawyers, merchants, mechanics, farmers, and laborers of Washington County, and the fourth of Red Oak Union meeting, all in favor of sustaining and defending the law which requires the Columbian Exposition to be closed on Sundays—to the Select Committee on the Columbian Exposition.

By Mr. DURBOROW: Petition of the Silent Army of Deaf Soldiers, Sailors, and Marines, asking for increase of pension—to the Committee on Invalid Pensions.

By Mr. FITHIAN: Petition of citizens of Cumberland County, Ill., relative to a combination between the millers, railroads, and elevators for the purpose of depressing the price of wheat, and praying for a Congressional investigation—to the Committee on Agriculture.

By Mr. FUNSTON: Two petitions of congregations of churches of Kansas: one of Mount Olive Baptist Church of Franklin County, and the other of the Presbyterian Church at Olethe: both for closing the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. HAYNES: Petition of seventeen churches of Ohio, as follows: The petition of Grace Episcopal Church, of 200 communicants; of the First Baptist Church, of 300 communicants; of Aston Street Baptist Church, of 104 communicants; of the Washington Street Congregational Church, of 400 communicants; of La Grange Congregational Church, of 85 communicants; of the Church of Christ, of 220 communicants; of Bartlett Street Disciple Church, of 250 communicants; of a Presbyterian Church, of 316 communicants; of the Third Presbyterian, of 300 communicants; of the Fifth Presbyterian Church, of 100 communicants; of the Maume Presbyterian Church, of 54 communicants; of Waterville Presbyterian Church, of 37 communicants; of the St. John's Methodist Church, of 340 communicants; of Albany Street Methodist Church, of 134 communicants; of Sylvania Methodist Church, of 165 communicants; of the Evangelical Church, of 175 communicants, and of the Methodist Bretheren in Christ, of 85 communicants, all petitioning and remonstrating against the repeal or modification of the action of Congress requiring the gates of the World's Columbian Exposition to be closed on the Lord's Day—to the Select Committee on the Columbian Exposition.

By Mr. HENDERSON of Illinois: Petition of L. E. Sheef and others, official members of the Methodist Episcopal Church of Hennepin, Ill., protesting against opening the World's Columbian Exposition on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. HUFF: Resolution of the Woman's Christian Temperance Union of Brookville, Pa., relative to the closing of the World's Columbian Exposition on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of the citizens of Indiana County, Pa., praying that the World's Columbian Exposition be closed on the Sabbath—to the Select Committee on the Columbian Exposition.

By Mr. JOSEPH: Memorial of the Christian Endeavor Union of New Mexico, praying Congress not to repeal the existing law by which the Columbian Exposition will be closed on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. KENDALL: Petition of Mrs. Georgia A. Brooks, for widow's pension—to the Committee on Invalid Pensions.

By Mr. KETCHAM: Remonstrance of John J. Craney and 25 others, of New York, against the repeal of the World's Fair Sunday closing act—to the Select Committee on the Columbian Exposition.

Also, remonstrance of the First Baptist Church Society of Amenia, N. Y., against the World's Fair Sunday-closing act, and against the sale of intoxicating liquors at the Fair—to the Select Committee on the Columbian Exposition.

By Mr. KRIBBS: Two protests of citizens of Pennsylvania, one of the Presbyterian congregations of Lemont and the State College, the other of the Methodist Episcopal congregation of Curwensville, both against repealing the law closing the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. LANE: Four petitions of citizens of Illinois, as follows: The petition of Mansfield Grange, Union Grove Lodge, Farmers' Mutual Benefit Association of Montgomery County; of citizens of Fayette County; of farmers and laborers of Macoupin County, and of citizens of Fayette County, all relative to a combination between the millers, railroads, and elevators for the purpose of depressing the price of wheat and praying for a Congressional investigation—to the Committee on Appropriations.

Also, petition of the voters of Shelbyville, in the county of Shelby, Ill., for the repeal of the purchasing clause of the Sherman silver-bullion act—to the Committee on Banking and Currency.

Also, resolutions of the Christian Endeavor Society of Tamara, Ill., asking for the exclusion of liquor selling from the World's Fair—to the Select Committee on the Columbian Exposition.

By Mr. LODGE: Resolutions of the executive committee of the Boston Paper Trade Association, asking for the repeal of the purchasing clause of the silver act—to the Committee on Banking and Currency.

By Mr. MILLIKEN: Petition of John Dow, of Augusta, Me., for a pension—to the Committee on Invalid Pensions.

By Mr. OUTHWAITE: Resolutions of the board of health of Westerville, Ohio, urging legislation for the restriction of immigration—to the Select Committtee on Immigration and Naturalization.

Also, resolutions of the board of health of Hilliards, Ohio, urging legislation for the restriction of immigration—to the Select Committee on Immigration and Naturalization.

Also, petition of the Turnverein of Columbus, Ohio, protesting against any legislation prohibiting immigration—to the Select Committee on Immigration and Naturalization.

Also, resolutions of the board of health of the State of Ohio, urging legislation in regard to immigration—to the Select Committee on Immigration and Naturalization.

By Mr. OWENS: Protest of 116 citizens of Tuscarawas County, Ohio, against Congress interfering with the opening of the World's Fair on every day in the week—to the Select Committee on the Columbian Exposition.

Also, petition of the State board of health of Ohio, asking for national quarantine—to the Committee on Interstate and Foreign Commerce.

By Mr. PATTISON of Ohio: Three petitions of citizens of Ohio, one of Rev. N. P. Humphry and others, of Pleasant Ridge; the second, of J. W. Kimo and others, of Eaton, and the third, of Joseph Clare and others, of Bethel, all against the repeal of law closing the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. SANFORD: Petition of the Schenectady (N. Y.) Turnverein, protesting against the enactment of legislation seriously restricting or suspending immigration—to the Select Committee on Immigration and Naturalization.

By Mr. SCOTT: Petition of Young People's Society of Christian Endeavor, of Monticello, Ill., against opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. STEVENS: Petition of the faculty of the Andover Theological Seminary and 25 other citizens of Andover, Mass., praying for the repeal of the Geary bill, excepting, however, the first section thereof—to the Committee on Foreign Affairs.

Also, petition of Giman Bros. and 8 other wholesale druggists of Boston, Mass., protesting against the passage of the Paddock bill—to the Committee on Agriculture.

By Mr. CHARLES W. STONE: Petition of 48 voters of Warren County, Pa., in favor of legislation to prevent the opening of the Columbian Exposition on the Sabbath—to the Select Committee on the Columbian Exposition.

By Mr. STUMP: Petition of the Board of Trade of Baltimore City, for the repeal of the Sherman silver act—to the Committee on Banking and Currency.

By Mr. VINCENT A. TAYLOR: Communication officially signed by Rev. Joseph McKelvey, reporting the action of his church of 111 members, in Calcutta, Columbiana County, Ohio, protesting against the repealing of the law closing the gates of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. VAN HORN: Petition of Walter Suiter, M. D., and others, of Herkimer County, N. Y., in favor of an appropriation to pay the expenses of the Pan-American Congress—to the Committee on Appropriations.

By Mr. WALKER: Petition of the First Evangelist Congregational Church of Webridge, Mass., against the repeal of the act closing the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. WATSON: Petition of John L. Ryan, asking for a pension—to the Committee on Invalid Pensions.

By Mr. WIKE: Petition of James Claredge and others, of Jersey County, Ill., relative to a combination existing between the millers, railroads, and elevators for the purpose of depressing the price of wheat, and praying for a Congressional investigation—to the Committee on Agriculture.

By Mr. WILLIAMS of Massachusetts: Resolutions of Roxbury (Mass.) Tax Club, urging the passage of a direct-tax bill—to the Committee on Ways and Means.

SENATE.

MONDAY, *January 16, 1893.*

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of the proceedings of Saturday last was read and approved.

EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury relating to the Department letter addressed to the President of the Senate on the 9th instant reporting the facts and legal status of the case of the condemnation proceedings for the acquisition of the property selected as a site for the United States custom-house building in the city and State of New York, transmitting supplemental letters, and requesting that Congress take action in the case as speedily as possible; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting a copy of a report from Maj. E. M. Coates, Nineteenth Infantry, on the condition of the Mackinac National Park, for the year ending December 31, 1892; which, with the accompanying paper, was referred to the Committee on Public Lands, and ordered to be printed.

ECKINGTON AND SOLDIERS' HOME RAILROAD.

The VICE-PRESIDENT laid before the Senate a communication from the president of the Eckington and Soldiers' Home Railroad Company of the District of Columbia, transmitting, in compliance with law, a report of the names of all the stockholders, the amount of stock held by each, with a statement of the receipts and disbursements of the company for the year ending December 31, 1892; which, with the accompanying papers, was referred to the Committee on the District of Columbia, and ordered to be printed.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of citizens of Belfast, Me., praying for the passage of legislation enabling female citizens of the United States to vote for members of the House of Representatives; which was ordered to lie on the table.

Mr. PLATT presented a memorial of the Woman's Christian Temperance Union of Washington, D.C., remonstrating against the repeal of the law closing the World's Columbian Exposition on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

Mr. QUAY presented memorials of the Pisgah Presbyterian Congregation of Corsica; of the Presbyterian Church of Bangor; of 44 individual citizens of Jersey Shore; of the Woman's Christian Temperance Union of Brookville, and of 84 individual citizens of Claysville, all in the State of Pennsylvania, remonstrating against the repeal of the present law closing the World's Columbian Exposition on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

Mr. WILSON presented memorials of the First Baptist Church of Newton; of the People's Society of Christian Endeavor of Belle Plaine; of the Presbyterian churches of Sydney and Anderson; of Trinity Methodist Episcopal Church of Council Bluffs; of the Reformed Church of Alton; of the First Baptist Church of Grundy Center; of the Congregational Church of Tabor; of the Prospect Park Methodist Church of Des Moines; of the Congregational Church of Rainbeck; of a union meeting of the church members of Belle Plaine, and of a union meeting of the people of Red Oak, all in the State of Iowa, remonstrating against the repeal of the present law closing the World's Columbian Exposition on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

He also presented a petition of the Republican and Democratic Territorial central committees of Arizona Territory, praying for the admission into the Union of Arizona as a State; which was referred to the Committee on Territories.

Mr. PEFFER. I present the petition of C. G. Gest and other citizens of Rock Creek, Kans., praying for the prohibition of the sale of intoxicating liquors at the national soldiers' home at Leavenworth, in that State.

In this connection I desire to suggest to the Committee on Military Affairs, to whom this petition will be referred, that the people of Kansas quite generally take a great deal of interest in this matter. I am frequently in receipt of statements from reputable citizens of different parties and of different religious sects, and from persons making no pretension to either political or religious affiliations, demanding that Congress take some action upon this subject, and, as I shall show at some appropriate time, there is a general feeling in different parts of the country with reference to the same question applicable to military reservations all over the country. I wish the Committee on Military Affairs would take note of that fact. I also present a petition in refer-

ence to the same subject from other persons in the same locality. I move that both petitions be referred to the Committee on Military Affairs.

The motion was agreed to.

Mr. PEFFER. I also present a series of resolutions adopted at a meeting of the Presbyterian Congregation of Peotone, Kans., which are in the nature of a memorial, in opposition to the change of the law passed at the last session requiring that the World's Fair be closed on Sunday.

I also present resolutions adopted by the United Presbyterian Church, of Lyndon, Kans., on the same subject.

I move that the memorials be referred to the Select Committee on the Quadro-Centennial.

The motion was agreed to.

Mr. HOAR presented a petition of ministers of Worcester, Mass., praying for the closing of the World's Columbian Exposition on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

Mr. PETTIGREW presented a memorial of members of the Junior Young People's Society of Christian Endeavor of the First Congregational Church of Allegan, Mich., remonstrating against the repeal of the law closing the World's Columbian Exposition on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

Mr. SAWYER presented a petition of the Association for the Advancement of Milwaukee, Wis., praying for the immediate repeal of the so-called Sherman silver act, which was referred to the Committee on Finance.

He also presented a resolution of the Boston (Mass.) Associated Board of Trade, favoring the recommendations of the Postmaster-General in regard to adding the telephone and telegraph to the postal system of the United States; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. BLACKBURN presented resolutions adopted by the Kentucky State Nicaragua Canal Convention, held at Louisville, Ky., January 10, 1893, in the nature of a petition, praying for the construction of the Nicaragua Canal, and that the same be placed under national control; which were referred to the Committee on Foreign Relations.

Mr. BERRY. I present a resolution adopted by the annual conference of the Arkansas Southern Methodist Church, which comprises a membership of 23,683 people, 103 traveling preachers, and 223 local preachers. The resolution approves the act of Congress passed at the last session closing the World's Fair on Sunday, and remonstrates against any repeal of that act.

I also present a petition of citizens of Boonsboro' Ark., praying for the closing of the World's Columbian Exposition on Sunday.

I move that the resolution and petition be referred to the Select Committee on the Quadro-Centennial.

The motion was agreed to.

Mr. KYLE presented memorials of the Methodist Episcopal Church, and of the Young Men's Christian Association, of Mitchell, S. Dak., remonstrating against the repeal of the law closing the World's Columbian Exposition on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

Mr. HARRIS presented a memorial of the Ministers' Association, of Clarksville, Tenn., and the memorial of David Strang, of Lincoln, Tenn., remonstrating against any repeal of the law closing the World's Columbian Exposition on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

Mr. MANDERSON. I present a petition of citizens of the town of Rulo, Richardson County, Nebr., praying for the passage of a law to include certain lands within the State of Nebraska. The petition, I think, involves some question which will perhaps need to be passed upon by the Committee on the Judiciary, and while it may ultimately go to another committee, I move that, for the present, it be referred to the Committee on the Judiciary.

The motion was agreed to.

Mr. WASHBURN presented a petition of the Journeymen Tailors' Union of St. Paul, Minn., praying for the passage of House bill 8535 limiting the free entry of wearing apparel of foreign manufacture; which was referred to the Committee on Finance.

He also presented a petition of the Blue Earth County Alliance of Minnesota, praying for the passage of the Washburn-Hatch antioption bill; which was ordered to lie on the table.

He also presented a petition of Gen. Wesley Garrison, No. 58, Regular Army and Navy Union of the United States, of St. Paul, Minn., praying for the passage of legislation for the retirement of enlisted men of the Army after twenty-five years' service; which was referred to the Committee on Military Affairs.

He also presented a petition of the Board of Trade of Minneapolis, Minn., praying for the passage of legislation empowering the State Department to forward, free of charge to the sender, plate-books, catalogues, and samples, not to exceed 5 pounds in weight, to any consul of the United States in any part of the world, to be placed by them on exhibition for the benefit and information of interested visitors; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. DOLPH presented a joint resolution of the Legislature of Oregon, praying for an extension of time to settlers upon lands within the limits of the forfeited land grant to the Northern Pacific Railroad Company, in which to make final proof in all cases, to January 1, 1894; which was referred to the Committee on Public Lands, and ordered to be printed in the RECORD, as follows:

STATE HOUSE, SALEM, OREGON, *January 12, 1893.*

Hon. J. N. DOLPH, or Hon. JOHN H. MITCHELL, or Hon. BINGER HERMANN, *Washington.*

Senate joint resolution No. 2.

Whereas by act of Congress approved June 25, 1892, the time within which persons actually residing upon lands forfeited by act of Congress approved September 29, 1890, could make final proof, was extended to September 29, 1893, but as to persons who were not actually residing upon lands so forfeited the time for making such proof was limited to February 3, 1893; and

Whereas the greater portion of the lands in Oregon so forfeited are not actually resided upon, but were settled by persons now entitled to purchase the same, who are occupying adjoining tracts on which their principal improvements were made, and who are therefore, except in a technical sense, actual settlers upon such forfeited lands; and

Whereas by reason of an almost entire failure of crops from an unusual drought in 1892 over the territory in Oregon covered by such forfeiture, the persons so entitled to purchase are entirely without means so to do, and must therefore lose their rights and labor unless a further extension is granted; and

Whereas if the time be extended until January 1, 1894, these persons will have the proceeds of the coming year's crop out of which to meet such payment, and can then undoubtedly do so; and

Whereas we believe that under the circumstances these persons should be treated as actually residing upon such lands and have the same rights as those given to actual residents: Now, therefore,

Be it resolved by the senate (the house concurring), That our Senators and Representatives in Congress be requested and urged to make a special effort to secure the passage of an act by Congress extending the time to make final proof in all cases under the said forfeiture act to January 1, 1894; and

Be it further resolved, That the secretary of state be instructed to telegraph a copy of this resolution to our Senators and Representatives in Congress.

Adopted by the senate January 10, 1893; adopted by the house January 10, 1893.

C. SHERMAN, *Chief Clerk.*

REPORTS OF COMMITTEES.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (S. 3340) granting a pension to Elizabeth Ellery, reported it with amendments and submitted a report thereon.

Mr. VEST. I am instructed by the Committee on Commerce, to whom was referred the bill (H. R. 10007) to provide for lowering the height of a bridge proposed to be constructed across the Ohio River between Cincinnati, Ohio, and Covington, Ky., by the Cincinnati and Covington Rapid Transit Bridge Company, to report it favorably, without amendment.

Mr. BLACKBURN. Being satisfied that the bill just reported by the Senator from Missouri will produce no discussion, I ask unanimous consent for its consideration at this time.

Mr. SHERMAN. As the bill respects a bridge of considerable importance at the place named, and as I do not know the contents of it, I prefer that it shall go over until I can examine the nature of it. I ask that the bill be placed on the Calendar, and by to-morrow I shall be able to look at it.

Mr. BLACKBURN. Very well.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

SCHOOL LAND AT KITTERY, ME.

Mr. PROCTOR. I am directed by the Committee on Military Affairs, to whom was referred the bill (H. R. 4844) to authorize the Secretary of War to convey to school district numbered 12, of Kittery, Me., a portion of Fort McClary military reservation, in exchange for other land, to report it favorably without amendment, and from the same committee I report adversely Senate bill 3244, which is the same as the House bill.

Mr. HALE. I ask that the House bill be put upon its passage. It only provides for an exchange of land agreed to by the Department.

The VICE-PRESIDENT. The bill will be read for information.

After reading, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The VICE-PRESIDENT. The bill (S. 3244) to authorize the Secretary of War to convey to school district numbered 12, of of Kittery, Me., a portion of Fort McClary military reservation, in exchange for other land, will be indefinitely postponed.

COAST AND GEODETIC SURVEY REPORT.

Mr. MANDERSON. There was referred to the Committee

on Printing the regular annual report of the Superintendent of the Coast and Geodetic Survey for 1892. I am directed by the committee to report it back with the recommendation that the usual number of the document be printed. I ask that that order be now made.

The VICE-PRESIDENT. It will be so ordered.

SENATE PRIVILEGES AND ELECTIONS.

Mr. MANDERSON. I am directed by the Committee on Printing to report back favorably, with certain amendments, a concurrent resolution submitted by the Senator from Massachusetts [Mr. HOAR], and I ask that it be now considered.

The VICE-PRESIDENT. The resolution will be read.

The concurrent resolution submitted by Mr. HOAR, December 20, 1892, was read as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound, in addition to the usual number, 3,100 copies of the compilation entitled "Senate Privileges and Elections" prepared by the Committee on Privileges and Elections under resolution of the Senate passed February 28, 1891, of which 1,500 copies shall be for the use of the Senate and 1,500 copies for the use of the House of Representatives and 100 for the compiler.

The Senate, by unanimous consent, proceeded to consider the concurrent resolution.

Mr. COCKRELL. Is this a reprint of the former volume?

Mr. MANDERSON. I will explain the matter to the Senator from Missouri. There was printed some time ago a volume known as "Senate Election Cases," compiled by Mr. Taft, the efficient clerk of the Committee on Privileges and Elections. The volume brought down all the election cases to the year 1885. Since that time there have been compiled the election cases from 1885 to date. These cases will be included in a new volume to be known as "Senate Election Cases," and to be volume 1 of a work to be known as "Senate Privileges and Elections," the second volume of which will be about the size of the first, and will be made up of questions decided by the Senate pertaining to the privileges of the Senate, akin to election cases.

This work has been prepared under the direction of the Committee on Privileges and Elections and particularly under the care of the Senator from Massachusetts [Mr. HOAR]. The Committee on Printing propose a slight increase of the number provided for in the resolution.

Mr. COCKRELL. The resolution provides for publishing both volumes?

Mr. MANDERSON. It provides for publishing both volumes, so that they will be uniform.

The VICE-PRESIDENT. The amendments of the Committee on Printing will be stated.

The CHIEF CLERK. After the word "number," in line 3, insert "forty-six hundred" in lieu of "thirty-one hundred;" after the figures "1891," in line 5, insert "said work to be bound in two volumes, the first to contain all Senate election cases to date and the second to contain all matter pertaining to Senate privileges;" and in line 7, after the word "and" insert "three thousand" in lieu of "fifteen hundred;" so that the concurrent resolution, as amended, will read:

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound, in addition to the usual number, 4,600 copies of the compilation entitled "Senate Privileges and Elections," prepared by the Committee on Privileges and Elections under a resolution of the Senate passed February 28, 1891, said work to be bound in two volumes, the first to contain all Senate election cases to date and the second to contain all matter pertaining to Senate privileges, of which 1,500 copies shall be for the use of the Senate, 3,000 copies for the use of the House of Representatives, and 100 for the compiler.

Mr. COCKRELL. In a publication of this kind is it not necessary to adhere to the well understood and established rule of giving the other House two-thirds and the Senate taking one-third? Ought not the Senate to have a larger proportion of these volumes than the other House, as it is a matter which relates entirely to the Senate proceedings?

Mr. MANDERSON. Still the work seems to be one that is in much demand by members of the House of Representatives. The committee on consideration thought it best to adhere to the usual rule. Fifteen hundred copies for the Senate are all that were asked for by the Senate Committee on Privileges and Elections, and it would seem that that number is enough for this body. When you come to distribute 3,000 copies among the more numerous branch of Congress there are not a great many for each member.

Mr. COCKRELL. As a rule, the number is a great deal more for the constituency of each member than double the number is for the constituency of a Senator in most of the States. I should think we ought to have a little larger proportion of these volumes. I think exact justice ought to be done to the other House in all such cases, but it looks to me as though we ought to have a larger proportion; and if the number were divided equally between the two Houses there would not be any discrimination against the House of Representatives.

Mr. MANDERSON. Under the method of distribution proposed it will be noted that a much larger number is to be distributed by each Senator than by each member of the House of Representatives. However, I have no objection to an increase in the number for the Senate.

Mr. COCKRELL. I do not understand that that is to be the case.

Mr. MANDERSON. Fifteen hundred copies are to be distributed among the 88 members of the Senate, and there are but 3,000 copies to be distributed among the 350 or 360 members of the other House, including Delegates.

Mr. HARRIS. I should like to ask the Senator from Nebraska or the Senator from Massachusetts if it is supposed that there is any general demand or demand at all throughout the country for a book such as this. It is a valuable book for the archives of the Senate, but I doubt very much whether we ought to print a large number with any idea of distribution. I do not think the country generally would feel any interest in such a work. I doubt whether the librarians of the country as a general rule would desire to have it.

Mr. MANDERSON. I do not know what the experience of the Senator from Tennessee has been. I know that the work prepared by Mr. Taft, known as "Senate Election Cases," had a very large demand among the attorneys of the country. I had no difficulty in disposing of all the copies I could obtain when that work was first issued.

The number is not great, and if the Secretary will turn to the foot of the report he will find the cost stated. My recollection is that it is less than $2,000—about $1,900. It is not an expensive publication.

The VICE-PRESIDENT. The amount is $1,950.

Mr. MANDERSON. Less than $2,000.

Mr. HARRIS. I shall interpose no objection to the adoption of the resolution.

Mr. HOAR. There is a great demand in my part of the country for these books, not only by librarians who want to make their Congressional publications complete, but by students of history, students of law, and men in State Legislatures who have election cases pending where the parliamentary questions which have come up in the Senate on election matters and questions of the law of election are cited as pertinent and applicable. So about two years ago, when I wanted a single copy of Taft's Election Cases in my committee room, I obtained it with a good deal of difficulty.

Perhaps I may also state that the second volume will contain a great deal of very valuable matter with reference to the compensation of Senators, with reference to dealing with witnesses, the rules of the Senate for discipline over its members, the familiar question of the Vice-President's power under the Constitution in the absence of a rule of the Senate to exert any authority in the matter of order. There are fifty such questions which will occur to so eminent a parliamentarian as the Senator from Tennessee even if they do not occur to others, which, when the Senate wants to deal with them, and they come up very often unexpectedly, we must make a difficult search for through the Congressional debates in the volumes of the RECORD, the Globe, and so on. It will be very conveninent indeed for the Senate to have them all collected in this volume.

Mr. HARRIS. I have no doubt as to the value of the book. It is doubtless a valuable production. The only doubt in my mind was as to whether it is such a book as we would want to distribute generally to libraries and to the people. But the statement of the two Senators is perfectly satisfactory to me.

The VICE-PRESIDENT. The question is on agreeing to the amendments of the Committee on Printing.

The amendments were agreed to.

The concurrent resolution as amended was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 9190) to ratify and confirm an agreement with the Cherokee Nation of Indians of the Indian Territory, to make appropriation for carrying out the same, and for other purposes; and

A bill (H. R. 10189) relating to proof of citizenship of applicants for Indian war pensions under the act of Congress approved July 27, 1892.

BILLS INTRODUCED.

Mr. JONES of Arkansas introduced a bill (S. 3725) authorizing the construction of a free bridge across the Arkansas River, connecting Little Rock and Argenta; which was read twice by its title, and referred to the Committee on Commerce.

Mr. MANDERSON (by request) introduced a bill (S. 3726) for

the relief of Harrison Wager; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3727) to amend "An act authorizing the construction of a railway, street railway, motor, wagon, and pedestrian bridge over the Missouri River near Council Bluffs, Iowa, and Omaha, Nebr., and to extend the time for the completion of the bridge therein provided for; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Commerce.

Mr. DOLPH introduced a bill (S. 3728) for the relief of the Blalock Wheat Growing Company of Oregon; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. TELLER introduced a bill (S. 3729) for the relief of the citizens of the city of Ouray, in the State of Colorado; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Public Lands.

Mr. CHANDLER introduced a bill (S. 3730) in amendment of the provisions of the Revised Statutes relative to national banks; which was read twice by its title, and referred to the Select Committee on Failed National Banks.

Mr. SQUIRE introduced a bill (S. 3731) for the purpose of increasing the efficiency of the coast defenses; which was read twice by its title, and referred to the Committee on Naval Affairs.

HUDSON RIVER BRIDGE.

Mr. McPHERSON submitted sundry amendments intended to be proposed by him to the bill (S. 2623) to authorize the New York and New Jersey Bridge Companies to construct and maintain a bridge across the Hudson River between New York City and the State of New Jersey; which was ordered to be printed.

FUNERAL OF SENATOR KENNA.

Mr. BLACKBURN submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the expenses incurred by the select committee appointed to take order for the funeral of the late Senator Kenna be paid from the contingent fund of the Senate.

Mr. VANCE subsequently reported the resolution from the Committee to Audit and Control the Contingent Expenses of the Senate; and it was considered by unanimous consent, and agreed to.

PARIS EXPOSITION REPORTS.

Mr. MANDERSON submitted the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That in addition to the usual number, there shall be printed 5,000 extra copies of the reports of the Commissioners of the United States to the Paris Exposition of 1889, 1,000 copies for the use of the Senate, 2,000 copies for the use of the House, and 2,000 copies for the use of the Department of State.

MARITIME CANAL OF NICARAGUA.

The VICE-PRESIDENT. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The resolution submitted by Mr. WOLCOTT on the 14th instant was read, as follows:

Be it resolved, That the Committee on Foreign Relations be directed to inquire what sums, if any, have been expended by the Maratime Canal Company, the Nicaragua Canal Construction Company, or any company allied to either of said companies, in and about the construction of said canal or otherwise, with the items of said expenditure, since the accounts of expenditure heretofore rendered to said committee.

The VICE-PRESIDENT. The question is on agreeing to the resolution.

Mr. MORGAN. I do not see the Senator from Colorado in his place. The Committee on Foreign Relations would be very glad to execute the order of the Senate in this particular, and I hope the resolution will be passed.

The resolution was agreed to.

HOUSE BILLS REFERRED.

The bill (H. R. 9190) to ratify and confirm an agreement with the Cherokee Nation of Indians, of the Indian Territory, to make appropriations for carrying out the same, and for other purposes, was read twice by its title.

Mr. PLATT. As a similar bill has been reported from the Committee on Indian Affairs of the Senate, I ask that the bill lie on the table and be printed.

The VICE-PRESIDENT. It will be so ordered.

The bill (H. R. 10189) relating to proof of citizenship of applicants for Indian war pensions under the act of Congress approved July 27, 1892, was read twice by its title, and referred to the Committee on Pensions.

NEW YORK INDIANS.

Mr. HISCOCK. I ask unanimous consent to call up for present consideration the bill (S. 3407) to authorize the Court of Claims to hear and determine the claims of certain New York Indians against the United States.

Mr. COCKRELL. Let the bill be read for information.

The bill was read, and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. COCKRELL. I should like to hear some explanation of the bill, and to learn how much is involved in it. I see that the Senator from Connecticut [Mr. PLATT], who made the report, is present.

Mr. HISCOCK. The bill involves possibly $1,971,295.92. It is for the title of these Indians in certain lands which were assigned to them at the time of the order for their removal. The bill has the unanimous report of the Committee on Indian Affairs.

Mr. COCKRELL. I should like to have some information in regard to it. It is one of the old matters, nearly half a century old.

Mr. HISCOCK. I ask the Senator who reported the bill to explain it.

Mr. PLATT. I had not thought that this measure was coming up at this time, and perhaps I may not be able to recall the facts at this moment; but the claim of the New York Indians to be compensated for certain lands which were given them in lieu of the lands which they had in New York was referred under the Bowman act to the Court of Claims in 1884. The Court of Claims found all the facts in relation to it and made a statement of the account, without pretending to determine whether legally the Indians were entitled to recover or not. But they found all the facts upon which they stated the account, and the statement of the account showed nearly $2,000,000. That finding of the Court of Claims came to Congress, and the Committee on Indian Affairs were asked to report a bill to pay that amount to the New York Indians with interest. We reported, however, that the Indians should have the right now to go to the Court of Claims upon the law, and indeed upon the fact. I will read the conclusion of the committee:

It will be observed that this finding was made under the so-called "Bowman act," and deals only with facts. Upon the facts as found questions of law arise as to whether the United States is liable for a money payment to the claimants; and, if so, the amount thereof. These questions, in the opinion of the committee, should be determined by a court where they can all be carefully considered and decided. The committee therefore recommend the passage of the accompanying bill conferring jurisdiction on the Court of Claims to hear and determine the case.

The claimants demand interest on the value of their lands in Kansas, which were set apart for them with a view of their removal thereto, from 1843, or certainly from the year 1860, when the United States proclaimed the Kansas lands open to settlement. But in the judgment of the committee this case is not one in which interest should be allowed against the Government.

So we inserted in the bill that whatever finding there might be by the court, it should not include interest.

In 1838 the Government made a treaty with these Indians, then in New York, by which, in consideration of their giving up some lands in New York, other lands were to be given up to them in Wisconsin called the Green Bay lands. Afterwards, there having arisen some controversy with the Menomonee Indians, the Wisconsin lands being desired for settlement, the Government made another treaty with these Indians by which they gave up the Wisconsin lands in consideration that they should have 1,824,000 acres in Kansas. The Indians never went to the Kansas lands except a small body of them.

Mr. HISCOCK. But they gave up the New York lands.

Mr. PLATT. But they gave up the New York lands. When, however, Kansas was opened for settlement, settlers rushed in and occupied the lands. From that time to the present the New York Indians have been claiming payment.

Under some subsequent treaties, one band of these Indians, I think the Tuscaroras, were paid for their share in these lands at the rate of a dollar an acre. There were some subsequent treaties made by the Indians, which were not however ratified by Congress, because Congress, in 1871, said it would not make any more treaties with Indians. By these treaties some of the other bands were to be paid.

To my mind, the legal question which arises in this case, is whether by not removing to these lands the Indians did not forfeit them. They reply to that by saying that they were to remove within five years, but that the Government was to fix the time within which they should remove, which it failed to do, and consequently there can be no forfeiture. They urge that notwithstanding that claim might have been set up, the Government has since settled with one tribe and paid them at the rate of a dollar and a quarter an acre and made a treaty agreeing to pay others, but that treaty has not been ratified. The committee thought that if these Indians were entitled to be paid for these lands in law, they ought to be paid, but that the place to determine that was not here in Congress, but the Court of Claims, and I think the matter can be safely left to the Court of Claims to determine whether in law they are entitled to this payment or not.

Mr. DAWES. Will the Senator please tell me just what is submitted to the Court of Claims by this bill?

Mr. PLATT. I will read it:

That jurisdiction is hereby conferred on the Court of Claims to hear and enter up judgment as if it had original jurisdiction of said case, the claim of the New York Indians, being those Indians who were parties to the treaty of Buffalo Creek, N. Y., on the 15th of January, 1838, against the United States, growing out of the alleged unexecuted stipulations of said treaty on the part of the United States. In the hearing and adjudication of said case said court may proceed upon the finding of facts already made, upon a reference of said claim to said court, filed on the 11th day of January, 1892, and transmitted to Congress by John Randolph, assistant clerk of said court, on the 16th day of January, 1892. Or said court may, if in its opinion justice so requires, take other testimony as to facts. But in any judgment it may render against the United States, in favor of said claimants, interest shall not be allowed.

The Indians say with great force that they surrendered their lands in New York, they being the original Six Nations, for other lands in Wisconsin and without any consideration, unless it was a small payment of $20,000 or some such sum; and then, at the request of the Government, they exchanged their lands in Wisconsin, so that the Government might have them settled upon and opened up, for lands in Kansas, and that they have never received in any way compensation for the surrender of their lands in New York.

I conceive that the only question against their recovery grows, first, out of the statute of limitations, and, second, out of the fact that they did not remove to the lands in Kansas. There is, however, force in their claim that the Government has got their lands in New York without compensation, and there is force in their claim that under the treaty of 1838 it was the duty of the Government to fix a time within which they should remove, but the Government never did it.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WILLIAM M'GARRAHAN—VETO MESSAGE.

Mr. PEFFER. Mr. President, a few days ago I gave notice that this morning, immediately after the conclusion of the routine morning business, I should call up Senate joint resolution No. 96, proposing an amendment to the Constitution of the United States to limit the official tenure of the office of President to a single term.

I find this morning that the Senator from Vermont [Mr. MORRILL] expects to address the Senate upon another matter now pending. As it always affords me pleasure to avail myself of any opportunity to yield in any respect and in every respect to the venerable Senator from Vermont, and having conferred with him, it is the understanding that after he has completed his address, if the morning hour has not then expired, I shall have the floor, and if the Senator's address is not completed this morning during the morning hour, that I shall then call up the same joint resolution to-morrow morning and ask the Senate to indulge me while I submit a few remarks upon it.

Mr. MORRILL. I thank the Senator from Kansas for his courtesy.

The VICE-PRESIDENT. The bill referred to will be regarded as before the Senate if there be no objection. The title of the bill will be stated.

The CHIEF CLERK. A bill (S. 1958) to submit to the Court of Private Land Claims, established by an act of Congress approved March 3, 1891, the title of William McGarrahan to the Rancho Panoche Grande, in the State of California, and for other purposes.

Mr. MORRILL. Mr. President, this is a most extraordinary case, whether we consider the many years it has been forced upon the attention of Congress or its growth in importance, comparing the last bill with any other which the attorneys of Mr. McGarrahan have ever ventured to ask for. I hope the Senate will decide it fairly on its actual merits, although many of us might be excluded as jurors if the having previously expressed an opinion on the case were to operate as a disqualification. No one of us on the question presented can be suspected of arguing for any other purpose than the promotion of truth and of justice to both Mr. McGarrahan and the United States.

Being under obligations by our treaty with Mexico to recognize any grants of land previously lawfully made by Mexico in the territory ceded to us, the United States in 1851 appointed a board of three commissioners to act as a court, and with salaries of $6,000 each, and they were sent to California to investigate and determine all the private land claims that might be presented. A secretary skilled in the Spanish and English languages to act as interpreter, an agent learned in law to superintend the interests of the United States, a deputy marshal and five clerks were also provided to accompany this board. It would have been difficult to have created a more competent tribunal to hear and determine according to law and equity all questions relating to these land claims.

Gomez was in no hurry to present his claim to this tribunal, and did not present it until 1853, and it was rejected. If all the decisions of this board had been made final, I believe that neither the land claimants nor the United States would have suffered any injustice.

How is it that a claim which has met with so many rebuffs from the Supreme Court and from committees of the Senate and House of Representatives, from the Attorney-General, and finally from a Presidential veto, should still survive to claim the attention of this body? Of course it lives by the nitroglycerine prescriptions and the *nunc pro tunc* heroic remedies administered from time to time by the claim attorneys who hope to lawfully prosper from the increasing magnitude of the claim and which they hope to share. The case when lost in one House leaps over to the other. When the Committee on Public Lands sits down upon it, it revives long enough to be referred and squelched by a Committee on the Judiciary or by the Committee on Mines and Mining.

At length, if there is no excuse for referring such a claim as that of McGarrahan to any special committee, it may go to the Committee on Claims, the hardest worked committee and least thanked of any in the Senate. One member of a committee is usually assigned to the work of thorough examination of the case, and his report will nearly always be accepted. But the literature on file in relation to the Gomez-McGarrahan case would require for its mastery all the time of any member of Congress for an entire session of Congress. Very few Senators, except in isolated cases, ever have time to thoroughly investigate or to question reports made, and no one feels authorized to object because no examination has been made and because of trust and confidence reposed in the industry and fidelity of the committee.

This claim which passed the Senate at its last session, it has been stated, then attracted no attention and no debate, and passed without a yea-and-nay vote. With all the chances for a whole generation of changes from committee to committee, of changes of the members of committees as well as of the members of Congress, the Rancho Panoche Grande claim never got through both Houses of Congress until last year, and then got through the Senate in the way I have stated. As it appears to me, the only excuse Congress can offer for not further resisting the pertinacity of the continual coming of the claimant would be that of a young woman in the town where I live who married a worthless and rather tough fellow, but soon found out her mistake, and when asked by a friend how she came to do it, answered, "He was hanging round all the time and I married to get rid of him." We can be rid of the claimant, of course, by taking him into our bed and board.

Committees of Congress are generally subjected to the consideration of claims solely on the *ex parte* testimony offered by the claimants. Rarely do they exercise the privilege of asking for power to send for witnesses in rebuttal of any case presented or to impeach the testimony of witnesses living thousands of miles away. Therefore an adverse report on any claim, after a hearing of all that can be said in its favor, is rarely found to be contrary to justice and equity.

If Mexico had actually made a grant of land to Gomez our Government would be bound to recognize it, but the real trouble is a lack of all proof that an actual grant was ever made. All there appears to be is the begging request to the governor by Gomez, March 13, 1844, who represented that—

Desiring to devote myself to the interesting pursuit of agriculture, which is of such vital importance to this department, and which, as yet, is in its infancy, I pray your excellency to concede me in property the place known by the name of Panoche Grande, bounded on the north by Don Julian Ursua; on the south by Serrania (mountain range); on the east by the Villa de los Tulares, and on the west by Don Francisco Arias, which tract of land contains 3 square leagues, a little more or less, as shown by the map, which in due time I will present more correctly drawn than the one now presented.

In view of what I have set forth, I pray your excellency to be pleased to take my petition into consideration, in order that in this way I may obtain the means necessary for the support of my large family.

The petition of Gomez, who was so anxious to devote himself to the interesting pursuit of agriculture and thus to support his large family, was referred to some officer at San Juan, who reported "that the land is vacant, and that there is no reason why the petition should not be granted." This is all that appears on the Mexican records, and furnishes hardly a shadow of reason for claiming that the extraordinary grant was ever consummated. He asked for it but did not get it. It is not even mentioned in the Mexican general index of such grants; and it is most unlikely that even by accident it should there have been omitted, if it had ever been actually issued.

It does not appear that the further map, which Gomez promised should be furnished "in due time more correctly drawn," was ever received by the Mexican governor. Nor does it appear, while it was under the jurisdiction of Mexico, that Gomez ever occupied the land in the pursuit of agricultural or for any other purpose. Gomez was a clerk at Monterey in the office of the commissary department. Is it likely that this large grant would have been made at once to him by the governor as soon as it was asked for? He got about as near to it as the young man

did to getting married when he asked a young woman if she was engaged, and she said, "No, and I don't intend to be." Oral testimony of a vague character was introduced to prove that somebody remembers to have seen a paper in the hands of Gomez many years ago which purported to be a grant from the Mexican governor; and another witness says he saw a paper in the hands of Gomez, which Gomez told him was such a grant to him.

This very meager testimony was offered to sustain a legal title to an immense tract of land, and to which the claimant had no other evidence in its support except that he had asked for it by a petition with an imperfect map. The Supreme Court, as it appears to me, very properly rejected all of such testimony. It would have been inadequate, certainly, in a suit for an ordinary personal debt of $10. If any oral testimony could supply the place of a public record, why did not Gomez obtain the affidavits of the Mexican governor and secretary claimed to have signed the grant? They could not have forgotten a grant of this importance and would wish to maintain it.

After the Americans got possession of Monterey Gomez says he left and joined the Mexican army, and when he came back the American officer refused to let him have any of his papers; but he says he got possession of his map to copy, and we have his word, for what it may be worth, that it was the original one presented with his petition to the Mexican governor. But he has no scrap of evidence to support the fact, save his own words, which, in such a case, can not be accepted. Is it likely that his petition and map would be preserved and that the grant itself should be destroyed?

In his petition of March 13, 1844, to the Mexican governor, Gomez asked for the concession "of the place known by the name of Panoche Grande, bounded on the north by John Julian, on the south by the Serrania (mountain range), on the east by the Valle de los Tulares, and on the west by the Don Francisco Arias, which tract contains 3 square leagues, a little more or less."

In his petition to the board of commissioners for the settlement of land claims in California, filed February, 1853, Gomez describes and bounds his claim as follows: "A certain tract of land called the Panoche Grande, of the extent of 4 square leagues, now lying and being in the county of San Joaquin, bounded as follows: On the south by the lands of Francisco Arias, on the north by the lands of Julian Ursua and the low hills, and on the west by the barren hills, as explained by the map hereto annexed.

It will be noticed that Gomez petitions for 4 square leagues of land to the board of commissioners, and only for 3 leagues, a little more or less, in his petition to the Mexican governor, and all but one of the boundaries set forth are so wholly different that they seem to swear at each other. So contradictory are these descriptions that it appears to me it would be insufficient as a basis for a claim of even a quarter section of land, and much less for 17,000 acres.

The description of the land has been a very elastic one, and made so as to cover, more or less, 11 square leagues or 4 square leagues or 3 square leagues, as circumstances might require, and described with remarkable variations of the boundaries, sometimes as in the northern district of California and sometimes in the southern district, but the title of Gomez to this princely heritage will appear much like the world-wide land grants once offered on an exceeding high mountain by a nameless personage.

Is it at all probable that Gomez would have made the gift of one-half of the many-leagued estate to his thrifty attorney, and then sell the other half to McGarrahan for the pitiful consideration of $1,100, if his inner consciousness had not continually proclaimed that it was a bottomless claim, or that the title was so lame and incomplete, or so fraudulent that it was sure to be exposed and defeat its further prosecution?

From the adverse decision of the board of commissioners an appeal was taken to the United States district court, where this Mr. Ord was not only the attorney for Gomez, having a deed of one-half of the property in dispute, but was the attorney also of the United States. This court reversed the judgment of the board of commissioners and awarded the title of the land to Gomez, Mr. Ord nothing loth; not even saying that he "would ne'er consent, consented still." While this case was hanging on the decision of the district court of California, the Secretary of the Interior, supposing the decision to be final, had the papers made out for a patent to Gomez, but they were not completed and recorded or ever delivered. So the Supreme Court decided. Meantime the proceedings of the district court of California and the district attorney were in due form brought into the jurisdiction of the Supreme Court of the United States, which decided the whole case on its merits against Gomez, reversing the action of the district court of California and denouncing it as fraudulent.

The McGarrahan claim is an old stager with which I became somewhat familiar more than twenty-five years ago while a member of the House, and then became convinced that it was merely an adventurous speculative claim entirely destitute of any foundation, except that Mr. McGarrahan bought one-half of a ranch described as containing 3 leagues of land of uncertain boundaries, with an apocryphal map, and claimed to be owned by one Gomez, for which McGarrahan testifies that he paid Gomez $1,100, and obtained the other half, or 2 square leagues, from Mr. Ord, the attorney of Gomez, who had presented it to Ord, and who subsequently transferred it to McGarrahan rather than to be charged with one-half the expenses of prosecuting the claim. It was Gomez who was guilty of fraud in the inception of this claim and not Mr. McGarrahan, who appears to have estimated the speculation to sell or prosecute as worth $1,100.

Mr. McGarrahan knew when he bought one-half of this doubtful claim and got a deed of the other half from Mr. Ord that it was a subject in litigation. He got it at the risk of an inconsiderable sum as a speculation, and not as an innocent purchaser without knowledge that the United States insisted upon a paramount title and would not yield without a contest. If Gomez gave to McGarrahan a defective title, McGarrahan's legal remedy would be against Gomez, but he could then only recover the amount or the $1,100 he paid to Gomez. Ought the United States, if defeated in the attempt to maintain its own rights, to pay any larger sum?

Mr. McGarrahan had a suit of ejectment against the New Idria Mining Company, which the United States court decided against him. Not being able to show any legal title that would take away the lands or mines from that company, he is now claiming that the United States shall make his title good and also award and pay to him all of the profits which accrued for many years to the New Idria Mining Company upon the many millions of quicksilver produced. Thus the United States is to be made responsible for the defective title of Gomez and the unprosperous speculation of Mr. McGarrahan, and foot the bill at whatever cost. The United States are under no obligations to make the title of Mr. McGarrahan any better than it was when he took it.

Very soon after McGarrahan obtained the claim of Gomez, or in 1861, he put it into the hands of a corporation. A company was organized under the name of the Panoche Grande Quicksilver Company, and of course the claim was capitalized at whatever amount he pleased. Some of the stock of this company was distributed where it was supposed it would do the most good, and some of the names of the stockholders leaped to light, but the scandal was not so dense as that of the Panama Canal, and hurt the reputation of the company rather more than that of any other parties. Mr. McGarrahan calls this "a family arrangement," and says that the company ceased to exist in 1866, by the deeding the property back to him, but without the full consent of all the stockholders the deed of the officers of the company would be very defective and inoperative.

How much of this stock was sold and how much of it distributed as contingent fees or for services rendered or to be rendered, the record fails to show, although some names of Congressmen, as well as of many others, have been paraded. I wish, however, to declare that I do not believe any member of Congress was actually bribed or ever knew that a certificate of stock in the Panoche Grande Quicksilver Company had been issued in his name; but the officers of the company knew the fact and knew they were taking the initiatory step in very dirty work. The prostitutes may have been absent, but the Don Juans were present. Those who are curious to look at this record will find it in Miscellaneous Document, No. 85, second session Forty-fifth Congress.

In 1870 Mr. McGarrahan, with the aid of Simon Stevens and Frederick Franck, organized another corporation, again under the laws of New York, under the name of "The California Quicksilver Company," with a capital of $5,000,000, and a first mortgage of one million 7 per cent gold bonds, Mr. McGarrahan receiving for his title to the Panoche Grande three and one-half millions of stock and $500,000 of the bonds, while Stevens and Franck received $1,500,000. The speculation now assumes large proportions. It was equipped with all the machinery of a corporation, and with half a million dollars of the nominal stock unappropriated, and sufficient to keep the machinery lubricated.

I do not wish to assail the character of Mr. McGarrahan. He has exhibited great courage and persistency in pressing for many years his claim before Congress, whatever may be thought of his methods; and I have no doubt he has come to believe in its justice. Why, sir, the distinguished Senator from Colorado [Mr. TELLER], who reported the vetoed bill, also believes in its justice; but a former Senator from Colorado [Mr. Chaffee] thought and voted otherwise. There have been several reports on this case, but a conspicuous one of January 15, 1879, by the Committee on Public Lands, was made by Senator McDonald of Indiana. The case was under consideration for nearly a year and Mr. Mc-

Garrahan was represented by five attorneys-at-law. The testimony, documentary and oral, was very voluminous. On such a question we have never had many Senators better equipped or who would be sooner trusted to render a decision than Senator McDonald. There was no phase of the question that was not examined. The unanimous report of this committee was as follows:

In conclusion the committee find:
First. That there was no patent from the United States to Vicente P. Gomez prepared and duly signed by the President, or his secretary acting for him, and complete in all its parts, excepting only the attesting signature of the Recorder of the General Land Office.
Second. That there was no grant made by Micheltorena, the Mexican governor of California, to Vicente P. Gomez, of the land known as the Rancho Panoche Grand.
That the memorialist is entitled to no further relief.

There was another and later report from the House Committee on the Judiciary, made March 28, 1884, by John Randolph Tucker, and is equally worthy of attention with that of the Senate by Mr. McDonald. Mr. Tucker is eminent in his profession and attracts attention now because it is generally reported that he will be selected on the 4th of March next by the incoming Administration as the best qualified gentleman in Virginia for the position of United States Attorney-General. All who know Mr. Tucker hope this report will prove true. It is needless to say, as Mr. Tucker is a sound lawyer, that his conclusions were adverse to Mr. McGarrahan.

The bill now under consideration, and which the President has returned without his approval, was from the Committee on the Judiciary, with a report made by the learned Senator from Colorado, who adopted the statement of facts and arguments presented by Mr. WILSON, now a member of this body, in a report made to the House of Representatives in the first session of the Fortieth Congress. But the Senator from Colorado did not see fit to copy the example furnished by Mr. WILSON so far as to adopt the remedy he proposed, which was that McGarrahan should have the privilege of buying from the United States the land embraced in the said grant at $1.25 per acre. The reason that the committee had for reporting in that form was to avoid the appearance of overruling the decision of the Supreme Court, while at the same time asserting the equities of McGarrahan in the premises.

It appears by the several hundred letters of Mr. McGarrahan to his partner, Mr. Frederick Franck, printed in the report of Senator McDonald, that the parties annually and actively enlisted in the support of the McGarrahan claim were very numerous, and evidently were a class of auxiliaries that do not render services without compensation, one of whom McGarrahan denounces as a "cormorant." He must have given some liens upon the Rancho Panoche Grande before and after it was placed as the property of either of the corporations, as heretofore mentioned, doubtless as contingent upon his success in the Supreme Court or before Congress. Franck was to have one-fourth part, Simon Stevens 6 per cent, and O. L. Shafter was offered, whether it was accepted or not, one twenty-fourth part.

Whether these liens have been canceled on the record or not, and whether both of the corporations once endowed with a legal title to the whole claim are now legally defunct, so that certificates of stock now outstanding are without validity, are questions that would become important if the vetoed bill should become a law. Then the United States would take the risk of giving the whole of the Rancho Panoche Grande to McGarrahan, while many other parties may have prior liens or shares, both legal and equitable, in the property. These parties would be entitled to relief from the United States as much as McGarrahan.

These four or five hundred letters of McGarrahan, addressed mainly to "My Dear Franck" and others, are more interesting than many volumes which have been copyrighted. For the purpose of showing the facility, ability, and unflinching skill of the beneficiary of the bill now before the Senate in all the fields of enterprise for promoting the success of a measure which provokes opposition, I will read a few extracts from these letters, and I will only add that I have read but a small number of the letters and do not know the extent of the riches the remainder may contain.

May 3, 1861, McGarrahan to Franck, speaking of the coming civil war:

What a pity that out of the impending ruin we can not succeed in plucking our fruit, and all I can say is that no effort of mine shall be left untried to accomplish it.

January 7, 1861:

Should Gardner be able to consummate the sale of the 2,000 shares for $6,000, cash as stated, I shall on my part interpose no objection. * * *
I don't think it would be any harm for you to mention this matter to Messina, and to tell him if they have not succeeded in getting permission from Chase to ship the goods as before mentioned, that I will bring Frank Blair's influence to bear upon him, upon condition of their taking the 1,000 shares as before stated. I have told Blair already that if this sale was made that I was willing to divide my portion of it with himself and Hickman. From the way in which he received it, I think there would not be much difficulty in my getting him to work on Chase provided the negotiations can be consummated.

January 15, 1861:

The office [of surveyor-general] is one of the most important and lucrative among the Federal appointments in the State. Salary, I believe, is $4,500 per annum, office rent and all expenses paid, and to which is to be added the pickings. It has also a large patronage at its disposal. I regret very much now that I was not myself a little "dyed in the wool." Had fortune favored me so much, and conferred the additional inestimable blessing of a little of the nasal twang instead of that hideous and barbarous Irish brogue, I might with every confidence be a prominent and acceptable candidate for the office; but that is impossible. I am an outcast and one of the proscribed.

March 27, 1861:

Then the vital question of money came up. No man could be had to go there from here for a less salary than about $3,000 per year, and it is presumed that the entire receipts of the office would not amount to $1,000 per year, if it will even come to that; and the broad fact stared us in the face, could we provide the difference if they procured the man. I told them that I would write to you on the matter, and advised that the appointment should at all events be made, and that if we could not make the arrrangements he could resign. Before I left the man was selected, Harry B. Edwards, and since our return here Judge Bates has been spoken to, and he will send his name to Lincoln, requesting that the appointment will be made at once.
Now, upon this point there is the most sacred confidence enjoined upon me, the necessity of which you will yourself readily see, for, I may say, the final safety of the case depends in a measure upon it. Edwards will carry out from here the necessary instructions how to act in the case when it comes up again in the district court, and if he only says on behalf of the Government, that he has no evidence to impeach the merits of the case and that he is satisfied with the decree as it at present stands, stand it must, untouched, in spite of Ogier's teeth and Gibb's to boot.

March 27, 1861:

It is this: He will get Judge Bates at the exclusive expense of the Government to commence a suit against all of our opponents for injunction to restrain the waste and an action for a million dollars against them for the spoliation and robbery of the property.

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3d. That a district attorney for the southern district of our own choice shall be appointed. This is one of the most important steps of all, and one, I am sorry to say, is going to affect us in a monetary point of view, but it can not be dispensed with to insure the final success of the case.

April 16, 1861:

And the result is that he is to-day the surveyor-general for California, and one whom we can have the utmost reliance and confidence in.
The district attorney we could have had ere this and without one-quarter the trouble if Edwards would have consented to his name going before the President for the office; but this he objected to in toto, and declined under any circumstances having it done until Beale's appointment was known.

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The papers and letter indorsing Edwards have been handed to Judge Satterlee by Hickman with the request that he will have them up before the President, asking that Dimmick's appointment be canceled, as he is a Democrat and unknown, and that Edwards be substituted instead. Satterlee promised to present the papers to-day, but with what prospect of success I am unable to say; should we fail in this, we will endeavor to get the Attorney-General to appoint a special agent, who will have control of both of the district attorneys.

April 18, 1861:

It is possible that this place may soon get too hot for me; if so, I shall beat a retreat, as I am scarcely patriotic enough to yet shoulder a musket.

May 3, 1861:

Dimmick, the new district attorney, has not, I believe, been appointed by the influence of our opponents.
Frank Blair told me before he left that he was only recommended by one man, and that man from either Indiana or Illinois, so that I think a direct and careful effort ought to be made to Shaffer and Hirsch to get possession of him, even if we have to give him a small interest with us.

July 21, 1861:

I am afraid to be too intrusive, for I fear it may inoperate what I have in hand.

November 18, 1861:

We both proceeded there and were received very cordially by him (McDougal), and remained for over four hours, steadily drinking whisky and wine with him and a Mr. Murray and a countryman of mine named Ryan, and a colonel, also. It is almost incredible, but nevertheless the fact, that during all that time Patch or I could not find an opportunity to introduce the subject, though that was the object of both our visits.

March 12, 1862:

I have talked again with Mr. Hickman on the resolution, and he says it is binding on us. What he advises is, that as it is not entered on the books that it be destroyed.

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From this you will see the absolute necessity of having this done instantly.

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I have looked over the resolution again since I wrote the foregoing, and it strictly prohibits any transfer of stock on the books of the company having a power of attorney attached, and it also prohibits expressly the president and secretary from signing any stock with power of attorney attached thereto, so that from this nothing can be done until it is destroyed or canceled, and a resolution explanatory of what the new stock is issued for passed.

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WASHINGTON, *January 7, 1867.*

Have the letter to him (Woodbridge) as strong as possible, as all others you can get, but be sure not to inform any person, who would likely disclose it, of my movements. Secrecy is one of the essential elements of my success.

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A few days ago myself and Webster had Judge Blair and Mr. Hasinlaw and the judges of the circuit court at my room drinking whisky.

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January 7, 1867:

With Hickman here I can carry it through the House; yes, and the Senate too, in spite of fate.

Money, money is the first necessity and the first consideration. Hickman is very poor, with scarce sufficient income to support himself, as is also Webster. Already I have paid several amounts here and from which I have experienced marked and substantial benefits.

Sunday, 1868:

Boutwell's course was a little short of treachery, but I suppose he was urged on by the Boston pirates.

Higby's course was downright treachery; the last interview I had with him, morning previous to the discussion, he impressed me with the belief that he would not only vote but speak for me, but how sadly I was disappointed! His efforts and treachery, thank God, did not prevail.

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Thank God I can afford to hurl my contempt at Van Wyck and the other scurvy dogs who opposed me because I would not submit to be blackmailed.

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The stock ought to sell now for about $15. If you can sell a little at or near this price do so, for I will want considerable money to bring me through in good order.

May 10, 1868:

If you make a sale of stock at either four or five dollars, it must be paid for before Thursday. If it is postponed until the passage of the bill on Friday it will be $15. I merely state this so as to govern your action.

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June 19, 1869:

The attraction of gold has such an alluring influence over the officials I have now to deal with as to make them act totally regardless and in defiance of law, courts, and Congress, but if I mistake not I will bring them to a sudden halt.

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December 12, 1869:

I understand that it is the intention of Hoar to move in the case to-morrow in the Supreme Court to get it advanced. It is numbered on the docket 337, and this old corrupt wretch wants to get it heard and killed this week, but I don't think he will succeed.

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January 14, 1870:

The trio of vagabonds—Evarts, Hoar, and Cox—cut a sorry figure in the committee, as shown by their own record.

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I will draw to-morrow for the $200. If I can only keep this scoundrel in the Interior Department quiet, I believe I shall whip hell out of them.

There is another potential reason why this bill deserves, on the part of the Senate, a unanimous defeat. It has been drawn with consummate legal skill so as to make it sure that this new court shall receive as evidence what will compel the court to decide the case at every point in favor of the claimant. Everything there enumerated must be accepted as evidence, and can not be rejected, as it would be by a court not thus hampered. I do not believe there is a lawyer in the Senate who, upon examining this bill, will not say that it is a bill so constructed by its terms as to unduly favor McGarrahan, and to cut away all possibility of equal justice to the United States. Whether that was the intention or not, it is a fact.

I regard this claim as having originated after the United States obtained possession of the Territory by the fraud and trickery of Vincent P. Gomez; and this bill, I can not but feel, whether so intended or not, will be accounted as a deliberate insult to the Supreme Court, which has unanimously made five adverse decisions on the claim, and two of them after a full consideration on its merits.

The President withholds his assent to the bill because he believes, whether the beneficiary is entitled to any relief or not, that he is not entitled to the extraordinary measure of relief here proposed.

Consider this bill as we may, it must be admitted in the sober second thought of every Senator that this bill proposes to overrule and reverse the repeated decisions on the merits of the case by the Supreme Court of the United States—the court of last resort—and to hand it over to the inferior court of land claims with complete jurisdiction for a final decision without further appeal, and with such conditions as will bind this court to render a decision in favor of the claimant. It is in plain terms an exercise of the legislative power, through an inferior court, to set aside and annul the decisions of both of the other coördinate branches of the Government—the Judiciary and the Executive Departments.

Mr. PEFFER. Mr. President, in pursuance of notice heretofore given, I ask that Senate joint resolution No. 96 may be now taken up.

Mr. WILSON. I do not desire to have the present order displaced. I wish to have an understanding that it shall be laid before the Senate to-morrow morning after the close of the formal morning business.

The PRESIDING OFFICER. The Senator from Iowa asks unanimous consent, as the Chair understands, that the bill known as the McGarrahan bill may be considered at the conclusion of the routine morning business to-morrow. Is there objection? The Chair hears none, and it is so ordered.

THE PRESIDENTIAL TERM.

Mr. PEFFER. I now ask that Senate joint resolution No. 96, to which I referred, be laid before the Senate.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution (S. R. 96) proposing an amendment to the Constitution of the United States to limit the office of President to one term for each incumbent.

The PRESIDING OFFICER. Does the Senator desire to have the joint resolution read?

Mr. PEFFER. Yes, sir.

The PRESIDING OFFICER. The joint resolution will be read.

The Secretary read the joint resolution, as follows:

Resolved, etc., That the following amendment to the Constitution of the United States be proposed to the Legislatures of the several States, which, when ratified by the Legislatures of three-fourths of the States, shall be valid to all intents and purposes as a part of the Constitution.

"ARTICLE —.

"No person shall hold the office of President of the United States more than one term."

Mr. PEFFER. Mr. President, on the 18th day of January, 1892, I had the honor to offer a joint resolution proposing an amendment to the Constitution of the United States providing for the election of the President by a direct vote of the people. The resolution was referred to the Committee on Privileges and Elections, which then had under consideration several other resolutions relating to the same matter.

After a closer examination of the subject and upon further reflection, I came to believe that in order to attain the most good results from a popular election of the President, to throw about his great office all possible safeguards against the partisan zeal of friends and the intrigues and jealousies of enemies, it is necessary that its tenure be limited to one term.

I am encouraged in this belief by a review of the proceedings of the convention which framed the Constitution. In most of the original drafts submitted to the Federal Convention called to frame a constitution, is found a clause providing that the President shall hold office but one term. That view of the subject was taken by nearly all of the members of that memorable body when they assembled.

The same view was taken by many eminent statesmen after the electoral method of choosing a President had been tried and found defective. Thomas H. Benton, a Senator from Missouri, a man of great ability and force, gave to this subject much attention and in its study brought to bear the best efforts of a well stored and well trained mind. At the head of a select committee composed of himself, with Senators Macon and Van Buren, and Mr. Hugh L. White, of Tennessee, Mr. Findley of Pennsylvania, Mr. Dickerson of New Jersey, Mr. Holmes of Maine, Mr. Hayne of South Carolina, and Mr. R. M. Johnson of Kentucky, appointed to prepare a plan by means whereof the election of the President might be made more simple and brought closer to the voters, Mr. Benton, in 1828, submitted a draft which after twenty years longer observation and twenty years further study he again brought forward and urged in a powerful speech.

Referring to these things in his Thirty Years' View, the great Missourian says: "That to give full effect to his plan for bringing the Presidential election within the direct range of the people's votes the President's office ought to be limited to a single term."

These are the considerations which moved me to offer the resolution now before the Senate, and in its discussion I shall therefore take up first, the election of the President and second the limitation of his office to a single term. This will not only simplify the line of argument, but it will present a broader view of the subject and add force to the reasoning in favor of the limitation proposed in the pending resolution.

As indicating a plan of popular election of the President, I will ask the Secretary to read Senate joint resolution No. 32.

The PRESIDING OFFICER (Mr. PLATT in the chair). In the absence of objection, the joint resolution referred to will be read by the Secretary.

The Secretary read the joint resolution (S. R. 32) to amend the Constitution so as to elect the President and Vice-President by a direct vote of the people, as follows:

Resolved, etc., That the following amendment to the Constitution of the United States be proposed to the Legislatures of the several States, which, when ratified by the Legislatures of three-fourths of the States, shall be valid to all intents and purposes a part of the Constitution.

That hereafter the President and Vice-President of the United States shall be chosen by the people of the respective States in the manner following: That on the first Tuesday of November, in the year 1896, and on the same day every fourth year thereafter, the citizens of each State, who possess the qualifications requisite for electors of the most numerous branch of the State Legislatures shall meet at an election and vote for a President and Vice-President of the United States, one of whom shall not be an inhabitant of the same State with themselves. Such election shall be by ballot, and upon each ballot, as a caption thereto, may appear the name of the political party which the citizen voting the same may select, and in addition there may be printed or written upon such ballot a direction to the officers of election in the words following, to wit: "This ballot shall be first counted for the person named thereon for President and for Vice-President, and if such person fails to receive, within the United States, the highest number of votes for the office for which he is designated upon ballots having a like caption, then this ballot shall be counted for the person having said highest

number of votes." The votes given at such election shall be counted and canvassed in accordance with said direction, and the officers of election shall certify the number of votes given for every person for President, and for every person for Vice-President, with the number of votes directed to be counted as herein provided, upon every class of ballots distinguished by their caption, to the canvassing board of each State, and the detailed canvass in every State shall be immediately certified by the governor thereof to each of the Senators in Congress from such State, and to the President of the Senate and the Speaker of the House of Representatives. The Congress of the United States shall be in session on the third Monday of December, 1896, and on the same day every fourth year thereafter; and the President of the Senate, in the presence of the Senate and House of Representatives, shall open all the certificates, and the votes shall then be counted. Congress shall ascertain first the number of votes given for every person upon ea h class of ballots having the same caption, and second, all other votes directed by the electors to be counted for the person having the highest number of votes thereon shall be counted for said person; and the person then having the highest number of votes for President shall be President, and the person having the highest number of votes for Vice-President shall be Vice-President.

No person shall be eligible for the office of President of the United States for more than two consecutive terms.

Mr. PEFFER. That, Mr. President, is the resolution referred to at the beginning of my remarks. It proposes a limitation of tenure to two consecutive terms; but, as I before stated, I am now satisfied that one term will be more in consonance with the reasons urged in favor of the proposed change and more in accord with popular feeling on the subject.

The object sought to be attained is that the individual votes of the people shall operate directly and with full force and effect in the election of the President of the United States. It is expected, of course, that the Vice-President, as long as his office is retained, shall be chosen under similar rules and regulations to those which are applied to the choosing of the President. It will not be necessary, therefore, for me to again refer to the election of the Vice-President.

Mr. President, this is a very good place for me to stop; and as the hour of 2 o'clock has nearly arrived, I ask unanimous consent that to-morrow morning at the conclusion of the routine morning business I may be permitted to continue my remarks.

The PRESIDING OFFICER (Mr. PLATT in the chair). The Senator from Kansas asks unanimous consent of the Senate that he may be permitted to continue his remarks at the conclusion of the routine business to-morrow morning. The Senator from Iowa [Mr. WILSON], before the commencement of the speech of the Senator from Kansas, asked unanimous consent that what is known as the McGarrahan bill might be considered to-morrow immediately after the routine business of the morning hour, and that stands as the order of the Senate.

Mr. HARRIS. Has the Senate given unanimous consent to take up the McGarrahan bill immediately after the routine business to-morrow morning?

The PRESIDING OFFICER. After the conclusion of the routine business to-morrow morning.

Mr. HARRIS. Then I suggest to the Senator from Kansas that he give his notice for the day following.

Mr. PEFFER. I was not aware of the agreement to that effect. Then I give notice that on Wednesday morning, immediately after the conclusion of the morning business, I shall ask the privilege of resuming my remarks.

Mr. CALL. I ask unanimous consent that the Senator from Kansas may be permitted to proceed now, if his speech will not take too much time.

Mr. WASHBURN. I must object to that.

The PRESIDING OFFICER. The Senator from Minnesota objects.

Mr. HOAR. I do not believe the Senator on the floor will have any difficulty in arranging with the Senator from Iowa [Mr. WILSON] that his remarks may be concluded before the taking up of the McGarrahan bill to-morrow morning, in spite of the unanimous consent. That is a courtesy which I supposed was always awarded.

Mr. HARRIS. I suppose that would be true if the Senator from Iowa were here.

The PRESIDING OFFICER. The Senator from Kansas, as the Chair understands, asks, then, that to-morrow morning, after the conclusion of the routine morning business, he may be permitted to continue his remarks.

Mr. MILLS. Mr. President, I desire to ask unanimous consent——

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, it becomes the duty of the Chair to lay before the Senate the unfinished business, which is the bill (H. R. 7845) defining "options" and "futures," imposing special taxes on dealers therein, and requiring such persons engaged in selling certain products to obtain license, and for other purposes.

R. L. JENNINGS.

Mr. MILLS. I ask consent of the Senator from Minnesota for five minutes for the consideration of Order of Business 1187, a private bill for the relief of R. L. Jennings, late postmaster at Marshal, Tex.

The reason why I ask for the consideration of the bill now is that the Department has informed us that a claim against Mr. Jennings would have to be sued on by the 31st of this month unless some action shall be in the mean time taken on the bill. The bill for his relief has passed the House of Representatives, and it has been unanimously reported favorably by the Committee on Post-Offices and Post-Roads. It will only take a few minutes.

Mr. WASHBURN. If the bill does not lead to discussion and does not consume time, I shall not object unless the Senator from Florida [Mr. CALL], who is about to take the floor, shall object.

Mr. CALL. I do not object.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 3676) for the relief of R. L. Jennings, late postmaster at Marshal, Tex.

Mr. MILLS. There is an amendment reported by the Committee on Post-Offices and Post-Roads, to strike out "seven hundred and ninety-nine dollars and thirteen cents," and insert "nine hundred and forty-seven dollars and three cents."

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In line 6, after the words "sum of," it is proposed to strike out "seven hundred and ninety-nine dollars and thirteen cents," and insert "nine hundred and forty-seven dollars and three cents;" so as to make the bill read:

Be it enacted, etc., That the Postmaster-General be, and he is hereby, authorized and directed, in the final settlement of the accounts of R. S. Jennings, late postmaster at Marshall, Tex., to credit the said Jennings with the sum of $947.03, being the amount remaining unpaid of a loss of the funds in said office by theft during the incumbency of said Jennings, and upon such credit being allowed the said Jennings and his bondsmen be, and they are hereby, released from any and all liability for said sum.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. MILLS. I move that the Senate request a conference with the House of Representatives on the amendment.

The motion was agreed to.

By unanimous consent the VICE-PRESIDENT was authorized to appoint the conferees on the part of the Senate, and Mr. SAWYER, Mr. MILLS, and Mr. IRBY were appointed.

DEALING IN OPTIONS AND FUTURES.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7845) defining "options" and "futures," imposing special taxes on dealers therein, and requiring such dealers and persons engaged in selling certain products to obtain license, and for other purposes, the pending question being on the amendment of Mr. VILAS.

Mr. CALL. Mr. President, proper consideration of the pending bill requires that we should consider the present conditions and circumstances of the country. This is a period of vast combinations, embracing all the staple products of agriculture; it is a time of gigantic incorporated associations of private and public credits, holding in their grasp all the subjects of commerce, the avenues and means of transportation, the control of the public money, and rapidly acquiring the ownership of the soil of the country. These combinations largely control and direct the newspaper press of the country, and speak, or claim to speak, the opinion and will of the people.

These great associations, in the minuteness and extent of their power and in their control of men and of resources, equal the power and the operations of the Government. They are more powerful than the barons of old, who wrested their privileges from the crowned heads of Europe.

The tendency to monopoly; to consolidation; to the solidarity of interests is inevitable and seemingly overwhelming, and its heartless greed and oppressive methods increase every day. An instance of this is to be found in the present condition of things. In the midst of this extreme cold, in which the poorer people are giving their lives by hundreds and thousands for the want of the necessary comfort and warmth and fire, a combination increases the price of coal; and, although the supply is boundless, having already acquired the control of the coal fields of our own country, it is reaching out its hand to embrace the supply of the continent and seeks to pervert the bounties of nature to be the instruments of suffering, torture, and death.

This power, useful and promotive of enterprise when restrained by arbitrary law, if left unrestrained, controls the power of the Government; it manipulates the elections of the country; it controls and influences the legislators who choose Senators here; it speaks the will of the great corporations through the judicial tribunals of the country to a large extent; and it seems as if there was no power in this Government of ours to check and restrain its operations.

In this increase of the price of one of the great staples and

one of the necessaries of life through commercial methods and the public economies which now prevail, we have an illustration of the necessity of some legislation hitherto unknown in the country; something more positive than the experience of legislation in the history of our country before this time has required. Let us consider it for a moment and see whether it does not require of those who represent the people some other method and some greater exercise of power than has hitherto been used.

The increase in the price of the great necessary staples of life strikes as deadly a blow at human life as does the murderer's dagger in his sleeping and innocent victim. The only difference is that the one inflicts death quickly and painlessly, the other not upon one victim, but upon hundreds and thousands in the painful tortures of famine and cold. The superstition of the Middle Ages inflicted death by torture and lingering pain to save the soul of the victim, but the avarice and greed of corporate monopoly, of commercial methods in our day, has revived it upon a larger scale and a wider field to accumulate fortunes and give luxury and power.

This power spares neither age, nor sex, nor race. It makes this free country of America the field of its largest exploits and its most successful operations. While despotic powers deal with it with an iron hand, our professedly free government allows it to crush out the life of the people for fear that we may trench upon the limitations of the Constitution and open the way for despotic power, but there is no despotism like monopoly; no cruelty like that of great combinations to control the great staples on which human life and comfort depends; no greed and cupidity so heartless and devouring as that of persons protected by the irresponsibility of great corporations; no immunity from wrong equal to that of corporate irresponsibility.

If as have been said in this debate the modern methods take up and distribute the sum of the vast products of agriculture with greater ease and expedition and less nominal cost than was done formerly with one-fourth of the quantity, it may also be said that they appropriate to those who control and direct them so large a part of the subjects of commerce as to leave the producers with comparatively nothing of the results of their labor. In their silent but sure influence they approach the famine which starves whole provinces and States, and the pestilence which slays its hundreds of thousands.

This bill represents the uprising of the people against these oppressive methods, and their determination to try at least some means for its control and restraint by law, and is the expression of the almost unanimous feeling of the people engaged in the production of the great staples of commerce and of life.

The means by which it proposes to reach the end of securing a just compensation to the producers is to limit contracts for the sale and delivery of agricultural products to the amount actually grown and produced, and to prohibit and prevent contracts for the fictitious sale and delivery of staple products in excess of the quantity actually produced; contracts which have no relation to either the possible or probable productions, no relation to or connection with actual commerce or exchange except as a means of depressing prices and depriving the producers in one State from receiving a fair and just compensation for their property in the markets of another, or in some foreign country.

Objection has been made that this proposed legislation is not embraced in the power to regulate interstate commerce; that if this power can be extended to a contract for future delivery in a State, so also it may be extended to everything which affects commerce, however minute, even to the removal of a gallon of water from the Mississippi. To this it may be well replied that laws must be reasonably interpreted, as is expressed in the maxim *de minimis non curat lex*, but outside of that let us see how this objection can stand the test of reason.

Suppose the citizens of a State shall devise some method by which the productions or people of any other State passing through it shall be compelled to pay toll or tribute for such passage, is there any doubt that it would be within the power to regulate commerce to provide that this device should be unlawful?

Suppose the citizens of New York should make a trust or combination and control all the dock and wharf property of New York and all the other maritime ports, and impose on all outgoing and incoming commerce a charge of one-fourth of its value for the use of these docks and wharves.

The purchase of this property might be lawful in New York, and the imposition of a reasonable charge for its use on all persons citizens of that or other States might be the use of their property for a lawful purpose, and would operate only on property within the State and subject to its laws, except in so far as this power to regulate commerce might affect and qualify it. Is there any doubt that the regulations of commerce would require Congress to prohibit and prevent this levy of a prohibitory tribute on interstate and foreign commerce? Again, do not the laws of Congress prohibiting trusts and combinations which affect the interstate commerce rest on precisely the same ground in all respects as this proposed legislation?

The bill prohibits fictitious contracts for the delivery of pproerty, with an understanding, either expressed or implied, that no delivery shall be made, but that the contract shall be discharged by the payment of the difference between the agreed price on the day of nominal delivery and the price fixed by the exchange.

The evils ought to be remedied is the arbitrary fixing of a price for products by exchanges less than the price which would otherwise obtain and thus limiting in the will and interest of the exchange and its members the portion of the products of their labors which the producers shall have from the commerce or exchange of their products between the States and with foreign countries.

This production inevitably passes into the interstate commerce and the foreign commerce, and if there be a power anywhere by which its price is affected and fixed in the interests of other than the producers or the citizens of other States, then it unquestionably deprives the producers of one State of their right to a fair and just market, and to the natural laws which regulate the price in other States.

The bill therefore proposes legislation regulating commerce between the States and with foreign countries. Senators find in the fact that a contract shall be made within a State for the payment of the difference between the agreed price of any product and the price fixed on the agreed day of delivery by a stock exchange or a board of trade a reason for exempting such a contract from the legislation of Congress and protecting it under the authority of the States and the limitations of the Federal Constitution, although such contracts regulate the commerce between the States and foreign countries and prescribe the portion of his labor which every producer in other States shall receive.

Senators think that such a contract as this having such an effect was intended to be sheltered and protected from the power of Congress to regulate commerce between the States and with foreign countries, and that an effort on the part of Congress to regulate it under the power to levy taxes and regulate commerce would be an invasion of the rightful authority of the States which would overthrow the fundamental distinctions between the States and the national authority.

That is to say, the contention of those who make this argument is that the sovereign power reserved to States over contracts made within a State is paramount to the sovereign power of Congress to regulate commerce between the States, and the power of the States over contracts made in the State shall be beyond the reach of the power given to Congress, although such contracts may regulate commerce and thus give not to a State but to individuals the power to annul the power of Congress.

The reasons given for this proposition are: The wisdon of the Federal Constitution and the sanctity of its obligation; the tendency of all power to consolidation; the decisions and opinions of the citizens, who have been and are judges, and constitute courts as to the rights and powers of the people and the proper methods of their exercise by their representatives in Congress, and the right of these tribunals to annul the exercise of the powers conferred upon Congress. It will be readily seen that these propositions do not reach the conclusion which has been stated.

No reason can be given why the power of Congress to regulate commerce between the States and with foreign countries should be excluded from operating on a contract within a State which affects injuriously commerce with other States and with foreign countries, nor why the regulation of such a contract would in any way interfere with the autonomy and just powers or rights of the States which have already conceded to Congress exclusive power over commerce between the States and with foreign countries.

The power of Congress is and must be plenary, exclusive, and absolute for the purposes for which it was intended and to the extent to which it has been given. This power over commerce between the States and with foreign countries is to regulate, not destroy; to control and remove all obstacles which destroy, limit, or interrupt it. If this be not so, then for what purpose was this power given to Congress, and can there be any reason and argument on a proposition that some reserved power to the States annuls, limits, and destroys its operation over those things which are necessary to the existence of commerce?

Why should not this power be construed beneficently and broadly? If it be a rightful power, a beneficent power, it should be used for the purpose for which it was given. Is it right, is it necessary, is it beneficent that there should be commerce between the States and with foreign countries? If it is, then this power should be exercised for that purpose, and if it be neces-

sary that any one act or thing done within a State shall be prevented in order to enable this commerce to exist, then unquestionably any reasonable interpretation of the Constitution must include it within its purpose.

If the people and their representatives in the Senate and in the House are not a safe depository of this power, but a tribunal composed of nine persons holding office for life, and wholly irresponsible to the people, are a more safe depository of this power than are the people and their representatives, as the argument of Senators contends, then let us change the Constitution and place this power to regulate commerce in this life tribunal, and let the people and their representatives be excluded from its exercise.

This is the logical conclusion of the argument. Senators contend that the power to levy taxes can not be constitutionally exercised when no tax is levied. It has been said a tax is not a tax when there is no tax. This is true, but it does not follow that an exercise of the power to levy taxes by Congress is unconstitutional because the exercise of the power is fruitless in obtaining money or results. If this be true, then every exercise of a granted power is in violation of the power if it does not result in obtaining the ends for which it has been exercised, and which are declared to be the objects of the grant.

The Constitution gives Congress the power to decide what taxes shall be levied, and what shall be the subjects of taxation, and while it declares the ends for which the power shall be granted, viz, to pay the debts and provide for the common defense and the general welfare, it confides the exercise of this power to the discretion of Congress, and it nowhere forbids Congress in the exercise of this power from regarding the incidental effects of the exercise of the power, nor does it anywhere provide that the exercise of this power by Congress shall become unlawful if it shall be unwisely or inefficaciously used.

Senators contend that the exercise by Congress of the power to levy taxes for a purpose other than that of obtaining money is without the authority of the Constitution and in violation of its provisions, and they maintain this proposition by the contention that the taxing power can not be used for a purpose violative of the Constitution and inimical to its spirit and to the partition of power between the States and the National Government. This is certainly true, but it is not less true of the power to levy taxes than it is of any and all other powers granted, as no power can lawfully be used to destroy the Constitution which creates it or to obliterate or annul other powers.

This statement answers the argument which seeks to avoid the reasoning of the justices of the Supreme Court affirming the lawfulness and rightful exercise by Congress of the power to impose a prohibitory tax to prevent the issue of bank notes by State banks, and the reasoning of the justices affirming the rightful exercise of the power to establish post-offices and post-roads, to destroy the Louisiana Lottery by prohibiting to it the use of the mails and by making it a crime. There can be no difference in the rules which regulate and limit or extend the exercise of any of the powers granted by the Constitution to Congress.

If it be a rightful exercise of power to use the power to establish post-offices and post-roads, not to establish offices and routes and promote communication by mails or telegraphs or money orders, but to suppress improper literature or gambling in lotteries within a State, or for any purpose outside the direct scope of the granted power, it is not because it is the power to establish post-offices and routes, or the power to create money and protect the notes and credits of the United States, but because the powers of Congress may be lawfully exercised for objects outside of the scope of the granted power, but for purposes within the spirit and objects of the Constitution and its express and implied powers.

There can be no difference between one and another power. The same reasons which justify in one case will justify and demand it in another.

The reasons for this proposition are, first, Congress is the sole depository of the power and its discretion the only guide; second, all powers granted in the Constitution are granted for the purpose of carrying into effect all the powers, either express or implied, and giving effect and efficiency to the scheme of government therein provided as a whole and not as a part, and for giving force and effect to each granted power, whether express or implied. All the powers, express or implied, are granted for the purpose of giving effect to the power of Congress to regulate commerce, to the power to establish post-roads and routes; to the power to coin money and regulate the value thereof; to the power to declare war and make peace, and to each of the powers of every kind.

All powers must be so exercised as to preserve not destroy each other.

Any other construction will make the Constitution a *felo-de-se*, with powers warring against and destructive of each other.

In our system of Government, the sovereign people, the electors, are represented by Congress, not by the Supreme Court nor by the President.

Here in this body, and in the House, the people have power over all other departments, and have reserved to themselves in the Congress which they make and unmake at will the power to judge and decide as to the execution of the laws and the performance of their duties by the other departments of the Government.

Senators declare that the argument against the bill is limited to the prohibition in this bill of legitimate contracts, or contracts made within a State for the actual delivery at some future time of property. No defense is made of gambling contracts for the fictitious delivery of property with a forfeit attached, and with the understanding that there should be no delivery but that the difference between the agreed price and the price fixed by the exchange or board of trade shall be paid as a forfeit.

In this we all agree, no one supports this bill or the substitute of the Senator from Mississippi, with the object of hindering or affecting contracts for the future actual delivery of property.

It is only necessary for the opponents of this legislation to point out the respects in which the proposed legislation affects contracts for the actual delivery of property not in excess of the quantity produced to eliminate these features from the bill.

The bill proposes to prevent the dealing in staples which have no existence and to limit contracts to the actual production of the great staples of the country. Certainly it can not reasonably be maintained that the prohibition of contracts for the fictitious purchase, sale, and delivery of property is a prohibition of contracts for the actual purchase and sale of property, and there can be no sale or purchase of that which does not exist and can not exist.

Whatever evil consequences shall follow this legislation must follow not from a prohibition of actual or real sales or actual or real deliveries of property, but from the prohibition of fictitious, unreal, pretended sales and deliveries. If the latter are wise and beneficial and promotive of commerce in real things and of fair and just exchange of commodities, then this bill and this proposed law is wrong and will be hurtful. If, on the contrary, such transactions are hurtful and destructive of commerce and fair exchange, then this bill is right and ought to be passed.

This bill must be tried by this consideration and not by that proposed by Senators in their argument of its unconstitutionality and its overthrow of the partitions of powers between the States and National Government. The proposition is that, admitting the existence for the argument's sake of a great public evil which threatens the social order and the existence of free government and republican institutions, an evil which establishes a privileged class and the dominance in our industrial and commercial system of an arbitrary power in the possession of private corporations composed of a few men who hold in their hands the control of the lines of transportation and the control of the money of the country, to fix and limit the share of his own labor which every producer and every person in all the States shall receive, by regulating commerce through the price of products and by creating an opinion which will regulate temporarily both the supply of and the demand for the great staples; that admitting this evil, there is not and there ought not to be any national power to deal with it; that the power of the separate and sovereign States is ample and easily moved to provide the remedy; that the Legislature of Illinois now in session can easily destroy the corporation which it has created and revoke and annul its powers, and so may the Legislatures of all the States.

This argument reaches to the whole scope and structure of the National Government, and if true, equally proves that each and all of the national powers could be better exercised by the separate States, and reaches the result of separate State sovereignty as a better form of government than that of the United States.

The proposition, if true, would relegate the Senator and all of us to the separate and sovereign States which send us here to say to them "You are mistaken; you can better exercise the powers which you have intrusted to us than we can in this assembly of States and this body, representing all the people; you and a life tribunal to judge of the motives which actuate your legislators and with power to annul your acts when they think it proper to say your motives were not what they purport to be in this legislation, or your acts were designed to have some other effect than the chief one for which this power was granted. This is the better form of government, and therefore we will refuse to exercise the powers which you have conferred upon us to destroy the things which are destructive of commerce and leave it to you in your separate and sovereign capacity to deal with each other.

This is not our scheme of Government. The people are sovereign and are represented through the States and the members of the House of Representatives, to whom the granted powers, whether express or implied, are intrusted.

It is the great dignity of this body and of the House of Representatives that it is the supreme legislative power, although coördinate with, yet in some respects paramount and sovereign to, all other departments of this Government, furnishing supplies for the execution of their duties or withholding them, impeaching and removing the judges of the Supreme Court, the President of the United States, and the heads of all the Executive Departments of the Government.

In these two bodies the people grant or withhold supplies necessary for the performance of their duties by the executive and judicial departments. Here the people impeach and remove justices of the Supreme and all other courts, and even the President and all inferior officers.

Through these two Houses the sovereign people speak in its laws. Here they preserve and defend the Constitution of the United States and the several rights of the States, and to their servants here who shall either fail to exercise the powers conferred upon them or exercise them unwisely or unfaithfully every two and six years' time they give either a judgment of approval or condemnation. Here in these two Houses, reflecting always the will of the people, is to be found the defense of the Constitution and of the States, and all the limitations of power.

Shall we find, then, any justification, when great combinations of corporate power shall seek to gather enormous wealth for themselves by regulating and controlling the foreign and interstate commerce of all the people of all the States so that the portion of every man's labor which he shall receive for himself and his family shall be diminished and the larger part taken as the share of the persons engaged in these corporate combinations, so that great wealth and luxury and power shall result to a few and great poverty and want shall come to the many, to the great body of the people—shall we find justification for refusing to exercise the power of regulating this commerce in all the products of labor between the States by prohibiting such combinations and the methods by which this result shall be reached?

Can we be faithful to the people if we fail to make such things unlawful?

Can we regulate commerce between the States if we allow the people in one or more States by any device or scheme to take the labor and property of the people of other States without just compensation, by obtaining power to regulate and fix the value of the subjects of commerce between the States and the share of these products which the people of other States shall have in the proceeds of their own labor?

Can our institutions of free government coexist with the existence and exercise of a power either of individuals or of corporations to make fictitious prices for the great staples of commerce—undervaluing them when in the hands of the producer and increasing their price when in the hands of the purchaser?

These questions and these considerations seem to me to be pertinent to this bill, and to furnish their own answer.

What is the evil complained of? The vast productions of sixty-five millions of people, constituting their means of subsistence and of procuring the comforts and enjoyments of life, require exchange with the people of the other States and with foreign countries. This exchange is commerce, and can not be confined within the limits of a State, nor of a country, nor bounded by State lines or national boundaries.

It of necessity finds its convenient places of distribution, and becomes properly laden with the just and necessary and reasonable charges of its transportation and of compensation to the persons whose services are required for its exchange.

How large a share of it is taken from the producer is shown in the luxury and lavish waste and vast buildings and enormous individual wealth of the great cities of the world in all previous time, and in the poverty and suffering and humble fortunes of the great mass of the people of every country, our own included.

If the extremes of great wealth in the few, and great poverty and suffering in the many, do not meet in the country as they do in the great cities, we still behold the producers in the country in the main of humble means, and with but a scanty share even of the things which their own labor produces. Superadded on this great structure of commerce and exchange, whose conditions have been made so onerous and oppressive to the great body of the producers, our times have found a new device, a device not needful or useful to commerce or exchange, not just to the producer, nor promotive of permanent production or of increasing commerce.

That device is the fixing of an arbitrary standard of prices on values in the first instance of purchase from the producer, by quotations of prices from the centers of exchange sent by telegram to every producer, the prices being made by an agreement between two persons that on a certain day one will deliver to the other a certain quantity of the staples of commerce and the other will pay a stipulated price, with the understanding that there shall be no delivery or sale of the thing agreed to be sold, but that on the day of delivery the seller or person agreeing to deliver the thing sold shall either pay to the buyer or receive from him the difference between the thing sold or the price agreed to be paid and the price fixed on that day in the exchange or corporation of the place of contract exchange.

We must consider carefully the effect of a transaction of this kind. How does it in any way affect the real price or value of a bag of cotton or a bushel of wheat that a contract shall be made between two persons that on the 1st day of February one will pay the other the difference between 10 cents a pound and the price at which the bag of cotton or the bushel of wheat shall be quoted in the exchange on the 1st day of February, one receiving the difference above 10 cents and the other the difference below 10 cents.

How will this transaction affect the price of the great bulk of cotton or wheat produced while it is in the possession of the producer?

This is what we wish to know; and in the clear determination and explanation of this transaction, and its relations and effects, will depend either the merits or demerits of this bill.

Let us then examine it very closely.

First, it is quite evident that if this transaction were made in a corner between two persons, and should not be known to anyone else, it would have no other effect than that one would lose and the other gain something.

Fifty millions of bales of cotton might be agreed to be bought and sold every day, or fifty billions of bushels of wheat, and if known to no one but these two persons it could have no relation to or influence upon either the supply of cotton or wheat, or the demand for it. It would be neither more nor less than a wager or bet between two persons in the form of an agreement to deliver cotton or wheat at a stipulated price, but with an understanding that no wheat or cotton should be delivered, but that a money forfeit should be paid by one to the other to be fixed by a third person.

If this shall not be done in a corner, what difference will there be then? What effect will be produced by publicity or quotations of this contract and this price, and this fact that A has agreed to buy from B 5,000,000 bags of cotton or bushels of wheat on a given day at a fixed price?

If the price offered for the future delivery is less than the price of the staple at the time of the contract, if it be true that the publicity of this fact—the quotation of it—will or may influence the price of this cotton or wheat in the hands of the producer, then it follows that if this quotation of this fact can be controlled it will be greatly to the interest of someone to control it and fix the price of the staple at such a rate as will allow them to make a profit out of it.

Who is interested in fixing the price of the great staples in the hands of the producers at the lowest price possible? It is not the producer, but must be any one who shall handle these staples or use them. All persons except the producer of an article are interested in getting these great staples out of the hands of the producer at the lowest possible rate.

If this system of quotation and exchange furnishes the means of fixing the price, and it is in the hands of those who are interested in fixing it at the lowest possible rate, then it seems to me that the merits of this bill are decided. If we are to say that this is a useful instrumentality of commerce because a man may make contracts for the delivery of a vast amount of property, and being uncertain whether he will realize anything by the arbitrary prices fixed by a third party he can, upon the other hand, buy on the other side and thus equalize the two transactions, if it be necessary to have this great cost, this fictitious method of bargaining in fictitious things as an adjunct of commerce, let there be established a gambling house, or a lottery, or some other method by which there may be an insurance given to contracts, but let it not be a method by which the price of the great staples shall be fixed for the producers throughout the world.

Now, Mr. President, we have ascertained that this system of quotations of prices at the great centers of exchange, less than the natural and prevailing price, whatever that may be, is possible. How can these quotations be controlled and made to speak the will of interested parties? It is evidently not by means of contracts for the actual sale and delivery of these great staples at some future time.

Such transactions must be limited to the actual supply and can not exceed it, and when they have embraced the entire supply and the exchange has been actually made, all the forces which influence demand and supply have been at work and the price fixed by them is the natural and legitimate one, although combinations between large dealers and the monopoly of money

and extortionate charges of transportation have operated in fixing the price to the disadvantage of the producer. Still, under our existing system it is an actual and legitimate price unaffected by dealings in fictitious products, unaffected by fictitious transactions which represent only the opinion of one man that a staple will be more valuable at a future time, and on the other side the opinion of another man that it may be less valuable.

If at a great center of exchange, where the value of all staples is fixed by a system of contracts of fictitious sale and delivery in the future an opinion with all producers shall be made that prices will rule lower or in the decreasing scale, then we can see that those who are compelled to sell will take a lower price. The opinion having been created that the staple which they own will decrease in value, those who hold it and are obliged to sell will of necessity take a lower price.

We can also see that the constant tendency, effect, and purpose of a system of large fictitious sales for future fictitious delivery must have a depressing effect on natural prices.

There is a legitimate price for staples, the cost of production with a margin of profit to the producer and the cost of transportation and exchange with a margin of profit to those engaged in it.

This is the necessary margin of profit. Prices can not fall below this without the cessation of permanent production and all above it is the margin of speculative profit by middlemen and has no real or proper relation to reasonable and fair prices.

It is certainly legitimate and perhaps beneficial that this system of fixing prices by natural causes should be supplemented by the competition between buyers for speculative reasons; but unquestionably it ought not to be allowed that they shall be influenced in any way by the fictitious sale and purchase and the fictitious delivery of vast amounts of these staples not in existence, thus giving a power to great centralized organisms to create an opinion unfavorable to the value of these great staples while in the hands of the producer.

We will suppose that some men who speculate or deal in cotton are of the opinion that the supply of cotton will be very short, and the price rule high; other men are of the opinion that it will rule low.

The men who think cotton will rule high will agree to buy on future delivery, and the men who think it will rule low will agree to sell for future delivery, and if the opinions of all these men were fairly collected every day and sent out they would be nearly equal, and the producers in the country having cotton might properly say opinions are even and nothing can be seen from them as to the effect of these opinions on prices to-morrow. But the fact is that these reports of the sales for future delivery made in the great exchanges of the world must have an effect in fixing the price for both present and future actual delivery.

If I want to buy any staple for future use, and I find that the prevailing rate for future pretended delivery is a certain rate, I will not give a larger price than the prevailing rate for future delivery, especially when a powerful corporation guarantees the difference between the exchange price for future deliveries and the contract price, whatever it may be. Is not the contract price in the exchanges of the world for futures entirely within the control of combinations between the great operators on these boards and subject to be fixed by them arbitrarily and in their own interest, and with reference only to getting these staples out of the hands of the producer before the law of supply and demand shall have increased their value to the natural and legitimate price?

This seems to be the necessary, logical, and inevitable conclusion.

If it be true, if it be possible, if it be probable, it requires of intelligent legislation that all the power of intellect and research should be addressed to its prevention, for it means nothing more nor less than that a power to fix the value of each man's labor; and the amount that he shall receive for his compensation and for the support of his family is left to those whose interest it is to impoverish him, leaving him only the bare necessaries of life.

If this be true, let us inquire, then, how long can the producers stand a system in which a scant and insufficient share to support life of the proceeds of their own labor is assigned to them by an arbitrary power which appropriates the greater part to their own enormous enrichment?

The answer, Mr. President, is not difficult to find. It will only be until the conviction of the fact becomes general. Then their indignation will know no bounds, and may become dangerous to peace and good order unless wise legislation shall remedy the evil here and now. Under all conditions that have been heretofore devised the producer has been at a great disadvantage in the sale of his productions. The progress of poverty has kept pace with the discovery of labor-saving inventions and with the improvements in transportation and the new methods of sale and distribution.

The increase of corporate property and wealth has kept pace with the decrease of the individual ownership of land and property by the great body of the people.

Discontent, dissatisfaction, wild schemes of agrarian legislation and of socialistic systems, misleading the people, are the results of this impoverishment, this arbitrary diminution of the value of each man's labor, this taking from him for the enrichment of others under commercial processes and systems a larger share of his labor than is necessary for its just and proper exchange.

Vast burdens of debt have been created on the producers, and their creditors are the men who produce nothing, but handle the the results of their labors.

The lives of the great mass of the people grow harder every day. There is something wrong in our industrial economies. The people demand of us that we shall at least endeavor to find and remedy it.

Therefore, Mr. President, this legislation, however imperfect and tentative it may be, is in the line of the demand of the people and of public opinion. They believe, as I think, that it is progress in the industrial economy, in the line of the preservation of private property and of our existing institutions, that corporate power may exist and yet be subject to control and limitation. In my judgment, they are not to be deluded with the idea that the limitations of power in the Federal Constitution prevent the representatives of the States and the people from exercising such power and effecting such legislation as shall be adequate to their protection against any evils which threaten the destruction of the commerce of this country.

I, therefore, Mr. President, am in favor of the principle of the bill, and shall vote first for the amendment of the Senator from Mississippi.

Mr. PLATT. It occurs to me that the matter now under discussion is of sufficient importance so that at least an eighth or a tenth of the Senate should listen to the discussion. I suggest the want of a quorum.

The VICE-PRESIDENT. The roll will be called.

The Secretary called the roll, and the following Senators answered to their names:

Allison,	George,	Mills,	Squire,
Berry,	Gibson,	Palmer,	Stewart,
Brice,	Gordon,	Peffer,	Stockbridge,
Butler,	Hansbrough,	Pettigrew,	Vance,
Caffery,	Harris,	Platt,	Vest,
Call,	Higgins,	Power,	Vilas,
Chandler,	Hill,	Pugh,	Walthall,
Coke,	Hoar,	Quay,	Washburn,
Dixon,	Hunton,	Ransom,	White,
Dolph,	Jones, Ark.	Sawyer,	Wilson.
Dubois,	McMillan,	Sherman,	
Gallinger,	McPherson,	Shoup,	

Mr. TELLER. My colleague [Mr. WOLCOTT] is detained at home by sickness.

Mr. CHANDLER. I wish to announce that the Senator from Illinois [Mr. CULLOM] is detained from the Senate by sickness.

Mr. CALL. I wish to announce that my colleague [Mr. PASCO] is detained from the Senate on business.

The VICE-PRESIDENT. Forty-six Senators have responded to their names. A quorum is present. The question recurs on agreeing to the amendment proposed by the Senator from Wisconsin [Mr. VILAS].

Mr. HOAR. Let it be read.

The VICE-PRESIDENT. The amendment will be read.

The CHIEF CLERK. In section 2, line 15, after the word "thereof," insert:

And does not in good faith intend to purchase and deliver the articles contracted to be sold and delivered according to the terms and requirements of such contract.

So as to read:

That for the purposes of this act the word "futures" shall be understood to mean any contract or agreement whereby a party contracts or agrees to sell and deliver to another or others at a future time, or within a designated period, any of the articles mentioned in section 3 of this act, when at the time of making such contract or agreement the party so contracting or agreeing to sell and make such delivery, or the party for whom he acts as agent, broker, or employé in making such contract or agreement, is not the owner of the article or articles so contracted or agreed to be sold and delivered, or has not theretofore acquired by purchase and is not then entitled to the right to the future possession of such article or articles under and by virtue of a contract or agreement for the sale and future delivery thereof previously made by the owner thereof and does not in good faith intend to purchase and deliver the articles contracted to be sold and delivered according to the terms and requirements of such contract.

Mr. WHITE. Mr. President, in the course of the remarks of the Senator from Illinois [Mr. PALMER] the other day I submitted a question as to the operation of this bill unless the amendment be adopted. I now desire to restate that question in as few words as I can, in a plain, business way, because I conceive that the bill without the amendment will be a bill of pains and penalties against cotton farmers in the Southern country. I think I can demonstrate that in a very few words.

The testimony taken before the two committees establishes the fact indubitably that much the larger proportion of the crop

in the Southern country is made by advances obtained from factors for that purpose. Formerly the factor who made the advance was generally a factor living in some center of trade. In the operation of the modern system the advance which is made to make the crop, as a usual rule, in consequence of the great subdivision of land, is made by merchants in the interior towns. Their capital not being adequate to make this advance themselves, the usual form of contract which they make is a contract by which the merchant in the interior town agrees to advance a given sum of money to the cotton-raiser to enable him to make his crop, stipulating that for a given unit of money advanced a given quantity of cotton shall be shipped to the merchant.

The result of the system is that the money with which the crop is made is obtained immediately by the planter from the interior town, but the money which the merchant in the interior town advances is obtained from a money center. In other words, not having the capital himself to carry on the business, he obtains the money from a money center. Now, how does he obtain it? He takes his contracts. He produces those contracts and he says, "Here I have contracts to advance $30,000, and as an equivalent of that $30,000 I am to get what? So many bales of cotton. I wish to borrow the money from you to make this advance." That is the usual and customary form in which cotton is raised in the Southern country. I think there is no misapprehension or mistake about that.

Now, how is the money obtained? When the merchant from the interior town comes in with his contract, the statement is made to him, "I will advance you this money, but the only security outside of your credit that I have is the cotton, and the price the cotton is to sell for becomes a question which I must determine before I can make the advance. If you will allow me to determine that question now, and sell for future delivery at a market which is satisfactory to me so as to insure the price I am to get for the cotton, I will make you the advance." There is not a bank in the Southern country to-day that advances money to the larger factors which has not back of the loans these contracts with the price of the property guaranteed by the sale at the time the contracts are made.

Now, what does this bill provide? The bill does not allow the merchant to sell. That is perfectly plain. The merchant will not be able under the bill to do it. But who under the bill will be able to do it? The farmer. Under this bill the farmer can sell his crop growing and in process of being made.

Therefore the inevitable operation of the bill will be that when the farmer presents himself to get the advance the answer will be, "I can advance you the money, but I can not obtain the money. I am placed in a position where I can sell under the future system in order to guarantee a price which warrants me. I will make you the advance provided you transfer to me your right to sell your crop." This bill allows that.

So the inevitable operation of this section of the bill, unless you put this amendment in it, will be to take from every farmer in the Southern country who goes to borrow $1 to raise a crop the right to sell that crop at the time of the making of the contract. Therefore, this is a bill to force all the farmers of the Southern country, who are not rich but are poor, to sell their crop while the seed is in the ground and before the germination has taken place, and thus to force them against their will to become speculators in the sale of their crop at the very incipiency of the season.

I say this is as plain to me as that two and two make four, and if you pass the bill without allowing the person who has the bona fide intention to purchase and deliver, the necessary operation of the bill will be to force every cotton farmer who has not the money to make his own crop to become a speculator in that crop before the crop is out of the ground, and to dispose of his crop as part of the contract to obtain the necessary advance to make it. Such being the inevitable consequence of this bill unless you adopt that amendment, I beg that the amendment be seriously weighed before it shall be voted down.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Wisconsin [Mr. VILAS], on which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. HANSBROUGH (when his name was called). I am paired with the Senator from Montana [Mr. SANDERS]. I transfer that pair to the Senator from Nevada [Mr. JONES], and vote "nay."

Mr. HARRIS (when his name was called). I am paired with the Senator from Vermont [Mr. MORRILL].

Mr. HILL (when his name was called). I am paired with the Senator from South Carolina [Mr. IRBY]. If he were present I should vote "yea."

Mr. DOLPH (when Mr. MITCHELL'S name was called). My colleague [Mr. MITCHELL] is unavoidably detained from the Senate by an affliction in his family. I have been requested to procure a pair for him, but I have been unable to learn who is ordinarily paired with him and have been unable to do so upon this vote. If any Senator upon the other side of the question will pair with him, I shall be glad to have him do so.

Mr. HOAR (after having voted in the affirmative). I will cheerfully pair with the Senator's colleague.

Mr. DOLPH. My colleague is in favor of the bill.

Mr. HOAR. Yes; and I am opposed to it.

Mr. DOLPH. That will be satisfactory.

Mr. HOAR. I withdraw my vote.

Mr. PLATT (when his name was called). My colleague [Mr. HAWLEY] is absent, and writes me that as the bill has been amended he is in favor of it. He requests me to obtain a pair for him. I have no doubt that he would vote against the pending amendment, and as I should vote for it, I will pair with him.

Mr. SAWYER (when his name was called). I am paired with the Senator from Minnesota [Mr. DAVIS] on the bill and all amendments.

Mr. SQUIRE (when his name was called). I am paired with the Senator from Virginia [Mr. DANIEL] and therefore withhold my vote.

Mr. VEST (when his name was called). I am paired with the Senator from Kansas [Mr. PERKINS]. If he were present I should vote "yea" and he would vote "nay."

Mr. WILSON (when his name was called). Upon this question I am paired with the Senator from Virginia [Mr. DANIEL]. Otherwise I should vote "nay."

The VICE-PRESIDENT. The Senator from Washington [Mr. SQUIRE] has announced a pair with the Senator from Virginia [Mr. DANIEL].

Mr. WILSON. Although I have a general pair with the Senator from Georgia [Mr. COLQUITT], I am advised if he were present he would vote "nay." I will therefore vote. I vote "nay."

Mr. TELLER (when Mr. WOLCOTT'S name was called). My colleague [Mr. WOLCOTT] is detained from the Senate by sickness. I will pair with my colleague. I should vote "nay," and if he were present he would vote "yea."

The roll call was concluded.

Mr. DIXON. My colleague [Mr. ALDRICH] is absent unpaired. I suggest to the Senator from Missouri [Mr. VEST] that he transfer his pair with the Senator from Kansas [Mr. PERKINS] to my colleague.

Mr. VEST. Very well; I vote "yea."

Mr. BUTLER. I am paired with the Senator from Pennsylvania [Mr. CAMERON].

Mr. GORDON. I am paired with the Senator from Wyoming [Mr. WARREN], but I understand that if he were here he would vote "nay," and I will therefore vote. I vote "nay."

Mr. CARLISLE. I am paired on the bill and all amendments with the Senator from North Dakota [Mr. CASEY]. If he were present I should vote "yea."

Mr. SQUIRE. I announced my pair with the Senator from Virginia [Mr. DANIEL], but I understand a different arrangement has been made, and that the Senator from Iowa [Mr. WILSON] is paired with that Senator.

The VICE-PRESIDENT. The Senator from Washington correctly stands paired with the Senator from Virginia [Mr. DANIEL].

Mr. SQUIRE. I should vote "nay" if I were not paired. However, my pair with the Senator from Virginia only applies to the main question.

Mr. JONES of Arkansas (after having voted in the affirmative). I have a general pair with the Senator from New York [Mr. HISCOCK]. I have just voted, and I take the liberty of transferring my pair to the Senator from Florida [Mr. PASCO].

Mr. CALL. I wish to announce that my colleague [Mr. PASCO] is paired on this amendment with the Senator from New York [Mr. HISCOCK]. If my colleague were present he would vote "nay."

Mr. GORMAN (after having voted in the affirmative). I have a general pair with the Senator from Maine [Mr. FRYE]. I notice his name is not recorded, and I withdraw my vote.

The result was announced—yeas 12, nays 33, as follows:

YEAS—12.

Caffery,	Jones, Ark.	Palmer,	Vest,
Dixon,	McPherson,	Power,	Vilas,
Gibson,	Mills,	Stewart,	White.

NAYS—33.

Allison,	Dolph,	Kyle,	Stockbridge,
Berry,	Dubois,	McMillan,	Vance,
Blackburn,	Gallinger,	Manderson,	Voorhees,
Call,	George,	Morgan,	Walthall,
Carey,	Gordon,	Peffer,	Washburn,
Chandler,	Hale,	Pugh,	Wilson.
Cockrell,	Hansbrough,	Quay,	
Coke,	Higgins,	Ransom,	
Dawes,	Hunton,	Sherman,	

NOT VOTING—42.

Aldrich,	Daniel,	Hoar,	Sanders,
Allen,	Davis,	Irby,	Sawyer,
Bate,	Faulkner,	Jones, Nev.	Shoup,
Blodgett,	Felton,	Mitchell,	Squire,
Brice,	Frye,	Morrill,	Stanford,
Butler,	Gorman,	Paddock,	Teller,
Cameron,	Gray,	Pasco,	Turpie,
Carlisle,	Harris,	Perkins,	Warren,
Casey,	Hawley,	Pettigrew,	Wolcott.
Colquitt,	Hill,	Platt,	
Cullom,	Hiscock,	Proctor,	

So the amendment was rejected.

The VICE-PRESIDENT. The question recurs on agreeing to the amendment proposed by the Senator from Virginia [Mr. DANIEL], to strike out section 10 of the bill.

Mr. WASHBURN. Before the amendment of the Senator from Virginia is acted upon I will offer an amendment to which I think all will agree. I offer it to meet the suggestion of the Senator from Massachusetts [Mr. HOAR].

The VICE-PRESIDENT. The amendment proposed by the Senator from Minnesota will be stated.

The CHIEF CLERK. In section 2, line 27, after the word "planter," insert:

Nor to any agreement to pay or deliver a part of the product of land as compensation for its use or as compensation for work or labor done or to be done on the same.

The amendment was agreed to.

Mr. WASHBURN. I wish to offer another amendment. I shall not ask the vote of the Senate on it to-day, but call the attention of Senators to it. I move on page 22, in section 15, line 3, to strike out "September" and insert "July;" and in the same line, to strike out "1892" and insert "1893;" so as to have the bill take effect on the 1st day of July, 1893.

The VICE-PRESIDENT. The amendment will be stated.

The CHIEF CLERK. In section 15, line 3, after the words "day of," it is proposed to strike out "September," and insert "July" and in the same line, after the word "year," to strike out "1892" and insert "1893;" so as to read:

That this act shall take effect and be in force from and after the 1st day of July of the year A. D. 1893.

Mr. BUTLER. May I inquire of the Senator from Minnesota why he offers that amendment to substitute "July" for "September"?

Mr. RANSOM. The bill now reads "September, 1892."

Mr. BUTLER. I think "September, 1893," ought to be substituted for "July, 1892."

Mr. WASHBURN. I propose to substitute "July, 1893," for "September, 1892."

Mr. BUTLER. "September, 1893," it ought to be.

Mr. WASHBURN. If there be no objection, I will ask for a vote on the amendment at this time.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Minnesota [Mr. WASHBURN].

The amendment was agreed to.

The VICE-PRESIDENT. The question recurs on the amendment heretofore offered by the Senator from Virginia [Mr. DANIEL].

Mr. HOAR. Let the amendment be stated.

Mr. GEORGE. Have all the amendments which have been offered to the body of the bill been acted upon?

The VICE-PRESIDENT. All the amendments have been acted upon with the exception of the amendment of the Senator from Virginia [Mr. DANIEL], which is now pending. The amendment will be read.

The CHIEF CLERK. It is proposed to strike out section 10 in the following words:

SEC. 10. Whenever any contract or agreement for the sale and future delivery of any of the articles mentioned in section 3 of this act shall be made, and the making thereof shall not be reported by the collector of internal revenue, as required by section 9, and it shall come to the knowledge of such collector, or he shall have reasonable cause to believe that the party by whom such contract or agreement was made as vendor was not, at the time of the making thereof, the owner of the article or articles which were the subject of, embraced in, or covered by such contract or agreement, and had not then acquired, and was not then entitled to the right to the future possession of such article or articles under and by virtue of a contract or agreement for the sale and future delivery thereof previously made by the owner of such article or articles, it shall be the duty of such collector to require the party who shall have made such contract or agreement as vendor to forthwith furnish to such collector proof of such vendor's ownership, or right or title to the future possession of the article or articles so embraced in or covered by such contract or agreement, and said party shall thereupon make, and file with such collector, an affidavit stating by whom the said article or articles were owned at the time said contract or agreement was made, and, if affiant was not at that time such owner, whether at the time of making such contract or agreement affiant was entitled to the right to the future possession of said article or articles, and how such right was acquired. Such affidavit shall also state the warehouse, elevator, or other place where said article or articles are stored, or, if the same be then in the possession of a vessel, railroad, or other carrier for transportation, the name of such vessel, railroad, or carrier, and the number and date of each separate bill of lading or receipt issued by such vessel, railroad, or carrier thereof, and the amount or quantity of such article or articles called for by such bill of lading or receipt; and such affidavit shall further state the amount or quantity of other articles of the kind embraced in and covered by such contract or agreement which said affiant is then the owner of, or entitled to the possession of, and any and all contracts or agreements which affiant may have made, and which are then outstanding and remaining uncanceled, for the sale and future delivery of any such article or articles of such kind. And said party is further required, if demanded by such collector, to exhibit to the collector the original receipt of the warehouse or elevator where the aforesaid article or articles are then stored, or the bill of lading or receipt of the vessel, railroad, or other carrier having possession of said article or articles for transportation. And in case said party shall fail or refuse to make and file with the collector the said affidavit when so required, or shall fail or refuse to exhibit the said warehouse or elevator receipt or said bill of lading, when so demanded, such failure or refusal shall constitute and be deemed and held to be *prima facie* evidence that the contract or agreement so made by said party was a "futures" contract or agreement as described and defined in section 2 of this act, and said party shall thereupon become liable and be required to pay to said collector upon the article or articles which are the subject of, embraced in, or covered by such contract or agreement, the amount or amounts of special taxes imposed and required by section 4 of this act to be paid for and upon an article or articles of the same kind when sold under any "futures" contract or agreement; and if when such contract was made the party making the same was not authorized, by a certificate issued to him under the provisions of section 5 of this act, to make "futures" contracts or agreements, then said party shall also become liable and be required to pay the further sum of $1,000 prescribed by said section 5 of this act as a license fee for conducting the business of dealer in "futures."

Mr. PALMER. I call for the yeas and nays on agreeing to the amendment.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. BUTLER (when his name was called). I am paired with the Senator from Pennsylvania [Mr. CAMERON].

Mr. CARLISLE (when his name was called). I am paired on this question with the Senator from North Dakota [Mr. CASEY].

Mr. HARRIS (when his name was called). I am paired with the Senator from Vermont [Mr. MORRILL].

Mr. HIGGINS (when his name was called). I am paired with the senior Senator from New Jersey [Mr. MCPHERSON]. I do not see him in the Chamber, and in his absence I withhold my vote.

Mr. VEST (when his name was called). I am paired with the Senator from Kansas [Mr. PERKINS] on this bill and the amendments to it; but I will transfer that pair to the Senator from Rhode Island [Mr. ALDRICH] and vote. I vote "yea."

Mr. WILSON (when his name was called). Being informed that the Senator from Georgia [Mr. COLQUITT], with whom I am paired, would, if present, vote "nay" on the amendment, I vote "nay."

The roll call was concluded.

Mr. HOAR (after having voted in the affirmative). I voted on this amendment, not knowing at the time that the Senator from Oregon [Mr. DOLPH] expected that my pair with his colleague [Mr. MITCHELL] would continue through all the votes to-day. I now withdraw my vote.

Mr. TELLER. On the former vote I was paired with my colleague [Mr. WOLCOTT], who is detained from the Senate on account of sickness, but that pair has been transferred to the Senator from Wyoming [Mr. WARREN], and therefore I am at liberty to vote. I vote "nay."

Mr. MORGAN. I am paired with the Senator from Virginia [Mr. DANIEL] on this question. If he were present I should vote "nay."

Mr. PLATT. I am paired with my colleague [Mr. HAWLEY] on this bill and the amendments to it. If he were present I should vote "yea."

Mr. CALL. I wish to state that the pair of the Senator from Arkansas [Mr. JONES] with the Senator from New York [Mr. HISCOCK] has been transferred to my colleague [Mr. PASCO]. If he were here my colleague would vote "nay."

Mr. SAWYER. I am paired with the Senator from Minnesota [Mr. DAVIS], but I have the liberty to vote to make a quorum, and as my vote will not make any difference in the result I vote "yea."

The result was announced—yeas 13, nays 32; as follows:

YEAS—13.

Brice,	Hill,	Pugh,	White.
Caffery,	Jones, Ark.	Sawyer,	
Dixon,	Mills,	Stewart,	
Gibson,	Palmer,	Vest,	

NAYS—32.

Allison,	Dawes,	Hunton,	Squire,
Berry,	Dubois,	Kyle,	Stockbridge,
Blackburn,	Felton,	McMillan,	Teller,
Call,	Frye,	Manderson,	Vance,
Carey,	Gallinger,	Peffer,	Voorhees,
Chandler,	George,	Power,	Walthall,
Cockrell,	Gordon,	Quay,	Washburn,
Coke,	Hansbrough,	Sherman,	Wilson.

NOT VOTING—42.

Aldrich,	Cameron,	Daniel,	Gray,
Allen,	Carlisle,	Davis,	Hale,
Bate,	Casey,	Dolph,	Harris,
Blodgett,	Colquitt,	Faulkner,	Hawley,
Butler,	Cullom,	Gorman,	Higgins,

Hiscock,	Morgan,	Platt,	Turpie,
Hoar,	Morrill,	Proctor,	Vilas,
Irby,	Paddock,	Ransom,	Warren,
Jones, Nev.	Pasco,	Sanders,	Wolcott.
McPherson,	Perkins,	Shoup,	
Mitchell,	Pettigrew,	Stanford.	

So the amendment was rejected.

Mr. GEORGE. All of the amendments to perfect the bill having been disposed of, I offer an amendment to strike out all after section 3 of the bill, except the last section, which refers to the time when the bill is to go into operation, and insert in lieu of the part proposed to be stricken out that which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to strike out, beginning with section 4 to the close of section 14 of the bill, and insert:

SEC. 4. That "options" and "futures," as hereinbefore defined, are hereby declared to be obstructions to and restraints upon commerce among the States and with foreign nations, and to be illegal and void; and if any person shall be a party, either as buyer or seller, to any contract or agreement hereinbefore defined as "options" or "futures" he shall be deemed guilty of a misdemeanor, and on conviction therefor in either the proper district or circuit court of the United States shall be fined for every such offense in a sum not less than the whole sum paid or agreed to be paid or received or agreed to be received on any such contract, if the sum shall amount to as much as $1,000; but if the said sum shall not amount to $1,000 then he shall be fined $1,000 and in addition thereto shall be imprisoned for a period not less than one year nor more than five years; and every distinct contract shall constitute a separate offense of the seller and also of the buyer.

SEC. 5. That any merchant or other exchange, board, or other association in or through which "options" or "futures" or both shall be made, encouraged, settled, regulated, or adjusted are hereby declared to be unlawful combinations to obstruct commerce among the States and with foreign nations. And if it shall appear that any such board, association, or exchange has encouraged, regulated, adjusted, or promoted any such contract or settlement the said board, association, or exchange shall be subject to proceedings to be instituted in the circuit court of the United States by bill in equity, by which such action of such association or exchange, or by any member thereof, shall be enjoined. Such proceedings shall be commenced by the proper district attorney of the United States or the Attorney-General whenever there shall be reasonable ground to suspect that any such board, association, or exchange has violated this section. Such proceedings may also be instituted and maintained by any private person or persons, on leave of the court first had and obtained; and it shall be the duty of the court to grant such leave upon proof made by affidavit that there is reasonable ground to believe that any such board, association, or exchange has violated this section. In cases of such suits by a private party or parties the proceedings shall be in the name of the United States on the relation of such private party or parties. In case such proceedings are successful the court shall adjudge to the relator or relators full costs and also full attorney's fees for prosecuting such suit, together with reasonable compensation for his or their time spent and expenses incurred in and about said suit. But such suit at the relation of a private party shall be subject to the control of the district attorney or Attorney-General.

SEC. 6. That any person who shall, in the United States, by letter or telegram or other communication sent from the United States to any foreign country, or by an agent, resident in a foreign country, enter into any contract hereinbefore described as "options" or "futures," or who shall do any other act aiding and encouraging the making of such contract in any foreign country, or shall, in the United States, perform any such contract or pay any damages for nonperformance, or do any act in part performance of such contract or in part satisfaction of such damage, shall be deemed guilty of a misdemeanor and be triable and punishable as provided for in section 4 of this act.

SEC. 7. That any contract herein defined as "options" or "futures," when made outside the jurisdiction of the United States, shall be held utterly null and void when attempted to be enforced in any court of the United States.

SEC. 8. That when any money or other valuable thing has been paid or delivered on any contract herein prohibited, or in satisfaction of any damages or any part of the damages claimed from a breach of any such contract, the title to such money or other valuable thing shall be held as not having been passed by such delivery or payment, and the same may be recovered back in the proper district or circuit court of the United States at the suit of the party making such delivery or payment, or by his legal representatives, if he be dead, and shall be subject to his creditors as his other property; and there shall be no defense against any such proceeding by a creditor to subject said money or property to his debt arising out of any transaction between the parties to such payment or delivery, except the actual and bona fide return of the money paid or thing delivered before such proceeding had been commenced.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from Mississippi [Mr. GEORGE].

Mr. VEST. Mr. President, at the last session I expressed my opinion in regard to this bill, and directed my remarks principally to the measure as it came from the House of Representatives. I do not understand that there is any difference of opinion between the mover of the pending amendment and myself in regard to the palpable unconstitutionality of the bill as it came from the House of Representatives. It is now sought by the commerce clause of the Constitution, as it is termed, to evade the constitutional argument against the measure as it came from the coördinate branch of Congress, and to invoke the police power under the commerce clause directly to do away with the evil which is denounced.

The Supreme Court in 116 United States Reports, in the Errol case, which has been frequently quoted here in debate, defines so clearly and distinctly the meaning of commerce among the States that it is not necessary to do more than refer to that lucid opinion delivered by Mr. Justice Bradley. The highest judicial tribunal in the country then declared—and I take it that no intelligent lawyer will for an instant doubt the correctness of the decision—that commerce among the States began from the time the goods or the products of a State or Territory were delivered to the agent of transportation to be carried to another State or Territory.

The point decided in that opinion, the leading case upon the question, is that when the goods or products were upon their way from the place of actual production to the depot or the pier or the wharf where the transit commenced they were still within the police power of the State and subject to taxation by the State or Territorial authorities, and that not until those goods or products were actually delivered to the boat or the railroad or other agent of transportation, to be carried outside of that territorial jurisdiction—not till then did the Federal authority commence. The language of the Supreme Court, which I quote exactly, is that until that time these goods or products are exclusively within the jurisdiction of the State.

How is it possible, if this be so, that the power to regulate commerce among the States and with foreign countries can attach to these products within the States? The amendment of the Senator from Mississippi [Mr. GEORGE] affects a transaction in the State of Missouri as to a product of the soil of Missouri, between citizens of Missouri, and without any contemplation by either of the parties that the goods should ever pass out of the territorial limits of the State.

It is said that Congress has the exclusive power to declare what is an obstacle to commerce among the States and with foreign countries and that this power is above and beyond the construction of the Supreme Court of the United States and in itself perfect and absolute. Mr. President, if that be so, absolute power, then, exists in the Congress of the United States to declare, however monstrous and indefensible the proposition may be, that any practice or pursuit in any State of this Union is an obstacle to commerce, and the Supreme Court is inhibited from making inquiry and deciding upon the truth of that fact.

Is it possible that it is seriously contended now in the Senate of the United States that this absolute power upon the part of Congress is vested in this body by the Constitution?

In the case of the Loan Association *vs.* Topeka, in 20 Wallace, Mr. Justice Miller declared that nowhere in any Department of the United States Government was there vested unlimited power. This is a Government of limitation; it is a Government entirely antagonistic and antipathetic to absolutism. Our fathers in vain suffered to establish a free Government if now the doctrine is to be asserted successfully, that either in the executive, legislative, or judicial department is there absolute power or discretion without limitation.

If this doctrine now asserted be true, what is the monstrous conclusion? I belong to a party which has always held from the days of the old struggle between John Adams and Thomas Jefferson that this is a Government of limitations; that the powers granted to the States were vested entirely in the States, and those given by the States to the General Government were to be strictly but fairly construed. What is the monstrous conclusion if this new doctrine be correct? Congress may take from the States all the reserved police powers; Congress, if it can adopt this amendment, may declare properly that the retail of alcoholic liquors in any State is an obstacle to commerce; that opium joints constitute an obstacle to commerce; that ordinary gambling, such as faro banks and roulette and other devices, constitute an obstacle to commerce.

Mr. HOAR. And horse races.

Mr. VEST. If this be so, Congress may declare that all these diminish the absolute products of a State or community, and therefore diminish the volume of commerce among the States and with foreign countries. If such a bill, so monstrous and unconstitutional, should be presented to the Supreme Court of the United States, according to the doctrine now advanced that Court would be compelled to say that Congress had passed upon this question, and we can go no further in this inquiry.

Mr. President, it seems to me that the statement of the proposition is an absolute and irresistible refutation of it. The police powers, which every lawyer on both sides of this Chamber knows are reserved to the States, which not a delegate in the Federal Constitutional Convention of 1789 would ever have thought for one minute of giving to the Federal Government, are here, under the guise of protecting commerce among the States and with foreign countries, to be exercised by Congress in the States. If this doctrine be true, there are no rights in any State; Congress is supreme; Congress is absolute in its power. As a matter of course, if any individual or any State or Territory should put an obstacle in the way of commerce among the States, a physical obstacle or an obstacle in the nature of State or Territorial legislation, it would be unconstitutional, because an invasion of the jurisdiction given alone to the Congress of the United States to regulate commerce with foreign countries and among the States.

If an individual or an association of individuals should undertake by force to prevent the agencies of transportation from going

from one State to another, as a matter of course that would be an obstacle to commerce among the States, and the whole power of the Federal Government could be used to remove it. If any State Legislature should endeavor to create an obstacle to commerce among the States by refusing the transit across the soil of that State of any legitimate subject of commerce the Supreme Court would at once declare that such act was unconstitutional and absolutely void.

In the Original-package cases, which we discussed so vehemently for so many days in this body, what was the point involved? The Supreme Court of the United States, through its Chief Justice, declared that no State had the right to refuse entrance into that State of alcholic stimulants, such as beer, wine, whiskies, and brandies, because those articles were legitimate subjects of commerce, recognized as such by the legislation of Congress, and made the subject of taxation to raise revenue by the General Government.

Therefore when the State of Iowa undertook to prohibit the entry into that State of these legitimate subjects of commerce in the original package, the Supreme Court of the United States declared that act to be void. But an intimation in that opinion to the effect that after the goods had come into the State they were subject to the police powers of the State was immediately taken advantage of by the Senator from Iowa [Mr. WILSON] and a bill was passed by both Houses of Congress and approved by the President, which is now upon the statute book, immediately making the goods imported subject to the police power of the Commonwealth.

Suppose, however, that an act of Congress could be enacted which said, either in the guise of oppressive taxation or otherwise, that the retail liquor traffic should cease in the State of Iowa because it was an obstruction to commerce, what lawyer would say that the Supreme Court of the United States would not declare that act to be unconstitutional and void? Has not the Supreme Court of the United States over and over again exercised its power of judicial interpretation by declaring that acts of Congress and acts of State Legislatures, clothed in the garb of pretending to carry out certain grants of the Constitution, were simply police acts in disguise and unconstitutional and void.

I am amazed to know that any lawyer contends that the Supreme Court of the United States is not in all cases the judicial interpreter of last resort as to whether any act of Congress or any act of any State Legislature comes within the grant of the United States Constitution.

Mr. President, another branch of this question presents itself, which seems to me far inferior in importance. The Senator from Mississippi assumes and asserts vehemently that the evidence taken by the subcommittee, and communications from different individuals, show beyond doubt that the dealing in options and futures constitutes an obstacle to commerce and with foreign countries and among the States. I am not an expert in these transactions; I look upon them simply as I do upon other business transactions of the country, in the light of past experience. I understand the contention to be in every aspect of this argument that the effect of dealing in futures and options is to diminish the price to the producer. Without that argument the whole bill and the declared motives of its projectors must fall to the ground. We have heard here elaborate arguments to prove that dealings in futures and options diminished the price to the producer. That is the basis of this proposed legislation.

Let us take the case of cotton, and assume that "spot" cotton is selling at 5 cents a pound. Does not every intelligent man know that the result of that low price of cotton would be to increase commerce among the States and with foreign nations? Will not the spinner in old and New England buy more of the raw material which is necessary for manufacture when the price is 5 cents a pound than when it is 10 cents a pound? Is it not to his interest, when cotton is abnormally low and depressed in price, to buy more of it in order to retain it for the ultimate purposes of manufacture? Does not his capital go twice as far when cotton is worth 5 cents a pound as when it is worth 10 cents a pound? Assuming the proposition to be correct that futures and options lower the price of cotton, it follows, it seems to me, irresistibly and logically, that the low price of cotton, instead of being an obstacle to commerce among the States and with foreign nations, increases that commerce.

Take an article with which I am much more familiar, cattle. Let the cattle-raiser from Texas start with his cattle to the city in which I live, the great Western market for that commodity. He finds when he reaches his point of destination that the price of cattle has gone down. What does he do? Is not his first idea to go farther to a market where he can obtain more and where the time consumed in transit from one point to another will give the market an opportunity to rise again to its normal condition? Does the fact that the price of cattle has fallen in the Kansas City market present an obstacle to commerce among the States and with foreign countries? The experience of all cattle-raisers and cattle-dealers is that when the market is down in Kansas City, the man who has brought his cattle from Texas or the Indian Territory or New Mexico, is inclined, first, to try Chicago, then New York, and then perhaps the foreign market.

But let us look at practical experience since this bill has been pending in the Senate. Cotton has gone up in price, notwithstanding dealings in options and futures have not diminished in volume throughout the country. Wheat has gone up in price in the last few days, notwithstanding the fact that dealings in options and futures are still going on throughout the country. More than this, other products which are included within this bill as it came from the House of Representatives and as it stands now in the Senate have advanced almost beyond all precedent while this debate has been going on and while options and futures have been indulged in to the same extent which has obtained in this country for many years past.

Look at the price of hogs and pork. Hogs are worth to-day in the market more than they have been for many years, and they are still increasing in price. If dealings in options and futures puts down the price to the producer, how is it explained that, with this system upon us and before this great remedial legislation has been applied by its projectors, the producers of hogs, of cotton, of wheat, and of corn are receiving for their products in some instances more than they have for many months and in others for many years?

Mr. President, I had not intended to discuss this measure elaborately. I represent a great agricultural State. The walking delegate and the facile politician have persuaded the farmers of my State, as they have those elsewhere, that unless this bill becomes a law starvation and ruin must come upon them by reason of dealing in options and futures upon the boards of trade and in the merchant exchanges. I could not vote for this bill under any circumstances with my belief in regard to its unconstitutionality, but I undertake to say that it will not be eighteen months after it becomes a law until the deluded agriculturists of this country will be standing defiantly and sternly confronting the men who have pressed this Dead Sea fruit to their lips, with the inquiry, "Where are the increased prices which you promised us under your act of Congress?"

Eighteen months is a longer time than it will require for that consummation. The business of the country will be deranged; the great mechanism which has been built up, it may be from self-interest, it may be by unlawful combinations, but which still exists throughout this country, can not be torn to pieces by an act of Congress without putting down prices and without bringing loss in price to the people who produce the articles which are mentioned in this act.

But, Mr. President, in conclusion and above all, if I could vote for this bill I should give up all my ideas of the Constitution, all my conception of the meaning of the principles of the great party to which I belong; I should have to tear and obliterate from the pages of my memory the struggles that took place between Jefferson and his followers and John Adams and his followers over the powers of Congress, over the police powers of the States, over the meaning of the general-welfare clause of the Constitution.

If I had my choice to-day between taking the old Federal construction of the general welfare clause, under which Congress could do anything, and the amendment offered by the Senator from Mississippi, I should take the Federal construction of the general welfare clause of the Constitution in preference to this, because there is some shadow of argument for the proposition that the general welfare clause is a substantive and distinct grant of power in the Federal Constitution. I do not believe so, and the party with which I have always acted does not so believe, but great men and great constitutional lawyers have so contended. When before in the history of the Senate of the United States, however, was it ever contended that under the power to remove obstacles from commerce among the States, the Federal authority could go within the territorial limits of any sovereign State in this Union and wrest from it all of its police powers and exercise them at will upon the *ipse dixit* of the Congress of the United States, unquestioned even by the Supreme Court.

Mr. HOAR. Mr. President, I was not able to be in the Senate at the last session when the debate on this general measure went on. I have carefully read what has been said on both sides. If it were not for the great importance of the question I should be content to leave the debate where it now stands. But I think I ought to take a few minutes to state as briefly and as compactly as I may, not the argument, but the question, and to sum up my own objections to the measure in either form in which it has been presented.

It seems to me that this is the most important question of a constitutional character ever debated in the Senate, with the single exception of the question of the constitutional power to suppress resistance to the authority of the National Government

when that resistance was made under the guise of the authority of a State. With the exception of that supreme question nothing can be so important as the claim which is now presented in either aspect in which it is made.

One party of the supporters of this measure claim that Congress has but to lay a tax and it can suppress every conceivable act which any citizen may desire to do, except, I suppose, the actual exercise of the instrumentalities of State authority. This class of supporters of this measure deny the power of Congress, as I understand it, to prohibit and punish the action at which this legislation is leveled. But they claim the power to tax it. The other, denying the power to impose a tax, claim that Congress has the right, if it choose to affirm, that any kind of business or any transaction known to mankind is an obstacle to anything which the national authority has a right to foster or encourage or regulate, and then may invoke the penalties of national legislation and prohibit the transaction against which they are leveled.

Mr. President, what is involved in this first claim? The simple assertion brings, it is unnecessary to say, within the control of Congress the whole penal code of the States. It brings within the control of Congress every social relation. The whole business of domestic commerce, every transaction of human life upon which the payment of a sum of money may be imposed as a condition, is, according to the claim of the honorable Senator from Minnesota [Mr. WASHBURN] and those who act with him, within the constitutional power of Congress to regulate or prohibit. If this claim be admitted, what a waste of time have been our great constitutional struggles; what a waste of ingenuity have been our great constitutional securities; what a waste of intellectual power the great judgments of Marshall and Taney and Bradley; what mock thunder have been the great debates in the Senate Chamber from the beginning of the Government!

Who cares to discuss, who cares to read, who cares to reflect upon the great and delicate questions which affect the boundary line between the authority of the State and the authority of the nation in this marvelous, complex system of government of which we are so proud, if it be true that Congress has a right to say in regard to any act proposed by an American citizen on American soil, "You shall perform that act only on the condition of paying a sum of money fixed by Congress into the Treasury of the United States"?

Mr. President, I do not think the ingenuity of my honorable friend from Iowa [Mr. WILSON] need to have been troubled very much by the recent decision of the Supreme Court in the original-package cases if all he had to propose to us was to say that every man who sold a glass of liquor hereafter should do it under the penalty of imprisonment unless he had first paid $1,000 into the Treasury of the United States, or that any man who drank a glass of liquor should do so on the condition of first having paid $1,000 into the Treasury of the United States, because the taxing power is unlimited. Is there one of the Ten Commandments for which Congress could not furnish an effectual vindication?

But, Mr. President, this is no tax. Calling this a tax is a pure and simple legislative fraud. No man can be courageous enough to stand up here and deny that proposition.

A tax is the taking the proportionate share of the property of the citizen for the purpose of expenditure for public objects. National tax is the taking such a share for the purpose of national expenditure, for national objects. The contrivers of this proposed legislation start by conceding that they do not expect, that they do not desire, under it to get from any citizen of the United States a dollar as a contribution to any national purpose, or to expend a dollar for any national purpose which shall be so raised, but that, on the contrary, every person who should avail himself (if it can be supposed by a miracle that such a person can be found) of the privilege to get this license to pay this sum of money is, just so far as he does it, defeating the operation of this measure.

It will be necessary, and the framers would propose, that if it should turn out that under the law any considerable revenue came to the National Government, instantly to come in here with supplementary legislation to stop that gap and remedy the imperfection of the measure, and make their penal process complete by some further legislation which should prevent the practice hereafter.

Mr. WASHBURN. I should like to interrupt the Senator and ask him if when Congress passed a law taxing the State bank circulation they expected to receive any money from that tax?

Mr. HOAR. I am coming to that a little later. I propose to answer that question before I get through.

Mr. President, the only attempt to support this proposition as it stands in the original measure is by the argument that the court will presume Congress is not lying, having a respect for this honorable coördinate and coequal department of the Government, and therefore it will be a very good plan for us to lie. Chief Justice Marshall, in Gibbons *vs.* Ogden, makes the definition of a tax which in substance I have quoted.

A tax is "the operation of taking small sums from a perpetually accumulating mass."

Mr. Cooley says:

A tax is the enforced proportional contribution of persons and property levied by the authority of the state for the support of the Government.

The power which is given by the Constitution to Congress on this subject settles this question.

Congress shall have power to lay and collect taxes, duties, imposts, and excises.

Was it ever heard before that those things were separable, and that it entered into the thought of the framers of the Constitution that Congress should have power to lay a tax which it never proposed, designed, or desired to collect, and that a tax could be laid not for the purpose of collection or for the purpose of revenue, but was so fixed designedly that nobody should ever be tempted to pay it, and so large that no United States officer should ever be able to collect it?

It seems to me clear, Mr. President, that Congress can have no power under this clause to lay a tax which it does not mean to collect, and the payment or collection of which would be to frustrate the very object for which the bill nominally providing the tax is passed.

It is not that there may be an income derived from a tax; it is that there may be a penalty for the doing of a certain act, that it is proper, if it be proper at all, to make this law. This is a criminal enactment proposed to suppress certain practices denounced, inveighed against, alleged to be criminal, and there is nothing else in it but subterfuge and evasion.

If it were a tax I hold it to be equally beyond the constitutional power of the National Legislature. I affirm, in the language of Chief Justice Marshall in Gibbons *vs.* Ogden, in a sentence which I think has not been quoted in this discussion—if it has I have not heard it—

Congress is not empowered to tax for those purposes which are in the exclusive province of the States. When, then, each government exercises the power of taxation, neither is exercising the power of the other.

I should like to know if there is an honorable Senator upon this floor who is prepared to rise in his place and deny this constitutional proposition of Chief Justice Marshall:

Congress is not empowered to tax for those purposes which are in the exclusive province of the States. When, then, each government exercises the power of taxation, neither is exercising the power of the other.

I will respectfully give way to any Senator who will rise for the purpose of denying that legal proposition.

If it be true that a gambling contract made in a State to be performed in a State in relation to a subject of purely State domestic commerce be an offense which a State may rightfully and properly suppress, and which it is within the province of a State to suppress, the gentlemen who by their silence have admitted the authority of that declaration of the great Chief Justice, have admitted that they can not suppress it under the pretense or pretext of a tax, and that Chief Justice Marshall has said so.

Will any Senator rise here who favors the original bill—I do not now speak of the ground on which my honorable friend from Mississippi [Mr. GEORGE] puts the question; I am speaking now to the original measure—will any Senator rise here in his place and say that a collection of gentlemen or scoundrels, whichever they may choose to term them, gathering together in the city of New Orleans, saying that we will agree to buy a certain article raised on the plantations of Louisiana to be delivered within Louisiana by a Louisiana citizen at a certain price in the future, and we will make rules and regulations so that nobody who does not conform to the conditions of our association can come in and take part with us in these transactions, is not a matter which is lawfully and exclusively within the province of the State of Louisiana to control? The Senator from Mississippi has another view which he has stated with his accustomed vigor and force, and that I shall have something to say about in a few moments.

Mr. President, all this thing has been before the Supreme Court again and again. There is not a semblance of authority to the contrary either in the statement of any judge or in the comment of any text writer, unless by possibility it should be found in Judge Cooley's article in the Atlantic Monthly. Take Justice McLean's sentence in the Passenger Cases; and I go over this matter very rapidly indeed. He says:

All commercial action within the limits of a State, and which does not extend to any other State or foreign country, is exclusively under State regulation. Congress has no more power to control this than a State has to regulate commerce "with foreign nations and among the several States."

Yet he goes on to say, with the view of overthrowing conclusively the claim upon which this legislation is based:

And yet Congress may tax the property within a State, of every description, owned by its citizens, on the basis provided by the Constitution, the same as a State may tax it. But if Congress should impose a tonnage duty on vessels which ply within ports of the same State, or require such vessels

to take out a license, or impose a tax on persons transported in them, the act would be unconstitutional and void.

You can not lay taxes to raise revenue except for a purpose for which you may constitutionally raise revenue. You can not lay taxes to promote or obstruct a particular object unless you have the constitutional power to promote or to obstruct that object. This question seems to me to be settled in principle in the case of The Loan Association *vs.* Topeka, in 20 Wallace. It will not be contended here, certainly it will not be contended by any of the statesmen on the other side of the Chamber, that the taxing power of the State is not as extensive, that it is not as sacred, and far more extensive than that of the United States; that the term "unlimited" is not as applicable to the power of the State within its sphere, in the broadest and most comprehensive sense of that word, as it is to Congress.

Yet the Supreme Court of the United States held that the Legislature of Kansas could not lawfully authorize the city of Topeka to lay a tax to pay a debt incurred to aid and encourage a certain branch of manufacture on the ground that that was not a public purpose, and so not within the constitutional power of the State, having legislative powers for public purposes and no other. How can you escape the conclusion that Congress, having legislative powers for certain national purposes and no other, can not lay a tax except for those national purposes and no other?

As I have said already, it is not pretended here that there is any purpose of raising any money by this bill to be expended for the national welfare. The sole object of this so-called tax is to punish what you have no right to punish and to prohibit what you have no right to prohibit. If a dollar could come from it into the national Treasury, it would just so far interfere with and obstruct the purpose of the proposed act.

Here is another authority from Alexander Hamilton, than whom no statesman in all our history took a broader and more liberal view of the extent of the constitutional powers of the National Government. He says that the powers of Congress to provide for the general welfare by the use of the taxing power extended only "so far as regards an application of public money." (Hamilton's Report 1791.)

As I just said, no authority can be found in the least in conflict with the position I have stated. The Senator from Minnesota [Mr. WASHBURN] in a colloquy with my friend from New York [Mr. HISCOCK] the other day asked him what he had to say to a proposition of Judge Story in the nine hundred and seventy-first section of his treatise upon the Constitution. Judge Story expressly disclaimed indorsing that statement. He says in introducing it that he is giving the arguments which have been made popularly on one side and the other without adding any opinion at all of the commentator himself.

In the next place, if you are to take the language which Judge Story quotes, he is not at all speaking of the proposition with which we have to contend. He is only speaking there of the unlimited power of Congress to impose a tax for a purpose confessedly within the operation of the national powers of legislation and nothing more. I will add the section which the Senator from Minnesota referred to, without reading it at this late hour, in the notes of what I say in the RECORD.

SEC. 971. The third opinion is, as has been already stated, that the power is restricted to such specific objects as are contained in the other enumerated powers. Now, if revenue be not the sole and exclusive means of carrying into effect all these enumerated powers, the advocates of this doctrine must maintain, with those of the second opinion, that the power is not limited to purposes of revenue. No man will pretend to say that all those enumerated powers have no other objects or means to effectuate them than revenue. Revenue may be one mode, but it is not the sole mode. Take the power to "regulate commerce." Is it not clear from the whole history of nations that laying taxes is one of the most usual modes of regulating commerce? Is it not, in many cases, the best means of preventing foreign monopolies and mischievous commercial restrictions? In such cases, then, the power to lay taxes is confessedly not for revenue. If so, is not the argument irresistible that it is not limited to purposes of revenue? Take another power, the power to coin money and regulate its value, and that of foreign coin: might not a tax be laid on certain foreign coin for the purpose of carrying this into effect, by suppressing the circulation of such coin or regulating its value? Take the power to promote the progress of science and the useful arts: might not a tax be laid on foreigners and foreign inventions, in aid of this power, so as to suppress foreign competition or encourage domestic science and arts? Take another power, vital, in the estimation of many statesmen, to the security of a republic—the power to provide for organizing, arming, and disciplining the militia; may not a tax be laid on foreign arms to encourage the domestic manufacture of arms, so as to enhance our security and give uniformity to our organization and discipline? Take the power to declare war and its auxiliary powers; may not Congress, for the very object of providing for the effectual exercise of these powers and securing a permanent domestic manufacture and supply of powder, equipments, and other warlike apparatus, impose a prohibitory duty upon foreign articles of the same nature? If Congress may, in any or all of these cases, lay taxes, then, as revenue constitutes upon the very basis of the reasoning no object of the taxes, is it not clear that the enumerated powers require the power to lay taxes to be more extensively construed than for purposes of revenue? It would be no answer to say that the power of taxation, though in its nature only a power to raise revenue, may be resorted to as an implied power to carry into effect these enumerated powers in any effectual manner. That would be to contend that an express power to lay taxes is not coextensive with an implied power to lay taxes; that when the express power is given it means a power to raise revenue only; but when it is implied it no longer has any regard to this object. How, then, is a case to be dealt with of a mixed nature, where revenue is mixed up with other objects in the framing of the law?

Then in Veazie *vs.* Fenno, in 8 Wallace, which is the last hope of this constitutional argument, Chief Justice Chase answers the objection that the tax is excessive, and so excessive, not in fact as to destroy—that is not the argument which he is dealing with there—but as "to indicate a purpose to destroy," by saying first, that the power to tax may be exercised oppressively is not for the consideration of the court but of the people. That is, the mere fact that the tax bears heavily can not be considered by the court. Second, he says as the answer upon which the whole thing is finally disposed of, that Congress has the right to restrain the circulation as money of any notes not issued on its own authority. He does not intimate in that opinion for a moment that absolute destruction of the State banks would be rightful or even constitutional unless Congress possessed the direct authority to destroy them, but only that mere excess does not make the legislation void.

The court was dwelling in Veazie *vs.* Fenno with a statute which established a legal-tender currency under our admitted constitutional power. The tax was not only an incident, but it was an incident to a constitutional system established in the same act. In Veazie *vs.* Fenno also the interference which the act of Congress regulated or prohibited or suppressed by this tax with the national circulation upon the continued issue of the circulation of State banks was direct, immediate, and indisputable. The two things could not possibly exist together.

The continuance of a State bank circulation and the operation of the statute which was under consideration, establishing the national-banking system and a currency by that system for the whole people, which was under consideration in Veazie *vs.* Fenno, was absolutely impossible and impracticable if the State circulation were to go on, or at any rate if it were to go on without being put under such restraint and limitation that its volume was to be almost entirely suppressed. Therefore, Congress having a right to say, as it had the admitted right to say, from this hour the circulation of all State bank currency shall cease in this country, preferred only to say that it shall cease unless there may happen to be some extreme cases where a bank has made a contract or where some special exigency exists that if they choose to pay this large 10 per cent to the National Government they may continue and go on.

But it is said the power to tax is the power to destroy, and that Chief Justice Marshall said so. I should like to know if there is a Senator on this floor who seriously believes that proposition in any sense which would make it applicable to this bill? Does any Senator rise in his place here and say now, or will he to-morrow or the next day rise in his place and say, I believe that Congress has the constitutional power to destroy everything upon which we can constitutionally lay a tax?

Mr. WASHBURN. The Senator will remember what the court said in the Veazie case.

Mr. HOAR. What does the Senator from Minnesota say to that proposition?

Mr. WASHBURN. What is the Senator's proposition?

Mr. HOAR. Does the Senator hold that we have under the national authority the constitutional power to destroy any transaction upon which we may lawfully put a tax?

Mr. WASHBURN. I believe we have the power to destroy a great wrong. I believe we had the power to destroy the State bank circulation; I believe we had the power to destroy the making of oleomargarine; I believe we have the power to destroy the lottery system, and I believe we have the power to destroy gambling in the food and agricultural products of this country. I think the Supreme Court holds that pretty distinctly in the Veazie case. The court says:

It is insisted, however, that the tax in the case before us is excessive, and so excessive as to indicate a purpose on the part of Congress to destroy the franchise of the bank and, is, therefore, beyond the constitutional power of Congress.

The first answer to this is that the judicial can not prescribe to the legislative departments of the Government limitations upon the exercise of its acknowledged powers. The power to tax may be exercised oppressively upon persons, but the responsibility of the Legislature is not to the courts but to the people by whom its members are elected.

So if a particular tax bears heavily upon a corporation or a class it can not for that reason only be pronounced unconstitutional.

Mr. HOAR. Does the court say there that Congress could destroy?

Mr. WASHBURN. It says that evidently the purpose of the tax was to destroy, as it evidently was.

Mr. HOAR. But it does not say the tax destroys.

Mr. WASHBURN. That was the purpose, and the court said that the tax was constitutional.

Mr. HOAR. What Chief Justice Chase says is, that somebody has argued that the tax is one so heavy that it indicates a purpose to destroy, and he replies we can not go into the purpose merely because the tax is heavy. That is all he says on that

point, that he can not go into the purpose merely because the tax seemed a heavy one, and then he goes on to say that Congress had a right to establish a system of national currency and to suppress every State transaction, all the State bank issues which came in conflict with it.

Now, Mr. President, I come back to my question. Does the Senator from Minnesota say that we have a right to destroy anything that we have the right to tax? Let me put an illustration or two, and then I should like to hear the Senator in reply. We made a succession duty during the war, and I suppose nobody doubts its constitutionality. Have we a right to regulate the descent of real estate throughout the length and breadth of this country by declaring that any succession to an estate which goes in any other way than that which we prescribe shall be accompanied by paying into the Treasury of the United States a tax twice the amount of the property which descends? We made an income tax during the war. It was a good deal complained of, but its constitutionality was abundantly vindicated. Is my honorable friend quite ready to go with those gentlemen who think that no man in this country should have an income of over a thousand dollars a year and to provide for the destruction of the incomes beyond that amount by enacting that every dollar of income which any citizen or corporation receives over a thousand dollars a year shall be paid into the Treasury of the United States as a tax?

Does the Senator think that we can regulate the marriage contracts of the States; that we can provide that a marriage with the deceased wife's sister, against which England and the English Church level their anathemas, can be suppressed by simply taxing every man who marries his deceased wife's sister $100,000 for the marriage? Now, I will listen to my honorable friend.

Mr. WASHBURN. Does the Senator think that could be done by a State? Would that be a proper subject of State legislation?

Mr. HOAR. Certainly it would.

Mr. WASHBURN. So far as the exercise of this power exists under the Constitution we have it, but it must always be used with wisdom, discretion, and justice. You can carry any proposition to such an extreme that it would become absurd and ridiculous. Any great power which this Government may have can be exercised in such a way that it would be absurd and wrong and absolutely improper.

But, answering the Senator from Massachusetts, I do not believe I can furnish him a better answer than is given by Judge Cooley, one of the greatest jurists of this country, when he discusses the suppression of the lottery. I believe that as near a parallel and as analogous a case as can be found.

Mr. HOAR. I do not yield for an argument.

Mr. WASHBURN. I am merely giving Judge Cooley's opinion as my own.

Mr. HOAR. I do not yield for that.

Mr. WASHBURN. It is, that the true way to deal with the suppression of the lottery, is in the exercise of the taxing power for the purpose of destruction. I believe in exercising the taxing power of this Government, not only for the destruction of the lottery, but for the destruction of a character of gambling, infinitely worse, more insidious and far reaching in its effects than the lottery or any system of gambling ever devised by the wit or ingenuity of man.

Mr. HOAR. The honorable Senator answers in substance then, first, by asking me whether the States would have unlimited constitutional power over this subject, and whether they can do a certain thing.

Mr. WASHBURN. They could do it, of course, but would it be proper?

Mr. HOAR. I am not talking about what is proper. I may be allowed to say that this is a confusion in the mind of my honorable friend from Minnesota. When I ask him what is the constitutional power to do something he gets up and says he wishes to destroy a very wicked thing in this world.

Suppose I should introduce a law for the punishment of adultery, or of theft, or of polygamy in the States, I think if I were as eloquent a man I could make quite as eloquent a denunciation of those crimes as my honorable friend makes of the crime of gambling, but I do not think it would help the Senate very much to determine the question whether we could directly suppress those things by legislation or whether we could indirectly and fradulently undertake to suppress them by taxing them. The answer is that the people who framed the Constitution did not mean when they put these checks and balances and limits and barricades and walls into the Constitution which they founded, that any man should have a right to jump over them because he said it is a very fit and proper thing to do it at a particular time.

I took an oath when I approached that desk that I would support the Constitution of the United States with all its checks and balances and prohibitions and limitations of power, and there was not anything said, and there was no mental reservation whatever, that I was to support it only in cases when I thought it was fit, and I did not think it was a fit and proper thing to do something else.

Mr. WASHBURN. I will ask the Senator if he does not think it makes a good deal of difference "whose bull is gored"?

Mr. HOAR. I do not think I shall be capable of understanding that question, and if my friend does not introduce it now I shall be much obliged to him.

Mr. WASHBURN. The Senator, I notice, has always been very willing to vote for a prohibitory tax against importation. For instance, he voted a tax of $2 a pound on leaf tobacco, which was in its nature prohibitory, and it was so intended.

Mr. PLATT. And which, Mr. President, if you will permit me, the Government has derived just about as much revenue on as it ever did under the old tax.

Mr. WASHBURN. That was entirely unexpected, as I am advised by a prominent member of the Finance Committee.

Mr. HOAR. I understand the point of my honorable friend's question, and I answer very decidedly that if I had not had the power under the Constitution to regulate the importation of leaf tobacco I should not have claimed the right to make a prohibitory tax upon it. If I had not supposed I had the power to prohibit absolutely under the clear constitutional power to regulate commerce the importation of any article upon which we put a duty, I should not for a moment have been warranted in voting for that law.

I concede (and that is the precise point of Veazie *vs.* Fenno) that when the Constitution gave us the power to tax and added, you may provide a uniform currency; if a convenient mode of providing a uniform currency is to make a prohibitory tax, we have a right to do it; and when we were authorized to regulate imports of foreign commerce and had the power to tax, if a convenient mode of regulating imports—of course it is expressly said in the Constitution we can not put a tax upon exports—we should have a right to put a prohibitory tax upon any import.

I am glad my honorable friend called my attention to that proposition, for it shows how the framers of the Constitution understood it. They said, you may regulate foreign commerce and may impose taxes and duties with the expectation that we might keep out any article of foreign manufacture that we thought competed injuriously to our people with our own; but being afraid that we might make a discrimination between the products of the different States in their access to foreign markets they added, "but you shall not put a tax upon exports," showing that they thought without that expression we might, in regulating foreign commerce, have taxed exports.

Mr. GEORGE. Will the Senator allow me to ask him a question, so that I may understand his position exactly?

Mr. HOAR. Certainly.

Mr. GEORGE. I understand the position of the Senator to be that a prohibitory tariff tax upon foreign imports does not come from the power to levy taxes under the Constitution——

Mr. HOAR. Not alone.

Mr GEORGE. But it comes from the power to regulate commerce. There is no difference between regulating commerce, whether it is in the way of imports or exports, except one, and that is the taxing power. We may tax imports, but we can not tax exports. Does the Senator wish to be understood as saying that it is within the competency of Congress to prohibit absolutely the exportation from this country in the way of foreign commerce of any article which Congress sees proper to expressly forbid shall be exported?

Mr. HOAR. Congress can not put a tax on exports.

Mr. GEORGE. Leaving out the tax, I ask whether Congress could absolutely prohibit without using the taxing power, because that is expressly prohibited in the Constitution? To make myself understood so that the Senator may answer me clearly, foreign commerce consists as well of exports as it does of imports. If the power to regulate commerce carries with it the power to prohibit absolutely, not in the shape of a tax, but to prohibit absolutely the importation of any article or class which Congress may see proper, does not the same provision also invest Congress with the power to prohibit the exportation of any article raised or manufactured in the United States, provided only it does not do it by a tax?

Mr. HOAR. I am inclined to think the Senator is right.

Mr. GEORGE. I did not assert that; I only asked a question.

Mr. HOAR. Mr. President, all my unwillingness to yield to Senators is because I want to get through in a very few minutes. It is said that the people are helpless in this matter; that the court will not go behind the form of the law which purports to be a tax, to look at the substance, which is to prohibit domestic contracts in the States. On the contrary, it seems to me that if there is any one doctrine imbedded in the Constitution of this country, any one authority which the court have exercised and

will exercise, it is the authority to do this very thing, to go behind and unmask any legislative pretense, State or national, and look at its substance and not its form. Chief Justice Marshall settled that very early in the history of our jurisprudence. He says:

> Should Congress, under the pretext of executing its powers, pass laws for the accomplishment of objects not intrusted to the Government, it would become the painful duty of this tribunal to say that such an act was not the law of the land.

He does not say that if Congress avows a purpose to exceed its powers, but he says that if under the pretext of executing them it passes a law which in substance and effect is unconstitutional the court would interfere.

If there be one doctrine completely and inextricably imbedded in the jurisprudence of this country it is that the courts will look through the form and language of a statute to its design and effect; and that if its design and effect be beyond the powers of the legislature enacting it, whether national or State, it is void. This is especially true when such design and effect, however disguised, are sought to be accomplished by the use of the taxing power. Wherever the presumption may operate against the fact, wherever the deference due Congress or the State Legislature may constrain the court, there is one place where the court never is affected by either of these considerations, and that is when it is an attempt to take the money of the people or to use the taxing power for an unconstitutional purpose.

A tax on sales by auction is a familiar and lawful exercise of State authority, but when it was provided that an auctioneer should pay a tax on his sales of foreign goods it was held in Cook *vs.* Pennsylvania that it was in substance a tax on foreign goods and so a regulation of foreign commerce and void. So in the passenger cases, a tax on the masters of vessels for every passenger brought from a foreign port was held to be in substance a tax on the passengers and so void, though it pretended to be a tax on the master of a vessel for an exercise of his function, and so was unconstitutional.

So in Crandall *vs.* Nebraska, 6 Wallace, a tax on the business of railroads and stage coaches of $1 for every passenger carried through the State was held not to be a tax on the railroad or the stage coach as an excise upon its business, but to be in substance a tax on the passenger and so void. Suppose it had been so heavy that no passenger would pay it, so that no citizen of another State would pass through Nevada—a prohibition and not an excise—it would have been this case exactly.

My honorable friend from Minnesota is driven, as it seems to me, to one of three propositions. He has either got to deny all these constitutional affirmations of the Supreme Court or he has got to say that we may tax if we see fit the passengers of one State through another State to the third, or the entrance of passengers from abroad, under guise of an excise upon the carriers who bring them, or he has got to say what he has said, that we may do this when we think the thing is a thing that ought to be prohibited and is wrong, although we can not do it when we think the thing is a thing that ought not to be prohibited and is right. He is driven to say that the whole legislative barrier in regard to all subjects of legislation whatever which now preserves the State from the invasion of Congress is a matter which depends merely and solely on the discretion of Congress as to whether in their judgment the thing is evil and ought to be prohibited or whether they think it is a good thing and ought to be continued. There is no escape from this alternative.

Mr. WASHBURN. I should like to ask the Senator whether he thinks it would be legitimate to pass an act of Congress taxing the lottery system out of existence, as is suggested by Judge Cooley in his Atlantic Monthly article. Does he think that that would be proper legislation?

Mr. HOAR. I have not reflected enough upon that question to be able to answer it.

Mr. WASHBURN. In answer to the Senator's inquiry I will simply say that I would agree with Judge Cooley that there are certain cases where taxation for the purpose of destruction should be exercised. I think Judge Cooley is right when he says that it should be exercised for the suppression of lotteries, and I have the indorsement of one good man when I say I think it should be used for the suppression of the kind of gambling to to which I refer.

Mr. HOAR. If the Louisiana lottery be solely a State transaction then I differ from Judge Cooley; I do not think we have a right to deal with it. So far as it enters into foreign or interstate commerce we have a right to deal with it. I thought the Senator from Minnesota was himself a great constitutional and legal authority.

Mr. WASHBURN. I never made any such claim.

Mr. HOAR. And I thought him a great business man. It is he who is the Senator.

Mr. WASHBURN. I wish to correct the Senator. I never made any pretension to be a constitutional lawyer, but I do profess to having a little common sense.

Mr. HOAR. I was trying to find the common sense, if I could. The fact is, I supposed my honorable friend from Minnesota is the Senator from that State at this moment, and that it is he who is responsible; and when I ask him whether he maintains either of these three constitutional positions, one or the other of which he must maintain in order to justify himself in voting for this bill, he does not venture to say that he maintains either of them, but he only says that he agrees with Judge Cooley.

Mr. WASHBURN. Yes, who does assume——

Mr. HOAR. Then, when he answers upon the roll call the next time, I hope "Mr. Cooley" will be called, and not "Mr. WASHBURN." [Laughter.]

Mr. President, the rights of the States are as secure and as sacred in the care of the Supreme Court of the United States as the rights and powers of the National Legislature. Is there any distinction in the mind of any gentleman on that side of the Chamber between the absolute right and power of a State within its constitutional limit, the deference due to a State Legislature within its constitutional limits, and the right of Congress and the deference due to Congress?

Is not the honesty of the Legislature of Mississippi or Massachusetts entitled to be presumed by the Supreme Court as much as the honesty of the persons either of those States send to the Senate or the House here? Yet when a State Legislature, by any device or under any mask, seeks to intrench upon the domain of national authority, the court has always looked through the pretense and penetrates the covering and deals with the transaction in substance and not in form, and it does it more especially and more thoroughly when the State undertakes to exercise its powers under the guise or pretext of a tax.

Suppose this were an invasion of foreign commerce by the State of Massachusetts and they said "We are taxing subjects that we have a right to tax and no more and our power of taxation is unlimited," would a Senator who would insist that the Supreme Court of the United States should strip the mask from that pretext any the less maintain the jurisdiction of the State of Massachusetts or the jurisdiction of his own State against a similar unconstitutional attempt and usurpation on the part of Congress?

So, Mr. President, all through the decisions of the court are these cases. In Welton *vs.* Missouri, and in Woodruff *vs.* Parham, the same doctrine is applied to attempts by the taxing power of the States to regulate interstate commerce.

If a Legislature which can not regulate foreign or interstate commerce, can not lay a tax which operates as a regulation of such commerce, how can a Legislature, which can not constitutionally forbid an act lawfully under State authority, lay a tax whose sole design and effect is to forbid such act?

The Senate is familiar with the case of Yick Wo *vs.* Hopkins, 118 U. S., and the case of Cole *vs.* La Grange in the same volume. This whole argument was fully met and overthrown by the Supreme Court in the case of Minnesota *vs.* Barker, 136 U. S.

I wish to allude to one other case and then I will yield for an adjournment if the Senate is willing, the case of Ho Ah Kow *vs.* Nunan, decided in the California circuit by Mr. Justice Field.

There was an ordinance of the San Francisco board of health requiring that all persons found sleeping or lodging in an apartment of less than the required dimensions should be punished on conviction by fine or imprisonment, it being notorious that the Chinese population of San Francisco was the only part of its population that used apartments of such small dimensions. Then there was a regulation adopted by the board of health for the government of prisons, that every person who was committed under that ordinance and did not pay his fine should have his hair cut to within an inch of the top of his head.

That great Justice, reciting that ordinance, said: "This affects the Chinese. It is notorious that the cutting off the queue from a man of that race and of that religious faith involves to his mind degradation in this world and punishment and suffering in the next. You need not tell me that this is a municipal ordinance or a local regulation for the government of the prisons of California. It is a cruel and unusual punishment when applied to this poor people."

Mr. President, that eminent jurist has many titles to the affection of his countrymen. He helped in his youth to keep a great State, the queen of the Pacific, in her allegiance, and so was an important factor in saving the Union. He was placed upon the bench by the choice of Abraham Lincoln. For thirty years he has rendered an illustrious service to the cause of State rights under the Constitution, as my friends on the other side understand them, in which, if not without a peer, he is at least without a superior. He has taken part in all the great judgment of the great constitutional period of our jurisprudence for thirty years.

But if I were a kinsman or near friend of Mr. Justice Field I should care to put nothing upon his monument except a representation of him as delivering that judgment, by which he interposed the shield of the authority of the Constitution of the United States against that outrage upon that poor and degraded people of an alien race and an alien religion, against whom the passion of that whole coast and of the whole American people was directed.

Mr. President, I desire to say a few words in regard to the amendment proposed by the honorable Senator from Mississippi [Mr. GEORGE], but I see I am taxing the patience of the Senate too long, and I will finish what I have to say in the morning.

Mr. WASHBURN. I hope the Senator will conclude to-day.

Mr. STEWART. If the Senator from Massachusetts will yield, I move an adjournment.

Mr. HOAR. I prefer to go on to-morrow.

Mr. STEWART. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 27 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, January 17, 1893, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

MONDAY, *January 16, 1893.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of Saturday was read and approved.

CUSTODY OF PUBLIC BUILDINGS, ETC.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, recommending that authority to consider, decide, and settle each and all matters pertaining to the custody, care, repair, and preservation of public buildings, be vested in the Secretary of the Treasury; which was referred to the Committee on Appropriations.

ECKINGTON AND SOLDIERS' HOME RAILWAY COMPANY.

The SPEAKER also laid befor the House a communication from the president of the Eckington and Soldiers' Home Railway Company, transmitting the names of stockholders, the amount of stock held by each, and the receipts and disbursements of the company for the year ending December 31, 1892; which was referred to the Committee on the District of Columbia.

REFERENCE OF SENATE BILLS.

Bills of the Senate of the following titles were severally read twice and referred as indicated, namely:

A bill (S. 3629) to extend to the North Pacific Ocean the provisions of the statutes for the protection of fur seals and other fur-bearing animals—to the Committee on Foreign Affairs;

A bill (S. 3670) granting an increase of pension to Charles A. Lang—to the Committee on Invalid Pensions; and

A bill (S. 2265) for the removal of snow and ice from the sidewalks, crosswalks, and gutters in the cities of Washington and Georgetown, and for other purposes—to the Committee on the District of Columbia.

LEAVE OF ABSENCE.

By unanimous consent, leaves of absence was granted as follows:

To Mr. BACON, indefinitely, on account of important business.

To Mr. O'NEILL of Missouri, for to-day, on account of important business.

To Mr. DANIELL, for one week, on account of important business.

To Mr. HALLOWELL, for this day.

JOHN SCOTT.

Mr. GREENLEAF. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 9359) for the relief of John Scott.

The bill was read at length.

Mr. GREENLEAF. I ask that the report, which explains the bill very fully, be now read.

The report (by Mr. PAGE of Rhode Island) was read at length.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. KILGORE. I object.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed, with an amendment, the bill (H. R. 3676) for the relief of R. L. Jennings, late postmaster at Marshall, Tex., asked a conference with the House on the bill and amendment, and had appointed Mr. SAWYER, Mr. MILLS, and Mr. IRBY as the conferees on the part of the Senate.

It also announced that the Senate had passed, without amendment, bills of the following titles:

A bill (H. R. 4844) to authorize the Secretary of War to convey to school district numbered 12, of Kittery, Me., a portion of Fort McClary military reservation, in exchange for other land; and

A bill (H. R. 6969) for the relief of Elisha Brown.

It also announced that the Senate had passed bills of the following titles, in which the concurrence of the House was requested:

A bill (S. 1674) incorporating the Society of American Florists; and

A bill (S. 3407) to authorize the Court of Claims to hear and determine the claims of certain New York Indians against the United States.

It also announced that the Senate had passed the following concurrent resolution; in which the concurrence of the House was requested:

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound, in addition to the usual number, 4,000 copies of the compilation entitled "Senate Privileges and Elections," prepared by the Committee on Privileges and Elections under resolution of the Senate passed February 28, 1891, said work to be bound in two volumes, the first to contain all Senate election cases to date, and the second to contain all matter pertaining to Senate privileges, of which 1,500 copies shall be for the use of the Senate, and 3,000 copies for the use of the House of Representatives, and 100 for the compiler.

ENROLLED BILL SIGNED.

Mr. SCOTT, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled the bill (H. R. 8038) granting a pension to William W. Watson, of Walker County, Ga., when the Speaker signed the same.

ADOLPH LOSCHMIDT.

Mr. MILLER. I ask unanimous consent to consider the bill (S. 1131) for the relief of Adolph Loschmidt.

The bill was read at length.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. KILGORE. Let the report be read subject to objection.

The Clerk proceeded to read the report.

Mr. KILGORE (interrupting the reading). Mr. Speaker, it is unnecessary to consume further time. I object.

HEIRS OF HENRY A. SHADEL AND OTHERS.

Mr. ENOCHS. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution I send to the desk.

The Clerk read as follows:

Resolved, That the following bills: H. R. 5603, a bill for the relief of the heirs of Henry A. Shadel, deceased; H. R. 5604, a bill for the relief of James Forgey; H. R. 5605, a bill for the relief of the estate of Edwin E. Saunders, deceased; H. R. 8375, a bill for the relief of the estate of Theodore J. Gillett, deceased; H. R. 5607, a bill for the relief of W. T. Scoville and John Kouns, surviving partners of George L. Kouns, deceased; H. R. 5608, a bill for the relief of Ammon McLaughlin, and H. R. 7300, for the relief of the heirs of Dudley D. Smith, deceased, together with all the accompanying papers, be, and the same are hereby, referred to the Court of Claims under the provisions of an act of Congress to provide for the bringing of suits against the Government of the United States, approved March 3, 1887.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. KILGORE. I object, and demand the regular order.

WAR CLAIMS.

Mr. BELTZHOOVER. Mr. Speaker, I desire to submit a privileged report from the Committee on War Claims.

The SPEAKER. The report will be read.

The Clerk read as follows:

Whereas claims amounting to many millions of dollars growing out of the late war for the suppression of the rebellion have been and are now pending before Congress, the Executive Departments and the Court of Claims; and

Whereas it has been asserted in the public press, and charged upon the floor of this House, that many of the claims of this character, some of doubtful validity, have been allowed and paid, while others of equally doubtful validity have been allowed, but not paid: Therefore

Resolved, That the Secretaries of the Treasury, War, and Navy, and the Attorney-General, be directed to report to this House, with as little delay as possible, the number, amount, and particulars of claims growing either directly or indirectly out of the late war for the suppression of the rebellion pending before said Departments, respectively, and the Court of Claims.

The Committee on War Claims, to whom was referred the foregoing resolution, having considered the same, respectfully report it back to the House and recommend its passage, with the following amendments, namely:

Insert after the word "particulars" the words "including the place of origin and whether presented by States or individuals."

Mr. BELTZHOOVER. Mr. Speaker, several of my colleagues on the committee, as well as myself, desire to submit a few remarks on this subject, and I would like to inquire whether the gentleman from Michigan [Mr. BURROWS], who introduced the resolution, or any one for him, desires any time in its consideration?

Mr. BURROWS. I will state to the gentleman from Pennsylvania that that will depend somewhat on the observations made by himself and his colleagues. I see the committee rec-

ommend that the resolution be adopted, but I will be able to notify the gentleman as to what time I shall need after hearing his remarks and those of his colleagues.

Mr. BELTZHOOVER. I then yield twenty-five minutes of my time to my colleague [Mr. ENLOE].

Mr. ENLOE. Mr. Speaker, addressing myself to this resolution, I desire to have read from the Clerk's desk an extract from the message of the President of the United States submitted to the present session of Congress.

The Clerk read as follows:

The aggregate of claims pending against the Government in the Court of Claims is enormous. Claims to the amount of nearly $400,000,000 for the taking of or injury to the property of persons claiming to be loyal during the war are now before that court for examination. When to these are added the Indian depredation claims and the French spoliation claims an aggregate is reached that is indeed startling. In the defense of all these cases the Government is at great disadvantage. The claimants have preserved their evidence, whereas the agents of the Government are sent into the field to rummage for what they can find. This difficulty is peculiarly great where the fact to be established is the disloyalty of the claimant during the war. If this great threat against our revenues is to have no other check certainly Congress should supply the Department of Justice with appropriations sufficiently liberal to secure the best legal talent in the defense of these claims and to pursue its vague search for evidence effectively.

Mr. ENLOE. Mr. Speaker, this statement, coming as it does from the President of the United States in an official message to Congress, is certainly worthy of the consideration of the country and of this House. The statement is a most remarkable one, in view of the fact that it is not based upon any official records or upon any facts to be found in any of the departments of the Government, or in the Court of Claims. We should not be astonished, and I was not particularly astonished, at some statements made upon this subject while the campaign was in progress, because it was not expected that the average campaign speaker would be very accurate in dealing with facts. The gentleman from Maine [Mr. REED], in an interview or statement furnished to the press while the campaign was pending, stated that the amount of these claims reported from the Committee on War Claims at the first session of this Congress was about $70,000,000.

Mr. REED. If the gentleman from Tennessee will permit me to say so, I will state to him that I am indebted for my figures to the clerk of the Committee on War Claims.

Mr. ENLOE. I do not know where the gentleman got his information, but I want to say that the gentleman's information does not seem to have been very accurate. I am satisfied that he intended to state, as nearly as he ascertained it, the truth in regard to this matter; but the difficulty was that he did not take the trouble to get it from the proper source. I think he is mistaken about the clerk of the Committee on War Claims having furnished that information to him.

Mr. REED. The information was furnished to me by the clerk of the Committee on War Claims at my request, and I thought that was a sound authority.

Mr. ENLOE. I am not questioning the gentleman's statement, only his memory. I will leave that between him and the clerk of the Committee on War Claims; but the clerk of the Committee on War Claims had no authority for furnishing any such statement, and it is not supported by the facts.

The gentleman from Iowa [Mr. HENDERSON], who is a member of the Committee on Appropriations, seems to have been looking for information upon this subject, and he published in the Appendix to the proceedings of the first session of this Congress a posthumous speech. It was written for campaign purposes, I suppose, and extensively circulated all over the United States. It was quoted in various newspapers of the United States, and upon the authority of these gentlemen the argument was made upon every stump in this country that the Treasury was likely to be bankrupted by Southern war claims. I now send up the statement of the gentleman from Iowa [Mr. HENDERSON], and ask to have it read from the Clerk's desk.

The Clerk read as follows:

SOUTHERN WAR CLAIMS.

Fourth. Twenty-seven years after the close of the late civil war the remarkable spectacle is presented of the Private Calendar of the House of Representatives being loaded down with bills favorably reported from the Committee on War Claims, while several bills are on the Union Calendar reported from that committee, the first being a bill looking to the payment of claims for use and occupation of church and school buildings and grounds during the late rebellion by the Government all through the Southern States.

It is impossible to give the exact figures of the amounts involved in these claims, but after a careful examination of the subject by the gentleman from Michigan [Mr. BELKNAP] he asserts that the amount involved in bills favorably reported and on the Union and Private Calendars exceeds $100,000,000, while the amount unreported, including bills for the refund of the cotton tax (amounting to $60,000,000), exceeds the sum of $500,000,000. Of the 9,727 bills introduced in the House during the present session over 2,000 are war claims, of which number 878 have been favorably reported, and but for the active hostility of the Republican members of the House a very considerable number of these would have been passed. The Republican party has given a chance to the loyal men of the South to present their claims, and it is the judgment of experienced officers of the Treasury and War Departments that all proper claims of this class have been paid and that nine-tenths of the cases pending have been rejected heretofore on account of disloyalty.

Mr. ENLOE. Now, Mr. Speaker, it will be observed that the gentleman from Iowa [Mr. HENDERSON] quotes as his authority the gentleman from Michigan [Mr. BELKNAP], and states that he gets this information from him after he has made a most careful investigation of the subject. Now the gentleman from Michigan [Mr. BELKNAP] and the gentleman from Iowa [Mr. HENDERSON], between them, have succeeded in running the aggregate up above five hundred millions. I suppose that this was sent to the country in advance of the campaign, from a leading member of the Committee on Appropriations in this House, and from a gentleman of distinction on this floor, with the impression that wherever that was quoted by a Republican campaign speaker on the stump it would carry the weight of truth and conviction to the minds, at least, of the Republicans hearing it.

Mr. Speaker, the only misfortune about that statement is that it is not consonant with the truth and is not based upon any fact or official record of these claims. Neither the gentleman from Iowa [Mr. HENDERSON] nor the gentleman from Maine [Mr. REED] nor the gentleman from Michigan [Mr. BELKNAP], it seems, thought it worth while to look to the public records to ascertain what were the facts in regard to these measures, because the facts would not subserve the exigencies of a political campaign. But why the President of the United States should repeat it is more remarkable than these campaign declarations of gentlemen made upon the floor of the House.

I shall not in this connection address myself to the misrepresentations of the Committee on War Claims. I will leave it to the chairman of the committee [Mr. BELTZHOOVER] to make a statement that will completely refute the statement made by the gentleman from Iowa [Mr. HENDERSON] and the gentleman from Maine [Mr. REED] in regard to the work of that committee. I want to call attention in this connection to the report of the Attorney-General, which I suppose is the official document that the President had in mind, if he had any, when he made that statement in his message to Congress. I will ask to have read from the Clerk's desk an extract from the report of the Assistant Attorney-General, Mr. Cotton, who, as the representative of the Department of Justice, has charge of the defense of the Government against these claims. It is found in the report of the Attorney-General for the year 1891.

The Clerk read as follows:

Bowman act.—From 1884 to March 3, 1891, cases under the Bowman act were annually docketed as follows:

1884	217	1889	632
1885	177	1890	866
1886	858	1891	405
1887	786		
1888	4,562	Total	8,503
Pending November 1, 1891			7,393

The amount claimed cannot be stated with accuracy, as in many instances no sum is mentioned in the petition. Former reports of the Attorneys-General have estimated it as $400,000,000.

Mr. ENLOE. To show how much importance was attached to this political ghost of the late Confederacy at that time, and how much value the Attorney-General of the United States gave to the loose statement of his imaginative assistant, I will quote all he said on the subject in his report to the President in 1891. The Attorney-General said, by way of comment on the business of the Court of Claims: "There are now pending in that court under the same jurisdiction 1,194 suits, and under the Bowman act 7,393."

I will now invite your attention to the report of the Attorney-General for 1892 on the same subject. The Assistant Attorney-General, Mr. Cotton, does not report his "cock-and-bull story" of the year before about $400,000,000 of Southern war claims, but contents himself with a statement of facts borne out by the records of the Court of Claims. The Clerk will read.

The Clerk read as follows:

BOWMAN ACT.

Under the act of March 3, 1883, known as the Bowman act, the court acted during the year on 248 cases, claiming $2,583,939.41, findings which have been or will be reported to Congress. Of this number 75 cases, claiming $356,611.51, were dismissed by the court, 68 because claimants or those they represent were disloyal, and 7 for other causes.

In 15 cases, claiming $869,189.41, findings favorable to the United States on the merits have been filed by the court. In 158 cases, claiming $1,358,138.49, findings favorable to claimants were filed for $485,546.36.

Mr. ENLOE. This statement shows two things: First, that the findings represent a very small percentage of the amount claimed; second, that the Assistant Attorney-General, Mr. Cotton, does not think it is necessary to report his former unauthorized and unwarranted statement in regard to the danger to the Treasury from imaginary Southern war claims amounting to $400,000,000. The campaign was over and a change had come over the spirit of his dreams. He had no doubt learned from investigation that there was no truth in the statement of the amount of these claims, and he had learned from his experience that only about 7 per cent of these claims were allowed when tried before the Court of Claims.

The Attorney-General and the President, it seems, disregarded this last report, and after the election in which the Administration was overturned, and when there could be no creditable motive that I can conceive for making such a statement, they went back to the false statement made by the Assistant Attorney-General in 1891, and make that the basis for misrepresenting loyal claimants who reside in Southern States.

This four hundred million dollar threat against the Treasury originated in the Department of Justice and in the brain of Mr. Cotton, or else the President borrowed it from the campaign material furnished by the distinguished gentlemen on this floor, who have been juggling with the facts and figures on this subject.

Now let us look at the facts as they appear of record.

The first act passed on the subject of war claims was the act of July 4, 1864.

The first section denied jurisdiction to the Court of Claims over such claims. The second made the Quartermaster-General's Office the place for the settlement of the claims for quartermaster stores. The third made the Commissary-General's Office the place for the settlement of claims for commissary supplies. Only claims of loyal citizens in States not in rebellion could be passed on by the Quartermaster-General and the Commissary-General.

On June 18, 1866 (14 Stat., 360), Congress extended the act of July 4, 1864, to the counties of Berkeley and Jefferson, in West Virginia.

On July 28, 1866 (14 Stat., 370), Congress extended the act of July 4, 1864, to the loyal citizens of Tennessee.

Congress afterward (14 Stat., 397) extended the act of July 4, 1864, to the entire State of West Virginia.

Claimants furnished their testimony by *ex parte* affidavits and any vouchers they might have received.

The Government took its proof by means of special agents, who inquired secretly and so reported, it not being until the act of June 13, 1880 (21 Stat., 586), that claimants or their attorneys were allowed to be present and cross-examine witnesses before special agents.

Claimants and their attorneys were denied access to the reports of the agents of the Quartermaster-General, as such reports were held to be confidential, their contents not to be disclosed. This practice continued for sixteen years.

As for the Commissary-General, no law was passed to allow him special agents, and consequently he did not investigate the claims by means of such agents. He acted on only such claims as were supported by vouchers or affidavits furnished by officials.

The following extract is from his report of 1878: "It will * * * be impracticable to properly investigate the claims presented under the act of July 4, 1864, unless an appropriation be made for the employment and transportation of officers and agents to investigate the claims."

Under this act there were filed 53,505 claims.

Amount claimed	$38,084,066.55
Amount paid to claimants	6,010,275.43
Amount disallowed	32,073,791.12

The next act on the subject was the act of March 3, 1871, creating the Southern Claims Commission.

This Commission was given jurisdiction over claims for stores and supplies of loyal citizens in the States that had been declared in insurrection. This without regard to the act of July 4, 1864.

The original act creating the Commission declared that all claims not presented to the Commission before March 4, 1873, should be forever barred. Time for filing limited to March 3, 1873, by act of March 3, 1873 (17 Stat., 577).

The life of the Commission was fixed by this act at two years, but Congress extended it from time to time.

On June 15, 1878 (20 Stat., 566), Congress declared that the Commission should expire on March 10, 1880, and it did so expire.

On June 15, 1878, Congress limited the time for claimants filing evidence in chief and submitting their claims to March 10, 1879, but it allowed them to take testimony in rebuttal after that date.

On June 23, 1879 (21 Stat., 29), Congress required the special agents of the Commission to give notice to and opportunity for claimants being present at the taking of testimony by said agents on behalf of the Commission; but the act was not of any benefit to claimants, owing to the near approach of the end of the Commission, and because the claims in which claimants had filed their evidence before March 10, 1879, had been nearly all disposed of.

There were filed under this act 22,298 claims. Of this number 5,250 were forever barred under the act of June 15, 1878.

Of the 16,991 claims in which evidence has been taken about 150 have been rejected for want of jurisdiction—chiefly claims for rent and the use of real estate, which the Commission held not to be "stores and supplies" within the meaning of the act establishing the Commission.

The amount of claims filed under this act was	$60,258,150.44
Amount paid to claimants	4,636,920.69
Amount rejected or disallowed	55,621,229.75

On account of the arbitrary and secret methods pursued by the War Department in taking proof, and the manifest injustice of many of the decisions in the War Department and the Southern Claims Commission, Congress passed the Bowman act, authorizing Congress to send to the Court of Claims for a new trial disallowed claims filed before the War Department or the Southern Claims Commission which had not been barred by the statute of limitations.

Since the passage of the Bowman act Congress has appropriated, to pay claims found due claimants under that act by the Court of Claims, the following sums:

Fiftieth Congress	$119,510.75
Fifty-first Congress	573,763.30
Total	693,274.05

A part of this was suspended and not paid. Since that time the court has reported, under the Bowman act, as due claimants to date, $686,842.43.

These findings represent about 7 per cent of the amount claimed.

Let us calculate it on this basis and we will find that this must have disposed of over $18,000,000 of these claims. Add the $32,073,791.12 rejected by the War Department to the $55,621,229.73 and deduct $18,000,000 finally disposed of in the Court of Claims, and we have left as a possible claim against the Treasury from this source $69,695,020.85. Take 7 per cent of that, the usual percentage of these claims allowed by the Court of Claims, and we get the approximate possible charge against the Treasury of a little less than $5,000,000.

I would like to call the attention of the President and the Attorney-General to the difference between four hundred millions of dollars of claims and seventy-two millions, with a possible liability of five millions of dollars. The President, mark you, says: "Claims to the amount of nearly four hundred millions of dollars for the taking of or injury to the property of persons claiming to be loyal during the war are now before that court for examination."

The President certainly did not even read the guess of Mr. Cotton made in 1891, but possibly relied on the Attorney-General, and the Attorney-General must have relied on the figures of the gentleman from Iowa [Mr. HENDERSON], with a discount of 20 per cent on account of the campaign impending at the time his statement was made.

All of these claims ever filed against the Government before the War Department and before the Southern Claims Commission, as I have shown, amounted to only a little over $98,000,000.

Mr. DALZELL. That is for stores and supplies.

Mr. ENLOE. Yes. Of course, after deducting all payments made and claims barred, it is still impossible to tell the exact amount that would be allowed by the Court of Claims if all these claims were referred, but as I have stated, judging from the usual percentage of these claims allowed by the court, it could not greatly exceed $5,000,000.

But these gentlemen say that the cotton tax of sixty-eight millions is included. That is a Southern claim growing out of the war, and I think a just one. I believe that tax was illegally collected and ought to be refunded to the people who paid it in the various States.

Mr. OATES. If the gentleman will permit me a suggestion, that is not strictly a war claim. The bulk of the tax, nearly the whole of it, was collected after the war.

Mr. ENLOE. I accept the correction, but that tax is embraced in this calculation which has been made and circulated for campaign purposes.

Mr. OATES. The claim for a refund of that tax rests entirely on the proposition that the law under which it was collected was unconstitutional, and therefore no law.

Mr. ENLOE. Exactly. The only question involved is the constitutionality of the law. It does not involve the question of loyalty. It stands on the same footing as any other claim where money has been paid into the Treasury under an unconstitutional law.

Another measure which has been much misrepresented, and like all the rest greatly exaggerated, is the bill which I introduced, and which is now on the Calendar, to pay for the use and occupation of church and school buildings by the United States Army during the war. That item in this wonderful juggling with figures is, I am told, charged up as involving at least $100,000,000, enough to pay pensions a little over six months. The Quartermaster-General, in a letter to the Committee on War

Claims of this House on this subject, written March 28, 1890, says:

A list of the church claims which have been filed in this office is herewith submitted, giving the name, locality, and amount of each claim (so far as stated) and the action taken thereon. It appears that 234 of these claims have been filed. Ninety-seven of these, aggregating $102,270.29 (so far as stated), have been paid or recommended for payment, in whole or in part, and 137 claims, aggregating (so far as stated) $247,797.38, have been disallowed or not paid, the cause of disallowance being stated on the accompanying list.

So it seems that the number of church claims filed and disallowed or unacted upon is 137, involving $247,797.38.

The War Department without any specific instructions, and so far as I have been able to learn without any authority of Congress, adjudicated and settled ninety-seven of these claims, involving the payment of $102,270.29.

I will quote the balance of the letter of the Quartermaster-General on the subject. He continues:

In the consideration of these claims it was found that a considerable number were presented from States and districts declared to be in insurrection during the war of the rebellion. They were precluded from favorable consideration by the President's proclamation of July 1, 1862, and by subsequent legislation of Congress. (See act of Congress, Public No. 33, of 1867.)

It was the custom of this Department to place churches in the same condition as when they were taken possession of by the United States, natural wear and tear excepted, or allow a reasonable amount in money in lieu of such repairs. No general instruction for the payment of such claims appears to have been given, but each claim was decided on its merits. This practice, however, had the approval of the Secretary of War, as such cases were submitted to and approved by him from time to time. Up to 1874 it was uniformly held by this office that no rent should be paid for churches, there being no law authorizing such payment. On March 20, 1874, the claim of Trinity Protestant Episcopal Church, of Washington, D. C., for rent, stated at $2,250, was referred to the Third Auditor of the Treasury for settlement, having been recommended by Assistant Judge-Advocate-General Dunn and approved by the Secretary of War. A number of other claims for rent of churches were paid subsequently by the direction and approval of the Secretary of War.

Very respectfully,

S. B. HOLABIRD,
Quartermaster-General, United States Army.

The SECRETARY OF WAR.

It seems that the allowance of this class of claims was a matter entirely in the discretion of the Secretary of War. Claims were allowed and paid in Kentucky, Maryland, Pennsylvania, Tennessee, New York, Virginia, West Virginia, Washington, D. C., Ohio, and Missouri. For some unexplained reason the settlement of these claims was discontinued. They never amounted to more than $350,000, and if school buildings were included the whole amount which would be allowed would not exceed $1,000,000. I would like to emphasize the fact that the difference between $100,000,000 and $1,000,000 is worthy of some consideration in this connection.

The right of the Southern church and school boards to compensation for use and occupation of their property during the war rests upon the rules which govern all civilized nations in time of war, and bind them to protect the property of religious and educational institutions from injury or destruction.

There is no question of loyalty involved in these claims, but they are based upon the broader principles of civilization, and that was the only law that could have warranted the War Department in adjudicating and paying those claims which were paid.

In addition to this I should mention the fund in the Treasury known as "the captured and abandoned property fund." I am informed that this fund amounts to about $10,000,000. By the decision of our courts this fund belongs to citizens of the United States whose property was illegally seized and sold by the United States and the money turned into the Treasury.

Congress, with its usual disregard of the rights of private claimants, refuses to pass any law to allow these claimants to go into our own courts and sue for the recovery of this money, and at the same time refuses to pay any part of it to those claimants who come before Congress and furnish the proof from the Government records that the Government holds in this fund the money derived from the proceeds of the illegal sales of their property.

This is setting an example of robbery, bare and simple, and of dishonesty which would put a private citizen in the penitentiary. Now, I think I have covered all classes of Southern war claims except a comparatively small number of claims for rent and occupation of private property which are pending before Congress, and a few claims for the torts of the Government.

It will be seen that if all the war claims were paid in full, and the $68,000,000 cotton tax, and the $1,000,000 for churches and schools, and the $10,000,000 for captured and abandoned property, it would all amount to only about $150,000,000. Not as much as we pay for pensions each year. Of the amount which will go or could go to the Court of Claims it is not probable that over $5,000,000 will ever be allowed, and not over $10,000,000 even if we double the percentages of allowances in such cases; so that the largest probable amount that would ever be paid on war claims would be between $84,000,000 and $89,000,000.

The Committee on War Claims has reported bills this Congress which in the aggregate would not involve over $12,000,000, and the chairman of the committee, who has thoroughly investigated the character of these claims, states that about two-thirds of them are from Northern or loyal States. These bills are mostly for claims embraced in the figures I have before given, and I only refer to them to show that these claims are not as alleged by the President and his informants, strictly Southern war claims. An examination of the omnibus bill now pending, embracing the findings of the Court of Claims on claims for stores and supplies, will also disclose the fact that other than Southern States are interested in these claims.

The purpose of these campaign statements made before and since the election is to create a prejudice in the minds of the people against claims coming from the Southern States. The purpose is to deny to those people an opportunity to have their claims heard before the courts or before Congress, or at least to so prejudice the minds of members of Congress that appropriations can not be had to pay the judgments that may be obtained through the courts.

As I before stated the Court of Claims was created to pass upon these claims because it was evident that on account of the secret methods pursued in the War Department and the unfairness of the Southern Claims Commission many claimants were denied justice and could obtain it only by coming to Congress. That court was clothed only with jurisdiction over the claims of loyal citizens, but it seems that these gentlemen want to make it a crime for a man in the South to have been loyal during the war. Although he goes into their own court, composed of Republican judges, with Republicans representing the Government, and charged with the defense, with all the records and archives, and all the machinery of the Government at their command still these gentlemen object to and refuse to stand by the judgments of this court of their own creation whenever the findings are favorable to the claimant.

They say that these claims are old and stale, and that therefore they should not be paid. They have blocked the way and stopped these claims, a large number of them for the last thirty years, and now they turn around and make the objection to their payment that they are "old" and "stale." After they have denied a hearing for thirty years they have the hardihood to say that if they were just they would have been paid before this time. The Republican party seeks to make their own fault the crime of these claimants. It may be good politics in a certain sense, but it is not honest.

I know there are some people who think that a man who lives in the South and was loyal during the war ought not to be paid anything; but I am astonished that a Republican should take that position, and I am astonished that a Democrat who was himself loyal to the Government during the war should take that position. In view of the liberal spirit which the Government has manifested in these matters, I am astonished that any honest man should object to paying the claim of any citizens which is justly due.

Now, Mr. Speaker, I am not here to speak in this matter for votes, because I believe that, as a general rule, these claimants have voted the Republican ticket. They were loyal to the Government during the war, and most of them have been loyal to the Republican party since; but I would not be surprised, in view of what the President has said, and what distinguished gentlemen on the other side here have said, if this class of people in the South, these Republicans, who have claims, should turn away from the Republican party and, in view of this juggling with figures, should say, in the language of Macbeth:

> And be these juggling fiends no more believ'd,
> That palter with us in a double sense;
> That keep the word of promise to our ear,
> And break it to our hope.

I hope that these people will turn away from the Republican party and will look to the Democratic party for justice, because that is the only party in this country that is not sectional and that is willing to give justice to every citizen of every State in the Union.

Mr. BELTZHOOVER. Mr. Speaker, I desire to ask the gentleman from Michigan how much time he desires to use now.

Mr. BURROWS. Will the gentleman from Pennsylvania yield to me for a moment?

Mr. BELTZHOOVER. Certainly; but if the gentleman desires to occupy any considerable length of time, it would be better that he should be recognized in his own hour.

Mr. BURROWS. Then, Mr. Speaker, I will be recognized in my own right.

In the resolution which I presented and which the Committee on War Claims has very properly reported back with a favorable recommendation I see nothing to lay the foundation for the debate which has just taken place. The very object of the resolution was to settle, if possible, by official data a controversy as to the character of the claims pending before the various Depart-

ments for damages incurred or supplies furnished by citizens of the country during the late rebellion. It was with a view of settling that controversy and for no other purpose that I introduced this resolution; and I see no reason why the gentleman from Tennessee should have taken occasion at this time upon this resolution to enter into a general discussion of Southern war claims. I shall not follow him in that debate. I simply seek by this resolution to get at the facts.

The gentleman has stated, however, that it was a very serious thing for the President of the United States to make the charge in his late message that a large number of claims were pending in the office of the Attorney-General; and he seemed to criticise the President for making that statement. I suppose the President based the statement upon the following, which I read from the report of the Attorney-General for this year:

> Under the act of March 3, 1883, known as the Bowman act, 248 cases were disposed of during the year; the aggregate claims covered by said cases being $2,583,939.41. In 158 of these cases findings were made against the Government, and for an aggregate sum of $485,546.36. The claims of this class growing out of the alleged taking of supplies and other property during the war are assuming enormous proportions. They already aggregate nearly $400,000,000, and the Department has reliable information that a multitude of additional claims, aggregating very large sums, are being prepared to be filed and pushed against the Treasury. That a very large proportion of these claims have no just foundation either in fact or law, being presented by persons or the representatives of persons who were not loyal to the Government during the war, is every day made clearer in the evidence evolved in their defense.
>
> In numerous cases where testimony has been produced of the entire loyalty of claimants of the Union during the war, by the discovery of documentary evidence, such as election returns on the vote for secession, vouchers for supplies furnished to the Confederate government, enlistment rolls, registry of Confederate bonds, etc., the attorneys of the Government have been able to demonstrate the disloyalty of claimants and thus defeat the claims. But of course such evidence can be found only in exceptional cases, and unless Congress shall put some new barrier between the Treasury and these claims it is impossible to predict the amount the Government may be called upon to pay thereon. Ordinarily a statute of limitations bars claims resting on parol evidence after six years. Why, with all the temptations to fraud and perjury, a different rule should apply to these claims is not apparent.

This is the statement embraced in the official report of the Attorney-General, upon which statement, I suppose, is based the language of the President's message to which the gentleman from Tennessee has called attention and which he has seen fit to criticise. Now, it was with a view of ascertaining the nature and character of these claims, and in order that the House and the country might be informed in relation to them, that I offered this resolution, and I am thankful to the committee for having reported it back with a favorable recommendation.

I do not desire to enter into any discussion in the line pursued by the gentleman from Tennessee. That is entirely foreign to this controversy. If I desired to follow the gentleman's example I might exhibit the Calendar of this House, by which it will appear that for the first thirty or forty pages there is scarcely a report except from the Committee on War Claims. These reports cover cases that can not be referred to the Court of Claims under the existing law. I might say that the Southern Claims Commission, to which the gentleman has referred and which he has criticized, was open for nine years. It was organized in 1871, when the facts upon which these claims rest were fresh in the minds of the people, and was open to every loyal claimant for nine years.

Before that Commission claimants could produce their witnesses. These claims, which are referred to the Court of Claims, are generally claims which were disallowed by that Commission because they were not meritorious and in the opinion of the Commission ought not to be paid.

Mr. ENLOE. Does the gentleman mean to say that the great majority of claims referred by this House to the Court of Claims are claims which were referred to the Southern Claims Commission under the act creating it?

Mr. BURROWS. Oh, no; they are not referred under that act but under the Bowman act. But the Court of Claims does not take jurisdiction of any cases unless it was before this Southern Claims Commission. If they have not been before that Commission they are barred. If, however, the claim has been presented to the Southern Claims Commission or to the Quartermaster-General or to the Commissary-General, then the Court of Claims holds that the claim is still pending and is not barred. These claims, therefore, are all of them claims which have been rejected either by the Commissary Department or the Quartermaster's Department or by the Court of Claims.

But, as I said before, I do not care to enter into that question. I have, however, here a statement from the Treasury Department showing the amount that has been paid upon claims of this character, and I find that there has been paid for captured and abandoned property taken $10,613,037.11.

Mr. ENLOE. Does the gentleman claim that claims arising under the captured and abandoned property act are a part of the war claims which have been referred under the Bowman act?

Mr. BURROWS. I do not. I find further that upon "claims of loyal citizens for supplies furnished during the rebellion," there has been paid $4,636,920.69; for salaries and expenses of Southern Claims Commission, $398,999.52.

Mr. ENLOE. Is it right to charge up the salaries to this account?

Mr. BURROWS. I am simply giving the amounts expended; I am not charging anything. I am giving the amounts expended as stated by the Treasury Department in the adjudication of these claims. I find further that on claims for quartermaster's stores and commissary supplies there were paid $2,954,635.44; for stores and supplies taken by the army—Bowman act cases paid on appropriations and findings of Court of Claims—$372,710.85; and the amount of the appropriation, I understand was $500,000.

Mr. ENLOE. I was going to ask the gentleman from Michigan if in his judgment the cost or expense of these agents of the Quartermaster-General's Office and the Commissary Department, who have been examining these matters for fifteen or sixteen years, ought not to be embraced? Whether it might not be just as well to put in all of these, as the other charges to which he refers?

Mr. BURROWS. I think not.

Mr. ENLOE. It is just as properly chargeable to this part of the expenditure as the salaries of the commissioners.

Mr. BURROWS. And I was only alluding to it to show the amount which had been expended already in this direction.

Now, the object of the resolution, Mr. Speaker, as I have said before, is to settle this controversy finally, as it has been agitated in the press and throughout the country. Proper claims presented by citizens of unquestioned loyalty anywhere in the Southern States ought to be paid. There is no question about that. Claims of persons who were clearly disloyal to the Government during the war ought not to be paid. That is the whole question, and the House and the country ought not to have that question obscured by any other issue.

Mr. ENLOE. If the gentleman will permit me to ask him another question, I would like to know if he believes that the claim of a claimant who has already established his right by proof in the Court of Claims ought to be paid?

Mr. BURROWS. Not if it appears from evidence outside, as in the Confederate archives, that the Court of Claims was mistaken as to the question of loyalty.

Mr. ENLOE. Well, where it does not so appear?

Mr. BURROWS. I think if the Court of Claims finds that a claimant was loyal and there is no controversy about the merits of the claim, then there exists no reason why the claim should not be paid. But I have been informed this morning that cases referred to the Court of Claims and favorably reported have been recommitted to the court and, on reëxamination, have been reversed; that the previous report of the court was entirely erroneous and subsequent testimony showed that the claimant was disloyal.

Mr. ENLOE. Let me ask if that did not arise under a former administration and this is an effort to correct it?

Mr. BURROWS. What has that to do with the resolution?

Mr. ENLOE. Only this, that it helps to elucidate the matter and show your attitude.

Mr. BURROWS. Oh, the gentleman from Tennessee can not possibly put me in a false attitude. I have already said that loyal claimants ought to be paid, but when a case under the Bowman act is reported to the court to ascertain the facts and the question of loyalty is made a jurisdictional question, if the court reports that the party was loyal, so far as that question goes the opinion of the court, perhaps, should be taken by the House as final. I know of no reason why it should not be.

But at the same time I wish to say distinctly that I am not in favor of putting through the House, under a suspension of the rules, a bill embodying some two hundred claims reported by the Committee on War Claims because they happen to be reported from a court, without disclosing in a single case the finding of the court, except as to the general fact that the parties were loyal, but not disclosing the amount, the testimony on which it was founded, or whether it is justly due and ought to be paid.

Mr. ENLOE. As the gentleman is going into that question, let me make this inquiry: If it is not a fact that the court has furnished in each case a printed slip showing the findings of the court and the fact of the loyalty of the claimant?

Mr. BURROWS. Well, that is a matter which may possibly come up at a later period during the day.

Mr. ENLOE. And I think it better to wait until we do reach it.

Mr. BURROWS. If the gentleman himself had adopted that course in the debate there would be considerably more force in his suggestion.

But, Mr. Speaker, I have nothing further to say in regard to

this resolution. It is simply to arrive at the information so that we may act understandingly hereafter.

I reserve the remainder of my time.

Mr. BELTZHOOVER. Mr. Chairman, I would prefer, if the gentleman desires to consume any more time, that he take it now; if not, I beg the Speaker to notify me when I have reached the consumption of thirty minutes of my time, though I do not think I will occupy that much. I would very much prefer, though, that the gentleman would consume the balance of his time now, to which he is entitled.

Mr. BURROWS. I do not propose to say anything further in regard to the resolution, but possibly some other gentleman on the floor might like to be heard.

Mr. BELTZHOOVER. We have the close, and I would like the gentleman from Michigan, having our whole case now, to say what he desires to say or use such time as he may wish before I proceed.

Mr. BURROWS. I think the gentleman had better proceed now. It is more than probable that nothing further will be said on this subject.

Mr. BELTZHOOVER. Then I shall call the previous question at the close of my few remarks.

Mr. BURROWS. Very well.

Mr. BELTZHOOVER. The resolution which has just been reported favorably is designed to obtain full, clear, and accurate information in relation to what are commonly known as war claims against the National Government. The language of the original resolution is very broad and comprehensive, and the amendments proposed by the committee are intended to still further enlarge the scope and effectiveness of the inquiry. This is a movement in the right direction, for there is no subject which ever engages the attention of this House or that of the press of the country on which there is such a general lack of information or such gross and inexcusable misrepresentation and exaggeration. The distinguished gentleman from Michigan [Mr. BURROWS] who introduced the resolution probably wants to take some measures or make some statements on the question, and therefore very properly calls for official and reliable data on which to base his action. If all members who have discussed the matter on the floor of the House or in the newspapers had observed the same precaution to ascertain the facts before they made their utterances my colleagues and myself would not have been required, in justice to the laborious committee of which we are a part, to take up the time of the House in the statements which we propose to make.

In a speech which purports to have been delivered in the House on August 5, 1892, in the expiring hours of the last session, by the gentleman from Iowa [Mr. HENDERSON], and which was printed in the RECORD on August 9, he used the following language:

SOUTHERN WAR CLAIMS.

Twenty-seven years after the close of the late civil war the remarkable spectacle is presented of the Private Calendar of the House of Representatives being loaded down with bills favorably reported from the Committee on War Claims, while several bills are on the Union Calendar reported from that committee, the first being a bill looking to the payment of claims for use and occupation of church and school buildings and grounds during the late rebellion by the Government all through the Southern States.

It is impossible to give the exact figures of the amounts involved in these claims, but after a careful examination of the subject by the gentleman from Michigan [Mr. BELKNAP] he asserts that the amount involved in bills favorably reported and on the Union and Private Calendars exceeds $100,000,000, while the amount unreported, including bills for the refund of the cotton tax (amounting to $60,000,000), exceeds the sum of $500,000,000. Of the 9,727 bills introduced in the House during the present session over 2,000 are war claims, of which number 878 have been favorably reported, and but for the active hostility of the Republican members of the House a very considerable number of these would have been passed.

The distinguished gentleman from Maine [Mr. REED], in an elaborate review of the proceedings of the last session, published over his signature in the New York Press and other papers on August 6, 1892, made the following statement:

The House Committee on War Claims have reported in favor of more than $70,000,000 worth of claims for damages caused by the devastation of the war.

The New York Tribune, in a lengthy and much more exact account of the work of the House during the same period, declares that the bills reported favorably by the Committee on War Claims during the last session exceeded $8,000,000.

That two such prominent leaders as the gentleman from Iowa and the gentleman from Maine should only vary $30,000,000 in their statements on the subject made in the torrid heat of such a campaign as they had on hand and in such weather, might be disregarded, for $30,000,000 is a small matter in campaign statistics, but that they should both exceed the sober estimate of the greatest organ of their party, the one by $92,000,000 and the other by $62,000,000, would justify an inquiry into the source of their data and the motives of their utterances. Neither of the two smaller estimates were ever repeated during the campaign, but the larger one was given a publicity only limited by the capacity of the political machine. The first time I saw it was in the organ of the Republican party published in my district by a former member and Clerk of this House. The next I saw was a repetition in a paper away out in California, the comment of which on the matter I send up to the desk to have read:

SOUTHERN WAR CLAIMS—WHAT MIGHT BE EXPECTED WITH A DEMOCRATIC PRESIDENT AND CONGRESS.

The War Claims Committee of the House of Representatives, of which Mr. BELTZHOOVER is chairman, made a remarkable record during the late session of Congress, says the Gettysburg (Pa.), Star and Sentinel. We commend this account of it to the attention of our readers. It is given by Hon. DAVID B. HENDERSON of Iowa, in his speech published in the CONGRESSIONAL RECORD of August 9, 1892.

This quotation from the speech of the gentleman from Iowa contains three distinct propositions, all of which are unfounded:

First. That the War Claims Committee reported favorably 878 bills.

Second. That the amount which those bills involved exceeded $100,000,000.

Third. That these bills were for Southern war claims.

What are the facts?

First. All the bills reported by the War Claims Committee, including a considerable number of duplicates for the same claim, only number 793, instead of 878; so that whoever ran over the Calendar for the gentleman from Iowa was a very bad counter.

Second. The amount claimed in all the bills reported favorably by the War Claims Committee is only $16,781,001.31, and does not involve in money over $12,000,000, counting everything, instead of more than $100,000,000.

Third. Instead of the claims involved in the bills they reported favorably being Southern war claims, more than two-thirds are from loyal Republican Northern States.

Let me state more specifically how these amounts involved in these bills is ascertained:

Of the 793 bills reported, 424 recommended direct appropriations and 369 are requested to be sent to the Court of Claims under what is known as the Tucker act.

The 424 bills involve direct appropriations of $11,305,998.49; of this amount $7,659,066.37 are for claims from the Northern States; $3,633,586.78 are for claims from the Southern States, and $13,345.38 are for Mexican and Revolutionary claims.

Of the 369 bills reported to be sent to the Court of Claims 355 (all but 14) state the amounts claimed, which aggregate $5,265,002.82. The 14 bills which do not state the amount claimed, when estimated at the average of all the remaining 779 bills, aggregate $210,000, which is far beyond the actual claim in all human probability. The gross sum therefore claimed by all these bills with this estimate is $5,475,002.82.

These last 369 bills, it must be remembered, are to be sent to the Court of Claims only for a finding of the facts in each case, which are to be reported back to this House, and do not involve a dollar of appropriation, except what may be made by some future Congress; but taking them as involving in money all they claim, the gross aggregate of all the bills favorably reported is only $16,781,001.31, instead of over $100,000,000.

This amount is the largest that could possibly be involved if every dollar mentioned in the bills were approved by the Court of Claims and this House and passed into an appropriation.

It is just, however, to say that there are two insuperable obstacles in the way of their reference to the Court of Claims, one of which wipes them all out and the other of which practically does so.

First. The Tucker act, under which, in conformity with the custom of the last House as well as this, such bills are referred to the Court of Claims, expressly excludes war claims, and every solitary report must fall the moment it is reached on the Calendar.

Second. The history of these war claims before the Court of Claims during the last quarter of a century shows indisputably that only 7 per cent of the amount that go there are allowed, while 93 per cent are refused and forever barred. This is a fact we have an undoubted right to rely upon in estimating how much is involved in these bills, for if they should go to the Court of Claims and pass the usual ordeal, as they must, they could not involve more than $350,000, which, with the $11,305,998 recommended directly for appropriation, would only make $11,655,998. It adds considerably to the audacity of the criticism made upon the present War Claims Committee by the gentlemen from Maine and Iowa, when it is remembered that more that nineteen-twentieths of the bills reported by them were also reported by the War Claims Committee of the last Congress.

This is a specific and conclusive answer to the charge of inconsiderate and extravagant action on the part of the present War Claims Committee in reporting bills for the consideration of the House. All the facts involved in this statement could have been easily obtained from the clerk of the committee by the bare asking for them upon a few days' notice.

There is no reason, however, why the gentlemen from Maine or Iowa, or any other person should have made such extravagant

and unfounded assertions. If they had consulted the statutes on the subject, and the action of the courts and commissions and the public records of the House, they would have found that there were inexorable limitations on the amount of war claims which can be sent to the Court of Claims by the House, and a mere counting of the amount fixed in the bills reported would have given the sum beyond which the amount of both those reported and those referred could not go. They would have found that by no possibility could the whole amount have exceeded $50,000,000.

The bills which are reported favorably and make direct appropriations are entered on the Calendar and are found in the files of the House. Any one without going near the War Claims Committee could have found that they were 424 in number and claimed $11,305,998.49.

The war claims which can by any possibility be sent to the Court of Claims by the House for adjudication of the facts under existing law are circumscribed and limited and fixed as clearly as human legislation can do it.

There are three acts on the subject. The first is the act of July 4, 1864, under which claims are authorized for stores and supplies taken and furnished for the use of the Army during the war of the rebellion in States not in insurrection. (See 300 A, Revised Statutes.)

Under section 3 of the act of March 3, 1879, all claims not filed under the said act of July 4, 1864, prior to January 1, 1880, are forever barred.

The claims filed under this act of 1864 in the Quartermaster-General's Office, prior to January 1, 1880, were in number, 53,505; amount, $38,084,066.55; allowed and paid, $6,010,275.43; disallowed, $32,073,791.12.

The second is the act of March 3, 1871, commonly called the Southern Claims Commission act, under which the commissioners were authorized and empowered to receive, examine, and consider the justice and validity of claims of citizens in the States in insurrection against the United States, who remained loyal during the war, for stores and supplies taken or furnished during the rebellion for the use of the Army of the United States (16 Stat. at Large, 524). The powers of this Commission were not judicial but advisory to Congress and exercised in aid of that body. The claims filed before the Southern Claims Commission, under this law, amounted to $60,258,150.44, of which amount there were allowed and paid $4,636,920.69, and disallowed $55,621,229.13. This Commission expired on March 10, 1880.

We have therefore two kinds of rejected claims which were finally disallowed and barred in the beginning of the year 1880. The claims rejected by the Quartermaster-General were from the loyal States. The claims rejected by the Southern Claims Commission were from the disloyal States. The two amounts aggregated $87,695,268.87. This is the high-water mark of all war claims which were ever in any way payable or adjudicable under any general law. After the tribunals before which they were filed from time to time and were pending for years had closed and declined longer to hear the claimants, they began to assail Congress for relief. This assault on Congress occasioned the third act, of March 3, 1883, known as the Bowman act, under which jurisdiction was given to the Court of Claims (1) over all claims that have been submitted to and disallowed by the Quartermaster-General and Commissary-General under the first act, to wit, July 4, 1864 (2) and over all claims submitted to, and disallowed by, the Southern Claims Commission except those barred by not having the evidence in them filed in compliance with law, and except those paid in part.

This act gives the committees of either House the right to refer these claims for stores and supplies to the Court of Claims for investigation and report on the facts.

In this investigation the affirmative proof of loyalty is a jurisdictional fact, and where loyalty is not proven it is forever barred and reported to Congress.

Under the Tucker act of March 3, 1887, war claims are expressly excluded, and it therefore gives Congress no authority to refer them to the Court of Claims or to pass upon them except in the general power which they have under the Constitution as to all claims.

The only war claims, therefore, which can be sent under the law to the Court of Claims are those provided for by the Bowman act, which aggregated in 1880 the sum of $87,695,268.87, and of which all but $40,000,000 have been finally disposed of since that time.

If, therefore, the Committee on War Claims of the present Congress had sent to the Court of Claims every claim in existence which is referable to that court under the law, the amount could not have exceeded $40,000,000, which added to the amount in the bills they have reported carrying direct appropriations would have aggregated only $51,000,000, and really involved a sum vastly less; for if they had referred the whole $40,000,000 it would not have been within the range of human probabilities that in view of the past more than 7 per cent would have been allowed, which is only $2,800,000, which added to the $11,300,000 makes only $14,100,000.

Instead, however, of the War Claims Committee having referred all these outstanding claims which are referable, they have in fact reported but a small part, 369, and which, in fact, claim only $5,500,000, and involve, in fact, only $380,000, making the total amount involved in all the bills reported less than $12,000,000.

The assertion, therefore, that the present War Claims Committee have reported favorably bills for Southern war claims which involve more than $100,000,000 is, on all the facts as well as the law, wholly untrue, and could only have been made through a most reckless disregard of the simplest search for the truth, or for the purpose of serving the desperate fortunes of a dying cause in its last extremity.

Unless some gentleman desires to occupy the remaining time, I will call the previous question on the resolution and the amendment.

The previous question was ordered, the amendment recommended by the committee was agreed to, and the resolution as amended was then adopted.

On motion of Mr. BELTZHOOVER, a motion to reconsider the vote by which the resolution was adopted was laid on the table.

ARKANSAS SWAMP-LAND CLAIMS.

Mr. McRAE. Mr. Speaker, I call up the bill (H. R. 9072) to finally adjust and settle the claims of Arkansas and other States under the swamp-land grants, and for other purposes. The bill was under consideration on the last suspension day.

The SPEAKER. The Clerk will read what took place on that occasion.

The Clerk read as follows:

The Committee on Public Lands was called.

Mr. McRAE. I am instructed by the Committee on Public Lands to call up, move to suspend the rules, and pass the bill (H. R. 9072) to finally adjust and settle the claims of Arkansas and other States under the swamp-land grants, and for other purposes.

The bill was read, as follows.

The SPEAKER. After the reading of the bill a second was demanded, and the House then adjourned.

Mr. McRAE. Mr. Speaker, I ask consent to make a slight modification of the bill, by striking out the words "otherwise disposed of" where they occur, and inserting "located with warrants or scrip."

Mr. McMILLIN. Mr. Speaker, I ask unanimous consent that the bill be again read, so that we may understand the effect of the proposed modification.

There was no objection, and it was so ordered.

The bill as proposed to be modified was read, as follows:

Be it enacted, etc., That when the State of Arkansas shall relinquish, release, and quitclaim to the United States all her claims and demands against the United States for the 5 per cent fund allowances under the act approved June 23, 1836, for keeping prisoners under the executive order of February 5, 1867, for a portion of the distribution fund under the act approved September 4, 1841, for indemnity under the acts approved March 2, 1855, March 3, 1857, and under this act, and for all swamp and overflowed lands under the act approved September 28, 1850, not heretofore approved to the State, and all other claims of whatever kind or nature, the Secretary of the Treasury shall, in consideration of said relinquishment, release, and quitclaim of said claims, demands, and lands, require the Treasurer of the United States to cancel and deliver to the governor of the said State of Arkansas all the bonds and coupons issued by the said State now in the possession of the said Treasurer and owned or held in trust by the United States, as a full and final compromise and settlement of accounts between the said State and United States.

SEC. 2. That it shall be the duty of the proper officers of the Departments of the Interior and of the Treasury, as soon as practicable, to adjust and settle the claims of each of the other States against the United States for all lands which have been or may hereafter be sold or located with warrants or scrip that were included in any grant of swamp and overflowed lands to such States.

SEC. 3. That for all of said lands in any State which were sold for cash the said State shall have credit for the full amount of the purchase money received by the United States, and the same shall be paid over to the proper officer of said State; and for all of said lands in any State located with warrants or scrip, and for which indemnity has not heretofore been allowed, such State shall have indemnity in cash, the amount thereof to be limited to the price at which the lands were held at the date of their disposal by the United States, but not to exceed $1.25 per acre, the said indemnity to be paid as herein provided in the cases where lands were sold for cash: *Provided, however*, That under no circumstances shall more than $2,000,000 be paid under the provisions of this act for lands sold or located with warrants or scrip since March 3, 1857.

SEC. 4. That as soon as practicable after the expiration of the time limited by this act for the filing of claims thereunder, the Commissioner of the General Land Office shall ascertain and determine by States the amount of cash indemnity due for lands actually swamp and overflowed within the meaning of the swamp-land grant, and disposed of since March 3, 1857, and shall allot the $2,000,000, or so much thereof as may be necessary, among the several swamp-land States pro rata: *Provided*, That the cost of examining and adjusting tracts claimed, but found not to be swamp or overflowed lands, shall be taxed to and be paid by the State, parish, county, district, or individual presenting the fraudulent or erroneous claim.

SEC. 5. That the agent appointed by the Department of the Interior to investigate claims under this and prior acts shall have the power to administer oaths and take affidavits of witnesses, both on behalf of the State and of the United States, and witnesses swearing falsely before them shall be deemed guilty of perjury, and shall, on conviction, be punished as now prescribed by law.

SEC. 6. That the Secretary of the Interior shall, when adjustments and allowances are made by him under this act, report the same to the Secretary of the Treasury, showing the amount ascertained to be due from the United States to such State on account of lands sold or located with warrants or scrip, and a description of the lands for which such indemnity is allowed, with the names of the persons to whom sold or patented, and the date the same was sold or patented; and the Secretary of the Treasury shall pay the amount or amounts so allowed and reported by the Secretary of the Interior over to the proper officer of the State.

SEC. 7. That the acceptance by any State, through its Legislature or its authorized representative, of indemnity for any of the lands sold or located with warrants or scrip, therein, shall be deemed a relinquishment and waiver of all its right, title, and interest in and to such lands in place and an acknowledgment and confirmation of the title thereto in the grantees of the United States.

SEC. 8. That all claims for land or other indemnity under the swamp-land laws or under this act shall be forever barred, unless presented to the Secretary of the Interior within one year from the passage of this act, or within one year after filing in the proper local land office of a copy of the officially approved township plat of the survey of the township in which said lands may be situated.

The SPEAKER. The gentleman from Arkansas [Mr. MCRAE] proposes to modify the bill. The gentleman will state in what particular.

Mr. MCRAE. The bill was read as now modified.

The SPEAKER. Under the rule the modification may be made before the motion is seconded, not afterward. The gentleman from Maine [Mr. DINGLEY] has demanded a second. That demand was made when the bill was up before.

Mr. MCRAE. I ask that a second be considered as ordered.

Mr. DINGLEY. I think we had better have a vote.

The SPEAKER appointed as tellers Mr. MCRAE and Mr. DINGLEY.

Pending the announcement of the vote by tellers,

The SPEAKER said: Gentlemen will please come forward and vote. A quorum has not yet voted.

Mr. MCRAE. The point has not been made that no quorum voted.

Mr. TRACEY. I make the point.

Mr. DINGLEY. I do not make the point of no quorum.

Mr. LODGE. I make it.

The tellers reported—ayes 152, noes 17.

Accordingly a second was ordered.

The SPEAKER. The Chair will recognize the gentleman from Arkansas [Mr. MCRAE] to control the time in favor of the proposition, and the gentleman from Maine [Mr. DINGLEY] to control the time against it.

Mr. MCRAE. If the gentleman from Maine [Mr. DINGLEY] desires to occupy his time he can do so now.

Mr. DINGLEY. I think the proper thing is to hear from the affirmative first.

Mr. MCRAE. Mr. Speaker, the main features of this bill have been discussed several times. Nearly the whole of the 20th of last month was spent in its discussion. I have now modified the bill so as to cover, I believe, the last objection that has been made with any force against it.

An objection was urged by the gentleman from Indiana [Mr. HOLMAN] and others to the language "otherwise disposed of." It was insisted that this was so broad that it would cover lands that ought not to be covered, such as homesteads and grants that had been made to the States. We now provide against that by striking out those words "otherwise disposed of," wherever they appear in the bill and inserting the words "located with warrants or scrip."

The general administrative features of the bill have been substantially approved by the Department. Secretary Noble, in his last report, used the following language with reference to these grants, which language I propose to read to the House:

For more than a decade the Government has, at great expense, employed special agents to examine lands selected in the manner indicated by the States and counties, upon which land or cash indemnity has been claimed. Notwithstanding the great expense incurred, it does not appear that the task is nearing completion. Under the law as it is the work seems interminable. The Department is without authority to prescribe any rule barring these claims by limitation. As long as agents can be secured with the powerful incentive of a very large contingent fee to stimulate their efforts claims will continue to be presented, unless Congress passes a law fixing a date beyond which such claims shall not be recognized by the Government. Unless such an act is passed, the present force of examiners in the field and the clerical force in the General Land Office employed on swamp-land indemnity must be continued from year to year for an indefinite period of time.

While a statute of limitation as to the time for selecting swamp land in place might not stand the test of judicial scrutiny, I am satisfied that Congress has the power to pass a statute of limitation with reference to indemnity, whether in land or in cash.

Considering the fact that about thirty-five years have passed during which these cash and land-indemnity claims might have been presented, it appears that the period of three years more would be ample time within which all legitimate claims could be filed. I therefore earnestly urge that this matter be presented to Congress, with the recommendation that an act be passed forever barring all claims for cash, lands, or other indemnity under the swamp-land laws after three years from the passage of the act.

Now, Mr. Speaker, we have made the limitation one year instead of three. We have given the Department the power to subpœna witnesses and to administer oaths. It gives all the power that it is safe to confer upon an executive department. We have fixed the limitation at the shortest possible time that would be reasonable, and we have not extended the grant. Instead of giving lands in place of those erroneously disposed of since 1857, we propose to give money indemnity and confirm the title of the purchasers of those lands by giving the States to which the grants were made the purchase money received, not exceeding, however, $1.25 per acre. It seems to me that with this concession now made there should be no further objection to it. I have made this modification after conference with the gentleman from Indiana [Mr. HOLMAN]; and while he has not stated that he will support the bill with his vote, he has stated that the words stricken out have been the principal cause of his opposition to it in the past. That is the only one in which there is any force.

Mr. MCMILLIN. Will my friend from Arkansas [Mr. MCRAE] give us the effect of the amendment that was offered this morning?

Mr. MCRAE. The effect of the amendment will be to deny to the States indemnity for the land disposed of under the homestead or timber-culture laws, or by any other grants to States for railroads or other purposes; in other words, it limits the indemnity to only such lands as were sold or located with warrants or scrip issued by the Department. If swamp lands were otherwise disposed of by the United States, no indemnity would be given by this bill.

The bill as originally introduced and reported allowed indemnity for all the swamp lands erroneously sold or otherwise disposed of, in any manner whatever.

Mr. MCMILLIN. What effect would it have on that class of men who might have warrants issued to soldiers for services?

Mr. MCRAE. Those are land warrants.

Mr. MCMILLIN. They are land warrants, but your exceptions do not exclude them.

Mr. MCRAE. Certainly not and should not; and the act of 1857 did not exclude such. As modified it adopts the principle of the act of 1857. Where that act gave lieu lands or dry lands for lands located with warrants or scrip this would give $1.25 per acre.

Mr. BUSHNELL. Does the amendment that you have made exclude accounting for swamp lands sold by act of Congress after they have been granted to the several States?

Mr. MCRAE. No, sir; it does not. If sold or located with warrants or scrip they must be accounted for.

Mr. BUSHNELL. Then I understand you to state that it only includes those located by land warrant or scrip.

Mr. MCRAE. You misunderstood me. Indemnity is given for those and for such as may have been sold. I reserve the balance of my time.

Mr. HERMANN. Before the gentleman takes his seat, I understand that the bill originally contained a clause confirming the title and giving indemnity for land occupied under the homestead law; and I now understand that clause, as agreed upon between the gentleman from Indiana and the gentleman from Arkansas, is omitted from the bill, and that there is no indemnity for land taken up under the homestead law.

Mr. MCRAE. This will give no indemnity for any lands taken under the homestead law or the timber-culture act. It must be for lands sold or located on with warrants or scrip.

Mr. HERMANN. Then this bill retains the provision which it did originally, confirming the title of these claimants who attained their land under the homestead act?

Mr. MCRAE. It does.

Mr. HERMANN. But it does not allow any indemnity.

Mr. MCRAE. It does not allow any indemnity for homesteads. While I think personally indemnity should be given for such, I am so anxious that the other provisions of the bill should be enacted that I have made this concession in the spirit of compromise and in hope that as now modified the bill would meet no further opposition.

Mr. HERMANN. It will, I understand, confirm the title of those who have claims of settlement made under that provision?

Mr. MCRAE. I think so.

Mr. MCMILLIN. Before the gentleman makes his reservation. I see that under this bill the Government relinquishes certain claims it has against the State of Arkansas. Now, if that settlement is to be made with regard to Arkansas, what consideration is there to be given to the other States to correspond with that proposed to be given to the State of Arkansas?

Mr. MCRAE. The consideration is the money the United States has received for lands which it had previously granted to the States. The money is in the United States Treasury, and honestly belongs to the States. This bill makes provision for paying that money to the States, after submitting the question of the error to the Interior Department.

Mr. MCMILLIN. But, you make one rule, as I understand the bill from hasty reading, for Arkansas, and another for the other States.

Mr. McRAE. The State of Arkansas owes the Government a large amount of money, and on account of that indebtedness she has not been able to get the indemnity or any other money due her. We compromise and settle all accounts with her without any money.

Mr. McMILLIN. How much money does the State of Arkansas owe the Government?

Mr. McRAE. Something over $700,000 of principal.

Mr. McMILLIN. Then Arkansas gets $700,000 by this?

Mr. McRAE. And gives the United States more than that sum. Arkansas has a claim for nearly a million acres of land—not admitted by the Department, of course; a claim of $265,000 on account of the 5 per cent money, and nearly $400,000 for land and money indemnity. She is willing to surrender all these claims and make a final settlement and give a quitclaim of all lands or claims whatever against the United States for the surrender of her bonds.

Mr. McMILLIN. Then the claim that Arkansas makes is in a great measure the question under consideration in this bill, is it not?

Mr. McRAE. All the swamp-land States are interested in it. But there is no objection, as I understand, by the gentleman from Indiana [Mr. HOLMAN] to the Arkansas feature of the bill.

Mr. McMILLIN. But it is not a question of what the gentleman from Indiana may be satisfied with, but a question of what will be satisfactory to the members of this House. I know the gentleman from Indiana is equitably disposed.

Mr. McRAE. I am trying to get the gentleman himself to be equitable to Arkansas. She yields whatever claims she has against the United States under this settlement. I know that she does not owe the Government more than is due her on all these old matters, but she is perfectly willing to make this settlement.

Mr. BUSHNELL. So far as I understand, this simply allows her to offset her claim against the Government and have it settled.

Mr. McRAE. Yes; there is no money to be paid to Arkansas. I reserve the balance of my time.

Mr. DINGLEY. Before the gentleman sits down I would like to ask how much money will probably be covered by this bill?

Mr. McRAE. I think it will probably be about $1,500,000. The bill limits it to $2,000,000 for lands disposed of since 1857.

Mr. DINGLEY. But it only limits it with respect to certain operations of this bill. The gentleman does not mean to say that the ultimate amount to be drawn from the Treasury, if this bill should pass and the principle of it should be adopted, is what he has stated.

Mr. McRAE. So far as this bill is concerned, I think that would be the limit.

Mr. DINGLEY. But does it not adopt a principle which would draw from the Treasury a great many times a million and a half?

Mr. McRAE. I think not. Under the act of 1857 indemnity was given for lands disposed of up to that time. Now, this bill simply extends that principle up to date and fixes a time beyond which no more claims can be made, and to compensate for lands disposed of since that time I do not believe more than a million dollars will be required.

Mr. DINGLEY. The gentleman is aware that the gentleman from Indiana [Judge HOLMAN], who is very thoroughly acquainted with all these land matters, has given it as his opinion that the amount which would be ultimately drawn from the Treasury under the principle sought to be adopted in this bill would be at least $15,000,000.

Mr. McRAE. I do not understand that the gentleman from Indiana makes any such statement as that. I have never heard any such statement made by him.

Mr. DINGLEY. Did not the gentleman from Indiana [Mr. HOLMAN] state here in the House that the amount would be at least $15,000,000?

Mr. McRAE. I think he said he had been informed by some other person that under the provisions of another bill relating to this subject that a large sum of money would be required. The statement was untrue, but was made upon another bill then pending allowing indemnity for homesteads, timber-culture grants, and otherwise. No such criticism has been made of this bill. It would be a very violent presumption to say that the United States Government would deliberately make erroneous sales of swamp lands to any such area as the gentleman suggests. I do not believe that it has done it. To believe so is an impeachment of the integrity and capacity of the Land Office. I have no idea that any such extensive errors have been committed. But if true the reason is so much stronger for this bill. The main purpose is to correct admitted errors made by the Department.

Mr. DINGLEY. Mr. Speaker, I notice the gentleman from Indiana [Mr. HOLMAN] in the House, and I yield him five minutes.

Mr. HOLMAN. Just a word, Mr. Speaker. The striking out of the words "otherwise disposed of" eliminates from this bill land grants and grants for canals, railroads, and so on. The terms "warrants" and "scrip" are retained in the bill, and lands so located are to be provided for. I told the gentleman from Arkansas [Mr. McRAE] that we had had a great deal of controversy about this measure for a number of years extending far back; that I had always been opposed to it, and that the terms "otherwise disposed of" in his bill was one of the provisions to which I had special objection. He said he would modify that, and he has done so. I told him, however, that I could not support the bill in its present form, but that I did not propose to continue the fight on the floor of the House, because I had so often said all that I had to say on this subject that I did not feel justified in occupying further time. I will state, however, that the Land Office has always estimated that if we should depart from the principle of settlement established by the act of 1857——

Mr. McRAE. This bill maintains that principle. The words used are the very language of that act.

Mr. HOLMAN. The officials of the Land Office have held, I say, that if we should abandon that principle it would be impossible to tell what would be the ultimate amount required to satisfy these claims.

Mr. McMILLIN. What is the opinion of the gentleman from Indiana as to the amount that will be required to meet the claims that will be made under the principle of this bill if all of them are settled?

Mr. HOLMAN. Well, either the Commissioner of the General Land Office or the chief of the swamp lands division has told me within the last few years that the amount required would not be less than about $19,000,000. The modification made by the gentleman from Arkansas does, as a matter of course, affect land grants made to railroads, canals, and other such purposes. To what extent that modification goes I can not say, but it does affect such grants.

Mr. HOLMAN. But it leaves the homestead settlements and all that still inoperative.

Mr. McRAE. Oh, no.

Mr. HOLMAN. Well, if the gentleman from Arkansas is correct, that may affect the matter somewhat; still I do not think a measure like this ought to pass except on the advice of the Secretary of the Interior. The House has heard read two letters, one from the present Commissioner of the Land Office and one from the last Commissioner, as to the operations of this measure.

Mr. DINGLEY. I understand the gentleman from Indiana to state that not only the present Land Commissioner but the Land Commissioner under the administration of President Cleveland declared against the policy of passing a bill of this kind.

Mr. HOLMAN. Oh, yes; and sent very elaborate letters to the House.

Mr. McRAE. The gentleman is mistaken on that point.

Mr. BRECKINRIDGE of Arkansas. Their objection was not to the passage of this bill, but to the measure then under consideration. They were in favor of following the precedent of the act of 1837, which this bill follows. It proposes to settle the business in accordance with that act.

Mr. McMILLIN. The report which was read in the course of the remarks of the gentleman from Arkansas who is in charge of the bill recommends, as I understood it, the placing of the bar of the statute of limitations against even the filing of these claims——

Mr. McRAE. And we have done so.

Mr. McMILLIN. No; we propose to pay them. If it is right to pay them, it is wrong to put a bar even of one year upon them. If these claims are just, we can not afford to refuse payment of them and we ought not to do so; and if they are unjust we ought not to allow them to come in even for an hour.

Mr. HOLMAN. The act of 1837 was always understood to be a finality of legislation on this subject.

Mr. BRECKINRIDGE of Arkansas. This bill gives all claims an opportunity for settlement before it raises the proposed bar.

Mr. McMILLIN. Mr. Speaker, I did not expect to occupy any time on this subject, but in view of the statement of my friend from Arkansas I wish to say that the recommendation of the Secretary of the Interior as read by him concerning these claims is that they be barred. This bill does not look to me like a bar. Under the pretense of carrying out that recommendation of the Secretary of the Interior we are proposing that for a year these claims be allowed and be paid. The position I take is that if it is right to pay them it is wrong to bar them at the expiration of a year. Justice is justice, and it should be meted

out without regard to whether the claims be presented within a year or not.

Furthermore, as to the extent of these claims, no man in this House can begin to tell the amount that will be required under the principle of this bill. I believe the bill limits the amount that can be paid out of the Treasury in settlement of these claims thereunder to $2,000,000; but we all know that if this policy be entered upon at all those States that are cut off for the present, States that may not have their accounts in as good condition for early settlement as those of the State of Arkansas, will come later and will urge in their behalf the additional claim that they have helped to pay similar claims for other people.

Again, Mr. Speaker, under this bill we are undertaking to settle a system of complicated accounts with the State of Arkansas and to do this upon a suspension of the rules, without the right to amend the amounts named in those accounts, and without any specific statement in regard to the matter except the general statement made by my able friend from Arkansas as to the lump sum of the amounts. It is proposed to surrender, in lieu of the portion of the State of Arkansas, $700,000. As I gather from a hasty reading of the bill, this surrender of claims due to the Government is in addition to the $2,000,000 provided for in the bill.

Now if this policy is to be entered upon, and the open accounts between the Government and the State of Arkansas are to be settled, involving more than a million dollars—$700,000 on the one side, and, as my friend from Arkansas says, more than $700,000 on the other side, is it not well that we should know exactly what we are doing? Who knows the state of the accounts of the State of Arkansas? Do you, my friend? Do you? Do you? [Turning to different members of the House.] Does any gentleman on this floor who is called upon to vote to surrender the claims of the Government against Arkansas, know their condition or what the equities of the case are? If we owe Arkansas more than she owes us, let us pay every dollar and not cause her to lose one cent. I would do her full justice.

Now the Secretary of the Interior having recommended that a bar be interposed, we are tearing down the bar. The Secretary of the Interior having recommended that these claims should not be filed for payment, we are providing for their filing and payment. It seems to me, Mr. Speaker, that if this is to be done, it ought to be done in some more painstaking way than we are able to adopt now, when even the right to amend is cut off, and the right of discussion is limited to fifteen minutes on each side. Let us take this measure up regularly; amend it wherein it is defective; correct it wherein it would do injustice either to the Government or to the States concerned, and thus pass it.

If I were assured of the justice of these demands I would be the last man in the world to refuse their payment; but the very fact that the lands have been entered for homesteads and other purposes than as swamp lands goes far to prove that these are not swamp lands. Why, sir, in the State of Florida alone—and I can speak of that State without disparaging anybody, because no one here has made any statement concerning it—a friend of mine from the State of Tennessee, Maj. Akers, was appointed under Mr. Cleveland's Administration a special agent of the Government to investigate land claims, land titles, and land entries in the State of Florida and other States. Going into that State, he found in one place, as I now remember, 400,000 acres set apart as swamp lands; and yet upon that tract there was not a single lake or a single swamp. While making the investigation, he slept there in midwinter on blankets in the open air and on the ground—in the alleged swamp.

Mr. MALLORY. Does the gentleman from Tennessee know in what part of the State of Florida that was?

Mr. McMILLIN. He told me, but I have forgotten. I think in the lower part of the State.

Mr. MALLORY. And subsequent investigation shows that it was subject to overflow.

Mr. McMILLIN. But he said it was very dry in the winter when he was there.

Mr. TERRY. I would like to inquire of the gentleman from Tennessee if he has not discovered by the report that the State of Arkansas has, as to the matter of her accounting, adopted the field notes of the United States Government itself?

Mr. McMILLIN. I have stated that every dollar due to Arkansas should be paid, and I am for paying it. But when we come to settle that sum we ought to know what we are doing, especially when we are applying a principal in the settlement which will open the door to untold and unknown liabilities.

Mr. TERRY. If the gentleman had read the report he would have seen that his fears are entirely groundless.

Mr. McMILLIN. The gentleman mistakes me entirely if he supposes I would fail to pay his State and every other State every dollar due them from the Government. I would ascertain what this is and then pay that last dollar, not pleading the statute of limitations against one cent of it. We are too great and rich not to be entirely just.

[Here the hammer fell.]

Mr. DINGLEY. I will reserve the remainder of my time.

Mr. McRAE. I prefer that the gentleman should use his time now, as I have the right to close the discussion.

The SPEAKER. The gentleman from Maine has five minutes, and there are five minutes remaining to the gentleman from Arkansas.

Mr. DINGLEY. I will yield two minutes to the gentleman from New York [Mr. TRACEY].

Mr. TRACEY. Mr. Speaker, this bill, which is being pressed through the House of Representatives under a suspension of the rules, to my mind is the worst piece of legislation which has come before the American Congress during the time I have had the honor of being a member of this body.

The gentleman from Tennessee [Mr. McMILLIN] has ably presented some of the objections to the bill. The gentleman from Maine [Mr. DINGLEY], I have no doubt, will state further serious objections to its enactment, and the gentleman from Indiana [Mr. HOLMAN], the chairman of the Committee on Appropriations, has mildly interposed objections to its passage.

Mr. Speaker, this is an attorney's bill; a bill of the lobby; a bill which perhaps as far as the State of Arkansas is concerned might serve a just purpose in settling these claims, but the State of Arkansas has not gone about the movement in a creditable manner. It is sought here by a log-rolling and omnibus bill presented in the House to settle claims which perhaps properly should be adjusted; but we know, those of us who have paid some attention to the matter, that a lobby has been working in the interest of this bill; that attorneys are to receive percentages from the different States on the amounts paid to them by the General Government, and not only that, but even the small counties in the States have made arrangements with attorneys to give them a certain percentage of the amount collected when the money comes to hand.

Mr. BRECKINRIDGE of Arkansas. Will the gentleman allow me a question?

Mr. TRACEY. I can not; I have but two minutes.

Mr. BRECKINRIDGE of Arkansas. The gentleman has been arraigning my State in regard to its action in this matter. Now I would like to ask him a question.

Mr. PEEL. Let the gentleman state who it is that is to receive this percentage from Arkansas.

Mr. TRACEY. I have not stated that the gentleman's State had not a just claim. I only said——

Mr. BRECKINRIDGE of Arkansas. But if the gentleman will pardon me, he said that the State of Arkansas had not gone about the movement in a creditable manner to collect its claim. Does the gentleman mean to say that the business provided for in this bill is not all of the same class and character, or that there is a discrimination in the bill?

Mr. TRACEY. I say that it may be all of the same class and character. That I do not know; but I do know that it is seeking, under the pretence of settling a claim of the State of Arkansas, to throw down the bar of the statute of limitations and open up a principle which will result in the Government of the United States being forced to pay nearer fifty millions of dollars than fifteen millions; and therefore that the bill ought not to be passed, that more time should be given to its consideration, and that it should be thoroughly and fully discussed and understood before the vote even is taken upon it.

[Here the hammer fell.]

Mr. DINGLEY. Mr. Speaker, in the three minutes remaining I can only call the attention of the House to two or three important facts. First, it is conceded on all sides that the principle which is involved in this bill, if adopted by passing this measure, will cause an ultimate expenditure from the Treasury of the United States in round numbers of at least $15,000,000—possibly a slightly less amount, but certainly a very large amount of money. The limitation in this bill is $2,000,000; but the principle having been once settled, it must be applied to all of the cases that remain to be adjudicated.

It seems to me, in the first place, that a bill involving so large an amount of money ought not to be passed by the House except after full consideration and in a manner in which it can be thoroughly understood and be open to amendment. We are considering it now under a suspension of the rules with a very limited debate upon it, and no opportunity to offer an amendment; and even if in its general features the bill was sound and safe, the House ought to insist that it should not be passed in this way, but in a manner to admit of the adoption of amendments in order to preserve the interests of the Government.

In the second place, it is to be borne in mind that the Commissioner of the Land Office under President Cleveland's Ad-

ministration, as well as the Commissioner under the present Administration, Governor Stone, of Iowa, in communications have both expressed themselves as opposed to the passage of this measure; and in communications which have been printed in the RECORD have given at length the reasons for their objections.

Under this state of facts it seems to me impolitic and unwise in the highest degree to attempt to pass such a bill as this under a suspension of the rules. Without entering at all, in the brief time at my disposal, into the discussion of the merits of the bill, I simply say that for these two reasons alone, if none others existed, the House ought to refuse to pass this bill to-day under a suspension of the rules, when no sufficient examination can be given to it, when no amendment is in order, and when the present Commissioner of the Land Office under both President Cleveland and President Harrison have advised against its passage.

[Here the hammer fell.]

Mr. McRAE. Mr. Speaker, I have tried for six or seven years to have the swamp-land grants adjusted. I have met every reasonable objection that has been made against the bills proposed by me for the adjustment of these old grants. As objections have been presented, I have made concessions, until I supposed that there would be no further objection raised. I have met every one that can be fairly and honestly raised. The amendment that I made this morning, eliminating all lands for which indemnity is to be allowed except those that were sold or located with warrants or scrip, thus following the principle laid down in the act of 1857. There is no extension of the grant, no new grant, no enlargement of it. There is the adoption of no new rule for the Department, except to give it more power to prevent frauds, if there is danger of such.

As to the statement of the gentleman from New York [Mr. TRACEY], that this is a lobbyist bill, I denounce it as untrue in fact. It is an unmanly and unwarranted attack upon a just measure, one which the gentleman knows nothing about. His opposition must have been inspired by some one who is interested in the defeat of this bill rather than a desire to do justice to the States interested. His State is not interested, and his assaults on Arkansas are unworthy the State he represents. I say, Mr. Speaker, that there never has been a more righteous measure presented to this House. It has often before been misrepresented as it has been to-day. It deals with the settlement of old grants made forty years ago, that unfortunately apply to some of the Southern States. I stand here as one of the representatives of Arkansas and that section of the Union, insisting, not that we should have more than our sister States, but the same rights accorded others. That much we are entitled to have.

I stand here to repel the assaults that have been made to-day upon the good name of Arkansas. They are cowardly. The Treasury officials year after year hold up the Southern States as defaulting States, and at the same time, so far as Arkansas is concerned, refuse to pay her the money that is due her. The gentleman from New York rises in his place and says that we have not come in the proper way. We have come in an open, honest way, and we ask only fair dealing. It was made the duty of the officers to adjust this old grant. They have never done it. They have our money. They will not pay it, and yet they insist that we shall pay these bonds.

Arkansas will not pay them until the Government settles with her. She has yielded at least $500,000 more than she gets in this bill if she could get as fair a settlement as some of the Northern States have had. But as the young and growing State that she is, hopeful of the future, she is willing to go forth in the struggle with these things behind her, and let swamp-land grants, 5 per cent funds, and everything else be things of the past, if the United States will give up her bonds and free her of this debt, long since honestly paid.

Mr. TRACEY. Have you asked for a settlement of the Arkansas claims?

Mr. McRAE. Certainly we have. I myself have walked at least 50 miles in trying to get the Departments to adjust this matter. I have a volume of correspondence with them. They answer, nothing can be done without legislation. You say there shall be no legislation. When we get a day for the consideration of this bill it is wasted in filibustering. When we make a motion, as we have to-day, to suspend the rules and pass the bill, it is demanded that there should be discussion and reckless misrepresentations are indulged in against it. Gentlemen, will you trifle with the rights of fifteen States, rights which rest upon solemn grants made by the Congress of the United States, in this way? I appeal to you to do justice by these Southern swamp-land States, and Northern States as well.

The bill has been discussed in every Congress since I have been here. It is a just measure. It is not a measure of the lobby or agents. I introduced it in the first Congress of which I was a member, and I am ready to defend it and I assume all responsibility for its presence here. The bill has been modified from time to time to meet the reasonable objections which have been made to it. I have incorporated in the report a quotation from the report of the late Commissioner of the Land Office, and there is nothing in any criticism that has been made of prior bills that will fairly apply to the pending bill. I have challenged other gentlemen to make any criticism upon it. They have failed to meet me upon that platform. They can not do so, and resort to misrepresentations.

There is not a single criticism that has ever come from the Interior Department on other bills that will apply to this bill as it is now. It is an honest bill. It does not involve more than it pretends to involve. When gentlemen have asserted that it involves fifteen millions or twenty millions of dollars, we have met that by limiting it to what I believe is sufficient, and the sum was suggested by the Commissioner of the Land Office.

But still parrot-like gentlemen repeat that it will take a very large amount.

The gentleman from Indiana [Mr. HOLMAN] is familiar with the measure, and he has told the House that the modification made this morning removed the principal objection that he had heretofore urged against the bill. It was the principal objection that has been urged by the Department. His own State of Indiana has been receiving money under the present law since I have been in Congress. The late Governor Gray secured as much, I believe, as $17,000. I hope the bill will pass, and I appeal to gentlemen on both sides of the Chamber to support it, and pay no attention to the statements of those who have unjustly assailed it.

[Here the hammer fell.]

The SPEAKER. The question is on the motion of the gentleman from Arkansas [Mr. McRAE] to suspend the rules and pass this bill.

Mr. DINGLEY. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 132, nays 86, not voting 111; as follows:

YEAS—132.

Abbott,	Cobb, Ala.	Houk, Ohio	Owens,
Alexander,	Cobb, Mo.	Johnstone, S. C.	Patterson, Tenn.
Allen,	Coolidge,	Jolley,	Paynter,
Amerman,	Cox, Tenn.	Jones,	Peel,
Antony,	Crain,	Kem,	Pendleton,
Arnold,	Cummings,	Kendall,	Pickler,
Babbitt,	Cutting,	Kribbs,	Pierce,
Bailey,	Davis,	Kyle,	Price,
Baker,	Dolliver,	Lagan,	Reilly,
Bankhead,	Donovan,	Lane,	Richardson,
Bartine,	Durborow,	Lanham,	Robertson, La.
Beeman,	Edmunds,	Lapham,	Rockwell,
Bingham,	Ellis,	Lawson, Ga.	Scott,
Blanchard,	English,	Layton,	Seerley,
Bland,	Everett,	Livingston,	Shell,
Boatner,	Fellows,	Long,	Smith,
Bowers,	Fithian,	Loud,	Springer,
Bowman,	Forman,	Lynch,	Steward, Ill.
Breckinridge, Ark.	Funston,	Mallory,	Stewart, Tex.
Brickner,	Geary,	Mansur,	Stone, Ky.
Bryan,	Grady,	McGann,	Stump,
Bullock,	Greenleaf,	McKaig,	Tarsney,
Busey,	Hare,	McKinney,	Terry,
Bushnell,	Harmer,	McRae,	Townsend,
Butler,	Harries,	Meredith,	Tucker,
Caminetti,	Hatch,	Meyer,	Turpin,
Castle,	Haynes, Ohio	Miller,	Weadock,
Catchings,	Heard,	Montgomery,	Wheeler, Ala.
Cate,	Henderson, N. C.	Moses,	White,
Chipman,	Herbert,	Newberry,	Williams, Ill.
Clark, Wyo.	Hermann,	Oates,	Wilson, Wash.
Clarke, Ala.	Hooker, Miss.	O'Neill, Pa.	Winn,
Clover,	Hooker, N. Y.	Otis,	Wise.

NAYS—83.

Andrew,	Crawford,	Johnson, Ohio	Stevens,
Atkinson,	Crosby,	Lawson, Va.	Stone, C. W.
Barwig,	Curtis,	Lockwood,	Stone, W. A.
Belknap,	Dalzell,	Lodge,	Stout,
Beltzhoover,	De Armond,	Martin,	Taylor, Ill.
Blount,	De Forest,	McCreary,	Taylor, Tenn.
Boutelle,	Dickerson,	McMillin,	Taylor, J. D.
Branch,	Dingley,	Mutchler,	Tillman,
Brawley,	Doan,	O'Donnell,	Tracey,
Bretz,	Dunphy,	Ohliger,	Turner,
Brookshire,	Enochs,	Page,	Van Horn,
Brosius,	Flick,	Parrett,	Walker,
Brown, Ind.	Gantz,	Patton,	Warner,
Brunner,	Gillespie,	Payne,	Watson,
Bunn,	Gorman,	Perkins,	Waugh,
Burrows,	Hall,	Powers,	Wever,
Bynum,	Harter,	Quackenbush,	Wheeler, Mich.
Campbell,	Haugen,	Ray,	Williams, Mass.
Coburn,	Hoar,	Reyburn,	Wright,
Coombs,	Holman,	Scull,	Youmans.
Covert,	Hopkins, Ill.	Snodgrass,	
Cox, N. Y.	Johnson, Ind.	Stephenson,	

NOT VOTING—111.

Alderson,	Broderick,	Cable,	Cheatham,
Bacon,	Brown, Md.	Cadmus,	Clancy,
Belden,	Buchanan, N. J.	Caldwell,	Cockran,
Bentley,	Buchanan, Va.	Capehart,	Cogswell,
Bergen,	Bunting,	Caruth,	Compton,
Breckinridge, Ky.	Byrns,	Causey,	Cooper,

Cowles,	Henderson, Iowa	Mitchell,	Shonk,
Culberson,	Henderson, Ill.	Moore,	Simpson,
Daniell,	Hilborn,	Morse,	Sipe,
Dixon,	Hitt,	Norton,	Snow,
Dockery,	Hopkins, Pa.	O'Ferrall,	Sperry,
Dungan,	Houk, Tenn.	O'Neil, Mass.	Stahlnecker,
Elliott,	Huff,	O'Neill, Mo.	Stockdale,
Enloe,	Hull,	Outhwaite,	Storer,
Epes,	Johnson, N. Dak.	Pattison, Ohio	Sweet,
Fitch,	Ketcham,	Pearson,	Taylor, E. B.
Forney,	Kilgore,	Post,	Taylor, V. A.
Fowler,	Lester, Va.	Raines,	Wadsworth,
Fyan,	Lester, Ga.	Randall,	Washington,
Geissenhainer,	Lewis,	Rayner,	Whiting,
Goodnight,	Lind,	Reed,	Wike,
Griswold,	Little,	Rife,	Willcox,
Grout,	Magner,	Robinson, Pa.	Williams, N. C.
Hallowell,	McAleer,	Rusk,	Wilson, Ky.
Halvorson,	McClellan,	Russell,	Wilson, Mo.
Hamilton,	McKeighan,	Sanford,	Wilson, W. Va.
Hayes, Iowa	McLaurin,	Sayers,	Wolverton.
Hemphill,	Milliken,	Shively,	

Mr. KILGORE. Mr. Speaker, I would like to withdraw my vote. I am paired with the gentleman from Montana [Mr. DIXON]. If he were present he would vote for this bill.

Mr. TRACEY. I would like to have a recapitulation of the vote at the proper time because there are some errors.

The SPEAKER. The gentleman can have a recapitulation of the vote.

The Clerk proceeded to recapitulate the vote.

Mr. TRACEY. I withdraw my request for a recapitulation.

The following pairs were announced:

Until further notice:

Mr. WHITING with Mr. JOHNSON of North Dakota.

Mr. CADMUS with Mr. GROUT.

Mr. GOODNIGHT with Mr. KETCHAM.

Mr. WASHINGTON with Mr. SANFORD.

Mr. MITCHELL with Mr. MORSE.

Mr. CARUTH with Mr. VINCENT A. TAYLOR.

Mr. FORNEY with Mr. RAINES.

Mr. SHIVELY with Mr. GRISWOLD.

Mr. GEISSENHAINER with Mr. BERGEN.

For this day:

Mr. DOCKERY with Mr. COGSWELL.

Mr. SAYERS with Mr. HENDERSON of Iowa.

Mr. DURBOROW with Mr. BUCHANAN of New Jersey.

Mr. STOCKDALE with Mr. HITT.

Mr. CABLE with Mr. HULL.

Mr. CAUSEY with Mr. BELDEN.

Mr. MOORE with Mr. ROBINSON of Pennsylvania.

On this bill:

Mr. CULBERSON with Mr. E. B. TAYLOR.

Mr. KILGORE with Mr. DIXON.

On this vote:

Mr. BACON with Mr. REED.

Mr. OUTHWAITE with Mr. WADSWORTH.

Mr. LANHAM. Mr. Speaker, my colleague [Mr. CULBERSON] is absent on account of sickness in his family. I should like to have him excused.

There was no objection, and it was so ordered.

The SPEAKER. On this question the yeas are 132, the nays 86. Two-thirds not having voted in favor thereof, the rules are not suspended, and the motion is lost.

ELECTION OF SENATORS BY DIRECT VOTE OF THE PEOPLE.

Mr. CHIPMAN. Mr. Speaker, I am directed by the Committee on Election of President, Vice-President, and Members of Congress, to move to suspend the rules, and pass the joint resolution which I send to the Clerk's desk.

The Clerk read as follows:

Joint resolution (H. Res. 90) proposing an amendment to the Constitution providing that Senators shall be elected by the people of the several States.

Resolved, etc. (*two-thirds of each House concurring therein*), That in lieu of the first paragraph of section 3 of Article I of the Constitution of the United States, and in lieu of so much of paragraph 2 of the same section as relates to the filling of vacancies, and in lieu of all of paragraph 1 of section 4 of said Article I, in so far as the same relates to any authority in Congress to make or alter regulations as to the times or manner of holding elections for Senators, the following be proposed as an amendment to the Constitution, which shall be valid to all intents and purposes as part of the Constitution when ratified by the Legislatures of three-fourths of the States:

"The Senate of the United States shall be composed of two Senators from each State, elected from the State at large, by the people thereof, for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature.

"The times, places, and manner of holding elections for Senators shall be as prescribed in each State by the Legislature thereof.

"When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies: *Provided*, That the Legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the Legislature may direct.

"This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as a part of the Constitution."

Mr. LODGE. I demand a second.

The SPEAKER. The Chair will appoint the gentleman from Michigan [Mr. CHIPMAN] and the gentleman from Massachusetts [Mr. LODGE] to act as tellers.

After some time spent in the count

Mr. REED said: Would it be in order to move a call of the House, there being no quorum?

The SPEAKER. It would. There are three short.

Mr. REED. I move a call of the House.

The question was taken; and the Speaker announced that the noes seemed to have it.

Mr. LODGE. Division, Mr. Speaker.

The House divided; and there were—ayes 49, noes 122.

Mr. REED. Tellers, Mr. Speaker.

Tellers were ordered; and Mr. CHIPMAN and Mr. REED were appointed.

Tellers took their places.

Mr. CHIPMAN. Mr. Speaker, is it in order to demand the yeas and nays now?

The SPEAKER. The yeas and nays on what?

Mr. CHIPMAN. On the motion for a call of the House.

The SPEAKER. It is.

Mr. CHIPMAN. Then I demand the yeas and nays.

Mr. REED. Why not have tellers? That will consume more time, and that ought to commend itself to this House. [Laughter.]

The yeas and nays were ordered.

The question was taken; and there were—yeas 6, nays 186, not voting 137; as follows:

YEAS—6.

Doan,	Post,	Ray,	Taylor, Ill.
Long,	Powers,		

NAYS—186.

Abbott,	Cobb, Mo.	Houk, Ohio	Pierce,
Alexander,	Coburn,	Houk, Tenn.	Price,
Allen,	Compton,	Johnson, Ohio	Rayner,
Amerman,	Coolidge,	Jones,	Reilly,
Andrew,	Coombs,	Kem,	Richardson,
Antony,	Covert,	Kendall,	Robertson, La.
Arnold,	Cox, N. Y.	Kilgore,	Rockwell,
Atkinson,	Cox, Tenn.	Kribbs,	Sayers,
Babbitt,	Crain,	Kyle,	Scott,
Bailey,	Crawford,	Lagan,	Shell,
Baker,	Crosby,	Lane,	Sipe,
Bankhead,	Cummings,	Lanham,	Snodgrass,
Barwig,	Davis,	Lawson, Va.	Snow,
Beeman,	De Armond,	Lawson, Ga.	Sperry,
Beltzhoover,	De Forest,	Lester, Ga.	Springer,
Bentley,	Dickerson,	Livingston,	Stevens,
Blanchard,	Dockery,	Lockwood,	Steward, Ill.
Bland,	Edmunds,	Loud,	Stewart, Tex.
Blount,	Elliott,	Lynch,	Stone, Ky.
Boatner,	Ellis,	Mallory,	Stout,
Bowman,	English,	Mansur,	Stump,
Branch,	Enloe,	Martin,	Tarsney,
Breckinridge, Ark.	Everett,	McCreary,	Terry,
Bretz,	Fellows,	McGann,	Tillman,
Brickner,	Fithian,	McKaig,	Tracey,
Broderick,	Flick,	McKinney,	Tucker,
Brookshire,	Forman,	McMillin,	Turner,
Brown, Ind.	Gantz,	McRae,	Turpin,
Brown, Md.	Geary,	Meredith,	Van Horn,
Brunner,	Gillespie,	Meyer,	Walker,
Bryan,	Gorman,	Miller,	Warner,
Bullock,	Grady,	Montgomery,	Watson,
Bunn,	Greenleaf,	Moses,	Weadock,
Busey,	Hall,	Mutchler,	Wheeler, Ala.
Bushnell,	Halvorson,	Newberry,	Wheeler, Mich.
Butler,	Hamilton,	Oates,	Wike,
Bynum,	Hare,	O'Ferrall,	White,
Caminetti,	Harter,	Ohliger,	Willcox,
Campbell,	Hatch,	O'Neil, Mass.	Williams, Mass.
Capehart,	Hayes, Iowa	Otis,	Williams, N. C.
Castle,	Heard,	Outhwaite,	Williams, Ill.
Catchings,	Henderson, N. C.	Page,	Wilson, W. Va.
Cate,	Henderson, Ill.	Parrett,	Winn,
Chipman,	Herbert,	Patton,	Wolverton,
Clarke, Ala.	Hoar,	Paynter,	Youmans.
Clover,	Holman,	Peel,	
Cobb, Ala.	Hooker, Miss.	Pendleton,	

NOT VOTING—137.

Alderson,	Clancy,	Funston,	Johnstone, S. C.
Bacon,	Clark, Wyo.	Fyan,	Jolley,
Bartine,	Cockran,	Geissenhainer,	Ketcham,
Belden,	Cogswell,	Goodnight,	Lapham,
Belknap,	Cooper,	Griswold,	Layton,
Bergen,	Cowles,	Grout,	Lester, Va.
Bingham,	Culberson,	Hallowell,	Lewis,
Boutelle,	Curtis,	Harmer,	Lind,
Bowers,	Cutting,	Harries,	Little,
Brawley,	Dalzell,	Haugen,	Lodge,
Breckinridge, Ky.	Daniell,	Haynes, Ohio	Magner,
Brosius,	Dingley,	Hemphill,	McAleer,
Buchanan, N. J.	Dixon,	Henderson, Iowa	McClellan,
Buchanan, Va.	Dolliver,	Hermann,	McKeighan,
Bunting,	Donovan,	Hilborn,	McLaurin,
Burrows,	Dungan,	Hitt,	Milliken,
Byrns,	Dunphy,	Hooker, N. Y.	Mitchell,
Cable,	Durborow,	Hopkins, Pa.	Moore,
Cadmus,	Enochs,	Hopkins, Ill.	Morse,
Caldwell,	Epes,	Huff,	Norton,
Caruth,	Fitch,	Hull,	O'Donnell,
Causey,	Forney,	Johnson, Ind.	O'Neill, Pa.
Cheatham,	Fowler,	Johnson, N. Dak.	O'Neill, Mo.

Owens,	Rife,	Stephenson,	Washington,
Patterson, Tenn.	Robinson, Pa.	Stockdale,	Waugh,
Pattison, Ohio	Rusk,	Stone, C. W.	Wever,
Payne,	Russell,	Stone, W. A.	Whiting,
Pearson,	Sanford,	Storer,	Wilson, Ky.
Perkins,	Scull,	Sweet,	Wilson, Wash.
Pickler,	Seerley,	Taylor, Tenn.	Wilson, Mo.
Quackenbush,	Shively,	Taylor, E. B.	Wise,
Raines,	Shonk,	Taylor, J. D.	Wright.
Randall,	Simpson,	Taylor, V. A.	
Reed,	Smith,	Townsend,	
Reyburn.	Stahlnecker,	Wadsworth,	

So the motion was rejected.

The following additional pairs were announced, for the rest of this day:

Mr. CULBERSON with Mr. EZRA B. TAYLOR.

Mr. OWENS with Mr. CALDWELL.

Mr. HARRIES with Mr. CURTIS.

Mr. OATES with Mr. HENDERSON of Iowa.

Mr. HAYNES of Ohio with Mr. CHARLES W. STONE.

Mr. DOLLIVER. Mr. Speaker, I ask unanimous consent that my colleague, Mr. HENDERSON of Iowa, be excused for the rest of this day, on account of sickness.

There was no objection, and it was so ordered.

Mr. LODGE. Mr. Speaker, I ask for a recapitulation of the vote.

The Clerk recapitulated the names of members voting.

The result of the vote was then announced as above recorded.

Mr. LODGE. Mr. Speaker, I renew the demand for a second.

The tellers having resumed their places, the House again divided; and there were—ayes 168, noes 2; so a second was ordered.

The SPEAKER. The question is on the motion to suspend the rules and pass the joint resolution. The Chair recognizes the gentleman from Michigan [Mr. CHIPMAN] to control the time in favor of the motion, and the gentleman from Massachusetts [Mr. LODGE] to control the time against it. [Cries of "Vote!" "Vote!"]

Mr. CHIPMAN. For the present, Mr. Speaker, I reserve my time.

Mr. LODGE. Mr. Speaker, I do not think, in the first place, that a constitutional amendment of the gravity and importance of this one should be put through under a suspension of the rules with only fifteen minutes' debate on each side, the House having had before only one day's discussion of it at the close of the last session. Moreover, this amendment, while proposing to alter the method of choosing Senators of the United States by referring the choice to the people—a proposition upon which I believe the members of the committee were entirely agreed—goes still further, and proposes to take from the Congress of the United States a power which was given to it by the framers of the Constitution, and given to it, as I think, with a wise purpose.

The Constitution of the United States confers upon the Congress the power of regulating the time and manner of choosing Senators, or of altering the State regulations, except as to the place of choosing. That clause in the Constitution was put in to insure, so far as possible, that every State should be represented in the Senate and that that body should not be crippled or reduced to inaction by a refusal of the State Legislatures to elect Senators.

This proposition of amendment not only alters the method of electing Senators, conferring that power upon the people instead of upon the State Legislatures—a proposition as to which, I believe, there is a very general consensus of opinion—but it makes this other great radical change, a change which it seems to me might increase the dangers of deadlocks, of confusion, of lack of validity in the body, far beyond anything that can now exist, and we have already enough difficulties of that sort.

It is impossible, Mr. Speaker, in the few moments that are allotted to this measure, to enter into any thorough discussion of it. I simply desire to point out to the House that this proposed constitutional amendment is not a mere proposition to give the election of Senators to the people, but that it proposes to change entirely the power of Congress in regard to that subject, a power which has existed from the formation of the Government, which has never been abused, and against which there has never been one word of complaint.

Such a grave and far-reaching addition to the original proposition can not, I think, be properly considered in the few moments allotted to this discussion, and I merely desire now to call the attention of the House to what this amendment purports to do. There was an amendment offered, which is printed with the joint resolution, restoring the old language of the Constitution; but under the rules of the House on suspension day we can not even vote upon that amendment. I reserve the balance of my time. [Cries of "Vote!"]

The question was taken: and two-thirds having voted in favor thereof, the rules were suspended, and the joint resolution was passed.

ADELICIA CHEATHAM, DECEASED.

Mr. BUNN. Mr. Speaker, I am directed by the Committee on Claims to call up the bill (S. 43) for the relief of the personal representatives of Adelicia Cheatham, deceased.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the personal representatives of Adelicia Cheatham, deceased, the sum of $32,074, with interest from October 29, 1868, in full discharge of all claims for money illegally assessed on the 10th of May, 1867, and again on the 15th of March, 1868, by the assessor for the fifth collection district of the State of Tennessee, under the internal-revenue law of the 30th of June, 1864, chapter 173, on crops of cotton raised in Louisiana during the years 1861 and 1862.

Mr. BURROWS. Mr. Speaker, I demand a second.

Mr. BUNN. I ask unanimous consent that a second be considered as ordered.

Mr. BURROWS. I object. I think we ought to ascertain whether there is a quorum present.

Mr. BURROWS and Mr. BUNN were appointed to act as tellers.

The House divided; and the tellers reported—ayes 107, noes none.

Mr. BURROWS. No quorum.

Mr. BLAND. I move that the House adjourn.

The motion was agreed to; and accordingly (at 4 o'clock and 20 minutes p.m.) the House adjourned.

BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. HOOKER of New York: A bill (H. R. 10206) to ratify and confirm an agreement made between the Seneca Nation of Indians and William B. Barker—to the Committee on Indian Affairs.

By Mr. TOWNSEND: A bill (H. R. 10207) to provide for the protection and administration of public forest reservations, and for other purposes—to the Committee on the Public Lands.

By Mr. HEMPHILL (by request): A bill (H. R. 10208) to amend an act entitled "An act to provide for semiannual statements by foreign corporations doing business in the District of Columbia"—to the Committee on the District of Columbia.

By Mr. RUSK: A bill (H. R. 10209) granting the right of way through the Arlington reservation for railroad purposes—to the Committee on Military Affairs.

By Mr. MEREDITH: A bill (H. R. 10210) to authorize the Washington, Alexandria and Mount Vernon Electric Railway Company to construct a bridge across the Potomac River, and to construct a railroad over the same and through certain streets and reservations of Washington—to the Committee on the District of Columbia.

By Mr. DE ARMOND: A bill (H. R. 10211) to suspend during the first year of each Presidential term all civil-service laws, rules, and regulations in so far as they do or might restrict or interfere with the free exercise by the President or heads of Departments of the power to remove or appoint officers or employés of the Government—to the Select Committee on Reform in the Civil Service.

By Mr. WEADOCK: A bill (H. R. 10212) authorizing the Secretary of War to contract for the improvement of Petoskey Harbor, and for other purposes—to the Committee on Rivers and Harbors.

By Mr. HARVEY: A bill (H. R. 10213) to ratify and confirm an agreement with the Comanche, Kiowa, and Apache tribes of Indians in Oklahoma Territory, and to make appropriations for carrying the same into effect—to the Committee on Indian Affairs.

By Mr. CAMINETTI: A joint resolution (H. Res. 188) providing for examination of the navigable waters of the river system tributary to the Bay of San Francisco, State of California, with a view to permanent improvement for the purposes of commerce and navigation—to the Committee on Rivers and Harbors.

By Mr. HEMPHILL: A joint resolution (H. Res. 181) to appropriate $5,000 to clear the Potomac River of ice—to the Committee on the District of Columbia.

By Mr. O'NEILL of Missouri: A concurrent resolution providing for the printing of House Report, No. 1960, being a compilation of the labor laws of the various States and Territories and the District of Columbia—to the Committee on Printing.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as indicated below:

By Mr. ARNOLD: A bill (H. R. 10214) to correct the military record of the Scott County Battalion of Missouri Home Guards—to the Committee on Military Affairs.

Also (by request): A bill (H. R. 10215) for the relief of John M. Cluly—to the Committee on Pensions.

By Mr. BOWMAN: A bill (H. R. 10216) to correct the military record of Jacob Cheout—to the Committee on Military Affairs.

By Mr. BRECKINRIDGE of Arkansas: A bill (H. R. 10217) for the relief of Peter Cook, of Lonoke County, Ark.—to the Committee on War Claims.

By Mr. COX of New York: A bill (H. R. 10218) granting a pension to Elizabeth A. Landon—to the Committee on Invalid Pensions.

By Mr. ELLIS: A bill (H. R. 10219) for the relief of Nancy Gates—to the Committee on War Claims.

By CHARLES W. STONE: A bill (H. R. 10220) granting a pension to G. D. Kelly—to the Committee on Invalid Pensions.

By Mr. VAN HORN: A bill (H. R. 10221) for the relief of William Alvord—to the Committee on Military Affairs.

By Mr. WHEELER of Alabama: A bill (H. R. 10222) for the relief of the estate of John R. Bigelow—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ANDREW: Papers to accompany House bill 4011, for pension of P. T. Greely—to the Committee on Invalid Pensions.

Also, petition of Gilman Bros. and 8 other wholesale druggists of Boston, against passage of Paddock bill—to the Committee on Agriculture.

By Mr. ARNOLD: Petition of Ernest Ulrich, praying for the passage of Senate bill 2374—to the Committee on Military Affairs.

By Mr. BACON: Petition of Edwin Wilks, for back pension—to the Committee on Invalid Pensions.

By Mr. BAKER: Petition of citizens of Kansas, in favor of early consideration of Senate bill 782—to the Committee on Indian Affairs.

By Mr. BARWIG: Resolution adopted by the Association for the Advancement of Milwaukee, Wis., for the repeal of the silver-purchase act—to the Committee on Banking and Currency.

By Mr. COCKRAN: Petition of 121 members of the New York Cotton Exchange, praying for the repeal of the act of Congress known as the Sherman act—to the Committee on Banking and Currency.

By Mr. COMPTON: Petition of the Board of Trade of Baltimore, for the repeal of the Sherman act—to the Committee on Banking and Currency.

Also, petition of Elizabeth E. Tyson, for a pension—to the Committee on Military Affairs.

By Mr. COX of New York: Petition of Elizabeth A. Cooper for a pension—to the Committee on Invalid Pensions.

By Mr. CROSBY: Petition of George Wademan Andrews and 28 others of Dalton, Mass., against opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. DAVIS: Petition of 48 citizens near Alida, Kans., in favor of closing the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. DOAN: Petition of the Board of Health of Washington Court-House, Ohio, asking Congress to pass a law placing the entire control of maritime matters in the hands of the National Government—to the Select Committee on Immigration and Naturalization.

Also, petition of Hon. J. H. Cooper and 76 others from Red Oak, Ohio, for the closing of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of the Ministerial Association of Greene County, Ohio, against opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. DOLLIVER: Petition of J. H. Hard and others, against the repeal of the law closing the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. HAYNES of Ohio: Petition of the Board of Health of Toledo, Ohio, asking that quarantine regulations be placed in the hands of the National Government and that immigration be suspended until such time as quarantine defenses of the country are placed in condition to guarantee protection—to the Select Committee on Immigration and Naturalization.

By Mr. HENDERSON of Iowa: Resolutions of the Dubuque (Iowa) Board of Trade, urging legislation to prevent the introduction of cholera into the United States—to the Committee on Interstate and Foreign Commerce.

Also, five papers of citizens of Iowa, as follows: The paper of John Maclay, of Dubuque; of Rev. L. M. Pierce and others, of Golden; of Rev. E. Adams, of Waterloo; of J. I. Smith, of Toledo, and of R. W. Keeler, of Des Moines; all opposing the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, resolution of the Nord Amerikanischer Turnerbund, of Waterloo, Iowa, on the subject of immigration—to the Committee on Interstate and Foreign Commerce.

Also, petition of H. S. Rich and 54 others, of Jesup, Iowa, opposing the opening of the World's Fair on the Sabbath—to the Select Committee on the Columbian Exposition.

By Mr. HOLMAN: Petition of the Board of Trade of Indianapolis, Ind., in favor of a national quarantine—to the Committee on Interstate and Foreign Commerce.

Br Mr. HOUK of Ohio: Petition of 102 citizens of Germantown, Montgomery County, Ohio, against Sunday opening of the World's Columbian Exposition—to the Select Committee on the Columbian Exposition.

By Mr. LAPHAM: Petition of the business men and citizens of the city of Providence, R. I., praying for a discontinuance of the purchase of silver under act of Congress—to the Committee on Banking and Currency.

By Mr. LAYTON: Petition of the Reformed Presbyterian Church and Congregation, of Northwood, Ohio; of J. F. Stout, of St. Marys, Ohio; of the First United Presbyterian Congregation, of Bellefontaine, Ohio; of the First Presbyterian Church and Congregation, of Lima, Ohio; and of the United Presbyterian Church, of Sidney, Ohio, all against the opening of the World's Fair on the Sabbath—to the Select Committee on the Columbian Exposition.

Also, petition of the Ohio State Board of Health, asking that quarantine matters be placed in the hands of the General Government—to the Committee on Interstate and Foreign Commerce.

By Mr. LODGE: Petition of members of the Merchants' Club of Boston, in favor of the repeal of the silver purchase clause of the act of 1890—to the Committee on Banking and Currency.

Also, petition of Fritz Koeller and 43 others of Massachusetts, asking for the repeal of the Sunday-closing conditions of the World's Fair appropriation—to the Select Committee on the Columbian Exposition.

Also, evidence in the matter of House bill 9797, for the relief of Mrs. R. M. Bartleman—to the Committee on Invalid Pensions.

Also, petition of Rausch Kolb and about 3,000 others, for the restriction of immigration—to the Select Committee on Immigration and Naturalization.

Also, petition of W. O. Roberts, of North Carolina, and about 7,000 others, for restriction of immigration—to the Select Committee on Immigration and Naturalization.

By Mr. MORSE: Petition of the Boston Associated Board of Trade, in favor of adding the telegraph and telephone to the postal system of the United States—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Merchants' Club of Boston, asking for the repeal of the silver-purchase act of 1890—to the Committee on Banking and Currency.

By Mr. OHLIGER: Two resolutions, one from the board of health of Massillon, Ohio, and the other from the board of health of Wadsworth, Ohio, concerning cholera—to the Select Committee on Immigration and Naturalization.

Also, protest of 90 members of Young People's Society of Christian Endeavor of Wooster, Ohio, against the repeal of the Sunday-closing law for the Columbian Exposition—to the Select Committee on the Columbian Exposition.

Also, petition of the Board of Health of Ashville, Ohio, urging legislation to restrict immigration—to the Select Committee on Immigration and Naturalization.

By Mr. PATTISON of Ohio: Three petitions of citizens of Ohio; one of J. R. Hill and others, of Covington; the second, of W. C. Wickham and others, of Sinking Springs; and the third, of Rev. Charles Hartley and others, of Belfast, Ohio, all against the repeal of law closing the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. RUSK: Petition of the Ministerial Union of Baltimore, Md., against opening World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. SCULL: Petition of citizens of Somerset, Pa., favoring an amendment to the immigration laws, so as to suspend all immigration for one year—to the Select Committee on Immigration and Naturalization.

Also, petition of Johnstown (Pa.) Turnverein, against the proposition to restrict or suspend immigration—to the Select Committee on Immigration and Naturalization.

By Mr. STAHLNECKER: Petition of the deaf soldiers, sailors, and marines, for an increase of pensions—to the Committee on Invalid Pensions.

By Mr. STONE of Kentucky: Petition of Spencer Green, janitor for the folding room, for compensation for necessary assistance employed—to the Committee on Accounts.

By Mr. CHARLES W. STONE: Resolution of the Synod of Pennsylvania, of the Presbyterian Church, representing 176,000 communicants, protesting against opening the World's Fair on the Sabbath—to the Select Committee on the Columbian Exposition.

Also, petition of the Young People's Society of the Presbyterian Church of Emlenton, Pa., in favor of closing the Columbian Exposition Sunday—to the Select Committee on the Columbian Exposition.

Also, resolution of the Methodistt Episcopal Church of Franklin, Pa., in favor of closing the Columbian Exposition on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. WILLIAM A. STONE: Petition of congregations of Presbyterian churches of Pennsylvania, as follows: The petition of the church at St. Clairsville, at Utica, at Derrsville, at Fayette City, at Homestead, at Transfer, at Dravosburg, at Allegheny, at Fisher, at Smicksburg, at Knoxville, at Sewickley, at Wilcox, at Johnsonburg, at Oakdale, at Oakmont, at Washington, at Garland, at Bottsville, at Lottsburg, at Erie, at Connellsville, at Irvineton, at Hoboken, at Denny, at Hollidays, at Clarion, at State Lick, at Scott Dale, at Walurba, at Mount Washington, at Harmonsburg, at Rehoboth, at Pittsburg, at Mount Prospect, at Milledgeville, at Callensburg, at Tionesta, at Conneautville, at Westfield, at Burgettstown, at Allegheny, at Pleasant Unity, at Bull Creek, at Freeport, at Granmette, at Stoneboro, at Glade Run, at Pine Creek, at Moravia, at Parnassus, at Corry, at Raymilton, at Du Bois, at Carrick, at Monongahela City, at Pittsburg, at Alleghany County, at Livermore, at McCandless avenue, at Greensburg, at Mount Pleasant, at Oil City, at Washington, at Shraders Run, at Sharpsville, at Long Run, at Beulah, at Mount Pleasant, at Bellefield, at Dunbar, at Sigamiere, at Markle, at New Cumberland, at Forty-third street, Pittsburg; at New Brigton, at Jacksonville, at Lent, at Pancoast, at Rock Dale Mills, at Pittsburg, at Forest Grove, at Pittsburg, at Chailavi, at Valley, at Dagus Mines, at Hermon, at Allen Grove, at Mount Tabor, at Moravia, at Mansfield, at Carrick, at Thomas, at Edywood Park, at Pittlebury, at Braddock, at Kenneth, at Oil City, at Congruity, at Rich Hill, at Allegheny, at Ingram, at Concord, at Farmington, at Pittsburg, at Elderton, at Uniontown, at Millsville, at Allegheny, at New Texas, at Brockwayville, at Punxsutawney, at Claysville, at Buffalo, at New Alexander, at Turtle Creek, at Kittanning, at Courtney, at Hookstown, at Avalon, at Hazlewood, at Coal Bluff, at Eldersridge, at Woodcock, at Elizabeth, at Warren, at Blairsville, at Oak Grove, at Clark, at Cameron, at Center, at Pigeon Creek, at Pittsburg, at Mount Carmel, at Lockawonned, at Letsdale, at Wilkinsburg, at Carnot, at Darlington, at Pine Creek, at East Liberty, at Erie, at Corsica and Somerville, at Bethel, at Waynesburg, and at McDonald, all praying that the World's Fair be closed on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of congregations of Presbyterian churches of West Virginia: The petition of the church at Clarksburg and Gautby Creek, at Wheeling, at West Liberty, at Fairview, at Morgantown, at Dallas, at Fairmont, at Grafton, at Elm Grove, at French Creek, and at Moundsville, all praying that the World's Fair be closed on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of congregations of the Presbyterian churches of Ohio; the petition of the church at Martins Ferry and the church at Steubenville, and praying that the World's Fair be closed on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of the congregations of Presbyterian churches in West Virginia; the petition of the church at Wolf Run and at Trinestone, praying for the closing of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of the Lebanon Presbyterian Church, for the closing of the World's Fair on the Sabbath—to the Select Committee on the Columbian Exposition.

Also, petition of a Presbyterian Church for closing the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of the members of Bethel Presbyterian Church, favoring the closing of the World's Fair on the Sabbath—to the Select Committee on the Columbian Exposition.

By Mr. STORER: Petition of Rev. A. Bowers and sundry citizens of Lockland, Ohio, against repealing the law for the closing of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. STUMP: Two petitions from citizens of Carroll County, Md., for closing the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. EZRA B. TAYLOR: Petition of citizens of Canfield, Ohio, against Sunday opening of World's Fair—to the Select Committee on the Columbian Exposition.

By Mr. JOSEPH D. TAYLOR: Communication officially signed by Rev. Joseph McKelvey, reporting the action of his church of 111 members, in Calcutta, Columbia, County, Ohio, protesting against the repealing of the law closing the gates of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. TAYLOR of Tennessee: Petition of citizens of Greene County, Tenn., protesting against the repeal of the law closing the gates of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. TERRY: Resolution of the Arkansas Annual Conference of the Methodist Episcopal Church South, adopted at Bentonville, December 4, 1892, indorsing the action of Congress in requiring the closing of the World's Fair on the Sabbath, and earnestly importuning Congress not to repeal its action on this question—to the Select Committee on the Columbian Exposition.

By Mr. TURPIN: Petition from the American Brotherhood of Steamboat Pilots, in favor of American pilots, was referred to the Committee on Naval Affairs, and re-referred by that committee to the Committee on Interstate and Foreign Commerce.

By Mr. WALKER: Petition of citizens of Sheffield, Mass., to close World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. WRIGHT: Petition of Keystone Lodge, No. 226, of Sayre, Pa., asking for a duty on sugar-making machinery—to the Committee on Ways and Means.

Also, petition of Patriotic Order Sons of America, Camp No. 630, of Pennsylvania, for the suspension of immigration for one year—to the Select Committee on Immigration and Naturalization.

SENATE.

TUESDAY, *January 17, 1893.*

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

PRESIDENTIAL ELECTORS.

The VICE-PRESIDENT laid before the Senate communications from the Secretary of State, transmitting, in pursuance of the provisions of the act of Congress approved February 3, 1887, certified copies of the final ascertainment of the electors for President and Vice-President appointed in the States of Wisconsin and Wyoming at the elections held therein on the 8th of November, 1892, as certified to him by the governors of those States; which were ordered to lie on the table.

EXECUTIVE COMMUNICATION.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, in response to a resolution of the 13th instant relative to the disbursement of the appropriation of the $2,500,000 of souvenir coins in aid of the World's Columbian Exposition; which was read, and, on motion of Mr. WILSON, referred, with the accompanying papers, to the Committee on the Quadro-Centennial (Select), and ordered to be printed.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented memorials of the Presbyterian Church of Media, Pa.; of the Second Presbyterian Church of Bridgeport, Pa.; of the Presbyterian Church of Doylestown, Pa.; of the Mariners' Presbyterian Church of Philadelphia, Pa.; of the Macalester Memorial Presbyterian Church of Torresdale, Pa., and of the pastor, elders, and deacons of the Reformed Presbyterian Church of Charity, Kans., remonstrating against the repeal of the law closing the World's Columbian Exposition on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

He also presented a petition of the California Board of Lady Managers of the World's Fair Commission, praying for the passage of a law opening the World's Columbian Exposition on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

He also presented a memorial of the Roxboro Presbyterian Church, of Philadelphia, Pa., remonstrating against the repeal of the law closing the World's Columbian Exposition on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

Mr. STOCKBRIDGE presented memorials of Rev. John E. Gregory, pastor of the Baptist Church of Pewamo, and other citizens of the same place; of Rev. C. A. Bassett and other citizens of Lisbon; of Rev. W. W. Beardslee and other citizens of Palo and Flint, and of Catherine Birrel and other citizens of Lapeer, all in the State of Michigan, remonstrating against the repeal of the present law closing the World's Columbian Exposition

on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

Mr. SHERMAN presented petitions of the boards of health of Medina, Oberlin, Montpelier, Fostoria, Bowling Green, Ada, New Concord, Gallipolis, Greenville, Painesville, Amelia, Wadsworth, Ravenna, East Liverpool, and Massillon, all in the State of Ohio, praying for the adoption of a national quarantine and the suspension of immigration until the quarantine defenses of the country shall be placed in a condition to guarantee protection from contagious diseases; which were ordered to lie on the table.

He also presented a petition of Goodwill Council, No. 178, Junior Order United American Mechanics, of Gnadenhutten, Ohio, praying for the passage of legislation providing for the further restriction of immigration; which was ordered to lie on the table.

He also presented a petition of the Ohio State Agricultural Convention, praying for the passage of the Washburn-Hatch antioption bill; which was ordered to lie on the table.

He also presented a petition of the Board of Trade of Dayton, Ohio, praying for the repeal of the silver-purchase act of 1890; which was referred to the Committee on Finance.

Mr. McMILLAN presented a petition of 55 citizens of Escambia, Mich., praying for the opening of the World's Columbian Exposition on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

Mr. COCKRELL presented a memorial of members of the East Sedalia (Mo.) Baptist Church, and citizens of Sedalia, Mo., remonstrating against the repeal of the present law closing the World's Columbian Exposition on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

Mr. KYLE presented the petition of J. W. Ryan and other citizens of Sturgis, S. Dak., praying for the repeal of the law closing the World's Columbian Exposition on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

Mr. PETTIGREW presented memorials of the Methodist Episcopal Church of Mitchell, of the Young Men's Christian Association of Davison County, and of H. J. Johnson and other citizens of Salem, all in the State of South Dakota, remonstrating against the repeal of the law closing the World's Columbian Exposition on Sunday, and praying that the sale of intoxicating liquors be prohibited thereat; which were referred to the Committee on the Quadro-Centennial (Select).

He also presented petitions of Thomas Carr and other citizens of Faulkton, of M. O. Thompson and other citizens of Sioux Falls, and of John R. Weeks and other citizens of Yankton, all in the State of South Dakota, praying for the repeal of the law closing the World's Columbian Exposition on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

Mr. ALDRICH presented a petition numerously signed by bankers and merchants of Providence, R. I., praying that the purchase of silver under the act of July 14, 1890, be discontinued; which was referred to the Committee on Finance.

Mr. SAWYER presented petitions of the Bankers' Association of Superior, Wis., and of the Merchants' Association of Milwaukee, Wis., praying for the repeal of the so-called Sherman silver act; which were referred to the Committee on Finance.

Mr. DOLPH. I present a petition of State and county officers of Oregon, praying for an extension of time for settlers to make proof and payment for forfeited railroad lands, the same subject-matter upon which I presented a memorial of the Legislature of Oregon on yesterday. As I intend this morning to report a bill granting this extension, and hope to secure its immediate consideration, I move that the petition lie on the table.

The motion was agreed to.

Mr. DOLPH presented the petition of J. B. Luse and sundry other citizens of Marshfield, Oregon, praying for the repeal of the law closing the World's Columbian Exposition on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

Mr. FELTON presented a petition of the Legislature of California, praying for the passage of House bill 9286 creating the California débris commission, and regulating hydraulic mining in that State; which was referred to the Committee on Mines and Mining.

Mr. VEST presented the memorial of P. F. Tomlinson and other citizens of Sedalia, Mo., remonstrating against the opening of the World's Columbian Exposition on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

Mr. QUAY presented memorials of the Wylie Memorial Presbyterian Congregation of Philadelphia; of the Ministerial Association of Harrisburg; of the Woman's Christian Temperance Union of Sharon; of the United Presbyterian Church of Claysville; of the Methodist Episcopal Congregation of New Bedford, and of the Chestnut Level Congregation, all in the State of Pennsylvania, remonstrating against the repeal of the law closing the World's Columbian Exposition on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

He also presented a petition of the Merchant Tailors' Exchange of Beaver Valley, Pa., praying for the passage of House bill 8535 limiting the free entry of wearing apparel of foreign manufacture; which was referred to the Committee on Finance.

Mr. DUBOIS presented a petition of 42 citizens of Silver City, Idaho, praying for the repeal of the law closing the World's Columbian Exposition on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

Mr. HISCOCK presented the petition of Hermann Esser and other citizens of New York City, praying for the repeal of the law closing the World's Columbian Exposition on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

Mr. COCKRELL. I present a petition expressing the wish that the World's Fair be opened on Sunday, it being "a petition of citizens of the State of Missouri, chiefly residents and citizens of Kansas City, Mo." This is what is upon the back of the petition, and I found it upon my desk. Upon a very casual observation I see that it is signed by citizens of Illinois, Kansas, Louisiana, Indiana, Ohio, Massachusetts, New York, California, Texas, Wisconsin, Michigan, New Mexico Territory, and one citizen of China—a "heathen Chinee." As I stated, the petition prays for the opening of the World's Columbian Exposition on the Sabbath. I move that it be referred to the Committee on the Quadro Centennial (Select).

The motion was agreed to.

Mr. VEST presented a petition of citizens of Olivette, Central, and Strattman, all in the State of Missouri, praying for the quiet opening of the World's Columbian Exposition on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

Mr. MITCHELL presented the petition of Thomas J. Cole, pastor of Trinity Church, E. L. Stuart, H. D. Helham, A. Friedberg, and 40 other citizens of Portland, Oregon, praying for the opening of the World's Columbian Exposition on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

He also presented the petition of W. B. Steele and 90 other citizens of Portland, Oregon, praying for the opening of the World's Columbian Exposition on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

Mr. MILLS presented a memorial of 15 citizens of Hailettsville, Tex., praying for a repeal of the law closing the World's Columbian Exposition on Sunday; which was referred to the Committee on the Quadro-Centenial (Select).

He also presented a petition of citizens of Fort Worth, Tex., praying for the passage of legislation opening up the Cherokee Strip to settlement; which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. KYLE, from the Committee on Education and Labor, to whom was referred the joint resolution (S. R. 119) extending the powers of the United States Government Exhibit Board, reported it without amendment.

Mr. PETTIGREW, from the Committee on Indian Affairs, to whom was referred the bill (S. 3459) to secure the relinquishment of the Indian title to a portion of the Pyramid Lake Reservation, in Nevada, and to the entire Walker River Reservation in said State, and for other purposes, reported it without amendment.

SETTLERS ON FORFEITED RAILROAD LANDS.

Mr. DOLPH. By direction of the Committee on Public Lands, I report back favorably with an amendment the bill (S. 3581) to amend an act entitled "An act to forfeit certain lands heretofore granted for the purpose of aiding in the construction of railroads and for other purposes." The bill is indorsed by every member of the committee. It relates to the matter of extending for settlers upon forfeited railroad lands the time in which to pay for their lands. It will only affect those who by misfortune and the failure of crops have been unable to meet the requirements and pay for their lands by the 3d of February next, and merely extends the time until the 1st of January, 1894, as proposed to be amended, to give them an opportunity to secure another crop. The bill is unanimously reported, and is recommended by the Secretary of the Interior and the Commissioner of the General Land Office in the correspondence which I have attached to the brief report. I ask that the bill be taken up for present consideration. I do not think any one will object to it.

Mr. COCKRELL. Let it be read for information.

Mr. HOAR. To what lands does the bill relate?

Mr. DOLPH. The bill relates simply to people who had purchased lands of the railroad company and gone upon them, but

owing to the failure of crops some of them were unable to pay for their lands in the time prescribed.

Mr. HOAR. In what State?

Mr. DOLPH. The Senator from Louisiana [Mr. WHITE] intends to offer an amendment confining the bill to the State of Oregon or to the railroad lands from Wallula, Wash., to Portland, Oregon, to which I have no objection; but I do not like to ask for that myself.

Mr. HOAR. Is it proposed to be a general law?

Mr. DOLPH. Let it be read and it will be explained.

Mr. HOAR. Let the bill be read.

Mr. SHERMAN. When does the time expire?

Mr. DOLPH. The time expires the 3d of February. Nobody will object to the bill when it is read. Let it be read.

The bill was read, and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendment of the Committee on Public Lands was in line 9, after the word "section," to strike out the words "at any time within four years from the passage of said act," and insert "to January 1, 1894;" so as to make the bill read:

Be it enacted, etc., That section 3 of an act entitled "An act to forfeit certain lands heretofore granted for the purpose of aiding in the construction of railroads, and for other purposes," be, and the same is, amended so as to extend the time within which persons entitled to purchase lands forfeited by said act shall be permitted to purchase the same in the quantities and upon the terms provided in said section to January 1, 1894.

Mr. DOLPH. The amendment extends the time for a portion of the settlers on the land from September next until the 1st of January, and for others from either February or March next to the 1st of January in either case a part of the year. As stated in the memorial of the Oregon Legislature there was an entire failure of the crop in that section last year and the people have had to borrow money even to get seed to reseed their land. The object is to give the settlers the advantage of another crop to save their land.

Mr. HALE. Is the bill limited to the State of Oregon?

Mr. DOLPH. The Senator from Louisiana proposes to offer an amendment to limit it.

Mr. WHITE. I have not yet prepared the amendment.

Mr. DOLPH. If it is desired I will state the amendment.

Mr. WHITE. Very well.

The VICE-PRESIDENT. The question is first upon agreeing to the amendment of the committee.

The amendment was agreed to.

Mr. DOLPH. After the word "act" in line 7 I propose to insert:

Upon the line of the Northern Pacific Railroad Company between Wallula, Wash., and Portland, Oregon.

The object is to limit the bill if that is the desire. I did not like to ask for the passage of a special act. If the Senator from Louisiana offers that amendment I will consent to it.

Mr. WHITE. I offer that as an amendment to the bill.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Louisiana.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

COINAGE OF SILVER.

Mr. SHERMAN. I am directed by the Committee on Finance to report back with amendments the bill (S. 3423) for the repeal of certain parts of the act directing the purchase of silver bullion and the issue of Treasury notes thereon, and for other purposes, approved July 14, 1890. I ask to have it read.

Mr. HOAR. Let the bill be read in full and the amendments in full.

The VICE-PRESIDENT. The bill will be read if there be no objection.

The Secretary read the bill, as follows:

Be it enacted, etc., That so much of the act entitled "An act directing the purchase of silver bullion and the issue of Treasury notes thereon, and for other purposes," approved July 14, 1890, as directs the Secretary of the Treasury to purchase, from time to time, silver bullion to the aggregate amount of 4,500,000 ounces, or so much thereof as may be offered in each month, at the market price thereof, and to issue in payment for such purchases of silver bullion Treasury notes of the Udited States, is hereby repealed, to take effect on the 1st day of January, 1893: *Provided*, That this act shall not in any way affect or impair or change the legal qualities, redemption, or use of the Treasury notes issued under said act.

Mr. PLATT. What are the amendments?

Mr. SHERMAN. Let the Secretary read the amendments proposed by the committee.

The VICE-PRESIDENT. The amendments of the committee will be stated.

The SECRETARY. In line 13, after the word "ninety," strike out "three" and insert "four;" so as to read:

Is hereby repealed, to take effect on the 1st day of January, 1894.

Insert a new section, as follows:

SEC. 2. That upon any deposit already or hereafter made of any United States bonds bearing interest in the manner required by law, any national banking association having made or making the same shall be entitled to receive from the Comptroller of the Currency circulating notes of different denominations, in blank, registered, and countersigned as provided by law, not exceeding in the whole amount the par value of the bonds deposited: *Provided*, That at no time shall the total amount of such notes issued to any such association exceed the amount at such time actually paid in of its capital stock.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

AGRICULTURAL COLLEGE LANDS.

Mr. HUNTON. I am directed by the Committee on Education and Labor, to whom was referred the joint resolution (S. R. 121) authorizing payment, under the act of August 30, 1890, to the State of Virginia, upon the assent of the governor, heretofore given, till adjournment of next session of the Legislature thereof, to report it back with a favorable recommendation, and I am further instructed by the committee to ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The preamble recites that the recent Legislature of Virginia, through a misunderstanding with the Department of the Interior, adjourned without giving the assent required by the act of Congress approved August 30, 1890, entitled "An act to apply a portion of the proceeds of the public lands to the more complete endowment and support of the colleges of agriculture and the mechanic arts, established under the provisions of an act of Congress approved July 2, 1862."

The joint resolution provides that payments from the appropriation of the act may continue to be made to the State of Virginia, upon the assent of the governor, heretofore given, till the adjournment of the next regular session of the Legislature of the State.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

REMOVAL OF ICE IN POTOMAC RIVER.

Mr. MCMILLAN. I am instructed by the Committee on the District of Columbia to report a joint resolution making an appropriation of $5,000 for the clearing of the Potomac River of ice, and to ask for its immediate consideration.

The joint resolution (S. R. 135) making an appropriation of $5,000 for clearing the Potomac River of ice was read the first time by its title and the second time at length, as follows:

Resolved by the Senate and House of Representatives, etc., That $5,000, or as much thereof as may be necessary, payable from any money in the Treasury not otherwise appropriated and from the revenues of the District of Columbia in equal parts, to be immediately available, is hereby appropriated, to enable the Commissioners of the District of Columbia to hire boats for the purpose of clearing the Potomac River of ice within the District of Columbia.

The VICE-PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FORT BRIDGER MILITARY RESERVATION.

Mr. CAREY. I am directed by the Committee on Public Lands, to whom was referred the bill (S. 3643) to provide for the disposal of the Fort Bridger abandoned military reservation, in the State of Wyoming, to report it favorably without amendment. I ask for the present consideration of the bill.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to make subject to disposal, under the homestead law only, all public lands now remaining undisposed of within the abandoned military reservation in the State of Wyoming known as the Fort Bridger military reservation. Actual occupants thereon upon the 1st day of July, 1892, shall have the preference right to make one entry, not exceeding one quarter-section, under existing laws, if qualified, which shall include their respective improvements. Any of such lands as are occupied for town-site purposes and any of the lands that may be shown to be valuable for coal or minerals shall be disposed of as now provided for lands subject to entry and sale under the town-site, coal, or mineral-land laws, respectively.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MAIL BOXES.

Mr. SAWYER. From the Committee on Post-Offices and Post-Roads I report back favorably without amendment the bill

(S. 3580) to amend the proviso to be found in connection with the free-delivery service, page 569, twenty-fourth volume, Statutes at Large; and I ask for its immediate consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to amend the proviso in chapter 388, act of March 3, 1887, so as to read:

Provided, That no boxes for the collection of mail matter by carriers shall be placed inside of any building except a public building or a building which is freely open to the public during business hours, or a railroad station, and that the Postmaster-General is hereby authorized, in his discretion, to declare by official order that the chutes connected with mail boxes that are attached to any chute or device which may be approved by him are a part of said receiving boxes and under the exclusive care and custody of the Post-Office Department.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had passed the bill (S. 1292) to remit the penalties of the light-house steamer Pansy.

The message also announced that the House had passed the following joint resolutions; in which it requested the concurrence of the Senate:

A joint resolution (H. Res. 71) to authorize the Secretary of the Interior to continue the report on wages by Joseph D. Weeks; and

A joint resolution (H. Res. 90) proposing an amendment to the Constitution providing that Senators shall be elected by the people of the several States.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (H. R. 8038) granting a pension to William M. Watson, of Walker County, Ga.; and it was thereupon signed by the Vice-President.

BILLS INTRODUCED.

Mr. HALE introduced a bill (S. 3732) to amend the act approved June 8, 1880, relating to the pay of the Judge-Advocate-General of the Navy; which was read twice by its title and referred to the Committee on Naval Affairs.

Mr. BUTLER introduced a bill (S. 3733) to empower Robert Adger and others to bring suit in the Court of Claims for rent alleged to be due them; which was read twice by its title and referred to the Committee on Claims.

He also introduced a joint resolution (S. R. 136) providing for the disposition of arrears of pay and bounty due the estates of deceased colored soldiers; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. DOLPH, it was

Ordered, That the petition and papers of Mrs. Susan A. Shelby be withdrawn from the files of the Senate and referred to the Committee on Claims.

EMPLOYMENT OF PINKERTON MEN.

Mr. GALLINGER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Select Committee to Investigate the Facts in Relation to the Employment of Armed Bodies of Men for Private Purposes be authorized to continue during the present session the inquiries directed by resolution of the Senate of August 2, 1892, with all the powers conferred by said resolution.

ARTESIAN WELL AND IRRIGATION MACHINERY.

Mr. COCKRELL submitted the following resolution; which was referred to the Committee on Irrigation and Reclamation of Arid Lands:

Resolved, That the Secretary of Agriculture be directed to submit to the Senate as early as practicable the report on artesian well and irrigation machinery now in course of preparation under his direction, the expense of completing said report to be paid out of the money appropriated in the act of July 5, 1892: "To enable the Secretary of Agriculture to collect information as to the best modes of agriculture by irrigation, $6,000."

HOUSE BILLS REFERRED.

The joint resolution (H. Res. 90) proposing an amendment to the Constitution providing that Senators shall be elected by the people of the several States, was read twice by its title, and referred to the Committee on Privileges and Elections.

The joint resolution (H. Res. 71) to authorize the Secretary of the Interior to continue the report on wages by Joseph D. Weeks, was read twice by its title, and referred to the Committee on Education and Labor.

BRIDGES IN TENNESSEE.

Mr. GORDON. I ask for the present consideration of the bill (H. R. 10015) to authorize the construction of bridges across the Hiawassee, the Tennessee, and the Clinch Rivers, in the State of Tennessee. I think there will be no objection to the bill whatever, and it is a very important and pressing matter.

Mr. TELLER. I do not desire to object to the bill. I merely wish to say that as there was an understanding we would vote on the McGarrahan bill during the morning hour, I hope Senators will not interfere with that order. After this bill is disposed of I shall ask to have the McGarrahan bill taken up.

Mr. VEST. There is nothing in the bill that will give rise to any debate. It is an ordinary bridge bill.

Mr. TELLER. I do not object to the bill.

The VICE-PRESIDENT. The bill called up by the Senator from Georgia will be read.

After reading, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ORDER OF BUSINESS.

The VICE-PRESIDENT. If there is no further morning business that order is closed and the Calendar under Rule VIII is in order.

Mr. TELLER. I ask that the McGarrahan bill be laid before the Senate.

The VICE-PRESIDENT. The Senate resumes consideration of the bill (S. 1958) to submit to the Court of Private Land Claims, established by an act of Congress approved March 3, 1891, the title of William McGarrahan to the Rancho Panoche Grande, in the State of California, and for other purposes. The question is, Shall the bill pass, the objections of the President of the United States to the contrary notwithstanding?

Mr. WILSON. The Senator from Kansas [Mr. PEFFER] desires to occupy a brief time this morning. He wishes about fifteen minutes on the question he was discussing yesterday. If he will not exceed that time, I am willing to have the pending bill informally laid aside to allow him to proceed, with the understanding that at the expiration of that time I may submit some remarks upon the McGarrahan bill prior to its submission to a vote.

The VICE-PRESIDENT. The bill will be laid aside informally for fifteen minutes, if there be no objection. The Chair hears none, and the Senator from Kansas will proceed.

Mr. PEFFER. Mr. President, I am under renewed obligations to my friend from Iowa [Mr. WILSON] for his goodness. I shall not occupy nor ask to occupy more than fifteen minutes this morning. I shall then ask the Senate to-morrow morning to permit me to conclude my remarks.

THE PRESIDENTIAL TERM.

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (S. R. 96) proposing an amendment to the Constitution of the United States to limit the office of President to one term for each incumbent.

Mr. PEFFER. Mr. President, to propose an amendment to the Constitution is to assume a responsibility that is justified only by the existence of a public need which the present Constitution does not at all or does not fairly or well provide for. The regard which we have for the Constitution is our measure of its adequacy for the great work it was intended to accomplish. As a chart for statesmen and lawgivers it is supremely useful, but its provisions are not too sacred to be modified. It is one of the tenets of our political creed—one that we believe and one that we teach our children to believe, that whenever any form of government does not secure and protect the rights of the people, it may properly be abolished and a new government instituted with its powers organized as shall seem most likely to effect the safety and happiness of the people.

The same doctrine applies with equal force to the amendment of constitutions and laws. Whenever a change in the fundamental law becomes necessary in the furtherance of justice, to give greater or better effect to existing provisions, or to more effectually secure any of the rights which the original instrument was intended and expected to secure, the change ought to be made and made as soon as practicable.

The history of that part of the Constitution which provides for the election of the President and the Vice-President involves much of interest to us at the present. The universal feeling among the people when the convention to frame a constitution was called is clearly expressed in the preamble to the document as it was finally adopted:

We the people of the United States, in order to form a more perfect Union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

It was intended to organize a government which should derive all its functions directly from the people. Upon that proposition there was no difference of opinion, either among the people at large or among the members of the convention. Divisions appeared only in matters of detail when providing means to secure a fair representation of the citizen in the conduct of public

affairs and a faithful obedience to the popular will in the execution of the laws.

The divisions arose out of peculiar conditions and beliefs of the time. Each of the States had its own laws, traditions, and customs; their separate independence had been acknowledged by the British King in solemn treaty, and in their relations with one another and with foreign governments they possessed all the functions of sovereign nations. Naturally, therefore, when they came to organize a Federal government which, for general purposes should represent all of them, public men jealously guarded the rights of their own States so that nothing not absolutely necessary for the proper exercise of national functions should be surrendered. This local loyalty was conspicuously exhibited at every stage of the convention's proceedings. It was actively operative in the discussion of methods to be adopted in the choice of the first officer of the Republic.

Statesmen of that day had much regard for the common people, yet, in their opinion, there were some things upon which it was not safe to trust the operation of men's whims and prejudices through voting separately. This was held to be true especially in relation to grave matters of public concern which ought to be subjected to intelligent thought and careful study—as, for example, the selection of persons to exercise great and important public trusts.

It was because of this common belief among leaders of public opinion that the new Constitution was made to provide that while members of the national House of Representatives might be selected by the people themselves voting directly—the same people and in the same manner that elects members of the most numerous branch of the State Legislature, they should not be permitted to vote directly for United States Senators, who shall be chosen by the Legislatures of the several States, nor for the President and the Vice-President, who must be selected by electors appointed in such manner as the State Legislatures shall direct.

It was believed by members of the convention that the average man could impress himself upon public affairs through the agency of men more learned than himself—men of larger experience and wider view, better than he could by operating directly through his vote.

It was because of that belief that the electoral system was invented.

The convention which framed the Constitution of the United States was organized at Philadelphia on the 25th day of May, 1787, with delegates from nine States present, and on the 29th day of the same month Mr. Edmund Randolph, of Virginia, submitted a draft of fifteen resolutions which embodied the ideas of the Virginia delegates touching the organization of a new government. The seventh resolution, to be found in Elliott's Debates, page 128, was as follows:

7. *Resolved*, That a national executive be instituted, to be chosen by the National Legislature for the term of ——; to receive punctually, at stated times, a fixed compensation for the services rendered, in which no increase or diminution shall be made so as to affect the magistracy existing at the time of increase or diminution, and to be ineligible a second time, and that besides a general authority to execute the national laws, it ought to enjoy the executive rights vested in Congress by the Confederation.

On the same day Charles Pinckney, of South Carolina, presented "a draft of a federal government which he had prepared," of which draft Article 8 provided:

The executive power of the United States shall be vested in a President of the United States of America, which shall be his style, and his title shall be His Excellency. He shall be elected for —— years, and shall be reëligible.

On the 9th day of June Mr. Gerry, of Massachusetts, moved—

That the national Executive should be elected by the executives of the States, whose proportion of votes should be the same with that allowed to the States in the election of the Senate.

This motion was lost by a vote of 9 to 1, Delaware dividing.

The drafts of Randolph and Pinckney having been considered in "Committee of the Whole House on the state of the Union," on the 13th day of June Mr. Gorham, of Massachusetts, chairman, reported a series of resolutions, of which No. 9 reads as follows:

Resolved, That a national Executive be instituted, to consist of a single person; to be chosen by the National Legislature, for the term of seven years; with powers to carry into execution the national laws, to appoint two offices in cases not otherwise provided for, to be ineligible a second time, and to be removable on impeachment and conviction of malpractices or neglect of duty; to receive a fixed stipend by which he may be compensated for the devotion of his time to the public service, to be paid out of the National Treasury.

On the 15th day of June, William Patterson, of New Jersey, submitted a "plan" which had received favorable consideration from "several of the deputations," he said. Of his plan the fourth resolution was:

Resolved, That the United States in Congress be authorized to elect a Federal Executive, to consist of —— persons; to continue in office for the term of —— years; to receive punctually, at stated times, a fixed compensation for their services, in which no increase nor diminution shall be made so as to affect the persons composing the Executive at the time of such increase or diminution; to be paid out of the Federal Treasury; to be incapable of holding any other office or appointment during their time of service, and for —— years thereafter; to be ineligible a second time, and removable by Congress on application by a majority of the executives of the several States.

On the 18th day of June, Alexander Hamilton, of New York, submitted a sketch containing his views. The first sentence of the fourth paragraph expresses his idea concerning the election of the President. It reads as follows:

IV. The supreme executive authority of the United States to be vested in a governor, to be elected to serve during good behavior; the election to be made by electors chosen by the people in the election districts aforesaid.

Mr. President, the fifteen minutes which were given to me through the courtesy of the Senator from Iowa have expired. Again expressing my appreciation of the courtesy, I shall ask the Senate to-morrow morning, at the conclusion of the morning business, to permit me to conclude my remarks.

WILLIAM M'GARRAHAN—VETO MESSAGE.

The VICE-PRESIDENT. The Senate resumes the consideration of the bill which was set for consideration this morning, the title of which will be stated.

The CHIEF CLERK. A bill (S. 1958) to submit to the Court of Private Land Claims, established by an act of Congress approved March 3, 1891, the title of William McGarrahan to the Rancho Panoche Grande, in the State of California, and for other purposes.

Mr. WILSON. Mr. President, I shall vote for the passage of the pending bill, the objections of the President of the United States to the contrary notwithstanding. I feel that I have some familiar knowledge of the facts and evidence involved in this case. As chairman of the Committee on the Judiciary of the House of Representatives in the Fortieth Congress, it became my duty to conduct, with that committee, an examination of the so-called McGarrahan case. We devoted considerable time to the investigation and the examination of the case, giving to all parties who applied the privilege of being heard and of introducing testimony. At the conclusion of the hearing I was, by direction of the committee, instructed to prepare a report, which I did, which report was presented with the approval of the committee to the House, accompanied by a bill. Upon discussion there the report was approved, and the bill was passed.

I do not wish to take up unnecessarily the time of the Senate in the discussion of this question, for I prefer action to consumption of time, and in order that I may place what I have to say within as limited compass as possible I shall read a part of the report to which I have referred. I will also state that, while I shall not read the entire report, I shall ask to have leave to incorporate it entirely in my remarks. From the report I read as follows:

[Report No. 33, Fortieth Congress, second session.]

Mr. WILSON, from the Committee on the Judiciary, made the following report:

The Committee on the Judiciary, to whom was referred a bill for the relief of William McGarrahan, respectfully submit the following report:

The history of this case is composed of such a multitude of circumstances, spread over a period extending from the year 1844 to the present time, that to give it in detail would be to present a report so voluminous as to defeat the very object contemplated by the House in submitting it to the committee—that of information to its members.

It has, therefore, been deemed advisable to exhibit leading and controlling facts rather than minute and unimportant particulars.

The effort has been to give the present paper a synoptical rather than argumental character, as it is believed a plain but abbreviated narrative will be sufficient to satisfy all inquirers that the bill herewith reported should pass.

An impartial statement of the facts and of prominent proceedings is, in the judgment of the committee, all that is needed to show that Mr. McGarrahan is entitled to the relief he seeks, and to the land in question, as described in his original memorial, presented to the House during the Thirty-ninth Congress.

In the year 1844, Manuel Micheltorena, the then governor of Upper California, in accordance with a Mexican custom to confer lands upon deserving officials and citizens, granted to Vincent P. Gomez a tract of land then, it would seem, considered almost valueless, and situate in the present counties of Fresno and Monterey, State of California. The property was then and is now known as "Panoche Grande Rancho."

The making of this grant has been denied, and this denial constitutes the principal ground from which has sprung the prolonged and exhausting litigation in the case, extending over a period of more than thirteen years.

The proof of the existence of the grant is satisfactory. It is found mainly in the following facts:

I. The deposition of José Castro, who filled the office of political chief of California, and was prefect and commanding general, which states that Gomez, with whom he was well acquainted, desired him (Castro) to inform him (Gomez) of a suitable place to petition for or secure, and that he recommended the Panoche Grande.

II. The petition of Gomez to Governor Micheltorena, March 13, 1844, requesting a grant of the rancho.

III. A marginal entry made by the governor, March 14, 1844, on the petition of Gomez, that the proper secretary should cause the necessary investigations to be made and make report.

IV. A declaration of the same date, by Manuel Jimino, the secretary, that the petition of Gomez had been transmitted to the first justice of San Juan, in order that he should report what would be just in the matter.

V. The report of the justice, dated March 20, 1844, stating that the land was vacant, and that there was no reason why the same should not be granted.

VI. A map of the land, filed in pursuance of the justice's report.

VII. The affidavit of Valentine Gajiola, employed in the Presidial Company of Monterey in 1848, showing that Gomez applied to him to make a map

of the ranche; exhibited to him the title paper duly executed, and that he made the map as desired.

VIII. The deposition of José Abrigo, the head of the commissary department, and resident in Monterey, proving that Gomez was a clerk in his office, and that, in 1845, he (Gomez) showed him a title to the land named, together with a map of the property; that the papers were signed by the governor and secretary, and that he was well acquainted with the signatures of these officers, having often seen them write; that the archives in which these papers were passed into the possession of the American Army July 7, 1846.

IX. The testimony of Abrigo, Dr. James L. Ord, a surgeon in the United States Army, and others, proving the destruction of the archives in Monterey, and the fact that such destruction is generally admitted.

X. The deposition of Oscar De Grandé Barque, stating that Gomez, in 1845, showed him title papers for the rancho, and proposed a sale of the land to him.

XI. The affidavit of J. Marno Bonilla, secretary of the superior tribunal of justice in Monterey, stating that Gomez in 1841, applied to him for stamped paper, to be used in procuring a title to lands; and that in 1845, he saw memoranda of grants of land, among which was the Panoche Grande to Gomez.

XII. The affidavit of Matias Moreno, secretary of the State of Upper California, stating that, in 1846, he knew Gomez had obtained a grant for Panoche Grande, and that he saw the grant.

XIII. The affidavits of Maricio Gonzales, José Fernandez, Gabriel de la Torre, Joaquin S. Escamilla, and others, tending to prove the existence of the grant.

XIV. The statement of E. L. Goold, esq., before the Judiciary Committee, that he believed the petition of Gomez was a genuine document, and that he based his opinion on his knowledge of the facts and circumstances connected with the case of said Gomez against the United States, which involved the validity of the grant upon which this case is based. Mr. Goold was of counsel in said case in opposition to the grant, and appeared as a witness before the committee on behalf of the opposing parties.

XV. The grant by Governor Micheltorena, in the year 1844, to Don Julian Ursua, of the tract known as the rancho "La Panoche de San Juan and Los Carrisalitos," wherein the tract is described as being bounded on the south by the mine of "Los Aguilas" and "La Panoche Grande."

XVI. Statement of Henry D. Cooke, esq., that when when he was in California, in the years 1847-'48-'49, it was common report that Gomez had received a grant of a rancho near San Juan from the Mexican Government.

XVII. In 1845 the board of land commissioners, at the hearing on the evidence, as required by the laws of the United States, decided that Gomez had given satisfactory proof of the existence and loss of the grant.

1. In the treaty of Guadalupe Hidalgo, entered into between the United States and Mexico, February 2, 1848, it was provided that property of every kind belonging to Mexicans should be inviolably respected, and that the United States should pass such laws as would give effect to the different stipulations of the treaty, and always thereafter regularly enforce them. This feature was introduced to secure all landed and other interests that might in any way be affected by a change of jurisdiction over the territory embraced in the treaty (Stats. at Large, vol. 9, pp. 229-231).

2. The law contemplated was passed March 3, 1851 (United States Statutes at Large, vol. 9, p. 631), creating a board of land commissioners, and declaring, among other things, "that each and every person claiming lands in California, by virtue of any right or title derived from the Spanish or Mexican Government, shall present the same to the said commissioners when sitting at a board, together with such documentary evidence and testimony of witnesses as the said claimant relies upon in support of such claim; and it shall be the duty of the commissioners, when the case is ready for hearing, to proceed promptly to examine the same upon such evidence, and upon the evidence produced in behalf of the United States, and to decide upon the validity of the said claim, and within thirty days after the said decision is rendered to certify the same, with the reasons on which it is founded, to the district attorney of the United States in and for the district in which such decision shall be rendered" (sec. 8).

3. February 9, 1853, Gomez, in accordance with the provision of the act of March 3, 1851, presented his petition to the board of land commissioners, praying a confirmation of his claim to the Rancho Panoche Grande.

4. The board, having fully heard the evidence of the grant, decided that the claimant had given satisfactory proof of the existence and loss of the grant, but had failed entirely to offer any proof whatever going to show that he ever occupied, improved, or cultivated any part of the land, or that any one ever did for him, or that he ever saw the land; and on the ground of nonoccupany decided the grant invalid.

5. In the case of Fremont *vs.* The United States (17 Howard, 542), decided at December term, 1854, the Supreme Court of the United States held that, in the case of Mexican land grants, omission to take possession of the land did not of itself forfeit the right or grant. Had this determination preceded the action of the board of land commissioners the grant to Gomez would certainly have been pronounced valid, as the board decided against the grant on the ground that the grantee had not entered upon and possessed himself of the land granted.

6. The decision of the board of land commissioners made an appeal necessary, which was accordingly taken by Gomez, and June 15, 1857, the district court for the southern district of California confirmed his claim, and a decree to that effect was pronounced. But through what is claimed to have been a clerical mistake, and which the party asserts was unobserved for some months, the decree was for 3 leagues of land instead of 4, as claimed and as proved by the deposition of José Abrigo, used before the board of land commissioners, and in the court, to have been comprised in the grant, and was unsigned by the judge.

7. Thus, as Gomez, his counsel, and all interested might well have supposed, the question of title was settled, subject, of course, to the right of appeal. The records of the district court presenting Gomez as owner of the rancho in accordance with the finding of the board of land commissioners, the decree of the said district court, and the decision of the highest court in the Fremont case, Mr. McGarrahan, December 22, 1857, bought the property from Gomez, in good faith, and for a valuable consideration.

8. The alleged error in the quantity of land stated in the decree of June 5, 1857, being discovered, an application was made to the court to correct it, whereupon, February 8, 1858, an amended decree was entered *nunc pro tunc* (that is, as of June 5, 1857), covering the 4 leagues, and duly signed.

9. About the time Mr. McGarrahan purchased from Gomez some persons, having prospected the land, discovered mineral deposits (a fact unknown to Mr. McGarrahan when he purchased), and, finding it had been sold by Gomez, they, as "squatters," took possession of and held it, as they still hold it, either in person or by assignees, cognizant of the facts, and without title.

10. March 15, 1858, the United States appealed from the decree of the district court, as it seems was their practice to do in all cases adjudicated against them, and on July 8, 1858, thirteen months after the final decree of confirmation, a motion was made by special counsel of the United States in the case, as it seems, without notice to the claimant, to have the decree opened.

11. Mr. McGarrahan, having been advised that the appeal to the Supreme Court had been taken by the Government, without examination as to its merits, in accordance with the uniform practice, made application through counsel to Hon. Jeremiah S. Black, the then Attorney-General (a certified transcript of the case being presented to him), to have him examine the case and determine whether he would persist in the appeal.

12. After a full argument before the Attorney-General, that officer directed that the appeal should be docketed and dismissed; and on January 31, 1859, it was so entered upon the books of his office and upon the records of the Supreme Court. Whereupon, in March, 1859, the Supreme Court issued its mandate, which ordered and decreed the docketing and dismissal of the appeal entered in the Supreme Court, and commanded that "such proceedings be had in said case as, according to right and justice and the laws of the United States, ought to be had."

13. The said mandate was filed in the district court May 4, 1859, whereupon the court ordered, adjudged, and decreed that the said mandate should be carried into effect, and that the said Gomez proceed under the decree of the court as under a final decree.

The effect of this was to perfect the title to said rancho in Mr. McGarrahan, as the grantee of Mr. Gomez.

At this stage of the case the most vigilant lawyer consulted by client—

I make this as a legal proposition, and let anyone question it who may—

At this stage of the case the most vigilant lawyer consulted by client, and required to examine records, could have given no other opinion upon the state of the records than that a fee-simple interest in the rancho was vested in Mr. McGarrahan.

From this time the parties occupying the property, without title or rightful claim, resorted to divers expedients to defeat McGarrahan's title; accordingly the "squatter's" interest, so called, which vested in the New Idria Mining Company, appealed to controlling officers of the Government. This is shown by the following facts:

1. A consultation between Mr. E. L. Goold, counsel for the "squatters" upon the property alluded to, and the Attorney-General, and immediately thereafter that officer making a motion in the Supreme Court to recall the mandate before spoken of on the ground of fraud and want of jurisdiction.

2. The alleged fraud was declared to consist in the fact that a conveyance of an undivided half interest in the property had been made by Gomez to Pacificus Ord, then representing the United States as district attorney, and that he had consented to the propriety of the original decree of June 5, 1857.

3. It is shown that Mr. Ord, after his appointment to the office he held, not only revealed to the Government the fact that he was interested in the claim, but requested the Government to employ other counsel to attend to its interests.

4. This the Government did not do; the consequence of which was that Mr. Ord, at the time of the original decree, having no evidence militating against the validity of the grant, acquiesced in its confirmation; and, so far as this committee can discover, the representation then made by Mr. Ord was in accordance with facts.

5. At this point in the proceedings it appeared that some influence, unknown to the committee, had caused the file marks and indorsements on the final order of the district court, made in obedience to the mandate of the Supreme Court, to be erased from the record, as well as the filing of the mandate itself. This seems to have been done on the 18th of January, 1860, more than eight months after the order had been filed. It also appears that certain entries in the books of the Attorney-General's Office respecting the original appeal in this case, and the action of the Government in other appeals, embraced in the same order, were not known to the court or to McGarrahan's counsel in time for them to avail themselves of the benefits thereof, on the hearing of the case in the Supreme Court, on motion by the Attorney-General to revoke the mandate. It will be remembered that it was upon the conclusive evidence of his order that the Supreme Court had directed the proper entry to be made upon their record, and that their mandate was issued.

6. This failure to disclose the facts to the court, by the Government, undoubtedly had much to do in securing the order of the Supreme Court revoking their mandate of 1859, and which order was strangely withheld until June, 1862, when it was filed by the present claimant for the purpose of again lodging jurisdiction of the case in the court below.

7. But in the mean time (March 21, 1861) the district court annulled its original decree. This extraordinary action on the part of the court seems to have been taken without notice, either to the claimant or his known counsel, and in the absence of both.

8. As soon as this condition of things was ascertained, an application was made to the court to restore the decree, and, upon full hearing, the order, as requested, was made on the 4th August, 1862.

9. Thus matters rested until the 25th August, 1862, when the then district attorney, contrary to express stipulations, entered into between himself and the counsel for the claimant, in their absence, and without notice, obtained an order of appeal to the Supreme Court.

10. The impropriety of this proceeding is made apparent for the reason that, in order to give the Supreme Court jurisdiction, a citation should have been first issued, signed by the judges, served on the claimant, and from return made, with proof of service.

11. The law is very clear upon this point; the acts of 1789 and 1803, which regulate appeals (the appeal not having been taken in open court at the June term in 1857, when the original decree was pronounced, nor at the December term in 1857, when the decree was entered *nunc pro tunc*, or, in other words, within five years, as directed by the statutes), demanded a notice to the opposite party, and the proceeding was therefore clearly wrong. The court, upon a full hearing, reached this determination, and accordingly decided, December 4, 1862, that the appeal allowed August 25, 1862, be vacated and set aside, and that an appeal on behalf of the United States to the Supreme Court be denied.

Here, for the second time, the record evidenced a perfect title in the claimant.

It having been twice judicially determined by the action of the courts that Mr. McGarrahan was the legal owner of the Rancho Panoche Grande, the aggressors upon his rights resorted to a new line of action.

1. As seen, after nine years of litigation, Mr. McGarrahan, the present claimant, succeeded in acquiring two distinct confirmations of his title. It was then, in accordance with the act of Congress of June, 1862, he applied to the United States surveyor-general of California for a survey of the said tract of land, and which officer caused the survey to be made and approved September 11, 1862. This survey was transmitted immediately thereafter to the General Land Office, and a patent for the property was demanded.

2. Here, again, he was confronted by the New Idria Mining Company, before referred to. The Secretary of the Interior at that time (Hon. Caleb B. Smith), after argument in the case, ordered the patent to issue.

Thus, again, for the third time, the title to the Panoche Grande was found to be in Mr. McGarrahan. Some unknown cause delayed the execution of this order, and the patent was not issued. This neglect, or refusal, was persisted in throughout the remainder of Mr. Secretary Smith's term. The matter was then brought to the notice of Mr. Usher, the new Secretary, before whom it was again argued, and by whom a patent was directed to be

issued. Neither the order of Mr. Smith nor Mr. Usher was obeyed, for some reason not yet divulged or ascertained.

For the fourth time the title of Gomez and his grantee was decided to be good and available in law. A request was then made by the claimant of President Lincoln that he would make an examination of the case and determine it upon its merits. This he consented to do. Printed briefs were laid before him; and, upon full consideration of all the facts and circumstances, he directed the Secretary of the Interior to cause a patent to be issued to Mr. McGarrahan. And thus, for the fifth time, Mr. McGarrahan was declared to be entitled to the property or rancho and that neither the United States nor any other person had lawful claim to the same.

In accordance with this order of the President of the United States to the Secretary of the Interior, a patent was actually made out, but, for reasons not fully explained, never delivered to him for signature.

But, Mr. President, that was a mistake, as I shall show as I proceed further in my remarks.

To recapitulate:

1. The proof of a legal grant from the Mexican Government to Gomez and the transfer of title to McGarrahan are clearly and indisputably shown.
2. The district court of the United States for the southern district of California confirmed the grant.
3. The Attorney-General of the United States declared the title to the lands to be in Mr. McGarrahan, and caused an entry to that effect to be made on the books of his office and in the Supreme Court.
4. Hon. Caleb B. Smith, Secretary of the Interior, after examination and consideration of the case, ordered a patent to be issued to Mr. McGarrahan.
5. Mr. Usher, the successor in office of Mr. Smith, similarly decided.
6. Mr. Lincoln, after inquiry, decided the grant to be genuine, and that a patent should be issued to Mr. McGarrahan.

From the time when the district court pronounced its decree of confirmation (June 5, 1857) and the President's action on the case (in the fall of 1863), it will be observed, over six years had elapsed, and in consequence of the lapse of time an appeal could not be had according to law, unless something should appear to avoid the limitation.

I shall not read further from the report at this time, but I ask that the remainder of it may be incorporated in my remarks.

The VICE-PRESIDENT. That order will be made in the absence of objection.

The remainder of the report submitted by Mr. WILSON, from the Committee on the Judiciary of the House of Representatives in the Fortieth Congress, is as follows:

In December, 1863, a paper, purporting to be a transcript of proceedings as they appeared on the records of the district court, was prepared in the Attorney-General's Office in Washington, D. C., forwarded to the district attorney in California, certified by him out of his district, without comparison with the record and merely from memory, and from which transcript were omitted material parts of the record, and returned to Washington.

Upon the transcript thus made up the case was again brought before the Supreme Court, which being discovered by the claimant, a motion was made to strike off the appeal, which was refused, although it, as it seems to the committee, was out of time, and the transcript had been made up without reference to the actual records of the district court.

Notwithstanding the Supreme Court refused to strike off the appeal taken in the manner indicated, a new transcript was obtained, 1865, from the clerk of the district court, and filed at December term, 1865, eight years and a half after the decree of the district court confirming the title was first pronounced, and more than three years after the period had elapsed within which the law allowed an appeal to be taken in the case, unless some exception takes it out of the limitation. Upon this appeal the Supreme Court, in March, 1886, decided the case against the claimant, and thus matters now stand.

The committee have bestowed a great deal of time and labor upon this case in order to arrive at its real facts and merits. The claimant and the parties resisting his claim have been heard patiently and at great length.

In presenting the conclusion at which the committee have arrived they do not wish to be understood as undertaking to review and reverse the action of the Supreme Court relative to the case. Under and by virtue of the right of petition the claimant has presented his case to Congress, and the House of Representatiues directed this committee to inquire into the grounds of his complaint. This has been done. Many facts have been presented to the committee which were not placed before the court. Additional evidence has been submitted and circumstances disclosed which have induced your committee to conclude that the relief prayed for by Mr. McGarrahan ought to be extended to him, and this may very readily be done. The title to the land claimed, and which he asks that he may be allowed to purchase, is now vested in the Government of the United States, and it is merely a question whether he shall be permitted to secure that which, in the judgment of your committee, he acquired title to by virtue of the Mexican grant aforesaid, or it shall fall into the hands of a corporation known as the New Idria Mining Company, which has been resisting his claim for years and paying the expenses of the efforts of said company out of the proceeds of the mines, the title of which rests in the United States.

It is clear that McGarrahan purchased the property in good faith, and for a valuable consideration, when it was regarded as of but little value. His interests have been attacked and his title resisted nominally by the United States, but really by the New Idria Mining Company. The name of the United States, their officers and money have been used to resist his claim, and all to the end that this property, valuable as it now undoubtedly is, may pass into the hands of parties who are wholly unknown to the records of the proceedings had in the courts of the United States respecting the title to the land in question through all its years of transit from the board of land commissioners to and through the Supreme Court of the United States.

The company aforesaid placed before the committee a memorial, in which the case is stated as follows:

"The real parties who contested the grant were your memorialists, for against them only were the efforts of the owners of the 'Panoche Grande rancho' directed. For the New Idria mines, and for the fruits of the labor of those who have developed them, the owners of the 'Panoche Grande' are now seeking Congressional interference in their behalf. It may well be doubted whether the 'Panoche Grande' would ever have been heard of in the district court of the United States or in Congress but for the hope of robbing your memorialists of the fruits of their years of labor and vast expenditures of money."

This extract shows that the United States have no interest as between these parties beyond that of preserving its faith as pledged in the treaty made between this Government and that of Mexico. And as to the allegation of robbery, etc., made by said company, it may be remarked that one of its stockholders, of large interest, testified before the committee that after paying all of the expenses of said company, including every outlay, a balance would be left in its treasury on account stated.

The precedents are numerous where the Congress has afforded redress in cases of an analogous character. The following are referred to:

I. The Soscol act, 12 U. S. Stats., page 808.
II. The Bolsa de Jomales act, 13 U. S. Stats., page 136.
III. Ex-Mission San José act, 13 U. S. Stats., page 534.
IV. Laguna de Santos Calle act, 13 U. S. Stats., page 372.
V. Baron de Bastrop act, 9 U. S. Stats., page 597.

In addition to which we have the act of June 21, 1860, and the act of March 1, 1861.

In view of all the facts developed in the case and believing that justice and equity demand that the relief prayed for by the claimant be extended to him, the committee recommend the passage of the bill herewith reported.

Mr. WILSON. The bill which was reported by the committee at the time when the report from which I have read was made, recognizing McGarrahan's right, provided that he should be allowed to purchase the entire grant at the price of a dollar and a quarter per acre; but after the report had been made it was discovered that President Lincoln had in fact executed the patent, that it was in fact examined and recorded in the Interior Department, and that thereby the title to McGarrahan was absolutely complete. That, however, was not known at the time the report was prepared and the House in the Fortieth Congress acted upon the case. It was because of the absence of knowledge of that fact, that the committee at that time reported the bill in the form which I have indicated.

That was in order to give a remedy to McGarrahan, which we were satisfied he was entitled to, and yet, at the same time, to avoid a seeming reflection upon the judicial and executive departments of the Government. Had we known, however, the fact to which I refer and which was afterwards discovered, that the patent had in fact been executed and recorded, the report would have been entirely different. In that case nothing would have been required from McGarrahan in respect of a payment to the Government of the United States for any interest in that land, for the patent having been executed, recorded, and examined, as the testimony taken before other committees in other Congresses explicitly, definitely, and unquestionably demonstrates, the title in McGarrahan would have been complete and he need not have been involved in this long contention running through so many years. Not only the courts of the States, but the Supreme Court of the United States in many cases have settled the doctrine that the execution and recording of a patent convey title to the grantee. I shall not consume time in reading many authorities, but I will read a paragraph from 12 Otto, in the case of the United States *vs.* Schurz, in which the court say:

We are of the opinion that when, upon the decision of the proper office that the citizen has become entitled to a patent for a portion of the public lands, such a patent made out in that office is signed by the President, sealed with the seal of the General Land Office, countersigned by the recorder of the Land Office, and duly recorded in the record book kept for that purpose, it becomes a solemn public act of the Government of the United States, and needs no further delivery or other authentication to make it perfect and valid. In such a case the title to the land conveyed passes by matter of record to the grantee, and the delivery which is required when a deed is made by a private individual is not necessary to give effect to the granting clause of the instrument.

That is the doctrine of the Supreme Court of the United States in regard to patents duly executed and recorded respecting public lands of the United States. I would say here that I should think that Senators, especially those who come from Western States, would hesitate before they would vote against this bill, which is only a recognition of that doctrine, and thereby establish a legislative precedent which will put in jeopardy thousands and tens of thousands of titles scattered all through the Western region. Any man now residing on a piece of land which he obtained from the Government, for which a patent may have been issued but who has not received his patent, may well tremble if Congress is going to declare that a patent not delivered conveys no title. It is not the doctrine of the law, either in State or nation. The execution of a patent, its examination and record, makes the title absolutely complete in the grantee.

It may be said that there has been contention about this matter. So there has been; but the evidence taken before various committees of Congress in respect of the execution of this patent, the testimony of the secretary of the President for the execution of land patents, and the testimony in respect of the records of the Interior Department show that the patent was recorded. More than that, the testimony shows that some person had invaded the files of the Interior Department and removed from the patents there on file the sheet which contained the signature of the President by his secretary for the execution of land patents.

Mr. President, I do not wish to establish a precedent which will tend to further acts of that kind, either when the record itself or the proof itself shows that this patent was executed and was properly recorded and examined.

I do not, as I have said, desire to occupy the time of this body, as the understanding has been that there shall be a vote on this bill this morning; but I wish to call the attention of Senators who have been particularly anxious not to reflect on the Supreme Court nor to reflect upon the Executive Departments to the fact

that they now have an opportunity to do a just thing to a wronged man, and to do it, not by casting reflection on those Departments, but by justifying those Departments in order that their acts may have full legal significance and force.

There is no question about the statement I have made of the execution of the patent, of its recording, and of the title being vested. It may be said, "If that is so, why do you not then depend upon some other remedy?" The committee has taken in this case the most proper and conservative course imaginable.

Mr. VOORHEES. Will the Senator from Iowa allow me a moment?

Mr. WILSON. Yes, sir.

Mr. VOORHEES. The Senator from Vermont [Mr. MORRILL] yesterday, with very proper encomiums upon his ability, referred to the fact that my late colleague in this body, Mr. McDonald, made a report adverse to Mr. McGarrahan's claim. I think it would not be right if I did not state a subsequent circumstance. Mr. McDonald, after leaving this body, when the bill now pending was submitted to him, authorized my colleague [Mr. TURPIE], who is not now in his seat, but who has authorized me to make this statement, to say that he would support any bill of this kind if he were again a member of this body, and give to this claimant a right to go into a court of our own creation and prove what he is entitled to, if he is entitled to anything.

I think it due to Mr. McDonald's memory to make that statement. I should not have done so but for the fact that he was cited as against this claim by the Senator from Vermont.

Mr. MORRILL. May I ask whether the Senator's late colleague would agree to a section in this bill which confines the court to and compels it to receive as evidence all the matters that would come up to determine the case?

Mr. VOORHEES. I am authorized to say that my late colleague, Mr. McDonald, looked at this bill, examined it for what there was in it, and then said to my present colleague [Mr. TURPIE] and Mr. McGarrahan together that a measure of that kind would receive his support if he were here a member of this body. I have a memorandum to that effect in my desk now.

Mr. WILSON. Mr. President, as I remarked before the interruption, to give this the position of a conservative course, in view of the principles of law, we might say that there is justice in asking to have this case reviewed on the ground of newly discovered evidence. This is often done, even where cases have been tried in the courts and decided; and in this case the newly discovered evidence, after the report from which I have been reading was made, was that which discloses the execution of the patent, its recording, and the perfection of the title of McGarrahan.

But, as intimated by the Senator from Vermont [Mr. MORRILL], might it not be dangerous to accept the kind of evidence to which he referred yesterday, although now his question would seem to include all other evidence? I suggest to him, however, in answer to the objection which might at least be inferred from his remarks yesterday that there was evidence to be taken according to the provisions of this bill of a doubtful character, that the evidence provided for in this case is testimony and depositions in courts and the action of the several departments of the Government. This is rendered necessary in some cases because of the death of the persons who gave the testimony; but the testimony which they gave, which is preserved in the records of courts and departments, was all furnished under the sanctions and securities of the law. Therefore it is entirely right that this case, having passed through these long and tedious years, shall go to the courts; and that is what the bill provides.

The first section of the bill refers this case again to the courts. It is to go to the Court of Private Land Claims, with the right of the Government to appeal to the Supreme Court. I suggest to the Senator from Vermont and to other Senators who have been seeking to defend the action of the Supreme Court of the United States, that I see no way clearer for reaching that defense than to give the Supreme Court of the United States, either by appeal by the Government or appeal by McGarrahan, an opportunity to review this case in respect of all of its features, part of which were not known to the court when it acted before.

Mr. President, I have my own convictions, thoroughly grounded, because of my own personal and, I believe, thoroughly honest investigation of this case. I have no more doubt about the propriety and justice of giving this opportunity to McGarrahan to have his case determined by the courts, in view of all the facts which have been developed, than I have of my right to address the Senate on the case.

I may say, in connection with the remarks which the Senator from Vermont made yesterday, that the line of authoritative opinion in the State of Vermont is not one of unbroken character. The Senator had a very distinguished and able predecessor in this body—I refer to Judge Poland—and he at one time joined in a report on the McGarrahan case. The old question of part of the grant having been conveyed to others being involved in the case at that time, Judge Poland said in the concluding paragraph of the report submitted by him:

> We therefore recommend that the grant to so much of the "Panoche Grande Rancho" as has not been patented to others, or not covered by preemption or homestead claims under existing laws, be perfected in McGarrahan, and that as to so much as has been patented or covered by homestead or preëmption rights, he be entitled to scrip; and we ask that we be permitted to offer a bill to that effect as an amendment to the report of the committee.

Of course if that eminent lawyer, the predecessor of the Senator from Vermont, had not been thoroughly convinced that the title was in McGarrahan he never would have joined in a recommendation of that kind, nor would he have asked that for the part of the land which had passed by grant to other persons McGarrahan should be granted an equal amount in scrip of the United States which could be located on other lands.

Mr. MORRILL. I will only say, Mr. President, if the Senator will permit me——

Mr. WILSON. Certainly.

Mr. MORRILL. If it were a question of personality, I might refer to scores of men of equal judicial learning with the gentleman the Senator has cited who have been always against the claim.

Mr. WILSON. Mr. President, I think it would be somewhat troublesome for the Senator from Vermont to name scores of men of equal talent and ability with Judge Poland who have always denied McGarrahan's right to this land; but I referred to him in order to show that from the Green Mountain State there had not been an unbroken line of testimony in respect of the question of the invalidity of this grant.

There has been much said concerning this case to which I do not care to refer. The Senator from Vermont yesterday read extracts from letters, as I find in the RECORD, and heard him read part of them, which Mr. McGarrahan had written, to which exception might be taken. I wonder if the Senator from Vermont is not the only man living who never wrote a letter which he would not be perfectly free to have published? I expect that most men have written some letters of that kind.

Mr. MORRILL. But in this case there are seven hundred of them.

Mr. WILSON. There is another branch of this case, as I was about to mention, and that is that the committee before whom these letters were placed—at least a part of that committee—did not give that full faith and credit to them which seems to have been intimated yesterday by the Senator from Vermont. Not only that, but the fact exists—and can be proved if necessary—that not only were letters before that committee, but the committee had letters in which there had been interpolations made by parties who were at enmity with the man for whose relief this bill is pending. It is not at all a straight, clear case; it is not at all clear sky from which nothing but beautiful stars shine.

I say here, with the knowledge I have of this case, that I do not hesitate to put myself on record in favor of the passage of the bill notwithstanding the Presidents veto, because from my knowledge and examination of it I have a deep-rooted, honest conviction that it is right, and that Mr. McGarrahan should be allowed to go into court and let the court have an opportunity to review all the grounds, a part of which never has been before them.

Mr. President, I am quite willing, as there was an understanding that there should be a vote taken to-day on this bill, to yield the floor that the vote may be taken.

Mr. POWER. I desire to ask the Senator how long he has had knowledge of this case?

Mr. WILSON. The first connection I had with the case was, I believe, in the Fortieth Congress. I submitted from the Committee on the Judiciary of the House of Representatives at that time the report from which I have read this morning.

Mr. POWER. And the Senator has followed the case all the way through?

Mr. WILSON. I have examined the reports of the various committees and the action of Congress, especially since the case has been pending here I have gone over the ground. I have known more or less of the case from the time to which I refer on down, and I must repeat here that I have no hesitation whatever in giving my vote in favor of the passage of the bill.

Mr. POWER. From your actual knowledge?

Mr. WILSON. From my actual knowledge, and from an elaborate and conscientious examination of the case.

Mr. PALMER. Mr. President, I came into the Senate without any opinions in regard to this claim. I have listened to the arguments of its supporters with the greatest interest; and it appears to me that they have carefully avoided what I deem is the most material part of the bill, at least that part which gives me the most difficulty.

It is obvious that the bill legalizes evidence which will insure

an award against the United States. I think I can see that the bill formulates a state of facts which will make it the duty of the court to allow the claim of McGarrahan. I observe the bill carefully removes out of the way a large number of judicial decisions or findings which will be conclusive against the claimant if they stand. So the bill first removes out of the way every legal obstruction to his claim and formulates evidence which will insure an award in his favor.

What is done by the bill is only done against the United States. The bill provides:

That no finding or judgment of the said court in favor of said William McGarrahan or his heirs or legal representatives or assigns, or patent to be issued under authority of such findings, and judgment shall be held to take from the present holders any portion of said tract of land so described which has been heretofore disposed of by the United States.

In order, then, to escape the imputation of injustice as against adverse claimants, the rules of evidence are limited to proceedings against the United States, and the bill confirms all the adverse claims in the hands of private individuals. McGarrahan, therefore, is relieved from the counter contest of adverse claimants in any court or place. Under this bill it is not the interest of anybody to dispute his claim, because all adverse claimants are satisfied by the confirmation of their titles.

The effect of the bill, therefore, is to give to McGarrahan whatever he may claim against the United States. It satisfies adverse holders, who would, if there was recovery, also share the fortunes of the United States.

That may be reasonable enough, but there is a fourth section of the bill, that I have heard nobody defend, which provides:

That if the court shall adjudge in favor of said William McGarrahan as provided in section 3, the United States shall indemnify the said William McGarrahan for such portion of land as may have been heretofore and may hereafter be disposed of by the United States.

That might be reasonable in some aspects of the case; the United States might give him other lands or make other locations if it saw proper, but that is not satisfactory to McGarrahan. The section then provides that the United States shall also indemnify him—

for any mineral or valuable substance whatever extracted from said lands by any person or corporation other than the said William McGarrahan, and if the said court shall find that the said William McGarrahan is or was entitled in law or equity to the minerals or valuable substances on, in, or under said lands—

it is made the duty of the court to ascertain the value, and the United States is required to pay.

Senators who support this bill insist that McGarrahan shall have justice. I favor that; but I have heard no one defend this attempt to make the United States not only the warrantor, with the ordinary and usual liability of a warrantor, but to make the United States responsible for every trespass and every outrage committed upon the rights of McGarrahan. I have heard no one defend that; and to me the proposition is monstrous.

But that is not all. No one has undertaken to tell us what the amount of the liability which the United States assumes will aggregate? I have heard it said—my ignorance of the true facts may furnish an apology for what I am about to say—that the minerals removed from the land claimed to be embraced in the original grant, amount in value to twenty or thirty million dollars. I do not know how much it would be, and Senators who favor this bill have been exceedingly reluctant to tell us what they mean by it. The honorable Senator from Iowa, who seems to have been the nursing father of this bill, surely can tell us how much liability he expects to impose upon the United States as the consequence of this provision of the bill if it passes.

Mr. WILSON. In response to the Senator, I will state that I can not tell him how much in dollars and cents the Government will be required to pay in the event that McGarrahan should have his title sustained by the court as the first section of the bill provides; but I can say that, if he is entitled to the property, somebody ought to respond in damages to him for the despoilment of that property.

Mr. PALMER. I grant that.

Mr. WILSON. And that, inasmuch as he can not sue the real trespassers upon the property for the reason that the statute of limitations runs in that case, and the Government of the United States might try its remedy in that way, because the statute of limitations never does run against the Government, I think it but right, proper, and just to say that the amount of the damages which the court may find Mr. McGarrahan is entitled to ought not to be the controlling element here, but whether he is entitled to damages, and, if so, the whole volume of them to be determined by the same principle of law. That is a sufficient answer to the proposition.

Mr. PALMER. Mr. President, this bill proposes to establish a special rule of law in favor of this claimant, which applies to no other case. I recollect an instance within a hundred miles of where the honorable Senator from Iowa lives, of a farmer in Warren County, Ill., who lost a valuable tract of land under such circumstances as these; and when his entry was adjudged to be void he quietly pocketed his losses. No remedy was possible for him. This bill creates a special rule of liability in favor of McGarrahan. Why should it be done? What are his claims upon the American people that ten or twenty or thirty or forty million dollars shall be paid to him as the result of a special rule of liability created for his special purposes? I do not remember from the reading of the correspondence yesterday that he has any such devotion to the interests of the United States as would make it the duty of the Government to interfere in his behalf.

Special legislation is always dangerous. It would be reasonable to remove obstructions and allow this man to assert his claim by the rules of evidence which apply to every other case, such rules as I could invoke and the other 65,000,000 people in this country could invoke, but for William McGarrahan special rules of evidence are proposed to be established for determining the liability of the Government.

Mr. PUGH. The Senator from Illinois will allow me to suggest that the amount of damages ascertained by the court is not conclusive upon the Government. The Government can protect itself against any unlawful or excessive finding of damages by the court by the exercise of the power of appropriation, which is reserved in the bill.

Mr. PALMER. I grant that; but why place the Government or Congress in the position of questioning the finding of a court?

Mr. PUGH. That is precisely the position the Government has placed itself in in the matter of the French spoliation claims.

Mr. PALMER. It may be.

Mr. PUGH. The power is expressly reserved. The finding by the court of the amount of damages for those spoliations is not conclusive upon the Government, but is reserved to Congress for its own exercise in making the appropriation.

Mr. PALMER. I grant that the Government, being the trustee of a fund, may rightfully retain the ultimate determination through any of its Departments of the amount to be paid to an individual; but here is a special rule of liability created for the special benefit of a single individual, a rule that has no possible application for the benefit of any other citizen of the Republic. Then we are told that if the finding of the court shall be excessive, Congress may control that by way of appropriation. I am not willing to part with the present power of controlling that question.

Mr. VOORHEES. Will the Senator from Illinois allow me a moment?

Mr. PALMER. With great pleasure.

Mr. VOORHEES. I do not know that I understand the Senator from Illinois in the statement that a rule is here made different from that which applies in other cases. As I understand this case, a court is created by ourselves for the settlement of claims against the Government by persons who think they have rights which ought to be enforced, and in the phraseology of the bill as I hear it read, it states that Mr. McGarrahan may recover what he is entitled to.

I should like to ask the Senator from Illinois whether he would not be in favor of any man recovering what he proves in a court he is entitled to under any rule, whether it is a new rule or an old rule, whether it applies to him alone or to anybody else? The phrase "entitled to" is a very powerful agency in that connection. I must say that I am in favor of allowing any American citizen to go into a court of our own creation and prove what he is entitled to and then give it to him. That is all there is in this bill to my mind. If he proves that he is entitled to anything, let him have it. If he does not, let him go hence without day.

Mr. PALMER. Under the law McGarrahan has no claim against the United States for anything specified in the fourth section of the bill; that is to say, McGarrahan as against the United States has no right to compensation for minerals or valuable substances removed from that land.

Mr. VOORHEES. I would not interrupt the Senator further, but he is stating that McGarrahan has no right to compensation. I am not going to question it, but would it be safe to assume that the court would not find the fact if he is not entitled to these rights? And if he is not entitled to them he will not get them.

Mr. PALMER. I will state to the Senator that if the bill did not make it the imperative duty of the court to allow it there would be something in that proposition. The bill does not refer the question to the court as to McGarrahan's rights.

Recurring to that portion of the bill which is the subject of immediate discussion between the Senator from Indiana and myself, I begin with section 4:

SEC. 4. That if the court shall adjudge in favor of said William McGarrahan as provided in section three, the United States shall indemnity the said William McGarrahan for such portion of land as may have been heretofore and may hereafter be disposed of by the United States within the aforesaid boundaries and for the use and occupation of the same, and for any mineral

or valuable substance whatever extracted from said lands by any person or corporation other than the said William McGarrahan—

Now follows this clause:

And if the said court shall find that the said William McGarrahan is or was entitled in law or equity to the minerals or valuable substances on, in, or under said lands; and to that end it is hereby made the duty of said court to ascertain the value of such portion of said lands so disposed of, or to be disposed of, and of the use and occupation thereof, and of the minerals or other valuable substances so extracted, less the value of improvements, if any, made upon said lands and the cost of mining and extraction of said minerals and valuable substances; and said court shall render judgment against the United States and in favor of the said William McGarrahan for the amount so ascertained.

His right to these substances will depend upon the title he may establish. It is a remarkable fact that although the bill affirms the title of all those who have patents from the Government it authorizes an investigation as to the whole tract, and if the title is found to be in McGarrahan, as has been claimed, to the whole tract, then if he has a right against anybody for the removal of the valuable substances that right may be enforced against the United States.

I conclude what I have to say by asserting that nothing is more manifestly unjust than this provision of the bill. It is not necessary in order to secure to him his rights. He has his remedy against those who may have wronged him as others have. There is no instance that I know of where the United States has assumed the responsibilities of trespassers or of wrongdoers upon the land of a citizen. I know of no case of that sort, and it is not necessary. Indeed, this clause of the bill seems to be more valuable than the subject of the original controversy.

The PRESIDING OFFICER (Mr. CHANDLER in the chair). The Secretary will read the title of the bill now under consideration.

The SECRETARY. A bill (S. 1958) to submit to the Court of Private Land Claims, established by an act of Congress approved March 3, 1891, the title of William McGarrahan to the Rancho Panoche Grande, in the State of California, and for other purposes.

The PRESIDING OFFICER. The bill having originated in the Senate, the question is, Shall the bill pass, notwithstanding the objections of the President of the United States?

Mr. MORRILL. I ask that the second section of the bill be read.

The PRESIDING OFEICER. The Secretary will read the second section.

The Secretary read as follows:

SEC. 2. That upon the trial of questions or issues arising on the hearing of said petition herein provided for the said court shall receive as evidence of said grant and boundaries thereof the original expediente presented by the said Gomez to the said Governor Manuel Micheltorena, and the diseño or map accompanying same, or a copy thereof, the depositions and other evidence produced before said Board of Land Commissioners, or copies thereof, and all depositions, proofs, testimony, or affidavits taken before any circuit or district court of the United States, in the State of California, or the clerks of such courts, or any commissioner appointed by said courts, or before any notary public, or before any committee of the Senate and House of Representatives of the Congress of the United States, or of any map or record of any department of the Government of the United States, or of any act of Congress through which the aforesaid boundaries set forth in said expediente and the title to the said lands can be shown protected, and established, or of any oral or written testimony or deposition or copies thereof, concerning said record touching said grant from said Governor Manuel Micheltorena to said Vicente P. Gomez, or any patent or record of a patent for any portion of said lands in any of the departments of the Government signed by the President of the United States or by his private secretary authorized to sign land patents, or of any record of a patent having the signature of the President of the United States thereto, and other lawful evidence concerning the rights of the parties before the court.

Mr. MORRILL. I suppose that before the vote is taken the message of the President will be read.

The PRESIDING OFFICER. The Chair informs the Senator from Vermont that the message has once been read.

Mr. TELLER. It has been read.

Mr. MORRILL. I think it should be read again.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived it is the duty of the Chair to lay before the Senate the unfinished business, which is the bill (H. R. 7845) defining "options" and "futures," imposing special taxes on dealers therein, and requiring such dealers and persons engaged in selling certain products to obtain license, and for other purposes.

Mr. TELLER. I ask the Senator who has the unfinished business in charge if he will allow it to be informally laid aside until we can take the vote on the pending bill? It will take only a few moments.

Mr. WASHBURN. I will yield for that purpose.

The PRESIDING OFFICER. By unanimous consent the unfinished business will be laid aside and the Senate will proceed with the consideration of Senate bill 1958. The question is, Shall the bill pass, notwithstanding the objections of the President? The vote will be taken by yeas and nays.

Mr. CALL. Mr. President, before the vote is taken, as I intend to vote for the bill, I merely wish to say that I shall vote for it with the understanding, so far as I am concerned, that I shall not vote for any appropriation under it unless it be such as commends itself to my judgment. I do not regard the passage of the bill as binding upon me to vote for an appropriation, but the judgment of the court is to be simply persuasive upon me.

Mr. MORRILL. I call for the reading of the message of the President of the United States.

Mr. WILSON. It has been read.

Mr. MORRILL. It has not been read to-day.

The PRESIDING OFFICER. The message of the President of the United States transmitting his objections to the bill under consideration will be read.

The Secretary read as follows:

To the Senate:

I return herewith, without my approval, the bill (S. 1958) entitled "An act to submit to the Court of Private Land Claims, established by an act of Congress approved March 3, 1891, the title of William McGarrahan to the Rancho Panoche Grande, in the State of California, and for other purposes."

This bill came to me on the 20th instant, at a time when very many other bills were submitted for my consideration, and it has not been possible for me to make such an examination of the history of Mr. McGarrahan's claim as would be necessary to form an intelligent judgment as to its merits and just extent. It is quite possible that he has been wronged and that he has a claim for some reparation from the Government. I can not, however, think that this bill proceeds upon a just basis. It provides that Mr. McGarrahan shall file his claim as the assignee of Gomez in the Court of Private Land Claims for the lands described in the title; and that if the court establishes the grant to Gomez it shall be confirmed to McGarrahan.

No evidence that he is the assignee of Gomez is, I think, required by the bill, which assumes that fact, instead of submitting it to the court. If the claim is established it is provided, in substance, that all lands, part of said grant, which have been conveyed by the Government or are in the occupancy of actual settlers, or "upon which there are any smelting or reduction works, or the lands claimed in connection with such reduction or smelting works," shall be excepted from the patent which the Secretary of the Interior is directed to issue to McGarrahan. By this provision the title of the New Idria Mining Company, which has long contested with McGarrahan the title to a large part of this property, is established and that company is relieved from any responsibility to account for the profits made in mining. On the other hand, the United States waives all benefit of judicial proceedings which have resulted in its favor and gives Mr. McGarrahan an opportunity *de novo* to try all such questions; and the decision, if in his favor, is not only to restore to him all the lands yet undisposed of, but the United States assumes to pay him the value of the lands appropriated by others, and of their use for all these years, and to account to him for all profits that have been made by the New Idria Mining Company or anyone else in quicksilver or other mining.

This seems to me to be wholly inadmissible. The amount involved must be enormously large, though at present incapable of any accurate estimate. If the title of the New Idria Company has been established by final decrees of court, placing that title beyond question, and that company beyond any call to respond for use and profits, why should the Government of the United States, waiving in its behalf these decrees which would protect it also, assume a responsibility to account for the value of the lands and for their use and for the net value of minerals extracted by that company or others? It will be noticed in the quotation I have made from the act that this company is allowed to take all the land it may claim, but at the expense of the United States, not of Mr. McGarrahan.

The bill is so framed as to give full protection to the New Idria Mining Company to the full extent of its largest claim, while throwing upon the United States a responsibility which that company should bear if the title of Mr. McGarrahan is established.

The United States provided a proper tribunal for the trial of claims founded upon Mexican grants. This claim was there tried, and if fraud affected the judgment it is not, I think, chargeable to the Government—the contest was chiefly between rival claimants. In this state of the case it would seem that if the United States consents to open the litigation and to wipe out all judicial findings and decrees, that a less exacting measure of damages than that proposed in the bill should be agreed on.

It is not my purpose, as I have intimated, to express the opinion that Mr. McGarrahan is entitled to no relief. It seems to me, however, clear that he is not entitled to the relief given by this bill, and that it does not adequately protect the interests of the United States.

BENJ. HARRISON.

EXECUTIVE MANSION, *July 23, 1892.*

The PRESIDING OFFICER. The question is, Shall the bill pass, the objections of the President of the United States to the contrary notwithstanding? The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. FELTON (when his name was called). I am paired with the Senator from Pennsylvania [Mr. CAMERON]. If he were present I should vote "nay."

Mr. GRAY (when his name was called). I am paired on this question with the Senator from Illinois [Mr. CULLOM].

Mr. HANSBROUGH (when his name was called). On this question I am paired with the Senator from Montana [Mr. SANDERS]. By agreement that pair has been transferred to the Senator from Nevada [Mr. JONES], and I vote "yea."

Mr. MCPHERSON (when his name was called). I am paired upon this question with the Senator from Colorado [Mr. WOLCOTT]. If the Senator from Colorado were present I should vote "nay."

Mr. CALL (when Mr. PASCO'S name was called). My colleague [Mr. PASCO] is absent at his home with the leave of the Senate. He is opposed to the bill, and is paired with the Senator from North Dakota [Mr. CASEY]. If my colleague were present he would vote in favor of sustaining the President's veto.

Mr. PROCTOR (when his name was called). I am paired with the Senator from Virginia [Mr. DANIEL] and also with the Senator from Minnesota [Mr. DAVIS]. If they were present I should vote "nay."

Mr. QUAY (when his name was called). I am paired with the Senator from West Virginia [Mr. FAULKNER].

Mr. VEST (when his name was called). Upon this question I am paired with the Senator from Indiana [Mr. TURPIE]. If he were present he would vote "yea" and I should vote "nay."

The roll call was concluded.

Mr. BERRY (after having voted in the negative). At the request of the Senator from Colorado [Mr. TELLER], I have agreed to pair with the Senator from Georgia [Mr. COLQUITT], and therefore withdraw my vote. I should vote "nay" if the Senator from Georgia were here.

Mr. PLATT. My colleague [Mr. HAWLEY] is absent from the city and is paired generally with the Senator from Missouri [Mr. COCKRELL]. I am not advised how my colleague would vote on this question.

Mr. HISCOCK. On this vote I am paired with the Senator from Nebraska [Mr. MANDERSON]. If he were present, I understand he would vote "yea," and I should vote "nay."

Mr. COCKRELL. I am paired with the Senator from Connecticut [Mr. HAWLEY], as stated by his colleague [Mr. PLATT].

Mr. TELLER. I wish to announce some pairs. The Senator from Washington [Mr. ALLEN] is paired with the Senator from Tennessee [Mr. BATE]. The Senator from Nebraska [Mr. PADDOCK] is paired with the Senator from Rhode Island [Mr. ALDRICH]. The Senator from Wyoming [Mr. WARREN] is paired with the Senator from Wisconsin [Mr. VILAS]. The Senator from North Dakota [Mr. CASEY] is paired with the Senator from Florida [Mr. PASCO]. The Senator from New Jersey [Mr. MCPHERSON] is paired with the Senator from Colorado [Mr. WOLCOTT]. I believe all the other pairs have been announced.

The result was announced—yeas 29, nays 18; as follows:

YEAS—29.

Blodgett,	Dubois,	Jones, Ark.	Teller,
Brice,	Gallinger,	Kyle,	Vance,
Butler,	George,	Mitchell,	Voorhees,
Call,	Gibson,	Morgan,	Washburn,
Carey,	Gordon,	Peffer,	Wilson.
Chandler,	Gorman,	Pettigrew,	
Coke,	Hansbrough,	Power,	
Dawes,	Hunton,	Pugh,	

NAYS—18.

Allison,	Higgins,	Palmer,	Stockbridge,
Caffery,	Hoar,	Platt,	Walthall,
Dixon,	McMillan,	Sawyer,	White.
Dolph,	Mills,	Sherman,	
Frye,	Morrill,	Stewart,	

NOT VOTING—40.

Aldrich,	Cullom,	Hiscock,	Ransom,
Allen,	Daniel,	Irby,	Sanders,
Bate,	Davis,	Jones, Nev.	Shoup,
Berry,	Faulkner,	McPherson,	Squire,
Blackburn,	Felton,	Manderson,	Stanford,
Cameron,	Gray,	Paddock,	Turpie,
Carlisle,	Hale,	Pasco,	Vest,
Casey,	Harris,	Perkins,	Vilas,
Cockrell,	Hawley,	Proctor,	Warren,
Colquitt,	Hill,	Quay,	Wolcott.

The PRESIDING OFFICER. Two-thirds not having voted in favor of the passage of the bill, it does not pass.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had passed the following bills:

A bill (S. 2625) to provide for the punishment of offenses on the high seas; and

A bill (S. 3537) for the relief of M. P. Deady.

The message also announced that the House had passed the joint resolution (S. R. 128) to authorize the Secretary of War to grant permits for the use of reservations and public spaces in the city of Washington, and for other purposes, with amendments in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to the amendment of the Senate to the bill (H. R. 3676) for the relief of R. L. Jennings, late postmaster at Marshall, Tex.

The message also announced that the House had passed a concurrent resolution providing for the counting of the electoral votes for President and Vice-President of the United States in the House of Representatives, February 8, 1893, in which it requested the concurrence of the Senate.

DEALING IN OPTIONS AND FUTURES.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7845) defining "options" and "futures," imposing special taxes on dealers therein, and requiring such dealers and persons engaged in selling certain products to obtain license, and for other purposes.

The PRESIDING OFFICER. The pending question is on agreeing to the amendment proposed by the Senator from Mississippi [Mr. GEORGE], on which the Senator from Massachusetts [Mr. HOAR] is entitled to the floor.

Mr. HOAR. Mr. President, I had yesterday concluded what I then wished to say upon the bill as it came from the other House, but I wish to make one additional brief observation.

It is said by the friends of the bill that Chief Justice Marshall said if you can tax you can destroy; that therefore you can not tax an instrumentality of State sovereignty; therefore the advocates of this measure say that wherever in the whole range of legislative power you have the constitutional right to tax it follows from that argument of the Chief Justice that you have the constitutional right to destroy.

But, Mr. President, this argument from power to right is an argument which confounds not only all constitutional and all legislative but all moral distinction. Wherever it is admitted, either in legislation or in the personal conduct of the individual, it is destructive of all restraint and of all moral responsibility. The Supreme Court of the United States, like all other judicial tribunals, has the power to decide a cause wrong, and no human being can interfere with it; and therefore, according to this argument, wherever a particular fancied good might be accomplished, the judges themselves may recognize in their judicial conduct the power to make a decision clearly against law.

The power to pass just laws involves the power to pass unjust laws; and therefore, according to this doctrine, which the Chief Justice interposed as a shield against the destruction of the sovereignty of the Union by the States, we may sweep out of existence by one measure the entire sovereignty of the States. This confounding of power and right is a confounding of all moral distinctions, and opening the door to every exercise of a usurped legislative authority which can be supposed.

I undertook to put some illustrations of the degree to which the argument of the advocates of this bill would lead them in legislation if we admit their premises. But you can not find a better or a clearer illustration than the bill itself affords. Up to a late hour yesterday afternoon, the bill as it passed the House of Representatives contained a provision under which every farmer who let a farm at halves or who hired a farm at halves, every laborer who took a portion of the crop he raised and contracted for one in advance for his pay, was to be a criminal and to be sent to the penitentiary.

The Senator from Minnesota gave notice of an amendment, which I think was adopted, to the bill during that difficulty on a suggestion which had been made to him in private. Of course, the framers of the bill did not intend that. Of course, the advocates of the bill on this floor did not intend that. It is one of those inadvertencies which in framing a new and comprehensive measure are almost always found in the work of the original framers, and one of those things which make the system of debate in the Senate without restraint so valuable to the country.

But the fact remains that these gentlemen have framed and are now advocating and want us to pass a bill which, if it can be defended at all on constitutional principles, must be defended by an assertion that if in any time of delusion or folly it shall seem fit to make an attack on the control of real estate by the owners of the real estate of this country, under any socialistic or other wild notions which may prevail, it is within the constitutional power of the Congress of the United States to turn into a criminal an old farmer who lets to his eldest son the farm where they both dwell and agrees that he and the old woman shall have half of the crop for the use of the land, or a planter who allows a colored laborer to make a crop of cotton on a few acres of his land and agrees that he shall have a third or a half of the crop that he makes; and that because they think it is desirable in some way to secure the prices of the cotton and the wheat crop and the other farm crops of this country from speculators.

Mr. President, one of the honorable Senators yesterday called my attention to an article on Federal taxation of lotteries by Judge Cooley, a very eminent writer on jurisprudence, and a very eminent public officer for whom I, as I am sure all other Senators who do me the honor to listen to me, have the profoundest respect, and I was asked whether I could agree with the doctrine in that article. I have read it again carefully, and I desire to say that I dissent from the proposition of that honorable jurist *in toto*, from beginning to end.

I do not believe the mere establishment of a lottery in the State of Louisiana and the sale of its tickets there, not sold directly or indirectly out of that State, can be reached by any process outside of the State. We may prohibit, as we have prohibited, their advertisements or their tickets passing through the mails; we may prohibit the sale by an agency of that institution of an interest in it or a ticket in it to a citizen of any other part of the United States. But the lottery on the soil of Louisiana, operating solely upon the citizens of Louisiana, is just as much under the control of Louisiana as the drinking shop in the streets of Boston is under the control of Massachusetts. If Congress has the legislative responsibility over the one it has the legislative responsibility over the other.

I wish to add a sentence from Judge Cooley's article which

lies at the foundation of his argument. Judge Cooley is advocating the power of Congress to tax out of existence the Louisiana lottery, supposing that the State of Louisiana proposed to maintain and permit it. This is the sentence which is the foundation of his whole argument. If it be not true the argument fails:

> The motives of those who make our laws—

says Judge Cooley—

> if the laws themselves appear upon their face to be within the constitutional power of the law-making body, they are not to be inquired into by dissatisfied parties in the courts, but must conclusively be presumed to have been constitutional and to have had regard to the general good of the people.

Against that proposition I wish to place my most emphatic dissent. I affirm, on the contrary, that there is no presumption, conclusive or otherwise, which prevents the court from declaring that a law, which is in fact passed for an unconstitutional purpose, whatever it may declare on its face, a law which is in fact an usurpation, although Congress may say they are doing it within the exercise of their legitimate authority, or a law which is in fact an oppression, although Congress may say it is not intended to oppress, shall not be set aside upon the fact and not upon the form; and the Supreme Court of the United States have declared that proposition forty times. When they fail to act upon it, the Supreme Court of the United States, as a tribunal empowered to keep the State and the Nation each within its appointed jurisdiction, has become worthless, and may as well be abolished.

How as honest men or as constitutional legislators can we say that this great domain of regulating the private morals or the penal codes of the forty-four States of this country is open to us, so far at least as we can regulate it by making certain actions lawful only on condition that a large and prohibitory tax is paid? If that be within our power in the constitutional sense of the word, it is a part of our constitutional duty; and you can not answer the petition of a temperance party in New England; you can not answer the petition of anybody who wishes to suppress idleness or vagrancy or to punish spendthrifts; you can not answer the petition of any socialist or Populist reformer who demands that all real estate shall go again into the common treasury when the occupant of it dies, or that no man shall leave to his heirs a property of over $1,000, or that no man shall enjoy an income of over $1,000, by the answer that the people of the United States have not committed that question under the Constitution to you. There is a great distinction between constitutional power and constitutional right I agree, but there is not any distinction whatever where a constitutional power exists to do what is right and the constitutional duty to do it.

Mr. President, I wish to make a few observations upon the amendment, or the measure in the nature of an amendment, which is presented to the Senate by the honorable Senator from Mississippi [Mr. GEORGE]. I wish, however, before I do that, to read one very simple proposition, a truism, which is like reading a part of the multiplication table to the constitutional lawyers who listen to me. But it seems to me that just now it becomes necessary to put some of our friends in mind of it. This is a proposition from the very able work known as Miller on the Constitution of the United States. It consists of lectures on the Constitution by that venerable jurist, delivered shortly before the close of his life. In speaking of the case of The Western Union Telegraph Company *vs.* Texas, where the court goes into the question of the State's right to levy a tax on what is an instrumentality of national commerce, Judge Miller utters the following sentence:

> It has always been conceded in the discussions in the Supreme Court that with this great body of commerce, consisting of trade between citizens of the same State, Congress could not interfere, and that the Constitution did not affect the power of the State to regulate and control it.

I suppose we all agree to that fundamental proposition to start with in this discussion.

My mind is so constituted that although I have carefully listened to in large part and read entirely the elaborate argument of my friend from Mississippi [Mr. GEORGE], I have been able to discover no logical connection between his premises and his conclusions. I have been able to discover no logical connection between the authorities he cites and the principles he tries to establish. What are the cases?

The Senator from Mississippi starts by saying that if a number of gentlemen associate themselves to buy or to sell cotton, or wheat, or pork, or other agricultural products raised, produced, transported, delivered within the limits of a single State, the bargain being between citizens of the same State and contemplating no delivery or transportation outside of its limits, the law of the contract and the law of the payment being the *lex loci contractus*, and further agree that nobody shall take part in this class of contracts with them in a particular place who does not conform to certain rules, this traffic has an indirect and injurious effect upon the prices of the commodities they deal with when those commodities are sold to go out of the State or out of the country, and therefore Congress may regulate them.

Now, that is his constitutional proposition. How does he undertake to support it? He undertakes to support it by citing the bridge cases and the cases regulating the passage of vessels or vehicles over the great waterways of international or interstate commerce.

Mr. President, it is unnecessary to point out how all those cases arise. In the nature of the case there is a certain conflict, or at any rate a certain adjustment made necessary when the different classes of commerce are using the same way or traveling over the same spot. The smallest creek where the tide ebbs and flows and where a scow drawing two or three feet of water can be pushed by poles by a boatman may be used to transport freight from one State to another. It may be that it is not used once in three years or once in ten years for any such purpose.

But there may cross that navigable way a great railroad, leading into Chicago or New York or Boston or St. Louis, over which a million passengers pass in the course of a month. Of course it would be absurd to say that there is not some authority somewhere which shall determine how much this vast State commerce which crosses the water on the bridge shall be permitted to interfere with the interstate commerce, so insignificant, as I have described. Accordingly the Supreme Court of the United States has very naturally and very justly said that until Congress has acted in the first place the States may make the law under which the State commerce is to pass those points of crossing. That is the first proposition.

The second proposition is that whenever Congress interferes its power to regulate interstate and international commerce is paramount; therefore if the State authorized a bridge and Congress says the bridge must come down, down it must come.

In the third place, Congress may in its regulation of international or interstate commerce declare just how much shall be allowed for the State convenience, which may be a million times that of the international or interstate convenience, and therefore when Congress has said that a bridge at a certain height shall be a nuisance and a bridge at a certain other height shall be no nuisance, the courts will execute the will of Congress, and everybody must submit to it.

Mr. President, how could we live on any other theory than that? Every time a steam ferryboat crosses the East River from one point in the State of New York to another, carrying the people who have been doing business in the city in daytime over the river to sleep, it may meet an ocean steamer on its way out or its way in, and if it did not turn out it would be an obstruction in the path of the ocean commerce. Of course it is proper for Congress to regulate, if it see fit, the action of those vessels.

Now, the Senator from Mississippi undertakes to take that principle, so clear, so reasonable, so essential, and to say that it follows from it that whenever there is an indirect, shadowy, disputable, questionable effect of certain habits of State commerce on commodities which are the subjects of national or interstate commerce, in the first place, the declaration by Congress, whatever the fact may be, is conclusive; and, in the next place, that Congress gets the whole of that matter within the sphere of its jurisdiction.

I can not see, as I said before, any relation whatever between these two propositions. One is physical, direct, certain. The other is the remote, incidental, disputable relation; and no argument can be made from one to the other.

Is it any the less true in determining our powers of constitutional legislation than it is true in all the other transactions of life that the proximate and not the remote cause is to be looked at? If Congress is to go into the domain of remote and incidental causes, as I said in speaking of the other branch of this subject, there is not a transaction of human life that can not be brought within our dominion. If gambling in cotton or wheat in New Orleans or New York belonging to the State affect the price of those articles in the London or Liverpool market, does not the existence of a habit of idleness or intemperance in the raiser of those articles, does not the manner in which the farmer plants his crop, does not the time when the planter sows his cotton, does not his choice of the soil, does not his hiring of his laborers, does not everything which relates to the production or taking to market or the sale of that crop in the State by an even more direct and certain relation affect the price?

Suppose there were a lot of farmers in the State of Iowa who supplied New England with wheat—a clear and unquestioned transaction of interstate commerce. Suppose the Massachusetts farmers undertake to supply themselves and their cattle with the necessary food by substituting Indian corn or rye in all cases, is not the production of rye or Indian corn by Massachusetts or Maine very clearly an operation which diminishes the supply or the demand for the Iowa wheat?

It is no answer to me on the part of the honorable Senator to say that one of these transactions is gambling or immoral and that the other transaction is healthy trade or agriculture or industry. That is not the point. The point is to what the constitutional power of Congress extends, not what Congress may think right or wrong or wise when it is exercising it. If the Senator from Mississippi be right in saying that a habit of gambling in cotton diminishes the fair and honest price in interstate commerce of the cotton raised and sold for that purpose, he must by a still more inevitable logic admit that the raising by State agriculture, the selling in the State something which will supply that market and drive the article into interstate commerce altogether, is equally effective, and therefore equally within the constitutional power of Congress, and the only question then is whether in a particular case we shall exercise it.

I put to the honorable Senator the other day the question whether there were any transactions which in his judgment were obstacles to interstate or international commerce which Congress had a right to treat and legislate for as such obstacles which would not be equally held to be obstacles by the court without such legislation, and he wanted the Senate to look at the RECORD and see if he had not answered my question. With other Senators I have accepted his invitation. I have looked at the RECORD, but I find that he answers me by citing the bridge cases and cases of physical obstruction. The Senator was not debating that class of cases at that moment, and I was not thinking of them at that moment. I was putting a question to the Senator (which he failed to answer, and which I submit he can not answer) relating to immoral contracts, and I——

Mr. GRAY. Will it interrupt the Senator from Massachusetts if I remind him that in the bridge cases, and notably the Wheeling bridge case, the structure was declared by the court to be an obstruction to commerce before Congress had acted upon the subject at all?

Mr. HOAR. That is a very important suggestion.

Mr. GEORGE. Will the Senator allow me just one word?

Mr. HOAR. Let me finish the sentence.

The PRESIDING OFFICER (Mr. JONES of Arkansas in the chair). Does the Senator from Massachusetts yield to the Senator from Mississippi?

Mr. HOAR. I am afraid I shall forget the tail of the sentence the head of which has already gone through the door.

Mr. GEORGE. I just want to put in one word, if the Senator will allow me.

Mr. HOAR. I would rather finish the sentence, if the Senator will permit me.

The PRESIDING OFFICER. The Senator from Massachusetts declines to yield. The Senator from Massachusetts will proceed.

Mr. HOAR. I was about to say that my question relates to immoral contracts, contracts either in restraint of trade or establishing monopolies or mingling with the honest commercial transactions some taint of immorality or wrongdoing or fraud. The Senator says this case comes within that class. If it does not come within that class I deny that Congress has a right to get power over it by simply saying that it does. If it does come within that class it will be prohibited by the authority of the court as an obstruction against commerce. No case can be found and no case can be supposed by the ingenuity of the honorable Senator where that will not be true. Now, I will yield to the Senator from Mississippi.

Mr. GEORGE. The remark I desired to make was responsive to the statement made by the Senator from Delaware [Mr. GRAY] that the Supreme Court of the United States had decided in the Wheeling bridge case, independent of any act of Congress, that the Wheeling bridge was an obstruction of commerce. I desire to call the attention of the Senate and particularly of the Senator from Delaware to the fact that in the criticism upon my speech delivered six months ago made by the learned Senator from Wisconsin [Mr. VILAS], the force of the precedent of that case as claimed by me was attempted to be broken by a statement on the part of the Senator from Wisconsin that Congress had acted prior to the first decision made by the Supreme Court holding the bridge to be a nuisance, and that the subsequent act which legalized the bridge was nothing more than a repeal of a former act by Congress. I want both the Senator from Delaware and the Senator from Massachusetts to understand that that was the position taken by the Senator from Wisconsin with a view of breaking the force of the precedent. That, I believe, also is the fact.

Mr. HOAR. When President Lincoln wrote his famous letter of instructions to Gen. Hooker he put in one sentence which I think is quite applicable to our habit of debate in the Senate, and that is, "When you are crossing a river do not let the head of your army get across on one side and have the rear on the other, so that you will be like an ox half way over the fence, where you can not either hook with your horns or kick with your heels." [Laughter.] The Senator from Mississippi is very much in the habit of taking my humble propositions when they are just about half way over the fence and making his attack at that time. I should like to get the ox over, if he will permit me.

Mr. GEORGE. If the Senator will allow me, I will state that I was correcting a statement made by the Senator from Delaware which was accepted by the Senator from Massachusetts as correct. That is all I attempted to do.

Mr. HOAR. The Senator from Mississippi also says that in Gibbons *vs.* Ogden it was held, and that is his other great constitutional authority, that the power to regulate foreign or interstate commerce was with Congress, and in Sinnet *vs.* Davenport, 22 Howard, it was said a statute of a State in conflict with an act of Congress regulating such commerce is void, and therefore—these are his premises—he goes on to say that a contract to deliver an article of purely domestic production by a citizen of a State to a citizen of the same State, made and to be performed in the same State, a transaction confessedly regulated and controlled by the law of the State, the transaction relating to an article which if it be in existence so far as any man can know relates to an article which never will be subject of foreign or domestic commerce at all, and indeed may never be in existence at all, may be regulated by national law, because the existence of such contracts has in some way an effect upon the prices of other articles of the same kind which are or may be subject of foreign or interstate commerce.

Why, Mr. President, I wish to repeat once more, if this proposition can stand, it is true that every bargain or sale in the whole domain of domestic commerce in any State may be regulated by Congress if it have an injurious effect upon the prices of articles of the same class which are sold from one State to another. Is there a pound of beef raised in Iowa, sold in Iowa, consumed in Iowa, the sale and consumption of which has not its effect upon the entire beef market of the world? Is there a bushel of Indian corn raised in Massachusetts and eaten or fed to his cattle by the farmer who raises it which does not just so much save the necessity of the purchase by that farmer of a bushel of Western wheat or rye?

If the butter supply of New York give out to-morrow New York must go for her butter to Canada or to other American States, and therefore according to this logic Congress may regulate and control the sale or the raising of domestic butter in every State of the Union. According to the Senator's understanding this business of dealing in options or futures is a gambling which consists of a mere betting upon the future price which will rule domestic transactions. This immorality, he says, has in some way a demoralizing effect upon persons who are engaged in interstate or international commerce of the same articles. By the same logic I suppose idle habits diminish the production greatly within the States of articles which may become the subject of international commerce, and so Congress may pass laws for the encouragement of industry or suppression of idleness.

Is not the consumption in Iowa of flour raised in Iowa or of beef or of pork raised in Iowa, is not the consumption by factories in Georgia or Alabama of iron or of cotton raised in those States a direct subtraction from the quantity which otherwise they must send abroad for market? So I suppose, according to my friend's constitutional theories, it is a matter of pure discretion how far Congress shall regulate the production of cotton or iron within those States. The Senator thinks the taxing out of existence these practices, as proposed by the original bill, is not only unconstitutional, but extremely shocking to his State's rights theories. But if they so far are matters affecting foreign or interstate commerce, and we have a right to suppress or regulate them, then certainly we have a right to suppress or regulate by every instrumentality which the Constitution has put in our hands, as was expressly decided in Veazie *vs.* Fenno.

No, Mr. President, thin as is the veil which conceals the usurpation proposed by this bill, the usurpation of the amendment is thinner and more transparent still. The statute of the last Congress known as the antitrust law, is effectual to deal with the whole subject so far as it is within the national jurisdiction. It answers and provides for every object which the Senator from Mississippi has stated so far as the contracts relate to the commerce which is subjected to our authority. The Legislatures of three or four States, agricultural States, States whose farmers control and always have controlled and always will control their legislation, can supply everything that is necessary to suppress anything immoral or a public injury to these contracts.

These Legislatures, every one of them, are controlled by their agricultural interests, and they will listen carefully to the voice of their farmers, and they will supplement that legislation by dealing with all gambling in options or futures in six weeks, if the Senators are right. There is not, in my judgment, the

slightest difficulty or the slightest necessity which should tempt us to that gross and dangerous usurpation.

Mr. President, does any Senator believe that if it had been supposed that this doctrine was contained in the grant of legislative powers by the Constitution, it would have received not merely the vote of nine States, but the vote of nine citizens? In my humble opinion you could not have found in the year 1787 nine intelligent men on the continent of America who would have voted for the adoption of the Constitution of the United States if they believed that the doctrine of this bill or this amendment was found in it.

I ask the Secretary to read the first three sections of the trust law of the last Congress.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

SECTION 1. Every contract, combination in the form of trust or otherwise, or conspiracy, in restraint of trade or commerce among the several States or with foreign nations, is hereby declared to be illegal. Every person who shall make any such contract or engage in any such combination or conspiracy shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by fine not exceeding $5,000, or by imprisonment not exceeding one year, or by both said punishments, in the discretion of the court.

SEC. 2. Every person who shall monopolize or attempt to monopolize, or combine or conspire with any other person or persons to monopolize, any part of the trade or commerce among the several States or with foreign nations shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by fine not exceeding $5,000, or by imprisonment not exceeding one year, or by both said punishments, in the discretion of the court.

SEC. 3. Every contract, combination in form of trust or otherwise, or conspiracy, in restraint of trade or commerce in any Territory of the United States or of the District of Columbia, or in restraint of trade or commerce between any such Territory and another, or between any such Territory or Territories and any State or States or the District of Columbia, or with foreign nations, or between the District of Columbia and any State or States or foreign nations, is hereby declared illegal. Every person who shall make any such contract or engage in any such combination or conspiracy shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by fine not exceeding $5,000, or by imprisonment not exceeding one year, or by both said punishments, in the discretion of the court.

Mr. HOAR. Mr. President, the habit of forging private notes or State bonds begets a dexterity and a criminal habit which makes the forgery of United States bonds or notes very easy; and the existence of such criminals, rendered dexterous by such practices, makes the value of a Government bond or a Government note or greenback to its holder much less. So I suppose, according to the Senator's logic, we may pass a law punishing the forgery of State securities, and make all counterfeiting penal by act of Congress. Is the foreign commerce of a criminal community as prosperous as that of a moral or a religious community? Let us at once provide for moral lectures and religious instruction, if we can do it without an establishment of religion.

I have not thoroughly mastered the evidence which was given before the Committee on the Judiciary last summer or the statistics upon which the Senator from Mississippi relies. But I confess I am unable to see two things. He says that these operations diminish the price of the articles. I am myself a little doubtful whether the mere diminution of the price of the necessaries of life to the people of the United States is an unmixed evil, and without trenching on the rather tempting domain of discussion which belongs to the tariff, I am a little surprised at finding the Senators who agree with the Senator from Mississippi taking that view. But, in the next place, I can not quite understand how this dealing in futures, optional or not, tends to diminish the legitimate price of the article. Suppose our honored and beloved friend from California [Mr. STANFORD], who is not now in his seat, shall get a race horse which will trot a mile in two minutes, which I believe is a little less than the present record. My friend from North Carolina [Mr. VANCE] will correct me if I am mistaken.

Mr. VANCE. Two six and a quarter is the present record of fastest time.

Mr. HOAR. My honorable friend from California offers his race horse for sale for $100,000. I can not exactly understand how it lowers the price of that horse if a hundred men agree with a hundred others that they will get that horse and deliver it each to the other one of the hundred for the sum of $100,000 within three months.

Mr. PLATT. Or any other time.

Mr. HOAR. Or any other time, or any other sum. How the creating a demand, which, whether there is an actual delivery of the article contracted for or not, at least authorizes men to discharge contracts by delivering the article, diminishes the price of that article, my poor Yankee brain can not comprehend. If there be 8,000,000 bales of cotton held by the farmers of the cotton States, the ruling price of which to-day is 8 cents a pound, if that be a reasonable supposition, or 9 cents, and the farmers want to get 9, and as much more as they can when they get ready to put that crop into market, I do not suppose for a thousand men a hundred times to agree that they will deliver tenfold that quantity of cotton to the same number of other men within the next three months at that price is going to make it likely that the price will be lowered.

I suppose that every one of these dealers in futures who has agreed to deliver so much cotton or wheat at a certain price, whether he ever expects to deliver it or not, has the legal right to discharge himself by so doing to the person with whom he contracts. Therefore, how can the price go down very largely unless it goes down on the operation of some other and very different cause than the cause that these fictitious contracts not to be answered and complied with in specie have been made?

The Senator from Mississippi also says that the cost of the brokerage in all these gambling and fictitious sales is paid for out of the cotton crop. You might as well say that every bet at a horse race is paid by the owner of the horse.

Now, this rule *causa proxima et remota* as applicable to this very subject has been before the Supreme Court of the United States in the case of the United States *vs.* De Witt, 9 Wallace, where the defendant was indicted under a statute which made it a misdemeanor to mix for sale naphtha and illuminating oil except in certain quantities. It was attempted to sustain that law on the ground that the sale of these illuminating oils hindered the sale of other oils which were subject to tax, and that to prohibit them increased the sale of the oils from which the Government derived a revenue. The court say:

This consequence is too remote and too uncertain to warrant us in saying that the prohibition is an appropriate and plainly adapted means for carrying into execution the power of laying and collecting taxes.

In other words, that the means must be appropriate and plainly adapted to carry into execution the power which is regularly conferred.

I have but one other observation to make on the bill at this time. We are told that the farmers of the country demand this measure, and that any party or any public man that shall stand in its way will somehow feel the weight of their displeasure. I do not believe it. *Incredulus odi.* I disbelieve and hate the notion that the men who struck their axes into the forests of this continent, who subdued the wild beast and the savage, who have laid deep below the frost the foundations of forty-four States, who established this Constitution, with its imperial national powers and its vigorous life pervading every locality, have left successors who can not protect themselves against a few dozen brokers in New York and New Orleans without overthrowing the whole thing and pulling the mighty structure down about our ears.

I do not believe that the whole yeomanry of America have quite yet got into the Farmers' Alliances or are represented in Populist platforms; and I think those of them who have got there are not going to stay there very long. There is still some courage left in the planters of Mississippi and some love of constitutional liberty protected by law in the farmers of Ohio.

The farmers of this country are the class of our citizens most likely to be affected injuriously either by an unconstitutional extension of the taxing power of Congress or by the establishment of the principle that Congress, under the guise of the taxing power, may regulate all their concerns that have hitherto been left to State jurisdiction. There is no class of our fellow-citizens whose opinion is entitled to more respect than the farmers. There is no interest in the Republic which should be more zealously guarded in the making of laws than the interests of agriculture. There are no producers to whom a constant, steady, and safe market is more indispensable than those who till the soil. While all this is true, it is also true that there is no class of American citizens more interested in the securities which the Constitution throws around the exercise of the taxing power or the rights of the States or localities or more interested against unconstitutional legislation in any guise whatever. And if they come frenzied and clamoring for legislation in their fancied interest which is to overthrow these securities I will appeal from Philip drunk to Philip sober. I will appeal from the farmer of the present to the farmer of the future and the farmer of the past.

There is no class whom it is less safe to defraud or juggle with. I do not think any person who is trusted with legislative responsibilities or who has for any reason or in any capacity the ear of the farmers of the United States is likely to find it for his advantage in the long run to advocate measures which are sure either to be ineffective or to attempt to cure existing evils by laws which are sure to be pronounced unconstitutional by the Supreme Court of the United States. The legislation of a half a dozen of the States can easily put an end to all gambling in the products of the soil whenever they see fit.

I believe that every one of these States would obey the expressed will of their farmers in this particular. But to assert the power by Congress to prohibit, under the pretense of a tax, contracts which are made and to be executed in particular States and are purely within the jurisdiction of State legislation, I think would be fraught with infinite mischief if it could be ac-

complished, and that its accomplishment will be impossible so long as the Supreme Court of the United States retains its authority.

Mr. PLATT obtained the floor.

Mr. GRAY. Mr. President——

Mr. PLATT. I understand that the Senator from Delaware desires me to yield to him for a moment, and I do so.

Mr. GRAY. I will claim the indulgence of the Senate for only a moment, in order that I may reply to the Senator from Mississippi [Mr. GEORGE] in what he assumed to be a correction of an interrogatory remark I made during the progress of the speech of the Senator from Massachusetts in regard to the Wheeling bridge case. I sent for the books that I might speak by the book. I find, although I had not looked at the cases for a great while, that I was quite right when I said that notably in one instance of a bridge it was declared by the court to be an obstruction to commerce before Congress acted upon the subject. The Senator from Massachusetts said that the Senator from Mississippi had cited a case in which Congress had passed upon the matter of fact as to whether the bridge was an obstruction to commerce, and in that case the court had declared the bridge a nuisance and an obstruction to commerce before any act of Congress had been passed.

I hold in my hand 13 Howard's Reports; and in the case of the State of Pennsylvania *vs.* The Wheeling Bridge Company, which is a continuation of proceedings that are reported in 9 Howard and again in 11 Howard, I find that the court there declared at the suit of the State of Pennsylvania that the bridge authorized by the Legislature of Virginia was a nuisance, inasmuch as it was an obstruction to the navigation of the Ohio River, and ordered it to be abated as such, giving the defendants a time within which they must either raise the bridge so that vessels of a certain character could go under it or the court would take further order. Afterwards in 18 Howard I find an application to the court that an order of sequestration should be made to carry into effect the judgment of the court declaring the bridge a nuisance, and in that case the court say that inasmuch as since the adjudication of the last case Congress had passed a law declaring the bridge to be a lawful structure they refuse to proceed any further.

That, I believe, is the correct history of the Wheeling bridge matter as it exists in our reports. Perhaps it is not very important, but inasmuch as the Senator from Mississippi, who is generally correct in such matters, and who stated it somewhat hesitatingly, I admit, supposed that I had misstated the situation, I thought it due to him and myself to make this correction.

Mr. GEORGE. I made the statement I did simply to show that the opponents of the bill were at cross-purposes in reference to that particular case, and I stated what I did upon the authority of the Senator from Wisconsin [Mr. VILAS]. I now read from his speech in criticism of my argument upon that case:

> Moreover, the first judgment—

That is, the first judgment of the Supreme Court declaring the bridge to be a nuisance. I hope the Senator from Delaware will pay attention to the language of the Senator from Wisconsin, who said:

> Moreover, the first judgment had gone upon the ground that a former act of Congress regulating the navigation of the Ohio River was violated by the bridge, which otherwise would have been lawful. This illegality which Congress created, Congress removed, and in the exercise of incontestable authority, further regulated navigation by making it necessary for the largest steam vessels to lower the tops of their smokestacks in order to pass it.

So I am borne out in the extract which I have read by what the Senator from Wisconsin stated, and that was the point of my interruption.

Mr. PLATT. Mr. President——

Mr. VEST. Will the Senator from Connecticut allow me?

The PRESIDING OFFICER. Does the Senator from Connecticut yield?

Mr. PLATT. Provided it does not take time.

Mr. VEST. I shall occupy but a minute.

The proposition first advanced by Judge Cooley—I say first advanced by a lawyer of his eminence in the review—startled the entire legal profession throughout the United States. It was answered afterward so successfully by David A. Wells that, for one, I assumed that the question had been settled, and had passed even from the domain of legal argument. Mr. Wells, in his article, which I have but will not read to the Senate, put this question to Judge Cooley, which was never answered and, in my judgment, never will be successfully: "If," he said to this eminent jurist, "your contention be correct that the Congress of the United States can tax out of existence any lottery within any State, what prevents the Congress of the United States from taxing out of existence in any State saloons, opium joints, brothels, and other institutions which they deem deleterious to the public morals?"

If it be answered that Congress has this power, then I should be obliged to any Senator present to tell me what police power is left to the States. If it be answered that Congress has not this power in regard to saloons, opium joints, brothels, and other immoral institutions, then I ask any Senator here to point out the difference between applying the taxing power and police power to a lottery and applying them to a saloon, an opium joint, or a brothel. Until these propositions are answered I submit to intelligent lawyers that this question has passed out of the domain of legitimate argument.

Mr. PLATT. Mr. President, I did not think that I should take part in this discussion for several reasons. I did not believe it possible for the United States Senate to entertain the principle which underlies this bill. Besides, this matter has been so well discussed, so thoroughly presented to the Senate, that it seems like a work of supererogation to continue the argument. I despair of saying anything new, as I despair of finding language to express my opinion of the proposed legislation.

I believe the principle which is contended for by the advocates of this bill, whether represented by the Senator from Minnesota [Mr. WASHBURN] or the Senator from Mississippi [Mr. GEORGE], is the most dangerous principle to the Republic and to the States, which within my experience in the Senate has ever been announced. I will go further. I believe if the principle announced here is adopted and sustained by the Supreme Court that from that day we may date the decline and ruin of the Republic.

There is another reason why I am tempted to make a few observations upon this bill. I have received a telegram from Connecticut in the following words:

> The antioption bill now pending in the United States Senate will, if it becomes a law, tend to greatly advance the agricultural and legitimate business interests of our country by preventing speculations and gambling in the staple products of life: Therefore,
>
> *Resolved*, That the Connecticut farmers in convention assembled, earnestly desiring the enactment of the bill into a law, request of Senators PLATT and HAWLEY that they support this bill by their vote and influence.

Mr. President, I respect the farmers of the State of Connecticut. I understand this resolution was passed, not without opposition, however, in that convention, and that many of the clearest and most level-headed of the farmers of Connecticut ranged themselves in opposition to it; that it was passed without much opportunity for discussion; that, as the phrase is, it was "railroaded" through the convention. As I said, however, I respect the farmers of the State of Connecticut. I respect them too much to believe that they expect me to vote for a measure which I believe to be in violation of the Constitution of the United States, in subversion of the rights of the States, and for a principle which, if carried out to its logical conclusion, will leave us without self-governing States. I have that confidence in the farmers of the State of Connecticut, and therefore I feel it my duty to tell them, as well as the Senate, some of the reasons why I shall not vote for this bill.

The first question which I must ask myself when any measure comes up for consideration is, whether Congress has the constitutional power to pass that measure. I know of no other rule by which a Senator can conscientiously and honestly discharge his duty in the Senate Chamber. We are here sworn to support the Constitution of the United States. Is that an idle oath? Is it taken as a mere matter of form, or is it something binding as well upon our conscience as upon our judgment? To my mind that is a question which I must first answer; and if, when a bill is presented for my action, I am obliged, after careful deliberation, to answer that I can not support the bill without, in my opinion, violating the constitutional powers of Congress, I must vote against it.

When any considerable body of men in my State desire me to vote for a measure, it is my duty to carefully consider that measure so that I may not come hastily to a conclusion in opposition to it; but I trust that there has been given me courage, if I believe a bill to be unconstitutional or an unlawful or illegitimate exercise of the constitutional powers of Congress, to vote against it even if every member of every class in my State requested me to vote for it; and I have confidence enough in my constituents to believe that they would respect my judgment and honor my conclusion.

Mr. President, this bill is defended only upon two grounds when we come to consider whether we have the constitutional power to pass it. The one is, that it may be passed under the taxing power of Congress, and the other is, that it may be passed under the power to regulate commerce with foreign nations and among the States. To my mind, there is not a shadow of reason to support either of those contentions.

I am by no means a strict constructionist of the Constitution. My whole education, my whole experience in life, the entire tendency of my mind has been toward a liberal construction of the Constitution. Whatever has been necessary to national ex-

istence or national advancement, I have tried to find the power for in the Constitution. I have even gone to a length which I know that my friends on the other side of the Chamber would deem going too far; but when it comes to saying that under the clause of the Constitution which permits the use of the taxing power, or the clause of the Constitution which is called the commerce clause, we may invade the States and prohibit or destroy any business or occupation in those States, I must draw the line.

I have never been much of a State-rights man in the popular acceptation of the term, and yet I believe that within the domain of the powers which belong to the States they are as sovereign as the Nation is within the domain of the powers which belong to the General Government, and I believe that the perpetuity of this Republic is to depend upon an observance of the powers which are granted to Congress in the Constitution, and reserved to the States because not therein granted to Congress.

Have we, then, the power to pass this proposed legislation under the taxing clause of the Constitution? It seems to me like arguing a self-evident proposition to prove we have not. I venture to say that no man who was in that Federal convention ever contemplated the day when a claim like this would be made. I venture to say that up to within recent years no man who ever read the Constitution ever supposed that human ingenuity would discover and advocate such a claim as this. It seems to me that we must go back to first principles in the discussion of this case.

The power given to Congress by the Constitution is to "lay and collect taxes," and as the rules of the Public Printing Office do not allow me to italicize words in the RECORD, I wish to lay emphasis upon the word "taxes." They are what Congress is authorized to lay and collect—not authorized to lay penalties, not authorized to confiscate; but Congress is authorized to lay taxes, and nothing else.

What then a tax really is becomes a most important inquiry. What is the meaning of the word? I undertake to say that by no definition ever given of a tax in dictionaries, common or legal, or in decisions of courts in this country, or in the discussion of writers on political economy, has it ever been held that anything can be a "tax" which does not contemplate the raising of revenue for the purpose of government. To call that a tax which is not intended to and which can not raise money is a misnomer in literature, in language, and in law.

I want to elaborate this thought for a moment. I take Webster's Dictionary. Webster defines the word "tax" as a noun as follows:

A charge, especially a pecuniary burden, which is imposed by authority, as a levy of any kind upon property for the support of government.

He defines the verb as follows:

To subject to paying a tax or taxes; to impose or assess upon; to lay a burden upon; especially to exact money for the support of government.

When you take the whole of a thing do you lay a charge upon it? When you prohibit a business, do you lay a charge or a burden upon it? When you destroy it, do you levy a contribution upon it?

I go to another dictionary, the Century Dictionary:

The general meaning of the word is a "charge" or "burden." Specifically an "enforced proportional contribution levied on persons, property, and income, either by the government of the State for the support of the government, and for all its public or governmental needs, or by local authority for general municipal purposes."

These are the two great dictionaries of the country. I turn to Bouvier's Law Dictionary, and I find a tax defined as—

A contribution imposed by government on individuals for the service of the State.

Cooley on Taxation says:

Taxes are the enforced proportional contributions from persons and property levied by the State by virtue of its sovereignty for the support of government and for all public needs. The State demands and receives them from the subjects of taxation within its jurisdiction, that it may be enabled to carry into effect its mandates and perform its manifold purposes; and the citizen pays from his property the portion demanded in order that by means thereof he may be secured in the benefits of organization.

Blackwell, in his Treatise on Tax Titles, says:

Taxes are burdens or charges imposed by legislative power of the State on persons and property,

For what? To destroy things? To prohibit things? To raise the price of products to the farmers? No; but—

to raise money for public purposes.

Desty, a recent writer and accepted authority on taxation, in the opening of his work, defining a tax, lays down this concise and comprehensive definition, and supports it by reference to probably fifty decided cases:

In its most comprehensive sense, a tax is a burden or charge imposed by legislative authority upon persons or property within the territorial jurisdiction of the power which imposes it, to raise money for public uses, or to accomplish some governmental end, or to defray the necessary expenses in administering the Government. Taxes are the enforced proportional contributions, and within constitutional limits the arbitrary exactions of the Government for its support and use, taken from the substance of the people, and to the making and enforcing of which their assent individually is not required. In a more restricted sense, they are revenue collected from the people for objects in which they are interested, and contributed for things useful and conducive to their welfare.

Perhaps no better definition of a tax was ever given than was given by Mr. Justice Field, of the Supreme Court of the United States, when chief justice of the Supreme Court of California, concise, comprehensive, incisive, taken from the case of Perry *vs.* Washburn, 20 California. He defines a tax thus:

A tax is a charge upon persons or property to raise money for public purposes.

Almost equally good is the definition given by Judge Agnew in Hilbish *vs.* Catherman, 64 Pennsylvania State Reports, 154:

What are taxes but the revenue collected from the people for objects in which they are interested—the contributions of the people for things useful and conducive to their welfare?

Burroughs on Taxation, under the head of "Foundation of Taxing Power," says:

Government implies functionaries and expenditures. How shall these be maintained? Evidently by the contributions of all, for all are interested. Government may, therefore, rightfully claim a share of all that labor and capital have created. The aggregate of all sums collected is called revenue; the system by which it is collected is called taxation. The basis of all taxation is political necessity; without taxes there can be no revenue; without revenue there can be no regular government. In theory, the taxpayer receives a compensation for the taxes paid in protection the government affords; but the foundation of the taxing power is political necessity. Taxes are sacrifices made for the public good.

Under the head of "Taxes: What and by Whom Imposed," he says:

Taxes are burdens or charges imposed by the Legislature upon persons or property to raise money for public purposes, or to accomplish some governmental end.

Every one of these definitions is decisive of this contention.

Bearing in mind what a tax is, that it is not a scheme for taking into the possession of the Government the whole of a man's property, that it is not a scheme for the prohibition of any particular occupation which a man may choose to pursue, but that it is the proportional contribution of the citizens of the country for the need of the Government, that it is a charge laid upon persons or property to raise money for the need of the Government, what is there left for this contention to stand upon?

It is said indeed that the limitation of the taxing power has no boundaries, that the taxing power has no limitation, that it is an exercise of sovereignty, that the discretion of the Legislature imposing taxes can not be controlled, that the courts can not inquire into the motive of the Legislature in laying taxes. I might admit that doctrine in its widest extent, and still this contention has nothing to stand upon. It must be "taxes" which are levied. The power to lay "taxes" is limited by the inherent necessity of the case to the principle that the exaction must be a tax, and not a sweeping appropriation of the whole.

I lay down the proposition that whenever the Legislature undertakes to take the whole of a man's property, it is not taxation, whatever name the Legislature may give to their pretended legislation. If you lay a tax of 100 per cent upon the value of a man's property, it is no tax—it is not a tax upon his property—it is confiscation of his property by means of a penalty. You may tax business, you may tax it to any extent which will raise money; there is no limitation so long as the provision is kept within the bounds of taxation; but the moment you go beyond that, to prohibit, you step outside of the taxing power, for the action of the Legislature is not taxation.

Let me illustrate. We had during the war a tax upon manufacturers' sales of 5 per cent. As I remember the law, it was that every manufacturer should render to the internal-revenue collector an account monthly or yearly of his sales of manufactured goods, and should pay to the internal-revenue collector monthly or yearly, whatever the provision was, a tax of 5 per cent. That was a tax; it was a charge; it was a burden; it was a proportional contribution to raise money for the use of the Government. But suppose the law had been that the return should be made and that the manufacturer should pay a "tax" to the Government of 100 per cent upon his sales, it would not have been a tax; it would have been a prohibition against manufacturing, a prohibition which the advocates of this bill say is perfectly constitutional. It would have wiped out every manufactory in the United States, but it would not have been a tax. It would have been destruction, not taxation.

So it seems to me that the Senators who are basing their favorable action upon this bill upon what has been called a legal aphorism—the language of Chief Justice Marshall that the power to tax was the power to destroy—forget entirely what is meant when we talk about taxation. Is destruction taxation? Is destruction raising money for public purposes, which is of the very essence of taxation? Did Chief Justice Marshall mean to say, in using that language, that destroying was taxing? By no means.

I beg Senators to consider that the line of distinction which

I have remarked is the only line of safety: that when, under whatever pretext or whatever pressure, Congress goes beyond the laying of a tax in the sense that they are attempting to raise money for the use of the Government, they invoke a power than which there can be none more dangerous. I beg the advocates of this bill to remember the old story about the conjuror and his servant. The conjuror by using a certain formula of words could conjure up spirits, and by using another formula of words could lay them again. His servant, one day, in the absence of the conjuror, remembering the formula for raising the spirits, spoke the magic words and the spirits came; but he had forgotten the formula by which they were to be laid, and the result was that he suffered the penalty of his life.

I beg the advocates of this bill to see to what length this principle is likely to lead, and to agree with me that the only line of safety is to hold fast to the real meaning, the only meaning, the definition of the words "tax" and "taxation," and not attempt to do under the guise of taxation anything but to raise money for the needs of the Government.

You may call destruction taxation, but that does not make it so; and the old, somewhat homely, but very expressive illustration comes to my mind of what the college professor told his son. He desired to train him to processes of accurate thinking and speaking, and so he said to him one day, "My son, suppose you call a lamb's tail a leg, how many legs will the lamb have?" "Five, pa." "Oh, no, my son; calling a lamb's tail a leg does not make it so." Calling destruction taxation does not make it so. Neither Congress nor the Supreme Court should hold that calling destruction taxation makes it so and brings it within the constitutional powers of Congress.

There is one other ground upon which Senators seek to justify their support of this bill, equally absurd and quite as far from being ingenuous. The Senator from Oregon [Mr. MITCHELL] alluded to the remarks of judges and text-writers in decided cases and in legal works, to the effect that revenue need not be the "sole" purpose of taxation. From that he drew the remarkable conclusion that it need not be the purpose of taxation at all. I have never seen a conclusion further from the statement or less related to it. This is the proposition: Courts and judges have said that revenue need not be for the sole purpose of taxation; therefore, taxation need not be for the purpose of raising revenue at all; in other words, taxation may be for the sole purpose of destruction or prohibition.

Does a lawyer say that? Has any judge said it? Has any text writer, unless Judge Cooley said it in his magazine article on the taxation of lotteries? Has it ever entered into the mind of a legislator, or jurist, or political economist to say that destruction may be the sole purpose of taxation? I said it was hard to find language with which appropriately to describe so odious a doctrine as is promulgated in this bill.

Let me refer to what the Senator from Oregon said. He alluded to the argument that in the very definition of the terms "taxes, imposts, duties, and excises" there was expressed the meaning that taxes should only be for the purpose of raising revenue, and proceeded to remark:

> These, it is said, in their ordinary signification can mean but one thing—the raising of revenue—and, therefore, when the Constitution declared that "the Congress shall have power to lay taxes, duties, imposts, and excises," for the purpose of paying the nation's debts and providing for the common defense and general welfare, its meaning is precisely as though the clause read "to lay taxes, duties, imposts, and excises for the purpose of raising revenue, in order that the nation's debts may be paid, and in order that provisions may be made for the common defense and general welfare." I deny the validity of the assumption. I deny that the term "tax" or "taxation," in or of itself, necessarily means *solely*—
>
> Emphasizing or italicizing the word solely—
>
> A means of raising revenue, but that it may be exercised for any purpose which in the judgment of Congress may be necessary and proper to aid not only in paying the debts of the nation, but in providing for the common defense and general welfare of the United States.

Does not the Senator see that by the very language he makes use of he admits that raising revenue is an essential purpose of taxation? To say it is not the "sole" purpose is equivalent to an affirmation that revenue must at least be a purpose of taxation; and that nothing can be considered taxation which wholly excludes that purpose. Other purpose indeed, there may be, but revenue still remains essential. If it be said that human life is not solely animal, does it follow that human life is not animal at all? Does not the language necessarily imply that whatever else it may be, it is nevertheless in part animal life?

The Senator attempts to draw the conclusion that because taxation does not solely mean raising money for the purposes of revenue, but that the Legislature may have other objects as well as revenue in view, it may have an object entirely foreign to raising revenue only in view. There is no such conclusion to be drawn.

Mr. CHANDLER. Will the Senator allow me to make an inquiry?

The PRESIDING OFFICER (Mr. HARRIS in the chair). Does the Senator from Connecticut yield to the Senator from New Hampshire?

Mr. PLATT. Yes, sir.

Mr. CHANDLER. While the Senator is discussing this point and maintaining that the power to tax under section 8, of Article I, of the Constitution, does not allow the power to destroy, will he be kind enough to state, if he admits that there is any purpose which the Legislature may have in mind in imposing a tax other than to raise revenue, what that purpose may legitimately be?

Mr. PLATT. I think that the legislation of Congress with regard to the oleomargarine law is a very proper instance of the other purposes which the Legislature may constitutionally have in mind in taxing for the purpose of raising revenue.

Mr. CHANDLER. Will the Senator state the distinction between the oleomargarine law and the pending bill?

Mr. PLATT. Allow me to finish.

The oleomargarine bill, as it was introduced into the House of Representatives, was a bill to destroy, and everybody knew it; it was not designed to tax; it was an exaction of 10 cents a pound upon everybody who manufactured oleomargarine. The House even hesitated at such an assertion of power, and reduced the exaction to 5 cents a pound. The bill came to the Senate still a bill to destroy, and as such was rejected by the Senate in that it was so amended as to lay a tax of 2 cents a pound on the product. Neither the so-called tax of 10 nor 5 cents a pound would raise revenue, and every member of Congress knew it; a tax of 2 cents a pound would raise revenue, and it does, and every member of Congress knew that it would. I therefore assert that neither the so-called tax of 5 cents a pound nor of 10 cents a pound was a tax at all.

What was the other object?

Mr. CHANDLER. May I ask the Senator a question?

Mr. PLATT. Let me first answer the question the Senator has already asked.

Mr. CHANDLER. Certainly.

Mr. PLATT. Another purpose of the legislature besides the tax for the purpose of raising revenue was to bring the whole matter within the jurisdiction of the General Government, so that a fraud which was said to be perpetrated upon the people of the United States in the adulteration of the article and in its sale for something which it was not might be prevented. There was a case where a tax was laid for revenue, and where the Government had at the same time another purpose in view, and to my mind a legitimate purpose in view, if it could obtain jurisdiction of the subject.

I desire to say, however, that even that law has not yet received the sanction of the Supreme Court, and I do not know what its decision upon it will be; but I voted for it as a tax, and having in mind the purpose of raising revenue. How anyone can jump to the conclusion that because in laying a tax you may have another purpose in view besides raising revenue, therefore you may have no purpose of raising revenue but the sole purpose of destruction in view and still call it a tax, passes my comprehension.

Mr. CHANDLER. Then I understand the Senator to say that the amount of the tax makes a difference in his mind whether it is a constitutional enactment or not; that if it is one sum it is constitutional, and if it is another sum it is unconstitutional?

Mr. PLATT. How the Senator could understand me to say any such thing I am utterly unable to conceive. It only illustrates the legal strabismus of the Senators who are determined that this bill shall pass. I have not said any such thing; I have not intimated any such thing; and no such conclusion can be drawn from anything which I have said. I have said that there must be a raising of revenue, intended and possible, in order that it should be a tax. That the purpose of raising revenue being absent, there can not, in the very nature of things, be a tax. To say that a tax may be laid without the purpose of revenue is a contradiction in terms.

Mr. CHANDLER. If the Senator will pardon me, he certainly stated that the oleomargarine bill, as it was originally drawn, was amenable to the constitutional objection which he now makes because the tax was large; but the tax being reduced to a smaller sum, he voted for it. Now, he says it indicates strabismus on my part because I have an idea that he makes his constitutional point depend upon the amount of the tax.

Mr. PLATT. Can the Senator not see that when an exaction is required which is not to be paid and which, in the nature of things, can not be paid, it is not a tax? The 5 cents a pound which by the House bill was required to be paid by the manufacturer of oleomargarine or the 10 cents a pound which was required to be paid by him was in no sense a tax. By no definition ever given in dictionaries, by writers on political economy, or in decided cases or in text-books was it a tax. It was no more an exercise of the taxing power than the taking of private property for public use without just compensation would be an exercise of the taxing power.

Mr. HOAR. Will the Senator permit me to make a suggestion?

Mr. PLATT. Yes, sir.

Mr. HOAR. The power to "lay and collect" a tax is not exercised when you lay a tax, no dollar of which you ever mean to collect. The power to lay and collect a tax is exercised when you lay a tax which you mean to collect. In the first draft of the oleomargarine bill it was so fixed that the tax could not be collected, and in the bill as it finally passed it was fixed so that it could be collected.

Mr. CHANDLER. Did the change of the amount make the bill constitutional? I am trying to make out whether a bill imposing a tax of 20 cents is an unconstitutional bill, while one with a tax of 5 cents is constitutional. I can not see how a question of constitutionality or unconstitutionality can be determined in that way, with all deference to the Senator from Massachusetts.

Mr. PLATT. The Senator still——

Mr. WASHBURN. I should like to ask the Senator a question.

Mr. PLATT. Allow me to answer the Senator from New Hampshire [Mr. CHANDLER].

The Senator still utterly fails to understand what a tax is. The word "tax" was used in the bill when the payment was to be 5 cents a pound. It is used in this bill when an exaction of 20 cents a bushel is placed upon the sale of certain agricultural products. Every time they are sold a man is obliged to pay 20 cents a bushel on the sale; but it is not a tax because it happens to be called so in the bill; it is not within the meaning of the word a tax; it simply uses the word "tax" in a colloquial way, partly for convenience, possibly for courtesy, but the very point of my argument is—and I think it is sustained by ample authority and common sense—that nothing which is not intended to and which can not raise revenue is a tax.

Mr. CHANDLER. Will the Senator allow me?

The PRESIDING OFFICER. Does the Senator from Connecticut yield?

Mr. PLATT. Yes, sir.

Mr. CHANDLER. The Senator is very good natured to allow me to interrupt him. I want him to show on the face of the bill that the tax which is to be collected, as the bill reads, if it passes, is not to be collected. I do not understand that there is any 20 cents a bushel to be collected upon the articles mentioned in this section which are actually sold. It is only a tax upon a contract made when specifying certain bushels when in reality there are no bushels sold. That is the essence of the bill.

Mr. PLATT. The Senator is still insisting that this is a tax. I deny it *in toto*. Write into this bill the purpose of it, that "it is not intended by this bill to raise revenue but to destroy the business which the bill proposes to tax," and then tell me, if you can, that you believe the bill would be constitutional.

Mr. CHANDLER. Point that out, and then I will answer the Senator.

Mr. PLATT. Every Senator who advocates this bill, the petitions which have come here asking us to support it, and the farmers who ask me to support it, ask me to do so upon the ground that the business which is called dealing in options and futures is to be prohibited and suppressed. Put that into your bill, make a section of it. I give you the language. At the end write: "The purpose of this bill is not to raise revenue. It is to suppress dealings in options and futures," and there is not a Senator on this floor and there is not a lawyer in the United States who would say that that bill would be constitutional.

Mr. CHANDLER. Will the Senator allow me again?

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from New Hampshire?

Mr. PLATT. Yes, sir.

Mr. CHANDLER. Suppose that the tariff bill, well known as the McKinley bill, had contained at the end of it this section: "*Provided, however*, That this bill is not passed to raise revenue, to pay the debts and provide for the common defense and general welfare of the United States, but solely to promote home industry," would it then have been a constitutional measure?

Mr. PLATT. In my judgment, yes. I believe you may regulate foreign commerce for the protection of home industry, and the Senator must have failed to read the authorities which he has heretofore relied upon to sustain the grounds upon which protective tariff legislation is put if he believes that it is simply an exercise of the taxing power. I am not, however, to be drawn off into a discussion of the tariff question.

Mr. CHANDLER. It seems to me it is relevant to this bill.

Mr. PLATT. If there be another power in the Constitution in the exercise of which you can lawfully destroy a business in a State, then I would say that your bill would be constitutional, although it has in it the clause "the purpose of this bill is not to raise revenue, but is to destroy the business which it pretends to tax." That is the ground upon which all writers who have held to the constitutionality of protective tariffs have largely put the powers of Congress to enact them. It was the ground upon which the first tariff act was adopted in the First Congress of the United States; the ground which Hamilton took, which Story took, and which has been followed from that day to the present. But here confessedly there is no other power of the Constitution in aid of the exercise of which you can prohibit business in the State of New Hampshire by a misuse of the word "tax" and putting a prohibitory exaction upon business.

Mr. CHANDLER. Will the Senator more specifically explain to me under what other clause of the Constitution besides section 8 of Article I he defends protective-tariff legislation?

Mr. PLATT. Why, Mr. President, the Senator can not be ignorant——

Mr. CHANDLER. I am. I will admit that.

Mr. PLATT. The Senator can not be ignorant of the whole discussion.

Mr. CHANDLER. I have strabismus upon this question, and I should like the Senator to tell me on what other clause in the Constitution he bases the right to impose protective duties?

Mr. PLATT. Is it possible that the Senator in his wide reading has never discovered that from the foundation of the Government to the present time it has been put upon the power to regulate commerce with foreign nations?

Mr. CHANDLER. The Senator will allow me to read that clause. It is as follows:

> The Congress shall have power to regulate commerce with foreign nations, and among the several States and with the Indian tribes.

Now, can you not do with reference to commerce between the several States what you can do with reference to commerce with foreign nations?

Mr. PLATT. No.

Mr. CHANDLER. And if you can destroy the business of the importing merchants of New York by tariff duties, can you not destroy dealings in options and futures by an excise duty? I fail to see the distinction, and it certainly does not answer my inquiry to say that I am dull or stupid, because I confess that I am an humble learner on this occasion at the feet of the Senator from Connecticut and the Senator from Massachusetts. I want to be instructed.

Mr. PLATT. Does the Senator really think that when in the city of Manchester, N. H., a man who has no wheat in hand says to my friend that he will sell him a hundred bushels of wheat to be delivered three days thereafter at the price of 75 cents a bushel, that that is commerce between the States? Does he really think so?

Mr. CHANDLER. I do not. I think it is a business, however, upon which an excise tax may be imposed, and it is a business upon which an excise tax can be imposed with the motive of discouraging it, just as you impose tariff duties with the motive of promoting home industry and discouraging the foreign importation.

Mr. PLATT. Then the Senator will admit, I presume, that upon his theory a merchant in Manchester, N. H., who has wheat or oats in store may be taxed upon contracts for the sale thereof for the purpose of destroying his business. His logic leads to that. Such a man may be taxed by the Government for the purpose of prohibiting or destroying the business pursued by him.

Mr. CHANDLER. I ask the Senator to define——

The PRESIDING OFFICER (Mr. JONES of Arkansas in the chair). Does the Senator from Connecticut yield to the Senator from New Hampshire?

Mr. PLATT. Yes, sir.

Mr. CHANDLER. Will the Senator be kind enough to define to me exactly what motive or thought might enter into the imposition of a tax? He has not fully developed his ideas on that subject. I do hold that you can discourage foreign importation by tariff duties; I do hold that you can discourage the business of dealing in options and futures by imposing a tax, and that the motive is legitimate in both cases.

Mr. PLATT. Does the Senator hold that Congress can destroy any other business within a State by levying a prohibitory tax?

Mr. CHANDLER. The Senator has already quoted the dictum of Chief Justice Marshall that the power to tax is the power to destroy. I say if the Senator admits that any other motive whatever can enter into the imposition of a tariff duty or the imposition of an excise tax unless to raise revenue, then we can not stop in one case and not stop in the other; we can go on until we have discouraged and destroyed the industry. I can not see the constitutional distinction, I am free to say, which the Senator is undertaking to draw between a duty on imports and an excise tax on an internal production, and I want the Senator to point it out, if he can.

Mr. WHITE. May I ask the Senator a question?

Mr. PLATT. In a moment.

The Senator from New Hampshire is frank, but I imagine he will not get votes for this bill by the admission that there resides in Congress the power to tax to destruction every business in every State of this Union. It is a doctrine never heretofore enunciated on the floor of the Senate.

I will now listen to the Senator from Louisiana.

Mr. WHITE. I wish to ask the Senator from New Hampshire, through the Chair, how much of reserved power he thinks there is in the States as to foreign commerce?

Mr. CHANDLER. I think very little, if any; and I do not see why the power of the United States over commerce between the several States under the taxing power is not just as great. I am willing to be satisfied, if I can be, that there is a distinction.

Mr. WHITE. I wish to ask now about that reserved power. As to State contracts, is there any reserved power in the Constitution?

Mr. CHANDLER. Contracts within the States?

Mr. WHITE. Yes, sir. Are there any rights reserved under the Constitution as to contracts in the States?

Mr. CHANDLER. Yes, I think so.

Mr. WHITE. If the Senator thinks so, and he thinks there is no reservation as to foreign commerce, does he not see the distinction between foreign and State contracts?

Mr. PLATT. Mr. President, this colloquy has simply illustrated what I stated in starting out. There is no place to stop if you go beyond the real meaning, the essential meaning of the word "tax," in laying down the lines of constitutional authority to Congress. The moment you step over those lines, that moment the States are no longer self-governing, except by the permission and the grace of Congress.

The moment that you say an immoral contract in New Hampshire can be prohibited by a pretended taxation, that moment you must admit that every moral contract can be prohibited under the guise of pretended taxation. There is no distinction constitutionally between moral and immoral contracts so far as the power of Congress is concerned. If Congress can not prohibit a moral contract in New Hampshire, it is because the State reserved the right, when it gave its adhesion to the Constitution of the United States, to deal with its own domestic affairs; and Congress can no more exercise the right of dealing with the domestic affairs of New Hampshire in the matter of immoral contracts than it can in the matter of moral contracts.

Mr. WASHBURN. Mr. President——

The PRESIDING OFFICER (Mr. FRYE in the chair). Does the Senator from Connecticut yield to the Senator from Minnesota?

Mr. PLATT. Yes, sir.

Mr. WASHBURN. I should like to ask the Senator if he understands that the purpose and motive for which the oleomargarine bill was introduced and passed was to raise revenue? At that time, as the Senator will remember, we had an overflowing Treasury and were seeking to get rid of what money we had rather than to raise more. Now, does the Senator understand that that bill was introduced and pushed to its passage for the purpose of raising revenue?

Mr. PLATT. Mr. President, I understand that when that bill was introduced in the House it was introduced as this bill was introduced, and that when it was urged in the House it was urged as this bill is urged, with the avowed purpose of stopping the business of dealing in oleomargarine. I understand that when it came over to the Senate the Senate revolted from that proposition, and that the sum proposed as a tax was reduced so that revenue should be raised, and that there should be at least that motive in the passage of that legislation. I know that I myself entertained the same views then which I entertain now.

I know that I said that I voted for the 2-cents tax with great reluctance, and that if I thought that would operate to stop that business I would not vote for it. The then President of the United States took the same view of the constitutional powers of Congress when he wrote his message and returned to Congress the bill with his signature. I wish to call the attention of the Senate once more to what President Cleveland said in relation to that bill.

Mr. WASHBURN. I should like to hear the Senator answer my question.

Mr. PLATT. I have answered, and I am answering it.

Mr. WASHBURN. How, then——

Mr. PLATT. I decline to yield. If the Senator asks questions and will not allow me to answer them, I must decline to yield.

Mr. CHANDLER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from New Hampshire?

Mr. PLATT. I wish to answer the question which the Senator from Minnesota asked me before I yield to another interruption.

I now read what President Cleveland said in his message returning the oleomargarine bill with his signature:

> It has been urged as an objection to this measure that while purporting to be legislation for revenue, its real purpose is to destroy, by the use of the taxing power, one industry of our people for the protection and benefit of another.
>
> If entitled to indulge in such a suspicion as a basis of official action in this case, and if entirely satisfied that the consequences indicated would ensue, I should doubtless feel constrained to interpose Executive dissent.
>
> But I do not feel called upon to interpret the motives of Congress otherwise than by the apparent character of the bill which has been presented to me, and I am convinced that the taxes which it creates can not possibly destroy the open and legitimate manufacture and sale of the thing upon which it is levied.

If you put a tax upon these transactions which can be paid, it will be constitutional.

Mr. WASHBURN. I should like to ask the Senator right there how anybody knew whether the tax could be paid or not and how it would change the character of the law by changing the amount of the tax? No one knew what the practical effect would be by reducing the tax to 2 cents, and no one knew but that a tax of 2 cents would destroy the business just the same as if the tax had been 10 cents.

Mr. PLATT. I can only say that I voted for the bill with the understanding that it would raise revenue, and my belief in that respect has been abundantly justified.

Mr. PEFFER. The Senator from Connecticut has been speaking very entertainingly upon this matter, but still I am not quite clear as to his view upon one particular point, and I will state it plainly so that there will be no difficulty in our understanding each other. I ask the Senator what he understands now and what he understood at the time was the object of levying a tax of 2 cents a pound on oleomargarine?

Mr. PLATT. The first object was to get the 2 cents a pound paid into the Treasury of the United States from everybody who manufactured a pound of oleomargarine.

Mr. PEFFER. Was that the only object?

Mr. PLATT. I presume it was not. I have already said that I presumed there went with it in the mind of the Legislature a purpose to regulate by obtaining jurisdiction through the taxing power to so regulate, the manufacture of oleomargarine that it should not be adulterated and should not be sold under false pretenses. I have no doubt of that; but the distance from the acknowledgment that there may be in laying a tax another purpose as well as the purpose of raising revenue, to the conclusion that there may be taxation excluding the purpose of revenue, is as far as the east is from the west. As a Senator from Vermont once said in this Chamber, and I may repeat it, you can not draw such a conclusion with a yoke of oxen and a log chain.

Mr. SQUIRE. I should like to ask the Senator one question, if it will not interrupt him.

Mr. PLATT. Certainly.

Mr. SQUIRE. I should like to know if the Senator regards the duty imposed upon opium as being solely for the purpose of revenue?

Mr. PLATT. The Senator, I think, has been out of the Chamber while I have been speaking.

Mr. SQUIRE. I have been.

Mr. PLATT. Otherwise he would have learned that the Senator from New Hampshire [Mr. CHANDLER] had asked me that question substantially in another way.

It is very entertaining to the Senators who propose to support this bill to try and make out that this attempted destruction of business within the States under the taxing power, with no other clause in the Constitution which it is appropriate legislation for the exercise of, is precisely the same as the exercise of the constitutional power of laying duties upon foreign imports.

Mr. MITCHELL. I wish to ask the Senator a question. I am sorry I was out of the Chamber and did not hear all of his remarks.

Mr. PLATT. I will hear the Senator.

Mr. MITCHELL. I wish to ask the Senator from Connecticut if there be a power in the Constitution authorizing Congress to do a certain thing, then is it constitutional or not to invoke the taxing power to do that thing?

Mr. PLATT. If there be another power in the Constitution in aid of which prohibition and destruction is appropriate legislation, you may then prohibit and destroy; it is not fair nor honest nor, in the meaning of the word, permissible to call it taxation, however.

Mr. MITCHELL. But it is constitutional.

Mr. PLATT. Certainly, if it be appropriate legislation to carry out any power of Congress to destroy a business in Portland, I agree that it may be done.

Mr. MITCHELL. Then I understand the Senator from Connecticut to concede that there are certain cases wherein it is constitutional at least, if not proper, to invoke the taxing power for some other purpose than that of raising revenue?

Mr. PLATT. I do not concede that you may ever invoke the

taxing power with the acknowledged purpose to prohibit or destroy. It is a misnomer to make use of such language.

Mr. MITCHELL. The Senator said a moment ago, as I understood him, that if there is a power in the Constitution authorizing Congress to destroy a certain thing, then it is constitutional, but not proper in the judgment of the Senator, to invoke the taxing power to destroy that thing.

Mr. PLATT. Not at all.

Mr. MITCHELL. Then I misunderstood the Senator.

Mr. PLATT. And in destroying that thing under those circumstances you do not invoke the taxing power. I have been unfortunate if I have been unable to make myself understood as saying the moment you go beyond the possibility of raising revenue you no longer exercise the taxing power. Does the Senator from Oregon wish to be understood as a lawyer as saying that the power of destruction exercised by Congress is the power of taxing under the Constitution? Not at all. That is just where the mistake is made by the Senators who place this proposed legislation on the authority of Veazie Bank *vs.* Fenno. It is true that the act called the imposition which was laid upon the circulation of State banks as it should be paid out by the State banks a tax, but it was not a legal, it was not a correct use of the term. Nothing is taxation that does not have in it the purpose of raising revenue for Government.

In the case referred to by the Senator from Wisconsin [Mr. VILAS] the other day, I think in 101 United States Reports, the case of The National Bank, etc., *vs.* The United States, the former decision of Veazie Bank *vs.* Fenno was affirmed; but Chief Justice Waite, I think it was, in order that there might never be any more mistake about that case, stated what the reason of the decision was, repeating the language of Chief Justice Chase in the decision of the case, that Congress had, in the act in which that so-called tax was imposed, passed a law for the establishment of a uniform currency, and in aid of that legislation they might prohibit the issue of State banks. It was not placed upon the taxing power at all, but it was placed upon the power of Congress to prohibit when it was necessary and proper to prohibit in order to carry out another enactment which they might lawfully and constitutionaly make, namely, the law providing a uniform currency.

Mr. MITCHELL. Why in a case of that kind mention the taxing power at all? Why not declare directly, as the Senator from Mississippi [Mr. GEORGE] proposes to declare by his substitute for a portion of the pending bill, that this thing is a crime and a wrong, that we hereby prohibit it, and impose heavy penalties? Why did Congress not do that in the case of the State bank issues instead of saying, "We levy a tax of 10 per cent"?

Mr. PLATT. I am not bound to answer for a Congress long past and say why they did it. I say, however, that the Supreme Court in the decision of that case did not recognize the right to do it under the taxing power, and it can not be drawn from that case.

Mr. MITCHELL. I think the Senator misunderstands the opinion.

Mr. PLATT. The Supreme Court did say that Congress could prohibit the circulation of State banks, but lest there should be some misunderstanding, lest somebody in the future should make the argument and raise the plea which the Senator is now making, in subsequent cases the court have taken extraordinary pains to show that they did not intend for a moment to justify that as an exercise of the taxing power.

There is one other ground upon which it is said——

Mr. MITCHELL. Before the Senator leaves that point, if it does not disturb him, will he allow me to ask him another question?

Mr. PLATT. Yes.

Mr. MITCHELL. Is the levying of duties under the power to levy duties on imports an exercise of the taxing power or the exercise of another power—the commercial power?

Mr. PLATT. Both, I think.

Mr. MITCHELL. The Senator will admit, I suppose, he belonging to the party to which I belong, that we have the power either under the taxing clause or under the commercial clause—one or the other or both—to levy customs duties at such rates as to prohibit foreign importations?

Mr. PLATT. If there were no power in the Constitution to regulate foreign commerce and only the power to lay and collect taxes, duties, etc., if a duty were laid on a foreign article which prevented its importation, I should consider the act unconstitutional.

Mr. CHANDLER. Will the Senator allow me to ask him a question there?

Mr. PLATT. When I get through with this sentence.

But as there is this additional power in the Constitution, the power to regulate foreign commerce, there can be no question about the right to lay prohibitory duties, and it has been justified upon that ground by all the great expounders of the Constitution who have taken sides in favor of its constitutionality.

Mr. CHANDLER. Now, I wish to ask the Senator how he deduces the right to destroy commerce under a clause of the Constitution which says it may be regulated?

Mr. HOAR. It refers to a particular act of commerce.

Mr. CHANDLER. I asked the Senator from Connecticut, but I shall be very glad to have the Senator from Massachusetts [Mr. HOAR] answer the question how you can destroy a particular article of commerce under the power to regulate it, which the Senator from Connecticut says you can do.

Mr. PLATT. In the same way that Congress may destroy the circulation of State banks when it becomes necessary to do so in order to exercise the constitutional power to provide a uniform currency.

Mr. President, as I have said—I said it when the Senator from Oregon was not in, for the whole matter to which he has called my attention has been gone over during his absence—if he will write into the bill the avowed purpose of it, I do not believe he will say that the Senate can constitutionally pass such a bill. If a section were added, saying "The purpose of this bill is not to raise revenue, but to destroy the business of making immoral contracts about futures in the States," I do not believe he would say it would be constitutional.

Mr. WASHBURN. I should like to ask if in a tariff bill where duties were levied for the express purpose of prohibition you should write afterward that it was for that purpose, would it be constitutional?

Mr. PLATT. I do not know how many times the Senator desires to have me answer that question. I believe I have been exceedingly good-natured. It has been asked me at least twice before, and I have answered it. Under the power to regulate commerce you might declare the purpose to be to keep out this article or that article, and it would be perfectly constitutional.

Mr. WASHBURN. Why would there not be the same propriety in writing it in in that case as in this?

Mr. PLATT. I am not talking about propriety. I am asking the Senator whether he believes the bill would be constitutional if the avowed purpose—the purpose which he avows—were written into the bill. He will not say that he thinks it will, and no lawyer in the Senate or out of it, in my judgment, will rise and say that he thinks it would be constitutional. Then it comes to this, that it is believed by the advocates of the bill that the Supreme Court can be either humbugged or garroted so that they can not declare a bill unconstitutional which would be unconstitutional if the purpose of the bill were written into it.

Mr. WASHBURN. Why should it not be the same case in the prohibition of imports?

Mr. HOAR. Will my friend allow me to make one suggestion there, though I dislike to impose on his good nature? The power to regulate commerce was put into the Constitution in order that we might prohibit imports from other countries if we had a mind to do so. Every commercial nation has to have that power of defense. Suppose England should prohibit commerce with the United States in the articles we raise so that they might be bought entirely of Canada; she would have a perfect right to do it under the law of nations. Could we not retaliate, then, by prohibiting the importation of all goods of English manufacture?

One of the leading objects in giving Congress the power to regulate commerce was that this Nation might have the power to defend itself against the hostile legislation of foreign countries by prohibiting their commerce altogether if we see fit. Therefore, we have the right to do it; there is no question about it. Nobody ever has questioned it. Having the right to do it, if we do it in the form of a tax, nobody can say to us, "You have not the right to tax in this way because it is prohibiting commerce and not taxing," because you do either of two things and you can do either of them any way you choose. But in this case you have not any power to prohibit and you know you have not.

Mr. WASHBURN. But such a tax is not laid for the purpose of raising revenue, as the Senator from Massachusetts says, and all taxes are levied for the purpose of raising revenue.

Mr. HOAR. But it is laid for an equally constitutional purpose. That is the distinction. In the case of the tariff, which these gentlemen keep throwing in our faces, the duties are put on for a constitutional purpose, whether they are prohibitory or whether they are merely a tax. In the case of this bill it is done—I will not use the word "fraud"—but it is done under an incorrect statement for an admittedly unconstitutional purpose. That is the difference.

Mr. PLATT. It is astonishing that the Senators who advocate the bill can not see this distinction.

Mr. WASHBURN. If the Senator will pardon me just here—

Mr. PLATT. Allow me, if you please, to illustrate it. By the Constitution Congress has the right to established post-roads.

The right is broad enough to prevent the States or anybody in the States from carrying letters. If any express company should set up the business of carrying letters there is no doubt but that Congress in the exercise of its constitutional power could prevent that express company from carrying letters by prohibition, by penalty, or by exactions which they called a tax, but it would not be a tax. But if there were not that clause in the Constitution giving the United States jurisdiction over the matter of the mails it could not be done, and either the prohibition, the penalty, or the exaction which was called a tax would be unconstitutional. I hope I make myself plain.

Mr. WASHBURN. Now——

Mr. HOAR. Does my friend from Connecticut desire to continue his speech to-night?

Mr. PLATT. I should have been glad to continue my speech longer, but it seems I am not permitted to do so.

Mr. HOAR. I wish to move an executive session when convenient to the Senator from Connecticut to interrupt his speech, but I desire to hear him as long as he chooses to go on.

Mr. PLATT. I am soon to come to the other branch of this subject, and of course I can not finish that to-night. I will go on for the present time or wait until morning.

Mr. WASHBURN. Before the Senator from Connecticut proceeds I should like to ask him how he draws a different distinction in the exercise of the taxing power from that drawn in Justice Story's Commentaries. Justice Story says:

> The absolute power to lay taxes includes the power in every form in which it may be used, and for every purpose for which the Legislature may choose to apply it.

Mr. HOAR. Judge Story says he does not indorse that himself.

Mr. WASHBURN. We will see whether he does. He proceeds:

> This results from the very nature of such an unrestricted power. *A fortiori* it might be applied by Congress to purposes for which nations have been accustomed to apply it. Now, nothing is more clear from the history of commercial nations, than the fact that the taxing power is often, very often applied for other purposes than revenue. It is often applied as a regulation of commerce.
>
> * * * * * * *
>
> It is often applied as a virtual prohibition upon the importation of particular articles for the encouragement and protection of domestic products and industry.

Then he says it is sometimes exercised "as a suppression of particular employments."

Mr. PLATT. From what page is the Senator reading?

Mr. WASHBURN. It is on page 38 of the pamphlet print of my speech. Justice Story does not seem to draw the fine distinction of the exercise of this taxing power that the Senator from Connecticut does, but he says it is used for these different purposes.

Mr. PLATT. The Senator is reading from a speech of his own?

Mr. WASHBURN. I am reading an extract.

Mr. PLATT. He is reading a quotation or an extract from Story's Commentaries on the Constitution. If he will get Story's Commentaries on the Constitution he will discover that Mr. Story did not avow that as his belief, that he cited it as an argument which was made, but expressly declared that he did not state it as his own view. Yet here it is brought forward in the speech of the Senator from Minnesota as the views of Judge Story. Now I will yield for a motion to proceed to the consideration of executive business.

Mr. SAWYER. With the consent of the Senator from Connecticut, I move that the Senate proceed to the consideration of executive business.

The PRESIDING OFFICER (Mr. FRYE in the chair). Before putting the question on the motion of the Senator from Wisconsin, the Chair will lay before the Senate business from the House of Representatives.

Mr. SAWYER. I withdraw the motion for that purpose.

USE OF STREETS IN WASHINGTON.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the joint resolution (S. R. 128) to authorize the Secretary of War to grant permits for the use of reservations and public spaces in the city of Washington, and for other purposes.

The amendments of the House of Representatives were, in line 3, to strike out "reservation" and insert "reservations;" in line 3, to strike out "space" and insert "spaces;" in line 6, to strike out "reservation" and insert "reservations," and in line 7, to strike out "space" and insert "spaces."

Mr. GORMAN. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

COUNT OF ELECTORAL VOTES.

The PRESIDING OFFICER laid before the Senate the following concurrent resolution of the House of Representatives; which was referred to the Committee on Privileges and Elections:

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress shall assemble in the Hall of the House of Representatives on Wednesday, the 8th day of February, 1893, at 1 o'clock in the afternoon, pursuant to the requirement of the Constitution and laws relating to the election of President and Vice-President of the United States, and the President of the Senate shall be the presiding officer; that two persons be appointed tellers on the part of the Senate and two on the part of the House of Representatives, to make a list of the votes as they shall be declared; that the result shall be delivered to the President of the Senate, who shall announce the state of the vote and the persons elected to the two Houses assembled as aforesaid, which shall be deemed a declaration of the persons elected President and Vice-President of the United States, and, together with a list of the votes, be entered on the journals of the two Houses.

EXECUTIVE SESSION.

Mr. SAWYER. I renew my motion.

The PRESIDING OFFICER. The Senator from Wisconsin moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 10 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, January 18, 1893, at 12 o'clock m.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 17, 1893.

POSTMASTERS.

Harvy D. Bush, to be postmaster at Covington, in the county of Newton and State of Georgia.

William Gallaher, to be postmaster at Sandersville, in the county of Washington and State of Georgia.

Cyrus E. Hunter, to be postmaster at Wakefield, in the county of Dixon and State of Nebraska.

William W. Hopkins, to be postmaster at Oakland, in the county of Burt and State of Nebraska.

Walter D. Smith, to be postmaster at Lyons, in the county of Burt and State of Nebraska.

George M. Fountain, to be postmaster at New Carlisle, in the county of St. Joseph and State of Indiana.

David A. Wellborn, to be postmaster at Pilot Point, in the county of Denton and State of Texas.

Ferdinand C. Willbern, to be postmaster at Llano, in the county of Llano and State of Texas.

Frank M. Atkinson, to be postmaster at St. Joseph, in the county of Buchanan and State of Missouri.

James T. Brotherton, to be postmaster at Dunkirk, in the county of Jay and State of Indiana.

Mrs. Marietta Blythe, to be postmaster at Clinton, in the county of Vermillion and State of Indiana.

HOUSE OF REPRESENTATIVES.

TUESDAY, *January 17, 1893.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

ARMY AND NAVY PENSIONS.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting an additional estimate of deficiency in the appropriation for Army and Navy pensions for the fiscal year ending June 30, 1893; which was referred to the Committee on Appropriations, and ordered to be printed.

ADDITIONAL FORCE IN INSPECTOR-GENERAL'S OFFICE.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting an estimate of appropriation submitted by the Secretary of War, for an additional force in the office of the Inspector-General for the fiscal year ending June 30, 1894; which was referred to the Committee on Appropriations, and ordered to be printed.

PRINTING AND BINDING FOR TREASURY DEPARTMENT.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting an estimate of deficiency in the appropriation for printing and binding for the Treasury Department for the current fiscal year; which was referred to the Committee on Appropriations, and ordered to be printed.

CLAIMS ALLOWED BY TREASURY DEPARTMENT.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting a schedule of claims allowed by the several accounting officers of the Treasury Depart-

ment under appropriations the balances of which have been exhausted or carried to the surplus fund under section 5 of the act of June 20, 1874; which was referred to the Committee on Appropriations, and ordered to be printed.

JUDGMENTS BY COURT OF CLAIMS.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting a list of judgments rendered by the Court of Claims which have been presented to that Department and require an appropriation for their payment; which was referred to the Committee on Appropriations, and ordered to be printed.

WAR CLAIMS.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting a list of claims arising under the act of July 4, 1864, examined and allowed since April 15, 1892; which was referred to the Committee on War Claims, and ordered to be printed.

SITE FOR CUSTOM-HOUSE, NEW YORK CITY.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, with inclosures referring to Department letter of the 9th instant, relating to the site for the United States custom-house in the city of New York; which was referred to the Committee on Appropriations, and ordered to be printed.

HASTINGS AND DAKOTA RAILWAY COMPANY OF MINNESOTA.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting, pursuant to House resolution of December 22, 1892, information relating to the grant for the Hastings and Dakota Railway Company of Minnesota; which was referred to the Committee on Public Lands, and ordered to be printed.

ELECTORAL VOTES OF WISCONSIN AND WYOMING.

The SPEAKER also laid before the House certified copies from the Secretary of State, of the final ascertainment of electors for President and Vice-President in the States of Wisconsin and Wyoming; which were laid on the table.

CLAIMS OF NEW YORK INDIANS.

The SPEAKER also laid before the House the bill (S. 3407) to authorize the Court of Claims to hear and determine the claims of certain New York Indians against the United States.

Mr. PEEL. I ask unanimous consent that this bill be permitted to lie on the table, for the reason that a similar bill is now pending in the morning hour.

The SPEAKER. Without objection that order will be made.

There was no objection.

SOCIETY OF AMERICAN FLORISTS.

The SPEAKER also laid before the House the bill (S. 1674) incorporating the Society of American Florists.

Mr. HATCH. I ask unanimous consent for the present consideration of this bill. A similar bill has been reported from the Committee on Agriculture of this House and is now upon the Calendar. The bill simply proposes to incorporate this company; it contains no appropriation.

The bill was read.

The SPEAKER. Is there objection to the request of the gentleman from Missouri [Mr. HATCH]?

Mr. BAILEY. Before consent is granted I wish to ask the gentleman from Missouri upon what ground Congress is asked to incorporate a private corporation like this?

Mr. HATCH. The ground is that the passage of the bill has been requested by the florists of the United States, and it simply follows a precedent which has been followed in quite a number of instances. I know of no objection whatever to the proposition. It is simply to incorporate a body of representative florists who hold meetings annually in different cities of the Union. Their only means of obtaining national organization is by the passage of a bill of this kind.

Mr. BAILEY. I desire to ask the gentleman from Missouri why they can not be incorporated under a State law?

Mr. HATCH. I will state the reason, as given by the representatives of the committee of these gentlemen. The main reason is that if they are incorporated under any State law they will be compelled to hold an organization under such law and the annual meetings must be also held in the same State. This organization holds its meetings once a year in the different States of the Union. It is to-day in session in the city of St. Louis, and perhaps they will adjourn to meet in some city in Texas the next year. The annual meetings are held in the different States for the convenience of the large number of members throughout the United States, so that they can confer with local florists in their meetings from time to time.

Mr. BAILEY. I dislike very much to make objection, but I feel constrained to do so in a case like this.

Mr. HATCH. Now, Mr. Speaker, I would like to have the gentleman from Texas, as he has asked me so frankly to give some reasons why the bill should be passed, to give some reason why it should not; and why a large and respectable body of men such as I have described, scattered throughout all parts of the United States, in asking Congress for a favor that has been granted to like bodies, should be refused. I would also ask him, after this request has been acted upon and passed the committee of the House of Representatives, after careful consideration, and been reported favorably to the House, as well as considered and passed in the Senate of the United States, whether he can not content himself with simply voting against the bill, if he so desires, and allow the House of Representatives to consider the matter and determine whether in its judgment it will accord this privilege or not?

Mr. BAILEY. Mr. Speaker, Democrats for a long time have contended that Congress had no power to create a private corporation. That contention began with Mr. Jefferson himself, and believing in the correctness of that contention I am unwilling, simply to serve the convenience of anybody, to see Congress daily engaged in the work of incorporating private associations.

Mr. HATCH. Does the gentleman from Texas draw no distinction between the mere organization of a body of men for a work of this character, a work undertaken for the public good, and that of a money or power corporation?

Mr. BAILEY. There is no distinction as to the power of Congress in the matter.

Mr. HATCH. I beg the gentleman's pardon, there is a distinction not only in law, but under the very authority the gentleman invokes. And it is a very strange thing for a representative Democrat like the gentleman from Texas, whenever a matter of this kind is brought up, to undertake to invoke in support of his action the spirit of Thomas Jefferson, who never did such a thing in his life.

Mr. BAILEY. The gentleman needs to study his teachings a little better.

Mr. HATCH. I need no suggestion of this character from the gentleman from Texas.

Mr. WATSON. I demand the regular order.

The SPEAKER. The demand for the regular order is equivalent to an objection.

R. L. JENNINGS.

The SPEAKER also laid before the House the amendments of the Senate to the bill (H. R. 3676) for the relief of R. L. Jennings, late postmaster at Marshall, Tex.

The SPEAKER. The Clerk will report the amendment of the Senate.

The Clerk read as follows:

In lines 5 and 6 strike out the sum $799.13 and insert $947.03.

The amendment of the Senate was concurred in.

REPORT OF THE SENATE COMMITTEE ON PRIVILEGES AND ELECTIONS.

The SPEAKER also laid before the House a concurrent resolution of the Senate providing for the printing of 4,600 copies of the report on privileges and elections, prepared by the Senate Committee on Privileges and Elections, under the resolution of February 28, 1891; which was referred to the Committee on Printing.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. HENDERSON of Iowa, for three days, on account of sickness.

To Mr. HITT, indefinitely, on account of illness.

ORDER OF BUSINESS.

The SPEAKER. The regular order is the call of standing and select committees.

Mr. CATCHINGS. I desire to submit a privileged report from the Committee on Rules, for which I ask present consideration.

The Clerk read as follows:

Resolved, That Wednesday, the 18th instant, beginning immediately after the second morning hour, be set apart for the consideration of bills reported by the Select Committee on Immigration and Naturalization, the bills to be considered in the order indicated by said committee.

Resolved, That Thursday, the 19th instant, and Saturday, the 21st instant, beginning immediately after the second morning hour, be set apart for the consideration of bills reported from the Committee on Interstate and Foreign Commerce; bills to be considered in the order indicated by said committee.

Resolved, That Tuesday, the 24th, and Wednesday, the 25th instant, beginning immediately after the first morning hour, be set apart for the consideration of the bill (H. R. 9348) providing for a uniform system of bankruptcy. Nothing in this order to interfere with the right of the House to consider revenue and general appropriation bills.

Mr. CATCHINGS. I demand the previous question on the adoption of the reports.

Mr. OATES. Mr. Speaker, I wish to inquire, in reference to the bankruptcy bill, the object of the provision that it shall not interfere with appropriation bills.

Mr. CATCHINGS. It is so with all these special orders.

Mr. OATES. If appropriation bills should come in and take any portion of the time, would that be taken from another day, to give the total amount of the two days to the consideration of the bankruptcy bill?

Mr. CATCHINGS. All of these assignments are made subject to reports from the Committee on Appropriations. The same provision applies to the assignment in which the gentleman is interested as to the others.

Mr. OATES. An extension of the time could be had without a new order made by the House, then.

Mr. CATCHINGS. If the Appropriations Committee should come in and occupy those days, of course we should have to give you some other time.

Mr. BYNUM. I do not think there is any danger. I do not think the Appropriations Committee will get in during this session. [Laughter.]

Mr. DOCKERY. I beg to suggest to the gentleman from Indiana [Mr. BYNUM] that two appropriation bills are now ready to be reported.

The previous question was ordered.

The question being taken on the adoption of the report, the Speaker announced that the ayes seemed to have it.

On a division (demanded by Mr. DUNPHY), there were—ayes 106, noes 6.

Mr. DUNPHY. No quorum.

The SPEAKER appointed as tellers Mr. CATCHINGS and Mr. DUNPHY.

Pending the announcement of the vote by tellers,

Mr. DUNPHY said: Mr. Speaker, under an arrangement made with the chairman of the Committee on Interstate and Foreign Commerce, I will withdraw my point of no quorum.

The resolution was agreed to.

ELECTION OF PRESIDENT AND VICE-PRESIDENT OF THE UNITED STATES.

Mr. CHIPMAN. Mr. Speaker, I wish to submit a privileged report from the Committee on Election of President and Vice-President and Representatives in Congress.

The SPEAKER. The Clerk will read the report.

The Clerk read as follows:

Mr. CHIPMAN submitted the following concurrent resolution; which was referred to the Committee on the Election of President, Vice-President, and Representatives in Congress:

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress shall assemble in the Hall of the House of Representatives on Wednesday, the 8th day of February, 1893, at 1 o'clock in the afternoon, pursuant to the requirements of the Constitution and laws relating to the election of President and Vice-President of the United States, and the President of the Senate shall be the presiding officer; that two persons be appointed tellers on the part of the Senate and two on the part of the House of Representatives, to make a list of the votes as they shall be declared; that the result shall be delivered to the President of the Senate, who shall announce the state of the vote, and the persons elected, to the two Houses assembled as aforesaid, which shall be deemed a declaration of the persons elected President and Vice-President of the United States; and, together with a list of the votes, be entered on the journals of the two Houses.

The SPEAKER. The Clerk will read the report upon the resolution.

The Clerk read as follows:

Reported back with the recommendation that it do pass, by the Committee on the Election of President and Vice-President and Members of Congress.

Mr. CHIPMAN. Mr. Speaker, this resolution is precisely the same as that introduced in the Senate. It is precisely the same as the resolutions adopted four years ago and eight years ago. It simply provides, in the usual manner, for the counting of the electoral vote.

The resolution was agreed to.

ORDER OF BUSINESS.

The SPEAKER. The regular order has been demanded.

Mr. HEMPHILL. I ask to report back a Senate joint resolution which it is important to have passed at this time.

The SPEAKER. The gentleman can report it on the call of committees. The regular order is the call of the standing and select committees for report.

Mr. PEEL. I ask unanimous consent that the call of committees be dispensed with, and that gentlemen having reports be permitted to hand them to the Clerk.

Mr. HEMPHILL. I will have to object to that unless I can offer this bill. It simply provides for the construction of some seats in the reservations in the city of Washington during the inauguration.

The SPEAKER. Objection is made, and the Clerk will call the committees.

The roll of committees was called; when bills of the following titles were severally reported, read a first and second time, and, with the accompanying reports, ordered to be printed and referred to the Calendars named below:

RECEIVERS OF NATIONAL BANKING ASSOCIATIONS.

By Mr. BACON: A bill (H. R. 9949) relating to receivers of national banking associations.

Mr. BLAND. Mr. Speaker, there was a bill reported from the same committee the other day that went upon the House Calendar. It ought to go to the Union Calendar.

The SPEAKER. The gentleman can raise that question at any other time.

Mr. BLAND. I will not raise it now.

The SPEAKER. This bill (H. R. 9949) should go to the House Calendar, as the Chair understands it. It relates to the appointment of receivers of national banks.

Mr. BLAND. I would like to have the bill read.

The bill was read at length.

The SPEAKER. This bill will be referred to the House Calendar.

REGULATION OF COMMERCE.

By Mr. PRICE, from the Committee on Interstate and Foreign Commerce: A bill (H. R. 10163) to amend an act entitled "An act to regulate commerce," approved February 4, 1887—to the House Calendar.

BRIDGE ACROSS THE OSAGE RIVER, MISSOURI.

Mr. WISE, from the Committee on Interstate and Foreign Commerce, reported back with amendments the bill (H. R. 10062) to authorize the construction of a bridge across the Osage River, between the mouths of Pomme de Terre River and Buffalo Creek, in Benton County, Mo.; which was referred to the House Calendar, and, with accompanying report, ordered to be printed.

ADDITIONAL PREMISES FOR NEW YORK POST-OFFICE.

Mr. DUNPHY, from the Committee on the Post-Office and Post-Roads, reported back favorably the joint resolution (H. Res. 186) empowering the Postmaster-General to obtain additional premises in the city of New York to be used for the business of the Post-Office Department; which was referred to the Committee of the Whole House on the state of the Union, and, with accompanying report, ordered to be printed.

FORT CUMMINGS MILITARY RESERVATION.

Mr. AMERMAN, from the Committee on Public Lands, reported back favorably the bill (S. 1710) to authorize the Secretary of the Interior to reserve from sale certain land in the abandoned Fort Cummings military reservation, and for other purposes; which was referred to the House Calendar, and, with accompanying report, ordered to be printed.

ALLOTMENT OF LANDS TO INDIAN TRIBES IN THE QUAPAW AGENCY.

Mr. PEEL, from the Committee on Indian Affairs, reported the bill H. R. 10223, as a substitute for the bill (H. R. 9975), to provide for the allotment of lands among the several Indian tribes in the Quapaw Agency in the Indian Territory, and for the sale of surplus lands of such tribes, and for the creation of the county of Cayuga, in the Territory of Oklahoma, and for other purposes; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

SALE OF SURPLUS LANDS IN QUAPAW INDIAN AGENCY.

Mr. HARVEY, from the Committee on Indian Affairs, reported back with amendments the bill (H. R. 10168) to provide for the sale of the surplus lands belonging to certain tribes of Indians within the limits of the Quapaw Agency, in the Indian Territory, and for other purposes; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

USE OF RESERVATIONS AND PUBLIC SPACES IN THE CITY OF WASHINGTON.

Mr. HEMPHILL, from the Committee on the District of Columbia, reported back with amendments the joint resolution (S. R. 128) to authorize the Secretary of War to grant permits for the use of reservations and public places in the city of Washington, and for other purposes; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

Mr. HEMPHILL. Mr. Speaker, I ask that that be considered now, as it is a matter of importance.

The SPEAKER. The Chair will state to the gentleman from South Carolina [Mr. HEMPHILL] that during the call of committees for reports that request can not be entertained.

RED RIVER CART.

Mr. CUMMINGS, from the Committee on the Library, reported back favorably the joint resolution (S. R. 127) author-

izing the Smithsonian Institution to lend to the North Dakota World's Fair Commission the Red River cart now in the National Museum; which was referred to the House Calendar, and, with accompanying report, ordered to be printed.

CODIFICATION OF THE PENSION LAWS.

Mr. MARTIN. Mr. Speaker, on behalf of the gentleman from Ohio [Mr. PEARSON], the Chairman of the Select Committee to Codify the Pension Laws, who is absent sick, I desire to report a bill accompanied by a report, and I ask that it be placed upon the House Calendar.

The SPEAKER. It carries no appropriation?

Mr. MARTIN. It is a bill to codify and arrange the laws relating to pensions. If it will be in order now, I ask unanimous consent that 5,000 additional copies of this bill be printed.

The SPEAKER. It is not in order to make that request at this time. The gentleman can submit the request on the completion of the call.

CONTESTED ELECTION CASE—REYNOLDS VS. SHONK.

Mr. MOORE, from the Committee on Elections, submitted the report of that committee on the contested-election case of John B. Reynolds *vs.* George W. Shonk; which was referred to the House Calendar, and ordered to be printed.

USE OF RESERVATIONS AND PUBLIC SPACES IN THE CITY OF WASHINGTON.

Mr. HEMPHILL. Mr. Speaker, I ask unanimous consent that the House take up the Senate joint resolution S. R. 128.

The SPEAKER. The regular order was demanded.

Mr. HEMPHILL. The gentleman from Georgia [Mr. WATSON], who demanded the regular order, stated that he would make no objection to this resolution.

The SPEAKER. Without objection the Chair will entertain the request. The Clerk will report the joint resolution, after which the Chair will ask if there be objection.

The Clerk read as follows:

Resolved, etc., That the Secretary of War is hereby authorized to grant permits to the executive committee on inaugural ceremonies for the use of any reservation or other public space in the city of Washington on occasion of the inauguration of the President-elect on the 4th day of March, 1893, which in his opinion will inflict no serious or permanent injury upon such reservation or public space, and the Commissioners of the District of Columbia may designate for such and other purposes such streets, avenues, and sidewalks in the District as they may deem proper and necessary therefor.

The report of the committee was read, as follows:

The Committee on the District of Columbia, to whom was referred S. R. 128 "To authorize the Secretary of War to grant permits for the use of reservations and public spaces in the city of Washington, D. C," has considered the same, and report it back to the House with the recommendation that it do pass.

Amend by inserting "reservations" for "reservation" and "spaces" for "space" wherever they occur, so as to make it plural.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina for the present consideration of this resolution? [After a pause.] The Chair hears none.

The amendments recommended by the committee were agreed to.

The resolution as amended was ordered to be read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. HEMPHILL, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

CODIFICATION OF PENSION LAWS.

Mr. MARTIN. Mr. Speaker, I ask unanimous consent for an order to print 5,000 copies in addition to the number printed under the rules of House of the bill to codify the pension laws—4,000 to be placed in the House folding room, and 1,000 for the use of the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

Mr. RICHARDSON. Mr. Speaker, I desire to ask the gentleman from Indiana if he has any estimate as to what this publication will cost?

Mr. MARTIN. I have not.

Mr. RICHARDSON. If it costs over $500 the House can not order it. Under the law the House can not order printing to exceed $500, and whenever the cost of printing exceeds $500 it has to be done by concurrent resolution.

Mr. MARTIN. I desire to inquire of the gentleman from Tennessee if he knows what the cost would be in a case of this kind. It is simply the printing of a bill that will already be set up in the office of the Public Printer.

Mr. RICHARDSON. I am unable to hear what the gentleman says.

Mr. MARTIN. I was asking the gentleman if he knew what the cost would be.

The SPEAKER. Perhaps the gentleman from Indiana had better obtain from the office of the Public Printer the estimate of the cost.

Mr. OATES. Mr. Speaker, I demand the regular order.

The SPEAKER. The regular order is the consideration of bills in what is known as the second morning hour. The hour begins at eighteen minutes to 1 o'clock, and the call rests with the Committee on Patents.

The Committee on Invalid Pensions was called; and, on motion of Mr. MARTIN, by unanimous consent, it was passed over without prejudice.

The Committee on Private Land Claims was called; and, on motion of Mr. OTIS, the committee was passed over without prejudice.

The Committee on the Library was called; and, on motion of Mr. CUMMINGS, the committee was passed over without prejudice.

STATISTICS OF WAGES.

The Committee on the Eleventh Census was called.

Mr. WILLCOX. Mr. Speaker, I desire, on the part of the committee, to call up the joint resolution (H. Res. 71) to authorize the Superintendent of Census to continue the report on wages by Joseph D. Weeks.

The joint resolution was read, as follows:

Resolved by the Senate and House of Representatives, etc., That the Superintendent of Census be, and he is hereby, authorized to employ Joseph D. Weeks, of Pittsburg, Pa., to continue and complete the work of collecting, compiling, and reporting upon the statistics of wages in the productive industries of the United States.

SEC. 2. That for the purpose of this act the sum of $50,000, or so much thereof as may be necessary, is hereby appropriated, the same to be immediately available.

The SPEAKER. The joint resolution is in Committee of the Whole.

Mr. BYNUM. Mr. Speaker, I ask unanimous consent that it be considered in the House as in Committee of the Whole.

There being no objection, it was so ordered.

Mr. WILLCOX. Mr. Speaker, I yield to the gentleman from Indiana [Mr. BYNUM].

Mr. BYNUM. Mr. Speaker, this joint resolution simply provides for the publication of a volume of statistics similar to that of the twentieth volume of the reports of the Tenth Census, compiled by Mr. Joseph D. Weeks. That is probably the most valuable volume of statistics published in the Tenth Census. It was, as the one now proposed will be, simply a collection of facts, without comment. There is a greater demand for this collection of statistics than for any other volume connected with the census.

The committee has been requested by the leading statisticians of the country, especially by Senator CARLISLE, Edward Atkinson and others, as well as the leading newspapers of the country, to urge the passage of this joint resolution. Mr. Weeks has collected these statistics, which consist mainly of a compilation of the rates of wages paid in the various manufacturing industries of the country, taken from the pay rolls. It is, perhaps, the only statistical work that all parties and all sides will accept as correct and trustworthy. The publication would cost probably some $40,000. It is important that the joint resolution should be passed at this time. Mr. Weeks has informed me that if this joint resolution is passed without delay he can prepare and publish at least the most important parts of the volume in time for use in connection with any legislation that may be enacted by the next Congress on economic questions.

Mr. BROSIUS. How many copies does the joint resolution call for?

Mr. BYNUM. It simply provides for the publication of a volume of the same kind of statistical matter that was published in connection with the Tenth Census, and this volume will constitute a volume of the Eleventh Census. The joint resolution puts the matter under the direction of the Secretary of the Interior, and the Superintendent of the Census is perfectly willing and desirous that the joint resolution shall be passed and that Mr. Weeks shall do this work.

Mr. DOLLIVER. Is it to be a reprint of any portion of the Tenth Census?

Mr. BYNUM. No; it is not to be a reprint, but it is intended to be a publication of matter similar to that which was compiled by Mr. Weeks for the Tenth Census.

Mr. DALZELL. It is a continuation, from 1880 to 1890, of the same sort of matter that was embodied in the twentieth volume of the Tenth Census.

Mr. BYNUM. Yes, sir.

Mr. DOLLIVER. Does it refer only to wages in Pennsylvania?

Mr. BYNUM. No; it includes wages all over the country in the different industries.

Mr. DOCKERY. I wish to ask the gentleman from Indiana whether this joint resolution contemplates a compilation of the statistics of 1890.

Mr. BYNUM. It is to be a compilation of the statistics which

I have indicated, and the volume will be a part of the census of 1890, but of course it will not include anything that has been collected by the Census Bureau.

Mr. DOCKERY. But I notice that the joint resolution carries an appropriation of $50,000.

Mr. BYNUM. Yes; it will take about $50,000 to make the publication.

Mr. DOCKERY. Is not that provided for in the general appropriation for the completion of the work of the Eleventh Census?

Mr. BYNUM. No. This is in addition to that. It will require $40,000 or $50,000 to make this publication in proper form, and it is no part of the work prepared by the Census Bureau.

Mr. BROSIUS. Why do you call it part of the Eleventh Census?

Mr. BYNUM. Because it will be published as a part of the Eleventh Census.

Mr. DOLLIVER. Is it the same sort of matter that was printed in the last report of the bureau of labor statistics of New York? [Laughter.]

Mr. BROSIUS. Does not the census act authorize such a publication as this joint resolution contemplates?

Mr. BYNUM. It does not. Mr. Speaker, that the House may fully understand the matter, I will say again that Mr. Weeks furnished the matter contained in the twentieth volume of the Tenth Census, showing the rates of wages as taken from the pay rolls of different industries throughout the United States.

Mr. TAYLOR of Illinois. Will this include the Peck report?

Mr. BYNUM. Oh, this is not a collation of opinions or of conclusions; it is a body of carefully collected statistics.

Mr. SAYERS. I would like to know under what authority this appropriation is asked for. Is it upon the recommendation of the Superintendent of the Census?

Mr. BYNUM. No, sir. It is based upon a resolution which was introduced and referred to the committee. Similar matter collected by Mr. Weeks in connection with the Tenth Census was published under the authority of Congress as the tenth volume of that census. After referring this matter to the Superintendent of the Census, and also to the Secretary of the Interior, and after taking into consideration the urgent requests of a number of prominent gentlemen, including Senator CARLISLE, Mr. Edward Atkinson, and other statisticians, all of whom have regarded the previous work of Mr. Weeks as very valuable and trustworthy, it being the only one in this line which is so accepted without question, the Committee on the Census have reported this resolution.

A MEMBER. What is the character of the publication?

Mr. BYNUM. It is a publication of rates of wages, etc., in manufacturing establishments in various parts of the country.

Mr. SAYERS. Is it estimated that $50,000 will be sufficient to cover the expense?

Mr. BYNUM. That will be sufficient, Mr. Weeks says, to cover the cost of this publication.

Mr. BROSIUS. What years does it cover?

Mr. DALZELL. The years 1880 to 1890. It is proposed that this volume shall correspond with volume 20 of the census of 1880.

Mr. BROSIUS. Who collected the data for this publication?

Mr. DALZELL. They were collected for the Tenth Census by Mr. Weeks, under the supervision of the Superintendent of the Census; but the volume embracing this information was not published until 1888, some eight years after the census period. Now, the proposition is that Mr. Weeks shall publish a volume corresponding with volume 20 of the Tenth Census, the information for which, as I have stated, was collected by him under the supervision of the Superintendent of the Census. As the gentleman from Indiana [Mr. BYNUM] has stated, the publication of this work is earnestly requested by the most eminent statisticians in the country—by men of all parties. It is really refreshing to have presented to us a matter upon which men of all parties agree.

Men of all political views place the most implicit reliance upon the labors of Mr. Weeks; and they asked that this work be done under his supervision. I think that by common consent the volume similar to this, which was published as a part of the report of the Tenth Census, is regarded as one of the most important, if not the most important, of those volumes. It certainly would be a misfortune if we should not publish a similar volume in connection with the Eleventh Census.

Mr. BROSIUS. Within what time will this volume be published?

Mr. DALZELL. Within a very short time after the adoption of the resolution, because the data are already largely collected, as I understand.

Mr. HOLMAN. I wish to ask my colleague [Mr. BYNUM] a question. I supposed it to be the main purpose of the Bureau of Labor to furnish information of this kind. If not, what is the Bureau of Labor for?

Mr. BYNUM. The Bureau of Labor does not publish, nor can the Commissioner of Labor secure such statistics as will be published in this work. It is a fact well known to persons acquainted with the difficulties of securing reliable statistics that Mr. Weeks is able to obtain from the pay rolls and other books of manufacturers statistics which no other man in the country probably could procure, because of the confidence which the manufacturers have that statistics thus furnished to Mr. Weeks will not be used to their detriment. Neither the Bureau of Labor nor any department of this Government is able to obtain the statistics of which we shall get the advantage in this publication.

Mr. TAYLOR of Illinois. Did not Mr. Peck undertake to do the same thing?

Mr. BYNUM. Oh, this is a matter of business. I do wish we could transact important business here without having irrelevant matter brought in.

Mr. SAYERS. Would the gentleman from Indiana object to inserting at the end of the first section the words "at a cost not exceeding $50,000"?

Mr. BYNUM. I have no objection. Let the gentleman propose his amendment.

Mr. SAYERS. I move to insert after the words "United States," in line 7 the words "at a cost not exceeding $50,000."

The SPEAKER. Before the amendment of the gentleman from Texas is considered, the Chair would suggest that the amendments reported by the committee had better be acted upon.

Mr. SAYERS. Very well.

The SPEAKER. The question is on agreeing to the amendments recommended by the committee.

The amendments of the committee were adopted.

Mr. SAYERS. Now, Mr. Speaker, I move to insert the words I have suggested.

The SPEAKER. The amendment will be read.

The Clerk read as follows:

At the end of line 7, after the words "United States," insert "at a cost not exceeding $50,000."

The amendment was agreed to.

Mr. SPRINGER. Mr. Speaker, I desire to ask the gentleman from Indiana a question, if he will yield for that purpose.

Mr. BYNUM. Certainly.

Mr. SPRINGER. How much of the $50,000 provided by the resolution is to be applied to the compensation of the compiler, Mr. Weeks, and how much to the printing of the document?

Mr. BYNUM. The whole matter is not to exceed that amount. Mr. Weeks says it can be done for that. It will be done under the supervision of the Secretary of the Interior, and the question of compensation, as well as the cost of printing, is all in the hands of the Secretary.

Mr. SPRINGER. Is there a given sum provided as the compensation?

Mr. BYNUM. That is to be fixed by the Secretary of the Interior.

Mr. HOLMAN. How as to the cost of printing the matter?

Mr. BYNUM. That is all embraced in the limit of cost fixed.

Mr. HOLMAN. But there is no expression in the bill that this work shall be printed?

Mr. BYNUM. The $50,000 includes the whole cost.

Mr. HOLMAN. With the permission of my colleague, I would like to have the joint resolution again reported as amended, for I have read it, and my recollection is that there is no provision for printing.

The joint resolution as amended was read, as follows:

Resolved, etc., That the Secretary of the Interior be, and he is hereby, authorized to employ Joseph D. Weeks, of Pittsburg, Pa., to continue and complete the work of collecting, compiling, and reporting upon the statistics of wages in the productive industries of the United States, at a cost not exceeding $50,000.

SEC. 2. That all mail matter, of whatever class, relative to this report and the investigation undertaken in connection with same, and indorsed "Official business, Department of the Interior, wages investigation," shall be transported free of postage.

SEC. 3. That for the purpose of this act the sum of $50,000, or so much thereof as may be necessary, is hereby appropriated, the same to be immediately available.

Mr. HOLMAN. I trust my colleague from Indiana will insert the words "including the printing and publishing," which are not embraced now as the measure stands.

Mr. BYNUM. I would like to know how a thing can be published without being printed?

Mr. HOLMAN. But there is no provision even for publishing. It provides for the work of collecting, compiling, and reporting upon these statistics, but no provision is made for publishing or printing them.

Mr. BYNUM. If my colleague does not think that is covered, I have no objection to inserting the word "printing" in the proper place.

Mr. HOLMAN. I move to insert the words "printing and publishing."

Mr. SPRINGER. If the gentleman from Indiana will allow me. After the words "United States," in the seventh line, I would suggest that the words be inserted, "for the printing and publishing thereof." There is no provision to print the volume after its compilation.

Mr. BYNUM. I will accept an amendment of that kind if it be considered as necessary.

Mr. DOCKERY. Mr. Speaker, I desire to call the attention of the gentleman from Illinois to the fact that the amendment of the gentleman from Texas has already been adopted and comes in after the words "United States," the amendment which provides that this shall be done at a cost not exceeding $50,000.

Mr. SPRINGER. Well, the other amendment ought to precede that.

Mr. DOCKERY. The proposition should come in after the word "compiling."

Mr. SPRINGER. Yes, that is correct. I suggest the amendment in line 6, just after the word "compiling;" so as to read.

The work of collecting, compiling, printing, publishing, and reporting upon, etc.

The amendment of Mr. SPRINGER was adopted.

Mr. BLAND. I would like to inquire of the gentleman from Indiana when it is contemplated that this work shall be completed. There is no time fixed in the resolution. The $50,000 may run over four or five years and give this gentleman good employment at his leisure.

Mr. BYNUM. I have no doubt the work will be completed before the census proper is completed. The matter is all ready for publication now, and has been waiting the action of Congress.

I ask the previous question——

Mr. HOLMAN. I hope my colleague will agree to this amendment which I wish to offer.

Mr. BYNUM. Mr. Speaker, I can not agree to any other amendment. I have demanded the previous question.

Mr. HOLMAN. I rise to a question of order.

The SPEAKER. The gentleman from Indiana has the floor and has demanded the previous question.

Mr. HOLMAN. I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. HOLMAN. I understand this resolution is to be considered as in Committee of the Whole.

The SPEAKER. It is.

Mr. HOLMAN. Then I submit that I have the right to offer an amendment.

The SPEAKER. What is the question of order?

Mr. HOLMAN. That the measure is being considered in the House as in Committee of the Whole.

The SPEAKER. But still the previous question may be ordered. That is the uniform ruling.

Mr. HOLMAN. I think my colleague [Mr. BYNUM] should not insist on the previous question when a member desires to submit an amendment.

Mr. BYNUM. I have yielded to every gentleman who wanted to amend, and I will yield to my colleague.

Mr. HOLMAN. I wish the bill to contain a provision that the entire cost shall not exceed $50,000.

Mr. SAYERS. That is already in the bill.

Mr. BYNUM. The bill has been amended so as to provide that.

Mr. HOLMAN. Not in terms.

Mr. SAYERS. Yes.

Mr. HOLMAN. Not the entire cost.

Mr. SAYERS. Yes.

Mr. HOLMAN. I did not so understand it.

The previous question was ordered.

The joint resolution as amended was ordered to be engrossed and read a third time, and being engrossed, was accordingly read the third time.

The question being taken on the passage of the joint resolution,

The SPEAKER announced that the "ayes" seemed to have it.

On a division (demanded by Mr. BLAND) there were—ayes 86, noes 1.

So the resolution was agreed to.

The title of the joint resolution was ordered to be amended to conform to the body of it.

On motion of Mr. BYNUM, a motion to reconsider the last vote was laid on the table.

COMMITTEE ON WAR CLAIMS.

Mr. BELTZHOOVER. Mr. Speaker, I was unavoidably absent when the Committee on War Claims was called, and I ask unanimous consent that the committee be passed without prejudice, with the right to be called again.

The SPEAKER. The gentleman from Pennsylvania [Mr. BELTZHOOVER] states that he was unavoidably absent at the moment when the Committee on War Claims was called, and asks that that committee be passed without prejudice, with the right to be called again.

There was no objection.

CONTESTED ELECTION CASE—M'DUFFIE VS. TURPIN.

Mr. LOCKWOOD. I have a privileged report from the Committee on Elections in the contested-election case of McDuffie against Turpin.

The SPEAKER. The report will be referred to the House Calendar and printed.

Mr. JOHNSON of Indiana. Mr. Speaker, I ask leave to present the views of the minority in that case, and that they be printed with the report of the majority.

The SPEAKER. The gentleman from Indiana [Mr. JOHNSON] submits the views of the minority and asks that they be printed with those of the majority.

There was no objection.

ORDER OF BUSINESS.

Mr. WILLCOX. Mr. Speaker, I desire to present a privileged report from the Committee on the Eleventh Census.

The SPEAKER. That can not be considered during this hour. After the expiration of the hour it may be considered.

Mr. WILLCOX. I desire to call it up afterward,

The Committee to Codify the Pension Laws was called.

Mr. MARTIN. I ask unanimous consent that that Committee to Codify the Pension Laws be passed without prejudice.

There was no objection.

The Committee on the Judiciary was called.

Mr. OATES. Mr. Speaker, I ask unanimous consent that the Judiciary Committee may be passed, because it having this day set apart for the consideration of certain measures is not prepared to call up any measures under this order.

The SPEAKER. The gentleman from Alabama [Mr. OATES] asks that the Judiciary Committee be passed without prejudice, and that the right to recur to it again be reserved. Is there objection?

There was no objection.

The Committee on Interstate and Foreign Commerce was again called.

Mr. WISE. Mr. Speaker, I would like to call up some bridge bills from the Committee on Interstate and Foreign Commerce and pass them this morning.

The SPEAKER. The gentleman has a right to do that.

LIGHT-HOUSE STEAMER PANSEY.

Mr. HOUK of Ohio. Mr. Speaker, I call up the bill (H. R. 1305) to remit the penalties on the light-house steamer Pansey.

The SPEAKER. This bill is in Committee of the Whole.

Mr. HOUK of Ohio. I move that the House resolve itself in Committee of the Whole for the consideration of this bill.

The motion was agreed to.

Accordingly the House resolved itself in the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 1305) to remit the penalties on the light-house steamer Pansey, with Mr. DOCKERY in the chair.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and required to pay to Baird, Houston & Co., or their assignee, the sum of $1,250, out of any money in the Treasury not otherwise appropriated, that being the amount of time penalties imposed on the aforesaid firm under their contract for building the light-house steamer Pansey.

Mr. HOUK of Ohio. Mr. Speaker, it appears that Messrs. Baird and Houston had a contract with the Government to construct the steamer Pansey, and under that contract there was a provision that a penalty of $25 a day should be inflicted upon the contractors for any delay beyond a certain time in the completion of the vessel. They did not complete the vessel within the time limited by the contract because they were prevented from obtaining the iron and material for the construction of the steamer by reason of difficulties and railroad troubles that occurred in Pittsburg. The report of the committee explains the matter sufficiently.

The subjoined letters of Acting Secretary of the Treasury Spaulding and Acting Secretary of the Treasury Nettleton, at the time, are sufficient to indicate the character of this claim, and the entirely favorable attitude of the Treasury Department and of the Light-House Board toward the payment of it by the Government. The amendment proposed by Senator HOAR, referred to in the letter of Hon. A. B. Nettleton, and approved by the Light-House Board, would, after deducting the increased penalty, leave the amount as $1,275. It is proper to add that the committee has been satisfied that the riots referred to, which occurred on the Pennsylvania Railroad, tied up at Pittsburg the iron for a longer period than the time for which the penalties were

imposed, and that these contractors were in no sense responsible for the same. The report of Acting Secretary of the Treasury Nettleton says:

It appears that the contractors asked that the penalty be remitted for the reason that the riots broke out shortly after they made their contract, in consequence of which they suffered delay in getting the necessary materials much greater than the period for which the penalty was enforced.

It appears further that in view of this fact the Light-House Board recommended that the penalty be remitted if it could be done in accordance with the law.

The penalty was not remitted for the reason that the Solicitor of the Treasury, to whom the matter had been referred, expressed the opinion that in this case the Secretary has no power to remit or pay the amount of the penalty, as recommended by the Light-House Board.

This bill is simply to remit the penalty for the nonexecution of the contract within the time prescribed and was incurred in accordance with the written terms of the contract. It was inflicted without any fault upon the part of the contractors, and it is equitable, of course, that the penalty should be remitted. I move that the committee rise and report the bill favorably to the House.

Mr. BLAND. I would like to ask the gentleman from Ohio whether anything more is involved in the bill than the mere penalty?

Mr. HOUK of Ohio. Nothing in the world. A bill has passed the Senate in identically the same terms as this bill.

Mr. WISE. I will say to the gentleman from Missouri that nothing is involved but the penalty.

Mr. BLAND. Has the work been paid for under the contract, excepting the penalty?

Mr. WISE. Yes, sir.

Mr. HOUK of Ohio. Nothing remains except the remission of this penalty.

Mr. BLAND. Then I understand that this penalty was withheld out of the moneys that were due the firm on their contract.

Mr. HOUK of Ohio. Sir?

Mr. BLAND. How are these penalties imposed and collected?

Mr. HOUK of Ohio. They were simply imposed by the proper officer under the terms of the contract.

Mr. FELLOWS. How are the penalties collected? By withholding the money on the contract?

Mr. HOUK of Ohio. I do not know.

Mr. FELLOWS. Of course; it must be.

Mr. BLAND. I do not understand yet from the reading of that report, or the statement of the gentleman from Ohio, whether this $1,200 penalty was taken from the money due the contractors, or whether the whole amount was paid the contractors according to the contract.

Mr. HOUK of Ohio. I am not informed as to that, sir.

Mr. FELLOWS. They must have suffered the penalty.

Mr. HOUK of Ohio. The penalty has been paid to the Government.

The CHAIRMAN. What is the motion of the gentleman from Ohio?

Mr. HOUK of Ohio. That the committee rise and report the bill favorably to the House.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. DOCKERY, chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 1305), and had directed him to report the same back with a favorable recommendation.

Mr. HOUK of Ohio. Mr. Speaker, I ask to substitute the bill S. 1292 for the House bill which has been considered in the committee. It is identically the same bill as reported by the committee.

The SPEAKER. The gentleman from Ohio asks unanimous consent to substitute the Senate bill for the House bill, stating that they are identical in terms. Is there objection? [After a pause.] The Chair hears none.

The Senate bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. HOUK of Ohio, a motion to reconsider the vote by which the bill was passed was laid on the table.

The SPEAKER. Without objection the House bill on this subject will lie on the table.

There was no objection, and it was so ordered.

RAILWAY BRIDGE ACROSS THE CAHAWBA RIVER.

Mr. WISE. Mr. Speaker, I call up the bill (H. R. 6797) to authorize the construction of a bridge across the Cahawba River, Alabama, by the Montgomery, Tuscaloosa and Memphis Railway.

The Clerk proceeded to read the bill.

Mr. WISE (during the reading). Mr. Speaker, I ask unanimous consent that the further reading of the bill be dispensed with. It is a bridge bill, drawn in the usual form, with the usual safeguards.

Mr. TRACEY. I object.

The Clerk completed the reading of the bill.

The amendments recommended by the committee were agreed to, except the following:

Page 9, strike out "13" after the word "section," and insert "12."

Mr. SEERLEY. Mr. Speaker, I would like to know whether this bill is in the usual form, or whether it has been recommended by the War Department.

Mr. WISE. Yes, sir; these bridge bills have all been submitted to the Secretary of War.

Mr. SEERLEY. I think the usual form of bridge bill does not have thirteen sections in it.

Mr. WISE. I do not know about that.

Mr. HERBERT. I assure the gentleman [Mr. SEERLEY] that this bill meets the approval of the Secretary of War.

Mr. WISE. It is drawn in the usual form, and it has been submitted to the War Department and has the approval of the Department.

The amendment was agreed to.

The bill amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. WISE moved to reconsider the vote by which the bill was passed, and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The title was amended in accordance with the recommendation of the committee, so as to read: "A bill to authorize the construction of a bridge across the Cahawba River, in Bibb County, Ala., by the Montgomery, Tuscaloosa and Memphis Railway."

RAILWAY BRIDGE ACROSS THE OSAGE RIVER.

Mr. WISE. Mr. Speaker, I call up the bill (H. R. 10062) to authorize the construction of a bridge across the Osage River between the mouths of the Pomme de Terre River and Buffalo Creek, in Benton County, Mo.

The bill was read.

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. WISE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

The SPEAKER. The morning hour has expired. The Clerk will read the special order.

The Clerk read as follows:

Resolved, That Tuesday, the 17th instant, beginning after the second morning hour, be assigned for the consideration of such business as may be called up by the Committee on the Judiciary, having been previously reported therefrom.

This order not to interfere with the right of the House to consider general appropriation bills.

M. P. DEADY.

Mr. OATES. Mr. Speaker, I call up the bill (S. 3537) for the relief of M. P. Deady, and I yield the floor to the gentleman from Louisiana [Mr. BOATNER].

The bill was read, as follows:

Be it enacted, etc., That M. P. Deady, United States judge for the district of Oregon, may, at his option, resign as such district judge on or after the 4th of March next, and thereupon shall receive the same salary during the period of his natural life as he is now receiving, in the same manner as if he had reached the age of 70 years at the time of his resignation, as provided by section 714 of the Revised Statutes of the United States.

The bill was ordered to a third reading; and it was accordingly read the third time.

The SPEAKER. The question is on the passage of this bill.

Mr. BROSIUS. Mr. Speaker, is it in order to ask to have the report read?

The SPEAKER. It is.

The report (by Mr. BOATNER) was read, as follows:

The Committee on the Judiciary have had under consideration Senate bill 3537 and after due deliberation recommend the passage of the same.

The Senate report was also read, as follows:

The Committee on the Judiciary, to whom was referred the bill (S. 3537) entitled "A bill for the relief of M. P. Deady," having had the same under consideration, beg to submit the following report:

The following facts have been made to appear to your committee by the records of the Senate and other evidence:

M. P. Deady was, on the 15th day of March, A. D. 1853, appointed by President Pierce an associate justice of the Territory of Oregon, under which appointment and by subsequent appointment of February 1, 1854, and confirmation by the Senate on the 4th day of February, 1854, he served as such associate justice until the admission of Oregon as a State, February 14, 1859. On the 7th day of March, A. D. 1859, he was appointed by President Buchanan, and on the 9th day of the same month confirmed by the Senate,

United States district judge for the district of Oregon, and under such appointment he has served in such capacity to the present time, a period of nearly thirty-four years, making a continuous service as a United States judge of nearly forty years.

It has further been made plain to your committee that, by reason of bodily ailments which are permanent, Judge Deady has been rendered physically unable to longer perform the duties of such office. It is further shown that he will not reach the age of 70 years until the year 1894.

Therefore your committee, while recognizing the distinguished judicial services rendered by Judge Deady during his long service and his eminence as a jurist, in view of the foregoing facts report back the bill (S. 3537) with the following amendments and, so amended, recommend its passage:

First amendment. Strike out the preamble.

Second amendment. Strike out the following words in line 3 of the bill: "the said."

The bill was read the third time and passed.

Mr. BOATNER moved to reconsider the vote by which the bill was passed, and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SUPPLEMENT TO THE REVISED STATUTES OF THE UNITED STATES.

Mr. OATES. Mr. Speaker, I ask unanimous consent that the Committee of the Whole House on the state of the Union be discharged from further consideration of the bill (H. R. 9069) for the further continuance of the publication of the Supplement to the Revised Statutes of the United States, and that the bill be considered in the House.

There was no objection, and it was so ordered.

The bill was read, as follows:

Be it enacted, etc., That the publication of the Supplement to the Revised Statutes of the United States shall be further continued under the editorial charge of the editor of the existing Supplement and his assistants.

SEC. 2. That at the end of each session of Congress a pamphlet edition of the permanent and general legislation of the session, with notes, references, and an index, substantially on the plan of the existing Supplement, shall be stereotyped and printed at the Government Printing Office; the plates and all rights thereto to be the property of the United States.

SEC. 3. That the number of copies of said pamphlet and the distribution and sale thereof shall be the same as provided for the printing, distribution, and sale of said Supplement by the act of April 9, 1890, chapter 73 (First Supplement to Revised Statutes, second edition, page 712).

SEC. 4. That there shall be paid to said editor for himself and his assistants, including the cost of all clerical labor and other expenses the sum of $1,000 for preparing each pamphlet as aforesaid.

Mr. OATES. I yield the floor to the gentleman from Mississippi [Mr. STOCKDALE].

Mr. STOCKDALE. Mr. Speaker, I simply desire a vote on the bill.

An amendment in section 4, recommended by the committee, striking out the words "each pamphlet as aforesaid" and inserting "the pamphlet for each session of Congress," was adopted.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. STOCKDALE moved to reconsider the vote by which the bill was passed, and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

UNITED STATES COURTS IN WYOMING.

Mr. OATES. I call up the bill (H. R. 507) to provide for a term of the United States circuit and district court at Evanston, Wyo.

The bill was read, as follows:

Be it enacted, etc., That hereafter, and until otherwise provided by law, there shall be held annually, on the first Monday in July, a term of the circuit and district courts for the district of Wyoming at the town of Evanston, in said district, said term to be in addition to the terms now required by law to be held at the city of Cheyenne, in said district.

SEC. 2. That the marshal and clerk of said district shall each, respectively, appoint at least one deputy, to reside in said town of Evanston, unless he himself shall reside there, and he shall also maintain an office at that place.

SEC. 3. That the judge of the United States circuit or district court for said district may, by order, from time to time, appoint and hold special terms of said courts in said district, whenever the interest of the public and the condition of the docket shall so require.

The amendments reported by the committee were read and agreed to, as follows:

Section 1, line 5, add "s" to "court."

Section 2, line 4, after "and" insert "he shall." Same line strike out "of holding court."

Section 3, line 3, add "s" to "court."

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

The amendment of the committee to add "s" to the word "court" in the title was agreed to.

OFFENSES AGAINST THE UNITED STATES.

Mr. OATES. I call up the bill (H. R. 9610) to amend section 1014 of the Revised Statutes of the United States, relating to offenses against the United States.

The bill was read, as follows:

Be it enacted, etc., That section 1014 of the Revised Statutes of the United States be, and the same is hereby, amended so as to read as follows:

"SEC. 1014. For any crime or offense against the United States the offender may, by any justice or judge of the United States, or by any commissioner of a circuit court to take bail, or by any chancellor, or judge of a supreme or superior court, chief or first judge of common pleas, mayor of a city, justice of the peace, or other magistrate of any State where he may be found, and agreeably to the usual mode of process against offenders in such State, at the expense of the United States, be arrested, imprisoned, or bailed, as the case may be, for trial before such court of the United States as by law has cognizance of the offense. Copies of the process shall be returned as speedily as may be into the clerk's office of the said court, together with the recognizances of the witnesses for their appearances to testify in the case.

"And it shall be the duty of the marshal, his deputy or other officer who may arrest a person charged with any such crime or offense, to take the defendant before the commissioner or judge having his office in the county where the arrest is made, if there be such office, otherwise before such officer having his office nearest the place of arrest, for a hearing, commitment, or taking bail for trial before said court, and no mileage shall be allowed any officer violating the provisions hereof.

"And where any offender or witness is committed in any district other than where the offense is to be tried, it shall be the duty of the judge of the district court where said offender or witness is imprisoned, seasonably to issue, and of the marshal to execute a warrant for his removal to the district where the trial is to be had."

Mr. WOLVERTON. Mr. Speaker, this is one of four bills which have resulted from the investigation made in pursuance of a resolution of the House of February 1, 1892, authorizing an examination into certain alleged abuses in connection with judicial process of the United States courts in certain States. The resolution directed that the committee should inquire especially into such abuses, as attention should be called by the Attorney-General or the accounting officers of the Treasury Department; and their attention was directed particularly by the Attorney-General and by the accounting officers of the Government to the State of Massachusetts, where it was claimed by the accounting Department and the Attorney-General abuses had existed for a long time.

Our examination resulted in discovering one form of abuse prevalent, as we found from an examination of officers of the various departments, not only in Massachusetts, but in very many States. This form of abuse consisted in a combination between the marshals and the United States commissioners appointed by the circuit court to make fees against the Government. These abuses the present bill proposes to correct. The nature of these abuses I will illustrate.

In Massachusetts, for instance, although there are 18 commissioners appointed by the United States circuit court in pursuance of the provisions of section 627 of the Revised Statutes, these officers being scattered all over the State for the convenience of the people, yet it has been largely the practice to make informations before one commissioner alone, regardless of the residence of the person charged with the offense, and to have the marshal or his deputy proceed to distant portions of the State to arrest the prisoner and take him to Boston for a hearing before this single commissioner.

Mr. Nightingale, of the Attorney-General's office, stated that for several years there had not been a single case brought before any one of the other commissioners; that all the cases were brought before this single officer, the defendants being subjected to the hardship of arrest in distant portions of the State, whence they were brought to Boston for a hearing before this particular commissioner, and to bring their witnesses and bail at great disadvantage and expense or go to prison. By this practice, in violation of the spirit at least of section 1014 of the Revised Statutes as we construe it, large fees have been made against the Government—6 cents a mile each way in favor of the marshal, and 5 cents a mile each way for the travel of witnesses; and the persons going bail for defendants have also been required to come to Boston.

This practice has resulted in making large fees against the Government and putting defendants to great hardship and expense. They have been brought from their homes and their friends and obliged to travel with their witnesses long distances to Boston, where also their sureties have been required to present themselves. In this way grave outrages have been committed in Massachusetts and in other States.

Mr. EZRA B. TAYLOR. As I understand, the Attorney-General has advised the enactment now proposed.

Mr. WOLVERTON. Yes, sir.

Mr. EZRA B. TAYLOR. I think the measure must meet the prompt approval of the House.

Mr. WOLVERTON. I fully agree with the gentleman. The bill having been recommended by the Attorney-General and by the accounting Department of the Government as calculated to remedy existing evils, I have no doubt it will pass without objection.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. WOLVERTON, a motion to reconsider the last vote was laid on the table.

OFFENSES ON THE HIGH SEAS.

Mr. OATES. I call up the bill (H. R. 2625) to provide for the punishment of offenses on the high seas.

The bill was read, as follows:

Be it enacted, etc., That every person not one of the crew who, alone or with others not of the crew, upon the high seas, or other waters within the admiralty jurisdiction of the United States, and out of the jurisdiction of

any particular State, on board any vessel belonging in whole or in part to the United States or any citizen thereof, in defiance of the authority of the master or officer thereof, shall create any riot, or disorder, or shall engage in any affray, or shall commit any breach of the peace; or who shall hinder, obstruct, or resist the crew in performance or execution of any lawful orders or commands of the master, or officers of such vessel, shall be punished by a fine not exceeding $1,000, or by imprisonment not exceeding one year, or by both.

SEC. 2. That every person not one of the crew who, upon the high seas, or other waters within the admiralty jurisdiction of the United States, and out of the jurisdiction of any particular State, on board any vessel belonging in whole or part to the United States, or any citizen thereof, shall willfully assault, strike, or injure another, shall be punished by a fine not exceeding $1,000, or by imprisonment at hard labor not exceeding two years.

SEC. 3. That section 5359 of the Revised Statutes of the United States be amended by inserting after the words "commanding officer thereof" the words "and if any passenger or other person, not one of the crew, aids, abets, or incites or encourages the crew, or any one of them, to commit any of the before-mentioned acts," so that when amended said section will read as follows:

"SEC. 5359. If any one of the crew of an American vessel on the high seas, or other waters within the admiralty and maritime jurisdiction of the United States, endeavors to make a revolt or mutiny on board such vessel, or combines, conspires, or confederates with any other person on board to make such revolt or mutiny, or solicits, incites, or stirs up any other of the crew to disobey, or resist the lawful orders of the master, or other officer of such vessel, or to refuse or to neglect their proper duty on board thereof, or to betray their proper trust, or assembles with others in a tumultuous and mutinous manner, or makes a riot on board thereof, or unlawfully confines the master, or other commanding officer thereof, or if any passenger or other person, not one of the crew, aids, abets, or incites or encourages the crew or any one of them to commit any of the before-mentioned acts, he shall be punished by a fine of not more than $1,000, or by imprisonment not more than five years, or by both such fine and imprisonment."

SEC. 4. That section 5360 of the Revised Statutes of the United States be amended by adding the words: "Any passenger or other person not one of the crew who shall, on board such vessel and in any of the places before mentioned, combine, conspire, and confederate with the crew or any of them, to commit any such offense, or without previous confederation shall aid and assist in the commission of the same, shall be subject to the same punishment as a member of the crew;" so that when amended said section will read as follows:

"SEC. 5360. If any one of the crew of an American vessel on the high seas, or on any other waters within the admiralty and maritime jurisdiction of the United States, unlawfully and with force, or by fraud or intimidation, usurps the command of such vessel from the master or other lawful officer in command thereof, or deprives him of authority and command on board, or resists or prevents him in the free and lawful exercise thereof, or transfers such authority and command to another not lawfully entitled thereto, he is guilty of a revolt and mutiny, and shall be punished by a fine of not more than $2,000 and by imprisonment at hard labor not more than ten years. Any passenger or other person, not one of the crew, who shall, on board such vessel and in any of the places before mentioned, combine, conspire, and confederate with the crew or any of them to commit any such offense, or without previous confederation shall aid and assist in the commission of the same, shall be subject to the same punishment as a member of the crew."

Mr. OATES. I yield to the gentleman from Maine [Mr. REED].

Mr. DAVIS. I would like to occupy a moment.

The SPEAKER. Does the gentleman from Maine yield?

Mr. REED. I do.

Mr. DAVIS. Mr. Speaker, I have not examined this bill very closely; but I understand it embraces some provisions to which organized labor objects very seriously. I would like to submit as my argument a letter from the secretary of the Seamen's Union of San Francisco.

The Clerk read as follows:

SAN FRANCISCO, *December 15, 1892.*

DEAR SIR: According to press dispatches a bill to punish nonmembers of crews under the mutiny laws, or some such title, passed the Senate on Monday last. This innocent-looking bill has in it that which will make organization among seamen nearly impossible by punishing for inciting to riot or mutiny anyone who shall speak to and urge upon seamen, no matter how shipped, to leave the vessel in which they may be engaged. It is introduced to prevent any man coming aboard of any vessel telling the men of their legal rights, and to meet a decision rendered in the southern district of California this autumn. Judge Maguire has written to JERRY SIMPSON about the matter upon our request, and the points are set forth in his letter more clearly than I can; but let me say that it is equivalent to passing a law making it a felony to speak to a scab who has taken a striker's place, no matter if you only speak to him in the most polite terms, inducing him to quit scabbing is the crime.

There are other and perhaps more potent reasons why this bill should be defeated. The mercantile marine of the world has got along without any such law since ships sailed. Why then should it be enacted now? This bill, if we understand it right, will include passengers aboard steamers or sailing vessels. Surely it is enough to subject seamen to the barbarous laws handed down from the time Columbus discovered America. What is the probability of restoring to this country the passenger trade of the Atlantic under such laws; laws which never were needed until the seamen tried to rid themselves of the degradation and slavery inherent in the crimping system, such as is described in the inclosed book, and gradually being beaten off the field through the organization of men going down to the sea in ships? All our effort seems to be stopped by legislation. The seamen never got any law for their benefit until they were organized, and we have expended over $10,000 in enforcing the law as it stands on the statue books, and for every point we have gained the Congress has been induced to pass a new law covering just that particular subject. Thus in 1888 one single innocent looking little amendment threw the sick seaman on his own resources The amendment of 1890 brought the coast under the punitive statutes of the commissioners' act of 1872, as you will see by the inclosed supplement to the Coast Seaman's Journal.

Our hope is in this House to defeat the last attempt of retrogressive legislation. It seems just a little out of place to subsidize vessels and then drive seamen from the seas.

With respectful anxiety we await the result.

Yours respectfully,

A. FURUSETH.
Secretary Seamen's Union.

Hon. JOHN DAVIS,
House of Representatives, Washington, D. C.

Mr. REED. Mr. Speaker, I can only say to the House that the apprehensions which seem to be entertained by the writer of the letter just read are not in the slightest degree justified by the terms of the proposed statute. It is very important when a ship is at sea that the commander of the ship should be in control of it. It is utterly impossible to intrust the control of the ship to the ship's company.

Sailors have always been under this law. Now it is proposed that the passengers shall be amenable to the United States courts for certain crimes of violence and for incitement to munity on board ship.

I can see no reason whatever why that should not be the case. The passenger could not be under the control of the law on the high seas, except by the enactment of such a statute. The statutes applicable on shore do not extend to such cases on the high seas; and therefore the commanding officers of vessels have found themselves without control on board of their own ships.

Anybody can see at once that unless the commander of the vessel is able to maintain control by law, subject to revision after he arrives on shore, it will be impossible to command the ship properly. There has been lately a certain class of passengers coming from the Canadian coasts which has caused steamboat masters much trouble, it having been found impossible to keep them under control. This provision of law will enable a control to be maintained by the commanding officer of the ship, subject always to revision when the ship touches port—subject to revision by courts of justice.

Mr. DAVIS. Will the gentleman permit me to ask him if this applies to ships while on the high seas or ships while in port?

Mr. REED. It applies only when under the admiralty jurisdiction of the United States, either upon the high seas or other waters within the jurisdiction of the United States.

Mr. DAVIS. That may apply to a vessel in port.

Mr. REED. It may apply to a ship in port.

Mr. BLAND. If I understand this bill, there are provisions of it that apply to crews of ships as well as to passengers.

Mr. REED. The law has always applied to the crew.

Mr. BLAND. But it makes very material changes, as I understand it, with regard to the law as now applicable to the crew of the vessel, and extends the same law over the passengers.

Mr. REED. I understand not. It does not make any change in regard to the crew.

Mr. BLAND. If I understood the reading of the bill, several sections of the Revised Statutes are modified or changed.

Mr. REED. Several are revised, because the bill properly recites the section that is sought to be amended. But there is no change with regard to the provisions of law as now applicable to the crews of vessels.

Mr. BLAND. Then it only applies to passengers?

Mr. REED. Only to the passengers and only in cases where crimes of violence are committed or where there is incitement on the part of the passengers to mutiny.

Of course, Mr. Speaker, such a law would be entirely obnoxious on shore, but on shipboard the power must reside somewhere to preserve order, and that power is always subject to review by the law on the arrival of the ship in port.

Mr. BUTLER. May I ask the gentleman what conditions have been changed, or what has transpired on shipboard recently, that leads to the necessity for this law or amendment to a law which has existed for so many years?

Mr. REED. I can not state what particular matters, but I know that such a necessity exists in regard to coastwise steamers and steamers plying between the Canadian ports and Boston and Portland. The owners of vessels plying between these ports and the provinces are desirous that this law should be enacted.

Mr. BUTLER. I have not given to the bill any sufficient study to enable me to have a positive opinion about it, but when there is a letter read here which seems to set forth serious objections I want to know what I am voting for before I do so.

Mr. REED. This bill, I will state, has been unanimously reported from the Judiciary Committee of the House as well as the Senate Judiciary Committee.

Mr. BYNUM. Will the gentleman from Maine yield to me for an amendment?

Mr. REED. Certainly.

Mr. BYNUM. This bill amends sections 5359 and 5360 of the Revised Statutes so as to include passengers. That is, it makes passengers amenable for the commission of the same crimes that the crews of vessels are now liable for.

Mr. REED. Precisely.

Mr. BYNUM. And I can see no reason in the world why Congress should object to the passage of it. It does not change the law so far as crews of vessels are affected a single iota. But any of the passengers who engage in mutiny or riot are amenable. There is no law now to punish them, and no jurisdiction of the master of the vessel over them.

I understand that this also applies to vessels on the Great Lakes.

Mr. REED. I should have so stated. I should add that this proposed law has already been applied to lake commerce.

Mr. BYNUM. And I understand that there is at times considerable trouble on the lakes, notably in the large cities, from Chicago and from places where excursion boats are out on the lakes, and the passengers engage in riot, in which case the officers of the ship have no remedy. This now places the vessels on the high seas as well as on the lakes in a position to be properly controlled by the commanding officers, and simply extends the law, which has been in existence in regard to the crews for a long time, to embrace the passengers.

Mr. REED. From which no difficulties have arisen, so far as I know.

Mr. DAVIS. I would like to make this remark: This country has had vessels on the ocean not less than two hundred years, and it seems to me now that if a new law is claimed to be necessary, there ought to be some strong reason advanced for the passage of that new law. Otherwise it seems to me that, when placed on our inquiry as we have been by this letter from the Sailor's Union, we ought to go slowly until we understand the matter thoroughly.

The question being taken on ordering the bill to a third reading, the Speaker announced that the ayes seemed to have it.

On a division (demanded by Mr. DAVIS) there were—ayes 102, noes, 7.

Mr. DAVIS. No quorum, Mr. Speaker.

The Speaker appointed as tellers Mr. REED and Mr. DAVIS.

The House divided, and the tellers reported—ayes 162, noes 7.

So the bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. REED, a motion to reconsider the last vote was laid on the table.

RETURNS OF FEES BY DISTRICT ATTORNEYS, MARSHALS AND CLERKS.

Mr. OATES. Mr. Speaker, I call up the bill (H. R. 9612) to amend section 833 of the Revised Statutes of the United States, relating to semiannual returns of fees by District attorneys, marshals, and clerks.

The bill was read, as follows:

Be it enacted, etc., That section 833 of the Revised Statutes of the United States be amended so as to read as follows:

"SEC. 833. That every district attorney, clerk of a district court, clerk of a circuit court, and marshal shall, on the 1st day of January and July, in each year, or within thirty days thereafter, make to the Attorney-General, in such form as he may prescribe, a written return of the half year ending on said days, respectively, of all fees and emoluments of his office of every name and character, including all naturalization fees and all necessary expenses of his office, including necessary clerk hire, together with the vouchers for the payment of the same for such last half year. He shall state separately in such return the fees and emoluments received or payable under the bankrupt act and a true statement of all naturalization fees; and every marshal shall state separately therein the fees and emoluments received or payable for services rendered by himself personally, those paid or received for services rendered by each of his deputies, naming him, and the proportion of such fees and emoluments which, by the terms of his services, each deputy is to receive. Said return shall be certified by the oath of the officer making them."

Mr. OATES. Mr. Speaker, I desire to offer an amendment.

The amendment was read, as follows:

Add at the close of the bill the words:

"That in each of the three judicial districts of the State of Alabama there shall be a district attorney and a marshal."

The SPEAKER. The Clerk will report the section as proposed to be amended.

The section, as proposed to be amended, was read.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, was accordingly read the third time, and passed.

On motion of Mr. OATES, a motion to reconsider the last vote was laid on the table.

COMMISSIONERS' FEES.

Mr. OATES. Mr. Speaker, I call up the bill (H. R. 9611) to amend section 847 of the Revised Statutes of the United States, relating to commissioners' fees.

The bill was read, as follows:

Be it enacted, etc., That section 847 of the Revised Statutes of the United States be, and the same is hereby, amended so as to read as follows:

"SEC. 847. For administering an oath, 10 cents.

"For taking an acknowledgment, 25 cents.

"For issuing a warrant, docketing the same and all proceedings on a criminal charge where no arrest is made, $2.

"For hearing and deciding on criminal charges, including docketing of same, recognizances of defendant, sureties, and witnesses, and return to court, and all proceedings thereon, $5, and no more.

"For attending a reference of a litigated matter in a civil case of law, in equity or admiralty, in pursuance of an order of court, $3 per day.

"For taking and certifying depositions to file, 25 cents for each folio.

"For a copy of same furnished to a party on request, 10 cents for each folio, to be paid by the party requesting the same.

"For issuing any warrant or writ and for any other services, the same compensation as is allowed clerks for like services.

"For issuing a warrant under any treaty with any foreign government, $2.

"For hearing and deciding upon the case of any person charged with any crime or offense and arrested under the provisions of any such treaty, $5 for each case, and no more.

"For the examination and certificate in any case for application for discharge of poor convicts imprisoned for nonpayment of a fine or fines and costs, $5 for each examination and certificate, and no more."

Mr. BLAND. I would like to know if the effect of this bill is to increase or decrease the amount of commissioners' fees?

Mr. OATES. It is to define the fees in cases where there was no definition before, and it is rather a reduction.

Mr. McMILLIN. Does it allow a fee in any case where none was allowed before?

Mr. OATES. It does not. Where there was no specific provisions as to the amount larger fees were charged, the committee thought from the evidence before them, than should be charged.

Mr. McMILLIN. Then I understand the gentleman to say that the effect of the bill is to reduce fees of commissioners?

Mr. OATES. Yes.

Mr. McMILLIN. I would like to know how that is, because these fees are enormous in some cases now.

Mr. OATES. This is a reduction. I will yield to the gentleman from Pennsylvania [Mr. WOLVERTON].

Mr. WOLVERTON. Mr. Speaker, the intention of this bill is to reduce the fees of United States commissioners, which have become enormous in these latter days. The fee bill for commissioners was passed in 1853, and did very well as people understood legal proceedings at that time; but commissioners have gained considerable knowledge on the question of fee-making since the passage of that act, and the result has been that there have been continual disputes between the First Comptroller's Office and United States commissioners throughout the United States.

For instance, in the case of one commissioner in Boston, where his total bills for a certain number of years were $41,801.31, the Comptroller's department reduced the amount to $21,864.73. That arose from a difference of construction of this old fee bill. These differences have occurred largely under one clause of it which provides that for hearing and deciding on criminal charges $5 a day for the time necessarily employed shall be paid. The commissioner who desires to make fees would have a suit brought, a day fixed for the hearing, and on that day would find it inconvenient to proceed and adjourn the hearing to another day, and so on from day to day, making $5 a day for each hearing. The amendment that we have offered is for the purpose of limiting the total amount of fees that the commissioner shall receive for a hearing and binding over of defendant or taking his recognizance for appearing in court to $5.

In one case in Boston, for instance, the United States commissioner was also the chief supervisor of elections. Mr. Hallett, who was chief supervisor of elections, instituted before Mr. Hallett, the circuit court commissioner, proceedings for the arrest of about eighty persons just prior to a Presidential election. Then Mr. Hallett, the chief supervisor of elections, appeared before Mr. Hallett, the circuit court commissioner, and tried to satisfy Mr. Hallett, the United States circuit court commissioner, that he had a *prima facie* case to "send them up," as they call it in the United States court; and if Mr. Hallett, the chief supervisor of elections, failed to satisfy Mr. Hallett, the United States commissioner, that he had sufficient evidence, he would not issue a warrant.

In twenty-six of these cases Mr. Hallett, the chief supervisor, failed to satisfy himself that he had sufficient evidence to issue a warrant on, and he did not issue warrants in these twenty-six; but he charged up fees under this fee bill for himself for $4.15 in each instance; in other cases he failed to satisfy himself that the defendant should be held, and he discharged them; so that this dispute between the United States commissioners and the accounting department has been going on for years, resulting in the allowance of about one-half of what these commissioners charge.

Mr. OATES. If my friend will allow me, I will state that from the evidence taken by the committee in its investigation it appears that this practice prevails in many other States besides Massachusetts.

Mr. WOLVERTON. I would say that it prevails in Alabama just as well as in Massachusetts, and in almost every other State. I only selected this one case as an instance of how this fee bill may be abused. The amendment to it limits all that a commissioner may receive in a case where he issues his warrant, has a hearing, binding the defendant over for his appearance at court, or discharges him, and limits him under the bill to the sum of $5 and no more, if he only issues a warrant; and if after hearing he refuses to issue a warrant, he is limited to $2; so that in no case can he make $4.15 when he does not issue a warrant at all.

The report of the evidence that we had before the committee of the clerks and heads of departments show that this fee bill should be thoroughly revised, and we have done the best we could with it. The effect of this amendment will be to greatly reduce the commissioner's fees in many respects and will do away with this abuse.

A fee bill should be devised by some one in the departments acquainted with these irregularities and who knows what is best to correct them; but, as I have already said, we have done the best we could, and the result will be to correct abuses that are taking out of the Treasury of this country a large amount of money annually.

Mr. OATES. Mr. Speaker, I move the previous question on the engrossment and third reading of the bill.

The previous question was ordered, and under the operation thereof the bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. OATES, a motion to reconsider the vote by which the bill was passed was laid on the table.

CLERKS' FEES.

Mr. OATES. Mr. Speaker, I call up for consideration the bill (H. R. 9613) to amend section 828 of the Revised Statutes of the United States, relating to clerks' fees.

The bill was read, as follows:

Be it enacted, etc., That section 828 of the Revised Statutes of the United States be, and the same is hereby, amended by adding the following to the end of said section: For filing declaration of intention to become a citizen by an alien, $1; for final papers and all services connected therewith, $2.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. OATES, a motion to reconsider the vote by which the bill was passed was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had passed, without amendment, the bill (H. R. 10015) to authorize the construction of bridges across the Hiwassee, the Tennessee, and Clinch Rivers, in the State of Tennessee.

It also announced that the Senate had passed bills and joint resolutions of the following titles; in which the concurrence of the House was requested:

A bill (S. 3580) to amend the proviso to be found in connection with the free-delivery service, page 569, twenty-fourth volume, Statutes at Large;

A bill (S. 3581) to amend an act entitled "An act to forfeit certain lands heretofore granted for the purpose of aiding in the construction of railroads," and for other purposes;

A bill (S. 3643) to provide for the disposal of the Fort Bridger abandoned military reservation, in the State of Wyoming;

Joint resolution (S. R. 135) making appropriation of $5,000 for clearing the Potomac River of ice; and

Joint resolution (S. R. 121) authorizing payment, under act of August 30, 1890, to the State of Virginia, upon the assent of the governor, heretofore given, till adjournment of next session of the Legislature thereof.

TO REGULATE THE RIGHT OF APPEAL.

Mr. OATES. Mr. Speaker, I call up for consideration the bill (H. R. 9979) to regulate the right of appeal in certain cases.

The bill was read, as follows:

Be it enacted, etc., That nothing contained in the act of Congress of March 3, 1891, entitled "An act to establish circuit courts of appeal, and so forth," nor in the "joint resolution to provide for the organization of the circuit courts of appeal," of the same date, shall be held or construed to deprive the Supreme Court of the United States of jurisdiction for the period of two years, according to section 1008 of the Revised Statutes of the United States, to entertain writs of error, or appeals from judgments, decrees, or orders of circuit and district courts of the United States rendered before the passage of the above act and resolution, if at the time the circuit courts of appeals provided for by that act were organized the terms of the act did not allow a writ of error or appeal to the said circuit courts of appeals from said judgments, decrees, or orders.

SEC. 2. That all writs of error or appeals which shall have been dismissed from the Supreme Court contrary to the provisions of this act, prior to its passage, may be reinstated therein on motion within one year from the passage of this act, after reasonable notice to the parties, or their counsel, at whose instance the same were dismissed.

The amendment recommended by the committee was read, as follows:

In line 4, section 2, strike out the words "one year" and insert the words "six months."

Mr. OATES. Mr. Speaker, the purpose of this bill is simply this: Under the bill establishing the circuit courts of appeal, there were certain cases transferable to those courts, in which an appeal could be taken to those courts. Under the former law two years were allowed. That was overlooked in that bill, and those parties desiring an appeal where a part of the time had expired lost the right of appeal; and this bill is simply to reserve the right of appeal which they had under the old law, but which was taken away without knowing it under the new law.

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. OATES, a motion to reconsider the vote by which the bill was passed was laid on the table.

COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA.

Mr. OATES. Mr. Speaker, I now call up the bill (S. 1185) to establish a court of appeals for the District of Columbia, and for other purposes.

The Clerk proceeded to read the bill.

Mr. OATES. Mr. Speaker, I ask to dispense with the reading of the Senate bill. The committee has unanimously reported a substitute for the Senate bill, and I desire to have it read.

Mr. HOPKINS of Illinois. I desire to ask the gentleman if that bill shows a difference between the Senate bill and the House bill?

Mr. OATES. It is the Senate bill that the Clerk is reading.

Mr. HOPKINS of Illinois. You say that the House committee offers a substitute. What is the difference between the two bills?

Mr. OATES. There is a considerable difference.

Mr. EZRA B. TAYLOR. One material difference in the proposition is, that the Senate proposes to add three new judges to the present Supreme Court; this proposes to constitute an intermediate court of appeals consisting of three judges. That is the difference.

The SPEAKER *pro tempore* (Mr. RICHARDSON). The Clerk will report the bill. Does the gentleman object?

Mr. OATES. I ask unanimous consent to dispense with the reading of the Senate bill.

Mr. HOPKINS of Illinois. I do not object to that.

Mr. HEMPHILL. Let the substitute be read.

The substitute was read, as follows:

A bill (H. R. 10010) to establish a court of appeals in the District of Columbia, and for other purposes.

Be it enacted, etc., That there shall be, and there is hereby, established in the District of Columbia a court, to be known as the court of appeals of the District of Columbia, which shall consist of one chief justice and two associate justices, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall hold office during good behavior.

SEC. 2. That the said justices shall each receive an annual salary of $6,000, payable quarterly at the Treasury of the United States, except the chief justice, who shall receive $6,500.

SEC. 3. That each of said justices, before he enters upon the duties of his office, shall take the oath prescribed by law to be taken by the judges of the courts of the United States.

SEC. 4. That there shall be a clerk of said court of appeals, to be appointed by the court, who shall receive as compensation for his services, in the discretion of the court, an annual salary not to exceed the sum of $3,000, payable quarterly at the Treasury of the United States, and who shall give bond, such as the court may determine to be satisfactory, for the faithful performance of his duties; and his duties shall be such as the court may from time to time prescribe. The court shall regulate from time to time the fees to be charged by the said clerk, which shall be accounted for at least once in each quarter and paid into the Treasury of the United States; and said clerk shall receive such allowance for clerical assistance and necessary expenditures in the conduct of his office as the court may determine by special or general order in the premises, but not to exceed the sum of $2,000 in any one year, payable as aforesaid at the Treasury of the United States.

SEC. 5. That said court of appeals may appoint a crier at a compensation not to exceed $100 a month, and a messenger at a compensation not to exceed $80 a month, both payable at the Treasury of the United States, who shall perform such duties as may be assigned them by the court.

SEC. 6. That the said court of appeals shall establish such terms of the court, not less than three in each year, as to it may seem proper and expedient; and it shall make such rules and regulations as may be necessary and proper for the transaction of the business to be brought before it, and for the time and method of the entry of appeals and for giving notice of appeals thereto from the supreme court of the District of Columbia, and such other rules and regulations as may be necessary and proper in the premises.

If any member of the court shall be absent on account of illness or other cause during the session thereof, or shall be disqualified from hearing and determining any particular cause by having been of counsel therein, or by having as a justice of the supreme court of the District of Columbia previously passed upon the merits thereof, or if for any reason whatever it shall be impracticable to obtain a full court of three justices, the member or members of the court who shall be present shall designate the justice or justices of the supreme court of the District of Columbia to temporarily fill the vacancy or vacancies so created, and the justice or justices so designated shall sit in said court of appeals and perform the duties of a member thereof while such vacancy or vacancies exist: *Provided*, That no justice of the supreme court of the District of Columbia shall, while on the bench of said court of appeals, sit in review of any judgment, decree, or order which he shall have himself entered or made.

SEC. 7. That any party aggrieved by any final order, judgment, or decree of the supreme court of the District of Columbia, or of any justice thereof, may appeal therefrom to the court of appeals hereby created; and upon such appeal the court of appeals shall review such order, judgment, or decree, and affirm, reverse, or modify the same as shall be just: *Provided, however*, That all causes now pending before the said supreme court in general term, together with the original papers and record entries duly certified, shall by appropriate orders duly entered of record be transferred and delivered to the court of appeals hereby created, which said court of appeals is hereby vested with authority and jurisdiction to hear and determine the causes so transferred. The appellate power and jurisdiction of said general term is hereby abrogated and abolished, and no causes shall hereafter be heard in the said general term. Appeals shall also be allowed to said court of appeals

from all interlocutory orders of the supreme court of the District of Columbia, or by any justice thereof, whereby the possession of property is changed or affected, such as orders for the appointment of receivers, granting injunctions, dissolving writs of attachment, and the like; and also from any other interlocutory order, in the discretion of said court of appeals, whenever it is made to appear to said court upon petition that it will be in the interest of justice to allow such appeal.

SEC. 8. That any final judgment or decree of the said court of appeals may be reëxamined and affirmed, reversed, or modified by the Supreme Court of the United States, upon writ of error or appeal, in all causes in which the matter in dispute, exclusive of costs, shall exceed the sum of $5,000, in the same manner and under the same regulations as heretofore provided for in cases of writs of error on judgment or appeals from decrees rendered in the supreme court of the District of Columbia; and also in all cases, without regard to the sum or value of the matter in dispute, wherein is involved the validity of any patent or copyright, or in which is drawn in question the validity of a treaty or statute of or an authority exercised under the United States.

SEC. 9. That the determination of appeals from the decision of the Commissioner of Patents, now vested in the aforesaid general term of the supreme court of the District of Columbia, in pursuance of the provisions of section 780 of the Revised Statutes of the United States relating to said District, shall hereafter be, and the same is hereby, vested in the court of appeals hereby created.

SEC. 10. That the opinion of the said court of appeals in every case shall be rendered in writing, and shall be filed in such case as part of the record thereof.

SEC. 11. That the said court of appeals shall have power to issue all necessary and proper remedial and prerogative writs in aid of its appellate jurisdiction.

SEC. 12. That the Attorney-General is hereby empowered and directed to provide suitable rooms and accommodations in the city of Washington for the court of appeals hereby created and for the transaction of its business.

SEC. 13. That the marshal of the United States for the District of Columbia shall execute the orders and processes of the court of appeals hereby created in the same manner as he now executes those of the supreme court of the District of Columbia.

SEC. 14. That the justices of the supreme court of the District of Columbia shall hereafter receive an annual salary of $5,000 each, payable quarterly at the Treasury of the United States.

SEC. 15. That hereafter one-half of the amounts paid on account of salary to the justices of the court of appeals hereby created, and to the justices of the supreme court of the District of Columbia, shall be paid from the revenues of the District of Columbia.

SEC. 16. That this act shall take effect on the 3d day of April, 1893, said day being the first day of the April term of the supreme court of the District of Columbia in general term.

SEC. 17. That all acts and parts of acts inconsistent herewith are hereby repealed.

Mr. BLAND. Mr. Speaker, I wish to reserve the point of order that that bill must be considered in Committee of the Whole.

Mr. OATES. I did not yield to the gentleman.

The SPEAKER *pro tempore*. What point did the gentleman make?

Mr. BLAND. I make the point of order that the bill must be considered in Committee of the Whole. It provides for new officers, it provides salaries, and everything of that sort.

The SPEAKER *pro tempore*. The Chair sustains the point of order.

Mr. OATES. I ask unanimous consent that it be considered in the House as in Committee of the Whole.

Mr. HOLMAN. Mr. Speaker, I think we had better go into Committee of the Whole. It will take but a moment.

Mr. OATES. Then, Mr. Speaker, I move that the House resolve itself into Committee of the Whole.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole (Mr. DOCKERY in the chair).

The CHAIRMAN. The House is in Committee of the Whole for further consideration of the bill (H. R. 10010) to establish a court of appeals for the District of Columbia, and for other purposes.

Mr. OATES. Mr. Chairman, as the bill has just been read in full in the House, I ask unanimous consent to dispense with the formal reading of it in the committee.

There was no objection, and it was so ordered.

Mr. OATES. I desire to offer an amendment on behalf of the committee.

The amendment was read, as follows:

Line 2, section 9, after the word "patents," insert the words "in interference cases and of appeals."

Mr. HOPKINS of Illinois. Mr. Chairman, is general debate closed upon this bill?

The CHAIRMAN. General debate is not closed, and this amendment is not in order at this time if objection is made.

Mr. HOPKINS of Illinois. I would like to have the gentleman from Alabama [Mr. OATES] explain briefly wherein the Committee on the Judiciary claim that the bill presented to the House is superior to the organization of the courts of this District provided for by the Senate bill.

Mr. BOATNER. Mr. Chairman, I would suggest to the gentleman from Illinois that the chairman of the Committee on the Judiciary, the gentleman from Texas, Mr. CULBERSON, who is detained from the House to-day by the serious illness of his wife, has prepared a very elaborate and thorough report on this measure, which fully explains it, and I ask to have that report read.

Mr. OATES. I was about to say, Mr. Chairman, in reply to the inquiry of the gentleman from Illinois, that I would ask to have read the report made by the chairman of the committee, the gentleman from Texas, which explains the condition of the courts here and the necessity for this bill. If the gentleman will pay attention to the reading of that report he will hear, very succinctly and strongly stated, the reasons why this bill is preferable. I ask for the reading of the report.

The report (by Mr. CULBERSON) was read, as follows:

The Committee on the Judiciary have considered the bill (S. 1185) to establish a court of appeals for the District of Columbia, and herewith report a substitute for the bill and recommend that the substitute may be passed, and submit the following reasons for its passage:

Upon a thorough investigation by the committee of the results of the existing judicial system of the District of Columbia, the committee believes that an imperative necessity exists for an increase of the judicial force of the District. The delays which attend the determination of civil and criminal causes have been for many years a cause for universal complaint.

This evil increases from year to year, as the business of the court increases, and unless removed a practical denial of justice by the courts must be the result.

The committee has been furnished with the following information, which will tend to show the importance of increasing the judicial force of this District:

Before the reorganization of the judicial establishment in 1863 the judiciary of the District of Columbia consisted of five judges, three of whom were assigned to the circuit court, one to the criminal court, and one to the orphans' court. Criminal jurisdiction in minor offenses was also exercised by the mayors of the cities of Washington and Georgetown, and by a number of magistrates. The population of the District at that time was 75,080, being 15,016 inhabitants to each judge.

At the present time, with a population of 230,392, there are but six justices (two judges of the police court having succeeded to the powers of the magistrates in criminal cases, with increased jurisdiction), being 38,398 inhabitants to each justice of this court.

The total assessed value of the property within the District of Columbia in 1860 is estimated at about $48,400,000, which was about $9,680,000 for each of the five judges at that day.

Last published assessment of the private property within the District for purposes of taxation		$153,307,541
Amount of property not taxable (estimated by the Commissioners):		
United States property	$127,327,638	
Property of the District government	2,612,276	
Exempt property	7,334,167	
		137,274,079
Total amount		290,581,610

Which would show $48,430,268 for each of the six justices on the entire valuation, and $25,557.25 on the valuation for taxable purposes.

Since 1860 the operations of the General Government have amplified to an amazing extent, and this increase is felt in a greater degree in this jurisdiction than in any other portion of the country. The population of the District of Columbia is larger than that of either of six States of the Union, and the amount of the assessed values in the District is greater than that in each of six of the States; and the entire valuation exceeds the assessed value of property in each of sixteen of the States.

Such an expansion of wealth and population would necessarily imply a corresponding growth in the amount of litigation: and the facts show even a greater proportionate increase in the business of the courts.

During the sixty years from 1803 to 1863 the entire number of equity suits brought was not more than 2,500. From 1863 to February 1, 1892, the number brought amounts to 13,690. Within the latter period more than 32,571 civil cases have been brought before the special term holding the circuit court, notwithstanding the extension of the jurisdiction of the justices of the peace in civil cases beyond $50, which withdrew from that court a large class of cases formerly contributing a considerable part of the business of the old circuit court.

Since 1863, 18,849 cases have been before the criminal court, although the police court has exclusive jurisdiction of many minor offenses, which during the past year numbered 18,069 cases, and for the last three years numbered 48,918.

For the twenty-six years before 1863, the number of administration cases before the orphans' court was 2,742.

From 1863 to February, 1892, the administration cases in that court number 8,651.

The guardianship cases during the first-named period, before 1863, numbered 935, and since 1863 they amount to 3,030.

The increased values of the estates involved in the business in that court is very marked, as might be expected from the greater prosperity of the people.

Besides the great mass of prosecutions in the police court, the number of cases disposed of in the criminal court of the District of Columbia exceeds in amount more than one-fourth of the entire criminal business in all the United States courts of the country.

The jurisdiction of the supreme court of this District is more extensive and varied than that of any court in the country, except the Supreme Court of the United States.

It is charged with all the powers and jurisdiction of the circuit and district courts of the United States, and with all criminal jurisdiction (except in petty cases triable in the police court, many of which may come to the criminal court by appeal). It is the only court authorized to hear appeals from the Commissioner of Patents, in certain cases, and it possesses all the extensive and varied common-law jurisdiction belonging to the highest courts in Maryland in 1801, by virtue of which it has cognizance of application for mandamus against officials of the Government.

A large part of the litigation thus devolved upon this court is directly the consequence of its location at the seat of Government and the immense business transactions connected with its operations.

The civil business brought before the equity and circuit courts for the greater part is such as appertains to large cities, and presents constant questions of difficulty in commercial law, frequently involving large amounts.

There are many other duties confided to the court besides these mentioned.

Since 1863, 3,425 foreigners have been naturalized here, and 433 bankruptcy cases have been adjudicated.

In matters of extradition the chief justice, and in case of his absence or disability the other justices, exercise the powers and perform the duties of the chief executive of the State, and the court is frequently engaged in controversies arising out of the condemnation of real estate for public uses.

The plan of relief presented by this bill has been met and is combated in the main by a proposition to add three associate judges to the court as now

constituted, and from the members of the judicial body thus increased to create a permanent general term which shall have the same appellate jurisdiction that it now exercises.

The proposed addition of three associate justices would make the supreme court of the District to be composed of a chief justice and eight associate justices, each having the same power and authority. Without further legislation the composition of the general term, which is in reality a court of appeal, would be left to be determined by the members of the court themselves, as they might themselves from time to time agree.

Those who appeared before the committee in opposition to the court-of-appeals bill did not urge that the designation of the members of the court who should sit in general term should thus be left to the determination of the members of the court themselves.

They advocate a bill (H. R. 6125) which provides for the appointment of three additional judges, and that the general term should then be composed of the chief justice and the two or three associate justices senior in service, and that as vacancies occurred in the general term their places should be filled by the selection or promotion of other members of the court according to the same system of seniority of commission.

Such a method of creating a general term or appellate court would take from the Executive all power of direct appointment to what is in reality a court of last resort in respect of the greater part of the judicial business of the District.

It would make mere length of service the sole qualification for a seat on the bench in the general term.

It would effectually prevent the designation of a junior judge to sit in general term, no matter how conspicuous might be his especial fitness for the duties of that position.

It would place and continuously keep in the most important places in the judicial system those and those only who were nearest the period for retirement, and who, for that reason, might naturally be supposed to bring to the performance of their duties the least energy and vigor.

It would cause more frequent changes in the composition of the court, because all of its members would at all times necessarily be of advanced age.

It is not believed that in the history of the judicial system of the United States any precedent can be found to justify such an extraordinary plan of organizing an appellate tribunal.

The increased salaries provided for by this bill can be defrayed without direct charge upon the Government from the large sums paid into the Treasury by the courts of the District of Columbia, arising from fees and forfeitures, etc.

These sums, derived from private suitors, are applied primarily to the payment of the expenses of the clerk's office, including the salaries of clerks, deputies, and assistants.

The amount, net, paid into the Treasury from this source annually amounts to a large sum. From the police court alone there has been paid into the Treasury during the years 1889, 1890, and 1891 the total sum of $142,185.71.

This large sum of money is derived for the most part from the citizens of the District. Besides, the change of the law regulating the fees of certain officers of the District, already agreed upon by the House and Senate, will add to the receipts of the Government, from court fees, etc., of the District, a sum sufficient, it is believed, to defray the entire expenses of the court contemplated by this measure.

By every consideration this District is entitled to a court of last resort which shall be equal in all respects to the court of last resort of any State of the Union.

Mr. OATES. I yield three minutes to the gentleman from Virginia [Mr. WISE].

Mr. WISE. Mr. Chairman, I want to ask the gentleman from Alabama this question: Whether the judges of the supreme court of the District of Columbia when sitting in general term do not now have the same appellate jurisdiction as the judges of this new court will have if it shall be constituted?

Mr. OATES. They do, except that this bill somewhat enlarges the appellate jurisdiction of the court. In further reply to the gentleman's question, I will state that the members of the District bar came before the Judiciary Committee at different times and expressed their views upon this general subject. They differed as to the best plan to relieve the courts of the pressure of business; in other words, to enable them to do the business brought before them. Some were of the opinion that the bill passed by the Senate embodied the better plan, which was to continue the court in general term by a detail of the older judges, and let them go on pretty much the same way they are doing now, and at the same time to increase the number of the judges.

The Judiciary Committee, after hearing both sides long and patiently and considering all the reasons presented, came to the conclusion that the better plan was to have a separate court of three judges, to constitute a court of appeal. After hearing all these gentlemen of the bar most respectfully and attentively and weighing and considering the advantages of each plan suggested, the members of the committee were, I believe, unanimous in deciding upon the one which is now before us.

Mr. BAILEY. I wish to ask the gentleman from Alabama what induced the committee to make the tenure of these judges for life?

Mr. OATES. In reply to that I will state that the district judges have always been treated and considered as United States judges and hence have a life tenure.

Mr. BAILEY. But the gentleman from Alabama does not, of course, contend that under the Constitution they must have a life tenure?

Mr. OATES. No; that is perhaps a question for the Supreme Court of the United States. I do not know whether it has been passed upon or not, but there is some doubt possibly as to whether they have a life tenure.

Mr. BAILEY. The gentleman from Alabama will permit me to say that he knows very well that the Supreme Court of the United States has decided that a citizen of this District can not bring a suit in a Federal court, and therefore, of course, the Supreme Court of the United States will not hold that a judge appointed for the District of Columbia is a United States judge within the meaning of the Constitution.

Mr. OATES. That is a question yet to be determined.

Mr. BAILEY. I ask the gentleman from Alabama for his opinion.

Mr. OATES. It is not necessary for the proper consideration of this bill for me to give an opinion on that question.

Mr. BAILEY. Very well; then I shall offer an amendment.

Mr. OATES. I yield two minutes to the gentleman from Virginia [Mr. WISE].

Mr. WISE. Mr. Chairman, I do not wish to discuss this bill, but desire to make a statement in reply to what has been said by the gentleman from Alabama [Mr. OATES]. The proposition here is not only to increase the judicial force of the District of Columbia, but also to change the judicial system which has existed here, I believe, for a period of thirty years. On this question of the increase of the judicial force permit me to say that you can not find in any portion of the United States containing the same population as the District of Columbia more judges than you have here to-day. What are the facts? You have six supreme court judges and two police justices, the latter having powers much beyond those which are conferred upon magistrates in the States.

I will not dispute the fact that there may be some necessity for an increase of the judicial force; but I wish to state to the House that the leading lawyers of this city—I will not say all of them, but many of them—are opposed to this measure and opposed to changing the present judicial system. They say, what every member of this House must know, that by the addition, not of three judges, but of two, all the judicial business of the District can be well attended to, and attended to without delay.

[Here the hammer fell.]

Mr. OATES. I yield two minutes more to the gentleman.

Mr. WISE. I have said about all that I care to say except this: Here we have in the District of Columbia a judicial system with which the leading lawyers of this city are satisfied; and the report which comes from the Judiciary Committee does not show that this system is in any respect faulty. It is not claimed that the system has not answered its purpose. Why, then, I ask, should this House create a new court which necessitates the creation and appointment of new officers and an increase of expense to litigants. I can see no necessity for a new court in the District of Columbia, because the supreme court of this District has the same appellate jurisdiction as we propose to confer upon the court to be created by this bill.

Mr. OATES. My friend from Virginia is mistaken. The bill will not increase the cost of litigation to litigants.

Mr. WISE. It will entail increased expense upon somebody, because the constitution of this new court, as will appear by an examination of the bill, requires that there shall be new clerks, new criers, and other officers appointed. Somebody must pay these additional expenses. Upon whom will this expense fall? I see no necessity for increasing the expenses of the Government in this way when the present court, in the opinion of the ablest lawyers of the District, is sufficient to answer all the purposes of justice.

[Here the hammer fell.]

Mr. OTIS. I would like to put an inquiry to the gentleman from Alabama [Mr. OATES], who is in charge of this bill. Why is it that the salaries of the supreme court judges are by section 14 made payable out of the Treasury of the United States, while by the provisions of section 15 the other judges are paid to the extent of one-half out of the revenues of the District of Columbia?

Mr. HEMPHILL. The language of the fourteenth section is "payable quarterly at the Treasury of the United States," not payable out of the Treasury of the United States.

Mr. OATES. Section 15 provides—

That hereafter one-half of the amounts paid on account of salary to the justices of the court of appeals hereby created, and to the justices of the supreme court of the District of Columbia, shall be paid from the revenues of the District of Columbia.

Mr. OTIS. Are the salaries of the judges of the two courts paid in the same way?

Mr. OATES. Of course.

Mr. OTIS. Then why make the salaries of the judges of this new court larger than the salaries of the judges of the supreme court?

Mr. OATES. Because the new court is a court of appeals—a higher court.

I yield five minutes to the gentleman from Ohio [Mr. EZRA B. TAYLOR].

Mr. EZRA B. TAYLOR. Mr. Chairman, this bill has been pressed upon the attention of the Committee on the Judiciary

for a great many months, and has been carefully considered by the committee, who have had the benefit of the suggestions of gentlemen of the District bar, to whom the gentleman from Virginia [Mr. WISE] has referred. And there has not been from any member of the bar of this District a statement that these additional judges are not needed. In fact the extent of the jurisdiction of the courts of the District and the amount of the business which they do render it absolutely certain that no six men can do the work that is to be done.

Mr. WISE. Will the gentleman allow me to interrupt him a moment? I have from one of the leading lawyers of this District the statement that if two judges should be added to the number now existing the judicial force would be amply sufficient.

Mr. EZRA B. TAYLOR. One or two legal gentlemen suggested before the committee that possibly such an arrangement would do. In point of fact, however, as was ascertained, the objection to the creation of the new court and the appointment of new judges was founded upon a feeling of sympathy and respect for the present members of the supreme court of the District, and that alone.

Now, I join with these gentlemen in their respect for that court, but I deny that there is anything in this bill interfering in the slightest degree with their dignity or rights. But, Mr. Chairman, even if such a provision did exist in the bill the welfare of the community is greater than that consideration.

It has been suggested by the gentleman from Virginia that there is no community in the United States that has so many judges, in comparison to its population, as this District. In that the gentleman is entirely mistaken. For all the purposes and duties he has named they will probably exceed; but the gentleman himself will admit, all lawyers here admit, that the work is beyond their power.

There is, it has been stated, almost a practical denial of justice here for that reason. But the great objection to this matter of the addition of two or three judges, as suggested by the gentleman from Virginia, is that they act singly in the court below and in general term act together, and on appeals coming before them review their own decisions or the decisions of their colleagues.

Mr. WISE. That is not correct. The judge who makes the ruling below does not sit on the appeal.

Mr. EZRA B. TAYLOR. That is true, but he reviews the decisions of his brethren, of his colleagues on the court, and may be induced by sympathy or jealousy to acquiesce in rulings which otherwise may not meet his approval.

Mr. CASTLE. Is that not true with reference to the Federal system throughout the United States?

Mr. EZRA B. TAYLOR. No, sir.

Mr. CASTLE. When was it changed?

Mr. EZRA B. TAYLOR. The gentleman knows that we changed it by the passage of the court of appeals bill. We created the circuit court of appeals to avoid that very difficulty. We could not do it entirely, because the other body objected, but we did the best we could. This House proposed to divorce the two courts; and under every well regulated system of jurisprudence it has been done.

The fact that a man does not sit in review of his own decisions, but in review of the decisions of his colleagues or brethren, does not avoid the difficulty.

Mr. Chairman, there is but one clause in this bill to which I object, and I have waived my objection in regard to that, in view of the importance of the enactment, and that is in reference to the salaries. This is a United States court and United States judges ought to have their salaries paid just as they are paid in the districts of the States or Territories. But by the provisions of this bill that is avoided; so that the expenses of the courts of the United States here would be less by this bill than under the present law.

The committee will also take notice that this bill does not go into effect until in April. That has not been done for the purpose of giving the new Administration the appointments in the matter of the judges, although it will have that effect. That was not the purpose; but the purpose was to arrange that the new court would commence operations at a time that would be convenient to all parties.

[Here the hammer fell.]

Mr. OATES. Mr. Chairman, I now ask unanimous consent that general debate be closed and that the bill may be read by paragraphs for amendment.

Mr. HOPKINS of Illinois. Before that is submitted I hope the gentleman will allow me a single moment. I would like to know if this bill does not include something more than the creation of an appellate court. I see by section 14 that it is proposed to fix the salary of the several judges of the supreme court of the District of Columbia at $5,000 per annum.

Under the existing law I would like to ask the gentleman what is the salary of these judges?

Mr. OATES. It is, I believe, $4,500. The salary of the United States circuit judges now is $5,000, and these judges will have about the same salary.

It certainly costs about as much to live here in Washington as elsewhere.

The CHAIRMAN. If there be no objection all general debate will be considered as closed, and the Clerk will read the first paragraph of the bill.

The Clerk read section 1, as follows:

Be it enacted, etc., That there shall be, and there is hereby, established in the District of Columbia a court, to be known as the court of appeals of the District of Columbia, which shall consist of one chief justice and two associate justices, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall hold office during good behavior.

Mr. BAILEY. Mr. Chairman, I offer the amendment I send to the desk.

The Clerk read as follows:

Strike out, in line 8, the words "during good behavior" and insert "for the term of four years."

Mr. BAILEY. Mr. Chairman, I am induced to offer this amendment because I am one of those who believe that life tenures are not in harmony with the spirit of a free government like ours. The Constitution itself has fixed that the term of what we call Federal judges shall be during good behavior; but it appears to my mind that the makers of that instrument thought they had then gone far enough in that direction, and they left the term of the other officers to be fixed by Congress when it created the offices.

I desire to say in reply to my distinguished friend from Alabama [Mr. OATES] that it is well known that the judges in the District of Columbia hold their office according to the law which creates them and not according to the tenure fixed in the Constitution itself. A different construction would involve this absurdity, that a citizen of the District of Columbia could not be permitted to sue in the courts here, because the Supreme Court of the United States has held that a citizen of this District is not entitled to sue in a Federal court.

In the early history of the Government, as I recollect it now, a citizen of this District attempted to sue a citizen of Virginia in a Federal court, and his petition was dismissed upon the ground that he was not entitled to sue in the Federal courts. The same article of the Constitution which defines the jurisdiction of Federal courts also provides for the appointment of the judges, and if the jurisdiction is not conferred on the courts of this District, then the appointment of their judge is not determined by that article of the Constitution.

I believe that the gentleman from Alabama himself will not venture to declare before this House that under the Constitution a judge of a court in this District must hold his office during the term of good behavior. Then if the Constitution makes no such requirement of us, why is it that those who profess to believe that responsibility back to the people is a salutary restraint upon all officeholders are so anxious to put this court beyond the power which creates it, and even beyond the power of those who create us?

Mr. HOLMAN. Do not the Territorial judges created by Congress hold their offices for four years?

Mr. BAILEY. Certainly they do.

Mr. HOLMAN. That is the law.

Mr. BAILEY. Not only is it the law, but it ought to be the law; and surely the gentleman from Alabama [Mr. OATES] will not deny that proposition.

I recognize that there is a possible necessity for some legislation of this kind. I believe it is important that wherever we have the power to act we should so act as neither to deny any man justice nor to delay any man in the establishment or defense of his just rights; but, sir, it seems to me that there can be no necessity for putting this court beyond the power of the body which creates it. So far as my opinion goes, it appears to me to be our plain duty to put the courts in the District of Columbia precisely upon the same footing with the courts in the various Territories.

Mr. DOLLIVER. Will the gentleman permit me to ask him a question?

Mr. BAILEY. Yes.

Mr. DOLLIVER. Would not your proposition leave us in the attitude of creating partisan judges, holding office for a short term, to review the decisions of judges whose tenure is for life?

Mr. BAILEY. That may be; but it can not be contended that because our predecessors have done wrong, we must pursue the same policy. It would be better to repeal the law which has established the life tenure in the case of those District judges who now hold office, and fix for them a term of years, than it is to create a new court with similar tenures. If it is desirable that

all judges in this District shall hold by like tenure, and I certainly think that it is, I prefer reducing them all to a term of years rather than to fix the uniformity of their tenures by making them all hold for life.

Mr. OATES. Mr. Chairman, in reply to my friend from Texas [Mr. BAILEY] I will say that so far as I have heard him he has not shown any reason for changing the prevailing custom in the appointment of these judges. His amendment, if adopted, would make the tenure of the judges of this court of appeals four years, while the supreme court below them consists of judges who hold office for life or during good behavior. The gentleman says it would be well to revise that law and put them all on the same basis.

But this bill is not for that purpose. This bill is to establish a court of appeals, and there is greater reason, in my judgment, why those judges should hold office during good behavior than the judges of the lower courts or courts of lower jurisdiction. The gentleman has not offered any substantial reason for the change. He has not shown that the present system is a bad one and that it would be improved by adopting his amendment. It would practically make it a political court, the terms of the judges ending and perhaps new ones coming in with each Administration. I ask for a vote on the amendment.

The question being taken on the amendment of Mr. BAILEY, the Chairman announced that the noes seemed to have it.

On a division (demanded by Mr. BAILEY) there were—ayes 46, noes 92.

Mr. BAILEY. No quorum.

The CHAIRMAN appointed as tellers Mr. OATES and Mr. BAILEY.

The committee again divided; and there were—ayes 35, noes 135.

So the amendment was rejected.

Mr. BAILEY. Mr. Chairman, I move to strike out the words "during good behavior," in line 8, section 1, and insert the words "during the term of seven years."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Texas [Mr. BAILEY].

The Clerk read as follows:

In line 8, section 1, strike out the words "during good behavior" and insert in lieu thereof the words "during the term of seven years."

Mr. BAILEY. I have no disposition to unnecessarily delay the committee and I am not disposed to argue the question over again, but I want to say this much. If it is right for Congress to create these offices with a life tenure, then the State of Alabama, which honors my distinguished friend [Mr. OATES] with its confidence, is wrong in not giving to the judges of her highest tribunal a life tenure.

The State of Texas, the State of Mississippi, the State of Tennessee, and almost all the States in this Union are wrong, because with two or three exceptions all of them have given to the judges of their highest tribunals a tenure for years only; and it remains to be seen whether members of Congress will vote to establish one rule for Federal officers and another for judges in their States. It seems to me an indefensible anomaly that State judges, though elected by the people, shall be restricted to a term of years, and yet judges in this District who hold their places by appointment shall have a life tenure. The Constitution establishes the rule as to Federal judges, and that far we must go, but further than that I am unwilling to go.

Mr. OATES. Mr. Chairman, the gentleman from Texas assumes that because the States have in their peculiar systems of jurisprudence prescribed terms of years for the tenure of their judges, that we ought to change here that which has always been regarded as a part of the Federal system with reference to this District, and do it on the basis of his State and mine. Now, sir, if a proposition were pending to change the Constitution of the United States, to change thereby the Federal system, and instead of giving the judges a life tenure or for good behavior to give them a term of years, the gentleman's argument would be quite pertinent.

Why make an exception in this district when there is a different rule prescribed by the Constitution for the Federal system? In this district, as for the United States courts elsewhere, Congress passes the laws which they are to expound and enforce. I can see no good reason for making a change in respect to this district while a different system prevails, and will continue to prevail unless the Constitution is changed.

I am entirely unable to agree with the gentleman. The gentleman has not shown how or wherein the present system has worked badly. He has not shown to the committee any good reason for the change. The only reason cited is that a different system prevails in the States. I do not think them sufficient. I ask for a vote on the amendment.

The question was taken on the amendment of Mr. BAILEY, and the Chairman announced that the noes seemed to have it.

Mr. BAILEY. I demand a division, Mr. Chairman.

The committee divided, and there were—ayes 47, noes 113.

The Clerk read as follows:

SEC. 2. That the said justices shall each receive an annual salary of $6,000, payable quarterly at the Treasury of the United States, except the chief justice, who shall receive $6,500.

Mr. WISE. Mr. Chairman, I offer an amendment to that section.

The Clerk read as follows:

In section 2, line 2, strike out the word "six" and insert "five," and strike out all after "United States" in line 3.

Mr. WISE. Mr. Chairman, I shall only occupy the attention of the House for a moment. I can see no reason why the salaries of the judges of the court, if it shall be constituted, shall be higher than the salaries of the other judges. They, I believe, received $5,000, and these judges if this bill is passed will receive $6,000. They perform the same duties. They deal with the same questions. There will be no more labor imposed upon them, and I think it is about time to put a stop to this tendency to increase official salaries to an exorbitant amount. Five thousand dollars a year, I believe, is enough.

Mr. OATES. Mr. Chairman, I quite agree with my friend from Virginia [Mr. WISE] that the tendency to increase salaries generally is too great; but there has always been, and is now, a difference in the salaries paid to the judges of the different courts. Now, the United States district judges are paid $5,000, the circuit judges are paid $6,000, the judges of the Supreme Court of the United States are paid $10,000 a year. Here the judges of the supreme court of the District of Columbia, by this bill, will have their salaries increased to $5,000.

I believe it was done a few years ago upon an appropriation bill, but it was only of a temporary character, and the salaries of the judges of the court of appeals which this bill proposes to establish is an office of as much dignity and importance as the judges of the United States circuit courts, and $6,000 a year, in the opinion of the committee, was not too much. There ought to have been some distinction; there is a distinction always made in the salaries of judges of a higher and a lower court. And so far as the salaries are concerned it is no charge upon the United States, because in the execution of the laws through the courts of this District the sums received doubly pay all the expenses of the court when it is established, as they do now.

The question was taken on the amendment offered by the gentleman from Virginia [Mr. WISE], and the Chairman announced that the noes seemed to have it.

Mr. WISE. Division.

The committee divided; and there were—ayes 56, noes 91.

Mr. WISE. No quorum, Mr. Chairman.

The CHAIRMAN. The Chair will appoint as tellers, the gentleman from Virginia [Mr. WISE] and the gentleman from Alabama [Mr. OATES].

The committee again divided.

Pending the announcement of the result,

Mr. WISE said: Mr. Chairman, I withdraw the point of no quorum.

So the amendment was rejected.

The Clerk read as follows:

SEC. 6. That the said court of appeals shall establish such terms of the court, not less than three in each year, as to it may seem proper and expedient; and it shall make such rules and regulations as may be necessary and proper for the transaction of the business to be brought before it, and for the time and method of the entry of appeals and for giving notice of appeals thereto from the supreme court of the District of Columbia, and such other rules and regulations as may be necessary and proper in the premises.

If any member of the court shall be absent on account of illness or other cause during the session thereof, or shall be disqualified from hearing and determining any particular cause by having been of counsel therein, or by having as a justice of the supreme court of the District of Columbia previously passed upon the merits thereof, or if for any reason whatever it shall be impracticable to obtain a full court of three justices, the member or members of the court who shall be present shall designate the justice or justices of the supreme court of the District of Columbia to temporarily fill the vacancy or vacancies so created, and the justice or justices so designated shall sit in said court of appeals and perform the duties of a member thereof while such vacancy or vacancies shall exist: *Provided*, That no justice of the supreme court of the District of Columbia shall, while on the bench of said court of appeals, sit in review of any judgment, decree, or order, which he shall have himself entered or made.

Mr. HOPKINS of Illinois. Mr. Chairman, I offer the amendment which I send to the desk.

The amendment was read, as follows:

Section 6, page 3, strike out "such" in line 1, all of line 2, and all of line 3 to the word "and," and insert in lieu thereof the following: "a term of court during each and every month in each year."

Mr. HOPKINS of Illinois. Mr. Chairman, I desire to state to the gentleman having this bill in charge that I find in section 7 a provision that appeals may be taken from interlocutory orders to this proposed court. That is an innovation upon the practice in the State of Illinois and, I think, in most of the States of the Union.

I do not know from experience whether it is an improvement upon the general practice or not; but certainly if this bill is to provide that all interlocutory orders of the character mentioned in section 7 can be appealed and carried up from the lower court, then this appellate court should be in session every month, so as not to delay the final hearing of any cause where an interlocutory order is made and appealed from; and the amendment I have proposed arranges it so that by retaining in the bill this clause relating to interlocutory orders there will be no delay in the final hearing of a cause.

Mr. OATES. In reply to the gentleman from Illinois I would say that in a good many of the States it has been found absolutely necessary to provide by statute for appeals to be taken from interlocutory orders, decrees, dissolving injunctions, perpetuating injunctions, and other orders of a like character, because very large interests may be involved, and if no appeal can be taken the delays of litigation may work irreparable injury, and I am always in favor of offering to parties who go into court to have their rights adjudicated the amplest facilities to appeal from the decisions of the lower courts.

The gentleman's amendment, I think, is wholly unnecessary, because this bill provides for the holding of three terms of the court, and does not limit the court to that number, and it is to be presumed that the judges will do their duty and sit as continuously as the business may demand, taking perhaps only a vacation of a month or two in the hot season.

Mr. HOPKINS of Illinois. If the gentleman thinks it advisable so except from my amendment the months of August and September, or July and August, I will agree to that, but it seems to me that this ought to be a court that will be in session continuously in order to hear appeals of the character provided for in section 7.

Mr. OATES. If the gentleman will examine the bill carefully he will see that it practically provides for the court being in session all the time; but if he puts a requirement in the law that it shall be in session all the time except, for instance, two months in the year, why then the judges will perhaps have to sit regardless of the requirements of the business.

Mr. HOPKINS of Illinois. There is where I would disagree with the gentleman in charge of the bill. The bill as it is framed provides for practically three terms of court a year, and it says that the judges may hold oftener if they see proper; but the experience of mankind will, I think, bear me out in the statement that no judges of the character proposed in this bill ever hold terms of court oftener than they are required by law. For that reason, I think that in passing this bill we should frame it so as to protect the interests of litigants. To illustrate, suppose, if you please, that a preliminary injunction is granted, an interlocutory order, and it is appealed to the court provided for in this bill, under the law, without any other provision, that appeal vacates the injunction.

Under the law as it exists four months will elapse before the hearing can be had in this court of appeals, and during that time all of the injury proposed to be prevented by the injunction may be committed, because the taking of the appeal vacates the order of the lower court and remits the parties to their respective rights. That is only one illustration. Take another. Take, for example, the appointment of a receiver, which may be in certain cases an interlocutory order. In a matter of that kind if an appeal is taken from such an order that vacates the appointment of the receiver and the rights of the parties are remitted to their status before the application was made.

Hence it may be that when four months transpire before the term of the appellate court begins the necessity for the proceeding will have passed away, or that the damage which was intended to be prevented will have been consummated. Now, if this amendment of mine is adopted this court will be open continuously; and if a person proposes to appeal from a preliminary injunction, or from the appointment of a receiver, or for any of the causes assigned in section 7, within less than thirty days that order can be taken up by this court of appeals and finally disposed of.

It seems to me that if section 7 is to be retained the amendment which I have submitted should be adopted in the interest of justice. I modify the amendment, adding the words "excepting the months of July and August."

Mr. HEMPHILL. Mr. Chairman, the gentleman from Illinois [Mr. HOPKINS] seems to think that the supreme court will necessarily hold only three terms. The requirement is that they shall hold not less than three, and as many more as may seem to them proper and expedient. Now it is manifest that if a case were pending in which the property of a citizen was about to be taken away from him under an interlocutory order, it would be not only expedient and proper, but highly necessary for the judges to hold court. We are obliged to trust to the honesty and sense of propriety of the judges in these matters.

In the next place, if you hold that only three terms are required, a term may last during the whole period of four months, and if so, there is a continual session of the court. I have never heard any complaint on the ground that a judge of this District did not sit during the whole term for the transaction of business. I think we can trust the judges to this extent. If we find that they fail to do their duty in this matter, we can hereafter pass a bill requiring them to hold further terms.

I wish to say to my friend from Illinois that it is exceedingly important this bill should be passed. There are criminals in this District to-day who are able to give bail and who are never tried simply because there is not the requisite machinery for their trial.

Mr. OATES. Since I have examined the amendment of the gentleman from Illinois [Mr. HOPKINS] I have no objection to it.

Mr. HOPKINS of Illinois. I understand that the gentleman from Alabama in charge of the bill is ready to accept my amendment.

The question being taken, the amendment of Mr. HOPKINS of Illinois was agreed to.

The Clerk read as follows:

SEC. 7. That any party aggrieved by any final order, judgment, or decree of the supreme court of the District of Columbia, or of any justice thereof, may appeal therefrom to the court of appeals hereby created; and upon such appeal the court of appeals shall review such order, judgment, or decree, and affirm, reverse, or modify the same as shall be just: *Provided, however*, That all causes now pending before the said supreme court in general term, together with the original papers and record entries duly certified, shall, by appropriate orders duly entered of record, be transferred and delivered to the court of appeals hereby created, which said court of appeals is hereby vested with authority and jurisdiction to hear and determine the causes so transferred. The appellate power and jurisdiction of said general term is hereby abrogated and abolished, and no causes shall hereafter be heard in the said general term. Appeals shall also be allowed to said court of appeals from all interlocutory orders of the supreme court of the District of Columbia, or by any justice thereof, whereby the possession of property is changed or affected, such as orders for the appointment of receivers, granting injunctions, dissolving writs of attachment, and the like; and also from any other interlocutory order, in the discretion of said court of appeals, whenever it is made to appear to said court upon petition that it will be in the interest of justice to allow such appeal.

SEC. 8. That any final judgment or decree of the said court of appeals may be reëxamined and affirmed, reversed, or modified by the Supreme Court of the United States, upon writ of error or appeal, in all causes in which the matter in dispute, exclusive of costs, shall exceed the sum of $5,000, in the same manner and under the same regulations as heretofore provided for in cases of writs of error on judgment or appeals from decrees rendered in the supreme court of the District of Columbia; and also in all cases, without regard to the sum or value of the matter in dispute, wherein is involved the validity of any patent or copyright, or in which is drawn in question the validity of a treaty or statute of or an authority exercised under the United States.

SEC. 9. That the determination of appeals from the decision of the Commissioner of Patents, now vested in the aforesaid general term of the supreme court of the District of Columbia, in pursuance of the provisions of section 780 of the Revised Statutes of the United States relating to said District, shall hereafter be, and the same is hereby, vested in the court of appeals hereby created.

Mr. OATES. I move to amend the section last read by inserting, after the word "Patents," in line 2, the words "in interference cases and of appeals;" so as to read:

That the determination of appeals from the decision of the Commissioner of Patents in interference cases and of appeals, now vested in the aforesaid general term, etc.

The amendment was agreed to.

The Clerk read as follows:

SEC. 10. That the opinion of said court of appeals in every case shall be rendered in writing, and shall be filed in such case as part of the record thereof.

SEC. 11. That the said court of appeals shall have power to issue all necessary and proper remedial and prerogative writs in aid of its appellate jurisdiction.

SEC. 12. That the Attorney-General is hereby empowered and directed to provide suitable rooms and accommodations in the city of Washington for the court of appeals hereby created and for the transaction of its business.

SEC. 13. That the marshal of the United States for the District of Columbia shall execute the orders and processes of the court of appeals hereby created in the same manner as he now executes those of the supreme court of the District of Columbia.

SEC. 14. That the justices of the supreme court of the District of Columbia shall hereafter receive an annual salary of $5,000 each, payable quarterly at the Treasury of the United States.

Mr. HOLMAN. I move to amend the section just read by striking out "$5,000" and inserting "$4,000." The salary now received by each one of these judges is $4,000; so that this bill proposes an increase of $1,000. I do not think this is a time to increase salaries or, for that matter, to create new offices. In the District of Columbia there are now far greater judicial facilities than exist in my State; yet I hear no complaint amongst our people. I think there are ample facilities here for the administration of justice. There are courts enough, judges enough.

I regret that my friend from Alabama has thought it proper to bring forward this bill. This tendency to create additional offices is, as the gentleman himself admits, a bad tendency and a growing one. It seems impossible for a session of this House to pass without some increase of a salary or the creation of some additional office.

It is greatly to the credit, I think, of our predecessors who for-

merly occupied the floors of Congress that in the little pamphlet which was issued many years ago and is still issued at the close of every session, showing the amount of expenditures, together with the number of offices created and of salaries increased, there was found year after year at the close of that little pamphlet this legend: "No new office created; no salary increased." And it was a matter of pride in the campaign of 1840 (most of you gentlemen are too young to remember that period)—it was a matter of pride to the Whig party in that campaign that during the administration of John Quincy Adams that legend appeared time after time—"No new office created; no salary increased." How far back, gentlemen, do you have to go to find that famous old legend?

I do not believe, Mr. Chairman, that the new offices proposed in this bill should be created. I think the facilities for the administration of justice in this District are ample. They are better than in most States of the Union—better than in my own State. This matter apparently has not been passed upon favorably by the body of the lawyers of this District. Some there may be in favor of it, but the statement made by the gentleman from the Richmond district of Virginia [Mr. WISE]—a gentleman more familiar with this subject than those of us who live at a distance—ought to have weight with this House. That gentleman has informed this Committee of the Whole that the judicial facilities in this District are ample.

I hope that the Committee of the Whole will not approve this bill; that we shall stop awhile in this fearful progress of creating new offices and increasing salaries. It is time we should stop. We are obliged to impose upon our people heavy burdens beyond what they have ever borne before in time of peace. Heavy taxation stares them in the face. Yet the remorseless progress goes on—new offices are created and salaries are increased.

Mr. OATES. I quite agree with the distinguished gentleman from Indiana, as a general proposition, against increasing salaries. He says this is a very bad time to increase salaries. I wonder when, if ever, my friend from Indiana would think it was a good time to increase them?

But he labors under a great mistake, I think, in respect to these judges. The law of their creation gave them $4,000, which is what his amendment now proposes. But either in the first or second session, I think the first session, of the Congress before the last, on an appropriation bill coming from the committee of which he was a member, the salary of these judges was increased to $5,000; and that is the sum which his committee appropriated for them at the first session of this Congress. That is the sum now being paid to them, as I understand, and the gentleman's amendment actually proposes to reduce the salary of the judges now in office from $5,000 to $4,000.

Mr. HOLMAN. That was not done by the action of the House.

Mr. OATES. Certainly it was. It passed on an appropriation bill.

Mr. HOLMAN. But not by the action of the House in the first instance.

Mr. OATES. Not in the first instance, I admit, but in the last; and it is the last instance that counts, I would remind my friend. [Laughter.]

Mr. HOLMAN. In the last instance the House appropriated $4,000.

Mr. OATES. Why you reported $5,000 at the last session from your committee. That is what they are receiving now.

Mr. HOLMAN. The gentleman is mistaken, I think. It occurred in the Fifty-first Congress that an increase of the salary was made; but the last House declined to make the appropriation.

Mr. OATES. At the last session the bill of your committee appropriated that amount.

Mr. HOLMAN. No; not as it came from the committee.

Mr. OATES. I ask a vote on the amendment of the gentleman.

The question was taken, and on a division there were—ayes 21, noes 100.

Mr. HOLMAN. No quorum.

The CHAIRMAN appointed Mr. HOLMAN and Mr. OATES as tellers.

The House again divided, and the tellers reported—ayes 22, noes 145.

So the amendment was rejected.

Mr. HOLMAN. Mr. Chairman, I move to strike out the last word.

I was so much embarrassed by the statement of my friend from Alabama as to the action of the Committee on Appropriations in appropriating the salary of these judges at the first session of this Congress, that I did not feel justifiable in making a contradiction, although I thought he was mistaken, as it seemed to me to be absolutely incredible that his statement should be correct.

Since then I have looked into this matter and the history of it is this: By law the salary of these judges is fixed at $4,000, just the amount that I propose to fix it at in the pending bill. In the Fifty-first Congress, on an appropriation bill, an appropriation of $5,000 was made. At the last session of Congress—the present Congress—this increase was stopped and the act appropriated but $4,000. So gentlemen will see how by mere mistake—a mistake, of course, because I know my friend did not intend to mislead the committee as to the fact—but by mere mistake the committee clearly voted under a misapprehension as to the salary of these judges. Now, I am trying to prevent an increase of salary.

Mr. OATES. My friend is speaking of the last appropriation bill.

Mr. HOLMAN. Yes.

Mr. OATES. But did not the one preceding that give $5,000?

Mr. HOLMAN. I stated that in one of the sessions of the last Congress there was an appropriation of $5,000. That was done in the second session of that Congress; but since the Democratic House came in that ceased. The amount was reduced to $4,000. It was the Fifty-first Congress that attempted to change the law on the appropriation bill.

And further I will say to my friend—and I am more astonished when I come to think it over, that it did not occur to me at the time—the Senate did not even insist in conference on that increase. That was the history of it. The Fifty-first Congress which has been condemned by your whole country for extravagance did put up the salary on an appropriation bill, but the moment the Democratic House came in it was dropped and the law was obeyed.

Mr. OATES. I ask the Clerk to read.

The CHAIRMAN. The Chair will regard the pro forma amendment as withdrawn if there be no objection.

Mr. HOLMAN. I want to say that if there was a mistake, and the committee voted under a misapprehension, and this bill comes to the House, I will seek to move its recommittal for the purpose of fixing these salaries at what the law now provides, $4,000. I withdraw the pro forma amendment.

The Clerk read sections 15 and 16, as follows:

SEC. 15. That hereafter one-half of the amounts paid on account of salary to the justices of the court of appeals hereby created, and to the justices of the supreme court of the District of Columbia, shall be paid from the revenues of the District of Columbia.

SEC. 16. That this act shall take effect on the 3d day of April, 1893, said day being the first day of the April term of the supreme court of the District of Columbia in general term.

Mr. ATKINSON. I offer the amendment which I send to the desk.

The Clerk read as follows:

Amend by inserting at the end of section 16 "and not more than two of the judges of the court of appeals of the District of Columbia shall be appointed from the same political party."

Mr. ATKINSON. Mr. Chairman, I believe it is conceded that no court should be made up exclusively of members of the same political party. When the Interstate Commerce Commission was organized by act of Congress it was provided in the act of organization that not more than three of the commissioners should be appointed from the same political party.

The same rule has been adopted by my own State. Our constitution provides that when two judges of the supreme court of Pennsylvania are to be elected, no voter may vote for more than one, so that although we have had a pretty steady Republican majority in the State of Pennsylvania, yet we have always had Democrats upon the supreme bench of that State. The same principle was applied when the appointments were made of judges of the circuit court of appeals. President Harrison appointed in the district in which I live a distinguished Democrat, Mr. Dallas, as one of the judges of that court.

Mr. OATES. Will my friend from Pennsylvania [Mr. ATKINSON] permit me to say that he no doubt remembers that when that bill was under consideration, the gentleman from Texas [Mr. MILLS] offered just such an amendment as this, and it was voted down. President Harrison had the good sense to make that kind of an appointment without any provision in the law itself.

Mr. ATKINSON. I have no recollection of the circumstances referred to by the gentleman from Alabama.

Mr. OATES. There is no such provision in the law.

Mr. ATKINSON. I am willing to accept the gentleman's statement of that as the fact. Inasmuch, however, as we have this principle applied to the Interstate Commerce Commission, and inasmuch as it is recognized as a proper one, I believe the amendment that I have offered should be sustained by the House.

Mr. EZRA B. TAYLOR. Mr. Chairman, I hope that this amendment will not prevail. I, of course, would desire to have the appointment made as suggested in the amendment, but I would prefer to have it made because the President thought it ought to be made. I know that the same provision was voted down in a preceding Congress on a similar amendment, and it

has always been doubted in the minds of a good many whether such a provision, limiting the appointment by the President, is constitutional. However that may be, I think it is bad policy to have such an amendment prevail.

Mr. OATES. I call for a vote.

The question being taken on Mr. ATKINSON'S amendment,

The SPEAKER announced that the "noes" seemed to have it.

Mr. ATKINSON demanded a division and subsequently withdrew the demand.

The amendment was rejected.

The Clerk completed the reading of the bill.

Mr. OATES. I move that the committee do now rise and report the bill back to the House, with a recommendation that as amended it do pass.

The question being taken, the Chairman announced that the "ayes" seemed to have it.

Mr. HOLMAN demanded a division.

The committee divided, and there were—ayes 127, noes 12.

Mr. HOLMAN. I do not think there is a quorum present.

The Chair appointed as tellers Mr. HOLMAN and Mr. OATES.

Mr. BURROWS. Let us take a vote in the House, and withdraw the point in the committee.

Mr. HOLMAN. Inasmuch as we can have a vote in the House, I withdraw the point.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. DOCKERY, chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 10010) to establish a court of appeals in the District of Columbia, and for other purposes, and had directed him to report the same back to the House with sundry amendments, and with the recommendation that as amended it do pass.

Mr. OATES. Mr. Speaker, I move the previous question upon the engrossment, third reading, and passage of the bill as amended.

The SPEAKER. The Chair will state to the gentleman that the previous question can only be ordered upon the bill to its engrossment and third reading, and not to its passage.

Mr. BAILEY. Pending that I desire——

Mr. OATES. Mr. Speaker, I am just reminded of the fact that this bill is an amended substitute for a Senate bill. The substitute has not been adopted by the House.

The SPEAKER. The Chair did not understand that it was so reported to the House.

Mr. RICHARDSON. Mr. Speaker, as I understood the gentleman from Alabama [Mr. OATES], he asked to substitute the House bill for the Senate bill by unanimous consent before we went into Committee of the Whole, and the House bill was so substituted for the Senate bill.

Mr. OATES. The gentleman from Tennessee is correct. I had forgotten that.

The SPEAKER. Then the action will be taken upon this House bill 10010, which has been substituted in lieu of the other, and considered as the original bill. For what purpose does the gentleman from Texas [Mr. BAILEY] rise?

Mr. BAILEY. To offer a motion to recommit the bill with instructions.

The SPEAKER. The Chair will recognize the gentleman after the vote upon the previous question on the engrossment and third reading of the bill. Under the rules that motion may be made either before or after the previous question is ordered on the final passage of the bill.

Mr. SPRINGER. I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. SPRINGER. I desire to know whether it is intended to preserve the Senate bill in this proceeding or whether the House bill is to be passed and sent to the Senate?

The SPEAKER. The House bill is the bill that is being considered by the House.

Mr. SPRINGER. Then the Senate bill is not before the body at all?

The SPEAKER. It is not.

Mr. SPRINGER. If we desired to preserve the Senate bill, we should move to strike out all after the enacting clause and insert.

The SPEAKER. The gentleman from Alabama [Mr. OATES] demands the previous question upon the bill and amendments to engrossment and third reading. Is a separate vote demanded upon any of the amendments? If not the Chair will put the question upon them as a whole.

The amendments were agreed to.

The SPEAKER. The question now is upon the engrossment and third reading of the amended bill.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time.

Mr. BAILEY. Mr. Speaker, I submit a motion to recommit.

The SPEAKER. The gentleman from Texas submits a motion to recommit, which the Clerk will read.

The Clerk read as follows:

That the bill (H. R. 10010) entitled "An act to establish a court of appeals for the District of Columbia, and for other purposes," be recommitted to the Committee on the Judiciary, with instructions to report it back with the following amendment:

"Strike out the words 'during good behavior,' in line 8, of section 1, and insert in lieu thereof 'during the term of ten years.'"

Mr. HOLMAN. Mr. Speaker, I offer an amendment to that.

The SPEAKER. The gentleman from Indiana submits an amendment to the instruction proposed by the gentleman from Texas, which the Clerk will read.

The Clerk read as follows:

That the bill (H. R. 10010) entitled "A bill to establish a court of appeals for the District of Columbia, and for other purposes," be recommitted to the Committee on the Judiciary, with instructions to report it back again in amended form, by fixing the salaries of all the justices named in section 2 at five thousand dollars, and by substituting the present law fixing the salaries of the justices of the supreme court of the District of Columbia in lieu of section 14.

The SPEAKER. The question is on the amendment.

Mr. HOLMAN. It is now quite late, and I move that the House adjourn. [Cries of "Oh, no!"]

The question was taken; and the House refused to adjourn.

Mr. OATES. I demand the previous question on the motion to recommit. [Cries of "Oh, no!"]

Mr. HEMPHILL. Can not you also demand it on the passage of the bill?

The SPEAKER. It can be demanded on the passage of the bill also; but this motion having been first made will first be disposed of. The rule provides that a motion to recommit will be in order before or after the previous question is ordered, and the gentleman made the demand for the previous question on the motion to recommit.

Mr. OATES. I intended to include both.

The SPEAKER. Without objection, the motion of the gentleman from Alabama may be considered as pending, the gentleman stating that he intended to make it. [After a pause.] It will be so regarded.

The question is now upon ordering the previous question upon the passage of the bill.

The previous question was ordered.

The SPEAKER. The question now is upon ordering the previous question upon the motion of the gentleman from Texas [Mr. BAILEY] to recommit the bill, with instructions and the amendment thereto offered by the gentleman from Indiana [Mr. HOLMAN].

The question was taken, and the Speaker announced that the noes seemed to have it.

Mr. HEMPHILL. I think there was a misunderstanding.

The SPEAKER. The noes have it, and the previous question is not ordered.

Mr. BAILEY. I move that the House adjourn.

Mr. OATES. I ask for a division.

Mr. BAILEY. It is too late. The Chair has declared the result. The gentleman may have voted by mistake.

Mr. OATES. Until the Chair declares the result is it time to demand a division?

Mr. BYNUM and Mr. HEMPHILL. There can be no debate.

The SPEAKER. The Chair thinks, unless the gentleman states that he rose in time to make the motion, that the demand for a division comes too late; so that the question now is on the amendment.

Mr. BAILEY. I move that the House do now adjourn.

The question was taken, and the Speaker announced that the noes seemed to have it.

Mr. BAILEY. I demand a division.

The House divided; and there were—ayes 30, noes 130.

So the House refused to adjourn.

The SPEAKER. The question now is on the amendment offered by the gentleman from Indiana [Mr. HOLMAN] to the motion made by the gentleman from Texas [Mr. BAILEY].

The question was taken, and the Speaker announced that the noes seemed to have it.

Mr. HOLMAN. I should like to have the yeas and nays on that. [After a pause.] But first I will save time by asking for a division.

The House divided; and there were—ayes 35, noes 118.

Mr. HOLMAN. Mr. Speaker, there is not a quorum present; but I will say that with a yea-and-nay vote on this proposition I should be entirely content.

The SPEAKER. The Chair will appoint as tellers the gentleman from Indiana [Mr. HOLMAN] and the gentleman from Alabama [Mr. OATES], and tellers will take their places.

Mr. HOLMAN. I withdraw the point of no quorum and call for the yeas and nays.

The SPEAKER (after the count). Forty-two gentlemen have arisen, a sufficient number, and the yeas and nays are ordered.

Mr. HOLMAN. There will be no objection now to adjourning, as the previous question has been ordered; and I move that the House adjourn.

Mr. HEMPHILL. Parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. HEMPHILL. If the House adjourn now, will this bill be voted upon to-morrow?

The SPEAKER. The previous question has been ordered upon the passage of the bill, and under the practice that brings it over.

Mr. OATES. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. OATES. Will this bill come up as unfinished business to-morrow morning?

The SPEAKER. The previous question having been ordered, under the practice it will.

ENROLLED BILLS SIGNED.

Mr. SCOTT, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (H. R. 6969) for the relief of Elisha Brown;

A bill (H. R. 3676) for the relief of R. S. Jennings, late postmaster at Marshall, Tex.;

A bill (H. R. 4844) to authorize the Secretary of War to convey to school district numbered 12, of Kittery, Me., a portion of Fort McClary military reservation, in exchange for other land; and

A bill (S. 1292) to remit the penalties on the light-house steamer Pansy.

The motion of Mr. HOLMAN was then agreed to; and accordingly (at 5 o'clock and 5 minutes p. m.) the House adjourned.

REPORTS OF COMMITTEES.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. MANSUR, from the Committee on Claims:

The bill (S. 232) for the relief of Otto A. Risum. (Report No. 2272).

The bill (S. 2680) for the relief of Lenne A. Jackson. (Report No. 2271.)

The bill (H. R. 3881) to empower Robert Adger and others to bring suit in the Court of Claims for rent alleged to be due them. (Report No. 2270.)

By Mr. PAGE, from the same committee:

The bill (H. R. 1774) for the relief of John C. Howe. (Report No. 2266.)

The bill (S. 3221) to provide for the adjustment and payment of the claim of Thomas Rhys Smith for work done and materials furnished for the breakwater at Bar Harbor, Me. (Report No. 2267.)

By Mr. MANSUR, from the same committee: The bill H. R. 4695) for the relief of William M. Pleas and F. S. Jones. (Report No. 2269.)

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Naval Affairs was discharged from the consideration of the bill (H. R. 10151) for the relief of the officers and crew of the United States steamers Forrest Rose and Argosy, late of the Red River expedition, and the same was referred to the Committee on Claims.

BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BROSIUS: A bill (H. R. 10225) to authorize the refunding of the 4 per cent bonds of the United States. to increase the circulation of the national banks, and to discontinue the purchase of silver bullion—to the Committee on Ways and Means.

By Mr. CLARK of Wyoming: A bill (H. R. 10226) to provide for the disposal of the Fort Bridger abandoned military reservation, in the State of Wyoming—to the Committee on the Public Lands.

By Mr. PICKLER: A bill (H. R. 10227) to authorize the Secretary of the Interior to pay the Yankton Indians who served as scouts under Gen. Sully in 1864 the amount due them, and making an appropriation therefor—to the Committee on Indian Affairs.

By Mr. STORER (by request): A bill (H. R. 10232) to amend the act to regulate commerce—to the Committee on Interstate and Foreign Commerce.

By Mr. YOUMANS: A joint resolution (H. Res. 190) to print additional copies of the United States map, of the latest edition, prepared by the Commissioner of Public Lands—to the Committee on Printing.

By Mr. PICKLER: A concurrent resolution providing for publishing 100,000 copies of special report on sheep industry in the United States—to the Committee on Printing.

By Mr. McRAE: A resolution to set apart Thursday, the 26th instant, for the consideration of business reported by the Committee on the Public Lands—to the Committee on Rules.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred, as indicated below:

By Mr. CUTTING: A bill (H. R. 10228) for the relief of the Oregon Improvement Company—to the Committee on Claims.

By Mr. EVERETT: A bill (H. R. 10229) for the relief of Barbara Lippman, of Cobb County, Ga.—to the Committee on War Claims.

By Mr. HOUK of Tennessee: A bill (H. R. 10230) for the relief of Michael Low—to the Committee on Military Affairs.

By Mr. WEVER: A bill (H. R. 10231) directing the issuance of an honorable discharge to Charles H. Burhaus, late of Ninety-sixth New York Volunteers—to the Committee on Military Affairs.

By Mr. SPRINGER: A bill (H. R. 10233) for the relief of John A. McClernand—to the Committee on Military Affairs.

By Mr. WILLIAMS of Illinois: A bill (H. R. 10234) for the relief of William R. Pryor—to the Committee on Military Affairs.

By Mr. BERGEN: A bill (H. R. 10235) to correct the military record of Jehu Evans, late captain of Company E, Fourth New Jersey Volunteers—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BABBITT: Petition of 30 citizens of Edgarton, Wis., in favor of opening the Chicago Exposition on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of E. G. Smith, that Congress may adopt the metric system of weights and measures—to the Committee on Coinage, Weights, and Measures.

Also, petition of the Woman's Church Organization, to close the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. BARWIG: Resolution adopted by the Merchants' Association of Milwaukee, Wis., January 12, 1893, urging upon Congress the repeal of so much of existing law as requires a monthly purchase of 4,500,000 ounces of silver bullion—to the Committee on Banking and Currency.

By Mr. BELKNAP: Two petitions of associations, citizens of Michigan, one of the Grand Rapids Political Equality Club, Mrs. Mary G. Pearsall, president, composed of 62 members, and the other of the Equal Suffrage Association of Grand Rapids, Mrs. Bedell, president, composed of 30 members, both asking for the passage of House bill 8369, giving women the right to vote for members of the House of Representatives—to the Committee on the Judiciary.

Also, petition of 49 citizens of Grand Rapids, Mich., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of the Tailors' Union of Grand Rapids, Mich., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of the West Side Carpenters' Union, No. 793, of Grand Rapids, Mich., asking Congress to repeal the act closing the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. CAMINETTI: Resolutions of the Legislature of the State of California, requesting the passage of House bill 9286, to create the California débris commission and regulate hydraulic mining in the State of California—to the Committee on Mines and Mining.

By Mr. CATE: Petition of W. H. De France Lodge, of Jonesboro, Ark., B. R. T., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. CHIPMAN: Two petitions of associations, citizens of Michigan, one of the Cigar Packers' International Union, numbering 284, and the other, the Detroit Lodge, No. 82, International Association of Machinists, both in favor of opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of the Cigarmakers' International Union, No. 22,

of Detroit, Mich., in favor of opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of citizens of Detroit and elsewhere in Michigan to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. COOMBS: Petition of the Calvary Baptist Church and congregation of Brooklyn, N. Y., against the repeal of the Sunday-closing law—to the Select Committee on the Columbian Exposition.

By Mr. DALZELL: Petition of the Traders' League of Philadelphia, in favor of the passage of the Torrey bankruptcy bill—to the Committee on the Judiciary.

Also, petition of the Commercial Exchange of Philadelphia, in favor of the repeal of the Sherman silver act—to the Committee on Coinage, Weights, and Measures.

Also, petition of the Pittsburg Tube Works, against a bridge over the Monongahela River between Twenty-second and Brady streets, in Pittsburg—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Birmingham Turnverein of Pittsburg, Pa., against the passage of legislation to restrict immigration—to the Select Committee on Immigration and Naturalization.

By Mr. DOAN: Protest of the Woman's Christian Temperance Union, of Chillicothe, Ohio, against the opening of the World's Fair on Sunday, and against the sale of intoxicating liquors within the gates of the Exposition on the Sabbath—to the Select Committee on the Columbian Exposition.

Also, petition of leading citizens of Springfield, Ohio, asking the founding in the city of Washington, D. C., of a road department, similar to the Agricultural Department, for the purpose of promoting knowledge in the art of constructing roads—to the Committee on Interstate and Foreign Commerce.

By Mr. DOLLIVER: Resolutions adopted by the congregation of Cass Congregational Church, protesting against the opening of the Exposition on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. ENOCHS: Resolutions adopted by the Ohio State board of health, recommending and urging the suspension of immigration until such time as the quarantine defenses of the country shall have been placed in condition to guarantee protection from danger—to the Select Committee on Immigration and Naturalization.

By Mr. GANTZ: Petition of the Equal Rights Association of Celina, Ohio, asking for the passage of House bill 8369, giving women the right to vote for members of the House of Representatives—to the Committee on the Judiciary.

By Mr. HARTER: Three petitions of the citizens of the District of Columbia—the petition of Rev. J. W. E. Bowen and 72 others, of Rev. George W. Lee and others, and of Rev. R. H. G. Dyson and 200 others—all asking for the passage of a bill authorizing the Board of Management and Control of the United States exhibit to collect and publish certain facts pertaining to the moral, industrial, and educational progress of the American negro during the last thirty years—to the Committee on the Library.

By Mr. HEARD: Protest of J. N. Huggins, pastor of the Methodist Episcopal Church at Springfield, Mo., against authorizing the Sunday opening of the World's Fair at Chicago—to the Select Committee on the Columbian Exposition.

By Mr. HITT: Petition of the Protestant Christian churches of Polo, Ill., favoring the action of Congress in closing the World's Fair on Sunday and praying that the sale of intoxicating drinks be prohibited within the grounds of said Exposition—to the Select Committee on the Columbian Exposition.

Also, petition of 60 citizens of the Sixth district of Illinois, indorsing the action of Congress in requiring the closing of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, memorial and resolution of the Fruit Produce Exchange of Boston, in favor of House bill 4843, concerning original oleomargarine packages—to the Committee on Agriculture.

By Mr. HOOKER of New York: Petition of Cherry Creek Grange, No. 527, asking that a bill be passed enabling women citizens of the United States to vote for members of the House of Representatives—to the Committee on the Judiciary.

By Mr. HUFF: Petition of 135 citizens of Indiana, Indiana County, Pa., and vicinity, relative to the restriction of immigration—to the Select Committee on Immigration and Naturalization.

Also, resolution of the National Grange of Patrons of Husbandry, relative to food adulterations—to the Committee on Agriculture.

By Mr. JOHNSON of Ohio: Five petitions of associations, citizens of Cleveland, Ohio; the petition of the Carpenters and Joiners' Union, No. 449; of the Labor Shoe Lodge, No. 183; of the World's Union, No. 311; of the Carpenters' Union, No. 393; of the U. B. of Joiners, and of the Cuyahoga Lodge, No. 83, International Association of Machinists, all praying for the repeal of the act closing the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. KYLE: Petition of J. E. Porter, W. H. Price, and 50 other citizens of Holly Springs, Miss., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. LANE: Petition of citizens of Effingham and adjoining county, Illinois, relative to a combination between the millers, railroads, and elevators for the purpose of depressing the price of wheat, and praying for a Congressional investigation—to the Committee on Agriculture.

Also, petition of farmers and laborers of Fayette, Effingham, and Shelby Counties, relative to a combination of millers, railroads, and elevators for the purpose of depressing the price of wheat, and praying for a Congressional investigation—to the Committee on Agriculture.

Also, petition of the Young People's Society of Christian Endeavor of Hillsboro, Ill., in favor of closing the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. LIND: Protest of the New Ulm Turnverein, against legislation to suspend immigration—to the Select Committee on Immigration and Naturalization.

By Mr. NEWBERRY: Petition of 267 citizens of Chicago, Ill., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. O'DONNELL: Petition of S. W. Buel, H. V. Watkins, William H. Ferris, G. G. Newman, L. H. Johnson, and 27 others of Union City, Mich., in favor of opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. OHLIGER: Four petitions of associations of citizens of Ohio, as follows: The petition of the Equal Rights Association of Massillon of the Woman's Suffrage Association, of the Equal Rights Association (22 members), of Alliance, and of the Equal Rights Association (19 members), of Canal Fulton; all asking for the passage of House bill 8369, giving women the right to vote for members of the House of Representatives—to the Committee on the Judiciary.

By Mr. O'NEILL of Missouri: Three petitions of organizations of citizens of Missouri, as follows: the petition of the Broom Makers' Union, No. 5789, A. F. of L. of St. Louis; of the Local Union, No. 4, Carpenters and Joiners of America; and of the Future City Lodge, No. 1; all asking to repeal the act closing the World's Fair on Sundays—to the Select Committee on the Columbian Exposition.

By Mr. O'NEILL of Pennsylvania: Petition of the Wylie Memorial Presbyterian Congregation of Philadelphia, protesting against the repeal of the law closing the World's Fair on the Sabbath day—to the Select Committee on the Columbian Exposition.

Also, memorial from the Philadelphia Board of Trade, favoring that part of the Andrew banking bill as purposes the passage of an act allowing national banks to issue circulating notes to the full par value of the interest-bearing United States bonds and reducing the tax on the circulation to one-half of 1 per cent per annum—to the Committee on Banking and Currency.

Also, preambles and resolutions adopted by the Traders' League of Philadelphia, urging the passage of the bankruptcy bill—to the Committee on the Judiciary.

Also, preamble and resolutions of the Commercial Exchange of Philadelphia, urging the immediate repeal of the silver-purchase act of 1890—to the Committee on Banking and Currency.

Also, memorial from the Philadelphia Board of Trade, favoring the repeal of so much of the act of July 14, 1890, as requires the monthly purchase of 4,500,000 ounces of silver—to the Committee on Coinage, Weights, and Measures.

By Mr. OUTHWAITE: Resolutions of the board of health of Ashville, Ohio, urging legislation to restrict immigration—to the Select Committee on Immigration and Naturalization.

By Mr. PERKINS: Petition of the Maurice (Iowa) State Bank and Ireton (Iowa) Citizens' Saving Bank, in behalf of the repeal of the "Sherman silver-purchasing act"—to the Committee on Banking and Currency.

By Mr. POWERS: Petition of L. Gray, C. W. McClure, and 34 others, of Middletown, Vt., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. SANFORD: Petition of 17 members of the medical profession residing in Montgomery County, N. Y., asking for an appropriation by Congress of $43,983 to assist in defraying the expenses of the Pan-American Medical Congress, to be held in Washington, D. C., September 5, 6, 7, and 8, 1893—to the Committee on Appropriations.

By Mr. SCOTT: Three petitions of associations, citizens of Illinois, one of Energetic Lodge, No. 81, International Association of Machinists, the second of the Journeymen Tailors' Union, No.

24, Bloomington, and the third of the Local Union, No. 788, Carpenters and Joiners of America, all asking for the repeal of the act closing the World's Fair on Sundays—to the Select Committee on the Columbian Exposition.

By Mr. SHELL: Petition of C. E. McDonald and 55 other citizens of Winnsboro, S. C., protesting against the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. SMITH of Illinois: Petition of citizens of Massac County, Ill., relative to a combination between the millers, railroads, and elevators for the purpose of depressing the price of wheat and praying Congressional investigation—to the Committee on Agriculture.

Also, petition of the citizens of Williamson County, Ill., relative to a combination that exists between millers, railroads, and elevators for the purpose of depressing the price of wheat and praying for Congressional investigation—to the Committee on Agriculture.

By Mr. STONE of Kentucky: Resolutions adopted by the Nicaragua Canal Convention of Kentucky, asking that the Nicaragua Canal be built—to the Committee on Interstate and Foreign Commerce.

By Mr. STORER: Resolutions of the First Reformed Convention of the Reformed United Presbyterian churches of Cincinnati, against the opening of the Columbian Exposition on Sundays—to the Select Committee on the Columbian Exposition.

Also, petition of the American Cotton Oil Company of Cincinnati, for the establishment of a road bureau in the Department of Agriculture—to the Committee on Interstate and Foreign Commerce.

Also, petition of Thomas Hunt, of Kennedy, Ohio, for a system of direct Federal taxation—to the Committee on Ways and Means.

Also, petition of Miami Lodge, No. 441, of the Brotherhood of Locomotive Engineers, to repeal the Sunday closing of the World's Fair—to the Select Committee on the Columbian Exposition.

By Mr. EZRA B. TAYLOR: Petition of Equal Rights Association of Ashtabula, Ohio, numbering 32 members, asking for the passage of House bill 8369, giving women the right to vote for members of the House of Representatives—to the Committee on the Judiciary.

By Mr. TAYLOR of Illinois: Petition of T. F. Matthern, Mrs. William Gruter, William Duncan, Lillie Marks, George Bell, and 43 other citizens of Chicago, Ill., to close the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 54 citizens of Chicago, Ill., petitioning Congress to repeal the act closing the Columbian Exposition on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. JOSEPH D. TAYLOR: Petition of Rev. J. R. Keys and 39 other citizens of New Lisbon, Columbia County, Ohio, praying that the law closing the World's Columbian Exposition on Sunday be not repealed—to the Select Committee on the Columbian Exposition.

By Mr. TAYLOR of Tennessee: Protest by the Baptist Church of Big Spring, Greene County, Tenn., through its pastor, against the repeal of the World's Fair Sunday-closing law—to the Select Committee on the Columbian Exposition.

By Mr. VINCENT A. TAYLOR: Four petitions of associations, citizens of Ohio; the petition of the Equal Rights Association of Willoughby, of the Woman's Suffrage Association of Tallmage, of the Woman's Suffrage Club of Akron, and of the Equal Rights Association of Cuyahoga Falls; all asking for the passage of House bill 8369, giving woman the right to vote for members of the House of Representatives—to the Committee on the Judiciary.

Also, three resolutions of boards of health of Ohio; one of Oberlin, the second of Painsville, and the third of S. A. Conklin, president, all urging the suspension of immigration until such time as the quarantine defenses of the country shall have been placed in condition to guarantee protection from danger, etc.—to the Select Committee on Immigration and Naturalization.

Also, petition of citizens of Akron, Ohio, against the repeal of the law closing the gates of the Columbian Exposition—to the Select Committee on the Columbian Exposition.

Also, petition of the members of the Congregational and Disciple Societies of Christian Endeavor of Chagrin Falls, Ohio, in favor of closing the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, resolution of the Ohio State board of health, recommending and urging that the entire control of maritime quarantine be placed in the hands of the National Government—to the Select Committee on Immigration and Naturalization.

By Mr. TILLMAN: Petition of the Equal Rights Association of South Carolina, numbering 44 women and 25 men, asking for the passage of House bill 8369, giving women the right to vote for members of the House of Representatives—to the Committee on the Judiciary.

By Mr. TOWNSEND: Five petitions of associations of citizens, as follows: The petition of Pikes Peak Lodge, No. 13, International Association of Machinists; of the public branch of Journeymen Stonecutters' Association of North America; of the Cigarmakers' International Union, No. 129, of Denver, Colo.; of the Denver Musical Protective Association, and of the Denver Typographical Union, No. 49, all to repeal the act closing the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, two petitions of associations, citizens of Colorado: one of the Leadville Local Union, No. 1, and the other of the Journeymen Stonecutters' Union of Denver, both to repeal the act closing the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. YOUMANS: Petition of the Equal Suffrage Association of Zilwaukee, Mich. (21 members), asking for the passage of House bill 8369, giving women the right to vote for members of the House of Representatives—to the Committee on the Judiciary.

By Mr. VAN HORN: Petition of the Rev. Edmond Fay and others, against opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition with affidavits of William Alvord, praying for the passage of House bill No. 10221—to the Committee on Military Affairs.

By Mr. WHEELER of Alabama: Seven petitions of citizens of Alabama, as follows: The petition of W. Godwin, of Lauderdale County; of Mollie T. McLelland, of Jackson County; of Henry M. Ragsdale, of Jackson County; of James Clinton Baker, of Limestone County; of James C. Baker, administrator, of Limestone; of G. M. Garison, of Hinston, and of Jack and May Shackelford, heirs of Susan A. Shackelford, each praying for the reference of their claim to the Court of Claims under act of March 3, 1883—to the Committee on War Claims.

By Mr. WILLIAMS of Illinois: Petition of Jefferson County, Ill., relative to a combination between the millers, railroads, and elevators for the purpose of depressing the price of wheat, and praying for a Congressional investigation—to the Committee on Agriculture.

Also, petition of citizens of Hamilton County, Ill., relative to a combination of millers, railroads, and elevators for the purpose of depressing the price of wheat, and praying for a Congressional investigation—to the Committee on Agriculture.

By Mr. WILSON of Missouri: Petition of 338 citizens of St. Joseph, Mo., requesting Congress to open the gates of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

SENATE.

WEDNESDAY, *January 18, 1893.*

The Vice-President being absent, the President *pro tempore* took the chair.

Rev. J. G. BUTLER, D. D., the Chaplain of the Senate, offered the following prayer:

O God, the only living and true God, we come humbly into Thy presence, remembering our mortality. We bless Thee for all the good that comes from Thy hands in the life that now is. Thou art crowning each day with opportunity and with blessing. We praise Thee for the hope of the life to come through our Lord Jesus Christ, the life incorruptible and unfading. We bless Thee for all who are inspired with these high ideals, filled with earnest endeavor to serve their fellow-men and to glorify God our Maker, our Saviour, and our Judge. Thou alone art the portion that satisfies the soul.

We thank Thee for this life, so true, so pure, so faithful, so well rounded, molded as we believe after the pattern of the perfect life, and by the faith of our Lord Jesus Christ.

Now, O God, as we come before Thee, humbly acknowledging Thy hand, we pray Thee inspire us with high and noble endeavor. Help us to live that God may be honored, that our lives may be made a blessing, ever having the approval of our own conscience, always laboring that we may have the approbation of God.

Bless these Thy servants this day. Comfort all who are in bereavement and sorrow. Sanctify to us this bereavement. We rejoice that there is an unseen hand. We pray that our hearts may ever hear Thy voice speaking to us, that the path of duty may be made plain, and that walking humbly, and diligently, and courageously, and prayerfully, and trustingly before God all

through this pilgrim way, dark, often, we may have peace at the last and enter into rest.

We ask these mercies, our Father, with Thy rich blessing upon our land, upon our rulers, and upon all the people, praying that it may be Immanuel's land, and that the great principles of truth and righteousness may mold and fashion and govern this entire nation. Grant us what else we need, with forgiveness and peace, in Jesus' name. Amen!

THE JOURNAL.

The Journal of yesterday's proceedings was read and approved.

DEATH OF EX-PRESIDENT HAYES.

Mr. SHERMAN. Mr. President, it becomes my painful duty to announce to the Senate the death of Rutherford Birchard Hayes, at his residence in Fremont, Ohio, last evening at 11 o'clock. By the usage of the Senate, when one who has been President of the United States dies during the session of the Senate, it has, as a mark of respect to his memory, recorded his death upon its Journal and suspended its duties for the day.

President Hayes held high and important positions during his life, having been a gallant and distinguished Union soldier during the war, a member of Congress, three times governor of the State of Ohio, and President of the United States. He was a man of marked ability, untarnished honor, unblemished character, and faithful in the discharge of all his duties in every relation of life, against whom no word of reproach can be truthfully uttered.

It was my good fortune to know President Hayes intimately from the time we were law students until his death. To me his death is a deep personal grief. All who had the benefit of personal association with him were strengthened in their attachment to him and in their appreciation of his generous qualities of head and heart. His personal kindness and sincere enduring attachment for his friends was greater than he displayed in public intercourse. He was always modest, always courteous, kind to every one who approached him, and generous to friend or foe. He had no sympathy with hatred or malice. He gave every man his due according to his judgment of his merits.

I therefore, as is usual on such occasions, move that the Senate, out of respect to the memory of President Hayes, do now adjourn.

The PRESIDENT *pro tempore*. The Senator from Ohio moves that, out of respect to the memory of ex-President Hayes, the Senate do now adjourn.

The motion was agreed to; and (at 12 o'clock and 13 minutes p. m.) the Senate adjourned until to-morrow, Thursday, January 19, 1893, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *January 18, 1893.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read.

UNITED STATES COURTS, EVANSTON, WYO.

Mr. OATES. Mr. Speaker, on yesterday House bill No. 507 was called up by the Judiciary Committee and passed. That bill was passed at the last session and approved May 23, 1892. The mistake occurred in this way: Owing to the careless manner in which the Calendar is made up, this bill was retained upon it, and, in making up the list of bills to be considered, the committee, finding this one upon the Calendar as undisposed of, included it and called it up, and the House passed it. I now ask unanimous consent that the action of the House be reconsidered, and that the bill lie on the table.

The SPEAKER. Does the gentleman from Alabama desire to have mention of the bill eliminated from the Journal?

Mr. OATES. I desire to have it eliminated.

The SPEAKER. The gentleman from Alabama [Mr. OATES] asks unanimous consent that the action of the House yesterday in passing the bill mentioned by him (H. R. 507) be rescinded and the record of it eliminated from the Journal.

There was no objection, and it was so ordered.

The Journal was then approved.

CHANGE OF REFERENCE.

Mr. O'NEIL of Massachusetts. On January 6 the Speaker laid before the House a letter from the Secretary of the Treasury, transmitting a letter from the Secretary of the Navy submitting for appropriation papers in the claim of the owners of the schooner Kathleen for damages sustained by said vessel in collision with the United States steamer Chicago. Under the law, when a United States vessel comes into collision with another vessel, the Navy Department appoints a board to examine and report upon the matter, and in this case this has been done. When the papers in such cases are sent to Congress it has been customary to refer them to the Committee on Appropriations, but in this case they were sent to the Committee on Claims, and I now ask that that reference be changed and that they be referred to the Committee on Appropriations.

There was no objection, and it was so ordered.

NATIONAL ZOÖLOGICAL PARK.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting an estimate of deficiency in the appropriation for the National Zoölogical Park for the fiscal year ending June 30, 1891; which was referred to the Committee on Appropriations, and ordered to be printed.

IMPROVEMENT AND CARE OF PUBLIC GROUNDS.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting an estimate of deficiency in the appropriation for improvement and care of public grounds for the current fiscal year; which was referred to the Committee on Appropriations, and ordered to be printed.

CLAIMS OF LEGAL COUNSEL AGAINST THE UNITED STATES.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting a copy of a communication from the Attorney-General submitting papers in relation to the claims of certain legal counsel in matters in which the United States were interested and for the payment of which there is no appropriation; which was referred to the Committee on Appropriations, and ordered to be printed.

PRESIDENTIAL ELECTORS.

The SPEAKER also laid before the House a certified copy of the final ascertainment of electors for President and Vice-President in the State of Tennessee, transmitted by the Secretary of State; which was laid on the table.

SENATE JOINT RESOLUTIONS REFERRED.

The SPEAKER also laid before the House Senate joint resolutions of the following titles; which were severally read twice, and referred as below:

Joint resolution (S. R. 121) authorizing payment, under act of August 30, 1890, to the State of Virginia, upon the assent of the governor, heretofore given, till adjournment of next session of the Legislature thereof—to the Committee on the Judiciary.

Joint resolution (S. R. 135) making an appropriation of $5,000 for clearing the Potomac River of ice—to the Committee on Appropriations.

FORT BRIDGER MILITARY RESERVATION.

The SPEAKER also laid before the House the bill (S. 3443) to provide for the disposal of the Fort Bridger abandoned military reservation in the State of Wyoming; which was read twice, and referred to the Committee on the Public Lands.

PROTECTION OF MAIL CHUTES.

The SPEAKER also laid before the House the bill (S. 3580) to amend the proviso to be found in connection with the free-delivery service, page 569, twenty-fourth volume Statutes at Large.

Mr. HENDERSON of North Carolina. I ask unanimous consent that this bill be now taken up and put on its passage.

The bill was read, as follows:

Be it enacted, etc., That the proviso in chapter 388, act of March 3, 1887, is amended to read as follows:

"*Provided*, That no boxes for the collection of mail matter by carriers shall be placed inside of any building except a public building, or a building which is freely open to the public during business hours, or a railroad station, and that the Postmaster-General is hereby authorized, in his discretion, to declare by official order that the chutes connected with mail boxes that are attached to any chute or device which may be approved by him are a part of said receiving boxes and under the exclusive care and custody of the Post-Office Department.

Mr. HENDERSON of North Carolina. Mr. Speaker, a House bill similar in its provisions to this Senate bill has been reported favorably by the Committee on the Post-Office and Post-Roads. I ask that the Clerk read our report, which will explain this matter.

The SPEAKER. Without objection the report can be read, the right to object being reserved.

The Clerk read as follows:

The Committee on the Post-Office and Post-Roads, to whom was referred bill H. R. 9877, have considered the same and recommend its passage.

The purpose of asking for this amendment is to extend the protection of the statutes to about five hundred mail chutes now in use in one hundred cities of the United States under an arrangement with the Post-Office Department, which has authorized them, it having been decided by the Attorney-General for the Post-Office Department that there is at present no authority of law which permits the Postmaster-General to recognize any part of the mailing apparatus referred to except the "receiving boxes."

The matter is important, because mail chutes have been found not only to serve the public interests as they can be served in no other way for an equivalent outlay of money, but because, relying upon the recognition of the apparatus which has been given heretofore, the mail chutes now in use have been bought and paid for by the owners of buildings who have dedicated them to the public service and use by the Post-Office Department free of cost.

There being no objection, the House proceeded to the consideration of the bill; which was read three times, and passed.

On motion of Mr. HENDERSON of North Carolina, a motion to reconsider the last vote was laid on the table.

PERMANENT SYSTEM OF HIGHWAYS, DISTRICT OF COLUMBIA.

The SPEAKER. The Chair calls attention to the fact that at the last session the bill (S. 1307) to provide a permanent system of highways in that part of the District of Columbia lying outside of the cities went to a conference committee, the report of which was voted down by the House; and there was no order for a further conference. The gentleman from South Carolina [Mr. HEMPHILL] now desires to ask that the House request a further conference with the Senate on the disagreeing votes of the two Houses. If there be no objection the request for a conference will be sent to the Senate.

There was no objection.

The SPEAKER subsequently announced as managers on the part of the House at the proposed conference Mr. HEMPHILL, Mr. HEARD, and Mr. POST.

LEAVE OF ABSENCE.

Mr. ALDERSON, by unanimous consent, obtained leave of absence indefinitely, on account of sickness.

TRESPASSERS ON LAND OF FIVE CIVILIZED TRIBES.

Mr. ENGLISH. I ask unanimous consent for the present consideration of the bill (H. R. 9053) to punish trespassers on the lands of either of the five civilized tribes.

The bill was read, as follows:

Be it enacted, etc., That any person who shall, after the passage of this act, enter upon land in either one of the five nations in the Indian Territory known as the Chickasaw, Choctaw, Cherokee, Creek, and Seminole nations, for the purpose of settlement or cultivation, without lawful authority either from the United States or from such nation, or who, being upon land within either of said nations at the time of the passage of this act, as trespassers, for the purpose aforesaid, shall, without lawful authority from such nation or from the United States, remain in such nation after the expiration of ninety days from and after the passage of this act, shall be guilty of a misdemeanor, and, upon conviction thereof in any court of competent jurisdiction, shall be punished by a fine not exceeding $1,000 and not less than $200, payable one-third to the informer, one-third into the treasury of such nation, and one-third into the Treasury of the United States; or by imprisonment in the penitentiary not exceeding one year and not less than two months, or by both, at the discretion of the court.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. TAYLOR of Illinois. I think we should have some explanation of the measure.

The SPEAKER. The report can be read, subject to objection.

The report of the Committee on Indian Affairs (by Mr. ENGLISH) was read, as follows:

The Committee on Indian Affairs, to whom was referred House bill 6799, beg leave to report:

The evident intent of the bill was to obtain additional protection for the Indian tribes in possession, either through existing or future treaties, from trespassers who without color of title, either from said tribes or the United States, enter on such land for the purpose of settlement. It appears that on the land of the Chickasaw Nation, especially, there are several thousands of trespassers who defy removal. It is true that section 2118 of the Revised Statutes (act of June 30, 1834, Vol. IV, Stat. L., p. 703) provides a penalty for such trespass by fine, and directs the removal of such trespassers by the United States troops; but such remedy has proved to be ineffectual because of the poverty of the offenders.

The committee, while conceding the necessity of additional legislation in the premises, providing for a more efficient penalty, do not approve of the bill in the form it assumes, since it leaves no discretion in the court to grade the punishment of offenders, and does not define the offense with sufficient precision. They therefore submit as a substitute the accompanying bill, in which those defects are sought to be remedied, and recommend its passage.

Mr. KILGORE. This is a very important measure, and it seems to me we should have some intelligent explanation of it before unanimous consent is given for its consideration.

The SPEAKER. In the absence of objection, the gentleman from New Jersey [Mr. ENGLISH] can make a short explanation, the right to object being reserved.

Mr. ENGLISH. Mr. Speaker, the object of this bill is to remedy a defect in existing legislation. The Statutes of the United States now provide for the punishment of persons who intrude and settle upon lands of these five tribes without authority either from the tribes or from the Government. But the penalty now provided, being a fine, has been found ineffectual on account of the poverty of the people who offend. When these trespassers are removed by the United States troops, they simply come back again at the first opportunity. This bill proposes to provide a penalty of fine and imprisonment at the discretion of the court. There can be no question as to the propriety and justice of the measure.

There being no objection, the House proceeded to the consideration of the bill, which was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. ENGLISH, a motion to reconsider the last vote was laid on the table.

ILLEGAL COAL COMBINATIONS.

Mr. COOMBS, as a privileged question, submitted a report from the special committee designated to investigate alleged combinations between the Philadelphia and Reading Railroad Company and other railroad companies, or between such companies and other roads or canals or producers of coal, for any illegal or improper purpose, etc.; which was laid on the table, and ordered to be printed.

Mr. COOMBS. I ask unanimous consent that this report, without the accompanying testimony, be published in full in the RECORD, as it has relation to proposed legislation which will be considered to-morrow.

Mr. RICHARDSON. How much space will this report occupy?

Mr. WISE. Two or three columns.

Mr. RICHARDSON. It is not usual to print reports of this kind in the RECORD unless some special reason be given.

Mr. COOMBS. Several bills designed to cure defects in the interstate-commerce law are expected to come up to-morrow, and this report has an important bearing on those questions.

Mr. RICHARDSON. Why should this report be printed in the RECORD when other reports are not?

Mr. COOMBS. Simply because the subject is of unusual interest; and we want to bring the report to the attention of members of the House in connection with proposed legislation which is shortly to come up.

The SPEAKER. Is there objection to the request of the gentleman from New York [Mr. COOMBS] that the report, without the testimony, be printed in the RECORD?

There was no objection, and it was so ordered.

The report is as follows:

The undersigned committee, designated to investigate the alleged combination of the Philadelphia and Reading Railroad Company, the Lehigh Valley Railroad Company, the Central Railroad Company of New Jersey, and the Port Reading Railroad Company, or if a combination between any of those roads or any other roads or canals or producers of coal for any illegal or improper purposes exist, and if such combination do exist the effect thereof on the production, transportation, and distribution and price of anthracite coal and upon commerce among the several States, and to report to the House any and all such facts in relation to the subject-matter which they may ascertain, and to make such recommendations as they may agree upon, submit the following report:

The committee, in pursuance of such resolution, proceeded to take testimony in the cities of New York, Philadelphia, and Washington. The testimony so taken at various sittings is herewith submitted as a part of the report.

SITUATION.

The anthracite coal region is situated altogether within the State of Pennsylvania, and comprises an area of about 477 square miles.

The region is penetrated by the following lines of railroad, which connect with tide water: The New York, Lake Erie and Western; the New York, Susquehanna and Western; the Delaware, Lackawanna and Western; the New York, Ontario and Western; the Central Railroad of New Jersey; the Lehigh Valley Railroad; the Pennsylvania Railroad; the Philadelphia and Reading Railroad.

The entire output of anthracite coal going east to tide water is transported over these lines of railroad, with the exception of an insignificant quantity which finds its way through canals.

The capacity of the collieries situated in the anthracite regions is estimated by experts to amount to about 50,000,000 tons annually, and the actual output amounts to about 41,000,000, of which amount 35 per cent goes to tide water over the lines of the railroads above mentioned, while the remainder is distributed along said lines of railroad between tidewater and the anthracite fields, or by the same and connecting railroads to interior markets.

THE GROWTH AND DEVELOPMENT OF THE BUSINESS.

In the early history of mining in the anthracite coal regions, the difficulty of getting the product to market presented a very serious problem. In the early history of the business the coal was transported to market in flatboats. In the progress of development canals were constructed, and subsequently the parties interested in securing a market for their product began the construction of railroads. During the period of development the owners of the collieries conducted the principal transportation business, and the various methods of transportation devised by them were only incidents to a business which was constantly growing in magnitude.

However, the commerce of the country grew at a more rapid pace, and in process of time the various lines of railroad constructed for the purpose of developing the mining regions became, with their western connections, great trunk lines of tranportation, which overshadowed and dominated a business to which at one time these were only the incident. This fact is referred to in order to show how the transportation companies and the collieries practically became associated under one management, which is practically dictated by the railroad companies.

OWNERSHIP OF THE COAL LANDS.

The coal fields being definitely ascertained to lie within a limited territory of small extent, the tendency has been for years past for the transportation companies, in one way or another, to acquire the ownership of the coal lands. This was done originally by direct purchase, but subsequently by the acquisition of stock in coal-producing corporations, which are termed ancillary companies. There is not a railroad company now penetrating the anthracite region that does not own coal-producing lands directly, or that does not absolutely control coal-producing lands through the ownership of practically the entire stock of an affiliated coal-producing company.

So it is that the process of absorption has continued until, as appears in testimony, fully 95 per cent of the coal output is controlled, directly and indirectly, by the railroad companies; and whatever loss or profit is sustained goes to those companies. Individual and independent mine owners at this time do a very small portion of the anthracite coal-producing business, and the tendency, with increasing force, is in the direction of the entire absorption in the manner described of the entire anthracite coal fields and collieries by the common carriers which transport it to market.

CONSOLIDATION.

The same business reasons which have resulted in the practical ownership of the coal output by the transporting companies, have also tended strongly in the direction of railroad combinations and consolidations. The short lines of railroads penetrating the coal fields have been practically absorbed by the trunk lines, and are now stems or feeders to one of the larger of the great systems which control the business.

Latterly the Philadelphia and Reading acquired the management by leasing the same of the Lehigh Valley and the New Jersey Central Railroad. The validity of the lease of the New Jersey Central was brought into question in the courts of New Jersey, and was declared to be invalid. The lease was then canceled, and so far as the testimony taken by the committee goes it does not appear that there is any contract, agreement, or arrangement between that railroad company and the Philadelphia and Reading, but they are now operated as independent lines.

The lease of the Lehigh Valley still exists, and that important line of railroad remains under the management and absolute control of the Philadelphia and Reading Railroad. The consolidation of these two lines unites under one management interests of vast importance to the public. By this arrangement the Philadelphia and Reading controls at least 40 per cent of the anthracite coal going to tide water, and becomes an important and dominating factor in determining not only the output, but the price of the product.

COMBINATIONS.

The committee in its investigations has not been able to develop any direct stipulation, contract, agreement, or arrangement between the transportation companies by which they are obligated to fix and determine both the output and price of anthracite coal. However, it is not necessary always to find written stipulations, resolutions, or minute entries in order to determine the existence of a business combination. Such combinations for business reasons frequently grow out of the environments of the situation and the opportunities presented. When it is considered that it is a law of business for each proprietor to pursue his own interest, it necessarily follows that proprietors who have a common interest will act in concert, and it requires no stipulation to bind them.

The committee, after a careful investigation, has come to the conclusion that the railroad companies engaged in mining and transporting coal are practically in a combination to control the output and fix the price which the public pays for this important and necessary article of consumption. The combination is not confined to the Philadelphia and Reading and the Lehigh Valley, but embraces all the railways connecting the anthracite coal regions with tide water. There is substantially no competition existing between these companies. The only limitation to their demands is the indisposition on the part of the public to buy the product at an exorbitant price. The committee predicates its conclusions on the following facts which were developed in the progress of the investigation:

First. That each transportation company directly owning coal-producing lands and each affiliated coal-producing company sends a representative to meetings which for years have occurred monthly. These meetings are informal, so far as the committee could ascertain. They are not convened in pursuance of any resolution or agreement, but were the result of a tacit understanding between the parties in interest. No minutes of those meetings, so far as ascertained, are kept, and the proceedings are not of record or made known to the public. However, the fact is incontrovertibly true that at those meetings the monthly output and price of coal are determined.

Second. That in pursuance of a consensus of opinion or understanding arrived at in these monthly meetings, the transportation companies and the coal-producing companies act in concert and conform thereto.

Third. That when it appears that a recalcitrant owner of a colliery declines to conform the output of his mine to the conclusion arrived at in their monthly meetings, he is forced to act in conformity by the transportation companies, who withhold from him cars which are necessary to transport an excess of output over the proportion which it was contemplated he would furnish to the market at such monthly meetings. (See testimony of Mr. Haddock.)

Fourth. That these monthly meetings explain why the output of coal is annually about 10,000,000 tons less than the capacity of the mines. It is impossible to say what amount of anthracite coal it would take to supply the market if the price was lower, but the evidence establishes that the public will not take the entire possible output at the price determined on at these monthly meetings. The natural law of supply and demand, in the judgment of the committee, does not control the output; but at these monthly conferences it is estimated what the demand will be at the price fixed, and in this way the demand as well as the price is, in a large measure, determined. The transportation companies are constantly confronted by a disposition on the part of the public to substitute other fuel for anthracite coal, and the question to be determined at these monthly meetings is how much the public will pay without destroying the market.

Fifth. That this result is brought about not by the coal-producers, but by the transportation companies who control them. The independent and individual owner of a colliery is practically at the mercy of the railroads. The freight agents who determine or fix the schedule rates of the several railroad companies are the men who practically control the situation. Where the railroad company owns the coal-producing lands or the stock in an affiliated company, it makes no difference whether or not the business of mining pays a profit if the freights yield a satisfactory return to it.

We are confronted by the startling fact that, notwithstanding coal can be handled with less labor and transported with less cost and risk than almost any other class of freight, the freight charges, as tacitly and apparently solidly agreed upon by all of the coal-carrying roads, are far in excess of those upon any of the other great and more valuable products of the country. That so bulky a product, involving so little risk in transportation and of such small value at the point of production, upon which the freight constitutes so large a percentage of the cost at the point of consumption, can and should be carried at the very lowest possible rate can not be disputed. Yet we find that it pays nearly double the rate for wheat or cotton. This excess over just and reasonable rates of transportation constitutes an available fund by which they are enabled to crush out the competition of independent coal producers, using for that purpose their own mines or those owned by affiliated companies.

The testimony shows that of the thirty-four individual operators upon the line of the Philadelphia and Reading Railroad prior to February, 1892, five have since that date been obliged to retire from the business, notwithstanding the increase of the price of coal, and probably a similar decrease has occurred along the other lines. How this has been accomplished can be understood by reference to the testimony of Haddock. (See page 274.)

The rate to tide water as established by transporting lines, as appears by the testimony, is $1.90 per ton. That this is in excess of a legitimate rate appears from the findings of the Interstate Commerce Commission in the case of Coxe Bros. & Co. *vs.* The Lehigh Valley Railroad Company, which, after hearing exhaustive testimony and making thorough investigation, fixed as reasonable and remunerative compensation to tide water on prepared and large sizes $1.50; on pea coal, $1.25, and on buckwheat, $1.05, or an average of about $1.40 per ton on all classes, estimating the quantities of each included in the shipments. We thus found that the rate established by the carrying companies, as appears by the investigation of the Commission, are now 50 cents per ton in excess of what they considered to be just and equitable. This decision could not be enforced, as is well known, on account of the imperfections in the law. (See Exhibit D, p. 183 of the printed testimony.)

In their competition with the independent producers they can very well afford to use this excess, in order to destroy their business and appropriate the field for their own occupancy. This fact furnishes a key to a possible remedy, which will be suggested hereafter by an amendment to the interstate-commerce act, thus making it effective.

PRICES AT TIDE WATER.

Your committee finds that between the months of February, 1892, when the combination went into effect, and November of the same year, the following advances have been made in the wholesale prices of the classes of coal used by housekeepers:

Kind of coal.	February, 1892.	November, 1892.
Grate.....per ton..	$3.50	$3.85
Egg.....do....	3.60	4.25
Stove.....do....	3.25	4.60
Chestnut.....do....	3.25	4.50

That this advance is not due to any unusual conditions of supply or demand or to increased cost of production, but is solely the effect of the combination which they have been enabled to maintain.

Upon sizes that compete with bituminous coal used in factories there has been very little advance of price. Your committee has experienced great difficulty in obtaining testimony from retail coal dealers, who apparently labor under fears of injury to their business in case they should appear and give evidence.

While the committee did not deem it practicable in the time at its disposal to specially investigate the effect of the alleged combination on the prices of coal produced for consumption in the West, it has been made to appear in the evidence, incidentally, that the conditions surrounding the production and carrying of coal to the tide-water region surround equally and exercise even a more baleful influence on the production and transportation of coal for the Western market.

To summarize, your committee finds that the price of coal has been advanced in the class most usually used by housekeepers from $1.25 to $1.35 a ton within ten months, which advance has been uniform and well sustained by the parties in the combination, as well as those who are not known to be parties to the contract. It finds that, notwithstanding this fact, there has been a decrease in the number of independent coal producers, which process of elimination is still going on through the operation of the force heretofore alluded to. They also find that the principal factor which has brought this result about is the agreement of all the railroads to a uniform rate of freight in excess of a fair and just rate.

On the case thus presented it is very clear that the railroad companies have a practical monopoly of the production, transportation, and sale of anthracite coal. While we do not wish to impugn the motives of the gentlemen engaged in this enterprise, and who doubtless satisfy themselves by the belief that it is fair in business to get all possible profit, and to accomplish that purpose to destroy all possible competition, yet it can not be denied that the public are the sufferers thereby, and that the price of an article of universal necessity is very much increased and that the power of a common carrier deriving its franchise from the public is used and misused to that end. That the situation will grow increasingly more difficult unless some remedy is found by which the independent operator can maintain his standing and be on an equal footing with the ancillary companies controlled by the railroads themselves is evident.

In looking about for a remedy which the committee might suggest to Congress they have been careful to avoid anything which might interfere with the just rights of the States, or to do anything or to recommend anything which can best be done by the States themselves.

The State of New Jersey has, through its chancellor, rendered a decision dissolving the connection of the Central Railroad Company of New Jersey with the combination as it existed, and has enforced the decision by subsequent proceedings, which have in the opinion of your committee resulted in detaching that company from the so-called combine. (See Exhibit E of the printed testimony, page 209.)

Action has also been taken by the State of Pennsylvania looking to the same end. Although it has not been concluded, it is reasonable to suppose that the result will be the same as in the case of New Jersey.

The only effective legislation which seems expedient to the committee would be, as far as practicable, to protect the individual and independent mine-owners and producers who still survive the difficulties which environ them from exorbitant and destructive discrimination, and thereby enable them to compete in the coal markets with the transportation companies. The interstate-commerce law, from the beginning without sufficient vitality to insure its effectiveness, has, in view of the recent decision of courts of high authority, become, in a large measure, inoperative. There is no provision in the law for the indictment and punishment of railroad corporations for offenses against the law, whereas their officials are substantially protected, because the only persons whose testimony would secure conviction are excused by the courts from testifying, on the ground that it might criminate them.

The Commission has no power to compel the attendance of witnesses, and the courts refuse to grant writs of subpœna in aid of proceedings before it. The long and short haul clause of the law has been construed by the courts to apply to a traffic line and not to the several links of connecting roads forming such traffic line or through route. From this it follows, as is held by the court, that the rates established on a line forming a part of a through line are not subject to the same rules as govern the rates on through freight passing over it with reference to the long and short haul clause. Thus we have the anomaly, as the law now stands, of two traffic lines governed by different rules doing business over the same line of railway. There is no adequate provision in the law for the taking, filing, and presentation of the testimony produced before the Commission. The findings of the Commission have no effect in the courts, and the hearings in the courts may be on entirely different evidence, and on an entirely different case from that considered by the Commission.

The committee would, therefore, recommend an amendment of the interstate-commerce law in the following particular: First, exempt from prosecution parties called as witnesses, and thereby place witnesses called to testify as to offenses or against the law in an attitude where they can not be excused on the ground that they might criminate themselves. Second, provide for the indictment and punishment of railroad corporations who violate the law. Third, provide that any witness summoned to testify before the Commission and failing to do so shall be guilty of an offense and be-

come subject to indictment and punishment. Fourth, provide that all the testimony taken before the Commission shall be in writing, filed and preserved as a part of the record of the proceedings. Fifth, provide that in all cases where the action of the Commission is brought into court for review the same shall be tried on the evidence adduced before the Commission, except in cases where the parties could not have reasonably anticipated the materiality of any proposed new evidence. Sixth, amend the act so as to define the meaning of the word "line" in the long and short haul clause by providing that where connecting lines by any arrangement transport freight for long distance at a named rate no less number of lines shall transport the same freight for a short distance at a greater rate.

The committee is persuaded that if the interstate-commerce law was amended in the particulars mentioned, it would, aside from the beneficial effects on the entire country, have a tendency to weaken the injurious effect of the monopoly existing in the production and sale of anthracite coal, by securing greater independence to the individual mine owners and producers. It would stimulate their business, and better enable them to pay remunerative wages to their employés.

While this will not thoroughly remedy the evil, it will be a step in the right direction and may possibly in time build up enough private enterprises so that they will become again an important factor in the selling markets. The public, however, must bear in mind that where so preponderating a quantity of any given article is controlled by one organization that it will be natural that the holders of the smaller portion should fall into line with the price fixed by the larger. This has been the case within the last season and will undoubtedly continue to be the case until conditions are very much changed from those now existing.

While the committee do not venture an opinion as to the liability of the parties involved in this investigation to punishment under the provisions of the antitrust law, we feel justified in saying that the state of facts disclosed by the evidence taken by the committee merits the fullest consideration of the law officers of the Government.

The committee are agreed that the acquisition of property by transportation companies not necessary to the business of a common carrier, is a growing and dangerous evil. The fact that the railroad companies are in one way or another absorbing the timber, coal, and iron lands of the country can not be disguised. That such ownership tends directly to monopoly and oppression is apparent to every student of commerce. No competition can exist between two producers of a commodity when one of them has the power to prescribe both the price and output of the other.

This problem, which is of constantly increasing importance, must be solved in some way by Congress and the Legislatures of the several States. The public interest demands that the business of the common carrier should be absolutely divorced from any other. The railroad companies were chartered to subserve a great public purpose, and to conduct a great department of public business, and they should not be permitted to abdicate their public functions and descend to a participation in the private affairs of the people, to the end that they may prostitute their franchises derived from Congress or one of the several States in securing an unequal and unfair advantage over the private citizen.

WILLIAM J. COOMBS.
GEORGE D. WISE.
JOSIAH PATTERSON.
BELLAMY STORER.
JOHN LIND.

EULOGIES ON THE LATE REPRESENTATIVE CRAIG.

Mr. SIPE submitted the following resolution; which was read, considered, and agreed to:

Resolved, That Friday, February 3, 1893, beginning at 3:30 o'clock p. m., be set apart for the purpose of paying tribute to the memory of Hon. Alexander K. Craig, late a Representative from the Twenty-fourth district of Pennsylvania.

EXTENSION OF THE CIVIL-SERVICE RULES.

Mr. HENDERSON of North Carolina. Mr. Speaker, I desire to submit a privileged report from the Committee on the Post-Office and Post-Roads. I am directed to report back a resolution of inquiry.

The SPEAKER. The resolution will be read.

The Clerk read as follows:

Resolved, That the Postmaster-General be requested to furnish the House of Representatives with copies of all orders from the President of the United States since the 4th day of March, 1889, extending the provisions of the civil-service law to employés of the Post-Office Department in this city, or in the post-offices throughout the country; or to clerks in the Railway Mail Service, or modifying orders heretofore issued. Also the whole number of clerks in the Railway Mail Service; and also the number appointed since the 4th day of March, 1889; and the number of employés in post-offices, outside of the city of Washington, who will be placed within the provisions of the civil-service law by the recent order of the President relating to such employés.

Mr. HENDERSON of North Carolina. The committee recommend the adoption of the resolution.

The SPEAKER. The report will be read.

The Clerk read as follows:

The Committee on the Post-Office and Post-Roads, to whom was referred the foregoing resolution, have considered the same and recommend its passage.

The SPEAKER. The question is on the adoption of the resolution.

The resolution was agreed to.

COURT OF APPEALS, DISTRICT OF COLUMBIA.

Mr. OATES. I now ask the regular order.

The SPEAKER. The regular order is the bill (H. R. 10010) to establish a court of appeals for the District of Columbia, and for other purposes, coming over from yesterday, on which the previous question has been ordered.

Mr. BAILEY. Mr. Speaker, I make the point of order that the pending question is not the passage of the bill, on which the previous question has been ordered, but the question before the House on yesterday at the time of adjournment was the vote upon the amendment to my motion, submitted by the gentleman from Indiana [Mr. HOLMAN], and upon that question the previous question has not been ordered.

The SPEAKER. That is correct, and the yeas and nays have been ordered on the motion of the gentleman from Indiana.

The Clerk will first report the motion of the gentleman from Texas, after which the amendment of the gentleman from Indiana will be read on which the vote is to be taken.

Mr. BAILEY. Does the Chair hold that the order for the yeas and nays is equivalent to the order for the previous question?

The SPEAKER. No; but the previous question has been ordered on the passage of the bill.

Mr. BAILEY. Exactly; but the pending question is not on the final passage of the bill, but on the amendment submitted by the gentleman from Indiana.

The SPEAKER. That is true; but the Chair thinks—in view of the rulings heretofore on this point—that when the previous question has been ordered on the final passage of a measure, it brings the question up the next morning, immediately after the reading of the Journal, and with it any collateral questions which under the rule might be submitted. A motion to commit is a motion of that character, and comes over with the bill under the order for the previous question.

Mr. BAILEY. It is obvious, Mr. Speaker, that the previous question having been ordered on the passage of the bill, if that were the pending question it would be first in order this morning after the reading of the Journal. But that is not the pending question; and on the pending question the previous question has not been ordered. I submit, therefore, that the regular order is not the vote on the amendment of the gentleman from Indiana.

The SPEAKER. The Chair will state that when the previous question is ordered on the final passage of a measure, under the practice of the House that measure comes up immediately after the reading of the Journal the next morning; and the fact that there may be pending some other motion, which under the rules is allowable in connection with such measure, would not take from the question the same character of privilege it would have if such question were not pending.

Mr. BAILEY. With all respect to the Chair permit me to suggest this view of the case: Suppose the motion to recommit had been made before the previous question had been ordered, would not the Chair hold the motion to recommit to be the pending motion; and can an order for the previous question on one motion displace another pending motion?

The SPEAKER. It was entirely in order to move to recommit before the previous question was ordered.

Mr. BAILEY. But if it had not been ordered?

The SPEAKER. It would not come over.

But if the gentleman from Texas will observe the RECORD, the Chair stated, when the gentleman from Alabama rose, that it would only recognize the gentleman from Alabama to demand the previous question (after the gentleman from Texas had been recognized to make the motion to recommit) by unanimous consent.

Mr. BAILEY. I did not recollect that statement. It is satisfactory.

The SPEAKER. The gentleman from Texas was recognized to make a motion to recommit. Then the gentleman from Alabama moved the previous question. The gentleman stated that he intended to do so, and the Chair then said:

Without objection the motion of the gentleman from Alabama may be considered as pending, the gentleman stating that he intended to make it.

After a pause, during which no objection was interposed, the Chair stated:

It will be so regarded.

Mr. BAILEY. I overlooked that fact, Mr. Speaker, and withdraw the point.

The SPEAKER. The gentleman is certainly correct, the Chair thinks, under the circumstances stated by him, and the demand for the previous question could only have been entertained by unanimous consent after his motion had been submitted.

Mr. BAILEY. I withdraw the point.

The SPEAKER. The Clerk will report the motion of the gentleman from Texas [Mr. BAILEY] to recommit with instructions.

The Clerk read as follows:

That the bill (H. R. 10010) entitled "An act to establish a court of appeals for the District of Columbia, and for other purposes," be recommitted to the Committee on the Judiciary, with instructions to report it back with the following amendment:

"Strike out the words 'during good behavior,' in line 8 of section 1, and insert in lieu thereof 'during the term of ten years.'"

The SPEAKER. The gentleman from Indiana [Mr. HOLMAN] moves to amend this motion of the gentleman from Texas [Mr. BAILEY] by adding the following, which the Clerk will report.

The Clerk read as follows:

That the bill (H. R. 10010) entitled "A bill to establish a court of appeals for the District of Columbia, and for other other purposes," be recommitted to the Committee on the Judiciary, with instructions to report it back again in amended form, by fixing the salaries of all the justices named in section 2 at $5,000, and by substituting the present law fixing the salaries of the justices of the supreme court of the District of Columbia in lieu of section 14.

The SPEAKER. Now the question is on this motion just read.

Mr. HEMPHILL. Mr. Speaker, I want to submit a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HEMPHILL. Whether I can now offer a decision of the Supreme Court of the United States to the effect that these judges are "judges of the United States" under the meaning of the Constitution?

Mr. DOCKERY. Debate is not in order.

The SPEAKER. That is not in order.

Mr. BAILEY. Certainly the gentleman can not do that. But I will be glad for him to have unanimous consent to do so, if he will agree to open the matter for discussion. The gentleman can present no decision opposite to the position I asserted yesterday.

Mr. HEMPHILL. The gentleman says I can not present such a decision. I have the decision here.

Mr. BAILEY. I undertake to say that no decision can be found in the books to the effect that judges in this District must hold for life.

The SPEAKER. The question is on the motion of the gentleman from Indiana [Mr. HOLMAN]. On this question the yeas and nays have been ordered.

The question was taken; and there were—yeas 74, nays 161, not voting 94, as follows:

YEAS—74.

Alexander,	Clover,	Kribbs,	Pendleton,
Allen,	Cox, Tenn.	Kyle,	Pickler,
Amerman,	Crawford,	Lane,	Randall,
Arnold,	Davis,	Lawson, Va.	Reilly,
Babbitt,	De Armond,	Lewis,	Sayers,
Bailey,	Dockery,	Lind,	Simpson,
Baker,	Ellis,	Long,	Snodgrass,
Beeman,	Enloe,	Mansur,	Snow,
Beltzhoover,	Everett,	Martin,	Stewart, Tex.
Bland,	Gillespie,	McLaurin,	Terry,
Bowers,	Gorman,	McMillin,	Tillman,
Bowman,	Grady,	McRae,	Watson,
Branch,	Halvorson,	Meyer,	Weadock,
Bretz,	Harries,	Montgomery,	Williams, Ill.
Brookshire,	Holman,	Moses,	Winn,
Bunn,	Jones,	Newberry,	Wise,
Butler,	Kem,	Otis,	Wright.
Capehart,	Kendall,	Patton,	
Cate,	Kilgore,	Peel,	

NAYS—161.

Abbott,	Cummings,	Hopkins, Ill.	Reed,
Andrew,	Curtis,	Houk, Ohio	Reyburn,
Antony,	Cutting,	Houk, Tenn.	Richardson,
Atkinson,	Dalzell,	Johnson, Ind.	Robertson, La.
Barwig,	De Forest,	Johnson, Ohio	Rockwell,
Belknap,	Dingley,	Johnstone, S. C.	Scott,
Bentley,	Doan,	Jolley,	Scull,
Bergen,	Dolliver,	Lagan,	Seerley,
Bingham,	Donovan,	Lanham,	Shell,
Blount,	Dungan,	Layton,	Shonk,
Boatner,	Dunphy,	Lester, Ga.	Smith,
Brawley,	Edmunds,	Little,	Springer,
Breckinridge, Ark.	Elliott,	Livingston,	Stephenson,
Breckinridge, Ky.	English,	Lockwood,	Stevens,
Brickner,	Enochs,	Lodge,	Steward, Ill.
Brosius,	Epes,	Loud,	Stockdale,
Brown, Ind.	Fellows,	Lynch,	Stone, C. W.
Brown, Md.	Fitch,	Magner,	Stone, W. A.
Buchanan, Va.	Fithian,	Mallory,	Storer,
Burrows,	Flick,	McAleer,	Stout,
Bushnell,	Funston,	McKaig,	Stump,
Bynum,	Gantz,	Miller,	Tarsney,
Cable,	Geissenhainer,	Moore,	Taylor, Ill.
Cadmus,	Greenleaf,	Mutchler,	Taylor, Tenn.
Caldwell,	Hall,	Oates,	Taylor, J. D.
Caminetti,	Hallowell,	O'Donnell,	Townsend,
Campbell,	Hare,	Ohliger,	Tracey,
Catchings,	Harmer,	O'Neil, Mass.	Tucker,
Chipman,	Harter,	O'Neill, Pa.	Turner,
Clancy,	Hatch,	Outhwaite,	Van Horn,
Clark, Wyo.	Haugen,	Owens,	Wadsworth,
Cobb, Ala.	Heard,	Page,	Walker,
Cobb, Mo.	Hemphill,	Patterson, Tenn.	Warner,
Coburn,	Henderson, N. C.	Pattison, Ohio	Wheeler, Mich.
Cockran,	Henderson, Ill.	Payne,	Wike,
Cogswell,	Herbert,	Paynter,	Williams, Mass.
Compton,	Hilborn,	Perkins,	Wolverton,
Coolidge,	Hoar,	Price,	Youmans.
Coombs,	Hooker, Miss.	Quackenbush,	
Covert,	Hooker, N. Y.	Ray,	
Cox, N. Y.	Hopkins, Pa.	Rayner,	

NOT VOTING—94.

Alderson,	Byrns,	Durborow,	Hitt,
Bacon,	Caruth,	Forman,	Huff,
Bankhead,	Castle,	Forney,	Hull,
Bartine,	Causey,	Fowler,	Johnson, N. Dak.
Belden,	Cheatham,	Fyan,	Ketcham,
Blanchard,	Clarke, Ala.	Geary,	Lapham,
Boutelle,	Cooper,	Goodnight,	Lawson, Ga.
Broderick,	Cowles,	Griswold,	Lester, Va.
Brunner,	Crain,	Grout,	McClellan,
Bryan,	Crosby,	Hamilton,	McCreary,
Buchanan, N. J.	Culberson,	Hayes, Iowa	McGann,
Bullock,	Daniell,	Haynes, Ohio	McKeighan,
Bunting,	Dickerson,	Henderson, Iowa	McKinney,
Busey,	Dixon,	Hermann,	Meredith,
Milliken,	Powers,	Stahlnecker,	White,
Mitchell,	Raines,	Stone, Ky.	Whiting,
Morse,	Rife,	Sweet,	Willcox,
Norton,	Robinson, Pa.	Taylor, E. B.	Williams, N. C.
O'Ferrall,	Rusk,	Taylor, V. A.	Wilson, Ky.
O'Neill, Mo.	Russell,	Turpin,	Wilson, Wash.
Parrett,	Sanford,	Washington,	Wilson, Mo.
Pearson,	Shively,	Waugh,	Wilson, W. Va.
Pierce,	Sipe,	Wever,	
Post,	Sperry,	Wheeler, Ala.	

So the amendment of Mr. HOLMAN was rejected.

The Clerk announced the following pairs:

Until further notice:

Mr. MITCHELL with Mr. MORSE.

Mr. FORNEY with Mr. RAINES.

Mr. SHIVELY with Mr. GRISWOLD.

Mr. GOODNIGHT with Mr. KETCHAM.

Mr. CARUTH with Mr. VINCENT A. TAYLOR.

Mr. STONE of Kentucky with Mr. HITT.

Mr. WASHINGTON with Mr. SANFORD.

Mr. WHITING with Mr. JOHNSON of North Dakota.

Mr. MCCREARY with Mr. WILSON of Kentucky.

For this day:

Mr. ALDERSON with Mr. BELDEN.

Mr. CROSBY with Mr. BUCHANAN of New Jersey.

Mr. CRAIN with Mr. HULL.

Mr. CULBERSON with Mr. HENDERSON of Iowa.

Mr. BACON with Mr. ROBINSON of Pennsylvania.

Mr. MCKINNEY with Mr. GROUT.

Mr. BRYAN with Mr. POWERS.

Mr. STAHLNECKER with Mr. RUSSELL.

For this vote:

Mr. CLARKE of Alabama with Mr. RIFE.

The result of the vote was then announced as above recorded.

The SPEAKER. The question now is on the motion of the gentleman from Texas [Mr. BAILEY], which the Clerk will report.

The Clerk read as follows:

That the bill H. R. 10010, entitled "A bill to establish a court of appeals for the District of Columbia, and for other purposes," be recommitted to the Committee on the Judiciary, with instructions to report it back with the following amendment:

Strike out the words "during good behavior," in line 8 of section 1, and insert in lieu thereof "during the term of ten years."

Mr. BAILEY. Mr. Speaker, in order to save time I ask the yeas and nays on that at once.

The yeas and nays were ordered.

The question was taken; and there were—yeas 78, nays 152, not voting 99; as follows:

YEAS—78.

Alexander,	Capehart,	Heard,	Pendleton,
Amerman,	Clancy,	Holman,	Pierce,
Arnold,	Clover,	Kem,	Rayner,
Atkinson,	Cobb, Ala.	Kilgore,	Sayers,
Babbitt,	Cox, Tenn.	Kribbs,	Seerley,
Bailey,	Davis,	Kyle,	Shell,
Baker,	De Armond,	Lane,	Simpson,
Bankhead,	Dickerson,	Lawson, Va.	Snodgrass,
Beeman,	Donovan,	Lewis,	Stockdale,
Beltzhoover,	Ellis,	Lind,	Stout,
Bergen,	Enloe,	Long,	Terry,
Bland,	Everett,	Magner,	Tillman,
Blount,	Fithian,	Martin,	Turpin,
Bowman,	Forman,	McGann,	Watson,
Branch,	Geary,	McLaurin,	Wheeler, Ala.
Bretz,	Gorman,	McMillin,	Williams, Ill.
Brookshire,	Grady,	McRae,	Winn,
Bullock,	Halvorson,	Moore,	Wise.
Busey,	Hamilton,	Moses,	
Butler,	Hare,	Patton,	

NAYS—152.

Abbott,	Cogswell,	Harries,	Miller,
Andrew,	Compton,	Harter,	Milliken,
Antony,	Coolidge,	Hatch,	Montgomery,
Barwig,	Coombs,	Haugen,	Mutchler,
Belknap,	Covert,	Hayes, Iowa	Oates.
Bentley,	Cummings,	Hemphill,	O'Donnell,
Boutelle,	Curtis,	Henderson, N. C.	Ohliger.
Bowers,	Cutting,	Henderson, Ill.	O'Neil, Mass.
Brawley,	Dalzell,	Herbert,	O'Neill, Pa.
Breckinridge, Ark.	De Forest,	Hitt,	Outhwaite,
Breckinridge, Ky.	Dingley,	Hoar,	Owens,
Brickner,	Doan,	Hooker, Miss.	Page,
Broderick,	Dockery,	Hopkins, Pa.	Patterson, Tenn.
Brosius,	Dolliver,	Houk, Ohio	Pattison, Ohio
Brown, Ind.	Dungan,	Houk, Tenn.	Payne,
Brown, Md.	Dunphy,	Johnson, Ind.	Paynter,
Buchanan, Va.	Edmunds,	Johnson, Ohio	Perkins,
Bunn,	Elliott,	Jolley,	Pickler,
Burrows,	English,	Lagan,	Price,
Bushnell,	Enochs,	Lanham,	Quackenbush,
Bynum,	Fellows,	Lapham,	Randall,
Cable,	Fitch,	Layton,	Ray,
Cadmus,	Flick,	Little,	Reed,
Caldwell,	Gantz,	Livingston,	Reilly,
Caminetti,	Geissenhainer,	Lockwood,	Reyburn,
Campbell,	Gillespie,	Lodge,	Robertson, La.
Catchings,	Greenleaf,	Lynch,	Rockwell,
Chipman,	Hall,	Mallory,	Russell,
Clarke, Ala.	Hallowell,	Mansur,	Scull,
Coburn,	Harmer,	McKaig,	Smith,

Sperry,	Stump,	Tucker,	Wheeler, Mich.
Stephenson,	Sweet,	Turner,	Wike,
Stevens,	Tarsney,	Van Horn,	Willcox,
Steward, Ill.	Taylor, Ill.	Wadsworth,	Williams, Mass.
Stewart, Tex.	Taylor, Tenn.	Walker,	Wilson, W. Va.
Stone, C. W.	Taylor, E. B.	Warner,	Wolverton,
Stone, W. A.	Taylor, J. D.	Waugh,	Wright,
Storer,	Townsend,	Weadock,	Youmans.

NOT VOTING—99.

Alderson,	Crawford,	Kendall,	Raines,
Allen,	Crosby,	Ketcham,	Richardson,
Bacon,	Culberson,	Lawson, Ga.	Rife,
Bartine,	Daniell,	Lester, Va.	Robinson, Pa.
Belden,	Dixon,	Lester, Ga.	Rusk,
Bingham,	Durborow,	Loud,	Sanford,
Blanchard,	Epes,	McAleer,	Scott,
Boatner,	Forney,	McClellan,	Shively,
Brunner,	Fowler,	McCreary,	Shonk,
Bryan,	Funston,	McKeighan,	Sipe,
Buchanan, N. J.	Fyan,	McKinney,	Snow,
Bunting,	Goodnight,	Meredith,	Springer,
Byrns,	Griswold,	Meyer,	Stahlnecker,
Caruth,	Grout,	Mitchell,	Stone, Ky.
Castle,	Haynes, Ohio	Morse,	Taylor, V. A.
Cate,	Henderson, Iowa	Newberry,	Tracey,
Causey,	Hermann,	Norton,	Washington,
Cheatham,	Hilborn,	O'Ferrall,	Wever,
Clark, Wyo.	Hooker, N. Y.	O'Neill, Mo.	White,
Cobb, Mo.	Hopkins, Ill.	Otis,	Whiting,
Cockran,	Huff,	Parrett,	Williams, N. C.
Cooper,	Hull,	Pearson,	Wilson, Ky.
Cowles,	Johnson, N. Dak.	Peel,	Wilson, Wash.
Cox, N. Y.	Johnstone, S. C.	Post,	Wilson, Mo.
Crain,	Jones,	Powers,	

So the motion of Mr. BAILEY to recommit the bill with instructions was rejected.

The following additional pair was announced:

Mr. PEARSON with Mr. SHONK, for the rest of the day.

The result of the vote was then announced as above recorded.

The SPEAKER. The question now is on the passage of the bill.

The question was taken, and the bill was passed.

On motion of Mr. OATES, a motion to reconsider the vote by which the bill was passed was laid on the table.

CIVIL SUNDRY APPROPRIATION BILL.

Mr. HOLMAN, from the Committee on Appropriations, reported the bill (H. R. 10238) making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1894, and for other purposes; which was read a first and second time, referred to Committee of the Whole House on the state of the Union, and ordered to be printed.

Mr. MCMILLIN. I reserve all points of order upon the bill.

The SPEAKER. All points of order are reserved. The Clerk will call the standing and select committees for reports.

UNITED STATES NAVAL STATION, PORT ROYAL, S. C.

Mr. CUMMINGS, from the Committee on Naval Affairs, reported back with amendment the bill (S. 1290) to provide for the purchase of lands adjoining the United States naval station, Port Royal, S. C.; which was referred to the Union Calendar, and, with accompanying report, ordered to be printed.

MACE CLEMENTS'S SURVEY.

Mr. HARE, from the Committee on Public Lands, reported back with amendment the bill (H. R. 8518) to authorize the Commissioner of the General Land Office to issue a patent for Mace Clements's survey, No. 386, in the Virginia military district of Ohio; which was referred to the Union Calendar, and, with accompanying report, ordered to be printed.

FORT RANDALL MILITARY RESERVATION.

Mr. AMERMAN, from the Committee on Public Lands, reported back favorably the bill (S. 2931) to provide for the survey and transfer of that part of the Fort Randall military reservation in the State of Nebraska to said State for school and other purposes; which was referred to the Union Calendar, and, with accompanying report, ordered to be printed.

APPROVAL OF POSTMASTERS' BONDS.

Mr. HENDERSON of North Carolina, from the Committee on the Post-Office and Post-Roads reported back favorably the bill (H. R. 10017) authorizing the Fourth Assistant Postmaster-General to approve postmasters' bonds; which was referred to the Union Calendar, and, with the accompanying report, ordered to be printed.

CONGRESSIONAL DOCUMENTS FOR SOLDIERS' HOMES.

Mr. PATTON, from the Committee on Military Affairs, reported back with amendment the bill (H. R. 10011) to amend section 4837 of the Revised Statutes of the United States; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

BRIGHTWOOD RAILWAY COMPANY OF THE DISTRICT OF COLUMBIA.

Mr. RICHARDSON, from the Committee on the District of Columbia, reported back with amendments the bill (H. R. 9730) to amend the charter of the Brightwood Railway Company of the District of Columbia; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

CALIFORNIA AVENUE, BELLAIR HEIGHTS, DISTRICT OF COLUMBIA.

Mr. RICHARDSON, from the Committee on the District of Columbia, reported back with amendments the bill (H. R. 10039) to narrow California avenue, within Bellair Heights, District of Columbia; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

TRANSPORTATION OF MERCHANDISE BETWEEN PORTS OF THE UNITED STATES.

Mr. WISE, from the Committee on Interstate and Foreign Commerce, reported back with amendment the bill (H. R. 9802) to amend and define section 4347 of the Revised Statutes, relating to transportation of merchandise between ports of the United States; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. DIXON until the 30th instant, on account of important business.

DEATH OF EX-PRESIDENT RUTHERFORD B. HAYES.

Mr. HAYNES of Ohio. Mr. Speaker, the telegraph this morning brings us intelligence of the death at Fremont, Ohio, of ex-President Rutherford B. Hayes. My residence has been in Fremont for many years. I have personally known Gen. Hayes for fifty years, and I shall speak of him as a citizen with whom I have been so long acquainted. I knew the general in the army. I knew him as governor of the State, and while he occupied distinguished positions and conspicuous stations in public life for so many years. At his own home he was beloved by all, taking an interest in all the institutions of his city and State, discharging wisely and well the duties that devolved upon all good citizens in the community.

Of his public services, many gentlemen in this Chamber are better prepared to speak than I am. His death will excite universal sorrow, not merely in the city of his residence, not only on the part of those who were intimately acquainted with him, but among all the people everywhere who remember his great public service and his noble private character and life. Of his public conduct as President of the United States, as governor of his State, as an officer in the Union Army, history makes record and bears witness to his distinguished services. I wish to speak more particularly of my recollection of the ex-President as a citizen and a neighbor in the community in which he lived. He had been a resident of the city of Fremont from early boyhood. He studied and practiced law there, and, after the expiration of his term as President, he returned to Fremont and again took up his residence there.

He interested himself at all times in all matters of general interest to the community. He was liberal, charitable, unostentatious, and so conducted himself in every way that all men, regardless of their political affiliations, honored him as a man as well as because he was ex-President of the United States. Since his retirement from the Presidency he has devoted a large share of his time to the educational interests of the country and to philanthropic movements. He was president of the Peabody fund and of the Slater fund, devoted to educational purposes in the South. He was one of the trustees of the Ohio University, and he gave a great part of his time and large contributions to such matters. After his retirement he did not engage in any private business, but gave his entire time to the public. He abstained from taking any part in political controversies, recognizing at all times and on all occasions, in public and in private life, that he was an ex-President of the United States, and I think I can truly say that he was one of the best exemplars of true American citizenship.

I know of no distinguished man retired from public position who better deserved the good will and the high opinion of every one who came in contact with him or who has enjoyed them in higher measure. He was easily-approached, ready at all times to assist in all undertakings where the public were to be benefited, at the same time abstaining from any occasion where there was a probability of difference of opinion or dissension. As a general in the Army he was beloved by the soldiers who served with him; as governor of the great State of Ohio, no man ever retired from that position with more of the respect and good will of the people. As President of the United States, history and time will give him the place to which the results of his administration entitles him. As Chief Magistrate of the Republic, in a trying and turbulent time, he conducted as able and successful an administration as any man could possibly have done under the circumstances. In his own town and State, where he was known

by nearly all his fellow-citizens, no other death would excite such universal sorrow as that of ex-President Hayes.

Mr. O'NEILL of Pennsylvania. Mr. Speaker, in the death of ex-President Hayes the country has lost one of its most distinguished citizens, a loss which the country will widely and deeply feel. I first met Gen. Hayes when he became a member of the Thirty-ninth Congress, and I sat with him in this House until he resigned from the Fortieth Congress to take the oath of office as governor of Ohio. Before I met him I had been informed by a near relative in Ohio of the great ability and high character of Gen. Rutherford B. Hayes, who was to take his seat in the next Congress, and this relative expressed the hope that I would early make his acquaintance. I did so with very great pleasure, and I soon learned the sterling worth of the man who subsequently attained such distinction in the country. I happened to sit within one seat of his, and from the day that I met him here until the last time I had the pleasure of seeing him in the city of Philadelphia, not very many months ago, our friendship was unbroken.

Mr. Hayes had one remarkable trait which to me is a great trait in a man who holds a high position; he was patient, he was a listener, and therefore a most agreeable man to visit upon official business. You left him feeling that he was your friend, and that if he could comply with your wishes or requests it would give him pleasure to do so. He was a statesman with a heart. When I look back over the Congresses in which I have served, I do not know that I have ever met a gentleman of finer qualities than he possessed. He was refined, was graceful in manner, and was always attentive to his business as a member of this House, both on the floor and in his committees, and soon rose to prominence. When he left Congress to take the oath of office as governor of Ohio he received the congratulations, the sincere congratulations, of his fellow-members without distinction of party.

I was also in the convention of the Senate and the House when it was declared from the desk, Mr. Speaker, you now occupy, by the acting Vice-President of the United States (Senator Ferry of Michigan), that Rutherford B. Hayes had received a majority of the electoral votes of the States and was elected President.

Soon afterwards I had occasion to visit him as President, and that visit and all subsequent visits to him in that capacity were very pleasant, for he always had the kindliest manner and manifested the most evident desire to let you regard him as a friend and feel that, if possible, your interviews were not in vain.

I feel, sir, to-day, as I said when I arose, that by the death of Mr. Hayes this country has lost one of its most distinguished citizens. Ex-President Hayes has many friends in the city of Philadelphia. His social visits there were many, and he was always received with the kindness and the respect due to his high character. One special reason why he was a favorite in Philadelphia was that its citizens felt that he had been one of the distinguished governors who had helped in a marked degree to make the great Centennial Exposition of 1876 a success.

I think it fit and proper that Congress should pause in its business and adjourn (as I suppose will be presently proposed) as a mark of respect to the blameless official and social life of this patriot and statesman who served his country well. I regret his death. I realize that I have lost a friend, although I have not seen so much of him of late as in former years, and from the bottom of my heart I desire to mingle my tears with those of his family. I knew his family. I was acquainted with them socially. I knew his young children when he came here. I saw his sons growing to manhood. I knew his respected wife, and I may with propriety say that I have never seen a finer illustration of true American womanhood than in Mrs. Hayes, the wife of the President, who herself died not many months ago. What I have said on this occasion has been uttered because of my admiration of him whose departure has been so sudden and with whom I had been on friendly terms during many years.

[Mr. JOSEPH D. TAYLOR withholds his remarks for revision. See Appendix.]

Mr. ENOCHS. Mr. Speaker, I was intimately acquainted with General or President Hayes. I served with him in the Army from the spring of 1863 until the war practically closed in 1865. I never found a more patient, more faithful, brave, and upright man than was Gen. Hayes.

He was a soldier because he knew he was right and that he was on the right side. He had no doubts of his part in that great war. He knew absolutely that he was right. He was fighting in defense of his country. His blood enriched more than one of the great battlefields of the war that we all might enjoy the blessing of a united country; that this Republic might live. Without malice, without ostentation, without anything else in view except his duty as a soldier of our country, he served in that great war from the beginning to its close.

He entered the Army in the first instance as a major, was next promoted to a lieutenant-colonel, a promotion won on the battlefield, next to a full colonel, next a brigadier-general, and then a major-general of the United Stated Army. As he won his eagles and stars, honors won in line of duty on the battlefield, they belonged to him. He had won them honorably on the fields of battle in defense of his country.

No man has ever come in contact with ex-President Hayes in the Army or in civil life who did not love him. No soldier in that war was more popular than he. He never sought by political influences, by coming to Washington from the Army of the Potomac, where he served, or when with Sheridan in the Shenandoah Valley, to seek promotion or advancement through political influences. He won his promotion as a soldier in the field, and when he got that promotion it belonged to him of right.

Without any malice, as I have said, without any feeling except the love of the Stars and Stripes, leaving a dear wife and family, going through that war from beginning to end for the love of his country, he has left an example worthy of emulation by every American citizen.

At the close of the war his farewell order to his brigades and division reminded them as they recollected their struggles and hardships that they would be reminded of each other and of the friendly relations that had so long existed between them. He retired from the Army without pride or splendor, and went into the ranks of civil life as easily and as rapidly as he had won promotion. He became a private citizen with as little effort, absolutely, as he became a major-general during the war. He went back to his business, but before a very great while he was elected to represent his State in the Congress, without an effort on his part.

He remained there, and the people of Ohio elected him governor of that State. He was a model governor. There was nothing rash about his conduct of public affairs. He was quiet, unostentatious, always maintaining the dignity and character and greatness of his State. We reëlected him again, and after he had retired for a few years elected him for a third term. While serving as governor in this term he was made the nominee at Cincinnati for President upon the Republican ticket. After a great struggle, after unusual difficulties, he was declared duly elected President of the United States.

He entered upon his duties under trying circumstances, but his Administration will in future times compare with any that his country has had, in my judgment. He was honest and faithful, always and under every circumstance devoted to his country. Not long since, in Washington, as an example of an American citizen who loved his country above almost everything else, he marched almost the entire distance with the Grand Army of the Republic at the head of the Fremont Post, Grand Army of the Republic.

At the close of the war he could have retired; nevertheless he has been one of the busiest men in Ohio, devoting the later years of his life to benevolence and to education. He has been for some years president of the board of trustees of the Ohio State University, and by his efforts has sought to make it one of the great educational institutions of his country. The later years of his life were spent in trying to do good, trying to do something for his fellow-man; without malice or hate toward any, but full of good feeling and good will for everybody. In every walk of life he always did his duty—a faithful, devoted husband, a kind and affectionate father—and was always a conscientious and honest American citizen, a devoted patriot, and above all, a devoted Christian gentleman.

Mr. OUTHWAITE. Mr. Speaker, I feel it my duty to say a few words. Ex-President Hayes was, while governor of the State of Ohio, my fellow-townsman and neighbor, and I learned to know him well. As a public official the striking characteristic of the man was his conscientious performance of his duty. As a soldier he was brave, constant, faithful, and patriotic. He showed these qualities upon one occasion when, having won by a charge with his men a difficult position to win and to hold, being assailed by a strong force opposed to him, he received a serious wound, such as might have taken an ordinary man away from the field, but believing that his presence was necessary there to maintain the position, he remained and held it until he was carried away from the field of battle on account of his wound. The discussions and dissensions that arose over the most important incident in his life are hushed now. Every one appreciates that a great citizen, a prominent statesman, a patriot, and leader among men has passed away, and as he was at one time a member of this body, holding therein a prominent position, it is eminently proper that this House should pay honor to him upon this occasion.

While he took a high position as a statesman, as a soldier, and as a patriot, we must not forget that he took as high a position as a private citizen. In his life were exemplified integrity, pu-

rity, love of humanity, probity, faithfulness, and other good qualities that make a man esteemed and loved by all who know him.

In his home, to as great a degree as in the home of any citizen whom I ever knew, domestic felicity reigned supreme. There was to be found as beautiful an example of an American household as poet could ever portray. Feeling, as I said, that this House may well pause from its duties to pay tribute to the memory of such a man, I have joined in these ceremonies. We may profit by the lessons of his life and character. They should be transmitted to the youths of our land and coming generations.

Mr. CURTIS. Mr. Speaker, it is eminently proper on this occasion for us to pause in our legislative labors to pay tribute to one who has been President of the Republic.

Not so much from what I shall say am I induced to address this House as in recognition of the fact that the district I have the honor to represent was closely allied, through one who was its representative here for a long term of years, with the administration of President Hayes, which, whatever may be the opinion of men now, will go into history as one of the most memorable, clean, strong, and patriotic administrations that this country has ever enjoyed.

William A. Wheeler, who was honored by my district for a longer term as Representative in this House than that accorded any other man who has ever represented it, was selected as his associate upon the ticket on which they ran as candidates for President and Vice-President, and the last time that I had an opportunity to confer with ex-President Hayes was when he came from his home in Ohio to attend the obsequies of Mr. Wheeler, who had been so intimately and honorably associated with him during his Presidential term.

I will not undertake to review the career to which such fitting tribute has been paid by gentlemen from the State of Ohio, in which Mr. Hayes was born and bred and by which he was honored by an important appointment in the Army, then as a Representative in this House, later as its governor, and finally selected to occupy the highest position in the country. Mr. Hayes has stood before the world a man exceptionally pure in private life, well educated in the duties of the profession which he had chosen, patriotically inclined to perform whatever duties the exigencies of the Government might require of him in its most perilous times and well equipped to discharge the duties of the executive of his State. He came to the Presidency under such circumstances as sealed his title with an assurance of validity that has been given to no other man filling that high office.

First he was a successful candidate under the laws and practice which for ninety years had been frankly acquiesced in by the people; and secondly, when the embarrassments and difficulties which grew out of the election in certain States partially under military control had been settled and determined by an act of Congress, the joint act of bodies previously organized, and their acts accepted by the people long before the time when these difficulties arose which they were called upon to determine, he was declared duly elected. My friend from New York [Mr. COCKRAN] a few days ago referred, in discussing a constitutional question, to this case as illustrating one of the great advantages of the present Constitution, that an existing body, unquestioned in its organization, is provided to decide upon matters of difference which could not be determined by a body chosen at the same election out of which those differences arose.

With that final indorsement of the Congress of the United States, Mr. Hayes assumed the Presidency at one of the most critical periods of this nation's history. The difficulties which had existed from 1861–'65 had not been entirely settled. He came to the discharge of his office with the disposition and the inclination to perform the duties of that high position acceptably to the people of the entire country. Whatever criticism may be made as to his action with respect to certain national questions—questions which had never before arisen—all concede that Mr. Hayes brought to these duties a strong consciousness of the importance of so administering Federal affairs that the people of all the States should derive the greatest benefit.

No eulogium which may be hastily passed here on this occasion will do justice to this man and the time in which he lived and performed such an important and honorable part. He possessed one quality in marked degree. He had an ease and grace of expression, a force and ability as an off-hand speaker, that I do not believe had been excelled by any man in public life. Fortunate in his family relations, which brought no scandal and no anxiety to his Administration, fortunate in all official relations in public life, nowhere has been given a better example of what should be the course and action of an ex-President than is exhibited in the life which he led after his retirement.

Devoting himself to labors of charity and philanthrophy, seeking to improve the administration and the policy of the eleemosynary and penal institutions of the country, he lived in a quiet dignity, which has never been surpassed since the time of him who stood first in the hearts of the American people, their first President, as shown in the private life which he spent at Mount Vernon after leaving the Chief Magistracy.

As general, as Representative, as governor, as President, he is worthy of the honor that is paid to a citizen who has held our highest office, and history will do justice to his Administration and his character.

I have spoken as the representative of the people of a district because of its share in his Administration, and in their name I have made these hasty and unprepared allusions to the qualities of a Chief Magistrate whose very simplicity of life is as deserving of remembrance as the high qualities which won him honor and distinction.

Mr. STORER. Mr. Speaker, it is with diffidence that I trust myself to occupy the time of this House further to-day, after the eloquent words we have heard from my colleagues upon this floor. My only excuse for so doing is, that in an humble way I represent a body of which, to the hour of his death, it was the pride of Rutherford B. Hayes still to belong—I mean the bar of Cincinnati. It was at that bar he achieved his first reputation as a speaker. It was at that bar that he laid the foundation of that domestic felicity which has been so ably spoken of here. It was his labors at that bar that gave him the respect of our people, and gave him a hold on Cincinnati which, so far as in the hearts of his fellow-citizens there, will still abide with us.

When Rutherford B. Hayes left Cincinnati to go into public life the city lost a good citizen, a citizen who had the respect of every man in our community whose respect was worth having. In his public life he had the commendation and support of all good people because they believed that he was an honest fellow-citizen. It was that very honesty and probity of purpose, recognized by those who knew him, disseminated throughout the community through the opinions of those who knew him personally, that characterized him, that characterized his public life, and characterized the administration of which he was the head. Probity and modesty, self-abnegation, and devotion to the public service are the words that should be engraven and could be engraven with perfect truth upon the tomb of that man.

I knew him only as a very young man knows an older man at the bar. I knew him better as one of the older men who came back to us each year to attend our bar association annual meeting. He never failed to come. He was one of our honorary members, and he never failed to be with us once a year. He had the respect of the bar when he had left it and was out of practice, in accordance with the spotless reputation which he had always borne, and which had been handed down to the men of my generation from those with whom he had practiced and the courts before whom he had earned his daily bread.

When he went into a broader field, sir, as I said before, he displayed the same characteristics; he displayed characteristics which, I think, endeared him to the sober second thought of all the people of this country, no matter what their political affiliations or political prejudices may have been. No man can truthfully say that he was a representative of anything but what we all believe is the highest type of man this world can produce—a patriotic, God-fearing American citizen. That was Rutherford B. Hayes.

Mr. OWENS. Mr. Speaker, I shall not attempt to recount any of the deeds or exploits of Gen. Hayes, because I suppose the members of this House are familiar with matters of history, but I wish to say a word about the man. I was personally acquainted with him. I am informed that as a soldier he was brave and honorable; I know that as a politician and statesman he was fair, courageous, and honest. In saying this I have in mind all the controversy that arose about his title to the office of President of the United States. I was near him at that time. I was in the Ohio Senate when he was governor, and I know that he took no part in the controversy to which I have referred.

Whatever may have been the unfair action of his party, he had no hand in it. He was honorable, honest, and fair. And I want to remind gentlemen who come from the South that Mr. Hayes gallantly wiped away the carpet-bag rule that had persecuted and oppressed that portion of our country. President Hayes was infinitely better than his party, and for that reason he received but one term at its hands. The Democratic party should feel no unkindness towards him. He was a fair, honest, noble citizen; a good man. That, Mr. Speaker, is all that I desire to say at this time.

Mr. DOAN. Mr. Speaker, I desire to add but a single word to what has already been so well said. Let it stand to the immortal honor of Rutherford B. Hayes, as a white shaft to the clouds, that in all the relations of life, whether public or private, at home or abroad, there was no stain upon him or upon his record in any shape or form whatever. His motives and his objects were at all times pure. His very simplicity made him grand. To know him was but to love him. In whatever position he may

have been placed he always sought to carry out faithfully and honorably the duties intrusted to him with all the ability which God has given, and I can say with truth that in my own State of Ohio no man was closer to the hearts of the people than Rutherford B. Hayes. In all the relations of life, in every matter intrusted to him, whatever may have been the circumstances by which he was surrounded, he acted well his part, and his character and his life, as he lays it down, stand without a scar upon his helmet or a stain upon his shield.

Mr. HOLMAN. Mr. Speaker, I wish to add but a few words to the sentiments which have been expressed touching the life and character of President Hayes. I met him for the first time on this floor in the closing hours of the Thirty-ninth Congress. I shook hands with him in the aisle to my right for the first time. I was charmed by his unassuming, cordial, and kindly manner, and notwithstanding the fierce political controversy that afterwards arose between the two great political parties of our country over the question of his election to the Presidency, I always entertained a great admiration for his character.

The sensibilities of all our people will be deeply touched by his death. He held the greatest office known to the world and filled it well. The Administration of President Hayes will go into history, gentlemen, as the expression of the whole American people, as well those who differed with him in political opinion as those who agreed with him, that he gave to our country one of the purest administrations our Government has ever known. He was himself a pure man, a Christian gentleman. His noble and patriotic efforts to reform the civil service of the Government, greatly demoralized by the war for the Union, deserved, especially in view of the hostility which those efforts encountered within his own party, imperishable honor.

He in the main failed in his purpose, but that was because his party was not up to his own high standard of public duty. To me the earnest efforts of his Administration, to secure pure and honest government appear, in the midst of all his high honors, his highest honors. How noble his efforts to heal the wounds of our intestine war. He was a man of a kindly and forgiving spirit, and I know of no quality in the human heart more to be admired. How admirably this humane sentiment adorned his character:

> Forgiveness! it is an attribute of God Himself,
> The sound that openeth heaven,
> Restores once more fair Eden's faded bloom
> And flings Hope's golden halo o'er the waste of life.

The country, greatly demoralized by war, was restored to peace and purity under his Administration, and the Union of the States was in spirit restored.

Standing by the open grave of this illustrious citizen, how natural the thought that greater than being President, better than to have commanded an army, history will write down that he was a just and good man.

> Peace to the good man's memory. Let it grow
> Greener with years and blossom through the flight
> Of ages.

Mr. PATTISON of Ohio. Mr. Speaker, notwithstanding the fact that I was associated with Gen. Hayes as a member of the board of trustees of the Ohio Wesleyan University, of Delaware, Ohio, I had not thought of saying anything at this time. I wish, however, to add simply a statement, which possibly may have been forgotten by the gentlemen who have said so much in respect to his memory. I think one and perhaps the most preeminent characteristic of Gen. Hayes has been overlooked. You will pardon me, I am sure, if I attempt in a few words and in plain and simple language to add a tribute to his memory. I surely would not attempt to add anything to the many beautiful eulogies that have been delivered.

Nothing more perhaps need be said to his purity and patriotism as a citizen, his bravery as a soldier, his greatness and ability as a statesman, and his success as the President of the United States. But it seems to me that no eulogy to Gen. Hayes would be entirely complete, or do full justice to his character, without calling attention not only to the fact that he was an honest man, an upright citizen, an able and distinguished statesman, but also that he was a Christian. This, to my mind, was the foundation of his glory and the great secret of his remarkable career. Possibly no other man ever occupied the White House who had a greater reverence for God and the divine truths of Christianity, and it was his abiding faith in the Almighty, his sense of human weakness, and dependence, and his strong belief in a Divine government of the world that gave him courage and strength to meet the emergencies of perhaps one of the most important Administrations during the last half century of our history. He, I believe, like every other man who has occupied the Presidential chair, not only recognized the God of the universe, but also believed that there was an overruling Providence directing all the affairs of this great Republic.

Gen. Hayes had the highest respect for law and order, for the sanctity of the Sabbath, and never in all his public life forgot that this was a Christian nation; and it should be remembered, and to their credit, that all the great men of this country have recognized the hand of an Allwise Being in the shaping of its destiny. As one of the younger members of this body, from the great State of Ohio, of which Gen. Hayes was an honored and most distinguished son, I pay my simple tribute not only to him as an honored citizen, a brave and gallant soldier, but also to him as a Christian gentleman.

Mr. HAYNES of Ohio. Mr. Speaker, as a further mark of respect to the memory of ex-President Hayes, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 2 o'clock and 40 minutes p. m.) the House adjourned.

REPORTS OF COMMITTEES.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. McALEER, from the Committee on Naval Affairs: The bill (H. R. 1446) to restore William F. Peck to the rolls of the Navy and grant him an honorable discharge. (Report No. 2274.)

By Mr. REYBURN, from the Committee on Claims: The bill (S. 1077) relieving the personal representatives of John Sherman, jr., late United States marshal for the Territory of New Mexico, from the requirements of section 833 of the Revised Statutes. (Report No. 2275.)

By Mr. COX of Tennessee, from the Committee on Claims: The bill (S. 29) for the relief of Wetmore & Brother of St. Louis, Mo. (Report No. 2276.)

By COBB of Missouri, from the Committee on War Claims:

The bill (H. R. 4289) for the relief of John Clamalier. (Report No. 2277.)

The bill (H. R. 9968) for the relief of Lucy Ann Lee and Allen G. Lee. (Report No. 2289.)

The bill (H. R. 10052) to permit Ann M. Colman, widow, to prosecute a claim. (Report No. 2290.)

BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. WISE: A bill (H. R. 10236) relative to voluntary assignments by debtors for the benefit of creditors in the District of Columbia, and to amend section 782 of the Revised Statutes of the United States relating to the District of Columbia—to the Committee on the District of Columbia.

By Mr. CURTIS: A bill (H. R. 10237) to provide for a catalogue of the books in the law library of Congress—to the Committee on the Judiciary.

By Mr. BRECKINRIDGE of Arkansas: A bill (H. R. 10239) granting the right of way for the construction of a railroad and other improvements through and on the Hot Springs Reservation, State of Arkansas—to the Committee on the Public Lands.

By Mr. BENTLEY: A bill (H. R. 10240) to increase the army ration by the addition thereto of a portion of cheese—to the Committee on Military Affairs.

By Mr. GILLESPIE: A bill (H. R. 10241) to amend "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved July 13, 1892—to the Committee on Rivers and Harbors.

By Mr. FELLOWS: A resolution respecting the appointment of a special committee of seven to investigate the situation of affairs upon the Isthmus of Panama—to the Committee on Rules.

By Mr. SPRINGER: A resolution to pay to the father of Ernest Almarode, deceased, six months' salary and funeral expenses—to the Committee on Accounts.

By Mr. PICKLER: A resolution directing the Secretary of the Treasury to report to the House the names and locations of banks, labor, farmer, and other organizations that have asked the Secretary of the Treasury to recommend or indorse the repeal of the Sherman silver law—to the Committee on Banking and Currency.

Also, a resolution directing the Committee on Banking and Currency to report to the House the names and locations of banks, labor, farmer, and other organizations that have petitioned for the repeal of the Sherman silver law during this session of Congress—to the Committee on Banking and Currency.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as indicated below:

By Mr. BELTZHOVER: A bill (H. R. 10242) for the relief of Samuel Bear—to the Committee on War Claims.

By Mr. HOUK of Tennessee: A bill (H. R. 10243) to grant an honorable discharge to T. J. Murphy—to the Committee on Military Affairs.

By Mr. McKAIG: A bill (H. R. 10244) for the relief of John S. Mann, of Frederick County, Md.—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ANDREWS: Petition of Gen. Francis A. Walker and 30 other members of the faculty of the Massachusetts Institute of Technology, praying for the extended use of the metric system of weights and measures in the customs service of the United States—to the Committee on Coinage, Weights, and Measures.

By Mr. ARNOLD: Papers to accompany House bill 10214—to the Committee on Military Affairs.

By Mr. BABBITT: Petition of 34 citizens of Racine, Wis., favoring the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. BELTZHOOVER: Two protests of citizens of Pennsylvania, one of the Presbyterian Church of Shippensburg and the other of the Presbyterian Church of Carlisle, both against opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of L. W. Lighty in favor of opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. BELDEN: Petition of F. W. Higgins, M. D., of Cortland, N. Y., and others, in favor of an appropriation by Congress of $43,983 to assist in defraying the expenses of the Pan-American Medical Congress to be held in Washington, D. C., September 5, 6, 7, and 8, 1893—to the Committee on Appropriations.

Also, resolutions and memorial of Philip W. Crannel and 272 others, representing the First Baptist Church and Sunday School of Baldwinsville, N. Y., against the repeal of the Sunday closing law in relation to the World's Columbian Exposition and the sale at said Exposition of intoxicating liquors—to the Select Committee on the Columbian Exposition.

Also, memorial of Rev. W. G. Rogers, pastor of the First Baptist Church of Oneida, N. Y., and 443 members, against the repeal of the Sunday closing act in connection with the World's Fair—to the Select Committee on the Columbian Exposition.

By Mr. BERGEN: Petition of the Presbyterian, Methodist, and Baptist churches of Salem, N. J., that the World's Columbian Exposition be closed on Sundays—to the Select Committee on the Columbian Exposition.

Also, petition of the Presbyterian Church of Williamston, N. J., that the World's Columbian Exposition be closed on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. BINGHAM: Petition of General Grant Post, No. 5, Grand Army of the Republic, Philadelphia, Pa., requesting the purchase by Congress of the Townsend Library—to the Committee on the Library.

By Mr. BLOUNT: Petition of the members of the East Macon Baptist Church against opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of faculty and students of Macon University, at Macon, Ga., against opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, three petitions of citizens of Macon, Ga., against opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. BOWMAN: Three petitions of citizens of Iowa—one of N. H. Lewis and others, of Walnut; of citizens of Neola; of W. H. Graff, F. G. Weeks, J. Richards, C. B. Lyman, and 39 others, of Carson—all asking to have the World's Fair open on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Riley Clark, James L. Lombard, and 20 others, of the town of Neola, Iowa, in favor of opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. CASTLE: Petition of the Woman's Auxiliary Board of Minnesota, against opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. CLARK: Protest of C. F. Stevenson and 36 others, members of Magic City Lodge, No. 89, International Association of Machinists, against the introduction of sugar machinery free of duty—to the Committee on Ways and Means.

By Mr. COBB of Missouri: Four petitions of citizens of Missouri, as follows: The petition of James Vogle, Olaf Johnson, N. A. Rosbuck, H. Fink, and 40 others, of St. Peter; of the Progressive German Waiters and Barkeepers' Association of St. Louis; of the American Waiters and Barkeepers' Association, Union, No. 20, of St. Louis, and of the Mutual Benefit Association No. 8, all protesting against the closing of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. COBURN: Petition of over 75 persons of Tunnel City, Wis., asking that the World's Fair be opened on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Wilson J. Wilcox, A. Kellar, C. W. Lockwood, A. Jackson, and 52 others, of Eau Claire, Wis., requesting Congress to repeal the act closing the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 12 citizens of Lacrosse, Wis., favoring Sunday opening of the World's Fair—to the Select Committee on the Columbian Exposition.

By Mr. COX of New York: Petition of citizens of Marlboro, Ulster County, N. Y., in favor of closing the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. DALZELL: Petition of Rev. Bernard Hehl, Nicholas C. Stoche, Jacob Miller, Ignay Iaurer, Edward Mueller and 42 others of Pittsburg, Pa., in favor of opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. DOAN: Resolutions of the board of health of South Charleston, Ohio, asking national legislation to prevent the spread of cholera in this country—to the Select Committee on Immigration and Naturalization.

Also, resolutions of the board of health of Lynchburg, Ohio, asking that the entire control of maritime quarantine be placed in the hands of the National Government—to the Select Committee on Immigration and Naturalization.

Also, petition of Rev. M. M. Murphy, of Ripley, Ohio, asking that the World's Fair be kept open on Sunday—to the Select Committee on the Columbian Exposition.

Also, two petitions of citizens of Iowa, as follows: The petition of George B. Frazier, C. A. Bruning, J. H. Ricke, H. Grunterman, and others, of Breda, and of 50 citizens of Jefferson, each asking that the World's Fair be opened on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. GEISSENHAINER: Petition of the Journeymen Tailors' Union, No. 77, of New Brunswick, N. J., against closing the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. GREENLEAF: Petition of Lodge No. 809, of the International Association of Machinists, of Rochester, N. Y., against the admission to the United States of any kind of machinery used in the manufacture of sugar at a lower rate of duty than other machinery—to the Committee on Ways and Means.

By Mr. HATCH: Protest of Sierra Club of California against the passage of the Caminetti bill, relating to lands adjacent to the Yosemite National Park—to the Committee on Agriculture.

Also, protest of the St. Louis Merchants' Exchange against the passage of the antioption bill—to the Committee on Agriculture.

Also, petition of John Richey, of Coatsville, Mo., for relief—to the Committee on Invalid Pensions.

Also, resolutions of St. Louis Merchants' Exchange, asking for the opening of the Cherokee Outlet—to the Committee on Indian Affairs.

Also, resolutions of Central Alliance, No. 48, of Pulaski County, Ark., asking the passage of the antioption bill—to the Committee on Agriculture.

By Mr. HAMILTON: Petition of citizens and of W. Young Jones & Co., of Iowa, asking that the World's Fair be closed on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Fayette Lodge, No. 293, Brotherhood of Locomotive Engineers, of Marion, Iowa, asking that the World's Fair be opened on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 34 citizens of Cedar Rapids, Iowa, asking Congress to repeal the act closing the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. HENDERSON of Iowa: Resolutions of the National Grange of the Patrons of Husbandry, on food adulteration—to the Committee on Agriculture.

Also, petition of Rev. T. H. Acheson, Hopkinton, Iowa, protesting against the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. HITT: Petition of 92 citizens of Freeport, Ill., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. HERMANN: Five petitions of citizens of Oregon, as follows: The petition of John O. Capron, Wright Allen, and others, of Portland and Empire City; of Stan Kempler, J. H. Kuke, J. Klien, Z. H. Rudd, Sol Levy, and 65 others, of Portland; of 39 citizens of Lake View; of F. A. Mangold, J. D. Dickinson, John Manning, and 24 other citizens and residents of Gervais,

and of 79 citizens of Portland, all asking that the World's Fair be opened on the Sabbath—to the Select Committee on the Columbian Exposition.

Also, memorial of the Legislature of the State of Oregon, extending time to seekers of railroad lands to make final proof and payment within the limits of the Northern Pacific Railroad—to the Committee on Interstate and Foreign Commerce.

By Mr. HOOKER of Mississippi (by request): Petition of 32 citizens of Jackson, Miss., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. HOUK of Tennessee: Petition of Michael Low, late of Company G, Second Regiment Tennessee Infantry Volunteers, praying for a special act for his relief—to the Committee on Military Affairs.

By Mr. JOHNSON of Ohio: Petition of 37 leading physicians of Cleveland, Ohio, praying for an appropriation of $43,983 to defray the expenses of the Pan-American Medical Congress to be held in Washington, D. C., on September 5, 6, 7, and 8, 1893—to the Committee on Foreign Affairs.

By Mr. LANE: Two petitions of citizens of Effingham, Ill.; one of Farmers and Laborers' Union and the other of Farmers' Mutual Benefit Association Lodge, both relative to a combination between millers, railroads, and elevators for the purpose of depressing the price of wheat, and praying for a Congressional investigation—to the Committee on Agriculture.

Also, two petitions of citizens of Teuptopolis, Ill., one of 60 citizens and the other of John Knikelvar, Frank Weak, John Goldsten, Louis Hess, H. Walls, and 52 others, both favoring the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. LOUD: Two petitions of citizens of California; one of A. T. Hatch and others and the other of J. L. Roberts and others, of San Francisco, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. LAYTON: Protests of residents of Ohio, as follows: Of A. P. Wyle, of Belle Center; of Mrs. Robert Mehoffey, of Lafayette; of S. J. Hatfield, of Sidney; of the Ohio Christian Endeavor Union, and of Rev. F. M. Kumler, of St. Marys, all against opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, resolutions of the National Grange of the Patrons of Husbandry, in favor of the Paddock pure-food bill—to the Committee on Agriculture.

Also, resolutions of the board of health of the city of Greenville, Ohio, asking that the control of maritime quarantine be placed in the hands of the National Government—to the Select Committee on Immigration and Naturalization.

Also, two resolutions of citizens of Ohio, as follows: The resolution of the board of health of Sydney and of the board of health of Ada, asking that the control of maritime quarantine be placed in the hands of the National Government—to the Select Committee on Immigration and Naturalization.

By Mr. LOCKWOOD: Petition of F. A. Jurgens, Thee Wordall, Charles Westfahl, Maurice Hickey, and 40 others, of Buffalo, N. Y., for the repeal of the act closing the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. McALEER: Petition of more than 125 citizens of Philadelphia, asking that the World's Fair be closed on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of the Philadelphia Turngemeinde, against restricting immigration—to the Select Committee on Immigration and Naturalization.

Also, papers in the matter of Thomas Francis, of Philadelphia, asking a pension of $72 for his sick brother—to the Committee on Invalid Pensions.

By Mr. McKAIG: Petition of Eli Wade, of Washington County, Md., praying that his war claim be referred to the Court of Claims under the provisions of the Bowman act—to the Committee on War Claims.

By Mr. MILLER: Petition of 100 citizens of the town of Starke, Wis., praying that Congress open the gates of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. MILLIKEN: Three petitions of citizens of Maine, as follows: The petition of 14 citizens of East Surry, of 13 citizens of Hancock Point, and of 102 members of the Woman's Christian Temperance Union, of Ellsworth; all asking for the passage of House bill 8369, giving women the right to vote—to the Committee on the Judiciary.

Also, resolutions of Pomona Grange, Waldo Station, Me., indorsing the pure-food and antioption bills—to the Committee on Agriculture.

By Mr. MUTCHLER: Resolution of the Christian Endeavor Society of Brainard Church, of Easton, Pa., favoring the closing of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. NEWBERRY: Five petitions of citizens of Chicago, Ill.; the petition of F. Karr and others; of 36 citizens; of A. J. Parker, C. J. Shmid, Charles H. Steger, and 18 others; of C. M. Milehane, J. F. Keating, E. F. Wager, William Hurd, J. Devereux, and 56 others, and of James A. Healy, J. P. Burne, Charles N. Post, J. F. Bowers, George E. Jones, and 150 other employés of Lyon Healey's musical house, all praying for the repeal of the act closing the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of the North American Turnerbund, remonstrating against a restriction of immigration—to the Select Committee on Immigration and Naturalization.

By Mr. O'NEILL of Pennsylvania: Resolutions of the Grace Presbyterian Church, of Philadelphia, protesting against the repeal of the law closing the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of the Second Reformed Presbyterian Congregation, of Philadelphia, against repealing the law closing the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of over 30 citizens of Philadelphia, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. PAGE: Six petitions of citizens of Rhode Island, as follows: The petition of Mary A. Legar and 20 others, of Wyoming and Hop Valley; of Ellen G. Babcock and 8 citizens of Wakefield and Peace Dale; of the Woman's Christian Temperance Union of Pawtucket; of George A. Crandall and 31 citizens of Caroline; of Maria K. Foster and 14 others, of Charlestown; and of Susan C. Kenyon and 11 others, all asking for the passage of House bill 8369, giving women the right to vote for members of the House of Representatives—to the Committee on the Judiciary.

By Mr. PERKINS: Petition of the jobbers and wholesale dealers of Sioux City, Iowa, against the passage of the Torrey bankruptcy bill—to the Committee on the Judiciary.

Also, petition of 31 citizens of Maurice, Iowa, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of the officers of the Clay County Bank, of Spencer, Iowa, for the repeal of the Sherman silver-purchase law—to the Committee on Banking and Currency.

By Mr. PICKLER: Three petitions of citizens of South Dakota, as follows: The petition of the Methodist Episcopal Church, of Mitchell; of 22 citizens of Salem, McCook County, and of the Young Men's Christian Association of Mitchell, all asking that the World's Fair be closed on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. RANDALL: Two petitions of citizens of the State of Massachusetts, as follows: The petition of Rev. Charles W. Holden, of New Bedford, and of the Taunton Association of Congregational Ministers, of Fall River, each against the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. SEERLEY: Petition of the Turnerbund Society of St. Louis, against the passage of the immigration laws—to the Select Committee on Immigration and Naturalization.

By Mr. SIPE: Resolution of Dunbar Grange, No. 1022, in favor of the passage of the antiimmigration bill—to the Select Committee on Immigration and Naturalization.

Also, memorial of the Christian Endeavor Society and citizens of Amely, Pa., against the repealing of the law requiring that the World's Columbian Exposition be closed on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. STAHLNECKER: Petition of the Cigarmakers' Union, No. 81, of Peeksville, N. Y., in favor of opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of the National Grange of Patrons of Husbandry, to prevent by law the adulteration of food products—to the Committee on Agriculture.

By Mr. STOUT: Petition of the Political Equality Club of Lansing Mich. (20 members), asking for the passage of House bill 8369, giving women the right to vote for members of the House—to the Committee on the Judiciary.

Also, petition of 49 citizens of Pontiac, Mich., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of John F. Rush and 51 other citizens of Leslie, Mich., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. STUMP: Petition of members of the Mount Olive M. E. Church of Rockdale, Baltimore County, Md., against the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. TAYLOR of Illinois: Two petitions of citizens of Illinois; one of J. Driscal, R. J. Davys, J. P. Cummings, John Schuly, Michael Theis, and 43 others of Lemont, and the other

of N. Pinter, F. B. Moore, L. Martin, M. K. Walter, F. H. Sprage, and 37 others of Lemont, both praying to have Congress repeal the act closing the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of the First Congressional district of Illinois, the Equal Suffrage Association of Illinois, and the Prohibition Club of Harney, asking for the passage of House bill 8369, giving women the right to vote for members of the House of Representatives—to the Committee on the Judiciary.

By Mr. TOWNSEND: Protest of the German-American Central Verein of Arapahoe County, Colo., against the Chandler suspension bill and other like attempts to exclude European immigration—to the Select Committee on Immigration and Naturalization.

By Mr. WHEELER of Alabama: Petition of Robell Phillips, of Lauderdale County, Ala., praying for the reference of his claim to the Court of Claims under the act of March 3, 1883—to the Committee on War Claims.

By Mr. WHEELER of Michigan: Petition of Alfred Bullock and others, of Muskegon, Mich., asking Congress that they will not permit any kind of machinery used in the manufacture of sugar to come into the United States at a lower rate of duty than other machinery—to the Committee on Ways and Means.

Also, petition of 52 citizens of Muskegon, Mich., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. WILLIAMS of Illinois: Petition of William R. Pryor, relative to a claim for bounty—to the Committee on Military Affairs.

By Mr. WILSON of Missouri: Petition of Oliver P. Bajert, H. Sayer, W. Johnson, W. A. Merrigan, and 23 others, of Clyde, to open the gates of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of citizens of St. Joseph, Mo., to have the World's Fair opened on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. WILSON of Washington: Petition of 192 citizens of Spokane County, Wash., requesting the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. WOLVERTON: Two petitions of citizens of Pennsylvania, one of F. H. Brown and 28 others, of Lime Ridge, and the other of C. D. Bittenbender and 32 citizens of Lime Ridge and Bloomsburg, both opposed to foreign immigration and praying for the passage of a law to prevent it for one year—to the Select Committee on Immigration and Naturalization.

SENATE.

THURSDAY, *January 19, 1893.*

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

PRESIDENTIAL ELECTORS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of State, transmitting, in pursuance of the provisions of the act of Congress approved February 3, 1887, a certified copy of the final ascertainment of the electors for President and Vice-President appointed in the State of Tennessee at the election held therein on the 8th of November, 1892, as certified to him by the governor of that State; which was ordered to lie on the table.

REPORT OF UTAH SCHOOL COMMISSIONER.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Interior transmitting the fifth annual report of the commissioner of schools for Utah Territory; which, with the accompanying papers, was referred to the Committee on Territories, and ordered to be printed.

SUBURBAN RAILWAY COMPANY OF THE DISTRICT OF COLUMBIA.

The PRESIDENT *pro tempore* laid before the Senate a communication from the president of the Board of Commissioners of the District of Columbia, transmitting, in accordance with law, the first annual report of the Suburban Railway Company of the District of Columbia; which, with the accompanying papers, was referred to the committee on the District of Columbia, and ordered to be printed.

WASHINGTON AND ARLINGTON RAILWAY COMPANY.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Washington and Arlington Railway Company, transmitting a list of stockholders in that company, the amount of stock held by each, etc.; which, with the accompanying papers, was referred to the Committee on the District of Columbia, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. PEFFER presented a memorial of pastors of sundry churches of Russell, Kans., remonstrating against the repeal of the law closing the World's Columbian Exposition on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

Mr. PEFFER. I present a petition of 268 citizens of Oklahoma Territory, and I desire to call the particular attention of the chairman of the Committee on Public Lands to it, as I shall ask to have the petition referred to that committee. The petition is as follows:

We, the undersigned citizens of the United States and of the Territory of Oklahoma, do most respectfully represent to your honorable body, that we have entered, under the provisions of the homestead laws and the act of March 3, 1891, (26 Stat., pp. 989 to 1044, sec. 16), certain lands that were ceded to the United States by the Citizen Band of Pottawatomie Indians, the Absentee Shawnee Indians, and Cheyenne and Arapaho Indians. That the law requires the payment by entrymen of said lands of $1.50 per acre, one-half of which shall be paid within two years from date of original entry. That a large majority of the people who have entered said lands are poor and will be unable to pay any portion of the purchase money within the time first payment is therefore required.

Wherefore, we ask that you amend said law so as to extend the time for the first payment for said lands to five years from date of entry; and for such relief your petitioners will ever pray.

I desire to state in connection with the petition that it relates to a subject of very great importance to the persons interested. Those of us who are living near that region understand very well the difficulties and hardships under which those poor people labor. I most respectfully urge the early attention of the Committee on Public Lands to the petition.

Mr. DOLPH. I wish to state in regard to the petition that I think a bill containing such a provision is before either the Committee on Territories or the Committee on Indian Affairs. I suggest to the Senator from Kansas that he had better examine the record and see whether the petition should not go to the Committee on Indian Affairs. I have no objection to its going to the Committee on Public Lands, and we shall give it such attention as the subject deserves if the Senator chooses to have it so referred, but I know that sometimes the Committee on Indian Affairs have been careful to protect their jurisdiction in regard to the lands which have been purchased from Indians or which have been Indian reservations.

Mr. PEFFER. I will make an inquiry and ask for any further order that may be necessary.

The PRESIDENT *pro tempore*. Does the Senator from Kansas desire that the petition shall lie on the table?

Mr. PEFFER. Yes, for the present.

The PRESIDENT *pro tempore*. The petition will lie on the table.

Mr. WILSON presented a petition of the Cass Congregational Church of Anamosa, Iowa, praying for the closing of the World's Columbian Exposition on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

He also presented the petition of M. L. McManus, H. M. Coleman, Michael O'Brien, R. K. Eby, and other citizens of Adair County, Iowa, praying for the opening of the World's Columbian Exposition on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

Mr. QUAY presented a memorial of the Presbytery of Blairsville, Pa., remonstrating against the repeal of the law closing the World's Columbian Exposition on Sunday, and praying that the sale of intoxicating liquors may be prohibited thereat; which was referred to the Committee on the Quadro-Centennial (Select).

He also presented petitions of citizens of Webster, New Hamburg, Greenville, Maysville, Howard, Seven Valleys, Conyingham, Tyrone, Bloomingdale, Jenningsville, Lacyville, Shartlesville, Strausstown, Concordville, Liverpool, Montoursville, East Brady, York, Monroeton, Washington, Gatesburg, Rock Springs, Tamaqua, Dauphin, Goheenville, Fort Hunter, Baden, Homestead, Leno, Millville, Bennett, Connellsville, Vanderbilt, Delmatia, Dover, Mapleton Depot, Allegheny, Greensburg, Playville, Lindsey, Taylorstown, Drifton, Homer City, Smathers, Girardville, and Raven, all in the State of Pennsylvania, praying for the amendment of the laws relating to immigration so as to prohibit the landing within the United States of any and all immigrants whether at seaports or along our borders for the space of one year after the passage of such law, excepting foreigners who may come here as visitors to the World's Columbian Exposition; which were referred to the Committee on Immigration.

Mr. HOAR presented a petition of the officers of the National Bank of Westminster, Mass., praying for the repeal of the act of July 14, 1890, providing for the purchase of silver; which was ordered to lie on the table.

He also presented a memorial of the Taunton (Mass.) Association of Congregational ministers, remonstrating against the opening of the World's Columbian Exposition on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

Mr. FELTON presented a petition of sundry horticulturists of California, praying for the establishment of a division of roads in the Department of Agriculture; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of sundry fruit-growers of California, praying for the early completion of the Nicaragua Canal by the Government; which was ordered to lie on the table.

Mr. SHERMAN presented petitions of the boards of health of Lynchburg, Conneaut, Perrysville, De Graff, Arcadia, Linnwood, Lebanon, Bellefontaine, Mason, Mansfield, Chagrin Falls, and Clifton, all in the State of Ohio, praying for the adoption of a national quarantine and the suspension of immigration until the quarantine defenses of the country shall be placed in a condition to guarantee protection from contagious diseases; which were ordered to lie on the table.

He also presented a petition of the Farmers' Institute Association of Windham, Ohio, praying for the passage of the antioption bill; which was ordered to lie on the table.

He also presented a memorial of 14 citizens of West Salem, Ohio, remonstrating against the opening of the World's Columbian Exposition on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

He also presented petitions of citizens of Columbus, Canton, and Racine, in the State of Ohio, praying for an amendment of the laws relating to immigration so as to prohibit the landing within the United States of any and all immigrants, whether at seaports or along our borders, for the space of one year after the passage of such law, excepting foreigners who may come here as visitors during the progress of the World's Columbian Fair; which were referred to the Committee on Immigration.

Mr. McMILLAN presented petitions of E. J. Northrup and 14 others; of O. E. Hine, mayor of Vienna, Va., and 48 others; of J. C. H. Brown and 62 others; of J. N. Brown and 15 others; of J. B. Gould and 21 others; of G. B. Fadely, M. D., and 32 others; of Lewis S. Abbott and 42 others; of William H. Veitch and 42 others; of W. M. Backus, M. D., and 15 others, and of members of the Methodist Episcopal Church and 13 others, all citizens of the counties of Fairfax and Alexandria, in the State of Virginia, praying that a charter be granted to the Washington, Fairfax and Alexandria Railway Company; which were referred to the Committee on the District of Columbia.

Mr. SHOUP presented the memorial of Sidney Allen, pastor, on behalf of the Presbyterian Church of Franklin, Idaho, remonstrating against the opening of the World's Columbian Exposition on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

He also presented petitions of F. B. Miner and 43 other citizens of Bear Lake County, and of Rev. W. J. A. Hendrick and 30 other citizens of Boise County, all in the State of Idaho, praying for the repeal of the law closing the World's Columbian Exposition on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

Mr. STOCKBRIDGE presented the petition of J. H. Fleming and other citizens of Brooklyn, Mich., praying for the closing of the World's Columbian Exposition on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

Mr. CAMERON presented memorials of the Wylie Memorial Presbyterian Congregation of Philadelphia, and of the Ministerial Association of Harrisburg, all in the State of Pennsylvania, remonstrating against the repeal of the present law closing the World's Columbian Exposition on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

He also presented the petition of T. D. Robbins and 32 other citizens of Lime Ridge, Pa., and the petition of A. M. Voight and 22 other citizens of Mifflinville, Pa., praying for the appointment of a commission to investigate the evils of immigration in sections colonized by aliens during the last decade; which were referred to the Committee on Immigration.

He also presented petitions of William Penn Division, No. 211, Order of Railway Telegraphers of North America; of Cigar-Makers' Union, No. 145, of Williamsport; of Dolan Lodge, No. 201, International Association of Machinists, and of Typographical Union, No. 2, of Philadelphia, all in the State of Pennsylvania, praying for the opening of the World's Columbian Exposition on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

He also presented a petition of the Trades League of Philadelphia, Pa., praying for the passage of the Torrey bankruptcy bill; which was referred to the Committee on the Judiciary.

He also presented petitions of the Commercial Exchange of Philadelphia, Pa., and of the Chamber of Commerce of Pittsburg, Pa., praying for the repeal of the silver act of 1890; which were ordered to lie on the table.

He also presented a petition of the Chamber of Commerce of Pittsburg, Pa., praying for the passage of a national quarantine law; which was ordered to lie on the table.

He also presented the petition of G. F. Billman and 59 other citizens of Beavertown, Pa., praying for the creation of a commission to report on the evils of immigration; which was ordered to lie on the table.

He also presented a petition of Dunbar Grange, No. 1022, Patrons of Husbandry, of Leisering, Pa., praying for the passage of the antioption bill; which was ordered to lie on the table.

Mr. DOLPH presented the petition of A. B. Cox, William H. Hall, C. J. Johnson, and 75 other citizens of Portland, Oregon, and the petition of Jay Guy Lewis, M. D., J. H. Fake, C. D. Reed, and 50 other citizens of Sparta, Oregon, praying for the opening of the World's Columbian Exposition on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

Mr. WHITE. I present a memorial adopted by the National Board of Trade at its recent meeting in this city, remonstrating against the passage of the Washburn-Hatch antioption bill.

With the resolution I present a list of the commercial organizations forming parts of the National Board of Trade and request that it may be incorporated in the RECORD.

The memorial was ordered to lie on the table and the list to be printed in the RECORD, as follows:

The Albany (N. Y.) Chamber of Commerce.
The Ashland (Wis.) Business Men's Association.
The Baltimore (Md.) Board of Trade.
The Baltimore (Md.) Corn and Flour Exchange.
The Boston (Mass.) Merchants' Association.
The Boston (Mass.) Paper Trade Association.
The Bradford (Pa.) Board of Trade.
The Bridgeport (Conn.) Board of Trade.
The Buffalo (N. Y.) Merchants' Exchange.
The Chester (Pa.) Board of Trade.
The Cleveland (Ohio) Board of Trade.
The Columbus (Ohio) Board of Trade.
The Cincinnati (Ohio) Chamber of Commerce.
The Chicago (Ill.) Board of Trade.
The Chicago (Ill.) Paper Trade Club.
The Detroit (Mich.) Board of Trade.
The Duluth (Minn.) Chamber of Commerce.
The Grand Rapids (Mich.) Board of Trade.
The Indianapolis (Ind.) Board of Trade.
The Jamestown (N. Y.) Board of Trade.
The Kansas City Commercial Exchange.
The Louisville (Ky.) Board of Trade.
The Milwaukee (Mis.) Chamber of Commerce.
The Milwaukee (Wis.) Merchants' Exchange.
The New Orleans (La.) Board of Trade.
The New Orleans Chamber of Commerce and Industry.
The New York Board of Trade and Transportation.
The New York Chamber of Commerce.
The Italian Chamber of Commerce of New York.
The Omaha (Nebr.) Board of Trade.
The Philadelphia (Pa.) Board of Trade.
The Philadelphia (Pa.) Grocers and Importers' Exchange.
The Portland (Oregon) Chamber of Commerce.
The Providence (R. I.) Board of Trade.
The Rochester (N. Y.) Chamber of Commerce.
The Scranton (Pa.) Board of Trade.
The St. Joseph (Mo.) Board of Trade.
The St. Louis (Mo.) Mechanics' Exchange.
The St. Louis (Mo.) Merchants' Exchange.
The Toledo (Ohio) Produce Exchange.
The Trenton (N. J.) Board of Trade.
The Washington (D. C.) Board of Trade.
The Wichita (Kans.) Board of Trade.
The Williamsport (Pa.) Board of Trade.
The Wilmington (Del.) Board of Trade.
The York (Pa.) Board of Trade.

Mr. HARRIS presented petitions of Iron-Molders' Union, No. 154, of Memphis, Tenn., and of Fidelity Lodge, No. 67, Switchmen's Mutual Aid Association of Tennessee, praying for the repeal of the law closing the World's Columbian Exposition on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

Mr. PROCTOR presented the memorial of H. E. Forrest and other citizens of the United States, remonstrating against the repeal of the law closing the World's Columbian Exposition on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

Mr. CULLOM presented petitions of citizens of Champaign, Madison, Fayette, Massac, Effingham, Shelby, Stephenson, Carroll, and Gallatin Counties; of Lodge No. 3694 and citizens of Pratt County; of a farmer of Champaign County; of citizens of Effingham County; of citizens of Iroquois County; of farmers and laborers of Fayette County; of farmers of Hamilton County; of citizens of Jefferson County; of citizens of Williamson County;

of 60 citizens of Monroe and Randolph Counties; of citizens of Edgar County; of citizens of Jasper County; of citizens of Cumberland County; of farmers and laborers of Greene County; of citizens of Fayette County; of citizens of Edgar County; of farmers and laborers of Macoupin County; of citizens of Washington County; of Conn Lodge, of Madison County; of farmers and laborers of Pulaski County; of citizens of Effingham County; of citizens of Jasper County; of citizens of Fayette County; of citizens of Monroe County, and of citizens of Hamilton County, all in the State of Illinois, praying for the appointment of a Senate committee to investigate the combine formed to depreciate the price of grain now existing between millers, railroads, and elevators; which were referred to the Committee on Agriculture and Forestry.

He also presented memorials of citizens of Minonk; of the Ladies' Missionary Society of the Second United Presbyterian Church of Monmouth; of the Young People's Society of Christian Eddeavor of Hillboro; of pastors and ministers of churches of Carthage; of the Protestant churches of Bridgeport; of the Methodist Episcopal, Presbyterian, Congregational, and Baptist churches of Champaign, of the Ellison United Presbyterian Church of Media; of the churches of Hoopston; of the United Presbyterian Church of Aledo, and of the First Presbyterian, First Methodist Episcopal, Methodist Episcopal Church South, and German Methodist Episcopal churches of Nashville, all in the State of Illinois, remonstrating against the repeal of the law closing the World's Columbian Exposition on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

He also presented the petition of A. G. Barnes, banker, and 176 other citizens of Taylorsville, Iowa, praying for a restricted opening of the World's Columbian Fair on Sunday, with cessation of merchandising and unnecessary labor; which was referred to the Commit ee on the Quadro-Centennial (Select).

He also presented a petition of 50 citizens of Illinois, praying that the World's Columbian Exposition be opened on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

Mr. FRYE presented petitions of 39 citizens of Isleboro; of 40 citizens of Deer Isle; of 43 citizens of Ripley; of 40 citizens of West Ellsworth; of 27 citizens of Monmouth; of 49 citizens of Hallowell; of 54 citizens of Lincolnville; of 26 citizens of Monmouth; of 29 citizens of East Surry; of 77 citizens of Morrill; of 21 citizens of Mercer; of 27 citizens of North Searsport; of 27 citizens of Belgrade; of 47 citizens of Tremont; of 30 citizens of Unity; of 35 citizens of East Vassalboro; of 48 citizens of Belfast; of 33 citizens of Wayne; of 26 citizens of Sidney; of 26 citizens of Readfield; of 48 citizens of Benton; of 34 citizens of Albion; of 25 citizens of Monroe; of 39 citizens of Litchfield; of 20 citizens of Liberty; of 21 citizens of Jackson; of 28 citizens of Guilford; of 46 citizens of South China; of 17 citizens of Embden, and of 22 citizens of Wayne, all in the State of Maine, praying for the passage of a joint resolution submitting to the States for adoption an amendment to the Constitution prohibiting the liquor traffic; which were referred to the Committee on Education and Labor.

Mr. COCKRELL. I present the memorial of Mrs. Caroline F. Corbin, of Chicago, "for the remonstrants," addressed to the Senate and House of Representatives, in regard to woman suffrage, and opposed to the suffrage being granted to women. The Select Committee on Woman Suffrage has reported a joint resolution proposing a constitutional amendment extending the right of suffrage to women. I move that the memorial, an accompanying letter from Hon. William E. Gladstone, and a little pamphlet attached, be printed as a document, to be considered in connection with the joint resolution reported by the Select Committee on Woman Suffrage, and that the memorial lie on the table.

The motion was agreed to.

Mr. SAWYER presented a petition of citizens of Merrill, Wis., praying for an amendment of the laws relating to immigration, so as to prohibit the landing within our border of any and all immigrants, whether at seaports or along our borders, for the space of one year after the passage of such law, excepting foreigners who may come here as visitors during the progress of the World's Columbian Fair; which was referred to the Committee on Immigration.

He also presented petitions of Baldwin Lodge, No. 189, Brotherhood of Locomotive Engineers, of Fort Howard, Wis.; of the Branch of Stonecutters, of Oshkosh, Wis.; of Center City Lodge, No. 113, Switchmen's Mutual Aid Association, of Stevens Point, Wis.; of the Machine Woodworkers' Union, No. 29, of Wisconsin, and of sundry other citizens of Wisconsin, praying that the law closing the World's Columbian Exposition on Sunday be repealed; which were referred to the Committee on the Quadro-Centennial (Select).

Mr. BLACKBURN presented a joint resolution of the Legislature of Kentucky, favoring the repeal of the Federal election laws; which was referred to the Committee on Privileges and Elections, ordered to be printed, and to be printed in the RECORD, as follows:

No. 52.—Resolution instructing our Senators and requesting our Representatives in Congress to vote for the repeal of the Federal election laws.

Resolved by the General Assembly of the Commonwealth of Kentucky, That our Senators in Congress be instructed and our Representatives requested to favor and vote for the repeal of what is known as the Federal election law, and that a copy of this resolution be sent by the secretary of state to each of our Senators and Representatives in Congress.

W. M. MOORE,
Speaker House of Representatives.
D. H. SMITH,
Pro tempore President of the Senate.

Became a law December 31, 1892, not having been signed by the governor nor returned to the house in which it originated within the time prescribed by the constitution.

JOHN W. HEADLEY,
Secretary of State.

Mr. DUBOIS presented a petition of the Woman's Christian Temperance Union, of Oneida County, Idaho, praying that the World's Columbian Exposition be closed on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

Mr. DAWES presented petitions of Cigar-Makers' International Union, No. 255, of Lowell; the Iron-Molders' Union of Lawrence; and of the Cigar-Makers' Union, No. 49, of Springfield, all in the State of Massachusetts, praying for the repeal of the law closing the World's Columbian Exposition on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

He also presented the petition of D. N. Williams and other citizens of Stockbridge, Mass., and the petition of E. L. Burnham and other citizens of Westminster, Mass., praying that the purchases of silver under the so-called Sherman act be discontinued; which were ordered to lie on the table.

He also presented a petition of the Boston (Mass.) Stock Exchange, praying for the repeal of the so-called Sherman silver law; which was ordered to lie on the table.

He also presented a petition of citizens of Worcester, Mass., praying for the appointment of a commission to thoroughly investigate the evils of immigration in sections colonized by aliens during the last decade; which was referred to the Committee on Immigration.

Mr. McPHERSON presented petitions of citizens of Metuchen, New Brunswick, Deans, Dayton, Monmouth Junction, West Creek, and Trenton, all in the State of New Jersey, praying for an amendment of the laws relating to immigration, so as to prohibit the landing within our border of any and all immigrants, whether at seaports or along our borders, for the space of one year after the passage of such law, excepting foreigners who may come here as visitors during the progress of the World's Columbian Fair; which were referred to the Committee on Immigration.

Mr. BRICE presented memorials of Rev. William Wallace, pastor of the United Presbyterian Church of Delaware; of Rev. S. J. Hatfield, of Sidney; of Mrs. Robert Mehaffey, of Lafayette; of J. J. Culberson of Owensville; of Rev. John P. Robb, of Sidney, and of Mrs. D. P. Morgan, ex-corresponding secretary of the Woman's Christian Temperance Union of Cincinnati, all in the State of Ohio, remonstrating against the repeal of the law closing the World's Columbian Exposition on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

He also presented a petition of the Board of Trade of Dayton, Ohio, praying for the repeal of the so-called Sherman silver act of 1890; which was ordered to lie on the table.

He also presented petitions of the boards of health of Millersburg, Mechanicsburg, Ashville, Chicago Junction, Milton, Sidney, and Ashtabula, all in the State of Ohio, praying for the passage of a bill to suspend immigration, and that the control of the maritime quarantine be placed in the hands of the National Government; which were ordered to lie on the table.

He also presented the petition of W. P. Anderson, of Cincinnati, Ohio, and the petition of Alfred Cavileer, of Springfield, Ohio, praying for the establishment of a national road department; which were referred to the Committee on Agriculture and Forestry.

He also presented a petition of 18 citizens of Wyandotte County, Ohio, praying for the passage of the antioption bill; which was ordered to lie on the table.

Mr. HAWLEY presented the petition of Andrew H. Smith and 39 other citizens of Danbury, Conn., praying for one year's prohibition of all immigration, excepting visitors to the World's Columbian Exposition; which was referred to the Committee on Immigration.

REPORTS OF COMMITTEES.

Mr. COCKRELL, from the Committee on Military Affairs, to whom were referred the following bills, submitted adverse re-

ports thereon; which were agreed to, and the bills were postponed indefinitely:

A bill (S. 3350) donating a Napoleon gun to the Society of the Sons of the Revolution of Pennsylvania;

A bill (S. 2767) to deliver to the State of Colorado certain guns; and

A bill (S. 2687) authorizing the Secretary of War to issue to the governor of Colorado four 3-inch Rodman guns in exchange for two brass Napoleon guns.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the bill (H. R. 5049) to remove the charge of desertion against Lucius L. Dyer, reported it with amendments.

Mr. VILAS, from the Committee on Claims, to whom was referred the bill (S. 3181) for the relief of Luster P. Chester and Freeland Chester, and Luster P. Chester and Freeland Chester, executors of Thomas R. Chester, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. DOLPH, from the Committee on Foreign Relations, to whom was referred the bill (S. 3555) for the relief of George W. Jones, reported it with amendments.

Mr. CULLOM, from the Committee on Interstate Commerce, to whom the subject was referred, reported a bill (S. 3734) to amend an act entitled "An act to regulate commerce," approved February 4, 1887; which was read twice by its title.

Mr. CAMERON, from the Committee on Military Affairs, to whom was referred the bill (H. R. 730) for the relief of James A. Finley, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 5649) for the relief of Lieut. F. W. Davis, and granting him an honorable discharge, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 4758) for the relief of Charles E. Heuston, reported it with an amendment, and submitted a report thereon.

Mr. PROCTOR, from the Committee on Military Affairs, reported favorably three amendments intended to be proposed to the Army appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

BUOYAGE IN LAKE MICHIGAN.

Mr. CULLOM. I report back from the Committee on Commerce favorably, without amendment, the bill (S. 3707) making an appropriation for establishing buoyage on the water front of Chicago, Lake Michigan, Illinios. As it is a very short bill and one about which I think there will be no controversy, I ask that it be now considered.

Mr. SHERMAN. Let it be read for information.

The Chief Clerk read the bill, as follows:

Be it enacted, etc., That the sum of $29,500 or so much thereof as may be necessary, be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of establishing proper buoyage on the water front of Chicago, Lake Michigan, Illinois.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill?

Mr. CULLOM. I will state that this appropriation is regularly estimated for, and it is a very important one to be made.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 6797) to authorize the construction of a bridge across the Cahawba River, in Bibb County, Ala., by the Montgomery, Tuscaloosa and Memphis Railway;

A bill (H. R. 9053) to punish trespassers on the lands of either of the five civilized tribes;

A bill (H. R. 9069) for the further continuance of the publication of the Supplement to the Revised Statutes of the United States;

A bill (H. R. 9610) to amend section 1014 of the Revised Statutes of the United States, relating to offenses against the United States;

A bill (H. R. 9611) to amend section 847 of the Revised Statutes of the United States, relating to commissioners' fees;

A bill (H. R. 9612) to amend section 833 of the Revised Statutes of the United States, relating to semiannual returns of fees by district attorneys, marshals, and clerks;

A bill (H. R. 9613) to amend section 828 of the Revised Statutes of the United States, relating to clerks' fees;

A bill (H. R. 9979) to regulate the right of appeal in certain cases; and

A bill (H. R. 10062) to authorize the construction of a bridge across the Osage River between the mouths of the Pomme de Terre River and Buffalo Creek, in Benton County, Mo.

The message also announced that the House had disagreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1307) to provide a permanent system of highways in that part of the District of Columbia lying outside of the city, further insisted upon its amendments to the bill, asked a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HEMPHILL, Mr. HEARD, and Mr. POST managers at the conference on the part of the House.

The message further announced that the House had passed the bill (S. 3580) to amend the proviso to be found in connection with the free-delivery service, page 569, twenty-fourth volume, Statutes at Large.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. 6969) for the relief of Elisha Brown;

A bill (H. R. 3676) for the relief of R. S. Jennings, late postmaster at Marshall, Tex.;

A bill (H. R. 4844) to authorize the Secretary of War to convey to school district numbered 12, of Kittery, Me., a portion of Fort McClary military reservation, in exchange for other land; and

A bill (S. 1292) to remit the penalties on the light-house steamer Pansy.

BILLS INTRODUCED.

Mr. MCMILLAN introduced a bill (S. 3735) to amend an act entitled "An act to provide for semiannual statements by foreign corporations doing business in the District of Columbia," approved July 29, 1892; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. PETTIGREW introduced a bill (S. 3736) requiring the Secretary of the Treasury to secure a bond from the corporation known as the World's Columbian Exposition before the coins provided for by chapter 381, Statutes of the United States, first session, Fifty-first Congress, are delivered to said corporation; which was read twice by its title, and referred to the Committee on the Quadro-Centennial (Select).

Mr. CAMERON introduced a bill (S. 3737) to prevent desertions from the Navy, and for other purposes; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. SAWYER introduced a bill (S. 3738) granting a pension to Fred S. Chamberlain; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CULLOM introduced a bill (S. 3739) granting a pension to Miss Sara B. Stebbins; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. MCMILLAN introduced a bill (S. 3740) for the relief of S. J. Block and A. P. Baurman, of the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. TELLER introduced a bill (S. 3741) to submit to the Court of Private Land Claims, established by an act of Congress approved March 3, 1891, the title of William McGarrahan to the Rancho Panoche Grande, in the State of California, and for other purposes; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. COCKRELL introduced a bill (S. 3742) granting a pension to Evarts Ewing; which was read twice by its title, and referred to the Committee on Pensions.

SALE OF COLUMBIAN STAMPS.

Mr. WOLCOTT. I desire at this time to introduce a joint resolution, and I ask its immediate consideration, if there be no objection. It is very short.

The joint resolution (S. R. 137) instructing the Postmaster-General to discontinue the sale of so-called Columbian stamps was read the first time by its title, and the second time at length, as follows:

Be it resolved, etc., That the Postmaster-General of the United States be instructed to discontinue the sale of the so-called Columbian postage stamps, except to such persons as may specially call for them, and be instructed to continue to keep on sale the ordinary postage stamps in use before the printing of the so-called Columbian stamp.

The PRESIDING OFFICER (Mr. HALE in the chair). The Senator from Colorado asks unanimous consent of the Senate for the consideration of the joint resolution at this time.

Mr. WOLCOTT. Mr. President, I apprehend there will be

no objection to the joint resolution. I know of nothing more ridiculous than the great plasters which are now being delivered to us as postage stamps, which cover half an envelope, and a few dollars' worth of which would require a dray to carry them from the Senate to one's residence. The old postage stamps were such as met the demand of the public. I apprehend there will be no objection to the joint resolution.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

Mr. DOLPH. Let the joint resolution go over. The new postage stamps have been sent to the various postmasters to be sold.

The PRESIDING OFFICER. The joint resolution, being objected to, will go over.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. PETTIGREW submitted an amendment intended to be proposed by him to the sundry civil appropriation bill, the amendment providing that the Secretary of the Treasury shall require bond from the corporation known as the World's Columbian Exposition before the souvenir coins are delivered to it; which was referred to the Committee on the Quadro-Centennial (Select), and ordered to be printed.

Mr. HUNTON submitted an amendment intended to be proposed by him to the District appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on the District of Columbia.

Mr. SHERMAN submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. PROCTOR submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

Mr. TELLER submitted an amendment intended to be proposed by him to the fortification appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. DOLPH. I submit an amendment intended to be proposed to the sundry civil appropriation bill, which I ask to be referred to the Committee on Military Affairs. I call the attention of the Senator from Nevada [Mr. STEWART] to it, and I hope there will be an early report from the committee, so that the amendment may go to the Committee on Appropriations. Let the amendment be read.

The amendment was read, and referred to the Committee on Military Affairs, as follows:

To reimburse the States of California, Oregon, and Nevada for moneys by them expended in the suppression of the rebellion, under the act of Congress approved July 27, 1861, and acts amendatory thereof and supplementary thereto, being the sums of money shown by the reports of the Secretary of War to have been paid by said States in the suppression of the rebellion:

To the State of California, the sum of $2,451,366.56.
To the State of Oregon, the sum of $224,526.53.
To the State of Nevada, the sum of $404,040.70.

Mr. DOLPH submitted an amendment intended to be proposed by him to the sundry civil appropriation bill, the amendment proposing to increase the appropriation to carry into effect the Chinese exclusion act; which was referred to the Committee on Foreign Relations and ordered to be printed.

Mr. HAWLEY submitted an amendment intended to be proposing by him to the sundry civil appropriation bill; which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

COINAGE OF SILVER.

Mr. WOLCOTT. I submit an amendment intended to be proposed to the bill (S. 3423) for the repeal of certain parts of the act directing the purchase of silver bullion and the issue of Treasury notes thereon, and for other purposes, approved July 14, 1890. As the amendment is very brief I ask to have it read.

The amendment was read and ordered to lie on the table and to be printed as follows:

To amend Senate bill 3423, for the repeal of certain parts of the act directing the purchase of silver bullion and the issue of Treasury notes thereon, and for other purposes, approved July 14, 1890.

Strike out all after the enacting clause and insert the following:

"That section 3 of the act entitled an 'Act directing the purchase of silver bullion and the issue of Treasury notes thereon, and for other purposes, approved July 14, 1890,' be so amended as to read as follows:

"'That the Secretary of the Treasury shall coin the silver bullion purchased under this act as rapidly as possible, after such purchase, into standard dollars, and shall also coin into silver dollars as rapidly as possible all the silver bullion now in the Treasury, purchased under the provisions of said act of July 14, 1890, and any gain or seigniorage arising from such coinage shall be accounted for and paid into the Treasury.'"

Mr. TELLER submitted an amendment intended to be proposed by him to the bill (S. 3423) for the repeal of certain parts of the act directing the purchase of silver bullion and the issue of the Treasury notes thereon, and for other purposes, approved July 14, 1890; which was ordered to lie on the table and be printed.

REPORT ON ALASKA SALMON FISHERIES.

Mr. DOLPH submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to transmit to the Senate a copy of the report of the special agent having in charge the protection of the salmon fisheries of Alaska.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 14th instant approved and signed the following acts:

An act (S. 3623) to amend the act of March 3, 1873, for the relief of the Columbian University, in the District of Columbia; and

A joint resolution (S. R. 113) providing for the printing of the Agricultural Report for 1892.

THE PRESIDENTIAL TERM.

Mr. PEFFER. I gave notice a few days ago that yesterday morning I would ask the consent of the Senate to proceed with my remarks upon Senate joint resolution No. 96, but on account of the adjournment yesterday the opportunity was not afforded me. I beg leave now to renew my request.

The PRESIDING OFFICER (Mr. JONES of Arkansas in the chair). The Senator from Kansas will suspend for a moment. The Chair will ascertain if there is further morning business. Is there further morning business? [A pause.] If not, the Calendar under Rule VIII being in order——

Mr. WASHBURN. I move that the Senate proceed to the consideration of House bill 7845, being the antioption bill.

The PRESIDING OFFICER. The Chair has recognized the Senator from Kansas [Mr. PEFFER], who asks the indulgence of the Senate for the purpose of making some remarks. The title of the joint resolution called up by the Senator from Kansas will be read.

The CHIEF CLERK. A joint resolution (S. R. 96) proposing an amendment to the Constitution of the United States to limit the office of President to one term for each incumbent.

Mr. PEFFER. Mr. President, on the 17th day of July, the subject of the election of the President was again considered, the question being on the proposition that "the national executive" should be "chosen by the National Legislature." The discussion on that day brought out the views of some of the stronger men of the convention, and they are suggestive. I shall very briefly refer to them:

Mr. Gouverneur Morris [of Pennsylvania] was pointedly against his being so chosen. He will be the mere creature of the Legislature, if appointed, and impeachable by that body. He ought to be elected by the people at large—by the freeholders of the country.

Mr. Sherman [of Connecticut] thought that the sense of the nation would be better expressed by the Legislature than by the people at large. The latter will never be sufficiently informed of characters, and, besides, will never give a majority of votes to any one man. They will generally vote for some man in their own State, and the largest State will have the best chance for the appointment.

Mr. WILSON [of Pennsylvania]. * * * It might be answered, that the concurrence of a majority of the people is not a necessary principle of election, nor required as such in any of the States. But, allowing the objection all its force, it may be obviated by the expedient used in Massachusetts, where the Legislature by a majority of voices decide, in case a majority of the people do not concur in favor of one of the candidates.

Mr. PINCKNEY [of South Carolina] did not expect this question would again have been brought forward, an election by the people being liable to the most obvious and striking objections. They will be led by a few active and designing men. The most populous States, by combining in favor of the same individual, will be able to carry their points.

Mr. WILLIAMSON [of North Carolina] conceived that there was the same difference between an election in this case by the people and by the Legislature, as between an appointment by lot and by choice. There are at present distinguished characters, who are known perhaps to almost every man. This will not always be the case. The people will be sure to vote for some man in their own State, and the largest State will be sure to succeed.

Mr. L. MARTIN [of North Carolina] moved that the Executive be chosen by electors appointed by the several Legislatures of the individual States.

The motion was lost.

On the question on the words "to be chosen by the National Legislature," it passed unanimously in the affirmative.

The subject was continued on the 19th of the same month, when Messrs. Patterson, Wilson, Madison, and Gerry participated. The debate that day throws more light on the subject, and will be found on page 337 of the book from which I am reading, Elliott's Debates. I will read a portion of the remarks of Mr. Madison as they are given:

Mr. MADISON [of Virginia]. If it be a fundamental principle of free government that the legislative, executive, and judiciary powers should be separately exercised, it is equally so that they be independently exercised. There is the same, and perhaps greater, reason why the executive should be independent of the legislature, than why the judiciary should.

Mr. GERRY [of Massachusetts]. If the Executive is to be elected by the legislature, he certainly ought not to be reëligible. This would make him absolutely dependent. He was against a popular election. The people are uninformed, and would be misled by a few designing men. He urged the expediency of an appointment of the Executive by electors to be chosen by the State executives."

Here we find that the great men who composed the convention had varying views upon this important subject and that a majority of the members and a majority of the States believed that it was not safe to trust so important a matter to the suffrages of the people at large.

Without pursuing the details further, it is sufficient to state that the discussion was continued from time to time in Committee of the Whole and by special committee until the 24th day of August, when the question was on election by "ballot by the Legislature." Mr. Gouverneur Morris moved "that the President shall be chosen by electors to be chosen by the people of the several States." The motion was lost by a vote of 5 to 6. Mr. Carroll's motion to elect by the people was lost by 2 votes for—Pennsylvania and Delaware—to 9 votes against—New Hampshire, Massachusetts, Connecticut, New Jersey, Maryland, Virginia, North Carolina, South Carolina, Georgia. A similar vote with the same result had been taken early in the session—two direct votes against the people.

The whole matter was referred to a special committee on the 8th day of September, and on the 12th day the final report submitting the draft of the whole Constitution as adopted by the convention was presented. As finally agreed upon, the clause relating to the choice of President and Vice-President was as follows:

The electors shall meet in their respective States, and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same State with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each; which list they shall sign and certify and transmit, sealed, to the seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted.

The person having the greatest number of votes shall be the President, and if such number be a majority of the whole number of electors appointed; and if there be more than one who have such majority and have an equal number of votes, then the House of Representatives shall immediately choose by ballot one of them for President; and if no person have a majority then from the five highest on the list the said House shall in like manner choose the President.

But in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. In every case, after the choice of the President, the person having the greatest number of votes of the electors shall be the Vice-President. But if there should remain two or more who have equal votes, the Senate shall choose from them by ballot the Vice-President.

When so much time and thought were expended on this particular piece of governmental machinery, it might reasonably have been expected that the electoral plan would work perfectly; but the truth is it was a failure from the beginning, though its principal defects were not very troublesome until the fourth election took place. Some trouble had been occasioned by reason of different methods of choosing the electors in the several States. In some of them the choice was made by the Legislature, either by joint ballot or by concurrent vote. In some of the States they were chosen by the people by general ticket, the whole number of electors being voted for on one ballot throughout the State; in other States they were chosen by districts.

The district system approached nearer a direct vote of the people than any other, and it gave the fullest expression to public opinion, but it was abandoned because it divided the votes of States and thus weakened them in final results. The other methods of choice resulted in confusion which became more apparent as the people divided themselves into political parties.

The popular demand for Gen. Washington's services made the work of electors in the matter of his election merely formal—they but recorded the verdict of the people at their homes. All of the electoral votes were cast for him at the first and at the second election. So far as the President was concerned there was no division among the people. The first appearance of a divided vote was with respect to the Vice-President in the second election, the electoral vote being divided between Adams and Jefferson.

At the third Presidential election the electoral votes were pretty nearly evenly divided between John Adams, who received 71 votes, and Thomas Jefferson, who received 67 votes for President.

It was not, however, until the fourth election, which occurred in 1800, that the defects of the electoral system were clearly manifest. The theory was that by this means there would be so much of independence among the electors of the several States, they being permitted without instruction or restriction to cast their individual votes for the persons of their choice, that the popular opinion would be thoroughly represented in the general result of the voting. But from the first election the electors were governed not by their own individual preferences but by what they understood to be the wishes of the people whom they represented locally.

It so happened that in the first and second election, as before stated, the general judgment of the people was so much centered on one man that the electors, in obedience to the general will, cast their votes unanimously for George Washington; but as soon as divisions appeared, and they did in the second election in the case of the Vice-President, the electoral vote was divided. At the third election the division, drawn on party lines—Federalist against Antifederalist—the electoral vote was accordingly divided. So, in 1800, when party feeling was running high, though the Republicans (Antifederalists) were successful in the general election, it so happened that two of their candidates—Thomas Jefferson and Aaron Burr—received an equal number of votes, 73 each.

Then, under the provisions of the Constitution, the election devolved upon the House of Representatives, each State having one vote. Naturally the people were anxious and restive under the suspense occasioned by the prospective excitement with the new mode of electing the Chief Magistrate. The anxiety was much increased as the time for the choice approached and it became evident that there would be great difficulty in securing an election by the House because of an equal division in that body for the leading candidates. When the balloting began and there was a tie between Jefferson and Burr public interest became intensely watchful. Personal preferences had much to do in fomenting divisions and discord among the people.

As the balloting continued from day to day excitement spread among the people. It was not until seven days had passed, with thirty-four ballotings, and a conference among Federalists, and pledges from Mr. Jefferson that in case of his election he would respect the public credit and would not remove persons from office upon purely partisan grounds, that there was any immediate prospect of a successful result from the proceedings in the House. On the thirty-sixth ballot Thomas Jefferson received a majority of the votes and was declared elected.

So greatly had the people been wrought up to excitement during this period of suspense that Mr. Jefferson wrote to James Monroe that they were prevented from passing an act to vest executive authority in the Chief Justice or some other high officer, in case of failure to elect the President by the House, only by threats on the part of the opposition that the Middle States would rise in arms and call a convention to form a new Constitution. It is said that "had Congress been sitting in Philadelphia instead of Washington it would have run no small risk of being invaded by a mob."

The effect of this experience in the effort to elect a President by the House of Representatives was to satisfy the people that the constitutional provision for electing the President was fatally defective. The judgment to this effect was so general and uniform throughout the United States that in December, 1803, a proposition to amend the Constitution in this respect passed both Houses of Congress and was ratified by the several States within eleven months thereafter.

The principal difficulty which had been felt in the mode of election was the evident tendency, because of the number of candidates to be voted for, to bring the choice into the House of Representatives.

This—

As is clearly expressed by Mr. Justice Story in his Commentaries on the Constitution—

was early foreseen; and even in one of the State conventions a most distinguished statesman, and one of the framers of the Constitution, admitted that it would probably be impracticable to elect a President by the immediate suffrages of the people, and that in so large a country many persons would probably be voted for and that the lowest of the five highest on the list might not have an inconsiderable number of votes.

It can not escape the discernment of any attentive observer that if the House of Representatives is often to choose a President the choice will, or at least may be influenced by many motives independent of his merits and qualifications. There is danger that intrigue and cabal may mix in the rivalries and strife, and the discords, if not the corruptions generated by the occasion, will probably long outlive the immediate choice and scatter their pestilential influence over all the great interests of the country.

The amendment as ratified has remained from that time to the present a part of the Constitution and has been followed in all of our Presidential elections from that time to the present. It is as follows:

The electors shall meet in their respective States and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each; which lists they shall sign and certify, and transmit sealed to the seat of government of the United States, directed to the President of the Senate.

The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted—the person having the greatest number of votes for President shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted

for as President, the House of Representatives shall choose immediately, by ballot, the President.

But in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the 4th day of March, next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President.

The person having the greatest number of votes as Vice-President shall be the Vice-President, if such number be a majority of the whole number of electors appointed, and if no person have a majority, then from the two highest numbers on the list the Senate shall choose the Vice-President. A quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice, but no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

Mr. President, it will be seen that the amendment provides "that the ballots of electors shall be separately given for President and for Vice-President, instead of one ballot for two persons as President, as it was under the original provision; that the Vice-President (like the President) shall be chosen by a majority of the whole number of electors appointed; that the number of candidates from whom the selection of President is to be made by the House of Representatives shall be three instead of five (as under the old provision); that the Senate shall choose the Vice-President from the two highest numbers on the list; and that, if no choice is made of President before the 4th of March following, the Vice-President shall act as President."

The electoral system under the amendment as well as under the old provision of the Constitution has been a failure. So far from its being a useful part of our system of Government, it was from the beginning without value in any respect, for while the theory was that the electors should cast their votes as their own individual judgment dictated, and that therefore the selection of a chief magistrate would be all the more carefully and wisely done, it was never effectual in practice—the electors merely casting the vote of a particular faction or party which they favored as individuals.

So it has been under the amendment. In the early history of our politics, Presidential nominations were made in Congressional caucuses. Members of Congress of the different parties, in caucus assembled, dictated the candidates for their parties. These nominations were accepted by the people, and the electors cast the popular vote for the caucus candidates. This proved to be very troublesome in the election of 1824, when the last Congressional nominating caucus was held. By reason of the failure of the electoral college to make a choice of President the election was thrown into the House of Representatives, and the country was reminded of the exciting contest of 1801. The utter uselessness of the electoral plan and its dangerous tendency were completely demonstrated in the memorable contest of 1824.

I will ask the Secretary to read an extract from the first volume of Benton's Thirty Years' View, found on page 47, chapter 26, concerning the election in the House in the year 1825.

The PRESIDENT *pro tempore*. The Secretary will read as requested, in the absence of objection.

The Secretary read as follows:

The second Presidential election in the House of Representatives was after the lapse of a quarter of a century, and under the amended Constitution, which carried the three highest on the list to the House when no one had a majority of the electoral votes. Gen. Jackson, Mr. John Quincy Adams, and Mr. William H. Crawford were the three, their respective votes being 99, 84, 41, and in this case a second struggle took place between the theory of the Constitution and the democratic principle, and with eventual defeat to the opposers of that principle, though temporarily successful. Mr. Adams was elected, though Gen. Jackson was the choice of the people, having received the greatest number of votes, and being undoubtedly the second choice of several States whose votes had been given to Mr. Crawford and Mr. Clay (at the general election).

The Representatives from some of these States gave the vote of the State to Mr. Adams, upon the argument that he was best qualified for the station, and that it was dangerous to our institutions to elect a military chieftain, an argument which assumed a guardianship over the people and implied the necessity of a superior intelligence to guide them for their own good. The election of Mr. Adams was perfectly constitutional, and as such fully submitted to by the people; but it was also a violation of the *demos kratco* principle; and that violation was signally rebuked. All the Representatives who voted against the will of their constituents lost their favor and disappeared from public life. The representation in the House of Representatives was largely changed at the first general election, and presented a full opposition to the new President.

Mr. Adams himself was injured by it, and at the ensuing Presidential election was beaten by Gen. Jackson more than 2 to 1—178 to 83. Mr. Clay, who took the lead in the House for Mr. Adams, and afterwards took upon himself the mission of reconciling the people to his election in a series of public speeches, was himself crippled in the effort, lost his place in the Democratic party, joined the Whigs (then called National Republicans), and has since presented the disheartening spectacle of a former great leader figuring at the head of his ancient foes in all their defeats, and lingering on their rear in their victories.

The Democratic principle was again victor over the theory of the Constitution, and great and good were the results that ensued. It vindicated the Democrats in their right and their power, and showed that the prefix to the Constitution, "we the people do ordain and establish," etc., may also be added to its administration, showing them to be as able to administer as to make that instrument. It reëstablished parties upon the basis of principle, and drew anew party lines then almost obliterated under the fusion of parties during the "era of good feeling," and the efforts of leading men to make personal parties for themselves.

It showed the conservative power of our Government to lie in the people more than in its constituted authorities. It showed that they were capable of exercising the function of self-government. It assured the supremacy of the Democracy for a long time and until temporarily lost by causes to be shown in their proper place. Finally it was a caution to all public men against future attempts to govern Presidential elections in the House of Representatives.

Mr. PEFFER. So well satisfied were the public men of the time that our electoral system was a failure that a joint committee of the Senate and House was appointed to consider and report a proposition to amend the Constitution in that particular. The committee was composed of seven eminent statesmen, three members of the Senate, to wit: Messrs. Benton, Macon, and Van Buren; four members of the House, namely: Messrs. White, of Tennessee; Findley, of Pennsylvania; Dickerson, of New Jersey; Holmes, of Maine; Hayne, of South Carolina, and Johnson, of Kentucky. After careful consideration of the subject the committee reported the following plan:

I will not read it nor ask that it be read, because I will have some occasion to refer to it as I proceed, but will ask that it may be incorporated with my remarks. It will be found in the first volume of Benton's Thirty Years' View, at page 79, marked:

That, hereafter the President and Vice-President of the United States shall be chosen by the people of the respective States in the manner following: Each State shall be divided by the Legislature thereof, into districts, equal in number to the whole number of Senators and Representatives, to which such State may be entitled in the Congress of United States; the said districts to be composed of contiguous territory, and to contain, as nearly as may be, an equal number of persons, entitled to be represented, under the Constitution, and to be laid off, for the first time, immediately after the ratification of this amendment, and afterwards at the session of the Legislature next ensuing the appointment of Representatives, by the Congress of the United States; or oftener, if deemed necessary by the State; but no alteration, after the first, or after each decennial formation of districts, shall take effect, at the next ensuing election, after such alteration is made.

That on the first Thursday and succeeding Friday in the month of August of the year 1828, and on the same days in every fourth year thereafter, the citizens of each State who possess the qualifications requisite for electors of the most numerous branch of the State Legislature shall meet within their respective districts and vote for a President and Vice-President of the United States, one of whom at least shall not be an inhabitant of the same State with himself; and the person receiving the greatest number of votes for President and the one receiving the greatest number of votes for Vice-President in each district shall be holden to have received one vote; which fact shall be immediately certified to the governor of the State, to each of the Senators in Congress from such State, and to the President of the Senate.

The right of affixing the places in the districts at which the elections shall be held, the manner of holding the same, and of canvassing the votes and certifying the returns is reserved exclusively to the Legislatures of the States. The Congress of the United States shall be in session on the second Monday of October, in the year 1828, and on the same day in every fourth year thereafter, and the President of the Senate, in the presence of the Senate and House of Representatives, shall open all the certificates, and the votes shall then be counted.

The person having the greatest number of votes for President shall be President, if such number be equal to a majority of the whole number of votes given; but if no person have such majority, then a second election shall be held, on the first Thursday and succeeding Friday in the month of December then next ensuing, between the persons having the two highest numbers, for the office of President; which second election shall be conducted, the result certified, and the votes counted in the same manner as in the first; and the person having the greatest number of votes for President shall be the President. But if two or more persons shall have received the greatest and equal number of votes at the second election, the House of Representatives shall choose one of them for President, as is now prescribed by the Constitution.

The person having the greatest number of votes for Vice-President, at the first election, shall be the Vice-President, if such number be equal to a majority of the whole number of votes given, and, if no person have such majority, then a second election shall take place, between the persons having the two highest numbers, on the same day that the second election is held for President, and the person having the highest number of votes for Vice-President, shall be the Vice-President. But if two or more persons shall have received the greatest number of votes in the second election, then the Senate shall choose one of them for Vice-President, as is now provided in the Constitution.

But when a second election shall be necessary in the case of Vice-President, and not necessary in the case of President, then the Senate shall choose a Vice-President from the persons having the two highest numbers in the first election, as is now prescribed in the Constitution.

The features of the plan were first the abolition of electors and a direct vote of the people; second, a second election between the two highest on each list when no one has a majority of the whole; third, uniformity in the mode of election.

The prominent features of this plan of election are: 1. The abolition of electors, and the direct vote of the people. 2. A second election between the two highest on each list, when no one has a majority of the whole. 3. Uniformity in the mode of election. The advantages of this plan would be to get rid of all the machinery by which the selection of their two first magistrates is now taken out of the hands of the people and usurped by self-constituted, illegal, and irresponsible bodies, and place it in the only safe, proper, and disinterested hands—those of the people themselves. If adopted, there would be no pretext for caucuses or conventions, and no resort to the House of Representatives, where the largest State is balanced by the smallest.

If anyone received a majority of the whole number of districts in the first election, then the Democratic principle—the *demos kratco*—the majority to govern, is satisfied. If no one receives such majority, then the first election stands for a popular nomination of the two highest—a nomination by the people themselves—out of which two the election is sure to be made on the second trial. But to provide for a possible contingency—too improbable almost ever to occur—and to save in that case the trouble of a third popular election a resort to the House of Representatives is allowed, it being nation-

ally unimportant which is elected where the candidates were exactly equal in the public estimation.

The proposition failed to secure the necessary two-thirds vote of both Houses, and the subject was not taken up again until twenty years had passed, when Senator Benton again called attention to the need of revising the Constitution in the matter of electing the President, and he urged his plan upon the attention of Congress and of the people. Nothing, however, came of this second and last effort of the great Senator to place the Presidential election in the hands of the people.

After the heated campaign of 1824 a new way of placing Presidential candidates before the people came into vogue—that of national conventions, with party platforms. At that time the names of the two great parties of the country were changed.

What had been before known as the Republican party now became the Democratic party, and the Federalists took the name of Whig. The first Democratic national convention was held in 1832, when General Jackson was named the second time for the Presidency by that party. The nomination was ratified in Washington by members of Congress and other distinguished partisans, and a brief platform consisting of three resolutions was adopted. From that time until the present, Presidential candidates have been regularly nominated and put before the people by national conventions, and the electors chosen in the several States are selected with reference to these party nominations.

Each party in the several States is permitted to name its own Presidential electors, and when chosen they understand it to be their duty, though it is not so named in the law, to cast their votes for the candidate of the party to which they belong. They are simply tools by which the leaders of the great parties designate their choice for President, and there is no service beyond that which the electors do or are expected to perform. Their only excuse for existence is that the Constitution requires it. A Presidential elector who would now cast his vote for any other person than the candidate of his party would be ostracised from society by an indignant public sentiment which would know not mercy or forgiveness. Such conduct would be regarded a base betrayal of a party trust, and the guilty person would go down into history as one who had bartered his conscience—a traitor.

We have learned from this fact what a useless and yet how dangerous a body the electoral college is or may be. In calling attention to the fact that the functions of the electoral college have been superseded by party conventions, I do not wish to be understood as commending these bodies, for it is becoming apparent to all observing men that the ordinary party convention, while it appears to be a popular body representing the party will, it is in fact the reverse. It is a body composed largely of persons bent upon their own individual advancement, assisted by office holders and local partisans who expect to be rewarded for their service by official patronage in the event of party success. The tendency of these conventions was foreseen and their dangerous character ably portrayed by eminent men of the last generation—Calhoun, Benton, McDuffie, Jackson, Kent, and many others.

After having carefully considered all the circumstances of danger attending the elections in 1800–'01 and 1824–'25, and after having given due weight to the same, it is not too much to say that the defects of our electoral system were never so painfully apparent, and the public patience never so much strained on account thereof as in the election of 1876–'77, when there was evident danger of a popular insurrection. Public feeling ran so high, party resentments were so strong, that the best thought and judgment of the best and the bravest men of both parties were required to secure a peaceful inauguration of the new President who was chosen by a majority of but 1 vote in a body of fifteen members—a tribunal chosen as a temporary expedient to save the country from trouble.

The effect of the Electoral Commission's work so impressed itself upon the public mind that it can not be forgotten. However, no serious attempts have since been made to prevent the recurrence of such scenes as we had at that time by any amendment of the Constitution that would effectually do the work. There have been suggestions, but nothing beyond that. Our party methods are growing worse instead of better.

Modern party conventions have all the vicious attributes of the earlier bodies of like nature, and they have added many new ones which are still more reprehensible. They are made the occasion for exhibitions discreditable alike to our intelligence and our civilization. They attract hordes of disreputable persons whose presence serves to swell the throng and give it the appearance of a "popular outpouring" of the people.

While the membership of a convention may be 1,000, its sessions brings a hundred times that many persons to the place. Hotels, restaurants, and boarding-houses are filled to overflowing by an excited throng. Rooms are procured long in advance, and "headquarters" for all candidates are established at convenient places long before the convention is called to order. Delegations by the hundred go on special trains, and claqueurs and whippers-in swarm at every turn.

The expense attending one of these conventions is very great, and even the public business is affected by the proceeding. There was nothing of importance done in either branch of Congress during the month of June, 1892, because the national conventions of both great parties were held that month, and many of the Senators and Representatives attended.

National nominating conventions, though not illegal, for they are not prohibited, are without legal authority for their existence. They are in no sense the creatures of law. They are machines invented to perpetuate party unity, by keeping party discipline in the hands of a few leaders. They superseded the Congressional caucus, and have all the vices with none of the virtues of that historic usurpation. John C. Calhoun, in a published address nearly fifty years ago, compared the party convention with the old caucus system as follows:

> I object, then, to the proposed convention, because it will not be constituted in conformity with the fundamental articles of the Republican creed. The delegates to it will be appointed from some of the States, not by the people in the districts, but, as has been stated by State conventions en masse, composed of delegated appointed in all cases, as far as I am informed, by county and district conventions, and in some cases, if not misinformed, these again composed of delegates appointed by still smaller divisions, or a few interested individuals.
>
> Instead, then, of being directly or fresh from the people, the delegates to the Baltimore convention will be the delegates of delegates; and of course removed, in all cases, at least three if not four degrees from the people. At each successive remove the voice of the people will become less full and distinct, until, at last, it will be so faint and imperfect as not to be audible. To drop metaphor, I hold it impossible to form a scheme more perfectly calculated to annihilate the control of the people over the Presidental election, and vest it in those who make politics a trade and who live or expect to live on the Government.
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> * * * * * * *
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> And here let me add that as objectionable as I think a Congressional caucus for nominating a President, it is, in my opinion, far less so than a convention constituted as is proposed. The former had indeed many things to recommend it. Its members, consisting of Senators and Representatives, were the immediate organs of State Legislatures or the people, were responsible to them, respectively, and were for the most part of high character, standing, and talents. They voted per capita, and what is very important, they represented fairly the relative strength of the party in their respective States.
>
> In all these important particulars it was all that could be desired for a nominating body, and formed a striking contrast to the proposed convention; and yet it could not be borne by the people in the then purer days of the Republic. I, acting with Gen. Jackson and most of the leaders of the party at that time, contributed to put it down, because we believed it to be liable to be acted on and influenced by the patronage of the Government, an objection far more applicable to a convention constituted as the one proposed than to a Congressional caucus.

Among the many other defects of the electoral system I will mention several of the more important. First, it disfranchises minorities of voters in every State. At every election when this plan is put in practice the electors are named, as before stated, by the parties, and they are voted for on a general ticket. The majority party, even though the majority be by but a single vote, carries the whole State with it, and the entire electoral vote of the State is counted for the party which has secured the majority. The minority vote is not counted at all; it is absolutely lost, and has no effect in making up the general verdict.

Take a single illustration. The popular vote of the State of Pennsylvania in the recent election was Republican, 516,011; Democrat, 452,264; Prohibition, 25,123; Populist, 8,714; making a total of 486,101 votes in opposition to the Republican vote, lacking only 14,956 votes of a majority in a total vote of 1,002,011; yet the entire electoral vote of the State was given to the Republicans, and these 486,101 opposition votes—nearly half a million—were not considered at all in the final result. The same is true in every other State of the Union. The minority, be it large or small, is wholly disfranchised.

Second, the electoral plan frequently disfranchises majorities in the different States. This happens in all cases where pluralities elect—where there are three or more parties with candidates and electoral tickets to be voted for; no one having a majority, but the one having the highest number of votes, carrying the State. The entire electoral vote of the State is given to the candidate having the highest number of votes though that number may be far short of a majority of all the votes cast. This point is illustrated in the cases of Michigan, Missouri, Montana, Nebraska, New York, North Carolina, Ohio, Virginia, and other States in the recent election.

Take the case of Michigan. The Republican vote of that State was 222,708; the Democratic vote was 202,296; the Prohibition vote was 20,569; the Populist vote was 20,412; making a total of 243,277 votes opposed to the 222,708 Republican votes, clearly a majority of 20,569 votes over the Republican vote, yet the electoral vote of the State is given to the Republican candidate because that candidate received a larger number of votes than any one of the other three. Here the majority is disfranchised—more than a quarter million votes.

Take the case of New York, where the Democratic vote was 654,908, the Republican vote 609,459, the Prohibition vote 38,190, the Populist vote 16,429, making a total of 664,078 votes in opposition to the Democratic vote, clearly a majority of 9,170 over the Democratic vote, yet the total electoral vote of the State is given to the Democratic candidate because he received a larger number of votes than any one of the other three candidates who were voted for—a disfranchisement of 664,078 voters, largely over half a million. Similar facts appear in the vote of many other States, as mentioned above.

It is proper to state here that these figures are not given as absolutely correct; they are taken from the reports which have been published in the press of the country as being correct.

And in cases of mistakes, or through ignorance or neglect of voters, or through frauds of officials having charge of the elections or of the returns, it sometimes happens that even the conceded legal rights of pluralities and majorities are defeated in certain States by dividing the number of electors between two parties, when the votes of the people as actually cast were for only one party. This was illustrated in the recent election in the States of North Dakota and California.

Third, the electoral plan frequently defeats the will of a majority of the people of the whole nation as expressed in the popular vote. This has happened in nine of the eighteen national elections since a record of the popular vote has been kept, beginning in 1824, as will appear from an inspection of the following tables, which show that in 1844, in 1848, in 1856, 1860, 1876, 1880, 1884, 1888, and 1892, the person who was chosen President of the United States did not receive a majority of the popular vote.

I have prepared a number of tables here giving the popular vote at each of the elections for the years whose numbers I have just read. I will call attention to one or two by way of illustration, and ask that the others may be incorporated with my remarks without reading:

1844.

Names of persons voted for.	Popular vote for each.	Votes short of a majority.	Electoral vote for each.	Majority of electoral vote.
James K. Polk	1,337,243	12,063	170	65
Henry Clay	1,299,068		105	
James G. Birney	62,300			

1848.

Zachary Taylor	1,360,009	75,900	163	36
Lewis Cass	1,220,544		127	
Martin Van Buren	291,263			

1856.

James Buchanan	1,838,169	188,815	174	52
John C. Frémont	1,341,264		114	
Millard Fillmore	874,534		8	

1860.

Abraham Lincoln	1,866,352	472,075	180	57
Stephen A. Douglas	1,375,157		12	
John C. Breckinridge	847,514		72	
John Bell	587,830		39	

1876.

Samuel J. Tilden	4,284,757	730,228	184	
Rutherford B. Hayes	4,033,950		185	1
Peter Cooper	810,740			
Green C. Smith	900,522			

1880.

James A. Garfield	4,449,053	155,297	214	59
W. S. Hancock	4,442,035		155	
James B. Weaver	307,305			
Neal Dow	10,305			

1884.

Grover Cleveland	4,911,017	111,481	219	37
James G. Blaine	4,848,334		182	
Benj. F. Butler	133,825			
John P. St. John	151,809			

1888.

Names of persons voted for.	Popular vote for each.	Votes short of a majority.	Electoral vote for each.	Majority of electoral vote.
Benjamin Harrison	5,440,708		233	65
Grover Cleveland	5,536,242	244,634	168	
A. J. Streeter	146,836			
Clinton B. Fisk	246,876			

1892.*

Grover Cleveland	5,567,990	446,019	299	77
Benjamin Harrison	5,176,611		117	
James B. Weaver	1,025,060		28	
J. W. Bidwell	258,347			

*These figures are taken from press reports, the official footings not being attainable when the table was made up. They are not, therefore, given as correct. An accurate and reliable statement can not be given until the Congressional count is made. Mr. Cleveland has probably a larger vote than these figures show; but these give him 81 votes more than one-half the total. They give him 182 votes more than Mr. Harrison received, and 154 votes more than both of his opponents received, though his ticket received, of the popular vote, 882,028 votes less than Harrison and Weaver together—446,020 less than one-half the total vote.

Take the election of 1844. The total vote polled was 2,698,611, of which 1,399,606 constitutes a majority. It appears that Mr. Polk received 1,337,243 votes, which were 12,063 votes short of a majority. Yet Mr. Polk received 170 electoral votes, while Henry Clay received but 105 electoral votes.

Then take the case of the last election, that of 1892, when the total vote was 12,028,008 votes, of which number 6,014,005 votes constitute a majority. Grover Cleveland received 5,567,990 votes, being 446,019 votes, nearly half a million, short of a majority. Yet Mr. Cleveland received 299 electoral votes, while Benjamin Harrison received but 117 electoral votes, and James B. Weaver 28 votes.

These demonstrate the proposition that the electoral system as at present applied in practice frequently defeats the popular will, giving to the person chosen less than a majority of the entire vote.

But, Mr. President, the electoral plan does not fairly represent even the will of voters in the different parties. It often happens that the person who is made the Presidential candidate of the party is not the choice of a majority of the members of that party. The electors vote for the party candidate as his name appears upon the party ticket, yet it appears occasionally that the candidate was not much thought of in that connection before the balloting of the national convention began. The following tables, which have been made up largely from a valuable little publication compiled and edited by Henry H. Smith, and published by the J. M. W. Jones Stationery and Printing Company, Chicago, Ill., are full of interest in this connection.

I have drawn up a number of tables giving the votes of the different national conventions for a number of years mentioned, showing that in many instances persons whose names had not been mentioned or barely mentioned, not generally thought of by most of the members of the party or the people generally, were chosen as the party standard-bearer at the particular convention and made the choice of the party. This happened in 1844, and I will mention that as one case, where Lewis Cass, Richard M. Johnson, Martin Van Buren, and James K. Polk were voted for; but Mr. Polk's name was not brought before the convention until the eighth ballot, when he received 44 votes. On the ninth ballot he received 266 votes. His name was not presented to the convention at all in the beginning.

I have separated the tables into the Democratic conventions and the Republican conventions. The table from which I have commented was that of the national Democratic convention of 1844. Then I have half a dozen others of a similar nature, and without reading them or commenting upon them further I ask that they may be incorporated with my remarks.

Democratic national convention, 1844.

Names of persons voted for.	Votes cast for each person on the—		
	First ballot.	Eighth ballot.	Ninth ballot.
Lewis Cass	83	114	
Richard M. Johnson	24		
Martin Van Buren	146	104	
Scattering	13		
James K. Polk		44	266

Democratic national convention, 1852.

Names of persons voted for.	Votes cast for each person on the—			
	First ballot.	Thirty-fourth ballot.	Thirty-sixth ballot.	Forty-ninth ballot.
Lewis Cass	116			
James Buchanan	93			
William L. Marcy	27			
Stephen A. Douglas	20			
Scattering	36			6
Franklin Pierce		1	15	282

Democratic national convention, 1868.

Names of persons voted for—	Votes cast for each person on the—	
	First ballot.	Second ballot.
George H. Pendleton	105	
Andrew Johnson	65	
Winfield S. Hancock	33½	
Sanford E. Church	33	
Asa Packer	26	
Joel Parker	13	
William E. English	16	
James Doolittle	13	
Thomas A. Hendricks	2½	
Scattering	9	
Horatio Seymour		317

Democratic national convention, 1880.

Names of persons voted for.	Votes cast for each person on the—	
	First ballot.	Second ballot.
Hancock	171	705
Bayard	153½	2
Payne	81	
Thurman	68½	
Field	65	
Morrison	62	
Hendricks	50½	30
Tilden	38	1
Seymour	8	
Scattering	31	

Then I take up the Republican national conventions, beginning in 1860, where Mr. Lincoln received but 102 votes on the first ballot and on the third ballot 231½ votes, changed to 354.

Republican national convention, 1860.

Names of persons voted for.	Votes cast for each person on the—		
	First ballot.	Third ballot.	Ballot changed to—
William H. Seward	173½	180	110½
Abraham Lincoln	102	231½	354
Simon Cameron	50½		
Salmon P. Chase	49	24½	
Edward Bates	48	22	
William L. Dayton	14	1	
John McLean	12	5	
Jacob Collamer	10		

Republican national convention, 1876.

Names of persons voted for.	Votes cast for each person on the—		
	First ballot.	Sixth ballot.	Seventh ballot.
James G. Blaine	285	308	351
Benjamin H. Bristow	113	111	21
Roscoe Conkling	99	81	
John F. Hartranft	58	50	
Rutherford B. Hayes	61	113	381
Marshall Jewell	11		
Oliver P. Morton	124	95	
Elihu B. Washburne		4	
William A. Wheeler	3	2	

Republican national convention, 1880.

Names of persons voted for.	Votes cast for each person on the—		
	First ballot.	Second ballot.	Thirty-sixth ballot.
Ulysses S. Grant	304		306
James G. Blaine	284		42
John Sherman	93		
George F. Edmunds	34		
James A. Garfield		1	399

Republican national convention, 1888.

Names of persons voted for.	Votes cast for each person on the—		
	First ballot.	Seventh ballot.	Eighth ballot.
Russell A. Alger	84	120	100
Chauncey M. Depew	99		
Walter Q. Gresham	107	91	59
Joseph R. Hawley	13		
William Walter Phelps	25		
John Sherman	229	230	118
Robert T. Lincoln	3	2	
William B. Allison	72	76	
Edwin H. Fitler	24		
Benjamin Harrison	85	279	544
John J. Ingalls	28		
Jeremiah M. Rusk	25		
James G. Blaine	35	15	5
William McKinley, jr	2	16	4

There is still another defect in the electoral system which, though not yet forced upon our attention by a case in point, is well worth considering at this time. For under existing constitutional provision it may occasion trouble any Presidential year. This defect is stated clearly by Judge Story:

SEC. 1471. Another defect in the Constitution is that no provision was originally, or is now, made for a case where there is an equality of votes by the electors for more persons than the constitutional number, from which the House of Representatives is to make the election. The language of the original text is that the House shall elect "from the five highest on the list." Suppose there were six candidates, three of whom had an equal number, who are to be preferred? The amendment is that the House shall elect "from the persons having the highest numbers, not exceeding three." Suppose there should be four candidates, two of whom should have an equality of votes, who are to be preferred?

Such a case is quite within the range of probability, and may hereafter occasion very serious dissensions. One object in lessening the number of the persons to be balloted for from five to three doubtless was to take away the chance of any person having very few votes from being chosen President against the general sense of the nation. Yet it is obvious now that a person having but a very small number of electoral votes might under the present plan be chosen President if the other votes were divided between two eminent rival candidates, the friends of each of whom might prefer any other to such rival candidate. Nay, their very hostility to each other might combine them in a common struggle to throw the final choice upon the third candidate, whom they might hope to control or fear to dislodge.

But, Mr. President, getting closer to the subject, there is one reason greater than all others why the President should be chosen by the people themselves without the interference of any intermediate tribunal. The people of the United States constitute a nation and the President represents the people, not the States but the people—the people of the States in their collective capacity. The Constitution of the United States is the supreme law of the land, and the President is its special protector and defender. "He shall take care that the laws be faithfully executed."

The States have their own governments, conducted by officers elected by their own people, and they are represented in the National Legislature by persons specially chosen for that purpose. Senators and Representatives come here not to represent the whole country, but only their own constituencies. They confer with others here who like themselves come from the several States, but they are expected to guard the local interests of their own people in all the legislation of Congress.

The President in this respect differs from every other officer; it is his business, primarily and always, to look after the affairs of the whole people. He is required, upon the assembling of Congress, to inform that body what is the state of the Union, and to suggest measures which in his opinion will be helpful in promoting the general welfare. The people are therefore more directly interested in this than in any other office of the National Government. And this interest is constantly growing.

It must be so, because our national industries and productive forces are extending in all directions, producing wealth in fabulous proportions with a diversity of great interests never before equaled in the history of men. With every new year come new inventions and multiplied processes of production and the interchange of commodities. Our territorial area has expanded un-

til it reaches across the continent; our agricultural industry leads that of the foremost nation; our manufacturing interests are not equaled by those of any other people; our mines exceed those of all Europe in extent and value; our railroads measure nearly one-half the mileage of the world; and our internal commerce exceeds in weight and in value the combined foreign commerce of all the nations of Europe. The traffic of the Pennsylvania Railway alone exceeds the foreign commerce of Great Britain, the mistress of the seas.

These great facts are the product of the energy, skill, and labor of 65,000,000 people. These things are bringing about social and political conditions that are nationalizing all our great interests. In our commerce with one another, in our social and religious intercourse, in our habits, we know nothing about State boundaries. It would be practically impossible to be or to do otherwise. An edict to stop the machinery of our interstate traffic that we might change every time we reach the limit of a State's territory, would provoke a revolution instantly. The people would not because they could not, submit to it.

In the rapid rush of modern trade we stop only when we must. Within the present generation, and since the great war was fought, our railway interests have been consolidated so that we have continuous lines from sea to sea and moving in the same way and with the same characteristic impetuosity in every direction across our great country. We are impatient at every delay even though it be necessary. We are applying electricity as a force in the propulsion of traveling machines. We are straightening our lines of railway, and our engineers, our scientists, and inventors are busy solving the problem of rapid, safe, and cheap transportation. We can not stop until the surveyor locates legal boundary lines.

The public school, the distribution of Government publications, the associated press dispatches, the metropolitan newspapers, and the active, enterprising movements of the restless Anglo-Saxon are bringing us closer and closer together. The great war taught us to respect American manhood. It taught us that the union of the American States is to be perpetual, that the Republic is an entity, a nation of freemen with only one flag, and with but one face to every enemy, foriegn or domestic.

Briefly, every new phase of our wonderful development tends to cement more strongly our loyalty to the country and to our form of government. We are to-day the most powerful and the most prosperous nation on the earth, and there is not one man or woman on American soil who does not love the country in its entirety. Not one public man, even though he had the power, would take his State out of the Union and revive the sovereignty which it claimed and enjoyed before the Constitution was formed. Not one sect of religion, not one association of men or of women, not one political body in any part of the country would be willing to see one star or one ray of a star eliminated from our galaxy of States.

We all want to retain our local jurisdiction. We all want to retain and to exercise every attribute of sovereignty which we need for purposes of local government; but none of us would withdraw a single grant of power to the nation necessary for the proper execution of national powers. These things all tend to bring the office of President close to the people, and they show to us the importance of removing every barrier between the voter and the man who is to execute the laws of the Union. They are conclusive to the unprejudiced mind that if we would purify our politics, if we would perpetuate our institutions, and if we would grow stronger and better from year to year, the more simple our elections are, the closer we bring the people and their officers together, the more directly will the just responsibilities of official station be measured by the persons with whom we intrust the management of our public affairs.

The people are sovereign. Our Constitution and our form of government under it were ordained and organized by the people for their own benefit and protection. They have the right to require that their votes shall operate upon the object for which their suffrages are exercised. The reason for the invention of the electoral system has passed away. The fear that the people would not be competent to choose wisely in so grave a matter as the choice of a President of the United States was unfounded.

It would be strange indeed that a nation of people such as we, having more than 12,000,000 voters and 13,000,000 of our children in school, with colleges and universities in every State; with a newspaper circulation reaching every house in the land; with a post-office within an hour's ride of every citizen's door; with a railway station in easy reach of every farm, and with numberless appliances for ready and rapid production of necessary articles of food, clothing, and shelter, and with abundant facilities for rapid transit from place to place, it would be strange, I repeat, having grown to this marvelous development in a century, if we could not safely be intrusted with the election of our Chief Magistrate.

As to the particular plan of election proposed, it is not as important as the idea upon which the plan is based. The great thing is to bring the election of President close to the people.

In the study of the particular plan and in the preparation of the joint resolution (No. 32) I have had the benefit of assistance and suggestions from a friend in New York, who has devoted much time and study to the subject, with the view of having a similar plan adopted in that State.

The citizen who desires to cast a vote which may be effective in influencing the policy of his Government through the choice of the agents or officials whom he would intrust with power, must necessarily vote either with the party representing or the party opposing that policy. A vote cast independently may be an expression of the dissatisfaction or discontent of the citizen with both parties, but so far as it is an expression upon the real issues involved it is more than that. It is half a vote in behalf of the principle he condemns, since he withholds from those with whom he is most in sympathy upon those issues, however slight may be his preference, a vote which might be made to contribute to their success.

Only by making some provision, which, recognizing the tendency in the public mind to form into two great bodies as a means by which the people may vote either for or against the policy of the Government, shall seek to perfect and popularize these methods, can the political convention and the existing primary or caucus be displaced, and the best means suited to that end would seem to be such as provide a method by which the citizens representing the principles or issues in favor of the Government can cast their votes in selecting their candidate to represent those principles, and the citizens opposed to that policy can also attain the same end as to their candidate and their principles.

The proposed method, I believe, will accomplish this. The citizen casting a ballot with the caption of the Republican or the Democrat or Populist party, knows that in doing so, in voting for any candidate he may choose to select from its ranks, he is not contributing to the success of the opposite party. He possesses entire freedom of action. He knows that if his candidate does not receive 2,000 votes out of 2,000,000 cast by his political associates, yet his principle is protected for the reason that a canvass must be made first to ascertain the sense of his associates in the selection of the candidate, and thereby placing upon his ballot the words incorporated in the proposed amendment he has contributed, to the full extent that he can contribute under present methods, a vote in behalf of the principles which represent his convictions.

There might still be political conventions held prior to the election. But they would only present candidates; they would not nominate them. They would suggest and recommend, but they would not choose; their power would be advisory, not mandatory. Instead of one there might be several Democratic conventions or Republican or other conventions, but each would submit its recommendation as to candidates and issues to the voters of its own element to be chosen or rejected by those voters. The power of the convention, to choose, to dictate, to enforce its wishes upon the voter, would be gone.

An election, instead of being one in which the voters are to be cajoled, threatened, bribed, or driven to the polls, would be an expression of the thoughtful and intelligent voice of the people, every voter exercising to the extent of his capacity his powers of discrimination and giving his ballot as an expression of his deliberate choice. At such an election bribery would be futile. The candidate whose methods were tainted in the slightest degree with corruption would lose thousands where he could by any possibility gain hundreds of votes.

As to the agencies which would be displaced by this method, they are not responsible to the people.

Instead of being directly or fresh from the people—

Said Mr. Calhoun—

the delegates to the Baltimore convention will be delegates of delegates, and of course removed in all cases at least three if not four degrees from the people. At each successive remove the voice of the people will become less full and distinct until at last it will be so faint and imperfect as not to be audible. I hold it impossible to form a scheme more perfectly calculated to annihilate the control of the people over the Presidential election and vest it in those who make politics a trade, and who live or expect to live on the Government.

The truth of this description is attested by common observation. One needs but to attend a national convention to behold, not a gathering of men intent upon the duty of discovering the fittest representative of a great people, but a gathering made up of officeholders and lobbyists, who make the selection best suited to the attainment of their own selfish ends.

From the primary meeting to the national convention nothing is to be found which should characterize a dignified and intelligent expression of the public will with reference to the grave questions which are reflected in the workings of Republican institutions. At the primary meeting deliberation is entirely

wanting; the meetings are frequently packed with those who under the rules of the party have no right to be present. The election officers are vested with absolute power over the count of the votes, the political committees alone have authority to select the places of meeting and they are often designedly chosen with a view of securing the presence only of particular individuals or elements, without adequate public notice.

The feature most serious of all is that in the selection of the delegate to the district convention, the voter at the primary finds that his vote possesses no value to advance his own conviction by reason of the fact that he is unconscious of the real aims or purposes of the delegates presented to his choice; so the delegate to the district convention has no knowledge of the aims of the delegate he selects for the State convention; and the delegate to the State convention is in most cases in the same condition of ignorance regarding the wishes or choice of the delegate to the national convention.

Only those vested with or intent upon the possession of patronage are informed upon this point, and they alone are really the selecting or nominating body. It is this element that fixes the time for the meeting of conventions and primaries; it is this element which selects the election officers; it is this element which selects the delegate, and it is this element which stops not at any means by which its own designs may be attained and the popular will suppressed.

The plan in question is a substitute for these objectionable methods. Under it the people may meet in one grand primary meeting, distributed throughout the entire country but held upon a given date, upon a day known to every voter in the Union; the election laws protect them in the full exercise of their rights; they select no delegates who would frustrate their will, but with their own ballots by one act express their voice first in the selection of a candidate to represent their principles, and then, by a simple direction upon their ballots, contribute all the power they at present possess to advance the principles which they would have embodied in the policy of their government.

Mr. President, the arguments thus far advanced in favor of the popular election of President have added force when applied in the discussion of the pending resolution which proposes to confine the services of that high officer within the limits of one period whose extent was known before he qualified.

In advocacy of a single term for the President it may be said, to begin with, that the length of the term is a matter of detail. Four years is too short. Whether eight years is too long is debatable. Whether the term should be an even or an odd number of years is a matter worth considering. I will spend no time now considering these minor matters.

As I have already shown, in every draft except one proposed for a new Constitution by the members of the Federal convention, the provision relating to the executive office contained a limitation of the tenure to a single term. And it was not until the proceedings of the convention were well advanced, and not until the electoral system was substantially agreed upon that the limitation was removed, making the President eligible to reëlection. The single term has been advocated by many of our most accomplished statesmen, and our Presidents have frequently called attention to the importance of the subject.

While, so far as the record shows, there is no instance of a President refusing to accept a second term, there are many instances where the candidate for the Presidency and the President himself when entering upon the duties of his great office, took occasion to remind the people that one term for the President would be better for them. It is probably true at this time that a very large majority of our voters favor the single-term idea. They would extend it beyond the length of the present length of term, but the general opinion is that it would be better to limit the office to one term.

President Jackson, in his first annual message to Congress, recommended a change of the electoral system to one that would give the people a direct choice in the election of their President, and in connection with that recommendation he also expressed himself in favor of the limitation to a single term, and in subsequent Congressional debates on this subject the Jacksonian idea was conspicuously in favor.

The arguments in favor of a single term are numerous, and they all play around one central idea—the sovereignty of the people. It would relieve the Presidential office from many embarrassments which now environ it. It would tend largely to relieve the country of the quadrennial scandals which we witness upon the incoming of a new administration. It would, to a very great extent, do away with the dread which business men entertain when there is prospect of a great conflict between parties contending for different methods of fiscal policy. It would rid the country of swarms of place-hunters which now buzz about the sources of patronage, whose habits vitiate our political morals.

It would restore to many of our citizens the manhood of their younger and better years before the allurements of office drew them into the whirlpool of politics. It would give to the office of President a security, an independence, and a dignity which it has not now and never can have again as long as it is made a citadel to be continuously attacked by a hungry horde whose only ambition is to appropriate the spoils. As it is now, when the President assumes office his friends set about to secure his reelection that they may profit by it, while his enemies of the same party conspire to compass his defeat in order that through his retirement they in turn may procure office. A single term for the President would relieve us of all that.

If it be suggested that to elect the President by a direct vote of the people and to limit his tenure to a single term, would have the effect to destroy the cohesion of parties and render useless the splendid machinery of party organization, it may be answered, first: The resolution which I have been discussing proposes to save to the voters of every party all their privileges in that respect; and, second, that to weaken party ties would not be an unmixed evil; indeed, it sometimes becomes necessary in the common interest to defeat and disband great parties. This always happens when a new issue of grave import is brought forward—an issue on which party leaders take one side and the voting masses take the other. This took place in 1860, and I expect it to occur again in 1896.

Political parties as now managed are among the great things that could be safely dispensed with. Their methods do not reflect the will of a majority of their membership; they are made the tools of powerful factions and large speculative enterprises, all more or less controlled by forces which operate at the money and trade centers. The political campaign of the modern type has dropped to so low a level that the managers, like commanders of armies in war, think only of success. Means to be employed are not put to the Christian's test.

Acts that would not pass muster in the ordinary affairs of life go unchallenged in a political contest when party interests are at stake. So far down have we gone that we purchase votes as we would days' works. And this sort of moral profligacy always involves at least two specific crimes, the bribe and the concealing and defending of the perpetrators.

The cost, in dollars, of one campaign is enormous; the loss to our public morals is great beyond estimate.

So large have our election expenses grown that in some of the States laws have been enacted requiring public statements showing how much money is so used and for what particular purposes. This brings out part of the amount disbursed by committees, but it does not bring to public view the greater amount paid out by local candidates and by individual workers on their own account. Concerning the amount of funds raised by the national committees during the last Presidential campaign the New York Sun of November 3 published the following. I omit irrelevant matter.

Submitted herewith is the authoritative statement of expenses of this campaign up to date. This is not hearsay evidence; it comes from the highest source. In the first place the nomination of President Harrison at Minneapolis cost $100,000. Since then the Republicans have raised $2,500,000. * * *

The expenses of the Democrats in the national fight, dating from February 22 last, when at Albany the antisnap movement was inaugurated, have been large. All told, that movement cost $200,000.

The nomination of Mr. Cleveland at Chicago cost approximately $300,000. This statement is made on the authority of a member of the national Democratic committee. The expenses at national headquarters have been larger proportionately than at Mr. Carter's shop.

The Democratic committee has been compelled each week to face a salary list 2 yards long. * * * The distribution of funds from the two headquarters in the last two days will perhaps demonstrate clearly more than anything else just where the fight is. There may be one or two errors in the Republican schedule, for the reason that one or two statements could not actually be confirmed, but it is approximately correct.

The Republican schedule is as follows: New York, $600,000; New York City, $50,000; Indiana, $250,000; Connecticut, $100,000; Alabama, $100,000; Delaware, $25,000. Total, $1,125,000.

Funds have also been sent to Virginia, Wisconsin, Illinois, Iowa, Nebraska, and Kansas.

The Democratic schedule is correct. It is furnished by an eminent authority.

The funds distributed by the Democrats within the last forty-eight hours have been sent as follows: New York State, $300,000; New York City, $100,000; Indiana, $140,000; Ohio, $50,000; Virginia, $15,000; West Virginia, $35,000; Connecticut, $75,000; North Carolina, $40,000. Total, $755,000.

In the foregoing schedule the amounts sent into New Jersey and distributed from the branch headquarters of the national Democratic committee in Chicago are not included. These amounts could not be ascertained.

And by way of showing where the money in large measure comes from, here are a few extracts from an Albany, N. Y., telegram to a Socialist paper:

ALBANY, N. Y., *November 29, 1892.*

The Evening Journal of this city has been delivering itself of some famous truths. The frankness with which it has been making its statements is what gives them an interest that they would not otherwise have. * * *

Here are some of the curious passages:

"The politics of the business men is the politics of their business. Wall street and what adheres to Wall street is their political creed. * * * It was Republican financiers in this city who nominated Grover Cleveland, and who felt that to control the nominations of the two conventions would be

easier than to elect their man at the polls. It is the acme of the science of modern politics.

* * * * * * *

In view of this remarkable conspiracy to control the nominees of the popular conventions it will be recalled how frequently wealthy but inactive Republicans were heard to remark during the recent campaign that they were glad Cleveland was nominated; that in any event the country was safe, and that they cared little whether Harrison or Cleveland won. This idea found no expression in the public press, but every man knows how deeply rooted it was in the minds of the men whom he met in daily intercourse.

Business men said simply: "We are safe with either. This is the cheapest election that we have experienced for twenty-five years. Heads we win, tails you lose." And the poor, deluded Populists of the West fell into the trap and helped to down Harrison.

We shall have parties, Mr. President, as long as we have issues to determine, and that is well. But the general welfare does not require that political organizations should grow gray before they die. Old parties drift away from the toiling masses and drop into dangerous ways. They become arbitrary and oppressive. Their leaders grow rich and powerful or they become subservient to great interests that are able to pay campaign expenses. Parties ought to be always young. Then they are vigorous and responsive, quick to catch the people's voice and prompt to execute their will.

Once give to the people the privilege of casting their votes directly for the chief officer of the Republic, knowing that he is not eligible to a second term, and you bring about a new and better education of voters, who would then divide themselves on present issues; they would rise to a higher plane of political thought; they would organize on principles and not on prejudices, taking care of to-day rather than of yesterday, and they would hold to parties only as long as they were useful in promoting the general welfare.

Great measures of public policy would then be originated by the people themselves, whose representatives in Congress would proceed without party bitterness, engendered in a heated party struggle, to execute the will of the voters. The campaign caravan would be abolished, the noise and the glamour, the pyrotechnics and the gaudy displays of party gatherings would cease to attract and amuse, and the tone of political literature would be in corresponding degree purified and improved. It would permit the birth of new parties without placing weights and manacles on them, for then all will have learned that new parties are needed to handle new issues. Voters would change their party alignment with every change of issue, and when a victory is won it would be a victory of the people.

DISTRICT IMPROVEMENTS.

Mr. HARRIS. I ask the Chair to lay before the Senate the message from the House of Representatives in relation to Senate bill 1307.

The PRESIDING OFFICER (Mr. HALE in the chair). The Chair lays before the Senate the action of the House of Representatives upon the bill indicated by the Senator from Tennessee, which will be read.

The Chief Clerk read as follows:

IN THE HOUSE, *June 30, 1892.*

Resolved, That the House of Representatives disagree to the report of the committee of conference on the disagreeing votes of the two Houses to the amendments of the House to Senate bill 1307, to provide a permanent system of highways in that part of the District of Columbia lying outside of cities.

IN THE HOUSE, *January 18, 1893.*

Resolved, That the House further insist upon its amendments to the bill (S. 1307) to provide a permanent system of highways in that part of the District of Columbia lying outside of cities, and ask a further conference with the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That Mr. HEMPHILL, Mr. HEARD, and Mr. POST be the managers on the part of the House.

Mr. HARRIS. I move that the Senate grant the further conference asked by the House of Representatives.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate; and Mr. HARRIS, Mr. MCMILLAN, and Mr. PERKINS were appointed.

HOUSE BILLS REFERRED.

The following bills, received from the House of Representatives, were severally read twice by their titles, and referred to the Committee on the Judiciary:

A bill (H. R. 9611) to amend section 847 of the Revised Statutes of the United States, relating to commissioners' fees;

A bill (H. R. 9612) to amend section 833 of the Revised Statutes of the United States, relating to semiannual returns of fees by district attorneys, marshals, and clerks;

A bill (H. R. 9613) to amend section 828 of the Revised Statutes of the United States, relating to clerks' fees;

A bill (H. R. 9979) to regulate the right of appeal in certain cases; and

A bill (H. R. 9610) to amend section 1014 of the Revised Statutes of the United States, relating to offenses against the United States.

The following bills were generally read twice by their titles, and referred to the Committee on Commerce:

A bill (H. R. 10062) to authorize the construction of a bridge across the Osage River between the mouths of the Pomme de Terre River and Buffalo Creek, in Benton County, Mo.; and

A bill (H. R. 6797) to authorize the construction of a bridge across the Cahawba River, in Bibb County, Ala., by the Montgomery, Tuscaloosa and Memphis Railway.

The bill (H. R. 9053) to punish trespassers on the lands of either of the five civilized tribes was read twice by its title, and referred to the Committee on Indian Affairs.

The bill (H. R. 9069) for the further continuance of the publication of the supplement to the Revised Statutes of the United States was read twice by its title, and referred to the Committee on the Revision of the Laws of the United States.

CALIFORNIA DÉBRIS COMMISSION.

Mr. STEWART. I ask the Senate to proceed to the consideration of the bill (H. R. 9286) to create the California Débris Commission and regulate hydraulic mining in the State of California. I think it will take but a little time. It is a short bill, and it is quite important that it should be passed.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill which had been reported from the Committee on Mines and Mining with amendments.

The Secretary proceeded to read the bill.

Mr. STEWART. I think it would facilitate the consideration of the bill to have the amendments of the committee considered as they are reached in the reading.

The PRESIDING OFFICER. The hour of 2 o'clock having arrived it is the duty of the Chair to lay before the Senate the unfinished business.

DEALING IN OPTIONS AND FUTURES.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7845) defining "options" and "futures," imposing special taxes on dealers therein, and requiring such dealers and persons engaged in selling certain products to obtain license, and for other purposes.

The PRESIDING OFFICER. The pending question is on the amendment proposed by the Senator from Mississippi [Mr. GEORGE], on which the Senator from Connecticut [Mr. PLATT] is entitled to the floor.

Mr. PLATT. Mr. President, when at the last meeting of the Senate for business I addressed myself to this question the interruptions, of which I did not and do not complain, led to the extension of my remarks to a length which I had not contemplated when I commenced, and I do not intend to occupy a great amount of time this morning.

On Tuesday I endeavored to show, and I think I did show, that the proposed legislation was in no sense whatever an exercise of the taxing power. Other Senators had said that it was not a legitimate use of the taxing power of the Constitution; that it was an abuse of the taxing power of the Constitution. I maintain that it would be in no sense an exercise of the power to lay and collect taxes which is found in the Constitution of the United States, because the penalties or exactions, whichever they may be called, which the bill imposes upon those who deal in property which they have not in hand at the time they propose to sell it can not be called taxes. They are not intended to raise revenue, and it is a primary and essential purpose of a tax that it shall raise revenue. Whatever else may be intended by the laying of a tax, it must be in addition to the purpose to raise revenue and not disconnected from it.

I will not go over the ground of my argument on a former day, but I want to call attention once more to the danger of the doctrine which is to be proclaimed by the passage of this bill, the doctrine that the power to tax is the power to destroy, and therefore Congress has the right to destroy.

Mr. President, there has been no question of such momentous consequence before Congress since the war of the rebellion. The deliberate announcement that Congress may destroy individual property of any kind in any State and may prohibit individual business of any kind in any State is the most dangerous doctrine ever proclaimed in this Chamber since it was announced that States had a right to secede from the Union and that the Government had no power to coerce them.

I beg Senators who think that in an incautious moment they have in some way become committed to the passage of this bill to stop and consider what they will be committed to if the bill passes. Can a Senator commit himself to the doctrine that Congress may destroy all individual property at will in every State of the Union, may prohibit all individual business at will in every State of the Union? For that is the meat and the essence of this bill.

The bill is defended upon only what has been called an aphor-

ism, that the power to tax involves the power to destroy, upon what it was supposed the Supreme Court decided in the case which related to the tax, as it was called, upon the circulation of national banks. I have shown, I think, that that case decided no such thing; that that case was put directly upon the power of Congress to pass an act to provide for a uniform currency, and that no dicta in it can be held to commit the court to the terrible doctrine that Congress may destroy what it may tax.

The only other ground or show of authority upon which it is claimed is a magazine article written by Judge Cooley in the number of the Atlantic Monthly for April, 1892. Probably no Senator has a greater respect for that eminent man than I have. If that article had been written by Judge Cooley with the same deliberation and care displayed by him in his great work on Taxation, I should have entertained more respect for its authority than I do now. But I submit that in that article Judge Cooley did not answer the objections which he therein so well stated to such proposed legislation. I wish to read his statement of the objections:

It would, in other words, be making practical application by the Federal Government of the legal aphorism that "a power to tax is a power to destroy."

It is here that the chief question of contention will arise. Lotteries could not be directly reached by the General Government by such hostile measures as might be employed by the State under whose authority they had been set up, with a purpose of rendering their operations illegal. Congress, for example, could not take from a lottery company the charter which a State Legislature had granted; it could not make the issue of its tickets illegal; it could not punish as a crime the action of its officers by which its ordinary business is carried on. Federal power, if exercised against it, must be altogether indirect, and the act by which the injury is inflicted upon it will seem to profess one thing while intending another.

It will not be denied that, under a constitutional government, there are serious objections to the powers conferred upon it being exercised in an indirect way, which keeps the actual purpose out of view. What it has been empowered to do should be done directly, and what it has not been empowered to do, or what it can not do directly, it ought not, in general, to do at all. That which is plainly within the jurisdiction of a member of the Federal Union ought not to be drawn into the jurisdiction of the Union itself by any indirect means.

Mr. GRAY. Will the Senator from Connecticut read the last sentence again?

Mr. PLATT. Certainly. Judge Cooley says:

That which is plainly within the jurisdiction of a member of the Federal Union ought not to be drawn into the jurisdiction of the Union itself by any indirect means. The indirect method, though employed in such a manner as to be, when considered by itself, a benefit to the people, will constitute a precedent which may possibly be troublesome hereafter; and any citizen, though not disposed to be overstrict in the construction of sovereign grants, may well be excused if he finds it difficult to give ready assent to any indirect measure which may appear to him to embody within itself the possibilities of unknown future mischief.

I venture to say that Judge Cooley does not answer that statement of the objection to such legislation in the whole of his article. He simply says at the conclusion of the article that he would destroy such transactions by taxing them out of existence. Against that conclusion of Judge Cooley and against the construction which he puts upon the language of Chief Justice Marshall that the power to tax involves the power to destroy, I want to quote Judge Cooley in his work on Taxation, and see what power he then thought was given to Congress under the taxing power. In the second edition of Cooley on Taxation, in a note, he says:

Chief-Justice Marshall says, in McCullough *vs.* Maryland, that "the power to tax involves the power to destroy." And again, "if the right to tax exists, it is a right which, in its nature, acknowledges no limits. It may be carried to any extent within the jurisdiction of the State or corporation which imposes it, which the will of such State or corporation may prescribe." Westen *vs.* Charleston, 2 Pet., 449.

Now, listen to Judge Cooley's comments:

The learned Chief Justice, in these cases, was arguing against the existence of the power; and the idea he expresses so forcibly is that the power to tax is so vast, and rests upon reasons which at times are so imperative, that it may be exercised again and again, as the exigencies of the State may demand, until the property taxed is exhausted or the privilege taxed can no longer be exercised.

That is what Judge Cooley says that Chief Justice Marshall meant by saying that the power to tax involved the power to destroy; not that there might be a destruction by taxation out and out, but that legitimate taxation might be imposed so frequently that at last it would operate to destroy the business upon which the tax was laid. He proceeds:

This statement has abundant illustrations in history, of people absolutely impoverished by taxation, and even in individual cases sold into slavery because they could not meet the demands of the State upon them. It may justly be questioned whether this strong statement, which was put forth as a defense against an injurious tax, will fairly justify an affirmative exercise of power that has not revenue in view, but is only called a tax in order that it may be employed as an instrument of destruction. In other words, whether the unavoidable incident to the exercise of a power to demand and collect revenue can lawfully be the inducement to the exercise of the power when revenue is not contemplated or sought.

I appeal from Judge Cooley in the Atlantic Monthly to Judge Cooley in his work on Taxation.

Mr. President, once more I want to look this proposition in the eye. I wish those Senators who feel that in some thoughtless moment, by some incautious word, they have in some way pledged or committed themselves to the passage of this bill, or fear that they will be considered as having in some way committed themselves to the passage of the bill, to look it in the eye.

What is this proposition? It is that Congress may lawfully destroy or prohibit within the several States any business or methods of business it regards as injurious to a class of citizens of the United States by calling the penalties it prescribes or imposes for the purpose taxes or the regulation of commerce. The statement of the proposition ought to refute it.

But many Senators, agreeing with me both as to the untenability of the doctrine that you may destroy under the guise of taxation and to its danger, feel that they may safely prohibit directly these transactions by criminal penalties under the power to regulate commerce among the States, and that is the amendment of the Senator from Mississippi [Mr. GEORGE]. I understand from his remarks that that Senator himself denies the power to deal with this question under the taxing power of Congress, but thinks we may make the dealing in futures, whether fictitious or real, a crime, because that business is an obstruction and a restraint to commerce.

Now, I submit to that Senator and to those who feel that they could follow him in the passage of a bill when so amended, that the argument against that proposition is practically the same as the argument against the attempt to destroy by taxation, and it comes right back to a definition of the question, what is the regulation of commerce among the States? The word "commerce" in its widest sense extends to all trade, to all traffic wherever it may take place the world over. No matter how broad its signification may be in the general sense, when used in the Constitution in the clause from which the power is now sought to be derived, it means commerce among the several States and nothing else. It gives Congress no power to regulate commerce in the several States; it gives Congress no power to regulate commerce generally under the wide and general meaning of commerce that it is trade and traffic; it simply gives Congress power to regulate the commerce which exists or takes place between the several States of the Union.

There is nothing so potent to destroy a fallacy or a sophistry as definitions. Let us look for a moment at what commerce among the States is. I refer again to the authority referred to by the Senator from Massachusetts, Justice Miller's Lectures on Constitutional Law, who says on page 446, under the side note, "What is commerce?"

We must next, in order to ascertain with any philosophical nicety what is meant by this clause, take some of its parts into the field of definition. And first let us consider what is commerce. You remember that the commerce to be regulated by Congress is that "with foreign nations, and among the several States, and with the Indian tribes;" but the word "commerce" is applicable to all these, and it is essential to have some idea as to what is meant by the word. It is defined in Gibbons *vs.* Ogden, as well as in some later cases, but it is difficult to give in any one sentence its entire meaning as employed in the Constitution. The ordinary meaning is trade and traffic—intercourse between different peoples—and that will perhaps answer for our purpose as a general definition of the word as used in this clause. But traffic and trade are composed of a great many elements so far as the means are concerned by which, and the persons by and between whom, they are carried on.

Later on he says:

Having ascertained, then, what commerce is, and what are some of its elements which may be the subject of the action of Congress or of the attempted action of the States, we next come to consider what it is to "regulate" commerce. You will observe from the extracts quoted from the Federalist, and still more if you study the history of the formation of the Constitution, that the word "regulate" was one much more frequently used in those days than it is now; undoubtedly our forefathers used it in a larger and wider sense than it would generally be used at this time. But we have, in Gibbons *vs.* Ogden, that magazine of constitutional law upon this subject, a definition by Chief Justice Marshall of what it is to regulate commerce, which perhaps can never be excelled in its brevity, accuracy, and comprehensiveness. He says that "to regulate commerce is to prescribe the rule by which commerce is to be governed. Commerce—

And I call especial attention to this—

"Commerce being intercourse and traffic between people, to regulate it is to prescribe rules by which it shall be conducted."

Mr. President, can there be a claim that the power to regulate commerce among the States is anything more than this, that it goes one inch beyond the power to regulate commerce as it flows from one State to another?

A recent case which I think has already been referred to in this discussion, but not at length, settles this question absolutely. The case of Coe *vs.* Errol, as I understand it, lays down and establishes the proposition that property within a State does not and can not come within the jurisdiction of Congress under the power to regulate commerce among the States until it has been actually delivered to a common carrier for transportation to another State or is in the process of shipment to such State; that no matter of whom it may have been purchased, no matter for whom it may have been purchased, no matter that the purchaser lives out of the State and in another State and has directed the property to be sent to him, and has paid for it to be sent for him, yet Congress obtains no jurisdiction over that property until it

has been actually delivered to a common carrier for shipment to the other State.

A gentleman from New York may come to my home in Connecticut and purchase at a manufactory property manufactured in Connecticut, may pay for it, may superintend the packing of it, to be delivered in New York and start with it in a wagon to be delivered to a common carrier at the depot for transportation to New York, and it still is in no sense interstate commerce; it is still within the power of the State of Connecticut to tax it without interfering with the power of the United States to regulate commerce among the States.

Mr. FRYE. Is that the log case?

Mr. PLATT. Yes, decided in 1886.

Mr. DAWES. Read it, please.

Mr. PLATT. I will read the syllabus:

Goods and chattels within a State are equally taxable whether owned by a citizen of the State, or a citizen of another State, even though the latter be taxed in his own State for the value of the same goods as part of his general personal estate.

Goods, the product of a State, intended for exportation to another State, are liable to taxation as part of the general mass of property of the State of their origin until actually started in course of transportation to the State of their destination, or delivered to a common carrier for that purpose; the carrying of them to and depositing them at a depot for the purpose of transportation is no part of that transportation.

When goods, the product of a State, have begun to be transported from that State to another State, and not till then, they have become the subjects of interstate commerce, and as such, are subject to national regulation, and cease to be taxable by the State of their origin.

Let me repeat that:

When goods, the product of a State, have begun to be transported from that State to another State, and not till then, they have become the subjects of interstate commerce, and, as such, are subject to national regulation, and cease to be taxable by the State of their origin.

Goods on their way through a State from a place outside thereof to another place outside thereof, are in course of interstate or foreign transportation, and are subjects of interstate or foreign commerce, and not taxable by the State through which they are passing, even though detained within that State by low water or other temporary cause.

Now, the logs which were in question were cut in New Hampshire and hauled down to the town of Errol, on the Androscoggin River, in that State, to be transported from thence upon the river to Lewiston, Me., and waited at Errol for a convenient opportunity for such transportation. It was—

Held, That they were still part of the general mass of property of the State, liable to taxation, if taxed in the usual way in which such property is taxed in the State.

The opinion of Justice Bradley in this case is one of the clearest, most incisive and conclusive opinions ever written on the subject as to when the United States, under the power to regulate commerce among the States, gets jurisdiction of the subject-matter.

Now, what is the contention on the part of the Senator from Mississippi? That there may be a restraint against commerce among the States; that there may be an obstruction to commerce among the States long before the product of one State starts for another State. Further than that, that the methods of dealing with property in one State which may never be the subject of interstate commerce may still be an obstruction to the regulation of commerce among the States. I deny both propositions *in toto*. I affirm that no dealing, legitimate or illegitimate, in any property in a State can in any way be an obstruction to commerce between that State and another State; that no method of purchase, legal or illegal, that no method of transacting business, so long as the property is in the State and not delivered to a common carrier for transportation from that State to another State, can in any way be an obstruction to, or an interference with, or an injury to, commerce which shall flow from the State to another State.

It seems, Mr. President, as if this were a self-evident proposition. Is a contract of sale within a State interstate commerce? Is it commerce between the States? Why, it is expressly decided that though that purchase were made by a man from outside of the State for the purpose of removing the property out of the State, it is not interstate commerce; that it is not commerce among the States. If, then, it is not interstate commerce, if it is not commerce among the States, it can not be prevented by Congress; it can not be regulated by Congress.

Mr. President, this contention does violence not only to the use of language but to the well-established ideas of every lawyer, and it is as broad and far-reaching in its consequences for injury as is the claim that Congress may destroy everything which it has the right to tax. It does not rest on the ground whether the business proposed to be prohibited is moral or immoral—there is no distinction as to the power of Congress with regard to such contracts—but it rests upon the broad ground that before the articles which are the subjects of the contract of sale have in any sense become subjects of interstate commerce the contracts themselves may be an injury to interstate commerce, and are therefore properly suppressed and made criminal.

If that be true, there is no contract of sale which can be imagined in this broad land which can not be made criminal. I care not whether it is a gambling contract or a legitimate contract; I care not whether it is made on the board of trade or in the store of the wholesale or retail merchant or in the home of the citizen; I care not whether it is a contract for immediate delivery or for future delivery, if the power exists as claimed, every business contract can be made criminal, if only Congress can be impelled by outside clamor and by demagogism to declare it illegal, and the further contention is correct, that Congress having declared the fact, it can not be questioned. It is a dangerous doctrine. It will be like that class of "instructions which return to plague the inventor" if it be adopted.

But are we told how these dealings in options and futures obstruct or restrain commerce between the States? We are not enlightened on that subject. We are asked to declare the fact and make it forever a fact which can not be questioned by the Supreme Court. I do not know whether the Senator would go so far as to say that after having been declared by Congress it could not be questioned by the Executive. We are asked to declare the fact without any proof on the subject, without showing any reason or any way in which such contracts affect, or injure, or restrain, or obstruct commerce between the States.

Mr. GRAY. I should like to ask the Senator from Connecticut whether he understands the contention of those who advocate the amendment of the Senator from Mississippi to be that the statement of the fact that a given contract is an obstruction to interstate commerce is conclusive upon the Supreme Court or upon any court of the United States?

Mr. PLATT. I understand that that is the proposition. I will come to that. Did the Senator ask me or ask the Senator from Mississippi?

Mr. GRAY. I asked the Senator from Connecticut, but if the Senator from Mississippi would like to answer it I should like for my own information to have him do so.

Mr. PLATT. I beg the Senator from Mississippi to answer it after I get through my speech if it is just as agreeable to him.

Mr. GRAY. Just say "yes" or "no," for I should like to ask the Senator from Connecticut to address himself to that proposition in the very interesting argument he is making.

Mr. PLATT. I expect to address myself to that proposition before I get through.

Mr. GRAY. I wish to know first whether the proposition is maintained by the other side.

Mr. PLATT. I understand that claim is made—I do not know whether it is made by the Senator from Mississippi—but the claim is made by the advocates of his amendment that when Congress has once said that a certain thing is an obstruction to commerce among the States, an injury to it, or a restraint upon it, that is the end of it, and that the Supreme Court is bound by that legislative declaration. I do not know whether they go so far as to say that the Executive is bound or not. I will come to that later on; but I want to say that this claim, if it can be sustained, is as utterly subversive of State government as the claim that you may destroy everything that you may tax.

If there was any one thing which was understood when the Constitution was formed it was that the States which took part in the formation of that Constitution, and the new States which should come in on an equal footing with the other States, did not, and would not, surrender their right to self-government except as to those matters which they committed to the General Government.

Now, there may questions arise as to the line of distinction between what belongs to the State and what belongs to the General Government, and when those questions arise I admit that I am very apt to find myself contending for the power on the part of the General Government. But here is a case where no question can arise. The trading in a State has never until this good, nay, this bad moment, been claimed to be within the jurisdiction of Congress to prevent.

For the first time, with all this hundred years and more of history behind us, here in the year 1893 it is now proclaimed that Congress shall determine how trade shall be carried on in the States as to matters exclusively within the States, as to the products of the State, raised on the soil of the State, sold in the State by one citizen of the State to another, and to be consumed in the State.

Mr. President, was there ever a more dangerous doctrine proclaimed, and was the argument for a doctrine ever more tenuous than in this case? I said that we were not told how, in what way, in what respect, the making of these contracts was an interference with, an obstruction to, or a restraint upon commerce. Is it because it tends to depress the price of an article which may by some possibility be shipped out of the State and into another State?

Mr. President, we took a great deal of pains when we passed what was called the pure-food bill here to provide that Govern-

ment should not lay its hands upon an article manufactured in one State upon the ground that it was calculated to destroy the health of the people, and was about to be shipped to another State, until it had in fact got into the actual course of transportation. Why were all the Senators so anxious to preserve the power in the State of having complete supervision over articles that were calculated to destroy the health of the people in all sections of the country? Upon the ground I now stand for, that to break down the line between Government authority and State authority as to trade is to wipe out the rights of the States in all respects except as to the mere instrumentalities of government, and to hold that Congress may muzzle the mouth of the Supreme Court of the United States is to hold that a State has no right which Congress is bound to respect.

This question is so large, so far-reaching in its consequences, and may be so disastrous in its results, that it seems hardly worth while to argue whether in any sense as a matter of fact these contracts in any way obstruct or injuriously affect the movement of goods thereafter from one State to another. It was well remarked, however, by a Senator that the lower the price of an article the greater will be the volume of commerce among the States; that the higher the article the less of commerce among the States there will be. That is unquestionably true; but the contention of these farmers combined with millers and elevator men—a strange combination that, by the way—is that whatever lowers the price of their products is an obstruction to commerce among the States, and a restraint thereon.

I beg to submit that even if it were admitted that you might touch these articles in any way under the clause to regulate commerce among the States the lowering of the price upon them would increase the commerce among the States. But how far is this to go? Is it every method of business, is it every transaction, honest or dishonest, moral or immoral, which reduces the price of agricultural products that is to be declared an obstruction to commerce, an injury to commerce, and a restraint upon commerce, so that everyone that takes part in it shall be put into the penitentiary? It is a broad field as well as a dangerous field that we are opening. Are auctions obstructions to commerce among the States? They tend to depress the price. Universally at auctions goods are sold for less than they are sold for at private sale. Are they therefore obstructions to commerce between the States, and is the man who purchases at an auction or who sells at an auction to be declared a criminal and put in the penitentiary?

As I said, there is no operation of business, there is no contract which man makes with man which can not be declared criminal if this doctrine prevails. I do not say it will be declared criminal, and yet when we look at the tendency of events we do not know what clamor, what pressure, what threatened loss of political support may drive Congress to so declare. Is not overproduction as much obstructive of commerce among the States and a restraint upon commerce among the States as the depressing of the price of agricultural products by means of contracts of future sale and delivery? There is a rising sentiment, nay, there has already arisen in this country among the very class of people who are calling for this legislation, a sentiment which holds that no man has a right to cultivate large tracts of the soil.

How shall we remedy it? We may say that the overproduction shall cease. Congress may say that every man who cultivates a hundred acres of corn or wheat, or who cultivates over fifty acres of cotton, obstructs commerce and restrains commerce among the States, and he shall be punished by fine and imprisonment. If it were not thought best to go to that extreme length, then Congress might appoint, as we in the Senate attempted to appoint this morning, a commission. The commission under that bill is to take into consideration hydraulic mining in the State of California; but what prevents Congress, upon the theory that it has the right to regulate commerce, from appointing a commission whose business it shall be to prevent overproduction in the country, and who shall parcel out to every landholder in the country the acres which he may plant with corn, or cotton, or oats, and the number of hogs he may raise on his farm, all because to go beyond what that commission would parcel out would be an obstruction and injury to and a restraint upon commerce?

It is not so improbable that that might be done. The power contended for goes to the extent of saying that any business in any State by any man, legal or illegal, moral or immoral, may be prohibited and made penal and criminal under the power to regulate commerce among the States.

Mr. STEWART. The Senator has just alluded to a bill which I called up this morning.

Mr. PLATT. I did not mean to allude to it as a bad bill.

Mr. STEWART. I was going to say that is a system to protect the farmer, and it is based solely on the right to protect commerce in that respect.

Mr. PLATT. I am in favor of the bill. I sat here and it was called up without objection.

Mr. STEWART. I think when the Senator examines the bill he will see that it is entirely in the line of the Constitution.

Mr. CHANDLER. Will the Senator from Connecticut allow me to make a suggestion?

The PRESIDING OFFICER (Mr. BERRY in the chair). Does the Senator from Connecticut yield to the Senator from New Hampshire?

Mr. PLATT. Certainly.

Mr. CHANDLER. I wish while the Senator is arguing against the power to do this thing by the authority given to regulate commerce among the States he will define where he thinks the limit of legislative discretion is in regulating commerce among the several States.

Mr. PLATT. It does not go beyond the commerce itself among the States, and the commerce itself does not begin to exist until the goods begin to move from one State to another by the ordinary lines of transportation. That is where the limit is.

Is the business of a merchant's store in Connecticut commerce among the States? If a merchant in Connecticut, not having a hundred bushels of corn, is called upon to sell a hundred bushels of corn to his neighbor, who in turn wants to sell it to a consumer, is that commerce between States; and if he made that bargain can he, under the power to regulate commerce among the States, be held a criminal and be put in the penitentiary because he has made it? It is utterly untenable.

But it is said this is a very immoral practice. I am willing for the purpose of this argument to admit it, but there are a great many other immoral practices which the advocates of this measure will not for a moment pretend can be touched in the States under either the power to regulate commerce or the taxing power.

Take the liquor traffic. Does not that interfere with commerce in its broadest sense? Does not that carry in its train evils ten times, nay, a hundred-fold more than the most ardent denouncer of options or future contracts can claim to follow that practice? Does it not remove from the productive capacity of the country a large portion of the workers of the country?

Mr. President, I believe it is the greatest evil in the country to-day. I believe that in its effects it is more potential to interfere with and destroy the business of the country than any other one thing. But will any Senator here say that because it thus remotely interferes with commerce we can pass a law making it penal to sell liquor in any State in this Union, and enforce it by the power of the Government and put the liquor seller in the penitentiary? If you contend for this legislation you must admit that. It can be reached either under the commerce clause, by the same reasoning which the Senator from Mississippi proposes to reach the dealing in contracts, or it can be reached under the taxing power, upon the same reasoning which the Senator from New Hampshire proposes to adopt the bill in that form. Under the taxing clause, how easy to destroy the liquor traffic of the country.

Admit once that the power to tax is the power to destroy, and why do you not destroy the liquor traffic of the country? There would no longer be any excuse. We could make a man who sells liquor in any State of the Union pay a license fee of a thousand dollars for the privilege to the Government, then make him keep an account of his daily sales, and make him pay what you call a tax to the General Government equal to the whole amount of his daily sales. Why not? It is said the power is there. The obligation is there if the power is there. But the power is not there; the States never surrendered their right to punish crime or immoral practices.

Why do you not punish stealing in New Hampshire by act of Congress? Because the States in the formation of the Union reserved the right of self-government in all the affairs which pertain to life and business in the States except such as it becomes necessary under our Constitution and form of government for the General Government to assume.

Take horse-racing. Why is it that a few months ago in passing a bill against the selling of pools on horse-races we confined it to the District of Columbia? Horse-racing is as much an interference with commerce in the widest sense as dealing in options and futures is. It affects commerce. It withdraws a large number of people, a hundred thousand a day undoubtedly in the racing season, from the productive operations of life. It leads to idleness, to loss of money, to loss of character. It takes, I think, young men and leads them as far away as gambling in futures does. Why not stop it everywhere—in Massachusetts, in Kansas, in Mississippi, in New York? Simply because that until this bad day it was never supposed that the Government had any power to do it.

But it is said this is gambling. Why not prohibit all gam-

bling? Why stop with this gambling? Why not tax out of existence gambling houses everywhere? Why not visit the penitentiary penalty upon the man who gambles in a private house? It is all immoral. If the power to tax is the power to destroy, you have the power to destroy it in every city and every village and every hamlet in the United States. Will the advocates of this bill claim that we may destroy all gambling by imposing exactions upon gambling in the States which gamblers can not pay, or by declaring gambling to be an obstruction to commerce among the States? The course of reasoning which makes this business an obstruction to commerce would easily make all gambling an obstruction and an injury to commerce. Then you might punish by imprisonment in the penitentiary any one who was found gambling anywhere in any State.

So I might go on. Take life insurance. With the stimulated opposition to corporations, with the mutual insurance associations which are springing up among the laboring classes, how long will it be before there shall come up here a clamor to suppress life insurance by corporations in the United States? We shall be told it is gambling; we shall be told that a young man is induced to bet that he will not pay in annual premiums before he dies as much money as the company agrees to pay at the time of his death, and so he is led into immorality, to play that game, which it has been said "is the only game where a man must die to beat the game."

We might certainly be required to tax it out of existence under the taxing power. If we may lay a tax for the purpose of destruction in any case, we may lay it for the purpose of destruction upon the business of life insurance, and we would have just as good ground to defend it upon the plea of immorality as we have in this case.

I will not go further with illustrations, Mr. President; but there is no business of life, there is nothing which man has heretofore held sacred as to the right of property or the right of occupation which can not be overthrown, trampled upon, and taken away from him under the doctrine which is proclaimed here by the advocates of the pending bill. Though Senators may say there is no danger, we do not know what danger there is.

I desire to read in a moment a word of warning from one of the justices of the Supreme Court, both with reference to the question of danger and with reference to the power which still exists to meet that danger.

Mr. President, the time is fast drawing on when, if we do not stand firm to the Constitution, against encroachments on the rights of the States and the liberty of the citizen, there is no telling where we shall stop. If we admit the argument of the Senator from Kansas [Mr. PEFFER] and of the Senator from Ohio [Mr. SHERMAN] that because the farmers want this legislation it is our duty to vote it, there is no stopping place. We shall find other classes of people engaged in other productions who will make their demand. The right of petition has already nearly turned into the right to demand.

I want to read a single sentence from Mr. Justice Brewer's address at Albany before the Bar Association on the "Permanence of tenure of judicial office and its relations to the perils of popular government:"

> Who does not see the wide unrest that fills the land; who does not feel that vast social changes are impending, and realize that those changes must be guided in justice to safety and peace or they will culminate in revolution? The black flag of anarchism, the red flag of socialism, or that colorless piece of cloth which suggests that the State take all property and direct all the work and life of individuals may seem to fill the air with their flutter. But as against these schemes, or any other plot of vagary or fiend, fool or fanatic, the eager and earnest protest and cry of the Anglo-Saxon is for individual freedom and absolute protection of all his rights of person and property, and it is the cry which, reverberating over this country from ocean to ocean, thank God, will not go unheeded.

I am inclined to think that Justice Brewer had not learned the temper of the Senate as it appears to be exhibited towards this bill.

> And to help and strengthen that good time, we shall yet see in every State an independent judiciary, made as independent of all outside influences as possible.

The Senator from Massachusetts [Mr. HOAR] made use of a Latin phrase, which he translated for the benefit of the unlearned, such as myself, and I beg leave to borrow it from him. *Incredulus odi.* I disbelieve and I hate this doctrine that the Supreme Court can be muzzled by the Legislature, that Congress can compel judges to stultify themselves, that when you wish to accomplish a purpose which there is no power to accomplish under the Constitution you may disguise it by calling it a tax, or you may assert that you pass your criminal law to prevent an obstruction to commerce, and that is the end of it with the court. There is no authority for such a doctrine. Once admit it, and the power of Congress is arbitrary and supreme.

I do not know whence this claim that Congress can put a bandage over the eyes of the court and a gag in its mouth derives its authority. It is based only on some loose expressions from time to time made by judges and text-writers, that the judicial branch of the Government would not question the motives of the legislative branch of the Government. But no case, no decided authority, no text-writer has ever gone so far as to say that Congress could compel a court to stultify itself, that Congress could compel the nine judges who sit on the bench of the Supreme Court of the United States to say that the exactions imposed by this bill were a tax calculated to raise revenue, when every other individual in the United States knew it was not so. Such a doctrine is preposterous.

The true doctrine is well stated in a recent case by Judge Harlan, the case of Minnesota *vs.* Barber, where this claim was set up. There the State of Minnesota had passed an act that no beef, lamb, or mutton should be sold in Minnesota unless it should have been inspected in the State before it was slaughtered. In that case the court held that the act was unconstitutional because it attempted to regulate commerce between the States, though called an inspection law under the police powers of the State. Mr. Justice Harlan says:

> The presumption that this statute was enacted in good faith, for the purpose expressed in the title, namely, to protect the health of the people of Minnesota, can not control the final determination of the question whether it is not repugnant to the Constitution of the United States.
>
> There may be no purpose upon the part of a legislature to violate the provisions of that instrument, and yet a statute enacted by it, under the forms of law, may, by its necessary operation, be destructive of rights granted or secured by the Constitution. In such cases, the courts must sustain the supreme law of the land by declaring the statute unconstitutional and void. This principle of constitutional interpretation has been often announced by this court.

Then Mr. Justice Harlan goes on to cite cases, to some of which I will refer:

> In Henderson, etc., *vs.* New York, etc., 92 U. S., 259, 268, where a statute of New York imposing burdensome and almost impossible conditions on the landing of passengers from vessels employed in foreign commerce, was held to be unconstitutional and void as a regulation of such commerce, the court said that "in whatever language a statute may be framed, its purpose must be determined by its natural and reasonable effect."

Can the court not understand and see what is the reasonable and natural effect of the statute?

> In People *vs.* Compagnie Générale Transatlantique, 107 U. S., 59, 63, where the question was as to the validity of a statute of the same State, which was attempted to be supported as an inspection law authorized by section 10 of Article I of the Constitution, and was so designated in its title, it was said: "A State can not make a law designed to raise money to support paupers, to detect or prevent crime, to guard against disease, and to cure the sick an inspection law within the constitutional meaning of that word by calling it so in the title."

I commend that decision to the advocates of this bill. Congress can not make an act framed to destroy business within the States an exercise of the taxing power of the Constitution by calling it so in the title or in the body of the act.

> So in Soon Hing *vs.* Crowley, 113 U. S., 703, 710: "The rule is general with reference to the enactments of all legislative bodies, that the courts can not inquire into the motives of the legislators in passing them except as they may be disclosed on the face of the acts or inferable from their operation, considered with reference to the condition of the country and existing legislation."

This case expressly holds that where the true purpose of an act can be inferred from its operation, considered with reference to the condition and existing legislation, the court will look through the pretense or disguise, discover the real purpose of the act, and deal with it accordingly.

Many other cases cited to the same point I omit.

Justice Harlan says:

> Upon the authority of those cases, and others that could be cited, it is our duty to inquire, in respect to the statute before us, not only whether there is a real or substantial relation between its avowed objects and the means devised for attaining those objects, but whether by its necessary or natural operation it impairs or destroys rights secured by the Constitution of the United States.

I commend that language to the advocates of the amendment proposed by the Senator from Mississippi [Mr. GEORGE]. It has been said that this was an invasion and a denial of the police powers of the States. The State has other rights besides the police power; it has inherent rights as a self-government, except in so far as those rights have been surrendered either in terms or by necessary implication to the United States Government. That is a power wider than the police power. The principle now contended for not only interferes with all the police powers of the State, but with every other reserved power, with every right inherent in the State; and when this legislation has once been passed and carried out to its logical conclusion we shall have a government without States, or, if the States exist, such existence will be but in name. There is no escape from this conclusion; and there is no language in which can be portrayed the danger which hangs over the Republic and the States if this legislation shall prevail.

I am surprised and appalled that it should be thought possible that Senators can deliberately vote to give the Congress of the United States power, under either of these clauses, to cut up root

and branch all business in the States, to destroy at its own sweet will all individual property in the United States. The advocates of the single-tax theory will find here an easy way to the accomplishment of their ultimate purpose, that all the lands shall be gathered, as it were, into the Treasury of the General Government and be owned by it; the advocates of taking control of all corporate agencies in the United States will find here an easy and smooth path by which their ends may be accomplished when they make Senators fear that to vote against such a measure is to lose their party support.

I have not dealt with the probable practical results as to the farmers themselves of the passage of this bill, for, Mr. President, the question of whether we shall observe the Constitution of the United States so far transcends the question of whether the farmers of the United States are to get 2 or 3 cents a bushel more for their wheat or a cent or two a pound more for their cotton or other agricultural products that I do not stop to discuss it at any length.

I was chairman of the subcommittee of the Committee on the Judiciary which took the testimony in reference to the matter, and nothing in that testimony convinces me that the farmers of the United States will derive the slightest benefit from the passage of the pending bill. I believe they will be the first to complain of it. I believe that in their present mood they will be the first to turn upon the men who advocate it.

But a single word in conclusion, addressed to the farmers of this country. They have made an alliance with the millers and the elevator men of the country in trying to secure the passage of this bill. I will not say that it is an unholy alliance, but it is a marvelous one. Their complaint is that the price of their productions is fixed by people who pretend to deal in them, and that it is fixed too low.

In passing I wish to call attention to the strange fact that never before in the history of the world's legislation was a bill proposed to advance the price of the necessaries of life, and advocated upon that ground. For a thousand years laws have been enacted against forestalling, regrating, and against combinations calculated to put up the price of agricultural products and the other necessaries of life, but never until this time have we had a law proposed, the avowed purpose of which was to raise the price of agricultural productions to the consumers of those productions.

Mr. HIGGINS. Will the Senator yield to a question?

Mr. PLATT. I shall be through in a moment, and then I shall answer any question the Senator may wish to propose.

The farmers complain that dealers in options and futures improperly, illegally, if you please immorally, fix the price of their products. I do not believe it. I do not believe that the price of wheat or of cotton is much affected by such dealings. There may be fluctuations from day to day as the result of these dealings, but I do not believe that the average annual price of any of the cereals or any of the productions named is affected. I do not believe that the average price for a year of wheat or cotton is a cent lower or a cent higher by reason of such dealings.

But who is to fix the price of the productions of the farmers if this bill passes? Have they thought of that? Do they not understand, with the present power of concentration of capital, with the present haste to make riches, that the price will still be fixed by some one else, and not by themselves? Has it ever entered their minds that the price hereafter for those agricultural productions will be fixed in the matter of grain by the millers and the elevator men and the commission merchants, and in the case of cotton by the commission merchants? Do the farmers expect that the price will be fixed by the millers and elevator men and the railroad and commission men any more to their advantage than they now suppose it to be fixed by the men who deal in future contracts?

Mr. President, it is not five years' time since the farmers of the West were almost on the point of open resistance because their rights were not respected and because of the wrongs which they supposed were being inflicted upon them by the elevator men of the West. Pass this bill, and it will not be five years more before they will believe that the millers and the elevator men of the West are unconscionably making and fixing the price of their grain. How can it be otherwise with regard to all crops raised by the farmers of the United States, three-fourths of which must be sold within ninety days from the time they are harvested?

Who is to buy except the men who by the consolidation and aggregation of capital have the means of buying that immense quantity which is not required for immediate consumption? Do the farmers suppose that the millers and the elevator men will consult them as to what the price shall be? Do they suppose, when the millers and elevator men have stored their elevators and their warehouses full and have all they want, they will not say "we do not want to buy?" Then, with this immense quantity coming upon the market, how is the price to be fixed except to the disadvantage of the men who produce the crops?

Mr. President, I commend to the advocates of this bill the scriptural phrase, "They who take the sword shall perish by the sword." We have come to the parting of the ways. Shall we stand by what has been understood to be the uncontested principles of the Constitution, or shall we depart from them at the demand of the anarchistic, the socialistic, and the populistic agitators of the country?

I firmly believe that the passage of this bill will open up a highway along which every constitutional heresy can make progress, along which the cohorts of social disorder and fanaticism may march to the ruin of the Republic.

Mr. STEWART. Mr. President, in judging of my duty I take for my text the Constitution of the United States. The provision requiring Senators to take an oath to obey that instrument seems to imply that they themselves have some responsibility to judge of its meaning. When the Constitution is plain and its scope is obvious, it is our duty to follow it. It is a bad practice to go outside to find where the Constitution has been violated, or where the Supreme Court, to avoid meeting the main issue, have given excuses and based their decision on other grounds, out of courtesy to a coördinate department of the Government.

The first clause of section 8 of Article I of the Constitution reads as follows:

> The Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States.

Congress may collect taxes for the purpose of carrying on the Government. I have no doubt that in levying these taxes Congress has a wide discretion and may levy them upon such articles as will be least burdensome or injurious to the community. There is no doubt about that. Congress can raise revenue so as to encourage or discourage; but when they go further than that and say that their primary object is to control the business in the States, or to do other things which are not permitted to the General Government or to Congress, and make a false pretense of a tax, that is violating the spirit of the Constitution.

I think it is confessed that the object of this bill, if it should become a law, is to destroy a business carried on in several of the States. It is not to raise revenue; it is not to collect taxes to defray the expenses of the Government; that is not the object. It seems to me a statement of that kind makes it the duty of everyone who regards his oath to vote against such a bill.

No matter what bills have been passed, no matter how many times the Constitution has been violated, the language of the Constitution does not warrant the enactment of legislation for purposes not for the benefit of the Government, such as regulating the internal affairs of the States. That is manifest to me. It is not an abstract question, and I think any lawyer, taking up this Constitution and giving it a fair construction, will say that while Congress has the power to discriminate so as to do the least injury in levying taxes, to make the burdens as light as possible, it has no right to use the taxing power for the purpose of regulating the internal affairs of the States.

The boards of exchange deal in the products of the States in which they exist. The wheat of Illinois is dealt in by the boards of trade in that State. By what power can Congress say how the people of Illinois shall trade in wheat? If Congress can say that it can determine how they shall trade in anything else and can stop them from trading in anything it pleases. It seems to me that when it is confessed that the object of the bill is not to raise taxes, but is for some other purpose not authorized by the Constitution, there is an end of the argument.

It is alleged, however, that this bill is for the relief of the farmers. I should like to inquire of the Senator from Minnesota if it is not the object of the bill to allow the farmers to get better prices for their wheat and cotton?

Mr. WASHBURN. No, sir; not primarily. The object of the bill is to destroy a system of manipulation by operators on boards of trade, which creates abnormal and unnatural conditions, so that the great products of this country are not sold on the basis of supply and demand. The bill interferes in no way with the sale or purchase of actual products, but is for the purpose of destroying this method whereby the prices of the actual products are not made on the basis of supply and demand, but by artificial methods. That is the primary object of the bill; and my belief is when we can return to natural conditions the raiser of cotton and the raiser of wheat will get a larger price than he does today, when those prices are manipulated artificially on the different produce and cotton exchanges.

Mr. STEWART. Would the Senator be in favor of the bill if he thought the farmers and cotton-growers would get less for their products?

Mr. WASHBURN. I am in favor of any bill which allows the products of this country to be sold on the basis of supply and de-

mand, and the farmer must take his chances on prices so made. My belief is, and that is one sufficient ground, that the passage of this bill will increase the prices. Of that I have no earthly doubt. As a matter of fact to-day, with the probability of the enactment of this bill into a law, all of those great products, wheat, pork, and cotton, are advancing in price, and I am satisfied it is, because there exists a general belief that the pending bill will become a law.

Mr. STEWART. I asked, would the Senator favor the passage of the bill if he thought it would reduce the price of wheat and cotton?

Mr. WASHBURN. I should favor a bill of this kind for some other reasons. I should favor a bill of this kind to prevent the universal gambling which is going on in this country, whereby fortunes and characters are being wrecked every day and every hour. I would favor it for that if there were no other reason for its passage.

Mr. WOLCOTT. Will the Senator from Nevada [Mr. STEWART] allow me to ask the Senator from Minnesota one question?

Mr. STEWART. Certainly.

Mr. WOLCOTT. If the price of wheat is going up on the exchanges in anticipation of the passage of this bill, why is the Senator from Minnesota in a hurry to pass it?

Mr. WASHBURN. I think the price will go up faster, and the sooner this bill becomes a law the faster it will go.

Mr. WOLCOTT. Wheat seems to be doing pretty well as it is.

Mr. STEWART. Is the Senator from Minnesota confident that no other combination will be formed to reduce prices?

Mr. WASHBURN. I am. All the talk of the Senator from Connecticut [Mr. PLATT] is the merest rubbish so far as it refers to the millers and the elevator men making any combination to control the price of this great product. It is impossible. How are a few millers or a few commission men to control the product of 600,000,000 bushels of wheat? The fact is if they went onto the markets of the country to buy wheat, it would naturally increase the price rather than depress it and at the same time would make a legitimate and fair demand. Therefore, the idea of combining with the view of depressing prices is the most absurd and irrational proposition that was ever suggested by a man of ordinary common sense.

Mr. STEWART. That may be so; but I know of great combinations which have been formed for the purpose of affecting prices. We spent several weeks here over an antitrust bill to prevent combinations increasing prices to the consumer.

Mr. MILLS. May I ask the Senator from Minnesota if he is familiar with the business of the wheat elevators in the Northwest?

Mr. WASHBURN. I am entirely familiar with it, although I have never owned a dollar of stock in an elevator and have no interest in any of them.

Mr. MILLS. Does the Senator know what the average profits of the elevator owners are and have been for the last five or six years?

Mr. WASHBURN. In some years their profits have been large and some years nothing. Several elevator companies have failed. At other times they have made large profits.

Mr. MILLS. How large?

Mr. WASHBURN. I do not know, because I have never had any connection with them.

Mr. MILLS. Does the Senator suppose they have made as large as 30 or 40 per cent on an average?

Mr. WASHBURN. I have been told they have made that much on some occasions, but certainly not on an average.

Mr. MILLS. How could that be done except by depressing the price of wheat?

Mr. WASHBURN. The depression of the price of wheat has nothing whatever to do with the earnings of the elevator companies. They have certain fixed charges for the receiving and storing of wheat. When the crop is large, their profits are large, when the crop is small the profits are small, and sometimes absolutely nothing. It is not to the interest of the elevator men to depress the price of wheat. It is to their interest to increase the price and encourage the growth of wheat. There is no difference, so far as the elevator charges are concerned, whether the crop is large or small.

Mr. MILLS. Do not the proprietors and owners of these elevators, when they send their agents out to buy wheat, fix the price they are to pay?

Mr. WASHBURN. They do not.

Mr. MILLS. That has been charged.

Mr. WASHBURN. It is not the fact. The elevator company, whenever a farmer hauls his wheat into an elevator, simply issues a ticket, which is current all over the United States and all over the world. He can go and draw that wheat or he can sell his ticket. The elevator men have no control whatever and no interest in the price of wheat. As a matter of fact, the elevator men are generally against this bill, because whenever they buy wheat they sell against it, or insure themselves by selling short or for future delivery.

Mr. MILLS. May I ask the Senator if he would favor an amendment to this bill, prohibiting, under a severe penalty, combinations and agreements among elevator companies to fix the price of wheat?

Mr. WASHBURN. I would.

Mr. HOAR. Mr. President——

The PRESIDING OFFICER (Mr. CHANDLER in the chair). The Senator from Nevada [Mr. STEWART] is entitled to the floor.

Mr. HOAR. Will the Senator from Nevada allow me?

Mr. STEWART. Certainly.

Mr. HOAR. The Senator from Connecticut [Mr. PLATT] was not in his seat when the Senator from Minnesota [Mr. WASHBURN] attributed so much absurdity to his suggestion about combinations of millers. It seems to me that it is quite proper to remind the Senator that all the ancient statutes and common-law rules from the earliest history of civilized governments against forestalling and monopoly and all that kind of oppression, which this bill claims to attempt to reach, had been rendered necessary by the conduct of millers, and that the "miller's thumb" has been proverbial for a thousand years.

Mr. STEWART. I thank the Senator from Massachusetts for recalling to my mind what was a contest for ages. The books abound in statutes against millers; but it appears from the remarks of the Senator from Minnesota [Mr. WASHBURN] that we have different kinds of millers now, that human nature has changed, and that the millers of this time can not possibly be guilty of the same transactions as they were in the olden time, when they were not so particular as they are to-day. I am glad we are so rapidly approaching the millennium that there can not be such combinations among the millers and elevator companies, when they have the power in their hands, as are formed by men in other pursuits.

Mr. WASHBURN. Will the Senator allow me?

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Minnesota?

Mr. STEWART. Certainly.

Mr. WASHBURN. I wish to suggest that the miller has no interest in the world, nor can he have, in low prices. The market for flour fluctuates with the price of wheat just as sensitively as the barometer responds to changes of the atmosphere. If you depress the price of wheat, the price of flour goes down with it. So that the miller has no earthly interest in the depression of the price of wheat, but, on the contrary, his interest is in favor of the high price of wheat, because he then has an active market and a sharp demand for his flour, in which case there is almost always an advance in price.

Now, I wish to explain the miller question, as several allusions have been made to it. The time was when the millers bought and held large stocks of wheat. They bought it on their judgment, on their instinct, or on their knowledge of the situation. They held it and ground and sold the flour. Now they do nothing of the kind. The millers have no interest in this thing except to see that business is done on business principles. The miller buys his 1,000,000 bushels of wheat or 2,000,000 bushels of wheat and has it stored in his warehouses. He does not dare to take the chances of holding that wheat with the depression in the price of flour that may come at any moment, and so he sells short. The miller is compelled to do what everybody else is compelled to do in order to secure himself from the manipulations of the boards of trade.

A man may own 2,000,000 bushels of wheat to-day for his mills, which he expects to grind, but has to sell 2,000,000 bushels in Chicago to protect himself. So that he has no earthly interest in these things except to be allowed to go back and do business in legitimate and businesslike methods. The selling of this wheat short is an additional burden put upon the market to that of the short selling by those who do not own a bushel of wheat.

Mr. STEWART. The constant trading and bartering makes it impossible for the miller to manipulate the market now. No doubt he is an honest man now, and probably the reason we are approaching the millennium is that he has not the opportunity he formerly had.

Mr. WASHBURN. I suppose the miller is just like anybody else, and probably is as good a man as the miner. [Laughter.]

Mr. STEWART. The miller ought to be as good as the miner, but probably he is not in all cases. I think if he is good, he is made good by the dealings in the market which fix the price. I think they have made the miller honest more than anything else. The miller, like other people, if he has not the opportunity to do wrong, will be likely to do right; but is it perfectly certain that if the millers and the elevator companies had the power they formerly had they would not form a trust as well as anybody else?

Mr. WASHBURN. They never had any such power.

Mr. STEWART. They can form a trust as well as anybody else.

I was going on to speak of the trouble we had with trusts. It was said that wheat and cotton and other farm products were depressed by these trusts. The country became very much agitated; petitions were presented from all over the country to stop trusts. We passed a bill for that purpose, and we have heard no more of them since.

I am opposed to misleading the people. I am opposed to distracting their attention from substantial truths. It is not the trusts; it is not the boards of trade; it is not any business of this country that depresses prices. There is one thing, one grand trust, however, one combination which controls the general range of prices throughout the world. You may try with little pin-hooks like this to raise prices, while the great trip-hammer of fate is pounding them down, but you will fail.

The general decline of prices has been 40 per cent in twenty years, and it will continue if the same system is pursued. It is a strange thing that we have before us, pending in the Senate at the same time, two bills; one pretends to benefit the farmers by raising prices, and the inevitable result of the other, according to the experience of mankind and according to mathematics, will be to send prices down year by year, and nothing can prevent it.

Glance a moment at history and see how prices have been controlled. In the commencement of the fifteenth century prices were extremely low. There were from one hundred to two hundred million dollars of metallic money in that part of the world which formerly constituted the Roman Empire. At the commencement of the sixteenth century prices had risen more than 100 per cent, and the quantity of metallic money had increased over 400 per cent; it amounted to about $700,000,000 in the same territory.

A curious fact happened by the raising of prices in England. At the commencement of the fourteenth century there were 30,000 landowners in England, and at the end of that century there were 100,000. As prices went up, the farmer prospered; he could buy the land he rented. This state of affairs continued until the Napoleonic wars, when prices were inflated by paper. Again, after those wars, when the resumption act of England was passed, the property of the masses was confiscated, and the land again fell into the hands of 30,000, where it now remains. There is an example of the effect of the amount of metallic money upon prices.

At the commencement of this century prices had been sustained by a reasonable supply of the precious metals for three hundred years. Then came a deficient supply of the money metal. The Spanish-American war cut off more than one-half of the supply. From 1810 to 1829, inclusive, making twenty years, Jacob tells us that the entire output of the world, of both gold and silver, was only $25,000,000 per annum. The stock of gold and silver in existence in Europe and America decreased $300,000,000, according to the estimate of this writer, and he is the best authority whoever wrote on this subject. From the time he wrote until 1848 similar conditions prevailed, but nobody has investigated the facts sufficiently to make an accurate statement. The probability is that $500,000,000 was deducted from the world's supply of gold and silver in the thirty-eight years between 1810 and 1848. The general range of prices fell during that period over 50 per cent.

From 1850 to 1875, when the mints of Europe and the United States were closed against silver and that metal was rejected, prices rose over 30 per cent, according to the common estimate of statisticians, and business prospered. Since that time prices have fallen fully 40 per cent, and must continue to fall.

Why talk about these little outside things to attract the attention of the people when you are moving forward with giant strength to reduce the price of their property and enhance the price of money. It is trifling with the people to pretend that the dealings of men in the common transactions of life control the general range of prices. It is not so.

It is estimated that twenty years ago there was $7,500,000,000 of metal money in the world. It was about equally divided between gold and silver. Then a revolution was inaugurated, the like of which has never occurred in the finances of the world. The principal money metal, the one which had been the great regulator of the volume of money through all the ages, was stricken down by denying it the right of mintage, and soon after that silver bullion fell in the market. Then the moneyed institutions of the world declared that silver bullion could not remain at par with gold bullion while silver was demonetized and gold was monetized.

If, therefore, the silver coin was not fit for a reserve it was not good money. We have heard that from all the advocates of the gold standard; it is one of their insidious methods of putting it. They want a full dollar's worth, they say, in a dollar, and they want silver to rehabilitate itself when it is denied the privilege of coinage.

The opponents of silver are now in the act of consummating this great revolution. Silver coin being excluded from the reserves, nothing is left but gold coin. There is of the gold coin about $3,700,000,000. There has been no material addition in twenty years from the output of the mines; no one claims that there has been.

What a spectacle is presented to the farmer and to the business man for the future! We have not yet put silver out of circulation. There is $4,000,000,000 of it used in some way for money, but it is reduced to credit money according to the theory of the gold men, depending for its value upon redemption in gold, and the fabric of credit by that device is so extended that the financiers of Europe and America are now engaged in what? They are engaged in the business which Goschen told them they would have to undertake when the Barings failed, that is, in reducing credits and increasing reserves to avoid bankruptcy. Some of the stronger concerns will survive, but the crash is inevitable, because more than half of the base has been removed. The credits of the world, if silver is credit money, are extended far beyond the danger line.

The slightest movement of gold, the shipment of two or three million dollars of gold from New York, shakes the whole fabric of stocks throughout the United States and makes every man who has investments in any kind of property tremble for the result. No man feels safe. That the financial world is in a critical condition all agree. Why is it? Because you remove the principal foundation stone, the one upon which the fabric rested, and it is proposed here and now to take out the last prop which remains under silver, to repeal the act of 1890, cut off the entire market for silver, reduce its price to thirty or forty or maybe twenty-five cents an ounce, and stop silver mining. How long will it be before the silver coin we have in this country and which other countries have would be depreciated under such an operation? When it has been determined by this Government that silver shall not be used as money any longer what may happen?

It has been said that the way to secure the free coinage of silver is to repeal the act of 1890. Ah, no; it is the way to do another thing; it is the way to get an argument for continuing the demonetization of silver. The only argument used now by the gold standard contractionists against the free coinage of silver is that silver has depreciated, that the market price of silver has declined, that the coin money is not good money, because the bullion is not on a par with gold. That is the argument. You give it a further decline by cutting off what market there is, and you will strengthen that argument and lay the foundation for the revolution which was inaugurated by the owners of gold and gold obligations to enhance the value of their property and rob the masses.

Suppose you accomplish that what, will be the consequence? It is a well-known fact that a large portion of the annual output of gold comes from the silver mines. Some estimate it as high as one-half, some more and some less, but it can be confidently affirmed without contradiction that a large portion of the supply of gold comes from the silver mines. The silver mines of Nevada alone have produced $200,000,000 in gold. A similar proportion is produced in Idaho and Montana, and it is produced to a great extent in Colorado and Mexico. In South America the quicksilver mines do not contain much gold, but whether one-half or one-third of the product of gold comes from the silver mines, the amount is very large.

When you have further depressed the price of silver you will stop silver mining. It has been stopped by the recent fall in silver in many of the mining districts. There is no mine in Nevada paying dividends. The product of Idaho has fallen off in the last year from twelve to six million dollars. There has been a similar decline in the product, perhaps not quite proportional, in Montana. In Utah there has been a great falling off. Colorado has been saved by two new discoveries—those of Cripple Creek and Creede, but her Leadville and other mines are fast being closed because they will not pay for working. Strike this last blow, and you will end silver mining in the United States, except where there is some very large bonanza to be worked out in a short time; strike this blow, and then your supply of gold coin will not remain stationary, but the arts will continue to consume it year after year.

Prudent financial men will curtail their credits and discard silver and paper year after year. They will have to be retired, and the process of contraction for the next fifty years, if this fatal revolution is effected, will be more rapid and more destructive than it has been in the last twenty years. There is no escaping it.

While we are trampling upon the rights of the people, robbing them of their property by a change in the value of money by legislation, it is idle to talk about helping them by questionable legislation, legislation which I believe to be unconstitutional, and which, if consumated, will do no good, but the effect of which

will simply be to substitute for the men who now do harm, as it is claimed, other speculators in another form. I think it is an insult to the farmers to pretend that you can relieve them in any such way.

This question I know is not a new one, but it is such a violent revolution, it is so far reaching in its consequences, it is so destructive to civilization, that I must on all proper occasions raise my voice in protest against it.

I have said a good deal in criticism of bankers, but I find that all rules have their exceptions and that there is a banker in Kansas City, Mo., who can see both sides of the question. He has stated the situation so far as it affects prices in such an admirable way that I believe it will be beneficial to the Senate to listen to a part of what he has said. I will send to the desk the paper I hold in my hand and ask to have read what I have indicated.

The PRESIDING OFFICER. If there be no objection, the Secretary will read as requested.

The Chief Clerk proceeded to read the paper, and after having read some time, he was interrupted by—

Mr. WOLCOTT. Mr. President——

The PRESIDENT *pro tempore*. Does the Senator from Nevada desire the further reading of the paper?

Mr. STEWART. Yes, sir. I wish to have it read a little further.

Mr. WOLCOTT. I think that the paper which is being read is a most important one, and that every Senator should hear it. There is evidently no quorum present, and I ask that the roll be called. The Senator from Nevada, I suppose, will not object to being interrupted until we can have a quorum here to hear the paper read.

Mr. STEWART. Certainly not.

The PRESIDENT *pro tempore*. The suggestion being made that no quorum is present, the Chair will order the roll to be called.

The Secretary called the roll, and the following Senators answered to their names:

Allison,	Dubois,	Irby,	Sawyer,
Bate,	Frye,	Kyle,	Sherman,
Berry,	Gallinger,	McMillan,	Shoup,
Blackburn,	George,	Manderson,	Squire,
Blodgett,	Gibson,	Mills,	Stewart,
Brice,	Gordon,	Mitchell,	Stockbridge,
Caffery,	Gray,	Morgan,	Teller,
Call,	Hansbrough,	Palmer,	Vance,
Chandler,	Harris,	Peffer,	Vilas,
Cockrell,	Hawley,	Pettigrew,	Walthall,
Coke,	Higgins,	Power,	Washburn,
Dawes,	Hill,	Pugh,	Wilson,
Dixon,	Hoar,	Quay,	Wolcott.
Dolph,	Hunton,	Ransom,	

Mr. CALL. My colleague [Mr. PASCO] is absent by leave of the Senate on pressing business.

The PRESIDENT *pro tempore*. Fifty-five Senators have answered to their names. A quorum is present. The reading of the matter sent to the desk by the Senator from Nevada will be proceeded with.

The Chief Clerk resumed the reading, and was interrupted by—

Mr. CHANDLER. I suggest to the Senator from Nevada to allow the matter to be put into the RECORD without reading.

Mr. STEWART. Let the Secretary read a few passages more and then it can all go into the RECORD.

Mr. CHANDLER. I think the Senator ought to let it be put into the RECORD without reading it, inasmuch as it has no relevancy to the pending bill. If it had reference to the pending bill I would not ask the Senator to forego the reading.

Mr. STEWART. I regret the Senator has not paid attention, or having paid attention has not comprehended, the fact that it relates to falling prices, and that I believe is the pending question.

Mr. CHANDLER. I was intending to wait for the exposition from the Senator afterwards as to its relation to the subject.

Mr. STEWART. I have no objection to letting the whole pamphlet be printed in the RECORD. I think it is worthy to be printed there. It is not long.

Mr. CHANDLER. That is what I suggested.

The PRESIDENT *pro tempore*. Is there objection to the request of the Senator from Nevada that the pamphlet be printed in the RECORD?

Mr. HOAR. What is the pamphlet?

Mr. STEWART. It is a production by a banker by the name of Mr. Holden, of Kansas City, treating of the fall of prices in consequence of the demonetization of silver. It is well stated. It is an able pamphlet. It did not come from a miner, it came from a banker.

Mr. HOAR. It contains good, sound views on the silver question?

Mr. STEWART. It does.

Mr. HOAR. Very well; if the Senator vouches for it I will not object.

Mr. STEWART. It illustrates the fact that a banker can see both sides of the question, which I think is very important.

The PRESIDENT *pro tempore*. The Chair hears no objection, and the matter will be printed in the RECORD.

The matter referred to is as follows:

THE SILVER QUESTION.

[By Howard M. Holden.]

To the editor of the Journal:

You have asked me to write an article for the Journal on the silver question, with some historical statements respecting the status of silver in the past and the events leading to its present position and with some observations as to effect upon values.

That question has been the subject of discussion in and out of Congress and by international conferences and government commissions the world over during the last fifteen years and more, and the pending conference at Brussels has attracted renewed attention to it.

It is the most momentous and far-reaching question that confronts mankind to-day. Beside it the tariff and all the subjects that have been at the front in the recent campaign pale into utter insignificance. It has been relegated to the rear for assumed political expediency, but it will not down. Like a combination figure of the specters of famine, bankruptcy, and general distress over the world, it stands behind in colossal stature, awaiting the attention which, if not voluntarily yielded, it will enforce. These are strong words, but I will justify them, not merely by my assertions, but by the irresistible logic of facts and figures and by the abundant opinions of high authorities, before I close this article.

In the market columns of the daily papers, a few weeks ago, appeared the following paragraph:

"It is figured that the decline in silver during the last year (1891) was equal to a bonus of 16 cents per bushel on wheat to importers from India."

The statement is undoubtedly approximately correct. What does it mean?

It means that the importations of wheat from India were laid down in England and on the continent at 16 cents less than they would have cost had this decline in silver not taken place; it means that American wheat in Europe had to compete with Indian wheat at such a reduced price, and as the price of our whole crop of wheat is measured by the value of our exported surplus, it means in a general way that the value of our entire American wheat crop was affected to the same extent.

What does this imply to the wheat-growers of Kansas? The last year's wheat crop of that State was about 58,000,000 bushels, upon which, at 16 cents there is a loss of over $9,000,000 from this cause.

What does it imply to the wheat-growers of the country generally? The entire wheat crop was about 600,000,000 bushels. Upon this a loss of 16 cents amounted to $96,000,000. It may be possible that, though the extract quoted be exactly correct, the figures named may not precisely measure the extent to which our whole crop was affected, but, however that may have been, the loss to the American wheat-grower from the cause stated was a stupendous one.

There are other leading articles of American production that are likewise affected. Cotton is exported from India to Europe in enormous volume, and the depressing effect of the course of the silver market upon American cotton is quite as decided as it is upon American wheat, and is productive of an equal or greater loss. In 1873, when silver was demonetized in this country, India exported almost no wheat. Her exports of cotton, which developed to large proportions under the impulse of the high prices for that article during the American civil war, had greatly declined.

Up to 1878 her highest exports of wheat in any one year were only about 4,000,000 bushels. From that time on her annual exports of wheat steadily increased to upwards of 50,000,000 bushels, and last year they much exceeded that figure; and her exports of cotton have been correspondingly large. What has been the stimulating influence leading to this great change? It has been the course of the silver market, whereby, in consequence of demonetization and the withdrawal of a fixed legal value and support, silver became a commodity, to be the football of speculators and manipulators, the same as other commodities.

India is a vast country, with a slow and backward population of over 250,000,000, who are separated in their habits of life and thought almost as far from the people of the Western world as if inhabitants of another planet. It has no banks to speak of, except in a few seaboard cities. Its trade conditions are controlled by Great Britain, of which country it is a dependency. Its money is the silver rupee, which is coined at the ratio of fifteen silver to one gold, or about equivalent to $1.32 per ounce. Its people know no other money. For ages it has been "the sink of silver."

England, with the farsightedness and money-making proclivities which have made her the mistress of the seas and the clearing house of the world, has found vast profit in importing wheat and cotton from India, paying therefor in silver rupees coined from silver bullion bought at depreciated values. This process has been going on since 1873, when silver was demonetized by the United States. So great has been the profit to the Englishman that railroads have been built in India for the necessary transportation, and every effort made to stimulate the production of wheat and cotton in that country.

For a long time the purchasing power of the rupee in India was unaffected by the depreciation of silver in London and the United States, and, while the influence of depreciation elsewhere finally penetrated even India, and has, during recent years, affected to some extent the value of the rupee there, the decline of its purchasing power in India has always been far less than the decline in silver bullion in London, so that the great margin of profit to the English importer from India has continued, and his interest has manifestly been to manipulate the silver market toward lower prices, so as to buy as cheaply as possible the bullion he required in payment for his importations.

Evidence of the correctness of these points can be multiplied without end. One of our city papers lately quoted "a New York financier" as saying:

"There can be little doubt that silver is depressed in London to knock the price of our wheat. The price of wheat will be governed by the price of silver."

The New York Evening Post, a gold standard paper, of August 11, said:

"This week's silver trading has been of very unusual character. It is unmistakably in the nature of a bear movement against the metal. If indications are to be believed, the certificates being sold here are for the account of a London syndicate which is heavily short of rupee paper. To break the price of silver in such a market as our own requires no great genius, yet if the London price follows the New York price down, rupee paper must necessarily decline along with it, giving London bears a chance to cover in Indian exchange. This is what the trade would call a very pretty speculative operation."

Walter Bagehot, who was one of the greatest of England's economists, in writing some years ago on these subjects, said:

"The silver price of Indian commodities in India has not as yet risen much, though silver has fallen here as compared with gold, and there is, therefore, more profit than there was in exporting them; they can be bought for the same sum in silver, and that silver can be obtained more easily. The depreci-

tion of silver is an encouragement to English capitalists to buy commodities—jute, cotton, indigo, or whatever it may be—in India; such commodities are sold in rupees—that is, in silver—in the Calcutta markets. Now, an English capitalist must first buy his rupees. The cheaper, therefore, he can buy such rupees, the better his operation.

"The necessary effect of a depreciation of silver as against gold is to give a bounty on exports from India and other silver-using countries to England. * * * An English merchant can now buy many more rupees than he formerly could with the same number of sovereigns, and, therefore, he can import from India, though prices at Calcutta are not at a level at which it would have paid him to operate if he had not had that novel facility for getting rupees. We must observe that this process is not at all bad for the trade of England."

Beerbohm, who lately died, was long the accepted authority and statiscian of the English grain trade, as all grain dealers will admit. In one of his "Trade List" issues of this year, reviewing the more favorable conditions of the English wheat trade with India over last year, he says:

"The material decline in the price of silver and in the rupee exchange has naturally facilitated shipments considerably. * * * Indian wheat can be sent to this country for about 2 shillings per quarter less than at this time last year, leaving the Indian producer the same net result."

The difference he refers to amounts to about 8 cents per bushel.

In an interview published in the Denver Republican of October 15, Mr. Provend, a member from Glasgow of the British Parliament, said:

"The decline in silver has made wheat cheaper. The wheat market takes its quotations upon a silver basis. India is paid for its wheat in silver, and as that country is a competitor of the United States in cereals, it has forced the price of wheat down in America."

The evidence could be multiplied *ad libitum*.

Against this state of affairs the American wheat and cotton growers have for the last nineteen years had to contend.

The following table shows the average prices of wheat, cotton, and silver for the years named. It is from a source deemed reliable, and is believed to be correct. It is certainly approximately so:

Years.	Silver per ounce.	Wheat per bushel.	Cotton per pound.
1873	$1.29	$1.17	$0.17½
1876	1.14	1.05	.12
1879	1.11½	1.07	.11⅜
1884	1.10½	.83	.10¼
1887	1.09	.81	.10⅞
1890	1.09	.92	.11¼
1891	1.01½	1.01	.08⅝
September, 1892	.83	.73	.07½
December, 9, 1892	.82¾	.72¼	.09¼

The prices of wheat are Chicago prices; of cotton, at the seaboard.

It will be seen how closely the ratio of value has been maintained during all these years between cotton and wheat on the one hand and silver on the other hand. Special and temporary causes have affected the prices of wheat and cotton, as short or abundant crops here or elsewhere. This is illustrated by the present sharp advance in cotton, caused by the partial failure of that crop this year. But when the special conditions cease to exist the prices again fall under the general rule, and again travel arm in arm with silver. If any difference, it has generally been in favor of silver, so that while it may be said that silver has declined with respect to gold, its purchasing power has been more than maintained with respect to the commodities, which have declined in larger measure in their relation to gold.

In 1873 1 ounce of silver would buy about 1$\frac{1}{9}$ bushels of wheat; in 1876, 1$\frac{1}{9}$ bushels; in 1879, 1$\frac{1}{9}$ bushels; in 1884, 1$\frac{1}{4}$ bushels, in 1887, 1$\frac{1}{4}$ bushels; in 1890, 1$\frac{1}{4}$ bushels; in 1891, 1 bushel; in September, 1892, 1$\frac{1}{8}$ bushels; December 9, 1892, 1$\frac{1}{8}$bushels. In 1873 1 ounce of silver paid for about 7$\frac{1}{2}$ pounds of cotton: in 1876, 9$\frac{1}{4}$ pounds: in 1879, 10 pounds; in 1884, 10$\frac{1}{4}$ pounds; in 1887, 9$\frac{1}{2}$ pounds; in 1890, 9$\frac{7}{9}$ pounds; in 1891, 11$\frac{7}{8}$ pounds; in September, 1892, 11$\frac{1}{2}$ pounds; December 9, 1892, 8$\frac{5}{8}$ pounds.

A full table each year since 1873 would show like results.

Wheat and cotton are selected as being leading articles, and as being most directly affected by Indian competition, made possible by the demonetization of silver. An examination of the course of prices of other products would show the same general decline. In his able speech at Sedalia, Major Warner stated that in 1870 cultivated lands in Missouri were worth on an average $43 per acre, while in 1880 they were worth but $22.50 per acre. Part of this decline he attributed to local causes, and part to "the decrease in value of real estate throughout the country." He stated that in Illinois the decline for the period was about 18 per cent. His figures were presumably official and correct. Why should there have been any decline? Will somebody rise and explain? The population of the country has been rapidly increasing, while the great unpeopled areas of arable land have long since been absorbed. The result should have been a gradual increase in the values of land.

Iron has rarely, if ever, been so low as now. There has been a general and progressive fall in prices all along the line since 1873, measured by the gold standard. If it be claimed that in 1873 gold was at a premium in paper, it can be said that specie payments were resumed on January 1, 1879, and the largest declines in values have taken place since that date, and after the inflation of the war period had been fully eliminated. It is the custom to speak of the depreciation of silver, but in view of the fact that generally all commodities have kept company with silver in its downward course, as we have seen in the case of wheat and cotton, it is pertinent to ask, has silver depreciated or has gold appreciated in its relation to lands and commodities? Is it a fall in silver or a rise in gold?

I read in a reliable paper a quotation from the New York Tribune, stating that the general level of pieces fell 16 per cent during the year 1891.

The Bankers' Magazine, an old and recognized conservative authority, in its October number, says:

"It can not be denied that the low price of silver bullion is a very power ful factor in depressing the world's trade."

It may here be asked by the casual thinker why it is that commodities in general—commodities which, unlike wheat and cotton, are not directly involved in the competition of silver-using countries—are thus affected by the silver situation. The answer is that the vast combined stocks of gold and silver, which are the slow aggregations of the ages, stand opposite to the commodities of the world as their measure of value and the medium of exchange.

A recent writer says:

"Nature has provided silver and gold with physical qualities utterly inimitable by man, special to each, and both absolutely homogeneous, no matter from what part of the world the two metal are extracted. Furthermore, nature produces them in limited quality, which all the efforts and desires of men can not increase. For these reasons silver and gold have been spontaneously used by all nations as an equivalent of exchange, and have been selected by legislators as the only two appropriate metals for money."

Aside from special conditions, such as unusual supply or demand, values of commodities have become adjusted to the existing stock of these metals. The money of the world stands opposite to the property of the world.

The world's stock of each metal is about equal to that of the other, half silver and half gold. If one-half of this stock is obliterated, if the measure and the referee of the values of commodities is reduced, the values of commodities must correspondingly decline. The vast credits of the world, including the paper-money issues, all rest upon the gold and silver stocks as their basis, and as the only money of ultimate redemption. If the basis is narrowed the superstructure of credit must contract.

After the passage of the Sherman bill in 1890, providing for enlarged purchases of silver, the temporary effect of which was to enhance the price of that metal, Secretary Rusk, of the Agricultural Department, realizing the disastrous effects upon our agricultural interests of the decline in silver, wrote the following in his annual report to the President: (See page 8, report of 1890.)

"The recent legislation looking to the restoration of the bimetallic standard of our currency, and the consequent enhancement of the value of silver, has unquestionably had much to do with the recent advance in the price of cereals. The same cause has advanced the price of wheat in Russia and India, and in the same degree reduced their power of competition. English gold was formerly exchanged for cheap silver, and wheat purchased with the cheaper metal was sold in Great Britain for gold. Much of this advantage is lost by the appreciation of silver in those countries. It is reasonable, therefore, to expect much higher prices for wheat than have been received in recent years."

Could any statement more forcibly illustrate the situation than the above by this high authority? His hopes of the permanent advance of wheat were not realized, for the reason that silver declined again and both wheat and cotton followed it both up and down. In January, 1890, wheat was at 75 cents, cotton at about 10¼ cents and silver at 97 cents. The Sherman bill passed in July, and in August silver rose to $1.21, wheat to $1.09, and cotton to 12½ cents. Silver soon declined again, and about the end of the year reached $1.05, and wheat and cotton, like faithful satellites, went with it to about 86 and 9¾ cents respectively. The reason why silver did not stay up, as Secretary Rusk hoped, was because the Sherman bill, like all legislation since 1873, treated it as a commodity and not as a money metal. Whatever other causes may have operated upon the general course of prices and values, it is clear that the leading and principal factor has been the decline in silver, resulting from its demonetization.

What, during these years, has been the aggregate effect upon the American farmer, planter, and stock raiser? And through him what the effect upon the entire country? What upon railroad earnings, upon the extent and profitableness of manufacturing and mercantile pursuits, and upon the material welfare of all classes? Who can estimate it? It aggregates into many hundreds of millions of dollars. What has it implied to the farmers of Kansas and Missouri, and what to the trade and progress of Kansas City and like cities? How much of improvement to the house and barn, how much of home comforts and enlarged life, of education to the children, does wheat at 40 to 50 cents per bushel make possible to the farmer?

Our resources are so boundless in this country and our energies so great that, in a measure, we prosper in spite of these conditions. But what will be the situation if they continue in their downward course? The Chicago market report of August 12, telegraphed to our morning dailies, said: "The bears were talking cheaper silver and cheaper flour." From the unrest which these conditions produce spring strikes, third-party movements, and a prolific brood of impracticable projects.

It has been the fashion in certain quarters to speak of this question as one that principally affects the owners of silver mines, and to apply to them such epithets as "silver barons" and the like. Certainly, if this were true, their interests would deserve the profoundest consideration, for the United States is the largest producer of silver, and the mining sections are large consumers of the manufactures of the East, and contribute enormously to the general business of the country; and the work of the miner is of inestimable benefit to mankind.

The precious metals which are the result of his labors are to civilization what the blood is to the arteries of the human frame. Without them in abundant supply our present civilization would be wholly impossible, and we should be reduced to the state of barter that prevailed among the primitive generations of men. To nothing else was the midnight of the Dark Ages so attributable as to the disappearance of the precious metals from among men. According to the best authorities the stocks of gold and silver at the commencement of the Christian era, when the Roman empire was at the height of its greatness, amounted to about $1,800,000,000, and in the fifteenth century they had declined in Europe to less than $200,000,000; and the awakening did not come until, following the discovery of America by Columbus, the silver and gold, chiefly the silver, of the New World poured into the lap of Europe. She then awoke from her lethargy of centuries, and entered upon a career of intellectual, commercial, and industrial progress never before known. The British historian, Sir Archibald Allison, says:

"Columbus led the way in the career of renovation; when he spread his sails across the Atlantic he bore mankind and its fortunes in his bark. The mines of Mexico and Peru were opened to European enterprise. The annual supply of the precious metals for the use of the globe was tripled; * * * the weight of debt and taxes insensibly wore off under the influence of that prodigious increase in the renovation of industry; the relations of society were changed; the weight of feudalism cast off, the rights of man established. Among the many concurring causes which conspired to bring about this mighty consummation the most important, though hitherto the least observed, was the discovery of the mines of Mexico and Peru." (History of Europe, volume 1, page 10.)

After depicting in graphic language the distress which prevailed in England and on the continent for much of the time from the peace of 1815 to 1849, caused by the contraction of the currency, the value of the continued work of the miner is recognized by the same author in the following eloquent words:

"If the circulating medium of the globe had remained stationary or declining, as it was from 1815 to 1849, from the effects of South American revolutions and English legislation, the necessary result must have been that it would have become altogether inadequate to the wants of men; and not only would industry have been everywhere cramped, but the prices of produce would have universally and constantly fallen. Money would have become more valuable, all other articles measured in money less so. Debts and taxes would have been constantly increasing in weight and oppression; the fate which crushed Rome in ancient and has all but crushed Great Britain in modern times would have been that of the whole family of mankind.

"All these evils have been entirely obviated and the opposite set of blessings introduced by the opening of the great reserve treasuries of nature in California and Australia. * * * A fate the precise reverse of that which destroyed Rome and so sorely distressed England is reserved for the great family of mankind. When the discovery of the compass, of the art of printing, and of the New World had given an extraordinary impulse to human

activity in the sixteenth century, the silver mines of Mexico and Peru were opened by Providence, and the means of conducting industry in consistence with human happiness was afforded to mankind.

"When, by the consequences of the French Revolution, the discovery of steam conveyance, the improvement of machinery, and the vast extension of European immigration, a still greater impulse was given to the human species in the nineteenth century, the gold mines of California and Australia were brought into operation, and the increase in human numbers and transactions was even exceeded by the means provided for conducting them. If ever the benevolence of the Almighty was clearly revealed in human affairs it was in these two decisive discoveries, made at such periods, and he who, upon considering them, is not persuaded of the superintendence of an ever-watchful Providence would not be convinced though one rose from the dead."

Little did he think that the very means which made possible the prosperity which he anticipated for mankind would so soon be abridged and sought to be destroyed.

But the miner's interest in this question is insignificant when compared with that of the farmer, the planter, and other classes of the country. The total production of silver in the United States last year was about $58,000,000 ounces. The decline from the price of the past year to the lowest price of this year amounts on this to about $10,000,000, which is the extent of the interest of the miners in this question. This is probably not more than the loss upon the year's wheat crop in Kansas alone.

It will be seen therefore, that while their interest in the question may be more direct and apparent, it sinks into insignificance when compared with that of other classes of people.

II.

These questions will naturally arise: First, how is it that silver has thus changed in its relation to gold? Second, can gold be made to answer for the sole standard throughout the world? And third, if gold will not suffice, what is the remedy?

The answer to the first is familiar to many, though perhaps not to all. From the dawn of history until recent years gold and silver, but especially silver, were the money metals of the world. In the earliest years of this Government the subject of coinage received the profound consideration of its founders. In his report to Congress in 1791, on the establishment of a mint, Alexander Hamilton, then Secretary of the Treasury, said:

"To annul the use of either of the metals as money is to abridge the quantity of the circulatory medium, and is liable to all the objections which arise from a comparison of the benefits of a full, with the evils of a scanty, circulation."

And Thomas Jefferson, in a letter to Hamilton, concerning this report, said:

"I concur with you in thinking that the mint must stand upon both metals."

The double standard was adopted, with the silver dollar as the monetary unit.

At the beginning of this century every nation of the earth was either upon a silver basis exclusively or upon a combined gold and silver basis. In 1816 England adopted the gold standard. The cause which history assigns for this is that her ratio for most of the preceding century having been higher than that of other countries and, therefore, the market value of silver having been above her coinage value, she came to possess chiefly a gold currency.

At a much later date Portugal also adopted the gold standard. Until 1871 every other nation in the world was either upon a silver basis alone or upon a gold and silver basis together. In 1871, after the Franco-Prussian war, Germany, having to reorganize the monetary system of the new empire, adopted the gold standard. Germany's deep purpose undoubtedly was to exhaust France of her gold supply by the payment of the required $1,000,000,000 of war indemnity, and then by discrediting silver, of which France had large reserves, to further weaken and impoverish her, and render impossible any renewal of the war. In the execution of this programme Germany was aided and encouraged by the attitude and legislation of this country.

In 1873 the United States passed a new law, revising its mint and coinage laws, and left out all provision for the coinage of the silver dollar. Prior to that time the ratio in this country was 16 to 1, while the ratio in France and other European countries was 15½ to 1. The silver bullion of the world, therefore, naturally gravitated for coinage to those countries where less of it was required in their coinage in proportion to gold. In consequence of this but little silver had been coined in this country except the subsidiary coinage, and but little silver was then produced here. The subject of silver coinage was, therefore, not one which attracted much attention in this country at that time. Numerous leading members of that Congress afterward declared that they were totally unaware that the measure excluded or interfered with the coinage of silver, which, with gold, had been the coinage of the country since the adoption of the Constitution.

Concerning this piece of legislation, the report of the United States Monetary Commission, organized under joint resolution of Congress of August 15, 1876, vol. I, p. 89, says:

"The act when passed was not read, except by title, and it is notorious that this transcendent change in the money system of the country, affecting the most vital interests, was carried through without the knowledge or observation of the country. It was neither demanded by the resolutions of public meetings or political conventions nor asked for in the petitions from the people. As paper money was the actual money of the country at the time, a coinage act was not likely to attract general attention. In its relation to a single or double standard it was discussed but little in the House and not at all in the Senate.

"The press of the country was entirely unobservant or silent, when it was pending and when it was passed, and for more than three years afterward. If it had been generally known that any such vital question as the demonetization of silver was lurking in the bill, it would have aroused the most widespread discussion throughout the country. * * * The most striking evidence, perhaps, of the public inattention to the effect of the coinage act of 1873, is the fact that President Grant, who signed it, and who was critically observant of the legislation of Congress, had no knowledge of what it really accomplished in relation to the demonetization of silver, and was still uninformed about it as late as the following October."

It has been freely charged that the demonetization of silver, thus accomplished, was secretly plotted and carried through Congress with the knowledge of but very few members; and that English interests instigated the movement and sent a large fund here for use in its aid. However that may have been, it seems apparent that there were deep and secret designs behind the movement, for at that time there was no very large production of silver in the world, and silver bullion was worth more in the market than its American coinage value. The bullion value was then about $1.31 per ounce, while its coinage value here was $1.2929 per ounce; so that under the then existing conditions any considerable American coinage could not be expected; and if this had been otherwise there was then no ground for decrying silver, as it was, as has been stated, of greater value than gold.

Whatever may be said of the metal now, certainly there was no reason that could bear the light of criticism could have existed in favor of demonetization. The measure in question was evidently a link in the scheme which had for its object the breaking down of the price of silver in the American and London markets for some purpose, probably for the double purpose of creating the conditions heretofore referred to, for the more profitable trade by England with India and other silver countries of the East and South America, and for the enhancement of the value of the vast obligations which she, as the great creditor nation of the world, held against the rest of mankind.

Certain it is that as a result she has become the great broker between America and the rest of the world. We have a large trade with the countries of South America that are on a silver basis. We are always in debt to those countries, as our importations from them are large, while our exports to them are comparatively small. We, therefore, have to pay them many millions annually, but these payments are not made direct, but by shipping gold to London and drawing bills on London, which London can pay in silver at a good margin of profit.

When will this country, which has the balance of the trade of the world in its favor, and which, as the largest producer of both the precious metals, should control their status, have the statesmanship and stalwart Americanism to put an end to such a state of affairs? If somebody's politics did not stand in the way we would have the conditions established that would give our producers and manufacturers at least an equal footing with those of other countries in the South American markets and a fleet on the seas between our ports and those of South America that would forever end this tribute to Europe and give us the trade of that country, which Europe now practically monopolizes.

Following the action of this country in demonetizing silver, Germany, which had already adopted the gold standard, demonetized her vast hoard of silver. It is a notable fact that the final act of demonetization was not taken by Germany until five months after demonetization had transpired in the United States.

This action by Germany led the Latin Union, composed of the states of France, Belgium, Switzerland, Greece, and Italy, which in 1865 had adopted the French system of free coinage of gold and silver at the ratio of 15½ to 1, to limit their silver coinage, and in 1878 to close their mints to silver coinage. Other nations in Europe took a similar action, and thus the legal value of silver was destroyed and that metal was reduced to the position of a mere commodity.

The conduct of some of our statesmen with reference to the demonetization of silver has not escaped criticism. At the Paris conference of 1867, our delegate, Mr. Ruggles, argued in favor of the single gold standard, and declared that such would be the policy of the United States; and Senator SHERMAN wrote a letter for use at that conference, favoring the single gold standard. He was then chairman of the Finance Committee of the United States Senate, and his views had great weight. In 1873 he was a member of the Senate, when silver was demonetized.

There was no reason at either of these dates—1867 or 1873—why silver should have been discredited, as it then stood at a premium as compared with gold. It is probable that if the weight of this country's influence had not been thus cast in favor of the single gold standard at the Paris conference in 1867, a date prior to any action of the German empire in that direction, such action might never have been taken, and the subsequent raid of the nations against silver, with all its train of enormous loss, might never have occurred.

At the monetary conference of 1878, replying to Gen. Walker, who was one of our delegates, Mr. Feer-Herzog, delegate from Switzerland, said:

"I think the learned delegate of the United States was wrong in noticing, as he had done, the tendencies of the conference of 1867. At that conference, in which they were represented, the United States showed themselves warm supporters of the gold standard. It was they who led the campaign in favor of gold." [Proceedings of Conference, page 80.]

In 1868 Mr. SHERMAN made a report to the United States Senate in favor of "a single standard, to be exclusively of gold." In 1878, perceiving his mistake, Mr. SHERMAN, then Secretary of the Treasury, in a letter to Mr. Groesbeck, who was one of our delegates to the monetary conference of that year, after referring to his action with the Paris conference of 1867 in favor of a single gold standard, said:

"At that time the wisest among us did not anticipate the sudden fall of silver or the rise of gold that has occurred. This uncertainty of the relation between the two metals is one of the chief arguments in favor of a monometallic system, but other arguments showing the dangerous effects upon industry by dropping one of the precious metals from the standard of value, outweigh in my mind all theoretical objections to the bimetallic system."

And he urged that the conference adopt a double standard. (Proceedings of the Conference, page 139.) In his speech in the Senate on June 1 of this year, he said, regarding the act of 1873:

"I have no doubt that if it had been known that silver was going to fall as much as it did after that, it might have made a change."

It is strange that so astute a man should have failed to realize that the withdrawal of the legal money value from silver and the consequent reducing of it to a mere commodity would destroy its status and reduce its value as a money metal. He regrets and changing of mind came too late, and after he had been largely instrumental in setting in motion a train of evils that can hardly be measured.

Was there any reason in 1873, and is there any reason now, growing out of the relative supply of silver and gold, why silver should be thus excluded from the coinage of Europe and America? Let the following figures answer.

In the report of the monetary conference of 1876, page 78, the world's production of gold and silver, from the discovery of America in 1492 to 1848, is given as follows:

Gold	$2,926,000,000
Silver	5,705,000,000
Total	8,331,000,000

It will be seen that the proportion of silver was about 68½ per cent, and that of gold 31½ per cent. No complaint was ever made in 1848 or in previous years that this proportion was prejudicial to the business interests of the world; to the contrary, as the historian, Alison, has well expressed it, Europe and America were suffering from an insufficient supply of the precious metals. It will, of course, be understood that a large part of the yearly production of both gold and silver had always been absorbed in the arts and manufactures, and vast quantities had disappeared among the people of Asia.

The production for the years 1849 to 1872, inclusive, is given in the reports of the Director of the Mint as—

Gold	$2,826,850,000
Silver	1,045,600,000
Total	3,872,450,000

For this period the proportion of the whole production was of gold 73 per cent, silver 27 per cent, and, by adding the respective productions of these years to those of the preceding period given above, it will be seen that the proportion of the gold product for the whole time had risen to about 44.7 per

cent of the whole sum of both metals; and that of silver had fallen to 55.3 per cent. It therefore certainly can not be said that in 1873, when silver was demonetized, a reason existed therefor in the growing relative abundance of silver over previous periods, for, as the figures show, the relation was the other way.

The report of the Director of the Mint gives the world's production for the years 1873 to 1890, inclusive, as follows:

Gold	$1,907,569,500
Silver, coin value	1,955,142,000
Total	3,862,711,500

For this period, counting the silver not at its market value, but at the greater figure of its old coinage value, the production was about evenly divided between the two metals, leaving the relation of the quantity of each metal to the general stock of the world practically unchanged.

In support of these statements a quotation from the report of the British silver commission in 1876 may be given:

"Notwithstanding the late rise in the production of silver as compared with gold, its proportion to gold is still considerably below what it was in 1848, to say nothing of the period when the proportion was 3 to 1; and the conclusion seems justified that a review of the relations of the metals in times past shows that the fall in price of silver is not due to any excessive production as compared with gold."

This was more than three years after demonetization in this country and Germany.

The bitter years of depression, of decling values, of commercial and business distress and disaster, that prevailed during the years from 1873 to 1880 over America and Europe, are within the memory and experience of most of us. The panic of 1873 swept the country like a cyclone. In Europe an inducing cause was demonetization in Germany and the United States and the consequent demand for gold. Mr. Robert Giffen, a statistician of high repute, in a paper read before the London Statistical Society on 21st of January, 1879, stated that the fall in the English prices of wholesale commodies between 1873 and 1879, with three exceptions only, amounted to between 26 and 36 per cent, and the cause he rightfully attributed to the extraordinary demand for gold and the narrowing of the monetary basis, caused by the exclusion of silver.

In this country the rejection of silver and the declared purpose of the Government to resume specie payments upon an exclusive gold basis, the contraction of the currency and the accumulation of gold in preparation for resumption, repressed the resilient and recuperative forces of the country and intensified the pressure year after year, until many and many a business concern that was only bent by the storm of panic in 1873 was finally driven to the breaking point; and it was not until, under the operation of the Bland act of 1878, the resumption of coinage supplied the business arteries of the country with fresh money, that the sun of a renewed prosperity to some extent dispelled the clouds that had for so long a time hung so heavily over the land.

Under the Bland bill of 1878, $2,000,000 per month of silver dollars were coined until 1890, when the Sherman bill was passed, under which 4,500,000 ounces of silver have been bought each month by the Government and silver certificates issued therefor at the cost price of the bullion purchased. These measures have not been sufficient to sustain the value of silver. Against its value as a commodity several things have operated. One is an increased supply from the mines. Another, the offering of portions of their stocks of silver, in their wild scramble after gold, by nations who are trying to get on the gold basis, as, for instance, Germany and Austria. Another the manipulators of the London market, for the purpose of buying silver bullion at a reduced price for use in paying for importations from India and other silver countries. Another, the seemingly deliberate and intentional purpose of an element of our own people for the enhancement of the value of credits, or for some other reason best known to themselves, to defame and discredit silver, stop its coinage entirely, and press toward a universal single gold basis.

Ever since the passage of the Bland bill in 1878, under which $2,000,000 of silver were coined monthly, an active opposition to that and to all coinage has existed. Predictions were freely made that gold would leave our shores and general disaster ensue. Mr. Cleveland himself, with all his caution and deference to the position of his friends and party on this subject, as early as February, 1885, before his inauguration, wrote his now celebrated letter to members of Congress urging the immediate repeal of the Bland act, on the ground that gold would leave the country and general disaster occur if it were continued. The act was not repealed, and coinage continued; and, instead of gold leaving this country, it continued to accumulate, until we now have about $700,000,000 of gold against but a small stock in 1878; and there is no banker who does not realize that but for the presence in the circulation of $300,000,000 and more of silver and silver certificates, the severe monetary stringency of the fall of 1890 would have been a widespread panic. There was a money famine then with the accumulated silver and certificates in the circulation. How would it have been without them?

So long as England alone was on a single gold basis, silver was well upheld by the rest of the world, but with demonetization by other nations of Europe and by the United States, the depreciation is likely to continue to a point where production of silver will stop, and where the continued use as money of the stocks on hand will be most difficult.

III.

With such a result accomplished, can gold be made to answer as the sole standard throughout the world?

The opinions of Hamilton and Jefferson have already been quoted. Let us see what a few good later authorities have to say on this point. They are none of them what are flippantly called "silver men."

Mr. Walter Bagehot, heretofore referred to, and who was editor of the London Economist, said:

"Probably if there were gold enough for all the world it would be best that there should be only a single standard of value throughout the world and that one gold, but this is impossible. Some have doubted if there is gold enough even for the nations that now intend to use it, and there certainly is not enough for all the world."

This was written in 1876, since which time the pressure for gold has become greatly intensified; it was before the states of the Latin Union stopped silver coinage, and before the adoption of the single gold standard by Austria and some other States.

In his testimony before the monetary commission appointed by the French Government in 1869 Baron Rothschild (not Alfred de Rothschild) said:

"Whether gold or silver dominates for the time being, it is always true that the two metals concur together in forming the monetary circulation of the world; and it is the general mass of the two metals combined which serves as the measure of the value of things. * * * I should regret the demonetization of silver in its relation to our internal circulation, our commercial intercourse with other countries, and the always uncertain eventualities of the future. But I should regret it even more if our example should be followed by other nations, for that suppression of silver would amount to a veritable destruction of values without compensation."

At the Paris conference of 1878, Mr. Goschen, late chancellor of the English exchequer, then delegate from Great Britain, said:

"I have spoken against the theory of those economists who argue that the gold standard should be everywhere introduced; I have stated that I saw in it a great inconvenience, great danger, and even great disaster. To that opinion I decidedly adhere. I believe it would be a misfortune for the world if a propaganda for a sole gold standard should succeed."

Such was his opinion, while, for manifest reasons, he tried to hold to the gold standard for England.

The Bankers' Magazine says editorially in its April number of this year:

"England, for example, has been trying to live on a gold standard, and that country has been thinking all along that it was quite able to transact its business and make its loans in gold; but the situation has become more clearly understood, even by the English, and they are at least beginning to see that the requirements for gold are greater than it can easily fulfill. They are beginning to see that the endeavor to float new gold loans in addition to completing the exchanges of the world, with the desire and intention on the part of other nations also to adopt a single gold standard, is causing such a great demand for gold as to jeopardize business interests, retard industrial development, and in other ways severely retard the world's prosperity."

In its May number the same authority says:

"The supply of gold is so small at present, in view of the world's needs, that a considerable demand from any quarter must seriously affect its value, bringing evils in its train, though these are not clearly perceived. It is unquestionably true that the depression from which the civilized world is today suffering is due to some extent to the small quantity of gold existing for the enormous requirements made on the metal."

Mr. Edward O. Leech, Director of the Mint of the United States, in an article in the Forum for June, says:

"Passing by the great question of the fall in the gold price of commodities, so far as such fall is due to monetary causes, I find that one of the most serious dangers which confront us is the insufficiency of the supply of gold as a basis of the present and prospective business of the commercial world, and the consequent disturbances attending its accumulation and movement. * * * The struggle for the possession of gold, with its consequent train of financial disturbances, is well under way. * * * If gold is to be the sole money of the world, not only will the extension of business and of foreign investments be seriously crippled, but the immense fabric of credit, already top-heavy, is liable to totter. Where is the gold to come from when the states of Europe now having a paper standard resume specie payments? As I write, Austria-Hungary has decided to resume specie payments, and adopt the gold standard, and the negotiation of a loan with which to purchase the gold necessary for resumption purposes, and possibly fresh demonetizations of silver, are sure to follow.

"The truth is, the supply of the precious metals is not more than sufficient to keep pace with the rapid increase of modern trade. What is to be gained by discontinuing the use of one of the money metals and throwing all the work upon the other? Not stability of value; for, as already shown, for nearly a century, when the bimetallic system existed in France, the relative value of gold and silver did not vary appreciably. * * * The experience of the first seventy years of this century has demonstrated that both metals can be used as money with greater stability of values than one alone. * * * Eventually the embarrassments arising from the attempt to use one metal alone as the measure of value and the medium of exchange will become so intolerable that commercial nations will find it to their advantage to join the United States in the remonetization of silver."

In his New York speech of November 17, 1891, the present Secretary of the Treasury, Mr. Foster, said:

"It is now agreed on all sides that gold alone furnishes too narrow a basis upon which to conduct the money affairs of the world."

If time and space permitted, the testimony could be greatly extended.

The Chicago Tribune of November 3, says:

"The situation in England is far from clear. Russia is accumulating an extraordinary amount of gold within her borders, and to do that England is being heavily drawn upon. Austria-Hungary has, until recently, been able to draw from this country the gold necessary to carry on its currency operations under the new laws. Now that it is no longer able to do that, England is called upon for the required gold. All these drains on the gold supply foreshadow high interest rates there."

A table compiled from the most reliable data, submitted to the Committee on Coinage, Weights, and Measures, of the last House of Representatives, gave the stock of metallic money in the world as:

Gold	$3,710,000,000
Silver	3,940,000,000
Total	7,650,000,000

From which it appears that one-half of the credit and business of the world rests upon silver. On this point Mr. Leech says:

"It is seriously proposed, and the tendency of all Europe is in that direction, to demonetize the silver portion of the world's supply of money and throw the burden of our increasing population and business upon the gold stock. The annual product of gold is only about $125,000,000, of which nearly one-half is used in the industrial arts and manufactures, so that the annual supply for monetary purposes is hardly in excess of $65,000,000. If this plan is carried out it is the existing stock of gold, then, that for many years at least must form the basis of business and credit, and serve as the medium of all exchanges. That such a narrowing of the basis of credit and trade is attended by incalculable difficulties and hardships must be apparent."

The discrediting of silver can not much further proceed without undermining the value of the stocks of silver coins now existing and destroying their status as money behind the huge credit fabrics of the world. If silver should decline to 50 or 60 cents per ounce, can the mere fiat of governments sustain the existing stocks at their nominal and coinage values? A compilation from late official sources shows over $4,000,000,000 of paper money in the various countries of the world, not including the coin certificates of this country, and not including some countries from which no report is had, and the stability of this vast volume of purely credit money rests upon the metal money that is behind it, a large part of which is silver.

How can this paper money be upheld and continue current among men with its basis largely destroyed? Either specie payments must be generally suspended or the currency contracted to a suitable relation to the gold alone, with all the resulting reduction of prices and general distress that such contraction must produce, or the stocks of gold must be increased to take the place of the discarded silver. Where is the gold to come from? Let any man who is capable of intelligent thought upon the subject consider the effect upon the value of farms, houses, agricultural products, merchandise, railroad earnings, upon everything but a bond that is payable in gold, and the value of that will be largely affected by the impairment of the means of payment—upon society itself and upon civilization, by such obliteration of one-half of the world's money.

Mr. Mulvane, in his address at the recent meeting of the Kansas Bankers' Association, truthfully said: "Bimetallism is the hope of the business world."

Already there is some agitation in favor of a gold standard in India. A recent dispatch from Bombay says: "The movement in favor of a gold standard is spreading. Petitions are received daily from officials in all parts of India in favor of a gold standard." The officials referred to are officials of the British empire stationed there, who receive their pay in silver, and in remitting it to Europe find its value greatly reduced compared with gold. Let us see what Bagehot said on this point:

"As usual, however, other cures (of the effects of depreciation of silver) are suggested, which it is said will be less painful and quicker. One is, that the Indian government should demonetize silver, as the Germans have been doing, and adopt a gold standard; but in this case the remedy would be worse than the disease. We all know what the Germans have had to do, and how painful its effect upon us has been; they have had to buy gold to substitute for that silver, and the result has been an unusual disturbance of the London market, with sometimes very high rates of discount; nor is the operation yet complete.

"But the effect of a similar operation in India upon us would be altogether greater and more disturbing, because the Indian silver coinage is so very much greater than the German. To get gold enough to supply the place of all this silver the Indian Government would have to buy constantly all the supplies from the gold mines for years, and so straighten incalculably the growing money markets of the world; and then what is the Indian Government going to do with the silver? * * * Those who make this proposal can not have considered what in practice it would involve. * * * It would be nothing but financial ruin."

These words were written in 1876, long before the depreciation of silver had far progressed, and when the situation was far less difficult for the purpose than now. The estimated stock of silver in India is put at $900,000,000, or about 25 per cent of the entire stock of the world. What would be the effect of the displacement of this large sum added to the movement in the same direction in the Western world?

Whatever difference of opinion may exist as to the measures that should be adopted to remedy the situation, every American should stand by bimetallism. It is in the interest of our agricultural producer, and in fact of all classes; it is in the interest of debtors and creditors alike; of debtors, in preserving undiminished the volume of money and the status of the values of commodities wherefrom their payments are made; of creditors, in maintaining the values of securities and the means of payment; and the United States is the largest producer in the world of both silver and gold.

The bill recently introduced in the Senate by Senator VEST, providing for a reduction of duties on imports from certain European countries, in consideration of the adoption by such countries of the bimetallic standard, was a wise and statesmanlike conception, whether possible to be carried out at the present time or not.

It is incredible that any patriotic American should favor an exclusive gold basis, though, strange to say, there are some men who hold that attitude. That there has been a studied purpose to becloud and prejudice the public mind on this subject is apparent. From what source this is inspired, what great interest is behind it, whether English or other, is as difficult to state as it is to account for the agency that struck the silver dollar from American coinage in 1873. But in the face of the greatest peril that has menaced mankind in modern times, certain newspapers and magazines have teemed with articles on the "silver craze," and with maligning and misrepresenting statements. Against the high testimony that has been quoted, showing the insufficiency of gold for the world's business and against the hard and stubborn market reports, it is almost sickening to read Senator VILAS'S article in the May Forum, in which, after arguing silver down the wind, he says:

"The yellow metal alone is abundantly adequate to perform the entire office of metallic money in everything but the subsidiary needs of small dealings. This fact is conclusively proved by experience in Europe."

Is it possible that Senator Vilas considers that the condition of the masses of the people in Europe is one that should be paralleled in this country? A recent report of Consul Warner to our State Department, after giving details of the situation in Germany, says:

"In the eastern and western parts of Germany, as well as in the northern and southern parts, the workman alone can not earn sufficient to support his family."

A recent London telegram in the daily papers says:

"The St. James Gazette says that several great drapery firms are tottering under the severe general depression which has affected all ranks of society."

A lengthy cablegram in all the papers of the 11th, dated London, December 10, says among much else:

"Both in England and in Germany the signs of agricultural distress are increasing rapidly. The standing armies of the two countries combined are not so numerous as the great crowds of unemployed who walk the streets of the great cities. * * * From the remote famine-stricken provinces of Russia and the agricultural provinces of Austria-Hungary come the appeals of the half-starved peasants to swell the cry of distress."

These are mere indications of the general situation over there, with which Senator VILAS seems so well satisfied and would have duplicated here. If there is any exception it is in France, which has an immense circulation of both silver and gold, and which, financially, is the most self-balanced nation in Europe.

Much has been said about the "honest dollar." Is that a dishonest dollar which, as the figures have shown us, is to-day exchangeable, even at its bullion value, for as much wheat, cotton, and commodities of the world generally as it or gold would buy ten years or twenty years ago? And silver is condemned because, forsooth, it has declined with respect to gold, and there is much talk about its "value" and "intrinsic value." What makes the value of gold? What but a law that to-day happens to exist that says that anyone having gold bullion can take it to the mint and have it coined on a certain basis? It has not always been so with respect to gold. There is nothing new in the idea of demonetization which has been applied to silver in these later years. After the discovery of gold in Australia and California, the monometallists of Europe attacked that metal, as later on they attacked silver. During the years of the most active output from those countries the annual yield averaged approximately $150,000,000. In one year it reached $193,000,000, a sum never equaled in the production of silver.

An English writer of repute published an elaborate calculation, which led him to the conclusion that the gold production would soon amount to $350,000,000 per annum. Chevalier, a distinguished French theorist, and others, published books on the subject, predicting a great fall in the value of money as related to commodities, and under the influence of this outcry Holland, Belgium, Germany, and Austria, in 1857, demonetized gold, and adopted silver as their single standard. The American Cyclopædia, volume 11, page 740, says:

"In those countries gold only circulated as a commodity, subject to daily fluctuations in value, and as a consequence, deprived as it was of its legal support as money, it was little used."

It did not largely fluctuate or decline, for the simple reason that no large number of nations joined in its demonetization, as they have done in later years with silver. The Monetary Commission of 1876 says:

"It is probable that the movement would have become universal in Europe but for the resistance of France."

The production of gold soon declined, and it has ever been one of the remarkable features of these two metals that no large simultaneous increase of them has occurred; when the production of one has increased the other has declined or remained stationary, so that the addition of both to the existing stocks has never exceeded safe and suitable limits. From this it will be seen how their combined use, with gradual increase in volume, promotes stability in values and provides for the uses of man. And it is the magnitude of the entire stocks of these metals that gives steadiness to their value and to the values of commodities, and these are not affected by their annual supply except in very slow and almost imperceptible degrees, for the annual addition is but a small percentage of the general stock of the world, which is the measure of value of the commodities of the world.

What is "intrinsic value" as to either gold or silver? Who can tell? If gold were demonetized its market value as bullion would largely fall, for, while the production is limited, it is almost double what is required by the arts and manufactures. It is law alone that ever has made or ever can make either metal worth its coinage value, unless, indeed, the production of one or the other should at any time be less than the quantity required for other uses, in which case the market value would exceed the coinage value.

The demand for "honest money" is a proper one. What is honest money? Not wild and unlimited government issues, breeding vast general speculation and enormous inflation of prices, only to be followed by collapse and prostration. Not the issues of State banks, incalculable as to amount and uncontrolled by any central authority, issued under forty-four different State laws, many of them repeating the "wildcat" swindles of the days before the war, for in this instance, as in most others, history will "repeat itself;" but it is the gold and silver of the Constitution, the gold and silver that, as one has graphically said, "from the days of Abraham of the Chaldees to the days of Abraham Lincoln," formed the basis moneys of the world; and then, in proper proportion, resting on that, the paper money of the government. Attacks have been made upon the national banks of the country. The national banking system is the safest and best that has ever been devised and these banks should be perpetuated as banks of discount and deposit; but there would seem to be no reason why national-bank circulation should not now be replaced by the direct issues of the Government.

Such a system would constitute honest money, and with some well-ordered plan giving elasticity to the currency, and providing for its expansion and contraction with the varying demands of the seasons for a greater or lesser supply of money, would stand as a lasting bulwark against the constriction of a single gold standard on the one hand and deranging inflation of unlimited irredeemable fiat paper money on the other hand.

There never was a time in the world's history when a broad and ample supply of sound money was as necessary as now. It is the age of public and corporate debts of almost incalculable amount; of the expansion of credit unknown in former times; of enterprise unparalleled; of commercial and industrial activities wholly without precedent. The world needs a constant fresh supply of metal money, and the production of gold is stationary or diminishing.

Bagehot wisely says:

"We must remember that the currency of a stationary country requires constant renewal, and that of a progressive country constant increase, and therefore if you keep the quantity fixed, prices are sure to fall."

How shall this increase be supplied? By the new and fresh blood of the precious metals in the circulatory system or by irredeemable fiat paper money?

IV.

It is impossible within the limits of a newspaper article, however liberally extended, to do justice to this great question. A full and exhaustive discussion of it, with supporting statistics and authorities, would fill a volume. Enough has been said, the writer believes, to show, first, that the general values of our great staples, wheat and cotton, are largely controlled by the status of silver, and also that, generally speaking, in the welfare of silver is involved the welfare of all forms of property; and, second, that the demonetization of silver and its resulting degradation from its ancient position of money of ultimate redemption, coordinate with gold, was not based upon any necessity of the existing situation, or upon any changed relation of the two metals with respect to each other to the disparagement of silver, or upon any general interest of mankind calling for such action; it was at least a mistake of unmeasured sweep, and the harsher criticism seems justified that it proceeded from unworthy and speculative motives, which had for their end the profit of the few and the loss of the many; and, third, that gold can not perform the functions of both metals.

What is the remedy? Unquestionably there is but one, and that is the remonetization of silver, and the placing it again where from immemorial time it had stood. How shall this be accomplished? It is not the purpose of this article to enter into details of methods while the subject is under discussion by the monetary conference, which, at the instance of this Government, is now in session at Brussels. Concurrent action by the leading nations upon some agreed ratio would certainly be desirable. The apprehension has been expressed that if silver were readmitted to unrestricted coinage at the old ratios, the product would soon become excessive. If this apprehension be well founded there is nothing to prevent the present adoption of such new ratio, for instance, 18 or 20 to 1, as would tend to restrict the production of silver. But it is not believed that there is any reasonable ground for such apprehension.

It is the same old fear that was expressed by the monometallists and theorists of Europe when California and Australia were pouring forth their treasures of gold for the enrichment of mankind. As has been stated, it was predicted that the annual output of gold would soon equal $350,000,000. It never did, and the output of silver in any one year has never equaled the output of gold in single years. The lamp of experience illumines the days that are to come, and by the past we can judge of the future. The cupidity of man and his utmost energy have in all periods been aroused in the search for the precious metals, but while they have often been in scant, they have never been in excessive, supply.

Whether, with Alison, we reverently believe, as it seems we must, that there is a Providence at the helm of human affairs, or that there is a subtile and inexplicable Nature that directs means to ends, we must believe that so vital and fundamental a factor as this can not have been overlooked; we must believe, from the whole course of history, from the spontaneous and intuitive acts of mankind, in earlier as well as in later ages, in the choice of gold and silver for money metals, from the singularity of these metals as to indestructibility, comparative rarity and adaptability for monetary uses, from the conclusion to which all intelligent thought must lead, that upon any conceivable theory of human development, based upon lines of experience or of present human thought and knowledge, neither religion nor the intellect of man could produce an advanced general civilization without the concurrent agency of these metals, that in the general selection of means to

ends that is everywhere apparent, these metals were selected and ordained for the monetary uses of man; and we can safely trust that in the future, as well as in the past, the storehouses of nature will not surrender them more rapidly than the legitimate uses and welfare of man require.

If the time shall ever come for silver to be dispensed with, it will be when the treasuries of nature shall have opened compensating supplies of gold for the uses of the world; but the likelihood of such an event is not now apparent. If, as seems probable, the product of gold that will not be required in the arts and manufactures is to constantly diminish, silver will all the more have to be relied upon to take its place and perform its functions as a metal money. It may be expected, however, that the two metals will go on in the future as in the past with alternating periods of relative production, but in their combined use sustaining the values of the world, without the fluctuations that would attend the rising and falling volume of either metal alone. And if, after the resumption of coinage upon any fixed ratio, it should develop that the fears of excessive supply that are expressed by some are being realized, a new and higher ratio can readily be adopted which would inevitably reduce the production of silver by reducing its monetary value; and future action upon this point might be provided for in any agreement that should be entered into. The ratios between the metals have been changed at various times in the past, sometimes in favor of gold and sometimes in favor of silver.

All the nations of Europe were invited to send delegates to the Brussels conference. It seems remarkable that, while such nations as Greece, Portugal, and Turkey were invited, no invitations were sent to our sister republics of South America, with whom our trade relations should be most intimate. The conference seems to be dominated by the brokerage element of the British delegation. From any narrow and selfish standpoint it is not in the interest of the London bankers to favor either the remonetization of silver or uniformity of coinage among nations. It is through varying standards and coinages that they have made countless millions in effecting the world's exchanges and speculating upon the world's trade.

Any one can see that if there were coins of uniform value, so that certain American, English, French, German, and other coins were the equivalent of each other, people would travel from one country to another without the payment of brokerages in making exchanges; and that if silver bullion were at the fixed value which free coinage by the nations generally would establish, it would no longer be purchasable at fluctuating prices for use in India and other silver-using countries.

If the conference should be permitted to go to a successful issue, the occupations of Mr. de Rothschild and Mr. Currie might be seriously affected. They, doubtless, want to hold matters about where they are, deranged and depreciated, that out of such conditions they may continue to levy tribute upon the world's trade and travel. But the depreciation has proceeded so far as to threaten the financial systems of Europe and the world; while the importers in Europe from India and other silvur countries, and while the bankers in London are fattening upon existing conditions, the exporters of England to those countries, and the British agriculturists, are suffering in like proportion. This accounts for the movements in Manchester and other English manufacturing cities in behalf of silver.

The present depreciation is seriously crippling the Indian Government, which has to pay a tribute of about $75,000,000 annually to England. Five of the leading banks of Europe hold about $450,000,000 of silver coin in their vaults as a reserve against outstanding circulating notes. These and other considerations that might be named would seem to justify the hope that the conference might take some adequate favorable action. If not, then what? It will then be incumbent upon the United States, realizing the great position she holds, with the balance of the trade of the world in her favor, to mark out a policy of her own, and in such policy, if supported by a free development of commercial relations, all the other countries of the western hemisphere would doubtless concur.

The United States is abundantly able to take care of herself, and if she desires to recall any of her gold that may be drawn to Europe, there are means at command to enable her to do that and much more.

In a speech in the United States Senate March 9, 1870, upon the question of making our Government bonds payable in London, Paris, Amsterdam, and Berlin, Senator Sumner said:

"I can not forget my own country, nor can I forget the great primacy which I hope to see her assume in the money markets of the world. New York is our natural money center. Why should we revolve about European money centers? Let us keep our own center here at home."

In closing, I am tempted to quote the words of Senator Plumb, uttered in the United States Senate but a few months before his death. After referring to the then recent disturbances caused by the troubles of the Argentine Republic, under the stress of which Baring Bros. were so deeply involved, and to the struggles of England and other nations to retain their stocks of gold, he says:

"What shall the United States do? Shall it lead or shall it follow? It is the only nation in the world towards which people are coming. It is the only nation in the world from which nobody is going. It is the only nation in the world which in actual trade has a steady and continual balance in its favor. It is a nation of 65,000,000, the best equipped for business, for production, of any people in the world, and a country in which are the best chances for investments, toward which more and more comes the current of good things of the world, including population and money. It seems to me, Mr. President, instead of waiting until we become an appanage of the outgrown financial systems of the Old World, until we too are obliged to engage in struggles of the kind of which I have spoken, in order to maintain our hold upon our scant money supply, we ought to strike out, if not for ourselves alone, at least upon a basis that will constrain other nations to yield to us, to come to our views, and join with us in establishing the most necessary and useful thing of bimetallism upon a broader and safer foundation for business, upon a sound and permanent basis."

HOWARD M. HOLDEN.

THE PHILOSOPHY OF PRICES.

The vital importance of reasonably remunerative prices to the welfare of any people can not be denied. It is true that Mr. Currie, a London broker and monometallist, one of the delegates from England to the Brussels Conference, without denying the reduction of prices caused by the attempted compression to a single gold standard, is quoted in the press reports of the proceedings of the conference as arguing that low prices are not to be deprecated, but rather to be approved and encouraged as conducive to trade; but his views can hardly meet with general approval. They are the cold expressions of a broker and middleman, who is apparently indifferent to the condition of the producer, so he himself scales his percentage from the product as it passes through his hands on its way to the consumer.

It has been well said that "the true source of riches, as well as of independence, is to be found in the cultivation of the soil," but neither competency nor independence can be realized without remunerative prices. Cotton at 5 cents on the Southern plantation and wheat at 40 cents on the plains of Western Kansas, Nebraska, and Dakota can not yield a fair and living return to the producer. Prices unduly high are to be deprecated as well as prices unduly low; but prices liberally remunerative, without inflation, are essential to the prosperity of the people. Fair prices to the producer, fair wages to the workman, as well as fair profits to the middleman and manufacturer are the conditions that give purchasing power to all classes, and thereby promote trade, general education, comfort, and prosperity, and tend to that diffusion of wealth which is so essential to the permanent independence of any people.

How shall such prices be realized to the producers in this country?

It has become a self-evident truism that the volume of money controls the general prices of commodities. Special and temporary causes, such as unusual fluctuations in demand and supply, temporarily affect particular commodities, but when those transient causes disappear the general condition again prevails. The vast combined stocks of gold and silver in the world, which are the slow aggregations of many centuries, now amounting to about $7,500,000,000, of which about one-half is gold and one-half silver, have become the general measure of values, and the basis upon which all values and credits rest. It is beyond question that the demonetization of silver during recent years by various nations has so narrowed the basis as to greatly reduce prices.

By operations that are plainly apparent, and which are set forth in the preceding article, this result has particularly accrued to cotton and wheat, which have been affected by the competition of like products from silver-using countries; and by more subtle but not less sure methods, the effect has been felt upon the general list of commodities.

It has been proposed by some to fill the void produced by the obliteration of silver by huge additional issues of paper money. Can prices be restored and maintained by such means? Let us consider this question in its bearing upon wheat and cotton.

It is true that if there should be vast additional issues of paper money, whether by the Government or by banks, such as existed during the late civil war, prices of wheat, cotton, and all commodities would sympathize and advance; but this process would soon cease to operate on all articles that are largely exported (and sympathetically on other articles); for, as with wheat and cotton, there is always produced more than the country can consume, and a large surplus has to be disposed of in foreign countries; and it is well known that the price that can be obtained for that surplus in foreign lands is the main factor in determining the price at home, and the value of the whole crop.

If, therefore, values here were largely advanced through causes not common to other nations, as by the great expansion of paper money, prices abroad would not materially sympathize with the advance in prices here; the disparity in prices would cause the foreign needs to be largely supplied elsewhere, or partially met by the substitution of other articles; and thus the foreign market would be contracted, and exports checked. This would react upon and again reduce domestic values. It is, therefore, not through paper money inflation that remunerative prices can be established and made permanent, but it is alone through a restoration of silver and the upholding of its value with gold throughout the world.

The lower the price of silver bullion the cheaper the price at which wheat and cotton can be had in India and other silver-using countries; and the higher the price of silver bullion the higher the cost of those commodities in those countries, and the less disastrous their competition with American wheat and cotton, and consequently the higher the value of our productions. Whatever, therefore, tends to sustain the value of silver, also tends to sustain the values of wheat and cotton, and whatever tends to reduce the value of silver also tends to a further depreciation of wheat and cotton.

The practical operation of this cause was forcibly stated by Secretary Rusk in his report of 1890, which has been quoted from in the preceding article. While this is especially true of wheat and cotton, it is also true of all commodities. A reasonably liberal supply of paper money issued by the Government, or under Government control, is very important, but not a vast, unlimited issue. Permanently remunerative prices can only be secured to the producers of the country by an ample stock of metallic money, and this stock must continually increase in due proportion to meet the growing population and commerce of the country.

These propositions must inevitably hold good so long as the world holds to metallic money as basis money, and as the only real money of universal recognition, and until the deep-rooted financial systems which the wisdom of the ages has adopted and approved shall have been discarded and superseded by paper money without pretense of redemption; and they are of special applicability to all articles the domestic price of which is largely fixed by the value of the exported surplus.

Furthermore, with either metal eliminated the other can not by itself prove sufficient to form the basis for the vast superstructure of paper money and credit, nor can the stable conditions exist that give steady and remunerative prices. The expressions of Mr. Leech, hereinbefore quoted, are of great force on this point.

HOWARD M. HOLDEN.

Mr. STEWART. Mr. President, I think a sufficient part of the pamphlet was read to show a fact which no one who has investigated the subject will deny, that the prices of wheat and cotton have declined with silver; and that there has been no general exception. Of course the price of those articles will vary slightly according to the supply and demand, resulting from good or bad crops, but the general average price of wheat and cotton has kept pace with silver. It is very natural that it should do so, because our competitors in supplying the European market with those articles are all, or nearly all, on the silver basis.

A person can buy cheap silver and coin it into money in those countries at substantially the same price he could before. The American farmer has to stand the discount. For example, it is shown by this pamphlet that the price of a bushel of wheat in the European market is substantially, and has been during all these years, an ounce of silver, which the farmer would get if there was no middleman; but the middlemen get the most of it; however, the India farmer takes his bushel of wheat to London or Liverpool and receives his ounce of silver, and in his own country has it coined into rupees equivalent to about $1.38 at the ratio of 15 to 1. The American farmer takes his bushel of wheat to the same market, and he gets his ounce of silver, and then he gets for it 83 or 84 cents. The result is the building up of trade there and the destruction of it here.

When such glaring facts as these exist, when the average price of commodities has fallen 40 per cent in twenty years, is there any reason why there should not be unrest and discontent among

the farming community? Mortgages do not decrease in their demand; of the money in which they are to be paid it takes nearly twice—30 or 40 per cent—more property and more labor than it did twenty years ago. They grow every day and every hour in their command of property. The moneyed classes are growing rich; all those who can collect their debts are growing rich. Creditors are looking out for their securities now, and if they can obtain payment in gold without interest at all the enhanced value of money is enormous.

The enhanced value of money for the last twenty years has been fully 2 per cent. The man who had deposited in a bank or a vault $100,000 twenty years ago would find it commanding as much property to-day as $140,000 would command at that time, or as much as if he had received 2 per cent on it. When he gets further interest on it it is sweeping the earnings of the masses into the hands of the few. I verily believe that if the obligations to pay money now outstanding had to be paid in the shrinking supply of gold, which has got to shrink year after year, and if silver is destroyed, they are more than sufficient to absorb the entire wealth of the civilized world.

When we see such a revolution going on, when we see this terrible robbery by corporations, when we see the emissaries of the gold kings about the Capitol, when we see the agents of foreign bondholders coming here and dictating terms, when see those men circulating petitions among bankers to be sent here, when we hear the edict go forth in the leading newspapers of the land that this shall be done, is it not time to sound the alarm?

Neither party put this issue before the country in the recent campaign. Both platforms were mere jargon, without any distinct proposition in them on this question. They were both satisfactory to the gold ring or the gold trust. The public press and the public speakers of both parties in the last canvass told the people that the money question was not an issue; that the tariff was the only important thing. But since the election we have heard nothing of the tariff.

On the other hand, the leading journals of both parties in the commercial centers, under the control of the gold ring, have demanded of Congress under threats of financial ruin the repeal of all laws recognizing silver in any way as money. They have demanded the utter destruction of all the market for silver in the civilized world to the end that the value of gold may be enhanced and the people still further robbed. I say it is a mockery to go before the people with one issue and suppress the paramount issue, and then having obtained a victory to use the power thus required to destroy the industries of this country and to rob the masses for the benefit of the few.

There was a protest put in by over a million votes against both parties. That protest was not backed by one-fifth of the men who are suffering and who demand redress because they were told there was no hope of success. When a million votes are cast without hope of success it means that there is unrest in the country. This unrest has beaten the political party in power every four years at three successive elections. It was unrest and falling prices that beat the Republican party in 1884.

The Democratic party promised relief and put a plank in its platform in favor of honest money, gold and silver. That was construed by the people and by the public speakers to mean the free and unlimited coinage of silver equally with gold, for everybody knows that silver can not be equal with gold unless its ancient privilege of coinage is recognized. It is the money demand that makes gold valuable. Take that away and it would depreciate. If silver is not to be used as money the supply on hand is ample for many years, and its price must fall.

The people, I say, believed that the Democratic party would restore silver in 1884. It did not do it, and four years from that time when the Democratic national convention met it did not mention silver. The Republican party did. It put a plank in its platform which was understood by the people and intended to be understood by those who drew it to mean that the Republican party would restore silver, and the Republican party was victorious. The Republican party did not restore silver. Its great leaders in the last campaign were making speeches in favor of its utter destruction by the repeal of the only law that furnishes a market for it. The Republican press indorsed the speeches of its great leaders. The Democratic party did not agree to restore silver, but it said "we can give relief in some other way." The people did not have much faith in the relief promised, because the vote was exceedingly light. Hundreds of thousands staid away from the polls. The Republicans had been the most deceived and they were the most disgusted and remained away from the polls in greater numbers.

As I before remarked, a million men protested, but a sufficient number to elect the Democratic candidate cast their votes in a perfunctory way, without the slightest interest or excitement. There was never in the history of America a campaign in which the hearts of the people were less engaged. All the papers, Republican and Democratic, concurred and asked, "What does it mean? There is no enthusiasm; there is no interest." There was no interest because there was no real hope of relief. Discontent will continue, and it must continue until the people have relief.

Now we are told that we can get relief by violating the Constitution; that if Congress will disregard the safeguards in that instrument and invade the States and interfere with their business there will be relief. No relief can come from doing wrong. Congress has abundant power to give the relief required, and to give it in a copious, generous manner by restoring the money of the Constitution.

What a blessing it would be if we could have as a basis of circulation nearly eight thousand million dollars! What prosperity would spring from that! There would then be no anxiety when gold goes out of the country, because it would make no difference to us whether gold went or silver went.

Senators talk about an oversupply of silver. That is absurd. It has not taken place. From the discovery of America until 1803 Humboldt tells us that there were 44 ounces of silver produced to 1 of gold. Why was it that at the end of that period the quantity of coin was not in the same proportion? The silver was about equal with the gold, and it was because four times as much silver disappeared as gold. All the people used silver, and but comparatively few used gold. Gold is a rich man's money. It never was in general circulation, and it never can be. It never was the regulator of values. It never can get into general circulation.

If nothing but gold is used the people can have no coin money; it is impossible. Gold never did circulate among a hundred million people. It is the bankers' money. It does not disappear as fast as silver.

During that period it is estimated by some—it may not be correct—that half the supply of gold came from the silver mines. I am confident that but for silver mining there would have been very little of the gold produced, because the towns in Mexico and South America, which furnished the population from which the men who go out to hunt for gold in the little ravines in the little gleanings or where the placer gold comes from, are sustained by silver mines. That is the grand supply.

This ratio of overproduction continued until 1850. Then came an accident which has upset the minds of men. Then came a great discovery, the like of which can never again take place. California and Australia with their hundreds and hundreds of millions of product poured their treasure into commerce and quickened everything. The energies of man accomplished more in twenty-five years than had ever been accomplished in any hundred years that preceded it. When the supply of gold commenced to wane, as if providential again, the great Comstock mine was discovered, and a new era of silver mining was inaugurated.

Then it was that sordid, selfish, cold-hearted misers and money-dealers conspired, for the avowed purpose of enhancing the value of their property, to cut off one of the precious metals. Nobody knew it. It was not discussed. If it had been it would have made no difference. It was either the mistake or the crime of the nineteenth century. They tried first to destroy gold to accomplish that purpose. Then they recalled the history of the metals and found that the main supply came from silver. They saw the new silver mines developing, and not on account of overproduction, for production had but just begun then, they struck down silver.

The year that silver was destroyed in these halls there was only $81,000,000, coin value, of silver produced in the world and $96,000,000 in gold. Since that time there has been an increase in the production of silver and a rapid decrease in the production of gold except from the silver mines, because, as I before remarked, the silver mines of Nevada alone have produced $200,000,000 of gold. Without the silver mines the product of gold would not to-day be $60,000,000 a year. The time is not far distant when the stock will be reduced to about what it was in former ages.

It is said that we are producing silver in vast quantities. It has gradually increased until the product is now about $170,000,000 or $175,000,000, coin value. But is that too great an increase? The two metals combined, with all the exaggeration of statistics, could not reach $300,000,000, coinage value. Is that a great increase in forty years? Look at the increase that took place between 1848 and 1852. The amount rose from about $35,000,000 or $40,000,000 in 1848 to over $200,000,000 in 1852. One hundred and ninety-six million of this amount was gold. That rapid increase injured no one. There has been no increase of both metals combined sufficient to keep pace with population and business.

When Senators tell you that silver can be produced for anything less than its coinage value on an average they try to deceive you. I will be able to make a report from statements col-

lected from all the leading experienced men in the United States, and I will undertake to show that it is their average opinion that it costs about $2 to produce one, because you must take into account the hunting for it, for gold and silver are more or less finds, and if you do not hunt you can not find.

The cost of the prospecting that is expended in finding this metal must go into the cost of production. I have seen thousands of dollars of gold picked up in a day, but that had no reference to the general cost of the production of gold. The cost of the production of both metals is in excess of their value, and has been during all the ages. This is the opinion of Humboldt, of Jacob, and of every man who has investigated it. They say that the cost of production is enormously more than the value of the metal when procured.

But the cost of production has nothing to do with its value as money. Its value is the picture on the coin, what you will give for it. Its value as money, whether it costs much or less to produce it, is the measure by which labor and property must be gained and determined. If silver is not used as a measure it is good for nothing. That measure is the limit of quantity of the two metals. When you depart from that you are all at sea. Read history. Men, in their wisdom, thought they could depart from the measure fixed by nature in the production of the two metals

France tried it with her assignats. She first issued 400,000,000, and it was good money. Her necessities continued, and her last issue was 45,000,000,000, and her assignats were worth no more than hay. They had no power of limitation. It may be that the time will come when the genius of man will invent something to limit the supply of money that we may have, but now we have no other limitation. The talk of limiting it to the shrinking supply of gold is more radical, revolutionary, and destructive than the unlimited issue of paper money. Nothing, I say, presents such a dismal picture to man as our basis of circulation. Capital must in the next twenty years be reduced 30 or 40 per cent in every country if silver mining is stopped. That will be the consequence.

That is what is taking place, and that is what is producing the unrest. In their desire for relief from their hard condition the people sent petitions here; they blame their neighbors; they attribute their distress to false causes. We have been legislating to accommodate them in nonessentials, creating excitement over questions that can not possibly affect them, violating the Constitution to accomplish an impossible purpose in that direction when we should have been obeying the constitutional mandate to coin gold and silver and furnish the people money. We can do that. We can follow in the footsteps of the fathers, obey their command, relieve the people from the falling prices and the hard times, and give the people more money and better prices, stimulating production, making it easier for the people to live, to support their families and pay their debts, giving them the instruments of civilization, without which civilization itself can not exist.

Then you will have rest. Then you will have prosperity. Then petitions for such legislation as the measure before the Senate will cease to come here. But so long as the iron grasp of contraction paralyzes the hand of industry, so long you will here these complaints. Look at the situation of the civilized world. In Europe every nation is loaded with debt beyond its capacity to pay, and those debts are increasing every day with the enhanced value of money. There are 15,000,000 soldiers under arms. What chance have the people to obtain their rights there? A condition worse than the feudal system is growing up in that country, and the condition of the working and producing classes is tenfold worse than it was forty years ago.

There is no hope for them. They have not a free ballot. They have not free speech. We have; and it is sad in free America to have the men who are oppressing the people abroad send across the wires edicts governing our legislation, telling us to deprive our people of money for the purpose of enriching the creditor class of England, and we listen to them. One breath from them has more power with the ruling classes in both parties than all the petitions of all the people of the United States. When they petition you hear them not. You complain of them; you call them cranks; you call them hard names.

Have they no reason to complain? Has not your property in the United States increased 40 per cent when theirs has shrunk an equal amount? Have you not grown rich while they have grown poor? Look at the price of wheat and cotton, and consider for a moment. Reflect upon the fact that the property of farmers, where it has not been affected by immigration or some other local cause, has depreciated in the last twenty years from 40 to 50 per cent in value. The mortgages have not decreased. When the people are thus oppressed, do you doubt their unrest? I tell the Senate that unrest exists, and it will continue as long as the iron grasp of contraction inflicts new wounds upon the industries of the country.

Such a bill as this at a time of such distress seems to me to reflect very little credit on the hearts or consciences of the people who advocate it. The people ask for bread and you give them a stone. It will not do to say they did not know what they wanted. Perhaps they do not. They know that they are oppressed. You know the remedy. You know that you have taken their money away from them. Restore it. Give them the money of the Constitution and they will be satisfied, and the party that does it will ingratiate itself in the hearts of the people and be entitled to an indefinite lease of power. But without that, every four years the administration will change.

Every four years will show that the political parties of the country are dissatisfied; these Halls will be continually beset with petitions and memorials asking for this and that kind of legislation, which we know will not benefit the people, and which we know we have no power to enact. Let us stop this farce. I think the bill under consideration is a palpable violation of the Constitution. The bill under consideration can not grant the relief sought by the people. The bill under consideration is raising false hopes, to be cast down just as has been the case with all the other experiments in legislation such as this. They can not reach the difficulty. If we are to legislate for the people in earnest, let us enact laws that will give relief and not trifle with a serious and important question which is affecting the civilization of the age.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Mississippi [Mr. GEORGE].

Mr. WOLCOTT. I ask that the amendment may be read.

The PRESIDENT *pro tempore*. The amendment wil be read.

The Secretary read Mr. GEORGE'S amendment, which was to strike out all after section 3 of the bill, except the last section, and insert other sections.

Mr. VILAS. Mr. President, it will be remembered by the Senate that when I submitted some remarks on the pending bill the other day I gave notice of my purpose at the proper time to move an amendment to the substitute of the Senator from Mississippi. I should like to inquire if an amendment to the amendment is now in order?

The PRESIDENT *pro tempore*. It is in order. The amendment of the Senator from Wisconsin would be an amendment in the second degree.

Mr. VILAS. So I supposed. I therefore propose the amendment which I send to the desk.

The PRESIDENT *pro tempore*. The amendment will be read.

The CHIEF CLERK. It is proposed to strike out of lines 2, 3, and 4 in the fourth section of the amendment proposed by the Senator from Mississippi the words:

"Options" and "futures," as hereinbefore defined, are hereby declared to be obstructions to and restraints upon commerce among the States and with foreign nations, and to be illegal and void; and

So as to read:

SEC. 4. That if any person shall be a party, either as buyer or seller, to any contract or agreement hereinbefore defined as "options" or "futures," he shall be guilty of a misdemeanor, etc.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment proposed by the Senator from Wisconsin [Mr. VILAS] to the amendment of the Senator from Mississippi [Mr. GEORGE].

Mr. VILAS. Mr. President, I do not intend to debate the amendment, especially in view of the fact that I submitted what seemed to me to be good reasons why it should be adopted and such as I thought might even commend it to the acceptance of the distinguished Senator from Mississippi himself, who has given no expression of his view in regard to it. The general drift of that argument was, that if the fact which the words purposed to be struck out assert be indeed a fact, and if especially that fact be jurisdictional, so that the right of Congress to legislate in the manner proposed by the distinguished Senator depends upon the existence of that fact, it ought to be left to the courts to determine, and Congress ought not to attempt the absolute declaration of a thing of that sort.

Now, I wish to make one further observation in regard to the amendment which was not said in the remarks I had the honor to submit the other day, but to which attention was called by a very pertinent question of the distinguished Senator from Massachusetts [Mr. HOAR]. This declaration alleges, as it is incorporated in the amendment, that options and futures are not only obstructions to and restraints upon commerce, but illegal and void.

The question which was put by the Senator from Massachusetts is this: If anything which is illegal and void because it is an interference with interstate or foreign commerce would not be so declared by the courts, the question being properly presented in a suit or action, can there be any just right in Congress

to anticipate and pronounce upon what is thus shown in truth to be a judicial question?

That it is a judicial question can perhaps be made evident by one consideration. The court has in one notable case, and I think in several others, declared that legislation of a State was invalid because it interfered with the right or power of Congress to legislate upon the subject of interstate commerce. That was in substance, I believe, the bases of the decision in the cases known as the original package cases. I understand it to have been held, generally and summarily speaking, that if the legislation of a State gives any apparent right to do a thing which is contrary to or invades the power of Congress to legislate upon the subject of interstate commerce, that legislation must fail.

Here is a class of contracts which stands upon the legislation of the States. If that legislation does thus in truth support what is an obstruction to commerce and an interference with the powers of Congress in respect to interstate commerce, might not that question be presented to the courts in a proper manner, and should Congress overstep its proper boundary and undertake to declare a judgment which under the partition of power between the legislative and judicial branches belongs properly to the courts to decide?

I again call attention to the question which I think must be very obvious to the Senator from Mississippi, whether we have the right, if the fact be not as is here declared—and I will use his own language—to steal a power we would not otherwise possess by declaring a jurisdictional fact which can not be or is not true? Upon that point it will be apparent to the distinguished Senator that it is perfectly safe to omit this declaration if the fact be in accordance with the declaration. If the evidence will prove the truth of what is here asserted, and if the fact be, as this indicates it, essential to our right to legislate, let us leave that question in proper courtesy and with proper respect to the judicial branch of the Government, to the courts for their determination.

I do not desire to protract this argument. I do not offer the amendment in any spirit of obstruction or delay, but because it seems to me an amendment which ought to be adopted if the substitute proposed by the Senator from Mississippi should be finally accepted by the Senate.

Mr. GEORGE. Mr. President, the amendment designated as an "amendment proposed by the Senator from Mississippi" is an amendment which was prepared by a minority of the Judiciary Committee, composed of the Senator from Texas [Mr. COKE], the Senator from Alabama [Mr. PUGH], and myself, and in a written report which we made to the Senate was recommended to this body for adoption.

The whole question involved not only in the original bill as it came from the House of Representatives, but in the amendment which was recommended by the minority of the Judiciary Committee has been well said by Senators who oppose the adoption of either and both to be of the utmost importance, not only in a constitutional point of view, but as the bill and amendment may relate to the business interests of the country. In that assertion of the importance of this proposed legislation to the people of this country and its supreme importance I heartily agree.

I may state now that in the report made from that same committee by the distinguished Senator from Connecticut [Mr. PLATT] it was declared that the dealing in agricultural products by persons who did not own them and who had no right to them is a great evil and ought to be suppressed if there was any constitutional power in Congress to do it. So the Senate now at this late hour will discover that it is the opinion of Senators on both sides of this question that the matters of legislation proposed, both the original bill as it came from the House of Representatives and the amendment which was suggested by the minority of the Judiciary Committee, are of supreme importance, as they affect that most delicate of all questions which can engage the attention of the American Congress, the relative powers of the States and the Federal Government upon a question conceded to be on all sides of the gravest importance. So I say its great importance is discoverable to the Senate.

The bill has been discussed for the last two or three days with a great deal of ability and with a great deal of research into precedents made not only by the Supreme Court of the United States but also by Congress. In the last day or two the amendment which was recommended by the minority of the Judiciary Committee, and commonly called the amendment proposed by myself, has especially been assailed with a great deal of ability and a great deal of ingenuity.

It is and has been expected that before the conclusion of the debate upon that subject some member of the minority of the Judiciary Committee who concurred in recommending the amendment to the favorable consideration of the Senate would make not only some reply, but such reply as in the judgment of the Senator who should undertake that task would be considered at least as presenting the main arguments upon which the Senators who favor the amendment rely.

I confess, sir, that at this hour of the day I feel a little embarrassed about what I ought to do. The learned and distinguished Senator from Minnesota, who has charge of the bill, has expressed a wish that the Senate shall sit out to-day the debate on this question. Occupying the humble position I do, being in favor very much of having some effective constitutional legislation upon that subject, I should dislike to interfere with the arrangement desired by the Senator who has charge of the bill.

Yet I feel that with the ample preparation which has been made by the Senators who have assailed the amendment, at this late hour, with the Senate tired and weary, possibly I would not do justice to the question or to myself if I should consume an hour or two more in presenting the views which, with the minority of the Judiciary Committee, I entertain upon that subject. I dislike to interfere with the arrangement of my distinguished friend, who has, with so much fidelity to the interests of the people and with so much zeal and ability, pressed this measure upon the consideration of the Senate. I feel some embarrassment in interfering with any arrangement he desires.

Mr. WASHBURN. As the day has so far progressed and it seems hardly fair to require the Senator to go on to-night, I feel like withdrawing the request I made several days ago to reach a vote before we should adjourn to-day. I give notice that to-morrow I shall ask the Senate to remain in session until we reach a final vote, and in deference to my good friend from Mississippi, if it is agreeable to him, I will move that the Senate do now adjourn.

Mr. GEORGE. I ask the Senator to withhold the motion to adjourn for a few minutes.

Mr. WASHBURN. I will submit the motion when the Senator from Mississippi concludes.

The PRESIDENT *pro tempore*. The Chair understands that the Senator from Mississippi does not yield for a motion to adjourn?

Mr. WASHBURN. I will withdraw the motion for the present.

Mr. MITCHELL. Before the Senator from Mississippi proceeds, I wish to say a word simply to the Senator from Minnesota.

Mr. GEORGE. Very well.

Mr. MITCHELL. As the Senator from Minnesota knows, there is some executive business which ought to be attended to at an early day. Does the Senator see his way clear to give way at any time long enough to transact some executive business?

Mr. WASHBURN. As soon as the Senator from Mississippi gets through I will yield for that purpose.

Mr. MITCHELL. We can not do it to-night.

Mr. GEORGE. Mr. President, only one more remark and I shall take my seat.

The Senator from Wisconsin [Mr. VILAS], who made such an able and ingenious speech some days ago in opposition to the amendment which I had the honor, in behalf of the minority of the Judiciary Committee, to offer, has proposed this evening to amend the amendment by striking out certain words which he seems to think are unusual in an act of Congress, a clause which he seems to think is a usurpation on the part of Congress in assuming for itself what he calls the judicial power of declaring certain contracts illegal. I desire to make a remark on that point, so that Senators, when we shall have adjourned, may take home with them at least one of the evidences of a mistake which Senators who assail this amendment have made.

I have been charged by the Senator from Wisconsin, or at least by the friends or proponents of his amendment, with dealing directly with what the Senator from Connecticut [Mr. PLATT] in his written report declared to be a great evil which ought to be suppressed. I have been charged with introducing a novelty into the legislation of this country, so that Senators who have not given to this matter their careful attention (which possibly no Senators ever give to a question except those who propose to debate it) will go away from the Senate Chamber under the great delusion that we are here for the first time in the history of American legislation undertaking to do a particular thing which those who oppose it say is a usurpation of power.

I wish to call the attention of the Senator from Wisconsin and Senators who may have been affected by the delusion under which the Senator from Wisconsin has labored to the fact that the phraseology to which he so seriously objects has ample, full justification in the precedents of the Senate, precedents, too, not found in hasty and undebated and inconsiderate legislation, but precedents which are the result of long, careful, learned debate in this body as well as in the Law Committee of this body.

I wish to read that, so that Senators who have listened to this debate may know that some things which have been passing current in this body as constitutional learning are no more than the

delusion of Senators who have persuaded themselves that this very grave and important matter, so feelingly alluded to by the Senator from Connecticut and the Senator from Massachusetts is not of a very recent date and wholly the result of the imagination (if I may use that word) of Senators seeking to accomplish legislation unauthorized by the Constitution and unwarranted by the legislative history of the country.

The Senator from Wisconsin objects that in the languge which he moves to strike out we assume the judicial function of declaring certain contracts illegal. Let us see what the precedent is to which I have alluded:

Every contract or combination in the form of a trust or otherwise, or conspiracy in restraint of trade or commerce among the several States or with foreign nations, is hereby declared to be—

By this enactment, by this judgment of the American Congress declared it to be what?

Illegal.

That language in the first section of the statute is repeated on the subject of trusts; and to show that it was not merely a *lapsus pennæ* of the draftsman of the first section of the law, if you will go to section 3, you will find that certain contracts of a similar character between States and Territories are also, to use the language of the statute, "hereby declared to be illegal."

Mr. WHITE. Will it disturb the Senator if I ask him a question?

The PRESIDENT *pro tempore*. Does the Senator from Mississippi yield to the Senator from Louisiana?

Mr. GEORGE. Yes, sir.

Mr. WHITE. Is there not a fundamental distinction between declaring certain specific acts recited in the law as being impediments to commerce and declaring that when acts are impediments to commerce they shall be illegal?

Mr. GEORGE. There is a distinction, as suggested by the Senator, a distinction which I have carefully considered and about which I propose at some length to speak to-morrow morning.

I wish to say now, however, that I have a precedent for a declaration by Congress that certain contracts and combinations are illegal. I shall show to-morrow by a number of precedents from acts of Congress that there is nothing more common, especially in legislation under the commerce clause of the Constitution, than for Congress to declare and prohibit certain specific acts, which come up to what my learned friend from Louisiana thinks I can not find.

Mr. WHITE. I beg the Senator's pardon. I would not consider a thousand declarations by Congress that certain acts are legal as reaching my question. My question is not whether this bill declares those acts illegal, but whether it does not declare, as a matter of fact, that they impede commerce.

Mr. GEORGE. That is exactly what I am going to prove to-morrow, that certain acts named in the statutes of Congress are prohibited upon no other ground than that they either restrict or obstruct commerce, or that certain specific things are required to be done which facilitate commerce between the States.

In addition to that, I will give notice to the Senators who so much object to this declaration by the American Congress, that certain things which Congress shall adjudicate or say are or are not regulations of commerce, which restrict or facilitate commerce, by the judgment of the greatest judge who ever sat in the Supreme Court of the United States are solely within the jurisdirtion of Congress to pronounce upon.

Having said that much, so that Senators may have the night to rest and sleep upon it, to find arguments and precedents to meet that which I shall allege, I will yield to a motion to go into executive session or to adjourn, which ever may be the will of the Senate.

Mr. GRAY. Will the Senator from Mississippi, before he takes his seat, permit me to ask him a question?

Mr. GEORGE. Yes.

Mr. GRAY. I have been listening to the Senator, as I always do, with great interest, and just now with some expectancy that he would fulfill his promise and give those who are so unfortunate as to differ with him in regard to his amendment, such precedents in legislation that they might take away with them to-night the precedents for Congress declaring that certain specific acts were obstructions or restraints of commerce. I shall be very much obliged to the Senator if he will, without reciting them at length, refer me to them, that I may examine them before the meeting to-morrow.

Mr. GEORGE. I do not wish to anticipate the remarks which I intend to make to-morrow morning; but to gratify my distinguished friend from Delaware, so that his slumbers upon that subject may not be disturbed by a hungering and thirsting after the information which I shall give just now, I shall read from the statutes of the United States a case exactly in point.

Section 5 of the interstate-commerce act declares—

That it shall be unlawful for any common carrier subject to the provisions of this act to enter into any contract, agreement, or combination with any other common carrier or carriers for the pooling of freights of different and competing railroads, or to divide between them the aggregate or net proceeds of the earnings of such railroads or any portion thereof.

I hope my distinguished friend will see that there is no difference between the word "pooling," or the division of freights, as mentioned in this act in the section which I have read to the Senate, which "is hereby declared to be illegal," and the provision which I have read:

That it shall be unlawful.

There is a distinct fact; there is a separate and distinct contract selected by Congress from the mass of contracts which railroad companies may make, which is declared to be illegal and is prohibited, whereby Senators will see, because it is a very plain thing to see, that the great contention which they make in this matter that the effect of the contract upon interstate commerce and foreign commerce shall be left to the judgment of the court. Congress says that that particular kind of a contract shall not be made, as is provided in the amendment I have offered, to which so much objection has been made.

Mr. GRAY. I only wish to thank the Senator from Mississippi for complying so readily with my request and citing particular statutes, which he said he could cite before he took his seat, which supported the position he has taken. Having thanked the Senator for complying with that request, that is all I shall say at this late hour, except to remind him what he will more enlarge upon to-morrow, that the instance of legislation which he does cite in the interstate-commerce law is one which concerns itself directly, admittedly, on all sides, with an act of interstate commerce, one of those transactions which by the very statement of it brings it within the purview of the clause in the Constitution giving Congress the power to regulate commerce among the States, precisely upon the same ground as in the other instance which he cited in his speech last summer, where the Congress of the United States undertook to say what should or should not be an obstruction to the navigation of the Ohio River.

Mr. GEORGE. I do not intend to let the Senator from Delaware go to sleep in the darkness and mist which seems to surround him upon this question. The Senator from Delaware very skillfully evades the point of the question which he first put to me. He wanted information as to a declaration made by Congress that a specific act, a named contract, was, in the judgment of Congress, unlawful and an interference with interstate commerce.

Mr. GRAY. The Senator will pardon me for correcting his misstatement of my position. I did not challenge the Senator, if he will allow me, to produce an instance. I asked him before he closed if he would keep his promise to cite an instance.

Mr. GEORGE. I will withdraw the word "challenge," if I used it.

Mr. GRAY. Oh, no; I was not making any comment on that.

Mr. GEORGE. Very well; I did not intend to use that word. If I used it I take it back. The Senator suggested to cite an instance, which I did; and now what does he say? He says it is true that Congress has done that in the instance to which I have alluded, but attempts to evade the force of it by saying that whilst Congress may do that thing, may declare that a specific kind of contract is an obstruction to commerce, illegal, and prohibit it, yet in the case which I cited it happened to be a case of interstate commerce.

The question is as to the power of Congress to make the declaration. I am assailed and my amendment is assailed by the amendment offered to it by the Senator from Wisconsin upon the ground that Congress may not make such a declaration. I answered and showed that Congress can make such a declaration and has made it. Then I am gravely informed that while it is true that Congress may make the declaration, it must be in a case of interstate commerce. That is the very question at issue between the Senators upon the other side and myself. If I do not succeed to-morrow in showing that this great evil, conceded to be so by the Senator from Connecticut [Mr. PLATT], and which ought to be suppressed if there be constitutional power in Congress to suppress it, does interfere with and restrain interstate and foreign commerce, then I shall have failed to make out my case.

Lest, however, the Senator shall still remain in the mists and fogs which seem to surround him in reference to this question for another night, I will inform him that the pooling referred to and prohibited by the fifth section of the interstate-commerce law is not only a pooling of freights earned in interstate commerce, but also a pooling of freights earned in domestic and internal commerce. Let us see whether that be so or not.

SEC. 5. That it shall be unlawful for any common carrier subject to the provisions of this act to enter into any contract, agreement, or combination with any other common carrier or carriers for the pooling of freights of different and competing railroads, or to divide between them the aggregate or net proceeds of the earnings or such railroads.

If the statute had stopped there, my learned friend might have

deluded himself with the idea that it only meant earnings coming from interstate and foreign commerce; but the statute did not stop there. I will read it all as it stands on the statute book so that the Senator will see verified in this statute a great principle recognized by Chief Justice Marshall in Gibbons *vs.* Ogden, the first great case which undertook to explain the power of Congress over interstate and foreign and domestic commerce—not only recognized in that case, but never departed from by any decision of the illustrious tribunal or of any of the judges of that court who have succeeded Chief Justice Marshall.

That principle is, that when it becomes necessary to fully, completely, and effectually regulate interstate and foreign commerce, all powers, all faculties, all tradings, all acts, and all commerce which are purely domestic and internal must fall before the supreme power of Congress in the honest exercise of the power to regulate interstate and foreign commerce. It is well to note that. Senators who have argued against this proposition all the way through have gone upon the idea that there is a line, broad, marked, a gulf as impassable as that which separated Dives from Abraham, running between interstate and foreign commerce upon one side, and domestic and internal commerce upon the other, across which Congress can never go.

Lest I be misunderstood, I will state that domestic commerce, domestic police powers, and transactions within a State are beyond the jurisdiction of Congress, except only when it becomes necessary for Congress to execute fully, fairly, and completely the power vested in it to regulate interstate and foreign commerce. Then, and then only, the inferior, the subordinate powers, jurisdiction, and faculties of the State must yield. The that books are full of that. John Marshall stated it, and I hope my distinguished friend from Delaware will not overlook it.

Mr. PUGH. I beg to suggest to the Senator from Mississippi that he read the remainder of the section which he promised to quote.

Mr. GEORGE. I am very much obliged to my friend for the suggestion, and I will read it:

SEC. 5. That it shall be unlawful for any common carrier subject to the provisions of this act—

That is, a common carrier engaged in interstate commerce—

to enter into any contract, agreement, or combination with any other common carrier or carriers for the pooling of freights of different and competing railroads, or to divide between them the aggregate or net proceeds of the earnings of such railroads, or any portion thereof; and in any case of an agreement for the pooling of freights as aforesaid, each day of its continuance shall be deemed a separate offense.

That takes it all in.

Mr. GRAY. I do not wish to detain the Senate more than a moment, but I wish again to call the attention of the Senator from Mississippi to the fact that, though I may be in mist and darkness mentally and intellectually in regard to this great question——

Mr. GEORGE. That expression was purely Pickwickian.

Mr. GRAY. I wish to say to the Senator that one of his acute mind and power of legal discrimination must have understood when I asked him for an instance in which a specific act had been declared to be a violation of the commerce clause of the Constitution, or an obstruction or restriction of commerce, that I referred to some act which was outside of the domain of interstate commerce. When, therefore, he referred to the fifth section of the interstate-commerce law which forbids contracts for pooling, he only referred to a law which inhibited contracts which related to and referred exclusively to, notwithstanding what he had just read, transactions of interstate commerce, and none other. Of course this is not the time to argue with the Senator, but I shall be very glad to hear him to-morrow enlarge upon that point.

Mr. WASHBURN. I move that the Senate do now adjourn.

The motion was agreed to; and (at 5 o'clock and 58 minutes p. m.) the Senate adjourned until to-morrow, Friday, January 20, 1893, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

THURSDAY, *January 19, 1893.*

The House met at 12 o'clock m. The Chaplain, Rev. W. H. MILBURN, D. D., offered the following prayer:

O Eternal God, as it hath pleased Thee to take out of this world the soul of a man who once filled the most illustrious station in the land, we humbly pray that Thy truth and love may be the consolation and comfort of his children stricken by this heavy blow. Move men of all parties to pay the deserved tribute to his eminent character and services, and at the grave's mouth may all anger and strife cease and be forgotten.

As we are all here upon the earth for only a brief season, and soon must take our journey into the invisible, knit our hearts more and more closely in the bonds of brotherly kindness and charity, that we may be the children of our Father in Heaven, and that an abundant entrance may be ministered unto us into Thine everlasting kingdom. We pray through Jesus Christ our Lord. Amen.

The Journal of yesterday's proceedings was read and approved.

DEFICIENCIES IN POSTAL SERVICE.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting supplemental estimates of deficiencies in appropriations on account of postal service, submitted by the Sixth Auditor; which was referred to the Committee on Appropriations, and ordered to be printed.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting estimates of deficiencies in appropriations for postal service for the current fiscal year, submitted by the Postmaster-General; which was referred to the Committee on Appropriations, and ordered to be printed.

BREVETS IN THE ARMY.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a communication from the Major-General Commanding the Army, submitting reasons why Senate bill No. 2699, relating to brevets in the Army, should not become a law; which was referred to the Committee on Military Affairs, and ordered to be printed.

CLERKS AND EMPLOYÉS IN NAVY DEPARTMENT.

The SPEAKER also laid before the House a letter from the Secretary of the Navy, transmitting a list of clerks and other employés of that Department during the calendar year 1892; which was referred to the Committee on Expenditures in the Navy Department, and ordered to be printed.

SCHOOLS IN UTAH TERRITORY.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting the fifth annual report of the commissioner of schools for Utah Territory; which was referred to the Committee on Education, and ordered to be printed.

WAR CLAIMS.

The SPEAKER also laid before the House a copy of the findings of the Court of Claims in the case of David Graham *vs.* United States; which was referred to the Committee on War Claims, and ordered to be printed.

The SPEAKER also laid before the House a copy of the findings of the Court of Claims in the case of F. M. Freeman *vs.* United States; which was referred to the Committee on War Claims, and ordered to be printed.

The SPEAKER also laid before the House a communication from the Court of Claims transmitting copies of the findings of the court in the cases of the following-named persons against United States: M. C. Baylor and Benjamin Brown; which was referred to the Committee on War Claims, and ordered to be printed.

WASHINGTON AND ARLINGTON RAILWAY COMPANY.

The SPEAKER also laid before the House a letter from the President of the Washington and Arlington Railway Company, transmitting a statement showing the stockholders and the receipts and disbursements, from its organization to December 31, 1892; which was referred to the Committee on the District of Columbia, and ordered to be printed.

CHANGE OF REFERENCE.

Mr. BLANCHARD. Mr. Speaker, I am instructed by the Committee on Rivers and Harbors to report back a letter from the Secretary of the Treasury, transmitting copy of a letter from the collector of customs at Chicago, Ill., in relation to harbor lines in the waters of Chicago, and ask that the committee be discharged from its further consideration, and that it be referred to the Committee on Interstate and Foreign Commerce.

There being no objection, the change of reference was ordered as requested.

BRIDGE ACROSS THE HUDSON.

Mr. COVERT. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 7585) to authorize the New York and New Jersey bridge companies to construct and maintain a bridge across the Hudson River between New York City and the State of New Jersey.

Mr. CAMPBELL. I object.

ENROLLED BILLS SIGNED.

Mr. SCOTT, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled the bill (H. R. 10015), to authorize the construction of bridges across the Hiawassee, the Tennessee, and the Clinch Rivers, in the State of Tennessee.

DR. JOHN B. READ.

Mr. BANKHEAD. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 1312) for the relief of Dr. John B. Read.

THE SPEAKER. The bill will be read subject to objection.

The bill was read at length.

Mr. TAYLOR of Illinois. Let the report be read subject to objection.

The SPEAKER. Without objection the report will be read.

The report was read at length.

Mr. TAYLOR of Illinois. Before consent is given, Mr. Speaker, I should like to have some further explanation of this bill.

Mr. BANKHEAD. Mr. Speaker, as set forth in the report, in 1856 Dr. Read invented a rifle shot or projectile which was extensively used by the United States Government under a contract made with him for that purpose. He had a contract with the Secretary of War to pay him a reasonable royalty on the invention in case of its use by the Government. Under that contract and after this invention had been extensively used, a board of army officers was appointed to ascertain and investigate what a reasonable royalty would be for the use of the projectile. That board of army officers, after a very thorough investigation of the subject, reported that in their opinion $17,000 was a reasonable and just price to pay for the invention.

This bill has been passed by the House on three separate occasions; it has passed the Senate on two occasions, and passed both the House and Senate on one occasion, but failed to reach the President in time for his signature. I think it is a perfectly just claim.

Dr. Read has been prosecuting this claim for some twenty years past; he has grown old in its prosecution.

It is certainly a just and proper claim; the Government owes the amount of money, and if it intends to pay its just debts to its citizens it seems to me that there can be no reasonable objection interposed to the passage of this bill.

Mr. OATES. If my colleague will allow me, for twenty years or more this claim has been before Congress, and never in a single instance has there been a report adverse to it. The reports have been uniformly in its favor.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. TAYLOR of Illinois. This is a very old claim, but I am informed that the beneficiary is a deformed little girl, and so I do not object.

Mr. BYNUM. I object.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had disagreed to the amendments of the House to the bill (S. 1307) to provide a permanent system of highways in that part of the District of Columbia lying outside of the city, had agreed to a further conference asked by the House, and had appointed Mr. HARRIS, Mr. MCMILLAN, and Mr. PERKINS as the conferees on the part of the Senate.

It also announced that the Senate had passed the bill (S. 3707) making an appropriation for establishing buoyage on the water front of Chicago, Lake Michigan, Illinois; in which the concurrence of the House was requested.

It also announced that the Senate had agreed to the amendments of the House of Representatives to the joint resolution (S. R. 128) "to authorize the Secretary of War to grant permits for the use of reservations and public spaces in the city of Washington, and for other purposes."

GRUBB & ROBINSON.

Mr. BRODERICK. I ask unanimous consent for the present consideration of the bill (H. R. 9413) to authorize the proper accounting officer of the Treasury Department to examine and audit, according to equity, the claim of Grubb & Robinson, a firm consisting of Alfred B. Grubb and William H. Robinson, and of Alfred B. Grubb, for building material sold and delivered to members of the Prairie band of Pottawatomie Indians in Kansas.

The bill was read at length.

Mr. BRODERICK. I ask to have the following report read.

The SPEAKER. Without objection the report accompanying the bill will be read.

The report was read at length.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. WATSON. I call for the regular order.

The SPEAKER. The demand for the regular order is equivalent to an objection.

The regular order is the call of the standing and select committees for reports.

SALARIES OF THE RAILWAY POSTAL CLERKS.

Mr. HENDERSON of North Carolina, from the Committee on the Post-Office and Post-Roads, reported back the bill (S. 2604) to reclassify and prescribe the salaries of railway and postal clerks; which was referred to the Committee of the Whole House on the state of the Union.

SENECA INDIANS.

Mr. HOOKER of New York, from the Committee on Indian Affairs, reported back the bill (H. R. 10206) to ratify and confirm an agreement made between the Seneca Nation of Indians and William B. Barker; which was referred to the Committee of the Whole House on the state of the Union.

NEW YORK INDIANS.

The SPEAKER. The morning hour begins at twenty-four minutes past 12 o'clock.

Mr. PEEL. Mr. Speaker, I ask that the call go back to the Committee on Indian Affairs, which committee was passed without prejudice. I desire to take up a bill which has already been considered in part, authorizing the New York Indians to bring their claims before the Court of Claims.

The SPEAKER. The Committee on Indian Affairs had reserved to it the right to be called, and the gentleman from Arkansas now exercises that right.

The Clerk will report the title of the bill pending in the morning hour.

The Clerk read as follows:

A bill (H. R. 5679) to provide for a settlement with the Indians who were parties to and beneficiaries under the treaty concluded at Buffalo Creek, in the State of New York, January 15, 1838, for the unexecuted stipulations of that treaty.

The SPEAKER. This bill was being considered in Committee of the Whole.

Mr. PEEL. I move that the House resolve itself in the Committee of the Whole for the further consideration of this bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, for the further consideration of the bill (H. R. 5679) to provide for a settlement with the Indians who were parties to and beneficiaries under the treaty concluded at Buffalo Creek, in the State of New York, January 15, 1838, for the unexecuted stipulations of that treaty, with Mr. TARSNEY in the chair.

Mr. PEEL. Mr. Chairman, if the committee will give me their attention I will say that it will be remembered by those who took notice of the proceedings in this matter, that when the hour expired the other day the committee was dividing.

The CHAIRMAN. The gentleman from Arkansas [Mr. PEEL] and the gentleman from New York [Mr. BENTLEY] were acting as tellers.

Mr. PEEL. If the tellers were to resume their places now, of course the committee would be unable to remember the subject-matter, and I move that the vote by which tellers were ordered may be reconsidered, so that the subject-matter may be explained again to the committee, and so that members may know what they are voting upon.

The motion was agreed to.

Accordingly the vote by which tellers were ordered was reconsidered.

Mr. PEEL. Now, Mr. Chairman, if the committee will give me their attention—and especially if the gentleman from Indiana [Mr. HOLMAN], who objected to this matter before, will give me his attention—I will say that the Committee on Indian Affairs reported a House bill to appropriate nearly two millions of dollars to pay the New York Indians their claim as found by the Court of Claims. The Senate committee reported a bill to refer the matter to the Court of Claims again for the purpose of ascertaining the law in connection with the facts, as well as the facts themselves. When the bill was up before, we asked to substitute the Senate bill for the House bill. Since that time the Senate have passed their bill referring this matter to the Court of Claims. I have the proceedings as shown by the RECORD, in my hand.

I now move that the engrossed Senate bill, which is the same as the printed Senate bill, be substituted for the House bill. The House bill appropriates the money, while the Senate bill does not, but refers the matter to the Court of Claims to find the amount due, restricting the court from finding any interest; so that the first vote should be on the motion to substitute the Senate bill for the House bill. To that I do not think there can be any objection, because the House bill appropriates the money, while the Senate bill refers the matter to the court. I would like to have a vote on that, so that we may get to the substitute, and then the matter will be thoroughly explained to the committee.

Mr. HOLMAN. Let the Senate bill be read.

Mr. PEEL. I ask that the engrossed Senate bill be read. It is the bill (S. 3407) to authorize the Court of Claims to hear and determine the claims of certain New York Indians against the United States.

The bill was read, as follows:

Be it enacted, etc., That jurisdiction is hereby conferred on the Court of Claims to hear and enter up judgment as if it had original jurisdiction of said case, the claim of the New York Indians, being those Indians who were parties to the treaty of Buffalo Creek, New York, on the 15th of January, 1838, against the United States, growing out of the alleged unexecuted stipulations of said treaty on the part of the United States. In the hearing and adjudication of said case said court may proceed upon the finding of facts already made, upon a reference of said claim to said court, filed on the 11th day of January, 1892, and transmitted to Congress by John Randolph, assistant clerk of said court, on the 16th day of January, 1892. Or said court may, if in its opinion justice so requires, take other testimony as to facts. But in any judgment it may render against the United States, in favor of said claimants, interest shall not be allowed. The statute of limitations shall not be pleaded as a bar to recovery in said case. The Attorney-General is hereby directed to appear in behalf of the United States in said case. And from any judgment rendered by the court, either party may appeal to the Supreme Court of the United States. Said cause shall be advanced on the docket and tried without delay in any court which shall become invested with jurisdiction thereof by the provisions of this act.

Mr. PEEL. Now, Mr. Chairman, the question is on adopting the substitute, which refers the matter back to the Court of Claims to determine, instead of voting upon the House bill which appropriates the money.

The CHAIRMAN. The question is on the motion of the gentleman from Arkansas [Mr. PEEL], that the Senate bill now on the Speaker's table, just reported by the Clerk, be recommended to the House as a substitute for the House bill, and that the House bill do lie upon the table.

Mr. HOLMAN. I wish to inquire of my friend from Arkansas [Mr. PEEL] whether this matter has been referred to the Indian Bureau and a report made?

Mr. PEEL. I am not advised; but my colleague [Mr. HOOKER of New York] can probably tell.

Mr. HOOKER of New York. It has been, and the Indian Bureau recommends the passage of the bill.

Mr. HOLMAN. I hope we will have the report from the Indian Bureau read.

Mr. HOOKER of New York. I have not the report here.

Mr. HOLMAN. I think this measure should not pass unless it is recommended by at least the Indian Commissioner, and I think it should also be recommended by the Secretary of the Interior.

Mr. PEEL. I will say to my friend that he certainly can not object to a vote being taken on the question of substituting the Senate bill for the House bill. Then the issue will arise whether the substitute should pass. I would like to have a vote taken on that, and then I will have the statement from the Senate read, which explains the matter very fully. My colleague [Mr. HOOKER of New York] states that the Commissioner has recommended it, and I hope the gentleman will not object.

Mr. HOLMAN. But the letter of the Commissioner ought to be printed in the RECORD.

Mr. PEEL. It may be in the report.

Mr. HOLMAN. My friend will understand fully that it is obvious that this claim will be adjudicated in favor of the Indians by the court, from the finding which they have already made, the subject having already been before them. The only question is whether, in a claim over fifty years of age, the House should apply the principle of the statute of limitations or not. If the matter is referred to the court, of course the court will allow the money. That is very obvious from the facts already stated, and which appears in the report. I do not remember what gentleman interested himself in the subject when it was up before, but a question of this magnitude ought certainly to be fairly considered.

I was in hopes that the Secretary of the Interior, or at least the Commissioner of Indian Affairs, had made a full report upon the claim. This transaction occurred over forty years ago, and it seems to me almost incredible that this should have remained all this time in this way.

Mr. PEEL. Mr. Chairman, it is not strange to a man who had had experience in this House why claims against the United States, by Indians or anybody else, are allowed to grow old. I am not posted why it was in this particular case; but I am never afraid of the courts of my own country adjudicating a claim against the Government for anybody. The motion which I make now is not to pass the bill, but to pass the substitute, a Senate bill, which the Senate has passed (and I have the proceedings of that body in my hand), to refer this claim back to the Court of Claims.

The court once found in favor of these Indians. Instead of going on with the other bill, and appropriating the money, in response to that judgment of the Court of Claims, the Senate thought it safer to send the claim back to the Court of Claims for further adjudication, with the right of either party to appeal to the Supreme Court of the United States, the Government to be represented by the Attorney-General. Therefore I can not see why any gentleman can object to adopting this substitute, and let each party take its chance in the courts of our own country to see whether the Indians are entitled to the amount.

Mr. HOLMAN. As against anybody else but Indians, the statute of limitations would have operated long ago. I do not pretend to say that the statute of limitations ought to operate against the Indian tribes, because in some sense we are the trustees of those Indians, but certainly my friend will do the committee the justice to have at least the findings of the Court of Claims read, so that we may know what we are doing.

Mr. PEEL. Mr. Chairman, the report made by the Senate committee contains all that; but it will take our entire hour to have it read.

Mr. HOLMAN. Read what the Senate committee did.

Mr. PEEL. The whole report of the Senate committee was read before, at the instance of my friend from Indiana. The committee made the Senate report a part of their report. The findings of the Court of Claims have been read to this House. My friend from Indiana says now he recognizes the fact that the statutes of limitation ought not to be applied against our wards. My friend forgets that before, at his instance, I moved to strike out that portion of the bill providing that the statute of limitation should not run. It was stricken out by this committee on my friend's own motion. Now, he admits that that ought not to be done, and he is fairer now than he was then.

I hope we will have a vote upon the substitute; and then we will discuss further the merits of the substitute.

Mr. HOLMAN. I think the report ought to be read.

Mr. PEEL. It has been read once.

Mr. HOLMAN. I know; but these things pass out of our minds so rapidly.

Mr. RAY. Mr. Chairman, I would like to say to the gentleman from Indiana that this claim has not slept. President Lincoln recognized the justice of the claim in 1864——

The CHAIRMAN. Does the gentleman ask for the reading of the Senate or the House report?

Mr. HOLMAN. I think that the House report ought to be read.

Mr. PEEL. The House report adopts the Senate report, and to have it read now would be equivalent to defeating the whole measure.

Mr. REED. Ask unanimous consent for the continuance of the morning hour.

Mr. PEEL. The report has been read once.

Mr. REED. Perhaps if you were to ask for the continuance of the morning hour until this bill is finished, you might dispose of the measure.

Mr. PEEL. The committee that has the day would object. This day is set apart for the consideration of business of another committee.

Mr. REED. I do not think the gentleman from Indiana means to defeat the bill in that way.

Mr. RAY. Mr. Chairman, I want to say for the information of the gentleman from Indiana [Mr. HOLMAN] that President Lincoln recognized the justice of the claimants in their demand in 1864. It was also recognized again in 1868 by President Johnson, by the appointment of a commissioner to treat for the extinguishment of the Indian title to these lands. But nothing was accomplished then. Since then bills for the purpose of making appropriations to permit the Secretary of the Interior to adjust this claim have been passed on in committee, in the Forty-third Congress, in the Forty-fifth Congress, and in the Forty-eighth Congress, with favorable reports, but the question never has been reached for action.

Mr. HOLMAN. Now, what was the title to be extinguished?

Mr. RAY. The title of these Indians.

Mr. DOLLIVER. Mr. Chairman, we can not hear what the gentlemen say.

The CHAIRMAN. The Chair is unable to hear a word.

Mr. RAY. Mr. Chairman, by the treaty made with these Indians almost the entire State of Kansas was given to these Indian tribes. Afterwards the Government went on and sold these lands at about $1.43 per acre and covered the money into the Treasury, without making any provision for the protection of the rights of these Indians. Of course the title to that land has passed to the settlers, and it was for the purpose of appropriating money to extinguish the title of the Indians and their claims to this land that this action was taken.

Mr. HOLMAN. Was not that grant made to those Indians on condition of their settlement upon the lands and their abandonment of certain Indian lands in Wisconsin and Michigan?

Mr. RAY. The grant of these lands in Kansas was made by that treaty to those Indians upon condition that they should surrender certain lands in Wisconsin.

Mr. MILLER. Five hundred thousand acres.

Mr. RAY. Yes, 500,000 acres of land in Wisconsin. They did surrender and relinquish to the United States Government their claim to those lands. The United States Government did sell those lands in Wisconsin, did receive the money for them,

and did cover it into the Treasury, without making compensation to these Indians to the amount of a single cent.

Mr. HOLMAN. But was not the conditions upon which the grant was made of the lands in Kansas that the Indians should settle upon them?

Mr. PEEL. I believe I have the floor, Mr. Chairman. The gentleman from Indiana is mistaken. The reports that I have here show that the lands granted to these New York Indians in Wisconsin contained 1,800,000 acres—nearly 2,000,000 acres of land—estimated by the Court of Claims as worth a dollar an acre at that time. The Indians were to remove within five years or at such time as the President should fix for their removal. The President never did fix and time for them to remove, therefore they did not in my judgment forfeit their rights; but that is a legal question for the courts to try, and that is one of the reasons why the matter should go to the courts.

Mr. HOLMAN. But the grant of these lands in Kansas was made upon condition that the Indians should settle upon them at some time.

Mr. PEEL. Whenever the President should fix the time; but the President never did fix the time.

Mr. RAY. And the Government was to remove the Indians when they did go.

Mr. PEEL. Now, Mr. Chairman, I ask that the Clerk read the statement made the other day in the Senate by Senator PLATT when the Senate bill was up for consideration, and I ask gentlemen to pay close attention to the reading because the Senator explains the whole matter. I trust that then we shall have a vote on the substitute.

The CHAIRMAN. The Chair will state to the gentleman from Arkansas that the substitute can not be considered in the Committee of the Whole, but only in the House.

Mr. PEEL. Very well, I move that the committee rise and report the House bill to the House with the recommendation that it lie on the table. Then we can substitute the Senate bill.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. TARSNEY, from the Committee of the Whole, reported that they had had under consideration the bill H. R. 5679, and had directed him to report the same to the House with the recommendation that it lie on the table.

The SPEAKER. The gentleman from Missouri, the Chairman of the Committee of the Whole, reports that they have had under consideration the bill H. R. 5679, and have directed him to report the same back to the House with the recommendation that it do lie on the table.

Mr. PEEL. A parliamentary inquiry, Mr. Speaker. Is the substitute to the Senate bill now before the House?

The SPEAKER. It is not. The Chair understands the Senate bill to be on the Speaker's table, and the Committee of the Whole has no control of that.

Mr. PEEL. Well, I desire now to call up the Senate bill for consideration.

The SPEAKER. That can be done by unanimous consent.

There was no objection.

The SPEAKER. Does this bill carry an appropriation?

Mr. PEEL. It does not.

The SPEAKER (having examined the bill). This bill ought to be considered in Committee of the Whole on the state of the Union, unless by unanimous consent that committee is discharged from its consideration.

Mr. PEEL. I ask unanimous consent, Mr. Speaker, that the Senate bill be considered in the House as in Committee of the Whole.

There was no objection, and it was so ordered.

Mr. PEEL. Now, Mr. Speaker, I ask that the Clerk read Senator PLATT'S statement which I send to the desk, and from which, if gentlemen pay attention to the reading, they will get a full understanding of this whole question.

The Clerk read as follows:

Mr. PLATT. I had not thought that this measure was coming up at this time, and perhaps I may not be able to recall the facts at this moment; but the claim of the New York Indians to be compensated for certain lands which were given them in lieu of the lands which they had in New York was referred under the Bowman act to the Court of Claims in 1884. The Court of Claims found all the facts in relation to it and made a statement of the account, without pretending to determine whether legally the Indians were entitled to recover or not. But they found all the facts upon which they stated the account, and the statement of the account showed nearly $2,000,000. That finding of the Court of Claims came to Congress, and the Committee on Indian Affairs were asked to report a bill to pay that amount to the New York Indians with interest. We reported, however, that the Indians should have the right now to go to the Court of Claims upon the law, and indeed upon the fact. I will read the conclusion of the committee:

"It will be observed that this finding was made under the so-called 'Bowman act,' and deals only with facts. Upon the facts as found questions of law arise as to whether the United States is liable for a money payment to the claimants; and, if so, the amount thereof. These questions, in the opinion of the committee, should be determined by a court where they can all be carefully considered and decided. The committee therefore recommend the passage of the accompanying bill conferring jurisdiction on the Court of Claims to hear and determine the case.

"The claimants demand interest on the value of their lands in Kansas, which were set apart for them with a view of their removal thereto, from 1843, or certainly from the year 1860, when the United States proclaimed the Kansas lands open to settlement. But in the judgment of the committee this case is not one in which interest should be allowed against the Government."

So we inserted in the bill that whatever finding there might be by the court, it should not include interest.

In 1838 the Government made a treaty with these Indians, then in New York, by which, in consideration of their giving up some lands in New York, other lands were to be given up to them in Wisconsin called the Green Bay lands. Afterwards, there having arisen some controversy with the Menomonee Indians, the Wisconsin lands being desired for settlement, the Government made another treaty with these Indians by which they gave up the Wisconsin lands in consideration that they should have 1,824,000 acres in Kansas. The Indians never went to the Kansas lands except a small body of them.

Mr. HISCOCK. But they gave up the New York lands.

Mr. PLATT. But they gave up the New York lands. When, however, Kansas was opened up for settlement, settlers rushed in and occupied the lands. From that time to the present the New York Indians have been claiming payment.

Under some subsequent treaties, one band of these Indians, I think the Tuscaroras, was paid for their share in these lands at the rate of a dollar an acre. There were some subsequent treaties made by the Indians, which were not however ratified by Congress, because Congress, in 1871, said it would not make any more treaties with Indians. By these treaties some of the other bands were to be paid.

To my mind, the legal question which arises in this case is, whether by not removing to these lands the Indians did not forfeit them. They reply to that by saying that they were to remove within five years, but that the Government was to fix the time within which they should remove, which it failed to do, and consequently there can be no forfeiture. They urge that notwithstanding that claim might have been set up, the Government has since settled with one tribe and paid them at the rate of a dollar and a quarter an acre and made a treaty agreeing to pay others, but that treaty has not been ratified. The committee thought that if these Indians were entitled to be paid for these lands in law, they ought to be paid, but that the place to determine that was not here in Congress, but the Court of Claims, and I think the matter can be safely left to the Court of Claims to determine whether in law they are entitled to this payment or not.

Mr. DAWES. Will the Senator please tell me just what is submitted to the Court of Claims by this bill?

Mr. PLATT. I will read it:

"That jurisdiction is hereby conferred on the Court of Claims to hear and enter up judgment as if it had original jurisdiction of said case, the claim of the New York Indians, being those Indians who were parties to the treaty of Buffalo Creek, N. Y., on the 15th of January, 1838, against the United States, growing out of the alleged unexecuted stipulations of said treaty on the part of the United States. In the hearing and adjudication of said case said court may proceed upon the finding of facts already made, upon a reference of said claim to said court, filed on the 11th day of January, 1892, and transmitted to Congress by John Randolph, assistant clerk of said court, on the 16th day of January, 1892. Or said court may, if in its opinion justice so requires, take other testimony as to facts. But in any judgment it may render against the United States, in favor of said claimants, interest shall not be allowed."

The Indians say with great force that they surrendered their lands in New York, they being the original Six Nations, for other lands in Wisconsin and without any consideration, unless it was a small payment of $20,000 or some such sum: and then, at the request of the Government, they exchanged their lands in Wisconsin, so that the Government might have them settled upon and opened up, for lands in Kansas, and that they have never received in any way compensation for the surrender of their lands in New York.

I conceive that the only question against their recovery grows, first, out of the statute of limitations, and, second, out of the fact that they did not remove to the lands in Kansas. There is, however, force in their claim that the Government has got their lands in New York without compensation, and their is force in their claim that under the treaty of 1838 it was the duty of the Government to fix a time within which they should remove, but the Government never did it.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. PEEL. The Senate committee, upon an examination of the matter, found that on a reference of the case to the Court of Claims under the Bowman act the facts had been found in favor of the Indians; but that committee concluded that inasmuch as there was a legal question to be settled, it could be determined more appropriately in the courts than in Congress, and therefore they recommended and the Senate passed the bill which I now ask the House to pass, to refer this case back to the court that it may be fully adjudicated as to the law and the facts, with the right of an appeal by either party to the Supreme Court of the United States, the Government being represented by the Attorney-General.

Mr. BLANCHARD. I wish to inquire of my friend from Arkansas [Mr. PEEL] whether these are the same Indians in relation to the disposal of whose lands in Kansas a bill passed both Houses of Congress a few years ago?

Mr. PEEL. I do not know whether I understand the gentleman.

Mr. BLANCHARD. A bill passed Congress a few years ago in reference to certain New York Indian lands in Kansas, and authorized settlers on the lands to take them at an appraised valuation, made some years before, under which authority lands worth $25 an acre were allowed to be taken by those settlers at an average of $2 or $2.50 an acre. Are these the same Indians?

Mr. PEEL. A part of them, I suppose, are. The gentleman has, I presume, noticed by the reading of the report that a very small portion of the New York Indians went out to Kansas to settle, but by reason of the troubles prevailing there at the time they did not take the lands, but abandoned them. White settlers

bought those lands under an appraisement, and the bill to which the gentleman refers was for the purpose of sending the matter to the court to determine whether or not those Indians had any claim to those individual settlements.

Mr. BLANCHARD. My object was to ascertain from the gentleman from Arkansas whether this bill is in the interest of the same New York Indians to whom a reservation of land in Kansas was made long years ago.

Mr. PEEL. I will say to my friend that the object of this bill is to carry this matter to the Court of Claims to determine whether these New York Indians, as a tribe, are entitled to pay for the lands which were set apart for them in Kansas, and which they relinquished—whether they forfeited their right to compensation for those lands, inasmuch as the Government took them and sold them to settlers?

Mr. BLANCHARD. These are the same Indians, then?

Mr. PEEL. A part of them.

Mr. BLANCHARD. Then I wish to say that I think a great outrage was perpetrated upon those Indians by Congress in the passage of the bill referred to, permitting their lands to be taken at an appraisement which was far below their actual value, and a measure which I strenuously opposed at the time.

Mr. PEEL. These Indians did not, in fact, get anything.

Mr. HOLMAN. As a matter of fact the Indians who went to Kansas under the treaty which has been referred to, received finally the proceeds of the lands which were sold to settlers and paid for at the rate of $2.50 an acre.

Mr. PEEL. My friend from Indiana is mistaken about that. They never got anything. They did not get the lands; and when those lands were afterwards sold at an appraisement, they did not receive the proceeds, because they could not be found. As appears by the discussion in the Senate there was great difficulty in identifying the individual Indians, because so many of them had passed away.

Mr. Speaker, I hope we shall now have a vote on the Senate bill.

The question being taken, the bill was ordered to a third reading; and it was accordingly read the third time, and passed.

MONUMENT AT FORT GREEN, BROOKLYN, N. Y.

Mr. CUMMINGS. I ask that the Committee on the Library, which the other day was passed over without prejudice, be now called.

The SPEAKER. That committee will now be called. The gentleman from New York [Mr. CUMMINGS] is recognized.

Mr. CUMMINGS. I move that the House resolve itself into Committee of the Whole on the state of the Union for the consideration of the bill (H. R. 297) for the erection and completion of a monument to the memory of the victims of prison ships at Fort Green, Brooklyn, N. Y.

The bill was read.

Mr. KILGORE. I move that the House do now adjourn.

The question being taken, there were, on a division (demanded by Mr. KILGORE)—ayes 3, noes 114.

So the motion to adjourn was rejected.

Mr. KILGORE. I move that the House take a recess until 5 o'clock this evening.

The question being taken on the motion for a recess, there were, on a division (demanded by Mr. KILGORE)—ayes 3, noes 102.

Mr. KILGORE. No quorum.

Tellers were ordered; and Mr. CUMMINGS and Mr. KILGORE were appointed.

The House again divided; and the tellers reported—ayes 6, noes 162.

So the motion for a recess was rejected.

The SPEAKER. The question recurs on the motion of the gentleman from New York that the House resolve itself into Committee of the Whole to consider the bill the title of which has just been read.

The question was taken; and on a division there were—ayes 55, noes 7.

Mr. KILGORE. No quorum.

The SPEAKER appointed Mr. CUMMINGS and Mr. KILGORE as tellers.

The House proceeded to divide. Before the count was completed the morning hour expired.

ORDER OF BUSINESS.

The SPEAKER. The Clerk will report the special order of business fixed for to-day.

The Clerk read as follows:

Resolved, That Thursday, the 19th instant, and Saturday, the 21st instant, beginning immediately after the second morning hour, be set apart for the consideration of bills reported from the Committee on Interstate and Foreign Commerce, bills to be considered in the order indicated by said committee.

Nothing in this order to interfere with the right of the House to consider revenue and general appropriation bills.

CONSTRUCTION OF CERTAIN LIGHT-HOUSES, ETC.

Mr. BRICKNER. Mr. Speaker, I call up the bill (H. R. 9955) providing for sundry light-houses and other aids to navigation, reported with amendments from the Committee of the Whole, and demand the previous question on the bill, with its amendment, to engrossment and third reading.

The SPEAKER. The Clerk will report the bill.

The Clerk proceeded to read the bill.

Mr. WISE. Mr. Speaker, this bill has been read once, was considered in Committee of the Whole, and reported favorably to the House. As I understand, it is not necessary to read the bill at this time.

The SPEAKER. What is the gentleman's motion?

Mr. WISE. The motion was for the previous question on the bill and its amendment, to its engrossment and third reading.

Mr. HOLMAN. But the bill has not been read in the House.

The SPEAKER. When the bill is ordered to be read the third time it can be read at length, if the gentleman so desires.

The question is on the demand of the gentleman from Wisconsin for the previous question, on the engrossment and third reading of the bill and amendment.

The question was taken, and on a division there were—ayes 119, noes 1.

Mr. KILGORE. No quorum.

Mr. BRICKNER. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 210, nays 20, not voting 99; as follows:

YEAS—210.

Abbott,	Crosby,	Jolley,	Reyburn,
Allen,	Cummings,	Jones,	Richardson,
Amerman,	Curtis,	Kribbs,	Scull,
Andrew,	Cutting,	Kyle,	Seerley,
Arnold,	Dalzell,	Lagan,	Shell,
Atkinson,	Davis,	Lanham,	Shonk,
Babbitt,	De Forest,	Lawson, Va.	Simpson,
Baker,	Dickerson,	Lawson, Ga.	Sipe,
Bankhead,	Dingley,	Layton,	Smith,
Bartine,	Dolliver,	Lester, Ga.	Snow,
Beeman,	Donovan,	Lind,	Sperry,
Belknap,	Dungan,	Little,	Stephenson,
Bentley,	Dunphy,	Livingston,	Stevens,
Bergen,	Edmunds,	Lockwood,	Steward, Ill.
Blanchard,	Ellis,	Lodge,	Stewart, Tex.
Bland,	English,	Long,	Stockdale,
Boatner,	Enochs,	Loud,	Stone, C. W.
Boutelle,	Everett,	Lynch,	Stone, W. A.
Bowers,	Fellows,	Magner,	Storer,
Bowman,	Fitch,	Mallory,	Stout,
Branch,	Flick,	Mansur,	Stump,
Breckinridge, Ky.	Forman,	McAleer,	Tarsney,
Brickner,	Gantz,	McKaig,	Taylor, Ill.
Broderick,	Geary,	McKinney,	Taylor, Tenn.
Brosius,	Geissenhainer,	McLaurin,	Taylor, E. B.
Brunner,	Gillespie,	McRae,	Taylor, J. D.
Bullock,	Gorman,	Miller,	Terry,
Bunn,	Greenleaf,	Montgomery,	Tillman,
Burrows,	Hallowell,	Moses,	Tracey,
Busey,	Halvorson,	Mutchler,	Tucker,
Bushnell,	Hamilton,	Newberry,	Turner,
Butler,	Hare,	Oates,	Turpin,
Bynum,	Harmer,	O'Donnell,	Van Horn,
Cadmus,	Harries,	O'Ferrall,	Walker,
Caldwell,	Harter,	Ohliger,	Warner,
Caminetti,	Haugen,	O'Neil, Mass.	Watson,
Campbell,	Hayes, Iowa	O'Neill, Pa.	Waugh,
Catchings,	Heard,	Owens,	Weadock,
Chipman,	Henderson, N. C.	Page,	Wever,
Clancy,	Henderson, Ill.	Patterson, Tenn	Wheeler, Ala.
Clark, Wyo.	Herbert,	Pattison, Ohio	Wheeler, Mich.
Clarke, Ala.	Hilborn,	Patton,	White,
Clover,	Hitt,	Payne,	Wike,
Cobb, Ala.	Hoar,	Peel,	Willcox,
Cobb, Mo.	Hooker, Miss.	Pendleton,	Williams, Mass.
Coburn,	Hooker, N. Y.	Perkins,	Wilson, Wash.
Cogswell,	Hopkins, Pa.	Post,	Wilson, W. Va.
Coombs,	Hopkins, Ill.	Price,	Winn,
Covert,	Houk, Ohio	Quackenbush,	Wise,
Cox, N. Y.	Huff,	Randall,	Wolverton,
Cox, Tenn.	Johnson, Ind.	Ray,	Youmans.
Crain,	Johnson, Ohio	Rayner,	
Crawford,	Johnstone, S. C.	Reilly,	

NAYS—20.

Alexander,	Bretz,	Fithian,	Moore,
Antony,	Brookshire,	Grady,	Sayers,
Bailey,	Cable,	Lane,	Snodgrass,
Blount,	Capehart,	Lapham,	Springer,
Breckinridge, Ark.	De Armond,	Martin,	Williams, Ill.

NOT VOTING—99.

Alderson,	Cate,	Epes,	Hull,
Bacon,	Causey,	Forney,	Johnson, N. Dak.
Barwig,	Cheatham,	Fowler,	Kem,
Belden,	Cockran,	Funston,	Kendall,
Beltzhoover,	Compton,	Fyan,	Ketcham,
Bingham,	Coolidge,	Goodnight,	Kilgore,
Brawley,	Cooper,	Griswold,	Lester, Va.
Brown, Ind.	Cowles,	Grout,	Lewis,
Brown, Md.	Culberson,	Hall,	McClellan,
Bryan,	Daniell,	Hatch,	McCreary,
Buchanan, N. J.	Dixon,	Haynes, Ohio	McGann,
Buchanan, Va.	Doan,	Hemphill,	McKeighan,
Bunting,	Dockery,	Henderson, Iowa	McMillin,
Byrns,	Durborow,	Hermann,	Meredith,
Caruth,	Elliott,	Holman,	Meyer,
Castle,	Enloe,	Houk, Tenn.	Milliken,

Mitchell,	Pickler,	Rusk,	Townsend,
Morse,	Pierce,	Russell,	Wadsworth,
Norton,	Powers,	Sanford,	Washington,
O'Neill, Mo.	Raines,	Scott,	Whiting,
Otis,	Reed,	Shively,	Williams, N. C.
Outhwaite,	Rife,	Stahlnecker,	Wilson, Ky.
Parrett,	Robertson, La.	Stone, Ky.	Wilson, Mo.
Paynter,	Robinson, Pa.	Sweet,	Wright.
Pearson,	Rockwell,	Taylor, V. A.	

So the previous question was ordered.

The following pairs were announced:

Until further notice:

Mr. STONE of Kentucky with Mr. RUSSELL.

Mr. MCCREARY with Mr. WILSON of Kentucky.

Mr. CARUTH with Mr. VINCENT A. TAYLOR.

Mr. GOODNIGHT with Mr. KETCHAM.

Mr. MITCHELL with Mr. MORSE.

Mr. WHITING with Mr. JOHNSON of North Dakota.

Mr. WASHINGTON with Mr. SANFORD.

Mr. SHIVELY with Mr. GRISWOLD.

Mr. FORNEY with Mr. RAINES.

For this day:

Mr. KENDALL with Mr. TOWNSEND.

Mr. CULBERSON with Mr. HENDERSON of Iowa.

Mr. PEARSON with Mr. HULL.

Mr. CAUSEY with Mr. BUCHANAN of New Jersey.

Mr. ENLOE with Mr. HOUK of Tennessee.

Mr. DIXON with Mr. BELDEN.

Mr. DOCKERY with Mr. BINGHAM.

Mr. ALDERSON with Mr. SWEET.

Mr. NORTON with Mr. GROUT.

Mr. BACON with Mr. ROBINSON of Pennsylvania.

On this vote:

Mr. PAYNTER with Mr. RIFE.

Mr. LANHAM. I ask leave of absence for my colleague, Mr. CULBERSON, on account of sickness in his family.

There was no objection.

The result of the vote was then announced as above recorded.

The amendment reported by the Committee of the Whole was agreed to; and the bill as amended was ordered to be engrossed and read a third time, and was accordingly engrossed and read the third time.

Mr. BRICKNER. I demand the previous question on the passage of the bill.

The previous question was ordered.

The question was taken on the passage of the bill; and on a division there were—ayes 172, noes 6.

So the bill was passed.

On motion of Mr. BRICKNER, a motion to reconsider the last vote was laid on the table.

REVENUE CUTTERS, PACIFIC COAST.

Mr. PATTERSON of Tennessee. Mr. Speaker, I call up for present consideration the bill (S. 1104) making an appropriation and providing for the construction of two United States revenue cutters for service on the Pacific coast.

The SPEAKER. This bill is in Committee of the Whole on the state of the Union.

Mr. PATTERSON of Tennessee. I move that the House resolve itself into Committee of the Whole House on the state of the Union to consider the bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. BLANCHARD in the chair.

The CHAIRMAN. The Clerk will report the pending bill.

The bill was read, as follows:

Be it enacted, etc., That the sum of $325,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of constructing two first-class revenue cutters for service on the Pacific coast, one of which shall have at least 450 tons displacement and the other not less than 600 tons displacement, and each of which shall be so constructed and equipped as to secure a speed of 15 knots per hour.

Mr. PATTERSON of Tennessee. The report of the Committee on Interstate and Foreign Commerce recommends certain amendments to this bill, and I ask that the report be now read.

The report (by Mr. PATTERSON of Tennessee) was read, as follows:

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (S. 1104) making an appropriation and providing for the construction of two United States revenue cutters for service on the Pacific coast, having considered the same, respectfully report:

The accompanying letter from Hon. O. L. Spaulding, Acting Secretary of the Treasury, shows the necessity for the construction of additional revenue cutters for the Pacific coast:

"TREASURY DEPARTMENT, *December 30, 1891.*

"SIR: I have the honor to respectfully acknowledge the receipt of your letter, dated the 23d instant, inclosing Senate bill 1104, 'making an appropriation and providing for the construction of two revenue cutters for service on the Pacific coast,' and requesting this department to furnish your committee with such suggestions as it may deem proper touching upon the merits of the bill and the propriety of its passage.

"In reply thereto I would say that the Department has considered the necessity for two new cutters on the Pacific coast so urgent that it has included in the regular estimates the sums of $175,000 and $150,000 for the construction of two vessels, the former sum for a vessel for service at San Francisco, and, during the summer months, in Bering Sea for the protection of the seal islands and the Government interests in Alaska, and the latter for a vessel for service in Puget Sound and the waters adjacent in the State of Washington.

"The revenue cutters now on the Pacific coast were built many years ago, and have been kept steadily at work in the performance of the multifarious duties required of them. They are of the age when vessels require frequent repairs, and they should gradually be replaced by new vessels of more modern type of hull and machinery which will give greater power and speed.

"The difference between the laws of this country and those of the Dominion of Canada regulating the importation of Chinese and opium offers special inducements to smugglers to make the Canadian ports on Puget Sound the base of their operations, and the many hundreds of miles of shore line contiguous to this foreign territory requires the constant patrol and watching by a revenue cutter to prevent, as far as possible, the illegal landing of these people and their goods.

"During the season just passed all of the cutters available were withdrawn temporarily from their stations on the coasts of California, Oregon, and Washington, and sent to Bering Sea for patrol duty around the seal islands and the protection of the Government interests in those waters, and as similar demands will probably be made for cutters in those waters for years to come the number of revenue vessels on the Pacific coast should be increased by two or three as soon as they can be constructed.

"I earnestly recommend to your committee the passage of Senate bill 1104, and name the amounts mentioned herein respectively as necessary to properly build and equip the new vessels.

The bill (Senate 1104) is herewith returned.

"O. L. SPAULDING,
"*Acting Secretary.*

"Hon. WILLIAM P. FRYE,
"*Chairman Committee on Commerce, United States Senate.*"

The committee, on a careful investigation of the subject, came to the conclusion that there is an urgent necessity for an additional revenue cutter for the service on Puget Sound. The Wolcott, which is now stationed there, is an old wooden vessel incapable of performing the service required. To enforce the law which prohibits Chinese immigration to our shores and the prevention of the smuggling of opium requires a vessel of more speed and better equipment than those of the Wolcott.

The committee, however, is of the opinion that there is no absolute necessity for more than one additional revenue cutter for the Pacific coast. The Bear, which has heretofore made annual cruises to western Alaska and the Arctic Ocean, is sufficient for the present for the service in those waters, while the Wolcott could be repaired and fitted up for the service at San Diego, Cal.

The committee therefore recommend the following amendments to the bill:

Strike the word "two" out of the title and insert the word "one."

In the third line strike out the words "three hundred and twenty-five" and insert in lieu thereof the words "one hundred and seventy-five."

In the seventh line strike out the word "two" and insert the word "one."

In the eighth line strike out the words "one of."

Strike out all of lines 9, 10, 11, and 12, and in lieu thereof insert the words "a displacement of not less than six hundred tons, and shall be so constructed and equipped as to secure a speed of not less than fifteen knots per hour."

Strike out the letter "s" in the word "cutters" both in the title and in the seventh line of the bill.

Mr. PATTERSON of Tennessee. The Senate bill made an appropriation to build two revenue cutters for the Pacific coast, and appropriated $375,000. Upon a careful investigation of the case the Committee on Interstate and Foreign Commerce concluded that one revenue cutter, to be constructed at a cost of $175,000, would be sufficient to meet the necessities of the case at present. The steamer Wolcott, which is doing service in Puget Sound, is an old vessel, utterly incapable of running down the vessels that are evading our revenue laws and that are importing Chinese to American soil. There is also a large illegal importation of opium through that channel, and the Treasury officials state to the committee that it is utterly impossible for the Wolcott to perform the required service.

Then the Treasury officials insist that we ought to have a new revenue cutter for the northern ocean, to do service on the western coast of Alaska. However, the Committee on Interstate and Foreign Commerce concluded that the Bear, a vessel now doing duty in those waters, would be sufficient for the time being to perform that service, that the Wolcott could be repaired and stationed in the harbor of San Diego for service there. But they concluded that a revenue cutter for Puget Sound is an absolute necessity. This bill as amended appropriates $175,000 to build a revenue cutter for that service, in lieu of $375,000 to build two revenue cutters, one for Puget Sound and one for the Arctic seas, as provided for in the Senate bill.

Mr. KILGORE. Will the gentleman allow me to ask him a question?

Mr. PATTERSON of Tennessee. Yes.

Mr. KILGORE. How many revenue cutters are provided for in this bill?

Mr. PATTERSON of Tennessee. Only one.

Mr. KILGORE. At what price?

Mr. PATTERSON of Tennessee. $175,000.

Mr. KILGORE. And as I understand, the revenue cutters are only used there for the purpose of excursions, when distinguished gentlemen visit the coast.

Mr. PATTERSON of Tennessee. Now, Mr. Chairman, the committee derives its information from the Secretary of the Treasury and from the Treasury officials, and if there is any

credence to be placed in official testimony, this revenue cutter for Puget Sound is, I say, an absolute necessity.

Mr. DOCKERY. Will the gentleman from Tennessee [Mr. PATTERSON] allow me to ask him a question?

Mr. PATTERSON of Tennessee. Yes.

Mr. DOCKERY. Who prepared the estimate on which the bill is based?

Mr. PATTERSON of Tennessee. The Secretary of the Treasury.

Mr. KILGORE. If the gentleman will allow me, I will ask him if this revenue cutter is intended to take the place of an old and dilapidated vessel?

Mr. PATTERSON of Tennessee. Exactly so.

Mr. KILGORE. Could we not worry through with the one that we have for a while longer.

Mr. PATTERSON of Tennessee. I will state to my friend from Texas that the Wolcott, the vessel stationed at Puget Sound, is now represented to be almost unseaworthy, and utterly incapable of performing the service required of a revenue cutter at that point, and the necessity for an efficient revenue cutter there grows out of the fact that that is the point at which Chinese are smuggled into our territory. It is the point at which opium is being smuggled into our country, and there is other smuggling at that point. It is absolutely necessary in order to protect the revenues of the Government that there should be an effective, fleet, and efficient revenue cutter in those waters. The Wolcott has not a speed of 6 miles an hour, as I am informed. It is utterly incapable of performing the service required of it.

Now, Mr. Chairman, I move that the bill and amendments be recommended favorably to the House, and I call the previous question upon that.

The CHAIRMAN. The Chair will state to the gentleman that the House is in Committee of the Whole, and the previous question can not now be called.

Mr. STOCKDALE. I desire to offer an amendment.

The CHAIRMAN. The gentleman from Mississippi offers an amendment, which the Clerk will read.

The Clerk read as follows:

Amend by striking out the word "fifteen," in line 14, and inserting the word "eighteen."

Mr. STOCKDALE. I will also ask the Clerk to read another amendment, after which I will state what I have to say.

The Clerk read as follows:

Amend by adding in line 14 the following:
"And $20,000 for every additional knot of speed per hour."

The CHAIRMAN. The Chair will say to the gentleman from Mississippi [Mr. STOCKDALE] that there are some committee amendments pending, which will first have to be disposed of.

Mr. STOCKDALE. I will wait to see what they are.

The CHAIRMAN. And thereafter the Chair will recognize the gentleman.

Mr. KILGORE. Mr. Chairman, the length of the general debate has not been settled. We ought to have some understanding as to how long the general debate is to be prolonged. I want to make a speech on the bill myself.

Mr. PATTERSON of Tennessee. How much time does the gentleman want?

Mr. KILGORE. I do not want more than an hour and a half or two hours.

Mr. PATTERSON of Tennessee. I am willing to allow the gentleman from Texas such time as he desires.

Mr. STOCKDALE. My amendment is pending, is it not, Mr. Chairman?

The CHAIRMAN. Without objection general debate upon the pending proposition will be considered as closed unless some gentleman desires to speak.

Mr. PATTERSON of Tennessee. Mr. Chairman, I move that the committee recommend the bill to the House for favorable action.

The CHAIRMAN. The question will first have to be taken on the committee amendments, and the Clerk will report the first amendment.

The Clerk read as follows:

In the third line strike out the words "three hundred and twenty-five" and insert in lieu thereof the words "one hundred and seventy-five."

Mr. KILGORE. Mr. Chairman, I understand that we have the right to have general discussion on this measure.

Mr. PATTERSON of Tennessee. How much time does the gentleman want?

Mr. KILGORE. I do not want any myself, but some of my friends do.

The CHAIRMAN. The Chair will state to the gentleman from Texas that the Chair had announced that general debate upon the pending bill would be considered as closed unless some gentleman should take the floor; and no one expressed a desire to take the floor.

Mr. KILGORE. I make the point of order that general debate can not be closed in Committee of the Whole or by unanimous consent.

The CHAIRMAN. By unanimous consent it can be considered as closed.

Mr. KILGORE. I do not think the Committee of the Whole can close general debate.

The CHAIRMAN. The Chair will recognize the gentleman from Texas if he desires to address the committee.

Mr. KILGORE. I do not desire to make a speech myself, but some of my friends do.

Mr. PATTERSON of Tennessee. I insist that the committee proceed to act on the amendments.

The CHAIRMAN. The Clerk will report the first amendment.

The Clerk read as follows:

In the third line strike out the words "three hundred and twenty-five," and insert in lieu thereof the words "one hundred and seventy-five."

The question was taken; and the Chairman announced that the "ayes" seemed to have it.

Mr. KILGORE. I demand a division, Mr. Chairman.

The committee divided; and there were—ayes 58, noes 3.

Mr. KILGORE. No quorum, Mr. Chairman.

The CHAIRMAN. The gentleman from Texas makes the point that no quorum has voted. The Chair will appoint the gentleman from Tennessee [Mr. PATTERSON] and the gentleman from Texas [Mr. KILGORE] to act as tellers.

The committee again divided; and the tellers reported—ayes 160, noes 7.

So the amendment was agreed to.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

In the seventh line strike out the word "two" and insert the word "one."
In the eighth line strike out the words "one of."
Strike out all of lines 9, 10, 11, and 12, and in lieu thereof insert the words "a displacement of not less than 600 tons, and shall be so constructed and equipped as to secure a speed of not less than 15 knots per hour."
Strike out the letter "s" in the word "cutters" both in the title and in the seventh line of the bill.

Mr. KILGORE. There are half a dozen amendments, Mr. Chairman.

Mr. PATTERSON of Tennessee. Mr. Chairman, it is very evident that there is to be a persistent determination to filibuster against and prevent the passage of this bill. It is a bill, in my judgment, that is absolutely necessary for the public service. However, there is other very important legislation from this committee before the House, and I now ask leave to withdraw the bill, and move that the committee rise.

Mr. WILSON of Washington. Can I be recognized?

Mr. PATTERSON of Tennessee. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. BLANCHARD, chairman of the Committee of the Whole on the state of the Union, reported that that committee had had under consideration the bill (S. 1104) making appropriation to provide for the construction of two United States revenue cutters for service on the Pacific coast, and had come to no resolution thereon.

The SPEAKER. What does the gentleman from Tennessee desire to do with this bill?

Mr. PATTERSON of Tennessee. I move that the bill be laid aside.

The SPEAKER. The gentleman can withdraw it.

Mr. PATTERSON of Tennessee. I withdraw it.

TESTIMONY IN CRIMINAL CASES UNDER INTERSTATE COMMERCE LAW.

Mr. WISE. Mr. Speaker, I now call up the bill (S. 1933) concerning testimony in criminal cases or proceedings based upon or growing out of alleged violations of an act entitled "An act to regulate commerce," approved February 4, 1887, as amended March 2, 1889, and February 10, 1891.

The bill was read, as follows:

Be it enacted, etc., That no person shall be excused from testifying in any criminal case or proceeding based upon or growing out of any alleged violation of the provisions of an act entitled "An act to regulate commerce," approved February 4, 1887, as amended March 2, 1889, and February 10, 1891, on the ground or for the reason that his testimony might tend to criminate himself or to subject him to penalty or forfeiture. But such person shall not be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he may testify in any such case or proceeding: *Provided*, That no person so testifying shall be exempt from prosecution and punishment for perjury committed in so testifying.

Mr. WISE. Mr. Speaker, I move that the amendment I send

to the Clerk's desk be substituted for the Senate bill. Strike out all after the enacting clause and substitute that which I send up.

The SPEAKER. The gentleman proposes to amend the bill?

Mr. WISE. I do.

The Clerk read as follows:

Strike out all after enacting clause, and insert the following:

"That no person shall be excused from attending and testifying, or from producing books, papers, tariffs, contracts, agreements, and documents before the Interstate Commerce Commission, or in obedience to the subpœna of the Commission, whether signed or issued by one or more commissioners, or in any cause or proceeding, criminal or otherwise, based upon or growing out of any alleged violation of said act of Congress, entitled 'An act to regulate commerce,' approved February 4, 1887, or of any amendment thereof, on the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him may tend to criminate him or subject him to a penalty or forfeiture. But no person shall be prosecuted or subject to any penalty for or on account of any transaction, matter or thing, concerning which he may testify, or produce evidence, documentary or otherwise, before said Commission, or in obedience to its subpœna, or in any such case or proceeding: *Provided*, That no person so testifying shall be exempt from prosecution and punishment for perjury committed in so testifying. Any person who shall neglect or refuse to attend and testify, or to any lawful inquiry, or to produce books, papers, tariffs, contracts, agreements, and documents, if in his power to do so, in obedience to the subpœna or lawful requirement of the Commission shall be guilty of an offense, and upon conviction thereof by a court of competent jurisdiction shall be punished by fine not less than $100 nor more than $5,000, or by imprisonment for not more than one year, or by both such fine and imprisonment.

The amendment was agreed to—ayes 110, noes 3.

The Senate bill, as amended, was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. WISE, a motion to reconsider the vote by which the bill was passed was laid on the table.

INTERSTATE-COMMERCE LAW.

Mr. PATTERSON of Tennessee. Mr. Speaker, I call up the bill (H. R. 10163) to amend an act entitled "An act to regulate commerce," approved February 4, 1887.

The bill was read, as follows:

Be it enacted, etc., That section 4 of an act entitled "An act to regulate commerce," approved February 4, 1887, be amended by adding thereto the following:

"The word 'line,' as used in this act, shall be construed to mean a physical line, whether such line be one railroad or two or more connecting railroads, or part railroad and part water, when both are used under a common control, management, or arrangement, expressed or implied, for a continuous shipment.

"Each railroad and each water way, and every part of each railroad and each water way composing any such line, shall be deemed a part of such line, and transportation over the whole or any part or parts of such line shall be deemed to be transportation over the same line, whether the transportation service be rendered by a single carrier or by two or more carriers.

"The words 'any common carriers,' as used in this act, shall be construed to mean one or more than one common carrier as the case may be and the context require."

SEC. 2. That section 5 of said act be amended so as to read as follows:

"SEC. 5. Except under the conditions herein prescribed, it shall be unlawful for different and competing common carriers subject to the provisions of this act to enter into any contract, agreement, or arrangement for the division or apportionment among themselves, or with others, of the whole or any portion of their traffic or of their gross or net earnings; and each day of the continuance of any such contract, agreement, or arrangement, except under the conditions hereinafter prescribed, shall be deemed a separate offense: *Provided*, That under the following conditions it shall be lawful for such common carriers to enter into such contracts, agreements, or arrangements enforceable between the parties thereto; that is to say:

"First. All such contracts, agreements, or arrangements shall be in writing and shall be filed with the commission appointed under the provisions of this act.

"Second. Such contracts, agreements, or arrangements shall become lawful only upon and after approval by said commission, and shall remain lawful and enforceable between the parties thereto only during such time and so long as the said commission shall fail to withdraw their approval thereof and to notify the parties thereto of a day upon which the same shall cease to be lawful. And when the commission shall withdraw their approval of any such contract, agreement, or arrangement and shall so notify the parties thereto the same shall become and be unlawful and cease to be enforceable between the parties thereto on and after the day specified in such notice.

"And Congress may at any time alter, amend, or repeal so much of this section as makes such contracts, agreements, or arrangements lawful under the above conditions."

SEC. 3. That section 10 of said act as amended March 2, 1889, be further amended by adding the following clauses thereto:

"Whenever any common carrier subject to the provisions of this act is a corporation, such corporation may be prosecuted as for a misdemeanor under any of the foregoing provisions of this section, and upon conviction shall be subject for each offense to a fine not exceeding $5,000.

"Whenever an indictment shall be found under the provisions of this act against a corporation, the service of any writ or other process thereupon, or for the prosecution thereof, shall be sufficient if a copy of such writ or process be delivered to and left with any officer or agent of such corporation found in the judicial district wherein such indictment may be found."

SEC. 4. That section 13 of said act be amended by adding thereto the following:

"Testimony given orally before the commission, or any one or more members thereof, in the course of any investigation or inquiry made or instituted under the provisions of this section, shall be taken down by stenography or otherwise as it is given, and before the decision of the commission is announced shall be written out and filed with the papers relating to the complaint, investigation, or inquiry."

SEC. 5. That section 16 of said act as amended March 2, 1889, be further amended by adding the following:

"A copy of all the pleadings, papers, exhibits, and testimony (whether documentary, or in the shape of depositions, or taken down as orally given) filed with or adduced before the commission in the course of any investigation of a complaint, or in the course of any inquiry instituted by the commission on its own motion, shall, whenever application is made to a court, as above provided, alleging violation or disobedience of the order or requirement of the commission, be certified by the secretary of the commission to such court.

"In hearing and determining, pursuant to the provisions of this section, any matter not involving the right to a trial by jury, neither the court nor any person appointed by the court to prosecute inquiries into such matter shall hear or consider any matter of fact offered in evidence before such court or person by any party who, with knowledge of such fact, failed to offer it before the commission, unless the court be satisfied that the materiality of such fact and its bearing on the decision of the commission could not reasonably have been understood or foreseen prior to such decision."

An amendment appearing in the printed bill as recommended by the committee was read, as follows:

Section 3, page 4, after line 14, insert: "that so much of section 10 of said act as provides for punishment by imprisonment is hereby repealed."

Mr. PATTERSON of Tennessee. Mr. Speaker, who offers that amendment?

The SPEAKER *pro tempore* (Mr. RICHARDSON). It is printed in the bill as an amendment proposed by the committee.

Mr. LIND. Mr. Speaker, I think the House ought to understand the import of that amendment.

Mr. PATTERSON of Tennessee. I know of no such amendment.

The SPEAKER *pro tempore*. The amendment is printed in italics, indicating that it is an amendment recommended by the committee.

Mr. PATTERSON of Tennessee. But that amendment has never been acted upon by the committee.

Mr. WISE. Oh, yes, it has.

Mr. LIND. I did not know anything about it until I saw it here in the bill, and in my judgment it is a bad amendment.

Mr. PATTERSON of Tennessee. Mr. Speaker, for the present we withdraw the amendment.

Mr. O'NEILL of Pennsylvania. Why withdraw it? Why not let the House act upon it?

Mr. PATTERSON of Tennessee. Mr. Speaker, I have charge of this bill, and I have no knowledge of how that amendment came to be printed in the bill, and I now move to strike it out.

Mr. HOPKINS and Mr. WISE addressed the Chair.

The SPEAKER *pro tempore*. The gentleman from Tennessee [Mr. PATTERSON] has the floor.

Mr. PATTERSON of Tennessee. I yield to the gentleman from Illinois [Mr. HOPKINS] for a question.

Mr. HOPKINS of Illinois. I want to ask whether any time is to be allowed for general debate upon this bill?

Mr. PATTERSON of Tennessee. Certainly. The gentleman will have an opportunity for debate.

The SPEAKER *pro tempore*. The bill has just been read, and this amendment has been read as coming from the committee. No action has been taken to close debate.

Mr. WISE. Mr. Speaker, I wish to make a statement with reference to that amendment. I said a moment ago that it had been acted upon by the committee. Since my attention has been more particularly directed to it I wish to recall that statement. That amendment never was adopted by the committee; it was proposed, but the committee took no action with reference to it.

Mr. PATTERSON of Tennessee. Mr. Speaker, I move to strike out the amendment.

The motion was agreed to.

Mr. HOPKINS of Illinois. It seems to me, Mr. Speaker, that we ought not to be putting these amendments on the bill until we understand——

The SPEAKER *pro tempore*. This is not an amendment made to the bill. As the Chair understands, it is something that is printed in the bill without the authority of the committee, and they simply desire now to put the bill in proper shape for the House to act upon it.

Mr. HOPKINS of Illinois. I understand that there is a difference of opinion upon that point, and that is the reason I object to this action.

Mr. PATTERSON of Tennessee. Mr. Speaker, I wish to make a statement. A few days since, when this bill was under consideration before the Committee on Interstate and Foreign Commerce, this amendment was proposed, and the committee instructed the Clerk to correspond with the Interstate Commerce Commission and ask its opinion in respect to such an amendment. I am informed by the Clerk that the letter of inquiry was written, and this morning I was handed the reply of the Commission to that inquiry, but I repeat that the amendment was never acted upon by the committee at all, and of course it ought not to have appeared in the printed copy of the bill. I move, therefore, that that amendment be now stricken from the bill.

Mr. HOPKINS of Illinois. Mr. Speaker——

The SPEAKER *pro tempore*. The gentleman from Tennessee [Mr. PATTERSON] has the floor.

Mr. HOPKINS of Illinois. I wish to ask him a question?

Mr. PATTERSON of Tennessee. I yield for that purpose.

Mr. HOPKINS of Illinois. What was the reply of the Interstate Commerce Commission with regard to that amendment? Did they favor it?

Mr. PATTERSON of Tennessee. I repeat that this amendment is not in the bill by any action of the committee. If the gentleman will have patience he can offer this amendment himself after awhile, and can speak to it, and I will then give him an opportunity to hear the reply of the Commission.

Mr. HOPKINS of Illinois. I do not know that I am in favor of this amendment, but I ask the gentleman from Tennessee to state what was the reply of the Interstate Commerce Commission in relation to this amendment?

Mr. PATTERSON of Tennessee. Well, the report has been received by the committee, and it is favorable to the amendment.

Mr. HOPKINS of Illinois. Will the gentleman send the reply of the Commission to the Clerk and have it read for the information of the House.

Mr. PATTERSON of Tennessee. I will in a few moments. I move now to strike that amendment from the bill. It is not properly there.

Mr. O'NEILL of Pennsylvania. I desire to say a word.

The SPEAKER *pro tempore*. Does the gentleman from Tennessee yield to the gentleman from Pennsylvania?

Mr. PATTERSON of Tennessee. For a moment.

Mr. O'NEILL of Pennsylvania. The statement of the gentleman from Tennessee in regard to this amendment is correct. The idea of the committee, as he has said, was that we should consult the Interstate Commerce Commission. I for one believe that this House can judge of the propriety of passing an act or an amendment to an act just as well as the Interstate Commerce Commission can. But it was the understanding that we were to have an answer from the Commission, which answer has now come, and that the committee, at its meeting tomorrow, would take up such an amendment and perhaps pass upon it favorably and offer it to the House on Saturday, when our committee will again have the right to call up bills. I believe that the gentleman from Tennessee has now the right to withdraw this amendment, and I do not propose to renew it now as an individual member of the House, simply because I suppose the gentleman, under certain circumstances, will himself offer it on Saturday, when bills from our committee will be again in order.

Mr. HOPKINS of Illinois. Inasmuch as this amendment is now in the bill and the bill is now before the House for consideration, I suggest that it would be proper and wise to send to the Clerk to be read from the desk the report of the Interstate Commerce Commission on the amendment. The amendment being already in the bill, if the Commission favors it, we can settle the question by declining to strike out the amendment as proposed, and thus leave it a part of the bill.

In answer to the gentleman from Pennsylvania [Mr. O'NEILL] I will say that I think this Commission is much more competent to give us advice as to the character of legislation needed on this subject than is any individual member of the House. I think we should legislate in harmony with the views of that Commission. We should strengthen its hands, whenever the Commission may find it necessary, in order to carry out the intent of the law as originally passed.

Mr. LIND addressed the Chair.

The SPEAKER *pro tempore*. Does the gentleman from Tennessee yield to the gentleman from Minnesota [Mr. LIND]?

Mr. O'NEILL of Pennsylvania. Just a word. I want to state——

The SPEAKER *pro tempore*. The gentleman from Pennsylvania is not in order. The gentleman from Tennessee is entitled to the floor.

Mr. PATTERSON of Tennessee. I yield for a moment to my friend from Ohio [Mr. STORER].

Mr. STORER. Mr. Speaker, I desire to make a parliamentary inquiry: Is debate in order upon a clause which the committee states is not properly a part of the bill, but was inserted by mistake of the printer?

The SPEAKER *pro tempore*. The amendment could not be considered if the fact as stated by the gentleman from Ohio [Mr. STORER] were universally conceded. But there is controversy, it seems, among members of the committee as to the facts in the case.

Mr. LIND. The Chair will allow me to state that there is no controversy as to the facts so far as I know. This House has no right to undertake to act upon a proposition as an amendment when it has not received the sanction of the committee; and I think that after the statement which has been made by the gentleman in charge of this bill any debate upon this proposition is out of order. That gentleman, I submit, has an absolute right to withdraw that which is not properly in the bill and which has not received the sanction of the committee.

Mr. BLAND. I rise to a point of order. Are we not proceeding under the rule for general debate?

The SPEAKER *pro tempore*. We have not reached that stage at all. The question was raised whether or not certain words belong in the bill; and that is a question preliminary to any debate.

Mr. BLAND. Has the bill been read for amendment?

The SPEAKER *pro tempore*. The bill is in the House, not in the Committee of the Whole; and the rule as to general debate in the Committee of the Whole does not apply in the House.

Mr. BLAND. I thought we were in Committee of the Whole; I think we ought to be.

Mr. PATTERSON of Tennessee. Members of the committee are unanimously agreed that they never formally acted upon this amendment; and without making any statement as to the views of individual members with respect to the amendment, I think it may be stated absolutely that the amendment has been printed in the bill improperly and by mistake. I ask unanimous consent, therefore, that this amendment be stricken out. If then any gentleman desires to offer such an amendment he can do so and obtain a vote of the House upon it.

Mr. O'NEILL of Pennsylvania. Mr. Speaker——

The SPEAKER *pro tempore*. Does the gentleman from Tennessee yield?

Mr. O'NEILL of Pennsylvania. I desire only a moment.

Mr. PATTERSON of Tennessee. I ask that the bill be considered without this amendment.

Mr. O'NEILL of Pennsylvania. I wish to say here that I favor the repeal of the imprisonment clause of the existing law——

Mr. PATTERSON of Tennessee. I understand that.

Mr. O'NEILL of Pennsylvania. I hope this question will come up on Saturday next. But I have no idea of offering the amendment until our committee has acted upon the information we have received from the Interstate Commerce Commission.

The SPEAKER *pro tempore*. The gentleman from Tennessee states that these words are in the bill by inadvertence, and asks unanimous consent to strike them out. Is there objection?

There was no objection.

Mr. PATTERSON of Tennessee. Mr. Speaker, in reference to this bill I desire to submit to the House a few words of explanation, and in doing so I will follow the report of the committee as nearly as practicable.

Under the recent decision of one of the Federal courts it has been held that the word "line," as used in the 4th section of the interstate-commerce act, has a very different meaning from that which has been attached to it heretofore by the Interstate Commerce Commission. That is to say that where two or more railroads constitute connecting lines and ship freights over them, that those connecting lines can not charge more for a shorter distance than for a longer distance; and that that line is not a line composed of any lesser number of railroads, and therefore any lesser number being a part of the whole number might charge a larger sum for a shorter distance.

To explain this: Assume that there are connecting lines of railroad extending from the city of New York by way of Chicago, Omaha, and Salt Lake City to San Francisco. It is held that the railroads, comprising these connecting lines, can not charge more for a shorter distance than a longer distance; but that the railroads running west from Chicago to San Francisco might charge more, as links in the line extending from New York to San Francisco. And this amendment, proposed in the first section of the bill, is intended to so construe the word "line" as to require all the railroads composing links of any line of connecting railroads not to charge more for a shorter distance than for a longer distance; that is, they shall not charge more for a shorter distance than the entire connecting line charges for the whole distance.

Under the decision on section 4 of the interstate-commerce act a railroad company could charge more over its own line than over its own and connecting lines for a much longer distance; and this amendment provides that any one railroad company forming a part of a connecting line shall not charge more over its line than is charged over the two or more companies comprising the entire line. That is the meaning of this section, and it meets the entire approval of the Interstate Commerce Commission.

In respect to the second section in the bill, the word "pool," used in the fifth section of the interstate-commerce act, is a word of indefinite meaning. It is an indefinite word, and this section of the bill substitutes the words "contract, agreement, or other arrangement," in lieu of the words "pool" or "pooling."

Now, the only section of the bill, Mr. Speaker, which will probably be controverted in the House is the second section. The fifth section of the interstate-commerce law prevents what is called "pooling;" or, in other words, any contract, agreement, or arrangement by which railroad companies may apportion their

traffic amongst themselves, or apportion their net or gross earnings. It has been argued before the Interstate Commerce Committee with great force that to prevent pooling altogether will work a very great injustice to the small shippers, because when you come to rebates and cuttings it is the small shipper that suffers; and it has been urged as I say with a great deal of force that pooling arrangements would promote public interests.

I have been told—I do not know how true it may be—that Judge Reagan, who is the author of the fifth section of the interstate-commerce law, has modified his views on that subject.

Now, there was a bill introduced, known as House bill 9954, and this fifth section of the pending bill is a substitute for that bill. That bill, to which I have referred, provided for such an agreement, or such pooling arrangement, and that it should be submitted to the Interstate Commerce Commission, and that Commission had power to cancel it. The question was put to gentlemen if an appeal would lie from the order canceling that agreement to the circuit court of the United States, and from the circuit court to the Supreme Court of the United States; and the conclusion was reached that the court would have a right to review the order.

As to this section of the bill—and it is one that I am by no means partial to—I merely desire to submit it for the candid judgment of the House. This section of the bill is a substitute for the House bill referred to, and provides that where railroad companies enter into an agreement, contract, or arrangement of this sort, it shall be submitted to the Interstate Commerce Commission and it shall examine into the matter, and if it thinks it will be for the public interest it may approve it, and the contract, arrangement, or agreement can only exist so long as the approval of the Commission exists, that is to say, when the Commission notifies them on a certain day the arrangement shall cease in the interest of the public, it shall absolutely *ipso facto* cease on that day, and it cuts off all review by the courts.

The object of this section is this: To enable the Interstate Commerce Commission, on the part of the public, to make an arrangement with the railroads and enter into, you might say, an agreement with the railroads, or grant them a license, so to speak, to enter into pooling arrangements, and determine whether or not they are for the public benefit; such arrangements at all times to be under the direction, control, and supervision of the Commission, and empowering the Commission at any time to put an end to them.

Mr. LIND. Will the gentleman allow me to interrupt him for a question?

Mr. PATTERSON of Tennessee. I will.

Mr. LIND. The amendment provides that pooling arrangements may be entered into, not only between common carriers themselves, but between common carriers and others. I would like to have an explanation of the gentleman as to what is meant by others, or "other persons" who may become beneficiaries in such pooling arrangement.

Mr. PATTERSON of Tennessee. I will read the section:

> Except under the conditions hereinafter prescribed, it shall be unlawful for different and competing common carriers subject to the provisions of this act to enter into any contract, agreement, or arrangement for the division or apportionment among themselves, or with others, of the whole or any portion of their traffic or of their gross or net earnings. And each day of the continuance of any such contract, agreement, or arrangement, except under the conditions hereinafter prescribed, shall be deemed a separate offense: *Provided*, That under the following conditions it shall be lawful for such common carriers to enter into such contracts, agreements, or arrangements enforceable between the parties thereto.

I do not understand that this applies to persons. It only applies to common carriers.

Mr. LIND. It says "others." What does the gentleman understand the object of the use of the word "others"?

Mr. PATTERSON of Tennessee. If the gentleman will read the section, I submit that he will see that it only applies to common carriers. Now, I desire to state to the House——

Mr. LIND. Does not this include individual vessel owners, for instance, on the lakes or those engaged in the coastwise trade?

Mr. PATTERSON of Tennessee. I think probably it does.

Mr. LIND. Well, I wanted the committee to understand that this pooling arrangement goes to the extent not only of including transportation by water, but transportation partially by rail and partially by water.

Mr. PATTERSON of Tennessee. My friend can submit his remarks in his own time. Now, I desire to say to the House that, so far as this section of the bill is concerned, I am not wedded to it, but I believe, and my opinion is—and that is the judgment of the committee—that these arrangements might be entered into sometimes for the public benefit; and, so far as I am individually concerned, I would be willing to trust the Interstate Commerce Commission to act for the public in these matters

Mr. RAYNER. Will the gentleman allow me to ask him a question about this section?

Mr. PATTERSON of Tennessee. Yes.

Mr. RAYNER. When the gentleman has finished his remarks, I propose to move to strike out sections 2, 5, and subsections 1 and 2. Now I want to ask this question: These sections as now worded are not requested by the shippers; they are not requested by the railroads as I am informed, and they do not originate with the Interstate Commerce Commission. Now why get up a discussion on four or five sections of the bill that nobody wants?

Mr. STORER. Why do you say that?

Mr. RAYNER. I will tell you why I say it; because the railroad companies came before the Committee on Commerce and argued this question. While they were arguing it, asking for the right to pool, the gentleman from Tennessee [Mr. PATTERSON] placed a condition upon the provision appearing in the second section, and when that was done the railroads, as I am informed, withdrew this provision relative to pooling, and they do not want it now with this condition annexed to it. I am authorized to state that on behalf of certain gentlemen who appeared before the Committee on Interstate and Foreign Commerce. The committee have not recommended it either.

Mr. COOMBS. The Senate has rejected it.

Mr. RAYNER. And the Senate has rejected it.

Mr. COOMBS. And what is the use of our spending time on it?

Mr. RAYNER. It got in here because the gentleman was willing to put it in, with the condition that he has annexed to it, which is a very good condition; but the railroad companies do not want it with that condition, I am told.

Mr. LIND. I would suggest to the gentleman from Maryland that he read the report of the committee on this subject.

Mr. RAYNER. I have read it.

Mr. PATTERSON of Tennessee. Now, Mr. Speaker, as I have already stated, I merely wanted to submit this question to the House. I desire to say that this fifth section of the bill has met with the approval of the Interstate Commerce Commission. I do not know what the railroads desire. I am not speaking for them. I am speaking for this bill, and I believe that if the Commission was clothed with the power to approve such an arrangement, that arrangement to continue only so long as the Interstate Commerce Commission believe that it would subserve the public interest, if that was done I believe it would aid in the proper solution of a much mooted question.

Now, passing on to the third section, the law as it now stands provides for the indictment and punishment of a railroad official who violates the interstate-commerce law; but there is no provision in the law for the punishment of the corporation. Now, every lawyer knows that a corporation is subject to indictment and fine, as individuals are. The fifth section of this bill provides that for violations of the interstate-commerce law the corporations violating those provisions shall be subject to indictment and to the payment of a fine not exceeding $5,000.

Now, in that connection it has been insisted by a number of gentlemen, some of whom have been connected with the Interstate Commerce Commission, that that part of the interstate-commerce act which provides for the imprisonment of railroad officials for violation of the law should be abolished.

Mr. MALLORY. I would like to ask the gentleman a question.

The SPEAKER *pro tempore*. Does the gentleman from Tennessee [Mr. PATTERSON] yield to the gentleman from Florida [Mr. MALLORY].

Mr. PATTERSON of Tennessee. With pleasure.

Mr. MALLORY. Does the gentleman contemplate that this section 3, which proposes to amend section 10 of the present law, is to be substituted for the entire tenth section?

Mr. PATTERSON of Tennessee. Not at all.

Now, a great many gentlemen who are interested in this interstate-commerce law insist that it is altogether wrong to subject a railroad official to imprisonment, to punish him as a felon, or to punish him as if he had committed an infamous crime in the violation of this law. In other words, that they ought to be put upon the same plane exactly as a corporation is—subject to indictment, and to be mulcted in a fine; and the amendment which improperly got upon the bill was for the purpose of abolishing this feature of punishment with respect to officials. The amendment was referred to the Interstate Commerce Commission; and, Mr. Speaker, I send the letter which they addressed to the committee to the Clerk's desk, and ask that it be read.

The Clerk read as follows:

INTERSTATE COMMERCE COMMISSION,
Washington, January 18, 1893.

GENTLEMEN: Your communication, under date of January 17, to the Interstate Commerce Commission submits the following question: "Whether

in your judgment their bill H. R. 10163 * * * ought to be amended by the introduction of a section repealing the imprisonment feature of section 10 of 'An act to amend an act to regulate commerce,' approved February 4, 1887,' and requests immediate reply. Nothing has occurred in our experience in the administration of the act to regulate commerce to give us peculiar knowle lge upon the subject in question, or to have judgment other than that of lawyers generally having experience in criminal prosecutions.

District attorneys have encountered great obstacles to the enforcement of the criminal features of the act, but how far these obstacles are attributable to the severity of the penalties must rest in conjecture. If the proposed amendment would remove difficulties to the enforcement of the penal provisions, and thereby render the act more effective, it should be adopted. We are not averse to the experiment, should Congress deem it wise to try it. We recognize that which is familiar to all lawyers, viz, that severity of penalties often defeats effective operation of a statute, and such may have been the fact in reference to the act in question; but our experience in the courts in dealing with this enactment has not been such as to inspire the utmost confidence in our own judgment as to what may be the success of any amendment which may be adopted.

All of which is respectfully submitted.

WM. R. MORRISON, *Chairman.*

The Hon. COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE,
House of Representatives, Washington, D. C.

Mr. PATTERSON of Tennessee. Now, Mr. Speaker, in respect to the fourth section of the bill, that simply provides that all oral testimony delivered before the Interstate Commerce Commission shall be taken down by a stenographer and written out and filed before the announcement of the decision.

Section 5 of the bill, and the last section, simply provides that where the proceedings of the Interstate Commerce Commission are referred to the courts, that it shall be tried by the courts upon the pleadings and evidence and record made up before the Interstate Commerce Commission, except in cases where it shall appear that the party could not have reasonably anticipated the materiality of the testimony at the hearing before the Commission.

Now, this briefly explains the bill, and I yield to my friend from Minnesota [Mr. LIND].

Mr. TURNER. Does the Interstate Commerce Commission favor this bill?

Mr. PATTERSON of Tennessee. Throughout.

Mr. LIND. Does the gentleman from Tennessee yield to me now?

Mr. PATTERSON of Tennessee. I yield to the gentleman from Minnesota.

Mr. HOPKINS of Illinois (to Mr. LIND). You take the floor in your own right.

Mr. LIND. I do not desire to occupy the time of the House except to have the views of the minority read in my own time.

Mr. COOMBS. That is in relation to section 2?

Mr. LIND. Yes, in relation to section 2 of this bill.

The SPEAKER *pro tempore*. The gentleman from Tennessee [Mr. PATTERSON] has seventeen minutes of his time remaining. Does the gentleman yield seventeen minutes to the gentleman from Minnesota?

Mr. PATTERSON of Tennessee. I yield five minutes.

Mr. LIND. I do not desire any more time than is sufficient to read the views of the minority.

The SPEAKER *pro tempore*. The Chair simply desires to ascertain the time yielded.

Mr. LIND. Yield me five minutes and I will yield back what I have left. I ask to have the views of the minority read.

Mr. PATTERSON of Tennessee. I yield the gentleman five minutes.

The Clerk read as follows:

Without going into a detailed statement of the objections to section 2 of this bill, on principle, the minority feel in duty bound to protest against its passage and to call attention to some of the most flagrant objections to it.

It is the first effort that has ever received the sanction of a committee of this House to make legal and enforceable, at law, contracts for the division of traffic. But it does not stop at this. It proposes to legalize "railroad wrecking" and stock speculation by authorizing not only agreements for the division and apportionment of net and gross earnings among the carriers themselves, but it authorizes the carriers to also divide and apportion these among "others" not carriers. Under these provisions stockholders will be as much at the mercy of railroad managers as will the public. The Standard Oil Company, the "Dressed Beef Combine," and other monopolies can obtain rebates by contract enforceable in the courts instead of by stealth and concealment as heretofore.

Railroad transportation is a natural monopoly. The element of competition is wanting except between terminal points and between trunk lines carrying the products of the west to the seaboard.

This natural competition the bill proposes to stifle. Not only that, it takes away the only safeguard that we have had heretofore against railroad extortion. The competition of water routes has always been a thorn in the side of traffic associations and pools. It has frustrated many a well-laid scheme to oppress the public. This embarrassment the bill also removes. It propitiates carriers by water, and carriers partly by water and partly by rail, by authorizing contracts between them and all-rail carriers for a division of traffic and gross and net earnings. The annual million-dollar bonus to the Pacific Mail Steamship Company to refrain from competition may hereafter be paid in pursuance of law.

It is unnecessary to call further attention to the enormity of the provisions of this bill. The suggestion that the Interstate Commerce Commission has the approval and control of the proposed pooling arrangements is no answer to these objections. The Commission is undoubtedly an able body and conscientious in the discharge of its duties. It is to be hoped that it will always continue such. But we believe that it is unfair to them to subject them to the importuning and pressure that that this bill will should it become a law. And we are on principle unwilling to leave it to any body of men not accountable either to a constituency or to law to determine by their arbitrary action whether the industry of this nation shall be taxed by hundreds of millions a year. We wish the House and the public to understand that under this bill, if it should become a law, the trunk lines between the Mississippi and the seaboard might form a pool and agreement for the entire traffic at double the present rates, and so long as the Interstate Commerce Commission consented to it they could call upon the courts to enforce these contracts and rates.

JOHN LIND.
S. R. MALLORY.

Mr. LIND. One word more. I want to say at this time, Mr. Speaker, that with the exception of this section 2 of the bill, which I hope to have an opportunity to move to strike out, I believe the bill is not only a good bill, but that its passage is urgently required by the Interstate Commerce Commission to enable it to discharge the duties committed to it. I move that section 2 of the bill be stricken out.

Mr. PATTERSON of Tennessee. Mr. Speaker, in view of the fact that the committee was somewhat divided upon this section of the bill, and as it may provoke controversy in the House; and furthermore, in view of the very great importance, in my judgment, of the remaining sections of the bill, I accept the amendment of the gentleman from Minnesota, and will consent to that section being stricken out.

Mr. O'NEILL of Pennsylvania. Mr. Speaker, striking out section 2 of this bill destroys the whole legislation that has been proposed.

Mr. COOMBS. No.

Mr. O'NEILL of Pennsylvania. Almost. To strike out section 2 almost destroys the bill. It strikes out a section which I favor and which I hope will remain in and not be stricken out.

Mr. Speaker, the Committee on Interstate and Foreign Commerce have consulted for days, off and on, with the Interstate Commerce Commission. We have had answers to communications to them, and yet we have not learned exactly what they want, or how they would like the law to be amended; so, I think, with all due respect to the men who compose that Commission, five unprejudiced men and as good men as can be selected to hold such important positions, we had better act for ourselves. I, for one, am in favor of giving the railroads privileges in arranging pooling which they do not have to-day.

Mr. LIND. Will my colleague allow me to ask him a question?

Mr. O'NEILL of Pennsylvania. Certainly.

Mr. LIND. Can he cite an instance where a railroad company has voluntarily complied with an order of the Commission in regard to fixing rates?

Mr. O'NEILL of Pennsylvania. Mr. Speaker, I can not cite an instance; but I do not know where they have not complied; and I know that they have tried to comply.

Mr. LIND. Let me call the attention of my colleague to the fact that when the Commissioners made an order in regard to coal rates on the Reading Railroad, in his own district, the company refused absolutely to comply with it; did they not?

Mr. O'NEILL of Pennsylvania. That depends upon the report which has been made by the subcommittee of the Committee on Interstate and Foreign Commerce as to the facts they ascertained.

Mr. LIND. Not at all.

Mr. O'NEILL of Pennsylvania. I recollect that an order was made by this House to investigate that matter.

Mr. LIND. I am not referring to the investigation. I am simply asking whether a certain thing was not a fact.

Mr. O'NEILL of Pennsylvania. Well, I can not answer that. I do not know whether it was a fact or not. If the gentleman states it as a fact, of course I accept his statement.

Mr. LIND. I wish to ask my colleague another question. Inasmuch as the railroad companies refuse absolutely to comply with the orders of the Interstate Commerce Commission for the protection of the public, do you think it is fair for the Congress of the United States to constitute the Commission an arbiter between the railroads?

Mr. O'NEILL of Pennsylvania. Well, Mr. Speaker, one railroad company may not comply, but the great trunk lines of the country do comply and have complied, and they want the law amended so that they can comply more and more with the requirements of the Interstate Commerce Commission.

Mr. LIND. They want to have it their own way.

Mr. O'NEILL of Pennsylvania. They want it their own way, but they can not get it their own way unless we give them legislation. [Laughter.] Now, sir, I struggled against the interstate-commerce law all through the fight. I did all I could to defeat its enactment. I never believed that it would do much good, but now I find that the railroad companies are accepting it graciously in most instances, especially the great trunk lines, and, in accordance with what we have heard from the Interstate Commerce Commission, I desire that we shall not only regulate

the railway companies if we can, but that we shall give the Commission some privileges which they not now have. In the letter which they have addressed to our committee they do not give us any decided information on this subject, and therefore I say we had better act ourselves. What we believe to be right we had better pass in this House, and then when questions come before the Commission arising out of the laws which we have passed, let them decide whether the railroads comply with the law, and with the rules and regulations made under it, or not.

Mr. BOATNER. Mr. Speaker——

Mr. LIND. Mr. Speaker, I move the previous question on my amendment to strike out section 2.

Mr. BOATNER. Mr. Speaker, I desire to offer a substitute for that section.

The SPEAKER *pro tempore*. The gentleman from Minnesota has demanded the previous question upon his amendment.

Mr. BOATNER. Well, I was on the floor seeking recognition at the time the gentleman made that motion.

Mr. LIND. Let me suggest to the gentleman from Louisiana that he can offer his proposed substitute later as an amendment. We have not concluded the bill. I insist upon the demand for the previous question on my amendment.

Mr. BOATNER. Mr. Speaker, before the Chair puts the question, I will ask the gentleman from Minnesota to hear my substitute read, and to consider whether he will not consent that I shall have a vote upon it. I am with him so far as the striking out of this section is concerned.

Mr. LIND. I shall not object to its being read if it can be done by unanimous consent.

There being no objection, the proposed amendment was read, as follows:

All railway common carriers are hereby required to accept from connecting lines loaded cars or trains to be hauled over their lines to point of delivery at the same rate that they charge for similar service over their own lines from the point where said cars or trains are received. Provided, the rate charged shall not not be greater for a shorter than a longer haul over the lines of said connecting carrier.

Mr. LIND. Mr. Speaker, I will not yield for that amendment at this time.

The SPEAKER *pro tempore*. The gentleman from Minnesota has demanded the previous question upon his amendment.

Mr. BOATNER. Mr. Speaker——

The SPEAKER *pro tempore*. For what purpose does the gentleman rise?

Mr. BOATNER. I rise to make a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. BOATNER. Does the gentleman from Minnesota [Mr. LIND] insist upon the previous question after hearing my amendment read?

The SPEAKER *pro tempore*. The gentleman does, and states that he declines to accept the amendment.

The previous question was ordered upon the amendment of Mr. LIND.

The question was taken, and the amendment was agreed to.

Mr. BOATNER. Now, Mr. Speaker, I offer the proposition which has just been read as an additional section.

The amendment of Mr. BOATNER was again read, as above.

The SPEAKER *pro tempore*. The question is upon the amendment. The gentleman from Louisiana [Mr. BOATNER] has the floor.

Mr. BLAND. Mr. Speaker, I suppose that can be offered as an additional section, but not as a substitute for the section that has been struck out.

The SPEAKER *pro tempore*. It is not offered as a substitute for that section. It is offered as an amendment.

Mr. BOATNER. Mr. Speaker, I understand that this amendment of the interstate commerce law has been recommended by the Commission. It is evident that it is intended to cure a defect in the law and compel railroads to accept loaded cars and trains from connecting lines and haul them at the same rates which they charge for similar service on their own lines. I do not see any possible objection to the amendment and I hope it will be adopted.

Mr. LIND. I simply desire to say to the gentleman that it is my impression that the existing law covers the object aimed at by this amendment; but even if it does not, the question has been before the committee in another form. I think that what the gentleman refers to is the request of the Commission that power be given them to compel common carriers to constitute or make through lines.

That they have advocated, time and again, to compel com carriers to join in a scheme to carry traffic consecutivel on through lines. But under the law as it now exists, to refuse to take a properly loaded car and carry it over the line of a railroad company would clearly constitute unlawful discrimination. The present law provides amply against that.

I suggest that a proposition of this kind, affecting so many interests, can not be taken up on the spur of the moment under such circumstances as the present and disposed of so as to do justice. A proposition of so important a character as this certainly ought to go to the committee and receive mature consideration.

Mr. PATTERSON of Tennessee. I hope my friend from Louisiana [Mr. BOATNER] will not press this amendment. I wish to say that of all the questions I have ever investigated, these questions involving interstate commerce are perhaps the most difficult. The present bill has been the result of very mature deliberation, and of long conferences with the Interstate Commerce Commission. I have already consented to the striking out of section 2 of the bill, for the simple reason that there is a difference of opinion in the committee on that subject. But it is very evident that the amendment of my friend from Louisiana would destroy the harmony of the bill. My own judgment is that the object he is attempting to reach by the amendment is already covered by the interstate-commerce act. But to say the least, a matter of so grave importance as the question presented in his amendment ought not to be disposed of in this way without the consideration of the committee. I move, therefore, that the amendment be laid on the table.

Mr. BOATNER. I hope the gentleman will not move to lay my amendment on the table until I have had an opportunity to reply to the gentleman from Minnesota [Mr. LIND] and to himself.

Mr. PATTERSON of Tennessee. Very well; I withdraw the motion. How much time does the gentleman want?

Mr. BOATNER. Well, Mr. Speaker, I should like to have such time as I may desire. As a member of the House I think I have some rights on this floor.

Mr. PATTERSON of Tennessee. I understand that.

Mr. BOATNER. Having offered this amendment, I would like to be heard upon it. I have never spoken, I believe, in this House for more than ten minutes at a time, but I do not wish to exercise my rights on this floor by the grace of anybody. I do not desire always to occupy the floor simply by somebody's permission that I may speak a few minutes. I am tired of that, Mr. Speaker.

The SPEAKER *pro tempore*. The gentleman from Louisiana has proposed an amendment; and if the gentleman from Tennessee withdraws the motion to lay on the table, the gentleman from Louisiana will be recognized.

Mr. PATTERSON of Tennessee. Mr. Speaker——

The SPEAKER *pro tempore*. Does the gentleman withdraw his motion to lay on the table?

Mr. PATTERSON of Tennessee. I do not. I insist on the motion.

Mr. BOATNER. Mr. Speaker, at the time the gentleman from Tennessee rose, I also rose to address the Chair. I had the right to reply to the gentleman from Minnesota.

The SPEAKER *pro tempore*. The difficulty was that the gentleman from Louisiana [Mr. BOATNER] had spoken and was followed by the gentleman from Minnesota [Mr. LIND]. Then the Chair simply recognized the gentleman from Tennessee because the gentleman from Louisiana had spoken once upon the subject, and the gentleman from Tennessee had not. The gentleman from Tennessee having the floor has moved to lay the amendment on the table.

Mr. LIND. I rise to a parliamentary inquiry: If that motion be adopted will it not carry the whole bill to the table?

The SPEAKER *pro tempore*. The Chair will hear the gentleman on that subject.

Mr. PATTERSON of Tennessee. I insist on my motion.

Mr. LIND. Mr. Speaker, I desire to state my point of order.

Mr. PATTERSON of Tennessee. I call the previous question on my motion.

The SPEAKER *pro tempore*. The gentleman from Minnesota [Mr. LIND] has the floor upon a question of order.

Mr. LIND. As I understand, under general parliamentary law a motion to table an amendment carries with it, if adopted, the bill itself. In the Senate there is a special rule which allows the adoption of a motion to table an amendment without affecting the bill. We have no such rule here, and I do not understand that the House can be deprived by a motion of this kind of the opportunity to consider the bill. I think the motion is out of order. I think the gentleman from Tennessee might move the previous question on the amendment; but I know he does not want to table this bill.

Mr. PATTERSON of Tennessee. I withdraw my motion to lay on the table and move——

The SPEAKER *pro tempore*. The gentleman from Louisiana [Mr. BOATNER] is recognized.

Mr. PATTERSON of Tennessee. I move the previous question on the amendment.

The SPEAKER *pro tempore*. The gentleman from Tennessee having withdrawn the motion to lay on the table, the Chair has

recognized the gentleman from Louisiana [Mr. BOATNER], who is now entitled to the floor.

Mr. BOATNER. Mr. Speaker, I think the gentleman from Minnesota [Mr. LIND] is laboring under a mistake as to the provisions of the interstate commerce law in this regard. While that requires common carriers to receive freights, either loaded on cars or otherwise from other connecting carriers, there is nothing to prevent them from discriminating in their charges, and thus enable them to refuse effectually to take such freights by putting such rates upon them as to amount to a practical prohibition.

Now there is a case which has arisen in my own district and which illustrates the weakness of the law as it now stands. There has grown up on the V., S. and P. Railroad, that is to say, the Vicksburg, Shreveport and Pacific Railroad, between Monroe and Shreveport, a number of very large lumber establishments which have been finding their market over one of the lines of the Iron Mountain system.

The Gould roads, or system, controls both ends of the Vicksburg, Shreveport and Pacific road. That is the connecting lines going to St. Louis and Chicago, and the Western States generally are controlled by the Gould system. Large lumbering establishments grew up also on the lines of the Gould system; and in order, as I am reliably informed, although I do not state this as a fact on my own personal knowledge, for the purpose of giving people engaged in the lumbering business on their lines a monopoly of the business, which had been participated in by mills on the other line to which I have referred, the Gould system refused to take lumber whether in trains or on cars from the line of this road, except on such terms as absolutely prohibited the mills on the Vicksburg, Shreveport and Pacific road from shipping their lumber over the other line.

Now, if the law already requires what I ask in this amendment, of course I have nothing more to say; but my understanding is that there is no such requirement in the law; and all I am asking in the amendment is that under the provisions of the interstate-commerce act connecting railways engaged in interstate-commerce shall be compelled to receive from connecting common carriers loaded trains or cars and haul them to the point of destination on the same terms that they charge on their own line for loaded trains or loaded cars from that point to the point of delivery, provided that they shall not be permitted to charge a greater price for the shorter haul on the trains or cars from the connecting roads than they charge on their own.

Mr. COX of Tennessee. Will the gentleman allow me a moment?

Mr. BOATNER. Certainly.

Mr. COX of Tennessee. Is not your proposition, centered down, simply this: That where the freight is picked up by a connecting line, and shipped over such connecting line, that road shall not charge more for the freight than for the freight which it picks up on its own line, and carried the same distance?

Mr. BOATNER. Certainly.

Mr. COX of Tennessee. Now do not you see at once that that destroys the idea of through freight shipped on different lines, and that you give a local price to the railroad that picks it up on its end of the line.

Mr. BOATNER. No, I do not think so. I think the gentleman misapprehends the purpose of the amendment, and certainly labors under an error as to its effect. Let me illustrate: Suppose, for instance, that a lumber train comes over the Vicksburg, Shreveport and Pacific road to the town of Monroe, and is there tendered to a road known as the Houston, Central Arkansas and Northern, which runs from Monroe north to St. Louis. That road says "I will not take the lumber except at a certain price," and that price prohibits the shipment of it on this northern line. At the same time the Houston, Central Arkansas and Northern is hauling lumber from the same point, or 50 or 100 miles below it, at a price which enables the mills on its lines to put lumber in the market at remunerative prices.

The gentleman from Tennessee does not catch my idea at all. It is not to compel through freights on the terms that we see fit to apply, but to say to the connecting common carriers that they shall take freight, from their connection, at the same price that they haul freight for the public over their own line from the point in question.

Mr. COX of Tennessee. But will the gentleman pardon me a moment?

Mr. BOATNER. Certainly.

Mr. COX of Tennessee. The previous provision of the bill is that the connecting lines, belonging to different corporations, shall form only one entire and continuous line for this purpose.

Now, to make that point plain. Suppose we take up freight here at Washington, to be carried to San Francisco, and to be shipped over half a dozen different connecting lines. When you reach the end of this line, say at Chicago, you put it in the power of that connecting road to pick it up and charge or exact freight from Chicago to San Francisco that would not be warranted under the provisions of existing law. Therefore we have conferred on a part of the line a local rate, so to speak, and destroy the other sections of the bill which makes the entire line a through line, thereby defeating that provision in the law which refers to the long and short haul clause as originally designed.

Mr. BOATNER. Mr. Speaker, I think the gentleman from Tennessee [Mr. COX] totally misapprehends the scope and effect of the amendment which I propose, and that he totally misapprehends, also, the scope and effect of the bill which is under consideration. Why, sir, certainly this House has not said that one line may carry freight from New York to Chicago, and then dictate to a road west from Chicago what it shall charge for carrying that same freight from Chicago to San Francisco.

Mr. COX of Tennessee. It does that.

Mr. BOATNER. Does the gentleman say that the first common carrier can dictate to the second common carrier the rate at which it shall carry the freight?

Mr. COX of Tennessee. It does that in effect.

Mr. BOATNER. The gentleman is certainly mistaken.

Mr. COX of Tennessee. It does not say it in that language.

Mr. BOATNER. It could not have any such effect. We have no right to make any such regulation. It would be a deprivation of the individual right of the corporation to manage its own affairs.

Mr. LIND. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LIND. Who is entitled to the floor?

The SPEAKER. The gentleman from Louisiana Mr. [BOATNER] has the floor.

Mr. LIND. For how long a time?

The SPEAKER. For one hour.

Mr. BOATNER. I say I think the gentleman from Tennessee [Mr. COX] has not caught the idea which I have been trying to impress upon the House, and that is that a common carrier shall not be permitted, by fixing a higher rate of freight upon what it receives from its connecting carrier, to prevent the business coming over that line and to force business over its own line, or to give a monopoly to those people who do business over its own line.

Mr. BUTLER. I would like to ask the gentleman a question.

Mr. BOATNER. Very well.

Mr. BUTLER. You say it prohibits making a higher rate. Does not the wording of your amendment prohibit the making of a lower rate? It says it must be taken at "the same rate." It does not say the same or less.

Mr. BOATNER. I do not suppose it prohibits the reducing of its rate.

Mr. BUTLER. Suppose they wish to draw the trade that way and to make an inducement to do it? Your amendment provides that it shall be taken at the same rate, and it can not be taken at less.

Mr. BOATNER. I do not apprehend that any one excepting the gentleman from Iowa [Mr. BUTLER] would put such a construction as that upon the amendment or get any such idea.

Now, Mr. Speaker, I have offered this amendment. It has repeatedly been suggested by the Interstate Commerce Commission, and it proposes to cure an abuse which exists under the present system.

Mr. PATTERSON of Tennessee. I move the previous question on the pending amendment, and on the bill to its engrossment and third reading.

Mr. BOATNER. I wish to know if I have not a right to a vote upon this amendment.

The SPEAKER. Undoubtedly. The amendment is pending and there will be a vote upon it.

Mr. MALLORY. I hope the gentleman from Tennessee [Mr. PATTERSON] will not insist upon his demand for the previous question. I have an amendment which I desire to offer.

Mr. PATTERSON of Tennessee. I wish to get the bill passed this afternoon.

Mr. MALLORY. If the gentleman will not yield to me to offer my amendment, I shall have to vote against the bill.

The SPEAKER. The gentleman from Tennessee [Mr. PATTERSON] demands the previous question upon the pending amendment, and upon the bill to its engrossment and third reading.

The previous question was ordered.

The SPEAKER. The question now is on the amendment proposed by the gentleman from Louisiana.

Mr. BLAND. I call for the reading of the amendment.

The SPEAKER. The Clerk will report the amendment.

The amendment offered by Mr. BOATNER was again read.

Mr. BOATNER. I would like to modify my amendment by adding the words "at a rate not exceeding that charged by their own line."

Mr. BLAND. I ask unanimous consent that the words "no greater rate" may be inserted.

Mr. BOATNER. I was just suggesting such a change as that.

The SPEAKER. Without objection the words can be inserted. The gentleman may modify his amendment.

Mr. BLAND. Inasmuch as the gentleman has modified his amendment, I would like to have it read as amended.

The SPEAKER. The amendment as modified will be reported.

The Clerk read as follows:

All railway common carriers are hereby required to accept from connecting lines loaded cars or trains to be hauled over their lines to point of delivery at a rate no greater than they charge for similar service over their own line from the point where such cars or trains are received: *Provided*, The rate charged shall not be greater for a shorter than a longer haul over the lines of said connecting carrier.

The question being taken on the amendment of Mr. BOATNER, the Speaker announced that the ayes seemed to have it.

On a division (demanded by Mr. LIND and Mr. PATTERSON of Tennessee) there were—ayes 85, noes 58.

So the amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time.

Mr. PATTERSON of Tennessee. I move the previous question on the passage of the bill.

The previous question was ordered; and under the operation thereof, the bill was passed.

On motion of Mr. PATTERSON of Tennessee, a motion to reconsider the vote by which the bill was passed was laid on the table.

AMENDMENT OF TITLE.

Mr. WISE. Mr. Speaker, I ask unanimous consent that the title of Senate bill 1933, which passed a moment ago, be changed so as to read:

An act in relation to testimony before the Interstate Commerce Commission, and in cases or proceedings under or connected with an act entitled "An act to regulate commerce," approved February 4, 1887, and amendments thereto.

There was no objection, and it was so ordered.

AMENDMENT OF INTERSTATE COMMERCE ACT.

Mr. STORER. Mr. Speaker, I call up the bill (H. R. 10042) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, as amended March 2, 1889.

The Clerk proceeded to read the bill.

During the reading,

Mr. STORER said: Mr. Speaker, the bill is a long one, and the only new part of the bill in addition to the existing law commences on page 7. I ask unanimous consent to pass over the reading of what is existing law, and to begin the reading at the top of page 7, line 14.

The SPEAKER. The gentlemen from Ohio [Mr. STORER] states that the only new provision that is not existing law occurs at page 7 of the bill. He asks to omit the reading of that part of the bill.

Mr. KILGORE. I object, Mr. Speaker.

The reading of the bill was resumed and concluded as follows:

Be it enacted, etc., That sections 6 and 10 of an act entitled "An act to regulate commerce," approved February 4, 1887, as amended by an act approved March 2, 1889, be, and the same are hereby, amended so as to read as follows:

"SEC. 6. That every common carrier subject to the provisions of this act shall print and keep open to public inspection schedules showing the rates and fares and charges for the transportation of passengers and property which any common carrier has established and which are in force at the time upon its route. The schedules printed as aforesaid by any such common carrier shall plainly state the places upon its railroad between which property and passengers will be carried, and shall contain the classification of freight in force, and shall also state separately the terminal charges, and any rules or regulations which in anywise change, affect, or determine any part or the aggregate of such aforesaid rates and fares and charges. Such schedules shall be plainly printed in large type and copies for the use of the public shall be posted in two public and conspicuous places in every depot, station, or office of such carrier where passengers or freight, respectively, are received for transportation, in such form that they shall be accessible to the public and can be conveniently inspected.

"Any common carrier subject to the provisions of this act receiving freight in the United States to be carried through a foreign country to any place in the United States shall also in like manner print and keep open to public inspection, at every depot or office where such freight is received for shipment, schedules showing the through rates established and charged by such common carrier to all points in the United States beyond the foreign country to which it accepts freight for shipment; and any freight shipped from the United States through a foreign country into the United States, the through rate on which shall not have been made public as required by this act, shall, before it is admitted into the United States from said foreign country, be subject to customs duties as if said freight were of foreign production; and any law in conflict with this section is hereby repealed.

"No advance shall be made in the rates, fares, and charges which have been established and published as aforesaid by any common carrier in compliance with the requirements of this section, except after ten days' public notice, which shall plainly state the changes proposed to be made in the schedule then in force, and the time when the increased rates, fares, or charges will go into effect; and the proposed changes shall be shown by printing new schedules or shall be plainly indicated upon the schedules in force at the time and kept open to public inspection. Reductions in such published rates, fares, or charges shall only be made after three days' previous public notice, to be given in the same manner that notice of an advance in rates must be given.

"And when any such common carrier shall have established and published its rates, fares, and charges in compliance with the provisions of this section, it shall be unlawful for such common carrier to charge, demand, collect, or receive from any person or persons a greater or less compensation for the transportation of passengers or property, or for any services in connection therewith, than is specified in such published schedule of rates, fares, and charges as may at the time be in force.

"Every common carrier subject to the provisions of this act shall file with the commission hereinafter provided for copies of its schedules of rates, fares, and charges which have been established and published in compliance with the requirements of this section, and shall promptly notify said commission of all changes made in the same. Every such common carrier shall also file with said commission copies of all contracts, agreements, or arrangements with other common carriers in relation to any traffic affected by the provisions of this act to which it may be a party. And in cases where passengers and freight pass over continuous lines or routes operated by more than one common carrier, and the several common carriers operating such lines or routes establish joint tariffs of rates or fares or charges for such continuous lines or routes, copies of such joint tariffs shall also, in like manner, be filed with said commission. Such joint rates, fares, and charges on such continuous lines so filed as aforesaid shall be made public by such common carriers when directed by said commission, in so far as may, in the judgment of the commission, be deemed practicable; and said commission shall from time to time prescribe the measure of publicity which shall be given to such rates, fares, and charges, or to such part of them as it may deem practicable for such common carriers to publish, and the places in which they shall be published.

"No advance shall be made in joint rates, fares, and charges shown upon joint tariffs, except after ten days' notice to the Commission, which shall plainly state the changes proposed to be made in the schedule then in force, and the time when the increased rates, fares, or charges will go into effect. No reduction shall be made in joint rates, fares, and charges, except after three days' notice, to be given to the Commission as is above provided in the case of an advance of joint rates. The Commission may make public such proposed advances, or such reductions, in such manner as may, in its judgment, be deemed practicable, and may prescribe from time to time the measure of publicity which common carriers shall give to advances or reductions in joint tariffs.

"It shall be unlawful for any common carrier, party to any joint tariff, to charge, demand, collect, or receive from any person or persons a greater or less compensation for the transportation of persons or property, or for any services in connection therewith, between any points as to which a joint rate, fare, or charge is named thereon than is specified in the schedule filed with the Commission in force at the time.

"The Commission may determine and prescribe the form in which the schedules required by this section to be kept open to public inspection shall be prepared and arranged, and may change the form from time to time as shall be found expedient.

"If any such common carrier shall neglect or refuse to file or publish its schedules or tariffs of rates, fares, and charges as provided in this section, or any part of the same, such common carrier shall, in addition to other penalties herein prescribed, be subject to a writ of mandamus, to be issued by any circuit court of the United States in the judicial district wherein the principal office of said common carrier is situated, or wherein such offense may be committed, and if such common carrier be a foreign corporation, in the judical circuit wherein such common carrier accepts traffic and has an agent to perform such service, to compel compliance with the aforesaid provisions of this section; and such writ shall issue in the name of the people of the United States, at the relation of the Commissioners appointed under the provisions of this act; and the failure to comply with its requirements shall be punishable as and for a contempt; and the said Commissioners, as complainants, may also apply, in any such circuit court of the United States, for a writ of injunction against such common carrier, to restrain such common carrier from receiving or transporting property among the several States and Territories of the United States, or between the United States and adjacent foreign countries, or between ports of transshipment and of entry and the several States and Territories of the United States, as mentioned in the first section of this act, until such common carrier shall have complied with the aforesaid provisions of this section of this act.

"The copies of schedules and tariffs of rates, fares, and charges filed with the Commission, as herein provided, shall be preserved as records in the custody of the secretary of the Commission and shall be *prima facie* evidence, for the purpose of investigations by the Commission, and in all judicial proceedings, that the rates, fares, and charges therein mentioned are or were the rates, fares, and charges actually demanded, collected, and received during the time such schedules and tariffs purport to be, or to have been, in force.

"The copies of all contracts, agreements, or arrangements between common carriers, filed with the Commission as herein provided, shall be preserved as records in the custody of the secretary of the Commission and shall also be receivable in evidence as being *prima facie* what they purport to be for the purpose of investigations by the Commission and in all judicial proceedings.

"The statistics, tables, and figures contained in the annual reports of carriers made to the Commission, as required by the provisions of this act, and in the report of the statistician of the Commission, shall be preserved as records in the custody of the secretary of the Commission, and shall also be received in evidence as *prima facie* correct for the purpose of all investigations made by the Commission, and in all judicial proceedings.

"Copies of, or extracts from, any of said schedules, tariffs, contracts, agreements, arrangements, or reports, made records as aforesaid, certified by the secretary of the Commission, shall also be receivable in evidence with like effect as the original."

Mr. STORER. Mr. Speaker, the object of this bill is very simple, and it is also very technical. The law as it now exists requires that every railroad company engaged in interstate commerce business shall file with the Interstate Commerce Commission copies of its tariffs, of its schedules, and its annual reports. No provision has ever by law been made that the same provision which would apply to these papers and printed copies if deposited in any other department of the Government could be used as evidence in cases in court.

Mr. HOLMAN. If the gentleman from Ohio will allow me, I believe that these last sections were not read.

Mr. STORER. The committee's amendment strikes them out.

Mr. HOLMAN. I think they ought to be read.

Mr. STORER. The bill as reported from the committee does not include those sections. It strikes the last three sections out.

Mr. HOLMAN. But they are sections of the bill, and the committee recommend that they be stricken out. It seems to me that they are very important.

Mr. STORER. Does the gentleman desire to have section 10 read?

Mr. HOLMAN. I am for the bill and for those sections.

Mr. STORER. They are not in the bill reported.

Mr. HOLMAN. Why, certainly they are.

Mr. STORER. I presume you have not the bill as reported.

Mr. HOLMAN. Have you reported a substitute?

Mr. STORER. Yes; the committee have reported a substitute for the bill as introduced.

Mr. HOLMAN. The original bill has not been read?

Mr. STORER. The original bill has not been read.

Mr. BLANCHARD. But the original bill is not before the House.

Mr. STORER. I will remind the gentleman from Indiana that there are many bills before our committee not yet reported which he could have read if he desired.

Mr. HOLMAN. I am in favor of the bill, and I am also in favor of the three sections stricken out; but if you have reported a substitute bill I can not insist on having these sections read.

Mr. STORER. The only object we have is to put these papers, which of course are in print, in the same position they would be when filed with the Interstate Commerce Commission, with similar papers and documents belonging to the other departments of the Government, and which are in the care of those departments.

Mr. HOLMAN. Are there no penal provisions in this act?

Mr. STORER. There are no penal provisions in it.

Mr. HOLMAN. Why not?

Mr. STORER. The gentleman is at liberty to introduce a bill if he desires; but this is the bill the committee reports.

Mr. HOLMAN. I know; but I would like the gentleman to explain why the bill reported does not impose a penalty for a violation of the law.

Mr. STORER. This section, I will remind the gentleman from Indiana, was passed in a House of which he was a member, and has been the existing law since 1887. No gentleman of this committee who makes this report is responsible for that legislation any more than the gentleman from Indiana.

Mr. HOLMAN. I think there ought to be a penal provision in the act; otherwise, how can you expect to enforce it?

Mr. STORER. Does the gentleman propose an amendment?

Mr. HOLMAN. I think the gentleman himself ought to consent to offer these three last sections. I think they are all good sections. They provide for the enforcement of the provisions of the bill.

Mr. STORER. If the gentleman had been attending to what the House had been doing, he would have remembered that the bill presented by our colleague from Tennessee [Mr. PATTERSON] includes the penal provisions and leaves them as they are now in the law. There are penal provisions for every violation of the law.

Mr. HOLMAN. And penal provisions for the violation of the present law?

Mr. STORER. And for violations of the provisions of the present law.

Mr. HOLMAN. I am satisfied with that explanation.

Mr. STORER. The only question is whether we are going to put these printed copies of documents in the hands of the Commission on such a level as to make them *prima facie* evidence, and allow the Commission to certify copies therefrom as the Departments of the Government are permitted to do. Now, Mr. Speaker, unless some gentleman desires to be heard, I will call the previous question upon the pending amendment and the bill to its engrossment and third reading.

The previous question was ordered.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. STORER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BRIDGE ACROSS THE MISSISSIPPI AT NEW ORLEANS.

Mr. WISE. Mr. Speaker, I call up the bill (S. 2345) to authorize the construction of a bridge across the Mississippi River above New Orleans.

The Clerk proceeded to read the bill.

Mr. WISE. Mr. Speaker, I ask unanimous consent that the reading of that bill be dispensed with. It is drawn in the usual form, with the usual safeguards. It simply provides for the construction of a bridge across the Mississippi River at New Orleans. The bill has passed the Senate; the members from Louisiana are agreed in approving it; there is no objection to it, and it carries no appropriation.

Mr. HOLMAN. I hope the bill will be read, Mr. Speaker.

The SPEAKER. Objection is made and the Clerk will read the bill.

Mr. HOLMAN (during the reading). Mr. Speaker, upon the assurance that this bridge bill is in the usual form, and contains the safeguards found in other bills of like character coming from the committee, I will not insist upon the further reading.

The SPEAKER. If there be no objection, the further reading of this bill will be dispensed with.

Mr. TRACEY. I object.

The Clerk resumed and completed the reading of the bill.

Mr. WISE. I yield to the gentleman from Louisiana [Mr. BLANCHARD].

Mr. BLANCHARD. Mr. Speaker, I wish to say, in connection with this bill, that a similar one was introduced in the House by myself. My colleague from New Orleans [Mr. LAGAN] desires to offer one or two amendments which I have agreed to accept, and which the committee have agreed to accept, and I now yield to him.

Mr. LAGAN. Mr. Speaker, I offer the amendment which I send to the desk.

The amendment was read, as follows:

After the words "Mississippi River," in section 1, strike out "above the city of New Orleans" and insert in lieu thereof "the approach to which, on its left bank, shall be within the upper limits of the city of New Orleans if practicable, or within five miles above said city limits."

Mr. WISE. We accept that amendment.

The amendment was agreed to.

Mr. LAGAN. Mr. Speaker, I offer the further amendment which I send to the desk.

The amendment was read, as follows:

Add to the end of section 5: "*Provided*, That nothing in this section shall be construed as giving authority to the Secretary of War to diminish the height of bridge or the width of spans as specified in section 3 of this act."

Mr. WISE. Mr. Speaker, we accept that amendment.

Mr. BLAND. Mr. Speaker, that amendment certainly ought not to be adopted. We are proceeding here to bridge the Mississippi River near its mouth. It is a question of great importance to all the people of the Mississippi Valley. There are great objections to bridging streams so as to interfere with water navigation, but here is a proposition which, if this amendment is adopted, will practically close the mouth of the Mississippi River to commerce of the agricultural people above. That amendment, as I understand it, permits the Secretary of War to reduce the height of this bridge. I doubt the propriety of erecting a bridge there at all. I am not in favor of bridging the Mississippi River so near its mouth, and I think it behooves gentlemen on this floor representing the great Mississippi Valley to consider the matter well before they authorize the construction of this bridge.

Mr. BLANCHARD. Mr. Speaker, the interests of navigation upon the Mississippi River has been carefully guarded in the drawing of this bill. The bridge is to be constructed just above the city of New Orleans.

There are to be only two piers in the river, and the central span of the bridge is to be not less than 1,000 feet wide and 85 feet high, above the highest water in the river at flood stages.

The amendment which my colleague [Mr. LAGAN] has offered simply goes a little farther than the bill itself in conserving and protecting the interests of navigation. The objection raised by the gentleman from Missouri [Mr. BLAND] to the amendment has no force whatever. If a bridge is to be constructed over the Mississippi River at or near New Orleans that bridge, as everyone will admit, should be a high bridge; and I, for one, acting in the interest of the navigation of the river, would never consent to the passage of a bill authorizing the Secretary of War at any time to make the bridge a low bridge. The object of the amendment, I repeat, is simply to guard more carefully the navigable interests of the river, and it should be adopted.

Mr. BLAND. I would like to have the amendment read again. I may have misunderstood its purport. But I am opposed to bridging the river at New Orleans or anywhere near its mouth.

The amendment was again read.

The question being taken on the amendment, it was agreed to.

The SPEAKER. The question is now on ordering the bill as amended to a third reading.

Mr. BLAND. Let us have a division on that.

The question being taken, there were—ayes 140, noes 5.

So the bill as amended was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. WISE, a motion to reconsider the last vote was laid on the table.

BRIDGE AT OR NEAR SIOUX CITY, IOWA.

Mr. WISE. I call up the bill (H. R. 10063) to amend "An act

authorizing the construction of a high wagon bridge across the Missouri River at or near Sioux City, Iowa," etc.

The bill was read, as follows:

Be it enacted, etc., That section 7 of an act entitled "An act authorizing the construction of a high wagon bridge across the Missouri River at or near Sioux City, Iowa," approved March 2, 1889, as amended by an act entitled "An act to amend an act entitled 'An act authorizing the construction of a high wagon bridge across the Missouri River at or near Sioux City, Iowa,'" approved April 13, 1890, be amended so that it shall read as follows:

"SEC. 7. That this act shall be null and void if the construction of said bridge shall not be commenced within two years and be finished within five years from its passage."

SEC. 2. That section 1 of said act of April 30, 1892, be amended to read as follows:

"That it shall be lawful for the Pacific Short Line Bridge Company, or its assigns, to construct and maintain," etc.

And the addition of the words "and assigns" shall be made wherever in said section the words "the Pacific Short Line Bridge Company" appear.

The following amendments reported by the committee were read and agreed to:

In line 14, of section 1, strike out the words "within five years from its passage" and insert "on or before March 2, 1894."

In line 2 of section 2, strike out "1892" and insert "1890."

Mr. WISE. I now yield to the gentleman from Massachusetts [Mr. LODGE], who desires to offer an amendment.

Mr. LODGE. I ask the adoption of the amendment which I send to the desk.

The Clerk read as follows:

At the end of the bill add the following:

"*Provided always*, That the franchises granted to said company by the aforesaid acts shall not be alienable until all judgments existing against said company at the time this act goes into effect have been paid and satisfied."

The amendment was agreed to.

The SPEAKER. The question is on ordering the bill as amended to be engrossed and read a third time.

Mr. BUTLER. This seems to be a bill amendatory of an act for the construction of a bridge. I should like to know what the objects of the bill is, and what changes it makes in the act already passed.

Mr. PERKINS. Mr. Speaker, this bill proposes simply to extend for one year the time for the construction of this bridge. The original act was passed in 1889 and amended in 1890. The time now allowed by law for the construction of the bridge would expire on the 2d of March next. It is proposed now to extend the time till March 2, 1894. That is all there is in the bill.

Mr. BRECKINRIDGE of Kentucky. What is the meaning of the clause providing for inserting the words "and assigns?"

Mr. PERKINS. In the amendatory act of 1890 the words "and assigns" were, by oversight, omitted after the name of the bridge company. It is now proposed to insert those words, so as to make the language read "The Pacific Short Line Bridge Company or its assigns," thus following the usual form in the drawing of bills of this character.

Mr. BUTLER. The object of my question was to ascertain the reason why more time is required for the building of this bridge than was originally granted. Why has this extension of time become necessary?

Mr. PERKINS. Because after the passage of the amendatory act there was some delay in providing for the building of this bridge. The work is now in active progress and will be completed in all probability by the 1st of August of this year.

Mr. BRYAN. I wish to say, Mr. Speaker, that the people on the Nebraska side of the river are very anxious for the passage of this bill. There was at one time some difference of opinion on the question, but now there is a general agreement.

Mr. PICKLER. The people of South Dakota are also anxious for the passage of the bill.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. WISE, a motion to reconsider the last vote was laid on the table.

BUSINESS OF FOREIGN AFFAIRS COMMITTEE.

Mr. BLOUNT. I ask unanimous consent that the Committee on Foreign Affairs be allowed to sit during the sessions of the House for the remainder of this session.

There being no objection, leave was granted.

ROCKPORT, TEX., A SUBPORT OF ENTRY.

Mr. WISE. I now call up the bill (H. R. 9531) to make Rockport, Tex., a subport of entry.

The bill was read, as follows:

Be it enacted, etc., That Aransas (Rockport) in the customs collection district of Corpus Christi, Tex., be, and he is hereby, constituted a subport of entry in said district.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

BRIDGE ACROSS THE HUDSON RIVER.

Mr. WISE. Mr. Speaker, I ask immediate consideration of the bill (H. R. 7585) to authorize the New York and New Jersey Bridge Companies to construct and maintain a bridge across the Hudson River between New York City and the State of New Jersey.

The SPEAKER. The bill will be read.

Mr. WISE. I ask unanimous consent to dispense with the reading of that bill.

Mr. WILLIAM A. STONE. I object.

The SPEAKER. The Clerk will read the bill.

Mr. WILLIAM A. STONE. I move that the House do now adjourn.

Mr. WISE. Mr. Speaker, I understand that bill is going to be opposed, and there is a measure of much public importance that we desire to bring before the House this afternoon, so that I will withdraw the bill.

The SPEAKER. The bill is withdrawn.

Mr. WILLIAM A. STONE. I withdraw the motion to adjourn.

Mr. WISE. I yield now to the gentleman from Maryland to introduce a bill which he desires to call up.

NATIONAL QUARANTINE.

Mr. RAYNER. Mr. Speaker, I desire to call up this afternoon the bill (H. R. 9757) to provide for the better protection of commerce and for the general welfare, for the establishment of a national quarantine, etc.

The SPEAKER. The bill will be read.

Mr. RAYNER. With the consent of the House I would like to ask for the substitution of the Senate bill, and wish to state the reason for making the request.

The Committee on Commerce had reported a quarantine bill, and afterwards a bill was reported to the Senate and passed. The Senate bill is almost identical with our bill, with the exception of one section which carries an appropriation. It is substantially similar with the single exception I have named, and I should like for the discussion upon the measure to take place upon the Senate bill, a bill which passed the Senate unanimously, and differs only in the wording and in some slight particulars from the House bill.

I ask unanimous consent now, no matter what action may be taken hereafter, to substitute the bill (S. 2707) for the House bill.

Mr. LIVINGSTON. What is the appropriation?

Mr. RAYNER. The Senate bill carries an appropriation of $1,000,000. The House bill carries no appropriation. But when the proper time comes, if there is objection, the Senate bill can be amended in that regard.

The Senate bill is on the Speaker's table, and we do not want to have two bills, differing so slightly from each other, pending at the same time. That bill has been lying on the Speaker's table waiting action on the House bill.

I ask that it be substituted for the House bill, so that the discussion may take place upon it.

Mr. STUMP. Has that bill been referred to a committee and reported from a committee?

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

Mr. CUMMINGS. I object.

Mr. RAYNER. Then I move that the Senate bill, No. 2707, on the Speaker's table, be substituted for the House bill, No. 9757.

The SPEAKER. The Chair will state to the gentleman from Maryland that there is no rule of the House to authorize the motion he submits.

Mr. RAYNER. Very well, then, we will act on the House bill.

Mr. CUMMINGS. And on that I raise the question of consideration.

The SPEAKER. The Senate bill must have its first consideration in a committee.

Mr. RAYNER. I withdraw the motion; and we will go on with the House bill.

Mr. GEISSENHAINER. I move that the House do now adjourn.

The question was taken; and on a division there were—ayes 41, noes 78.

So the House refused to adjourn.

Mr. LITTLE. I move that the House take a recess until 10 o'clock to-morrow morning.

Mr. WISE. A parliamentary inquiry, Mr. Speaker. If that motion prevails will not this subject come up to-morrow?

The SPEAKER. That would be the effect of the adoption of the motion of the gentleman from New York.

Mr. DICKERSON. I desire to amend the motion by making it 11.55.

The SPEAKER. The question will first be taken on the amendment.

The question was taken; and on a division there were—ayes 106, noes 13.

Mr. FITCH, Mr. GEISSENHAINER, and others. No quorum.

Mr. WISE. I demand the yeas and nays.

Mr. HOLMAN. I hope to-morrow will not be assigned to any other business, as the Committee on Appropriations wishes to bring in the sundry civil bill.

The SPEAKER. Of course, the Committee on Interstate and Foreign Commerce would proceed to-morrow, as to-day, with their business, if the House now takes a recess.

Mr. TRACEY. Pending the motion for a recess, I move that the House now adjourn.

The question was taken; and on a division there were—ayes 70, noes 69.

So the the motion was agreed to; and accordingly (at 4 o'clock and 55 minutes p. m.) the House adjourned.

REPORTS OF COMMITTEES.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. ATKINSON, from the Committee on Claims: The bill (H. R. 2889) for the relief of George C. Ellison. (Report No. 2294.)

By Mr. BULLOCK, from the same committee: The bill (H. R. 8986) authorizing the Secretary of the Treasury to adjust and settle the account of the heirs of Alfred G. Benson with the United States. (Report No. 2295.)

By Mr. COX of Tennessee, from the same committee:

The bill (H. R. 9312) for the relief of Walter O. West, for quartermaster's supplies. (Report No. 2296.)

The bill (H. R. 9960) for the relief of A. B. Phillips. (Report No. 2297.)

The bill (H. R. 8736) for the relief of the Shibley and Wood Grocer Company, of Van Buren, Crawford County, Ark. (Report No. 2298.)

By Mr. McGANN, from the same committee: The bill (H. R. 8687) for the relief of A. H. Simpson. (Report No. 2299.)

BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. HENDERSON of North Carolina: A bill (H. R. 10245) to modify the postal order system—to the Committee on Post-Offices and Post-Roads.

By Mr. BRICKNER: A bill (H. R. 10246) establishing a fog signal at Kewaunee, Wis.—to the Committee on Interstate and Foreign Commerce.

By Mr. BUTLER: A bill (H. R. 10247) to amend an act entitled "An act to regulate and improve the civil service of the United States"—to the Select Committee on Reform in the Civil Service.

By Mr. RICHARDSON: A bill (H. R. 10248) entitled "An act to amend an act to provide for the incorporation of trust, loan, mortgage, and certain other corporations within the District of Columbia"—to the Committee on the District of Columbia.

By Mr. HERMANN: A bill (H. R. 10249) to amend an act entitled "An act to forfeit certain lands heretofore granted for the purpose of aiding in the construction of railroads, and for other purposes"—to the Committee on the Public Lands.

By Mr. STORER: A bill (H. R. 10250) to amend an act entitled "An act to regulate commerce"—to the Committee on Interstate and Foreign Commerce.

By Mr. KETCHAM (by request): A joint resolution (H. Res. 191) to recover the value of the Columbian souvenir coins in certain contingencies—to the Select Committee on the Columbian Exposition.

By Mr. HATCH: A resolution to set apart January 31 and February 1 and 2 for the consideration of bills reported by the Committee on Agriculture—to the Committee on Rules.

By Mr. RICHARDSON: A resolution to set apart a day for the consideration of the bill (H. R. 6880) relative to pay of Government employés in Government Printing Office—to the Committee on Rules.

By Mr. HARE: A resolution setting apart Thursday, January 26, for consideration of measures reported from Committee on Immigration and Naturalization—to the Committee on Rules.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as indicated below:

By Mr. COCKRAN: A bill (H. R. 10251) granting a copyright to Varina Jefferson Davis, in her book entitled "Jefferson Davis, ex-President of the Confederate States. A Memoir by his Wife"—to the Committee on the Judiciary.

By Mr. CRISP: A bill (H. R. 10252) granting a pension to Leander F. McCoy—to the Committee on Pensions.

By Mr. McKAIG: A bill (H. R. 10253) for the relief of Lewis W. Mann, deceased, late of Frederick County, Md.—to the Committee on War Claims.

By Mr. PAGE: A bill (H. R. 10254) granting an honorable discharge to Dudley Doherty, late private Company D, Sixteenth Regiment Massachusetts Volunteers—to the Committee on Military Affairs.

By Mr. RAY: A bill (H. R. 10255) for the relief of Maj. Gen. John C. Robinson, authorizing the Secretary of War to place him on the retired list of the Army with the full rank and pay of a major-general—to the Committee on Military Affairs.

Also, a bill (H. R. 10256) granting a pension to Hannah E. Wilson—to the Committee on Invalid Pensions.

By Mr. JOSEPH D. TAYLOR: A bill (H. R. 10257) granting a pension to Sarah Weedon—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ATKINSON: Petition of 1,000 citizens of the Eighteenth Congressional district of Pennsylvania, praying for a suspension of immigration for one year—to the Select Committee on Immigration and Naturalization.

By Mr. BACON: Resolution of the M. E. Church of Newburg, N. Y., relating to the closing of the Columbian Exposition on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. BELKNAP: Two protests of citizens of Michigan, as follows: The protest of the Central Michigan Turn-Bezirk, and of the German Turner Society of Grand Rapids, each against restricting immigration—to the Select Committee on Immigration and Naturalization.

Also, resolutions of the South Congregational Church of Grand Rapids, Mich., on Sunday closing of the World's Fair—to the Select Committee on the Columbian Exposition.

By Mr. BELTZHOOVER: Petition of the Epworth League of the Methodist Church of Shippensburg, Pa., against the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. BERGEN: Petition of Alfred W. Clement and Jere H. Nixon, of Haddonfield, N. J., asking the repeal of the Sherman act—to the Committee on Coinage, Weights, and Measures.

By Mr. BRECKINRIDGE of Kentucky: Resolutions of the Louisville (Ky.) Board of Trade, asking for the stoppage of silver bullion purchases—to the Committee on Banking and Currency.

By Mr. BOUTELLE: Thirty-six petitions of the citizens of the Fourth Congressional district of Maine, as follows: The petition of 31 citizens of Glenburn, of 61 citizens of Bridgewater, of 33 citizens of Pembroke, of 30 citizens of Newport, of 39 citizens of Greenville, of 35 citizens of Bangor, of 23 citizens of Bridgewater, of 27 citizens of Brewer, of 29 citizens of Orrington, of citizens of Shirley, of 44 citizens of Bradford, of 35 citizens of Stillwater, of 34 citizens of Guilford, of 30 citizens of Oldtown, of 52 citizens of Houlton, of 27 citizens of Hodgden, of 44 citizens of Dixmount, of 44 citizens of Cary, of 42 citizens of Charleston, of 32 citizens of Hamden, of 25 citizens of Enfield, of 28 citizens of Macwahoe, of 29 citizens of Woodland, of 54 citizens of Corinna, of 33 citizens of Fort Fairfield, of 16 citizens of Plaine, of 25 citizens of Charlotte, of 31 citizens of New Limerick and Dinnems, of 25 citizens of Ashland, of 29 citizens of Montague, of 32 citizens of Lirswyma, of 20 citizens of Lagrange, of 54 citizens of Springfield, of 22 citizens of Garland, of 32 citizens of Washburn, and 71 citizens of Blaine, all for a national prohibitory amendment—to the Committee on the Judiciary.

Also, petition of 45 citizens of Orono, Me., in favor of having the World's Fair open on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of the Woman's Christian Temperance Union of the Fourth district of Maine, against Sunday opening—to the Select Committee on the Columbian Exposition.

By Mr. BRICKNER: Resolutions adopted by the Superior (Wis.) Associated Bank, indorsed by the Superior Chamber of Commerce and the Superior Manufacturers, Jobbers, and Shippers' Association, asking for the repeal of law requiring the Government to purchase 4,500,000 ounces of silver monthly—to the Committee on Banking and Currency.

Also, resolutions adopted by the Association for the Advancement of Milwaukee, asking for the repeal of the present silver law—to the Committee on Banking and Currency.

Also, resolutions adopted by the Merchants' Association of Milwaukee, asking for the repeal of law requiring the Government to purchase 4,500,000 ounces of silver—to the Committee on Banking and Currency.

By Mr. BROSIUS: Petition of the Pegula Presbyterian Church of Lancaster, Pa., against opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. BUSHNELL: Three resolutions of associations, citizens of Wisconsin, the first, of the Advancement Association of Milwaukee; the second, of the Associated Banks and Bankers of Superior, indorsed by the Chamber of Commerce and the Superior Manufacturers, Jobbers, and Shippers' Association of Superior; and the third, the Merchants' Association of Milwaukee, all in favor of the repeal of the present Sherman silver law—to the Committee on Banking and Currency.

By Mr. CABLE: Four protests of citizens of Illinois, as follows: The protest of citizens of Hamilton, of the Iron-Moulder's Union of Moline, of the Switchmen's Mutual Aid Association of Rock Island, and of the Tri-City Labor Congress, representing Moline and Rock Island, all for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. CAINE: General petition of the citizens of Utah, including 56 signers, to open the World's Fair on Sunday—to the the Select Committee on the Columbian Exposition.

By Mr. CAMPBELL: Petition of George Oprier, Fred Klein, Daniel Tubner, George Huck, and 27 other citizens of New York City and Newark, N. J., to have the Fair opened on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. CASTLE: Petition of the Presbyterian clergy of the city of Minneapolis, against opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of H. A. Dodd and 25 others, of St. Paul, Minn., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of W. E. Fagle, E. D. Buffington, C. H. Browne, and 112 others, of Stillwater, Minn., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. CATCHINGS: Three petitions of citizens of Mississippi; the petition of 57 citizens of Vicksburg, including E. J. Owens, J. Abraham, L. Judler, and others; of 300 citizens of Friars Point; of the Mississippi Valley Lodge, No. 18, I. O. of M., all in favor of having the World's Fair open on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. COMPTON: Petition of Stewart Burns, administrator of Margaretta Burns, deceased, and many others, asking for an appropriation to pay to the receivers of certain insurance companies the sums which have been awarded to them by the Court of Claims—to the Committee on Appropriations.

By Mr. COVERT: Three memorials of citizens of New York, as follows: The memorial of the ironworkers of New York City, of the Draftsmen and Machinists'Union, and of the Knights of Industry, each in favor of the New York and New Jersey bridge over the North River—to the Committee on Interstate and Foreign Commerce.

Also, memorial from the trade and labor organization of Jersey City, N. J., in favor of the New York and New Jersey bridge over the North River—to the Committee on Interstate and Foreign Commerce.

By Mr. CRISP (by request): Memorial from the Pittsburg, Louisville and New Orleans towboat line, calling attention to the annual report of the Supervising Inspector-General—to the Select Committee on Reform in the Civil Service.

Also, memorial from the North Dakota Transportation Company, calling attention to the annual report of the Supervising Inspector-General—to the Select Committee on Reform in the Civil Service.

Also, memorial from the Cincinnati and Memphis Transportation Company, calling attention to the annual report of the Supervising Inspector-General—to the Select Committee on Reform in the Civil Service.

Also, memorial from the Mississippi Valley Transportation Company, calling attention to the annual report of the Supervising Inspector-General—to the Select Committee on Reform in the Civil Service.

Also, petition of the Federation of Labor of the District of Columbia, praying for an act to suspend immigration for a period of five years—to the Select Committee on Immigration and Naturalization.

Also, petition of the members of the Presbyterian Church of New Orleans, praying that the World's Fair be closed on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. CROSBY: Two petitions of citizens of Massachusetts; one of Irving A. Bumap and 34 others of Monterey, and the other of Orville Coats and 53 others of Pittsfield, both against opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. CUTTING: Petition of O. A. Shaw, E. F. Hines, C. N. Hitchcock, H. B. Gaston, and 37 others of Oakland, Cal., to open the World's Columbian Exposition on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. DALZELL: Petition of the Pittsburg Crushed Steel Company, W. L. Kann & Co., the Novelty Printing Company, the Pittsburg Shoe Company, and many others, requesting that the World's Fair be closed on Sunday—to the Select Committee on the Columbian Exposition.

Also, memorial of G. W. Henderson and others, of Pittsburg, Pa., praying that the World's Fair be open on Sunday—to the Select Committee on the Columbian Exposition.

Also, memorial of the New York State Sabbath Committee against opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. DAVIS: Petition of J. F. Sponseller and others, of Minneapolis, Kans., asking that the World's Fair shall be closed on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. DOLLIVER: Two petitions of citizens of Iowa, as follows: The petition of George B. Frazier, C. H. Bruning, J. H. Bicke, A. Grunterman and others, of Breda, and of 50 citizens of Jefferson, each praying that the World's Fair be opened on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. DURBOROW: Two petitions of citizens of Chicago, Ill.; one by W. H. Craig, W. G. Carr, Thomas Edgar, A. L. Thompson, W. B. Henley, H. Manheim, W. Barrett, and J. J. Connell; and the other of Alexander Michael, Christ. Johnson, S. A. Hagan, J. J. Duncan, James Furlong, and 60 others; both asking that Congress open the gates of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of over 50 citizens of the United States to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. DUNPHY: Two petitions of citizens of New York City, as follows: the petition of H. A. Klittke, Gustave Oberlaender, Dr. Rundolf Tomb, A. Frank, R. A. Knorre, C. Orher, H. Sturte, R. L. Schawler, and also of over 50 citizens, asking that the World's Fair be opened on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. ELLIS: Petition of Jep C. Jones and 114 other citizens of Muhlenberg County, Ky., against the World's Fair being opened on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. ENOCHS: Resolutions of the Quarterly Conference of the Methodist Episcopal Church of Marietta, Ohio, held January 16, 1893, petitioning Congress against the repeal of the law closing the World's Fair on Sunday and against the sale of intoxicating liquors on the premises—to the Select Committee on the Columbian Exposition.

Also, petition of H. M. Dunley and others, praying for the restriction of immigration—to the Select Committee on Immigration and Naturalization.

By Mr. FITCH: Memorial of the Society of Medical Jurisprudence, of New York, respecting proposed Federal quarantine legislation—to the Select Committee on Immigration and Naturalization.

By Mr. FITHIAN: Petition of citizens of Jasper, Ill., asking for investigation as to the methods of millers, elevators, and railroads in controlling the price of wheat—to the Committee on Agriculture.

By Mr. GILLESPIE: Petition of James McLane and other citizens of Pennsylvania, asking that immigration be suspended for one year—to the Select Committee on Immigration and Naturalization.

Also, petition of N. O. Allen and others, against "Mafia's" birds of passage—to the Select Committee on Immigration and Naturalization.

By Mr. GEISSENHAINER: Petition of citizens of the Third Congressional district of New Jersey, for the passage of a law restricting immigration—to the Select Committee on Immigration and Naturalization.

By Mr. GORMAN: Two petitions of citizens of Michigan, one of the Cigar-Makers' Union, No. 314, of Jackson, and of the Brotherhood of Carpenters, of Wyandotte, both for the repeal of the law closing the Columbian Exposition on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. HALVORSON: Petition of citizens of Duluth, Minn., against the repeal of the Sunday-closing law—to the Select Committee on the Columbian Exposition.

Also, petition of residents of the city of Minneapolis, Minn., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. HARRIES: Petition of N. E. Gaskill and 30 other citizens of High Forest, Minn., to open the World's Fair on Suuday—to the Select Committee on the Columbian Exposition.

By Mr. HARTER: Fourteen petitions of citizen of Ohio, as follows: The petition from Oberlin, from Shelby, from the Christian Endeavor Society of Lorain County, from the Evangelical Association of North Amherst, from the First Presbyterian Church

of Galion, from the Woman's Christian Temperance Union of Savannah, from the Congregational Church of Norwalk, from the Preachers' Association of Galion, from Rev. Mr. Gans and others, from the Young People's Christian Society of Norwalk, from the churches of Hayesville, from four churches in Bellville, from Polk, and from the Presbyterian Church of Savannah, all praying that the World's Fair be closed on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of the Presbyterian Church of West Berlin, Delaware County, Ohio, against the sale of intoxicating beverages on the grounds of the World's Fair—to the Select Committee on the Columbian Exposition.

By Mr. HEARD: Resolution adopted by a mass meeting of citizens of Polk County, Mo., protesting against opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. HAUGEN: Petition of John P. Kraemer, Peter Bull, and 22 other residents of Bakersville, Wis., asking Congress to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. HENDERSON of Illinois: Petition of the Rev. A. M. Stocking and 76 others of the Seventh Congressional district, urging opposition to the efforts to relax the rule prohibiting the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Claude Backus, H. A. Brown, M. Akeen, and 41 others, of Dixon, Ill., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. HENDERSON of Iowa: Two petitions of citizens of Iowa, as follows: The petition of Rev. J. J. Hawley and others, of the town of Manchester, and of the Dubuque Lodge, No. 130, International Association of Machinists, each in favor of the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. HOPKINS of Illinois: Six petitions of citizens of Illinois: The petition of Local Union No. 38, Tinners; of Aurora Typographical Union, No. 291; of Cigar-Makers' Union No. 71, of Elgin; of Cigar-Makers' Union No. 41, of Aurora; of Self Help Lodge, No. 80, Brotherhood of Locomotive Firemen, and of the Elgin Watchmakers' Union, No. 5504, A. of L., all for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Mr. HOPKINS of Pennsylvania: Two petitions of citizens of Williamsport, Pa., as follows: The petition of the Cigar-Makers' Union No. 145, and of the Journeymen Tailors' Union No. 196, each asking the repeal of the act closing the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 25 citizens of Mountoursville, Pa., asking the suspension of immigration for one year—to the Select Committee on Immigration and Naturalization.

Also, petition of 151 citizens of Lycoming County, Pa., praying Congress to prohibit immigration for one year—to the Select Committee on Immigration and Naturalization.

By Mr. HOUK of Tennessee: Petition of Martha A. Tucker and others, of Winfield, Ala., heirs of Samuel C. Roberts, deceased, for relief—to the Committee on War Claims.

Also, petition of William W. Callahan, of Decatur Morgan County, Ala., administrator of Thomas Gibbs, deceased, for relief—to the Committee on War Claims.

Also, petition of Jesse Underwood, of Haleys, Ala., for relief—to the Committee on War Claims.

Also, petition of Hiram Barton, of Cordova, Ala., for relief—to the Committee on War Claims.

Also, petition of Andrew J. Ingle, of Double Springs, Ala., for relief—to the Committee on War Claims.

Also, petition of Jane Fly, of Murfreesboro, administratrix of Tipp Fly, deceased, for relief—to the Committee on War Claims.

Also, petition of Stephen Garrison and others, of Double Springs, Ala., heirs at law of John S. Garrison, deceased, for relief—to the Committee on War Claims.

By Mr. KETCHAM: Three petitions of citizens of New York, as follows: The petition of Fred A. Hodgson, William H. Cooper, George D. Lane, Joseph A. Dailey, Charles Heller, Andrew Mack, and 30 others, of New York City; of H. E. Clark, S. Sullivan, Martin Vogel, John Mohr, Ernst Muck, and 65 other citizens of New York City; of the officers and members of the Union of Cigarmakers, No. 74, Cigarmakers' International Union, of Poughkeepsie, N. Y.; each asking for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. LAYTON: Resolutions of the board of health of Bellefontaine, Ohio, in favor of placing the entire control of maritime quarantine in the hands of the National Government—to the Select Committee on Immigration and Naturalization.

By Mr. LIND: Four petitions of citizens of Minnesota: the petition of H. P. Marx and many others, of Shakopee; of citizens of New Auburn, of citizens of Le Seuer, and 30 citizens of Madison, all favoring the opening of the World's Exposition on Sundays—to the Select Committee on the Columbian Exposition.

Also, petition of F. N. M. Laughlin and others, of Lake Burton, for the repeal of the act closing the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. LITTLE: Petition of William Radan, J. C. La Fetres, Thomas Roberts, James C. Brown, James Scott, and 45 other citizens of New York City, praying that the World's Fair be opened on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. McALEER: Petition of American citizens, requesting more stringent immigration laws—to the Select Committee on Immigration and Naturalization.

By Mr. MARTIN; Remonstrance of David Overman and 52 other citizens of Grant County, Ind., ministers and members of the Friends Church, against opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, two petitions of citizens of Indiana, as follows: The petition of the Machine Woodworkers' Union of Peru, and of the Cigar-Makers' Union of Bluffton, each asking that the World's Fair be opened on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. MILLER: Petition of 26 citizens of Waupun, Wis., requesting that the World's Fair be opened on Sunday—to the Select Committee on the Columbian Exposition.

Also, the protest of the St. Joseph Benevolent Society of Appleton, Wis., against prohibiting immigration—to the Select Committee on Immigration and Naturalization.

By Mr. MORSE: Petitions of the Taunton Association of Congregational Ministers and the Fall River Ministerial Association, asking Congress not to repeal the law closing the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 360 citizens of Attleboro, Mass., asking for immediate and radical legislation for the restriction of immigration and the absolute exclusion from the country of lunatics, criminals, paupers, anarchists, and nihilists, etc.—to the Select Committee on Immigration and Naturalization.

Also, petition of W. S. Moressey, president Old Colony National Bank, and 7 other citizens of Plymouth, Mass., asking for the repeal of the silver-purchase act of 1890—to the Committee on Banking and Currency.

By Mr. O'DONNELL: Petition of 104 citizens of Barry and Kent Counties, Mich., praying that Caroline McKee, former widow of Millard Farnahan, of the new Third Michigan Infantry, may be restored to the pension roll—to the Committee on Invalid Pensions.

By Mr. OHLIGER: Protest of the Christian Endeavor Society of West Salem, Ohio, against the repeal of the Sunday-closing law for the World's Fair—to the Select Committee on the Columbian Exposition.

By Mr. OUTHWAITE: Forty-seven resolutions of boards of health of Ohio as follows: Resolution of the board of health of Wadsworth, of Toledo, of Springfield, of Sidney, of South Charleston, of Sabina, of Ravenna, of Pemberville, of Port Clinton, of Pleasant Hill, of Painesville, of Oberlin, of North Amherst, of New Lisbon, of New Concord, of Mount Oreb, of Montpelier, of Medina, of Millsbury, of Mechanicsburg, of Massillon, of Lebanon, of Arcadia, of Amelia, of Ashtabula, of Ashville, of Berea, of Bedford, of Belle Center, of Bloomingburg, of Bowling Green, of Cambridge, of Centerburg, of Chicago Junction, of De Graff, of East Liverpool, of Fostoria, of Gallipolis, of Greenville, of Hilliards, of Hilton, of Hudson, of Ada, of Antwerp, of Westerville, of West Salem, and of Washington Courthouse; all urging legislation to suspend immigration—to the Select Committee on Immigration and Naturalization.

Also, petition of the Labor and Trades Assembly of Columbus, Ohio, urging the repeal of the law closing the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 125 citizens of Columbus, Ohio, urging legislation for the restriction of immigration for one year—to the Select Committee on Immigration and Naturalization.

By Mr. PAGE: Two petitions of citizens of Rhode Island, as follows: The petition of Rev. Arthur E. Main and 26 business men of Ashaway, and of John E. Babcock and 136 citizens; each asking that the World's Fair be opened on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. REED: Twenty-nine petitions of citizens of Maine, as follows: The petition of 27 citizens of Cape Elizabeth, of 46 citizens of Portland, of 31 citizens of Kittery, of 45 citizens of Peak Island, of 32 citizens of North Gorham, of 25 citizens of Biddeford Pool, of 35 citizens of Raymond, of 30 citizens of Kennebeck, of 39 citizens of Kennebunk Port, of 47 citizens of Raymond, of 81 citizens of Newfield, of 29 citizens of Hillies, of 32 citizens of White Rock, of 19 citizens of North Berwick, of 18

citizens of Scarboro, of 25 citizens of New Kennebunk, of 37 citizens of Windham, of 70 citizens of Old Orchard, of 28 citizens of Wells, of 28 citizens of Lyman, of 25 citizens of Otisfield, of 38 citizens of Durham, of 26 citizens of Pine Rock, of 36 citizens of Durham, of 70 citizens of New Gloucester, of 27 citizens of Casco, of 25 citizens of North Windham, of 53 citizens of Woodfords, and of 30 citizens of Windham, all asking for the adoption of a resolution submitting to the several States for ratification, an amendment to the Constitution prohibiting the manufacture, sale, and importation of any intoxicating liquor for beverage purposes, in any State, Territory, or District—to the Committee on the Judiciary.

By Mr. SIPE: Resolutions unanimously adopted by the congregation of the Hebron Presbyterian Church, Allegheny County, Pa., against the repeal of the law closing the World's Fair on Sunday—to the Committee on the Columbian Exposition.

By Mr. CHARLES W. STONE: Petition of 60 citizens of Venango County, Pa., in favor of proper legislation to suspend immigration for one year—to the Select Committee on Immigration and Naturalization.

By Mr. WILLIAM A. STONE: Petition of citizens of Pennsylvania for the prohibition of immigration for one year—to the Select Committee on Immigration and Naturalization.

By Mr. JOSEPH D. TAYLOR: Petition officially signed by the representatives of 2,000 members of various churches in Wellsville, Columbiana County, Ohio, protesting against the opening of the gates of the World's Fair on Sunday, and praying that the sale of intoxicating liquors on the grounds of the World's Fair be prohibited—to the Select Committee on the Columbian Exposition.

By Mr. TOWNSEND: Petition of citizens of the United States against the repeal of the Sherman act of 1890 for the purchase of silver bullion unless an act for the free coinage of silver be substituted in its place—to the Committee on Banking and Currency.

By Mr. WALKER: Petition of Rev. C. H. Covell and other citizens of Massachusetts, asking for a suspension of immigration for one year—to the Select Committee on Immigration and Naturalization.

By Mr. YOUMANS: Petition of Rev. F. J. Bauman and other citizens of Saginaw County, Mich., against opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

SENATE.

FRIDAY, *January 20, 1893.*

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

SENATOR FROM DELAWARE.

The PRESIDENT *pro tempore* presented a certificate signed by the presiding officers of the two houses of the Legislature of Delaware certifying to the election of Hon. GEORGE GRAY as a Senator from that State for the term beginning March 4, 1893; which was read and ordered to be filed.

CAPITOL, NORTH O STREET AND SOUTH WASHINGTON RAILWAY.

The PRESIDENT *pro tempore* laid before the Senate a communication from the president of the Capitol, North O Street and South Washington Railway Company, of the District of Columbia, transmitting a statement showing the operations of that company for its fiscal year ending April 30, 1892; which was referred to the Committee on the District of Columbia, and ordered to be printed.

ROCK CREEK RAILWAY.

The PRESIDENT *pro tempore* laid before the Senate a report of the Rock Creek Railway Company, of the District of Columbia, showing the names of stockholders and the receipts and expenditures of the company for 1892; which was referred to the Committee on the District of Columbia, and ordered to be printed.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a resolution adopted by the National League for Good Roads; which was read and referred to the Committee on Agriculture and Forestry, as follows:

Resolved, That the Convention of the National League for Good Roads, representing delegates from twenty-five States, requests of Congress that a large number of consular reports on roads in foreign countries, published by the Department of State, be printed for popular distribution, and that a copy of this resolution be transmitted to the President of the Senate and Speaker of the House of Representatives.

The PRESIDENT *pro tempore* presented a petition of the Presbyterian Ministers' Association, of Baltimore, Md., praying for the prohibition of the use of intoxicating liquors, opium, and firearms as articles of trade by American traders on the islands of the Western Pacific; which was referred to the Committee on Foreign Relations.

He also presented memorials of the Second United Presbyterian Church of Philadelphia, the Princeton Church of Philadelphia, and the Patterson Memorial Presbyterian Church of Philadelphia, all in the State of Pennsylvania, remonstrating against a repeal of the law closing the World's Columbian Exposition on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

Mr. VEST. I present resolutions adopted by a convention composed of more than 700 members from Oklahoma Territory, the Indian Territory, and the States of Missouri, Arkansas, Texas, and Kansas, held on the 18th instant at Guthrie, in the Territory of Oklahoma, praying for Congressional action opening the Cherokee Strip to settlement, the formation of a State composed of Oklahoma Territory and the Indian Territory, and also favoring the giving of full jurisdiction to the United States court in the Indian Territory over all litigation, civil and criminal, in that Territory. I move that the resolutions be referred to the Committee on Indian Affairs.

The motion was agreed to.

Mr. VEST presented a petition of District Assembly No. 4, Knights of Labor, of St. Louis, Mo., praying for the passage of legislation establishing a permanent census bureau and a periodical home and farm inquiry; which was referred to the Committee on the Census.

Mr. CULLOM presented petitions of Local Union No. 80, United Brotherhood of Carpenters and Joiners of America, of Chicago; of Local Union No. 649, Carpenters and Joiners of America, of Jacksonville; of Effingham Lodge, No. 284, Industrial Association of Machinists; of Springfield Lodge, No. 157, Independent American Mechanics; of the Tailors' Union, of Quincy; of Quincy Typographical Union, No. 59; of Energetic Lodge, No. 81, International Association of Machinists, of Bloomington; of Independent Mechanics' Union, No. 237, of Moline; of Local Union No. 568, Carpenters and Joiners', and of the Switchmen's Mutual Aid Association, of Rock Island, all in the State of Illinois, praying for the opening of the World's Columbian Exposition on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

He also presented petitions of sundry citizens of Coffey County; of sundry citizens of Hardin County, and of sundry citizens of Fayette County, all in the State of Illinois, praying for the appointment of a Senate committee to investigate the combine formed between millers, railroads, and elevators for the purpose of depressing the price of wheat, etc.; which were referred to the Committee on Agriculture and Forestry.

Mr. WASHBURN presented a petition of over 200 citizens, chiefly residents of Rochester, Minn., and a petition of citizens of Mankato, Good Thunder, Alexandria, and other places in the State of Minnesota, praying that the World's Columbian Exposition be opened on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

He also presented petitions of the Board of Trade of Winona; of the Chamber of Commerce of Minneapolis, and of 80 business men of Minneapolis, all in the State of Minnesota, praying for the repeal of the so-called Sherman silver act of 1890; which were ordered to lie on the table.

He also presented a petition of the Board of Trade of Winona, Minn., praying for the passage of legislation providing for the national control of quarantine; which was ordered to lie on the table.

He also presented petitions of Albert Hadley and 14 other citizens of Box, Butte County, Nebr.; of P. P. Quist and 19 other citizens of Sibley County, Minn., and of John F. Gilbert and 36 other citizens of Belmont County, Ohio, praying for the passage of the Washburn-Hatch antioption bill; which were ordered to lie on the table.

Mr. WILSON presented petitions of Lodge No. 314, International Association of Machinists of Waterloo; of the Tin, Sheet-Iron and Cornice Workers' Union, No. 23, of Burlington; of the Cigar-Makers' Union, No. 150, of Sioux City; of Union No. 578, Carpenters and Joiners of America, of Dubuque; of the Tinners' Union, No. 45, of Dubuque; of the Cigar-Makers' Union, No. 88, of Dubuque; of the Sioux City branch of the Journeymen Stonecutters' Association, and of Lodge No. 130, of the International Association of Machinists, of Dubuque, all in the State of Iowa, praying for the opening of the World's Columbian Exposition on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

Mr. PEFFER presented petitions of Typographical Union, No. 121, of Topeka; of Great Western Lodge, No. 24, Brotherhood of Locomotive Firemen; of Lodge No. 24, Independent American Mechanics, of Topeka; of Lodge No. 35, Independent American Mechanics, of Arkansas City; of Lodge No. 50, Switchmen's Mutual Aid Association, all in the State of Kansas, praying for

the repeal of the law closing the World's Columbian Exposition on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

Mr. PEFFER. Yesterday I had the honor to present a petition of citizens of Oklahoma Territory, praying for an extension of the time within which payment may be made by entrymen for certain lands ceded to the United States by Indians in that Territory; which at my request was ordered to lie on the table for the present. I move that the petition be now referred to the Committee on Public Lands.

The motion was agreed to.

Mr. STOCKBRIDGE presented petitions of Converse Close, of Gratton; of Cigar-Makers' Union No. 207, of Coldwater; of Iron Moulders' Union No. 250, of Dowagiac; of Cigar-Makers' Union No. 24, of Muskegon; and of Cigar-Packers' International Union, No. 284, all in the State of Michigan, praying for the opening of the World's Columbian Exposition on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

He also presented the memorial of Rev. A. W. McClinkin, of Port Huron, Mich., remonstrating against the repeal of the law closing the World's Columbian Exposition on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

Mr. PROCTOR presented a petition of sundry citizens of Vermont, praying for the establishment of a road department; which was referred to the Committee on Agriculture and Forestry.

Mr. DIXON presented a petition of the Board of Trade of Providence, R. I., praying for the repeal of the silver act of 1890; which was ordered to lie on the table.

Mr. GEORGE presented a petition of 50 citizens of Mississippi and Tennessee, praying for the opening of the World's Columbian Exposition on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

Mr. HARRIS. I present a petition similar to the one which the Senator from Mississippi [Mr. GEORGE] has just presented, and I take it for granted that it is identically the same. It seems to be a printed stereotyped form which is being circulated. I ask that the petition be noted in the RECORD, and properly referred.

The petition, being a petition of the officers and members of W. H. Thomas Lodge, No. 150, Nashville, Tenn., praying for the repeal of the act closing the World's Fair on Sunday, was referred to the Committee on the Quadro-Centennial (Select).

Mr. SHERMAN presented petitions of the Boards of Health of Norwood, Mount Vernon, Springfield, Scott, Cedarville, Tremont, Summerfield, and Arcanum, all in the State of Ohio, praying for the adoption of a national quarantine, and the suspension of immigration until the quarantine defenses of the country shall be placed in a condition to guarantee protection from contagious diseases; which were ordered to lie on the table.

He also presented memorials of 42 citizens of Hicksville, of the Methodist Episcopal Church of Delta, of the quarterly conference of the Methodist Episcopal Church of Marietta, and of the Christian Endeavor Union of Cleveland, all in the State of Ohio, remonstrating against the opening of the World's Columbian Exposition on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

He also presented petitions of the Trades and Labor Assembly of Columbus, of Local Union No. 683, Brotherhood of Carpenters and Joiners of Cincinnati, and of the Muskingum Lodge, International Association of Machinists, all in the State of Ohio, praying for the repeal of the law closing the World's Columbian Exposition on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

He also presented petitions of the National Malleable Castings Company of Cleveland; of C. P. Moore and other citizens of Ashtabula County, and of E. L. Leonard and other citizens of Flushing, all in the State of Ohio, praying for the repeal of the law closing the World's Columbian Exposition on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

Mr. HALE presented a petition of the Board of Trade of Bangor, Me., praying for the repeal of the so-called Sherman silver act and for the passage of the Torrey bankruptcy bill; which was referred to the Committee on the Judiciary.

He also presented the petition of Oscar Holway, president of the First National Bank, and other citizens of Augusta, Me., praying for the repeal of what is known as the Sherman silver act; which was referred to the Committee on Finance.

REPORTS OF COMMITTEES.

Mr. VEST, from the Committee on Commerce, to whom was referred the bill (S. 3561) to encourage the construction of electric railroads, to facilitate the rapid transportation of the mails, to promote the interests of commerce and travel, and to aid in demonstrating the feasibility of the distribution of electrical power for agricultural and other purposes along the line of electric roads, and especially to aid in the construction of a pioneer electric railroad between the cities of Chicago and St. Louis, by the Chicago and St. Louis Electric Railroad Company, and to secure to the Government the use of the same for postal, military, and other purposes at existing rates, reported it with an amendment.

He also, from the same committee, to whom was referred the bill (H. R. 10062) to authorize the construction of a bridge across the Osage River, between the mouths of Pomme de Terre River and Buffalo Creek, in Benton County, Mo., reported it without amendment.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had passed the bill (S. 3407) to authorize the Court of Claims to hear and determine the claims of certain New York Indians against the United States.

The message also announced that the House had passed the bill (S. 1933) concerning testimony in criminal cases or proceedings based upon or growing out of alleged violations of an act entitled "An act to regulate commerce," approved February 4, 1887, as amended March 2, 1889, and February 10, 1891, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the bill (S. 2345) to authorize the construction of a bridge across the Mississippi River above New Orleans, with amendments; in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills, in which the concurrence of the Senate was requested:

A bill (H. R. 9531) to make Rockport, Tex., a subport of entry;

A bill (H. R. 9955) providing for sundry light-houses and other aids to navigation;

A bill (H. R. 10010) to establish a court of appeals for the District of Columbia, and for other purposes; and

A bill (H. R. 10063) to amend "An act authorizing the construction of a high wagon bridge across the Missouri River at or near Sioux City, Iowa," etc.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (H. R. 10015) to authorize the construction of bridges across the Hiawassee, the Tennessee, and the Clinch Rivers, in the State of Tennessee.

FUNERAL OF EX-PRESIDENT HAYES.

Mr. BRICE. Mr. President, as has been the custom on similar occasions in the past, I offer a resolution which I send to the desk and ask to have read and adopted.

The PRESIDENT *pro tempore*. The Senator from Ohio submits a resolution; which will be read.

The Chief Clerk read the resolution, as follows:

Resolved, That the Senate has heard with deep regret of the death of Rutherford Birchard Hayes, formerly Chief Magistrate of the United States, and, as a further mark of respect to his memory on this the day of his funeral, the Senate do now adjourn.

The resolution was agreed to unanimously; and the Senate (at 12 o'clock and 20 minutes p. m.) adjourned until to-morrow, Saturday, January 21, 1893, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

FRIDAY, *January 20, 1893.*

The House met at 12 o'clock noon, and was called to order by the Speaker. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of yesterday was read and approved.

GENERAL DEFICIENCY APPROPRIATION BILL.

Mr. SAYERS, from the Committee on Appropriations, reported back the bill (H. R. 10258) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1893, and for prior years, and for other purposes; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. MCMILLIN. I reserve all points of order on the bill.

GENERAL SERVICE CLERK, FORT LEAVENWORTH, KANS., AND FORT MONROE, VA.

The SPEAKER laid before the House a letter from the Secretary of War, transmitting a copy of a letter from the Adjutant-General of the Army, addressed to the Major-General Commanding the Army, setting forth the necessity for the employment of one general service clerk at the infantry and cavalry school at Fort Leavenworth, Kans., and one at the artillery school at

Fort Monroe, Va.; which was ordered to be printed, and referred to the Committee on Military Affairs.

CAPITOL, NORTH O STREET AND SOUTH WASHINGTON RAILWAY COMPANY.

The SPEAKER laid before the House a letter from the Capitol, North O Street and South Washington Railway Company, submitting a statement showing the operations of said company during the year ending April 30, 1852; which was referred to the Committee on the District of Columbia.

SENATE BILL REFERRED.

The SPEAKER laid before the House a bill (S. 3707) making an appropriation for establishing buoyage on the water front of Chicago, Lake Michigan, Illinois; which was read a first and second time, ordered to be printed, and referred to the Committee on Interstate and Foreign Commerce.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. CLARKE of Wyoming, for ten days, on account of important business.

To Mr. HAYNES, for one week, on account of important business.

To Mr. O'FERRALL, for three days, on account of sickness.

To Mr. HENDERSON of Iowa, indefinitely, on account of illness.

LEAVE TO WITHDRAW PAPERS.

By unanimous consent, leave was granted (on motion of Mr. REILLY) to withdraw from the files of the House the papers in the case of Susan Stout, accompanying the bill H. R. 8968, first session Fifty-first Congress, there being no adverse report.

Mr. COBB of Missouri. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 5504) to permit the withdrawal of certain papers and the signing of certain receipts by John Finn or his attorney.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby directed to permit John Finn to withdraw from the office of the Third Auditor of the Treasury 333 quartermaster's vouchers, belonging to him, and aggregating the sum of $7,066.64, which vouchers are unsigned by the payees, and were left with the said Auditor for the sole and only purpose of verification with the quartermaster's returns, and that the signature of the payees of each of said vouchers shall be taken and deemed sufficient when made by the present holder or his attorney.

The SPEAKER. Is there objection to the request of the gentleman from Missouri [Mr. COBB].

Mr. DINGLEY. I would like to have some explanation. Are these rejected claims?

Mr. COBB of Missouri. No; they have never been rejected. They are claims filed in the Quartermaster's Department, and the owner desires to withdraw them. They are his own personal private property. There are some imperfections in them, I believe.

Mr. DINGLEY. Are they vouchers for claims which have been rejected?

Mr. COBB of Missouri. No; the claims have never been rejected. The vouchers are not correctly drawn. There never has been anything paid or allowed on them. They are the property of Mr. Finn, and he desires to withdraw them from the department.

Mr. BURROWS. What is the object of having them withdrawn?

Mr. COBB of Missouri. They are his own private property and the Government has never paid anything on them.

Mr. BURROWS. What does he want them withdrawn for?

Mr. COBB of Missouri. They are his papers, and he would like to have possession of them.

Mr. BURROWS. Just as memoranda?

Mr. COBB of Missouri. I suppose so; just as any one else might want his own private property.

Mr. SPRINGER. I call for the reading of the report.

The report (by Mr. BYRNS) was read, as follows:

The Committee on Claims, to whom was referred the bill (H. R. 5504) to permit the withdrawal of certain papers and the signing of certain receipts by John Finn, or his attorney, have considered the same, and recommend that it do pass, with the accompanying amendment:

Amend in line 12 by inserting between the words "sufficient" and "when" the word "receipt."

John Finn, the claimant in said bill, had possession of 333 vouchers against the Government, and claims to be the owner thereof. They aggregate $7,066.64, and are not indorsed by the payees.

Mr. Finn left them with the Auditor, so he claims, for the "sole and only purpose of verification with the quartermaster's returns." That now they are withheld from him, and he asks that he be permitted to withdraw them and receipt for them. This bill does not call for the payment of any money, but to give him possession of these evidences of debt.

The Auditor justifies the holding by the remarkable statement that—

"Mr. Finn, the only claimant appearing, established no right or title in any of the vouchers; that there was no evidence that any of the payees named in the vouchers had ever sold or assigned their vouchers."

What right that gives the Government to keep them your committee is unable to see. One thing is palpably plain: The Government does not own them, and the Auditor informs us that there has been no "finding" on the vouchers.

Finn had possession of them, and that carried with it the presumption of ownership; when they are presented for payment will be time enough to raise the question of their validity; but until then Mr. Finn should be allowed to hold them.

The following letter of the Auditor sets out the right claimed for the withholding:

TREASURY DEPARTMENT, OFFICE OF THE THIRD AUDITOR,
Washington, D. C., June 13, 1892.

SIR: I have received your letter of 16th instant, which, by oversight, did *not* inclose a copy of the bill therein said to be inclosed.

But Governor Fletcher has handed to me a copy of House bill No. 5504, "to permit the withdrawal of certain papers and the signing of certain receipts by John Finn or his attorney," stating that it is the one referred to in your letter. This bill mentions 333 quartermaster's vouchers, aggregating $7,066.64, unsigned by the payees, and claimed by Mr. Finn as his property.

It is not the fact, in respect to these vouchers, that the accounting officers made any finding that the vouchers, or any of them, represented valid and just claims against the United States. The accounting officers made no investigation whatever in that respect and expressed no opinions on that point. Their decisions went only to the point that Mr. Finn, the only claimant appearing, established no right or title in any of the vouchers; that there was no evidence that any of the payees named in the vouchers had ever sold or assigned their vouchers, or indeed that they had ever had possession of them. Even the very doubtful doctrine of the former Second Comptroller, Dr. Broadhead, that settlement upon a voucher could legally be made in favor of any person producing the voucher, with the receipt in blank thereon signed by the payee, could not apply, for the vouchers were not thus receipted, and Mr. Finn could offer to the Government nothing which could protect it against a claim by any of the payees.

The history given by Mr. Finn when he presented the vouchers—and which is the only known history—was as follows: That he had advanced a large sum to a voucher broker firm in St. Louis, which firm, becoming wholly insolvent, handed to him, as the only return it could make, a bundle of vouchers (these being among them), and with the explanation that payment thereof had been refused by the United States officers; that he therefore regarded them as of no value, and threw them aside; but concluded, about twenty years thereafter, to make the experiment of presenting them to the Department.

It is not the fact, as assumed in the bill, that the vouchers to which the bill relates, were "left with said Auditor for the sole and only purpose of verification with the quartermaster's returns;" they were presented with demand for adjudication as claims; nor were they presented to this office, but to the Quartermaster-General, and were by him referred here.

Referring to the concluding clause in the bill, I fail to see how a ceremony, by Mr. Finn or his attorney, of writing at the foot of the receipts the names appearing at the head of the vouchers could add anything of value, or in any way change the status of the matter.

Very respectfully,

W. H. HART, *Auditor.*

Hon. SAMUEL BYRNS,
Of Committee on Claims, House of Representatives.

P. S.—The letter of September 22, 1890, referred to by you, was addressed by the Acting Secretary of the Treasury, and not by the Third Auditor.

Mr. DINGLEY. Mr. Speaker, I desire to ask the gentleman from Missouri if there will be any objection to inserting in this bill a provision for this party to deposit copies with the Third Auditor.

Mr. COBB of Missouri. The papers are now in the hands of the Third Auditor. There will be no objection to the Third Auditor making copies of the originals.

Mr. DINGLEY. But the parties themselves should furnish the copies.

Mr. COBB of Missouri. He can not get possession of the vouchers to make copies.

Mr. DINGLEY. Of course if that provision were inserted in the bill, he could get access to them.

Mr. COBB of Missouri. I have no objection.

Mr. DINGLEY. The gentleman would have no objection to that amendment.

Mr. COBB of Missouri. None whatever.

The SPEAKER. Is there objection to the request of the gentleman from Missouri? [After a pause.] The Chair hears none? The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

Mr. DINGLEY. Now, Mr. Speaker, I move to amend further by inserting after the word "withdraw" in line 4, the words, "on depositing with the Third Auditor copies of the same."

Mr. COBB of Missouri. I accept that amendment.

The SPEAKER. Without objection the amendment will be considered as agreed to. [After a pause.] The Chair hears no objection.

The bill as amended was ordered to be engrossed for a third reading; and, being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. COBB of Missouri, a motion to reconsider the vote by which the bill was passed was laid on the table.

ADDITIONAL ROOM FOR NEW YORK POST-OFFICE.

Mr. DUNPHY. Mr. Speaker, I ask unanimous consent for the present consideration of the joint resolution (H. Res. 186) empowering the Postmaster-General to obtain additional premises in the city of New York, to be used for the business of the Post-Office Department.

The joint resolution was read, as follows:

Whereas the Postmaster-General in his annual reports for the past three years has called attention to the inadequacy of the public building in New York City for efficient postal service; and

Whereas the commission of inquiry into the present condition of the service in the New York City post-office reports, of date January 10, 1893, that it

is impossible to conduct the present volume of business in the space now provided without long and serious delays in forwarding the mails; and

Whereas this congestion of the mails at this point affects not only the metropolis of New York, but all exchanges of mails centering there for the country at large; and

Whereas the Postmaster-General under existing statutes is not authorized to use appropriations to divide post-offices where public buildings exist, and is not empowered to make any expenditure for such a station as is now required at New York City: Therefore, be it

Resolved, etc., That the Postmaster-General be, and hereby is, empowered to obtain as speedily as possible, by rental or lease, suitable and sufficient premises in the city of New York, and upon such terms as his judgment approves, and that he be authorized to furnish and equip the same for the betterment of the postal service in said city.

The SPEAKER. Is there objection to the present consideration of this resolution?

Mr. KILGORE. Mr. Speaker, I think the report ought to be read, or some explanation made on an important matter like that.

The report (by Mr. DUNPHY) was read, as follows:

The Committee on the Post-Office and Post-Roads, to whom was referred the joint resolution empowering the Postmaster-General to obtain further premises in the city of New York, to be used for post-office business, beg leave to report favorably and recommend the passage of the joint resolution.

The Postmaster-General, the postmaster at New York City, and the commissioners of inquiry appointed by the Postmaster-General to investigate postal matters at New York City, all admit that the mails are not delivered at that city with adequate dispatch. They agree that the trouble arises out of the insufficiency of the room in the New York City post-office.

The Postmaster-General has no authority under existing statutes to obtain additional premises. He states that it is of very great importance to the whole postal system to have these delays at New York City prevented, and he urges immediate action on the accompanying resolution. This resolution will give the Postmaster-General authority to hire such premises in New York City as he approves and to prepare and furnish these premises for postal business.

The expense to be incurred for rental of such premises as will be needed will not exceed $23,000 per annum, which sum, together with such further sums as will be necessary for furnishing the premises and for additional clerks, etc., will be included in Post-Office appropriation bill.

The SPEAKER. Is there objection to the request of the gentleman from New York? [After a pause.] The Chair hears none.

Mr. WATSON. Mr. Speaker, I rose to object.

The SPEAKER. The gentleman from Georgia says he rose to object. Objection is made.

AGREEMENT BETWEEN THE SENECA NATION OF INDIANS AND WILLIAM B. BARKER.

Mr. HOOKER of New York. Mr. Speaker, I ask unanimous consent for the consideration of the bill (H. R. 10206) to ratify and confirm an agreement made between the Seneca Nation of Indians and William B. Barker.

The bill was read, as follows:

Whereas the Seneca Nation of Indians in council, January 3, 1893, duly entered into an agreement with William B. Barker, whereby said nation leased to said Barker the Oil Springs, the Cattaraugus, and the Allegany Reservations, situate in Western New York, for the purpose of boring and testing said territory for gas and oil, on condition that if oil was found in paying quantities said nation should receive one-eighth part thereof, and if the gas should be found in paying quantities said nation should receive $40 per annum for each gas well drilled and used, and in addition that each Seneca Indian family residing on either of said reservations, should, if gas is found, have sufficient fuel for domestic use from any gas wells drilled on said territory free of charge, all of which is provided in said agreement, which was duly recorded in the Seneca Nation deed book, volume 5, page 341, January 4, 1893, at 3 o'clock p. m. of that day: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the agreement above recited be, and the same hereby is, in all things ratified, accepted, and confirmed.

The SPEAKER. Is there objection to the request of the gentleman from New York?

Mr. LOCKWOOD. Is there a report accompanying the bill?

The SPEAKER. The report can be read, subject to objection.

The report (by Mr. HOOKER of New York) was read, as follows:

The Committee on Indian Affairs, having had under consideration House bill 10206, beg leave to submit the following report:

The agreement mentioned in said bill provides for the leasing of the Oil Springs, Cattaraugus, and Allegany Reservations, situated in Western New York, excepting therefrom such portions as have been heretofore leased for village purposes, for the purpose of boring for gas and oil, with the exclusive right to enter upon such lands to conduct such mining operations; also the right of way over and across said lands, the use of a sufficient amount of land on which to erect suitable buildings, derricks, and tanks for the prosecution of the work, and the storage of any of the products thereof; also the right to lay pipe lines on, across, or under the land for conveying steam, water, gas, oil, or other products; the free use of sufficient water, if found on the premises, and the right to remove any machinery, fixtures, oil, steam, gas, or water lines placed upon said lands by the said Barker at the expiration of this lease. The term of the lease is for ten years from the date of the agreement, and "so long thereafter as gas or oil shall be produced in paying quantities."

In consideration of the grant of such rights and privileges the said Barker agrees—

1. To deliver to the said Seneca Nation "the full equal one-eighth part of all petroleum or rock oil produced on and from said lands and to deliver the same free of charge to the credit of said Seneca Nation of Indians in some responsible pipe line."

2. To permit the said Seneca Nation of Indians to fully use and enjoy the said premises for the purpose of agriculture and residence, and for other purposes, except such part as shall necessarily be used and occupied by him in his operations for oil and gas, as aforesaid, the said Barker agreeing that no unnecessary damage shall be done under the operation of this lease to the lands and premises, and further agreeing to pay any individual Indians all damage done to crops or improvements.

3. That no wells shall be drilled nor any buildings or tanks for the storage of oil shall be erected nearer than 200 feet to any dwelling house or barn on any of said lands, and that all gas or water lines laid across the cultivated fields shall be buried beneath the reach of the plow by the said Barker at his expense.

4. That for each and every gas well drilled on said lands where gas is found in sufficient volume and pressure to utilize by piping to a distance he agrees to pay the said Indians the sum of $40 per annum, which sum shall be due and payable to the treasurer of the Seneca Nation at Salamanca, N. Y., on the 15th day of January in each year for each and every well at that time being utilized and used as aforesaid, which sum shall be full consideration to the Seneca Nation for the products of each of said gas-producing wells.

5. That said Barker agrees to commence one well within six months from the date of the final confirmation of this lease; to prosecute drilling with reasonable diligence on said well, and to drill to a depth of 3,000 feet, should it be found necessary in order to properly and thoroughly test the territory; that should oil or gas be found in said well in paying quantities, not less than two additional wells are to be drilled each year thereafter, until a sufficient number have been drilled to properly protect the lands from contiguous operations by other parties; that should oil or gas not be found in paying quantities in the first test well, a second test well shall be completed within one year after the completion of the first test well, and the third, fourth, and fifth test well may be drilled in like manner and under like conditions, and that in case of the failure to find gas or oil in paying quantities in any of said five test wells, then this lease shall be and become absolutely null and void. It being expressly stipulated that in complying with the provisions of this lease as to testing or as to drilling wells the lands embraced in the three reservations above mentioned shall be considered as a whole, and that the said Barker shall have the right to make such tests by drilling on any part of the lands of any one reservation or any of said reservations as his experience and the results obtained may warrant.

7. That any family of the Seneca Nation residing on either of said reservations shall have the right to use gas and take the same from any gas or pipe lines leading from any of the said wells for fuel for domestic purposes free of charge. Said lease was executed by the Seneca Nation of Indians in accordance with the resolution of the council assembled at Salamanca, on said reservation, on the 3d day of January, 1893. Said resolution authorized the president and clerk of the council to execute the same for and on behalf of the nation. The council has a duly elected president, clerk, and treasurer, and about twenty councillors, who constitute the legislative body of the nation, and this lease was authorized by that body.

The lease was prepared and sent to a member of this committee by Hon. Hudson Ansley, who is now and has been for many years the attorney for the Seneca Nation of Indians for the State of New York, and he states that said lease is an advantageous one to the nation, and in view of the benefits to be derived from the nation that it should be confirmed. This lease is also approved by Mr. A. W. Ferrin, who is the agent for the New York Indians, and who resides on the reservation in the village of Salamanca. Your committee is of the opinion that said lease would be beneficial to the Indians residing on the reservation described in the agreement, inasmuch as the timber upon said reservation has nearly all been cut, and in the event of gas being found in paying quantity the Indians would receive their fuel free of charge. The question of fuel for these Indians is an important one.

Your committee would therefore recommend that the bill pass.

The SPEAKER. Is there objection to the request of the gentleman from New York [Mr. HOOKER]?

Mr. BLAND. Mr. Speaker, it was impossible, on account of the confusion, to hear all of that report read. I do not think the House understands the matter, and I would like to have an explanation of it.

Mr. ROCKWELL. Mr. Speaker, the Seneca Nation of Indians have a reservation that is in the neighborhood of the oil and gas belt of Northern Pennsylvania. Of course, it has been impossible to go on the lands of this reservation and prospect them, either for oil or gas, and it is impossible except on agreement with the Indians, which must be assented to by the National Government. The gentleman who makes this lease with the council of this tribe has made a lease, which has been prepared by the attorney of the tribe—their own attorney. It has been assented to, and its provisions contain all the usual clauses and all the usual safeguards; and it is upon the usual terms of such leases made with other owners of property of the adjoining country there.

Mr. BLAND. I would like to ask the gentleman if this is the unanimous report of the Committee on Indian Affairs?

Mr. ROCKWELL. It is the unanimous report of the Committee on Indian Affairs.

Mr. HOLMAN. How about the Commissioner of Indian Affairs?

Mr. HOOKER of New York. It has his consent.

Mr. ROCKWELL. He had no objection to it. The terms are just the same as those granted to other owners of property in that part of the country. If the lessee finds oil or gas he is to pay these Indians $40 a year for each well. It provides also that the well shall be thoroughly tested, and that he shall pay $40 a year for each gas well and in addition furnish the Indians gas free; and that is a very important matter, as their fuel is becoming scarce.

In addition to that it provides for giving them a royalty of one-eighth of all the petroleum that may be obtained.

Mr. MCMILLIN. Is one-eighth the best royalty given to private owners of property?

Mr. ROCKWELL. It is the same royalty—the ordinary royalty that is given to owners of property in that vicinity. There is no possible question about its being a benefit to the Indians. If these lands have any of the minerals they can not be developed in any other way. [Cries of "Vote!"]

The SPEAKER. Is there objection to the request of the

gentleman from New York? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed for a third reading; and, being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. HOOKER of New York, a motion to reconsider the vote by which the bill was passed was laid on the table.

ENROLLED BILLS SIGNED.

Mr. SCOTT, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolution of the following titles; when the Speaker signed the same:

A bill (S. 2625) to provide for the punishment of offenses on the high seas;

A bill (S. 3537) for the relief of M. P. Deady;

A bill (S. 3580) to amend the proviso to be found in connection with the free-delivery service, page 569, twenty-fourth volume, Statutes at Large; and

Joint resolution (S. R. 128) to authorize the Secretary of War to grant permits for the use of reservations and public spaces in the city of Washington, and for other purposes.

TO CLEAR THE POTOMAC OF ICE.

Mr. DOCKERY. Mr. Speaker, I am directed by the Committee on Appropriations to report back the joint resolution (S. R. 135) making an appropriation of $5,000 for clearing the Potomac River of ice, and to ask for its present consideration.

The joint resolution was read, as follows:

Resolved by the Senate and House of Representatives, etc., That $5,000, or as much thereof as may be necessary, payable from any money in the Treasury not otherwise appropriated and from the revenues of the District of Columbia in equal parts, to be immediately available, is hereby appropriated, to enable the Commissioners of the District of Columbia to hire boats for the purpose of clearing the Potomac River of ice within the District of Columbia.

The SPEAKER. Is there objection to the present consideration of this joint resolution?

Mr. BLANCHARD. I would like to ask the gentleman from Missouri [Mr. DOCKERY] whether one-half of this expenditure is to be debited to the revenues of the District of Columbia?

Mr. DOCKERY. It is. The joint resolution so provides.

The SPEAKER. There being no objection to the request of the gentleman from Missouri, the question is on the third reading of the joint resolution.

Mr. BLAND. Mr. Speaker, I did not object to the consideration of the resolution, but I think the House ought to take notice of one fact——

Mr. DOCKERY (interposing). Mr. Speaker, I desire to retain the floor. How much time does my colleague desire?

Mr. BLAND. Only a few minutes.

Mr. DOCKERY. I yield to the gentleman.

Mr. BLAND. I say, Mr. Speaker, that I do not object to the present consideration of this joint resolution, but I think the House and the country ought to take notice of one fact, the fact that there is no trouble about the ice in the Potomac except what is caused by the Long bridge which obstructs the river. So long as that bridge remains there I suppose the public will have to take care of the ice and of the river, but I think some measure ought to be taken to compel the railroad company to construct a bridge across the Potomac here that will not be an obstruction to the navigation and a menace to the people of this city whenever there is ice in the river.

I remember that some years ago, when we had such a spell of weather as we have now, there was ice in the river and a large fall of snow, and when the ice broke up and lodged against the Long bridge, it caused a flood which covered parts of Pennsylvania avenue to such a depth that boats could be run upon it, and some of the hotels were flooded on their first floor. That was all on account of that nuisance, the Long bridge, and if there is any power to remedy that evil it ought to be exercised. This $5,000 which we are called upon to provide is really for the benefit of the Pennsylvania Railroad Company, for the protection of its bridge, though, of course, incidentally it will also give protection to the people of this city. It does seem to me, Mr. Speaker, that the gentlemen in charge of this measure ought to look into the question I have suggested and see whether something can not be done to compel that railroad corporation to do their duty, instead of requiring us to appropriate the public money to protect their property.

Mr. DOCKERY. Mr. Speaker, I want to say, in reply to the gentleman, that the Committee on Appropriations are not charged with the consideration of legislation relating to District matters. They have simply reported this appropriation in pursuance of existing law. I recognize the force of the suggestion of my colleague from Missouri [Mr. BLAND] that the overflow, if there be one, will probably be aggravated by the existence of the Long bridge; yet the fact remains that the bridge exists, and as there is danger of an overflow of the streets of this city, the Committee on Appropriations have reported this joint resolution. If legislation such as my colleague suggests is necessary in order to remove the evil of which he complains—and I think it is very probable that he is correct in his views—that legislation should come from the Committee on the District of Columbia, and not from the Committee on Appropriations, whose duty is simply to report appropriations pursuant to existing law.

Mr. RICHARDSON. I will say to the gentleman that the Committee on the District of Columbia considered this matter, and unanimously recommended this appropriation, believing it to be necessary.

Mr. BLAND. The gentleman from Tennessee is a member of the Committee on the District of Columbia, I believe?

Mr. RICHARDSON. Yes, sir.

Mr. BLAND. I would like to inquire if it is not possible for that committee to report some remedy for the evils resulting from this bridge. Instead of appropriating the public money to take care of the existing bridge, the property of the railroad company, we ought to compel them to build a bridge that would not be an obstruction to the navigation or a menace to the city.

Mr. RICHARDSON. If the gentleman will introduce a measure undertaking to make a reform in that direction I feel authorized, as one member of the Committee on the District of Columbia, to say that they will very cheerfully take jurisdiction of it and undertake to give relief. A few years ago an arrangement was made by which this bridge was to be perpetuated, and I am inclined to think that the gentleman from Missouri was in Congress at that time. At all events, I believe that Congress then legalized the bridge.

Mr. BLAND. I am not aware of any legalization of it on the part of Congress. But, whatever may have been done in the past, that is no reason why this Congress should neglect its duty in the matter.

Mr. MCMILLIN. Mr. Speaker, I was unable to hear distinctly the whole of the joint resolution, and I wish to ask the gentleman in charge of it in what way this money is to be expended?

Mr. DOCKERY. Under the direction of the Commissioners of the District of Columbia.

Mr. MCMILLIN. I understand that; but how is it to be applied?

Mr. DOCKERY. For the purpose of hiring boats to break up the ice; the joint resolution so reads.

Mr. MCMILLIN. At what point?

Mr. DOCKERY. Along the Potomac River in front of the city of Washington.

Mr. RICHARDSON. Below the bridge?

Mr. DOCKERY. Below the bridge and above it in the District of Columbia.

Mr. DINGLEY. So as to prevent an ice jam which might be followed by an inundation of the city.

Mr. HOOKER of Mississippi. I wish to inquire of the gentleman from Missouri [Mr. DOCKERY] whether the appropriation proposed in this resolution is to come entirely from the Treasury of the United States, or whether it will be paid in part from the treasury of the District of Columbia. Before the gentleman replies to this inquiry, permit me to express my concurrence with a remark which has fallen from my friend from Missouri [Mr. BLAND]. I do not think we shall ever have relief from the overflows to which this city has been subjected on many occasions until the bridge called the "Long bridge," which is used for the passage of trains as well as for ordinary travel is entirely removed.

The best remedy would be to require the railroad company (and an appropriation can be made to aid them, if it be thought proper) to construct a bridge so elevated that vessels would be able to pass under it, thus dispensing with the draw altogether. Unless you do this the Long bridge must constitute a perpetual dam in the river, by which the city will remain constantly subject to overflow, whether in consequence of the accumulation of ice, or of an ordinary freshet. A railroad bridge thus elevated so as to offer no obstruction to navigation is the only proper remedy; and then, in my judgment, we ought to adopt measures, with the assistance of the District of Columbia, for spanning the Potomac with half a dozen bridges in order to provide for the development of the city of Washington as it should be provided for.

Mr. DOCKERY. Mr. Speaker, in reply to the gentleman from Mississippi [Mr. HOOKER] I will reiterate the statement I made a few moments ago—that I trust the proper committee, charged with authority to consider such a reform as is suggested, will take the subject-matter into consideration at an early day. In further answer to the gentleman from Mississippi, I will repeat the statement I have already made: That under the provision of

this joint resolution, one-half the expenditure to be incurred will be paid from the revenues of the District of Columbia.

Mr. HEARD. Will the gentleman from Missouri [Mr. DOCKERY] yield to me a moment?

Mr. DOCKERY. Certainly.

Mr. HEARD. Mr. Speaker, I simply wish to observe that the gentleman from Mississippi [Mr. HOOKER] and the gentleman from Missouri [Mr. BLAND], who have been members of this House very much longer than any member of the present District Committee, seem to lose sight of the fact that they, with their knowledge, personal and official, relating to this subject, have as much right and are as much charged with the duty of introducing a measure to correct the evil which they point out as any member of the committee, and, as has been suggested by the gentleman from Tennessee, any member of this House who may introduce a bill of that character will find the committtee ready to give it attentive consideration.

Speaking for myself (and my service here has been, I believe, as long as that of any other member of the committee), when I came here I found that years before my entrance into Congress the United States had granted or sold this bridge to the railroad company, which, under an agreement made with it, was to maintain the bridge for the use of the public. Thus provision was made for the perpetuation of the bridge—at least there is no provision of law contemplating its removal. So far as I am concerned, I believe that the bridge ought to be removed under such terms and conditions, fair and equitable to the railroad company and to the public, as may be provided by Congress.

Mr. WILLCOX. Was the bridge built originally in conformity with the law authorizing its construction?

Mr. HEARD. Most assuredly. In the first instance it was maintained by the Government; and afterward, as I have stated, it was ceded or sold to the railroad company upon the condition that they should maintain it for public use.

Mr. BLAND. I wish to ask my colleague [Mr. HEARD] whether his committee, the Committee on the District of Columbia, has properly charge of this subject, or whether it belongs to the Committee on Interstate and Foreign Commerce.

Mr. HEARD. My colleague [Mr. BLAND] has referred to the subject, I believe, as belonging to the District Committee, while my other colleague [Mr. DOCKERY] has referred to it also, as I understand, as coming within the jurisdiction of the District Committee.

Mr. BLAND. I should like to know what committee has charge of this matter. Certainly no committee that has charge of it has the right to shoulder the responsibility on members of the House who do not belong to that committee.

Mr. HEARD. I will ask my colleague [Mr. BLAND] how any member of this House, whether he be a member of the committee or not, is exempted from the duty resting upon any member to take measures for the correction of any evil which he knows to exist.

Mr. BLAND. But, as I understand, committees are appointed for the special purpose of looking after particular questions. It would be very difficult for members to undertake to look after business which has been assigned to particular committees of the House.

Mr. HEARD. When the Committee on the District of Columbia shall have failed to consider any bill introduced by any member of the House looking to a reform in this matter, it will be time enough to make criticisms upon the action of the committee.

Mr. DOCKERY. I now ask the previous question on the third reading of the joint resolution.

The previous question was ordered; and under the operation thereof the joint resolution was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. DOCKERY. I move the previous question on the passage of the joint resolution.

The previous question was ordered; and under the operation thereof the joint resolution was passed.

On motion of Mr. DOCKERY, a motion to reconsider the last vote was laid on the table.

ORDER OF BUSINESS.

Mr. MILLER. Mr. Speaker, I ask unanimous consent——

Mr. BELTZHOOVER. Mr. Speaker, I demand the regular order.

The SPEAKER. The regular order is the call of committees for reports.

BRDIGE ACROSS THE MISSOURI, COUNCIL BLUFFS.

Mr. GEARY, from the Committee on Interstate and Foreign Commerce, reported back the bill (H. R. 10117) to amend an act authorizing the construction of a street railway, motor, wagon, and pedestrian bridge over the Missouri River near Council Bluffs, Iowa, and Omaha, Nebr., and to extend the time for the completion of the bridge therein provided for; which was referred to the House Calendar.

ASSISTANT PROFESSOR OF MATHEMATICS, WEST POINT.

Mr. WHEELER of Alabama, from the Committee on Military Affairs, reported back the bill (H. R. 9926) to authorize the appointment of an assistant professor of mathematics at the Military Academy; which was referred to the Committee of the Whole House on the state of the Union.

JEFFERSON BARRACKS, MISSOURI.

Mr. GORMAN, from the Committee on Military Affairs, reported back the bill (S. 1239) for the benefit of certain persons residing in the vicinity of Jefferson Barracks, Mo.; which was referred to the Committee of the Whole House on the state of the Union.

FORFEITURE OF CERTAIN LAND GRANTS.

Mr. McRAE, from the Committee on the Public Lands, reported back the bill (H. R. 10249) to amend an act entitled "An act to forfeit certain land heretofore granted for the purpose of aiding in the construction of railroads, and for other purposes;" which was referred to the Committee of the Whole House on the state of the Union.

REPORT ON "SWEATING" SYSTEM.

Mr. WARNER, from the Committee on Manufactures, submitted a report of that committee, under a resolution of the House, concerning the "sweating" system; which was ordered to be printed and laid on the table.

FEDERAL SUPERVISION OF ELECTIONS.

Mr. DE ARMOND, from the Committee on the Election of President, Vice-President, and Representatives in Congress, reported, as a substitute for the bills H. R. 9749 and H. R. 9767, a bill (H. R. 10261) to repeal the sections of the Revised Statutes concerning Federal supervision of elections; which was read twice and referred to the House Calendar.

VELASCO AND SURF SIDE TERMINAL RAILROAD COMPANY.

Mr. CRAIN, from the Committee on Commerce, reported back the bill (H. R. 8816) authorizing the Velasco and Surf Side Terminal Railroad Company to construct a bridge across the Galveston and Brazos Canal; which was referred to the House Calendar.

ORDER OF BUSINESS.

Mr. BELTZHOOVER. I move that the House now resolve itself——

Mr. HOLMAN. I trust the gentleman from Pennsylvania will yield to me for a moment.

Mr. BELTZHOOVER. Certainly.

Mr. HOLMAN. I made an announcement, Mr. Speaker, on last evening that the Committee on Appropriations would ask the House to take up and consider the sundry civil bill this morning. But in deference to the wishes of a portion of the committee, who desired further time to examine the bill, the committee have instructed me to say that they will not insist on its consideration until next Monday morning.

Mr. OUTHWAITE. Mr. Speaker, I offer the resolution I send to the desk for immediate consideration.

Mr. BELTZHOOVER. I have a privileged motion, Mr. Speaker. I move that the House resolve itself into Committee of the Whole to consider business on the Private Calendar.

Mr. OUTHWAITE. I think the motion I desire to submit is equally in order, if not of higher privilege, and I would like to be permitted to offer it.

Mr. BELTZHOOVER. The motion I make is privileged under the rule, and this is the only time we have the right to make it. I object to the reading of the resolution submitted by the gentleman from Ohio, unless the Chair holds that my motion is out of order.

The SPEAKER. The Clerk will report the resolution, which seems to be a motion to adjourn.

Mr. BELTZHOOVER. If it is an ordinary motion to adjourn of course it takes precedence, as a matter of privilege, but I have been recognized to make the motion I have made, and I object to the resolution of the gentleman from Ohio being read.

Mr. OUTHWAITE. I will withdraw the resolution for a moment, Mr. Speaker.

The SPEAKER. The gentleman from Pennsylvania has a right, under the rules, to make his motion, and the question will be taken on that motion.

The question was taken; and the Speaker announced that the "noes" seemed to have it.

Mr. BELTZHOOVER. I demand a division.

The House divided; and there were—ayes 37, noes 89.

Mr. BELTZHOOVER. Mr. Speaker, I demand tellers.

The question being taken on ordering tellers, there were 19 in the affirmative.

The SPEAKER. Tellers are refused, not a sufficient number voting in favor of ordering them.

Mr. BELTZHOOVER. No quorum.

Mr. OUTHWAITE. Now, I call up the resolution which I send to the Clerk's desk.

The SPEAKER. The gentleman from Pennsylvania [Mr. BELTZHOOVER] makes the point that no quorum has voted.

Mr. OUTHWAITE. That comes too late, Mr. Speaker. It should have been made at the time of the announcement of the vote.

The SPEAKER. One moment. The Chair will cause the rule to be read.

Mr. RICHARDSON. The count on the motion of the gentleman from Pennsylvania has not been concluded.

The SPEAKER. The Chair will call the attention of the House to the rule, which the Clerk will report.

The Clerk read as follows:

When a rising vote is taken and the Chair announces the result it is in order for any member, if no quorum has voted, to make that point, and it then becomes the duty of the Chair, under Rule I, clause 5, to appoint tellers; but if tellers are demanded and refused by the House or committee, it is then too late, under the practice, to make the point of no quorum.

FUNERAL OF EX-PRESIDENT HAYES.

Mr. OUTHWAITE. Mr. Speaker, I now call up the resolution which I sent to the desk a moment ago.

The SPEAKER. The gentleman from Ohio submits a resolution, which will be reported by the Clerk.

The Clerk read as follwos:

Resolved, That this House, on this the day of the funeral of the late Rutherford B. Hayes, formerly Chief Magistrate of the United States, as a further mark of respect to his memory, do now adjourn.

Mr. OUTHWAITE. I move the adoption of the resolution, and on that I demand the previous question.

Mr. MARTIN. Mr. Speaker——

The SPEAKER. The gentleman from Ohio [Mr. OUTHWAITE] has the floor.

Mr. MARTIN. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MARTIN. Would it be in order to move to amend to take a recess until 8 o'clock this evening, this being the day of the regular evening pension session?

The SPEAKER. The gentleman from Ohio [Mr. OUTHWAITE] has demanded the previous question upon the adoption of his resolution. If the previous question is voted down, it will then be in order to amend.

Mr. MARTIN. Then if the previous question is voted down I will move to amend.

Mr. OUTHWAITE. I simply call up this motion. It is a motion to adjourn, and it should be put without discussion or debate, I think.

The SPEAKER. This is not a mere motion to adjourn, but it is a resolution.

Mr. OUTHWAITE. That is true.

The SPEAKER. It is a resolution on which the gentleman has demanded the previous question, and it must take the ordinary course.

Mr. MARTIN. I understand the Chair to hold that if the previous question be voted down, a motion to amend will be in order?

The SPEAKER. It will. The gentleman from Ohio [Mr. OUTHWAITE] demands the previous question on the adoption of the resolution.

The question being taken, the Speaker announced that the ayes seemed to have it.

Mr. MARTIN demanded a division.

The House divided; and there were—ayes 128, noes 8.

Mr. MARTIN. No quorum.

The SPEAKER. The gentleman from Indiana [Mr. MARTIN] makes the point of no quorum, and the Chair will appoint as tellers the gentleman from Ohio [Mr. OUTHWAITE] and the gentleman from Indiana [Mr. MARTIN].

The House proceeded to divide.

Pending the announcement of the vote,

Mr. MARTIN said: Mr. Speaker, in view of the temper of the House, I will withdraw the point.

Mr. ROCKWELL renewed the point of no quorum, but subsequently withdrew it.

The previous question was ordered.

The resolution of Mr. OUTHWAITE was agreed to.

The SPEAKER. In accordance with the terms of the resolution, the Chair declares the House adjourned until to-morrow at 12 o'clock.

Accordingly (at 1 o'clock and 9 minutes p. m.) the House adjourned.

REPORTS OF COMMITTEES.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. BOWERS, from the Committee on Military Affairs: The bill (S. 2246) for the relief of Capt. Henry C. Seaman. (Report No. 2302.)

By Mr. CROSBY, from the same committee: The bill (H. R. 9920) for the relief of Isaac Samuels. (Report No. 2304.)

By Mr. MARTIN, from the Committee on Invalid Pensions: The bill (H. R. 10199) repealing an act entitled "An act granting a pension to Louisa M. Seppell." (Report No. 2312.)

ADVERSE REPORTS.

Under clause 2 of Rule XIII, an adverse report was delivered to the Clerk and laid on the table, as follows:

By Mr. ROCKWELL, from the Committee on Military Affairs: The bill (H. R. 9218) to correct the Army record of Capt. C. P. Bratt, late of Forty-eighth Ohio Volunteers. (Report No. 2303.)

BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills of the following titles were introduced and severally referred as follows:

By Mr. MCRAE: A bill (H. R. 10259) to fix the minimum price of public lands—to the Committee on the Public Lands.

Also, a bill (H. R. 10260) to indemnify and settle with certain States—to the Committee on the Public Lands.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as indicated below:

By Mr. TOWNSEND; A bill (H. R. 10262) for the relief of Andy M. Adams, of Denver, Colo.—to the Committee on Indian Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. AMERMAN: Petition of the Sunday school and church of the Puritan Congregational Church of Scranton, Pa., 500 in number, against opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of the Langcliffe Church (526 members) of Avoca, Pa., against opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Jackson Street Baptist Church of Scranton, Pa., by vote of the congregation of 1,000 people, in favor of closing the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 830 of the business men of Scranton, Pa., praying for the repeal of the Sherman act in relation to the purchase and coinage of silver—to the Committee on Banking and Currency.

Also, memorial and petition of 60 citizens of Jermyn and Mayfield, Pa., against opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. ANDREW: Petition of John Storer Cobb, of Boston; James Weeks, of New York; the Rev. James Foster, the Rev. W. W. Barr, the Rev. John P. Newman, and Dr. Robt. L. Dickinson, and others, for the repeal of the Chinese exclusion act, except the first section—to the Committee on Foreign Affairs.

Also, petition of 75 citizens of Boston, Mass., favoring the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. BAKER: General petition of 30 citizens of the State of Kansas to have the World's Fair open on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. BERGEN: Petition of the Presbyterian Church in Woodston, N. J., that Congress will not recede from the act closing the World's Columbian Exposition on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. BELTZHOOVER: Petition of the national banks and citizens of Mechanicsburg, Pa., for the repeal of the Sherman silver purchasing act of 1890—to the Committee on Banking and Currency.

Also, petition of citizens of York and Adams County, Pa., in favor of investigating and restricting immigration—to the Select Committee on Immigration and Naturalization.

By Mr. BINGHAM: Petition of citizens of Philadelphia,

favoring the amendment of existing immigration laws—to the Select Committee on Immigration and Naturalization.

By Mr. BLANCHARD: Petition of Ernest Jacobs, William J. Bayorsdorffer, J. D. Jenkins, and many other citizens of Shrevesport, La., asking the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. BOUTELLE: Petition of citizens of Washington County, Me., for the relief of Peter Dalot, to accompany House bill 10049, was referred to the Committee on Invalid Pensions and re-referred by that committee to the Committee on Pensions—to the Committee on Pensions.

Also, resolutions of the Bangor Board of Trade of Bangor, Me., in favor of the repeal of the Sherman silver act—to the Committee on Banking and Currency.

By Mr. BRETZ: Two petitions of citizens of Indiana, as follows: The petition of 51 citizens of Bricknell, and of 40 citizens of Whitfield, asking that the World's Fair be opened on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. BRODERICK: Seven petitions of citizens of Kansas, as follows: The petition of J. W. McConnell and others, of Denison, Jackson County; of L. I. McDougle, on behalf of the Methodist congregation of Goffs, Nemaha County; of Rev. W. H. Corner, in behalf of the Protestant churches of Atchison; of S. M. Hood, of Nortonville, Jefferson County; of Rev. C. P. Graham, on behalf of the Presbyterian congregation of New Salem, Cowley County; of the Methodist Episcopal Sunday school of Goffs, Nemaha County; and of the Christian Sunday school of Goffs, Nemaha County, all asking that the World's Fair be closed on Sunday—to the Select Committee on the Columbian Exposition.

Also, two petitions of citizens of Kansas, as follows: The petition of the Cigar-Makers' Union, No. 56, of Leavenworth, and of the Switchmen's Mutual Aid Association, of Leavenworth, asking for the repeal of the law closing the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of G. C. Gest and others, of Rock Creek, Jefferson County, Kans., protesting against the sale of intoxicating liquors at the National Soldiers' Home in Leavenworth, Kans.—to the Committee on Military Affairs.

Also, two petitions of citizens of Kansas, as follows: The petition of Dr. Chas. R. Carpenter and others, of Leavenworth, and of Dr. W. F. Richardson and others, of Pottawatomie County, praying Congress to make appropriations to defray the expenses of the Pan-American Medical Congress to be held in Washington, D. C., September 5, 6, 7, and 8, 1893—to the Committee on Appropriations.

By Mr. BUCHANAN of New Jersey: Two petitions of citizens of New Jersey, one of citizens of West Creek, and the other of citizens of Trenton, in favor of suspending immigration for one year—to the Committee on Interstate and Foreign Commerce.

Also, petition of more than 50 citizens of Egg Harbor, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. BURROWS: General petition of citizens of the United States in favor of opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. CADMUS: Petition of Frederick B. Marshall and 33 other citizens of the Fifth Congressional district of New Jersey, in favor of the enactment of laws to curtail immigration—to the Select Committee on Immigration and Naturalization.

By Mr. CALDWELL: Petition of citizens of Cincinnati, for the immediate repeal of the Sherman silver act—to the Committee on Banking and Currency.

By Mr. CASTLE: Two petitions of citizens of Minnesota, as follows: The petition of the Board of Trade of Winona, and of the Minneapolis Chamber of Commerce, for the repeal of the Sherman act—to the Committee on Coinage, Weights, and Measures.

Also, petition of the business men of Minneapolis, asking the repeal of the Sherman silver act—to the Committee on Banking and Currency.

Also, petition of the Winona (Minn.) Board of Trade, in favor of a national quarantine law—to the Committee on Interstate and Foreign Commerce.

By Mr. COBB of Missouri: Petition of 48 citizens of the United States, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, general petition of citizens of Missouri, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. COOLIDGE: Petition of the Westminister National Bank, of Westminister, Mass., praying for the immediate discontinuance of the purchase of silver—to the Committee on Banking and Currency.

By Mr. CRISP (by request): Memorial of the National League for Good Roads, praying that a large number of the consular reports on roads in foreign countries be printed for popular distribution—to the Select Committee on the Columbian Exposition.

Also, memorial of the Presbyterian Church of Bridgeport, Pa., praying that the World's Fair be closed on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. CROSBY: Four petitions of citizens of Massachusetts, as follows: The petition of the Cigar-Makers' Union of Springfield; of the Cigar-Makers' Union of Holyoke; of Papere City Lodge, No. 282, International Association of Machinists, of Holyoke, and of 30 citizens of Quincy, Mass., all favoring Sunday opening of the World's Fair—to the Select Committee on the Columbian Exposition.

By Mr. DAVIS: Petition of citizens of Salina, Kans., asking that women be permitted to vote for Representatives in Congress—to the Committee on the Judiciary.

By Mr. DINGLEY: Petition of citizens of Maine, for an amendment of the Constitution prohibiting the manufacture and sale of intoxicating liquors—to the Committee on the Judiciary.

By Mr. DOAN: Resolution of the board of health of the city of Springfield, Ohio, urging that the entire control of maritime quarantine be placed in the hands of the National Government—to the Select Committee on Immigration and Naturalization.

By Mr. DOCKERY: Two petitions of citizens of Missouri, one of J. E. Briggs and others, and the other of Denver, both in favor of Sunday opening of the World's Fair—to the Select Comtee on the Columbian Exposition.

By Mr. DOLLIVER: Petition of T. S. Bates and others, of Riceville, Iowa, not to repeal the law closing the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By DURBOROW: Seven petitions of citizens of the United States, as follows: The petition of the Web Press Helpers' International Typographical Union, of Chicago; of 42 citizens of Ohio, New York, and other States; of citizens of Ohio and other States; of 28 citizens of Massachusetts and Connecticut; of 51 citizens of Ohio; of citizens of Missouri, Illinois, and other States, and of 50 citizens of the United States, all asking that the World's Fair be opened on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. ENOCHS: Two petitions of citizens of Ohio, one of Allen W. Thurman, F. W. Prentiss, cashier of Clinton National Bank; J. Y. Poundstone, and other citizens of Columbus, and the other of 50 citizens of Columbus, in favor of opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. FITHIAN: Petition of citizens of Cumberland County, Ill., relative to a combination of millers, railroads, and elevators for the purpose of depressing the price of wheat, and praying for a Congressional investigation, etc.—to the Committee on Agriculture.

Also, petition of citizens of Crawford County, Ill., relative to a combination of millers, railroads, and elevators for the purpose of depressing the price of wheat, and praying for a Congressional investigation, etc.—to the Committee on Agriculture.

By Mr. FITCH (by request): A resolution respecting a proposition for farming out or leasing from the Government of Spain the customs and revenues of the Island of Cuba as security for a loan or loans of money—to the Committee on Foreign Affairs.

Also, two petitions of officers and members of cigar packers' unions, as follows: The petition of Union No. 213, Cigar-Makers' International Union of America, and of Union No. 251, Cigar-Makers' International Union of America, asking for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Adolph Stahl and others, of the city of New York, asking for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. GANTZ: Petition of about 50 citizens of Loramies, Ohio, asking that the World's Fair be opened on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. HARMER: Memorial of the citizens of the Fifth Congressional district of Pennsylvania to the number of 1,110, in favor of amending the immigration laws so as to prohibit the landing of any and all immigrants within our borders for the space of one year, except foreign visitors to the World's Fair—to the Select Committee on Immigration and Naturalization.

By Mr. HALLOWELL: Petition of 36 citizens of Montgomery County, Pa., in favor of suspending immigration for one year—to the Select Committee on Immigration and Naturalization.

By Mr. HARE: General petition of citizens of New York, numbering about 100 signatures, favoring the opening of the World's Exposition on Sundays—to the Select Committee on the Columbian Exposition.

By Mr. HAYES of Iowa: Petition of the Clinton (Iowa) Lodge, No. 283, International Association of Machinists, in favor of

Sunday opening of the World's Fair—to the Select Committee on the Columbian Exposition.

Also, petition of the Lyons (Iowa) Cigar-Makers' Association, in favor of Sunday opening of the World's Fair—to the Select Committee on the Columbian Exposition.

By Mr. HATCH: Petition of Iron-Molders' Union, No. 142, Hannibal, Mo., for the repeal of the law closing the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. HEARD: Petition of members of the medical profession at Sedalia, Mo., in favor of the appropriation by Congress of money to defray the expenses of the proposed Pan-American Medical Congress of 1893—to the Committee on Appropriations.

By Mr. HOAR: Three petitions of citizens of Boston, Mass., one of 75 citizens, the second of various citizens, and the third of sundry citizens, all asking that the World's Fair be opened on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. HOOKER of New York: Resolution of the Political Equality Club of Dunkirk, N. Y., for the opening of the gates of the Columbian Exposition on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. HUFF: Petition of 713 citizens of the Twenty-first Congressional district of Pennsylvania, in the interest of better sanitary measures, and praying for amendments to our immigration laws prohibiting the landing of all immigrants within our borders for the space of one year, excepting foreigners who may come as visitors to the World's Fair—to the Select Committee on Immigration and Naturalization.

By Mr. KETCHAM: Two petitions of citizens of New Rochelle, N. Y., one of more than 100 citizens, and the other of about the same, both in favor of opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. KRIBBS: Sixteen petitions of citizens of the Twenty-eighth district of Pennsylvania, in favor of restricting immigration for one year—to the Select Committee on Immigration and Naturalization.

By Mr. LAYTON: Resolutions of the board of health of Arcanum, Ohio, asking that the entire control of maritime quarantine be placed in the hands of the National Government—to the Select Committee on Immigration and Naturalization.

Also, petition of Albert A. Pope, for the improvement of public roads—to the Committee on Interstate and Foreign Commerce.

Also, petition of B. A. Rolson, of Delphos, Ohio, for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, protest of the Philadelphia Drug Exchange, against the present tax on alcohol—to the Committee on Ways and Means.

By Mr. LITTLE: Petition of 50 citizens of New York City, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. McKAIG: Petition of William James, of Washington County, Md., praying that his war claim be referred to the Court of Claims under the provisions of the Bowman act—to the Committee on War Claims.

By Mr. McALEER: Petition of American citizens, protesting against the present immigration laws—to the Select Committee on Immigration and Naturalization.

Also, petition of 45 citizens of Columbia City, Ind., for the repeal of the Sherman act—to the Committee on Coinage, Weights, and Measures.

By Mr. MARTIN: Petition of the Typographical Union, No. 286, of Marion, Ind., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of A. W. Shuey and 32 other citizens of Fairmount, Ind., for the passage of an act to suspend foreign immigration for one year—to the Select Committee on Immigration and Naturalization.

By Mr. McGANN: Petition of E. P. Young and 38 others, in favor of opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. MUTCHLER: Petition of 94 citizens of Pennsylvania for the appointment of a commission to investigate the evils of immigration—to the Select Committee on Immigration and Naturalization.

By Mr. O'DONNELL: Petition of the Typograpical Union of Jackson, Mich., in favor of opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of the Cigar-Makers' Union of Battle Creek, Mich., in favor of opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. OHLIGER: Resolutions of the board of health of Warawe, Ohio, concerning cholera—to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of Stark County, Ohio, asking suspension of immigration for one year—to the Select Committee on Immigration and Naturalization.

By Mr. OTIS: General petition of citizens of Kansas, to have the World's Fair open on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. PAGE: Resolutions of the Board of Trade of Providence, R. I., for the repeal of the Sherman silver act—to the Committee on Banking and Currency.

By Mr. PARRETT: Additional evidence in the claim of Thomas Toland, of Illinois Volunteers, was referred to the Committee on Pensions, and re-referred by that committee to the Committee on Invalid Pensions—to the Committee on Invalid Pensions.

By Mr. PATTISON of Ohio: Petition of Rev. George M. Fulton and others, of Amelia, Ohio, against the repeal of law closing the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. PERKINS: Petition of various citizens of Sioux City, Iowa, in favor of opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. PICKLER: Resolution of the Methodist Episcopal Church of Plankinton, S. Dak., against the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. POWERS: Petition of John Avery, M. D., and 14 other physicians of Rutland County, Vt., praying for an appropriation to defray the expenses of the Pan-American Medical Congress to be assembled in Washington in September, 1893—to the Committee on Appropriations.

By Mr. RAYNER (by request): Petition of Arthur M. Easter and others of Baltimore, Md., to close the World's Fair on Sunday as originally intended—to the Select Committee on the Columbian Exposition.

Also, petition of 26 employés of the firm of John Murphy & Co., of Baltimore, Md., in favor of opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of the Nordamerikanischer Turnerbund, against restricting immigration—to the Select Committee on Immigration and Naturalization.

By Mr. REED: Two petitions of citizens of Maine, as follows: The petition of 49 citizens of West Brook, and of F. M. Stitson, C. G. Burgess, Joseph J. B. Ouellet, O. J. Wriplep, and others, of Brunswick, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. REILLY: Petition of citizens of Schuylkill County, Pa., in favor of amending laws so as to prevent immigration for one year—to the Select Committee on Immigration and Naturalization.

Also, petition of over 50 citizens of Schuylkill County, Pa., asking that the World's Fair be opened on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. RUSK: Two petitions of citizens of Baltimore, Md., urging Congress to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. SCULL: Memorial of 208 citizens of Bradford and Blair Counties, Pa., in favor of amending the laws regarding immigration so as to prohibit the landing within our borders of all immigrants for the space of one year after the passage of said law—to the Select Committee on Immigration and Naturalization.

By Mr. SCOTT: Petition of the Decatur Turnverein, against the restriction of immigration—to the Select Committee on Immigration and Naturalization.

By Mr. SIPE: Resolutions adopted by the McKeesport Council, No. 109, Junior Order of United American Mechanics, requesting Congress to pass the Chandler immigration bill, regulating foreign immigration—to the Select Committee on Immigration and Naturalization.

Also, memorial of citizens of Greensboro, Pa., praying for the passage by Congress of a law suspending immigration for the period of one year, excepting foreigners who may visit the World's Fair—to the Select Committee on Immigration and Naturalization.

Also, memorial and petition of 364 citizens of Fayette and Allegheny Counties, Pa., praying for the passage by Congress of a law suspending immigration for the period of one year: also for the appointment of a committee to investigate the evils of immigration in sections colonized by aliens within the United States—to the Select Committee on Immigration and Naturalization.

Also, petition of Lodge No. 292, International Association of Machinists, of Greensboro, Pa., praying for the repeal of the law requiring the World's Fair to be closed on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. SMITH: Petition of over 100 citizens of Prescott, Ariz., in favor of opening the World's Columbian Exposition on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. SPERRY: Petition of George Pope and many others of the city of Hartford, Conn., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 78 citizens of Hartford, Conn., in favor of opening the World's Fair on Sundays—to the Select Committee on the Columbian Exposition.

Also, petition of the Hartford Turnerbund, against restricting immigration—to the Select Committee on Immigration and Naturalization.

By Mr. SPRINGER: Petition of three trades unions, in favor of opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. STEVENS: Petition of the Iron Moulders' Union of North America, No. 33, of Lawrence, Mass., praying for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of the members and congregation of the First Baptist Church of Lowell, Mass., protesting against the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. STORER: Resolutions of the board of health of Clifton, Ohio, for the establishment of national quarantine—to the Select Committee on Immigration and Naturalization.

By Mr. STUMP: Petition of citizens of Baltimore, Md., in favor of having the World's Fair open on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. EZRA B. TAYLOR: Two petitions of citizens of Ohio, as follows: The petition of W. D. Armstrong and 20 others, of Ravenna, and of citizens of Conneaut, asking that the World's Fair be opened on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. JOSEPH D. TAYLOR: Communication of the Ministerial Association of Zanesville, Ohio, representing 13 Protestant churches; protesting against the repeal of the act closing the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. TRACEY: Two petitions of citizens of New York, as follows: The petition of the Woodworkers' Union, No. 47, of Albany; and of the Local Union, No. 247, United Brotherhood of Carpenters and Joiners' of Albany, asking the repeal of the law closing the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of the Third Avenue Methodist Episcopal Church of West Troy, N. Y., opposing the opening of the World's Fair on Sunday—to the Committee on the Columbian Exposition.

By Mr. WHITE: Petition of the Nord-Amerikanischer Turnerbund (Gymnastic Union), Ottawa, Iowa, in favor of Sunday opening of the World's Fair—to the Select Committee on the Columbian Exposition.

Also, petition of sundry citizens of Monroe County, Iowa, in relation to certain men in English prisons—to the Committee on Foreign Affairs.

By Mr. WILLIAMS of Illinois: Petition of citizens of Hamilton County, Ill., relative to a combination of millers, railroads, and elevators for the purpose of depressing the price of wheat, and praying for a Congressional investigation, etc.—to the Committee on Agriculture.

Also, petition of citizens of Hardin County, Ill., relative to a combination of millers, railroads, and elevators for the purpose of depressing the price of wheat, and praying for a Congressional investigation, etc.—to the Committee on Agriculture.

By Mr. WILLIAMS of Massachusetts: Petition of the young people of the Baptist Church of Hyde Park, Mass., protesting against the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. WILSON of Missouri: Three petitions of citizens of Missouri, the petition of 56 citizens of Fort Reno, of 111 citizens of St. Joseph, and of 40 citizens of Quitman, all to open the gates of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 56 citizens of Weston, Mo., in favor of Sunday opening of the World's Fair—to the Select Committee on the Columbian Exposition.

Also, petition of citizens of Moriah, N. Y., asking that Sidney W. Gattau be granted a pension—to the Committee on Invalid Pensions.

By Mr. YOUMANS: Two petitions of citizens of Michigan, as follows: The petition of the Brotherhood of Machinery Molders, and of the Journeymen Tailors' Union of Saginaw, asking the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

SENATE.

SATURDAY, *January 21, 1893.*

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

CREDENTIALS.

The PRESIDENT *pro tempore* presented the credentials of MATTHEW STANLEY QUAY, elected by the Legislature of Pennsylvania a Senator from that State for the term beginning March 4, 1893; which were read and ordered to be filed.

Mr. FRYE presented the credentials of EUGENE HALE, elected by the Legislature of Maine a Senator from that State for the term beginning March 4, 1893; which were read and ordered to be filed.

Mr. VOORHEES presented the credentials of DAVID TURPIE, elected by the Legislature of Indiana a Senator from that State for the term beginning March 4, 1893; which were read and ordered to be filed.

ENROLLED BILL SIGNED.

The PRESIDENT *pro tempore* announced his signature of the enrolled bill (H. R. 10015) to authorize the construction of bridges across the Hiawassee, the Tennessee, and the Clinch Rivers, in the State of Tennessee, which had previously received the signature of the Speaker of the House of Representatives.

HOUSE BILLS REFERRED.

The following bills, received yesterday from the House of Representatives, were severally read twice by their titles, and referred to the Committee on Commerce:

A bill (H. R. 9531) to make Rockport, Tex., a subport of entry;

A bill (H. R. 9955) providing for sundry light-houses and other aids to navigation; and

A bill (H. R. 10063) to amend "An act authorizing the construction of a high wagon bridge across the Missouri River at or near Sioux City, Iowa," etc.

The bill (H. R. 10010) to establish a court of appeals for the District of Columbia, and for other purposes, was read twice by its title, and referred to the Committee on the Judiciary.

MISSISSIPPI RIVER BRIDGE ABOVE NEW ORLEANS.

The PRESIDENT *pro tempore* laid before the Senate the amendments of the House of Representatives to the bill (S. 2345) to authorize the construction of a bridge across the Mississippi River above New Orleans.

The amendments of the House of Representatives were, in section 1, line 5, after the words "Mississippi River," to strike out "above the City of New Orleans" and insert "the approach to which, on its left bank, shall be within the upper limits of the city of New Orleans if practicable, or within 5 miles above said city limits;" and to add to section 5 the following proviso:

Provided, That nothing in this section shall be construed as giving authority to the Secretary of War to diminish the height of bridge or the width of spans as specified in section 3 of this act.

Mr. FRYE. I move that the Senate concur in the amendments of the House of Representatives.

Mr. VEST. Has the chairman of the Committee on Commerce examined the amendments critically?

Mr. FRYE. I have examined the amendments and they are proper enough. The parties who are interested in the bridge desire that they shall be concurred in.

Mr. VEST. I have not myself had time to look at the amendments, but I have no doubt they are all right if the chairman of the committee has examined them.

Mr. FRYE. They are all right enough. I have examined them.

The PRESIDENT *pro tempore*. The Senator from Maine moves that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

INTERSTATE-COMMERCE TESTIMONY.

The PRESIDENT *pro tempore* laid before the Senate the amendment of the House of Representatives to the bill (S. 1933) concerning testimony in criminal cases or proceedings based upon or growing out of alleged violations of an act entitled "An act to regulate commerce," approved February 4, 1887, as amended March 2, 1889, and February 10, 1891; which was to strike out all after the enacting clause and insert a substitute.

Mr. VEST. I suppose that it ought to go to the Committee on Interstate Commerce.

Mr. WILSON. The bill was reported from the Committee on the Judiciary. I move that the Senate nonconcur in the amendment of the House of Representatives and request a conference on the disagreeing votes of the two Houses.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the conferees on the part of the Senate, and Mr. WILSON, Mr. TELLER, and Mr. PUGH were appointed.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented memorials of the First Presbyterian Church of Germantown; of the Walnut Street Presbyterian Church of Philadelphia; of the Arch Street Presbyterian Church of Philadelphia, all in the State of Pennsylvania, and of Mrs. D. W. Faunce, of West Newton, Mass., remonstrating against a repeal of the law closing the World's Columbian Exposition on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

Mr. HUNTON presented a memorial of the Norfolk and Portsmouth (Va.) Cotton Exchange, remonstrating against the passage of the Washburn-Hatch antioption bill; which was ordered to lie on the table.

He also presented petitions of the Chamber of Commerce and citizens of Norfolk, Va., praying for the repeal of the so-called Sherman silver act; which were ordered to lie on the table.

Mr. VEST presented a memorial adopted at a meeting of ministers of the Methodist Episcopal Church, South, of St. Louis, Mo., remonstrating against the opening of the World's Columbian Exposition on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

He also presented the petition or Archbishop Kenrick, Bishop Tuttle, Vicar General Brady, Rev. R. A. Holland, and other citizens of St. Louis, Mo., praying for the opening of the World's Columbian Exposition on Sunday after 12 o'clock m.; which was referred to the Committee on the Quadro-Centennial (Select).

He also presented the petition of G. B. Stone and sundry other citizens of Wichita Falls, Texas, praying for the passage of legislation opening up the Indian Territory to settlement; which was referred to the Committee on Indian Affairs.

He also presented petitions of the Merchants' Exchange and of the Trades and Labor Union of St. Louis, Mo., praying for the permanent establishment of a census bureau, and requiring such bureau to report the percentage of the people of the United States who own their own farms, and whose property is free of debt; which were referred to the Committee on the Census.

Mr. COCKRELL. I present resolutions of the Merchants' Exchange and the Trades and Labor Union of St. Louis, Mo., similar to the petitions just presented by my colleague [Mr. VEST], and I move that the petitions be referred to the Committee on the Census.

The motion was agreed to.

Mr. TELLER presented a memorial of the German-American Central Verein of Arapahoe County, Colo., remonstrating against the passage of legislation suspending immigration; which was ordered to lie on the table.

He also presented a memorial of sundry citizens of Colorado, remonstrating against the repeal of the so-called Sherman silver act of 1890; which was ordered to lie on the table.

Mr. HARRIS. I present two stereotyped printed forms of petitions, signed by the Journeymen Tailors' Union of Memphis, Tenn., and the Chattanooga branch of the North America Stone Cutters' Association, praying for the opening of the World's Columbian Exposition on Sunday. I move that the petitions be referred to the Select Committee on the Quadro-Centennial.

The motion was agreed to.

Mr. MILLS presented petitions of Red River Lodge No. 8, Brotherhood of Labor Federation of Denison, Tex., and of Pressmen's Union No. 12 of Galveston, Tex., praying for the opening of the World's Columbian Exposition on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

Mr. SHERMAN presented petitions of the Boards of Trade of Xenia, Peninsula, Holgate, Hamler, Mount Gilead, and Felicity, all in the State of Ohio, praying for the adoption of a national quarantine, and the suspension of immigration until the quarantine defenses of the country shall be placed in a condition to guarantee protection from contagious diseases; which were ordered to lie on the table.

He also presented a petition of 248 citizens of Ohio, praying for a total suspension of immigration for one year and the appointment of a commission to investigate the evils of immigration in sections colonized by aliens during the last two decades; which was referred to the Committee on Immigration.

He also presented a petition of 45 citizens of Ohio, praying for the opening of the World's Columbian Exposition on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

Mr. WASHBURN presented the petition of Charles Schumaker and 67 other citizens of New York City, and the petition of Joseph Barcal and 22 other citizens of New York City, praying for the passage of the Washburn-Hatch antioption bill; which were ordered to lie on the table.

He also presented a petition of the Commercial Club of St. Paul, Minn., praying for the passage of legislation regulating the qualifications of immigrants; which was referred to the Committee on Immigration.

Mr. STOCKBRIDGE presented petitions of J. Hiller, of Hudson, and of Lodge No. 82, International Association of Machinists of Detroit, all in the State of Michigan, praying for the opening of the World's Columbian Exposition on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

He also presented the petition of W. A. Foss and 39 other citizens of Gladstone, Mich., and the petition of J. August Quellig and 35 other citizens of Frankenmuth, Mich., praying for a quiet opening of the World's Columbian Exposition on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

He also presented the petition of H. L. Hutchinson and sundry other citizens of Lansing, Mich., praying for the passage of the antioption bill; which was ordered to lie on the table.

Mr. MCMILLAN presented a petition of citizens of Florence, Ariz., praying for the admission of that Territory into the Union as a State; which was referred to the Committee on Territories.

Mr. QUAY. I present resolutions adopted by the National Board of Trade at its annual meeting held in Washington City on the 17th, 18th, 19th, and 20th days of January of the present year, favoring the construction of the Nicaragua Canal by the Government. In connection with the resolutions, I present a list of the commercial bodies represented by that organization, which I ask to have read.

The PRESIDENT *pro tempore*. The list referred to will be read.

The Chief Clerk read as follows:

The Albany (N. Y.) Chamber of Commerce.
The Ashland (Wis.) Business Men's Association.
The Baltimore (Md.) Board of Trade.
The Baltimore (Md.) Corn and Flour Exchange.
The Boston (Mass.) Merchants' Association.
The Boston (Mass.) Paper Trade Association.
The Bradford (Pa.) Board of Trade.
The Bridgeport (Conn.) Board of Trade.
The Buffalo (N. Y.) Merchants' Exchange.
The Chester (Pa.) Board of Trade.
The Cleveland (Ohio) Board of Trade.
The Columbus (Ohio) Board of Trade.
The Cincinnati (Ohio) Chamber of Commerce.
The Chicago (Ill.) Board of Trade.
The Chicago (Ill.) Paper Trade Club.
The Detroit (Mich.) Board of Trade.
The Duluth (Minn.) Chamber of Commerce.
The Grand Rapids (Mich.) Board of Trade.
The Indianapolis (Ind.) Board of Trade.
The Jamestown (N. Y.) Board of Trade.
The Kansas City Commercial Exchange.
The Louisville (Ky.) Board of Trade.
The Milwaukee (Wis.) Chamber of Commerce.
The Milwaukee (Wis.) Merchants' Exchange.
The New Orleans (La.) Board of Trade.
The New Orleans Chamber of Commerce and Industry.
The New York Board of Trade and Transportation.
The New York Chamber of Commerce.
The Italian Chamber of Commerce of New York.
The Omaha (Nebr.) Board of Trade.
The Philadelphia (Pa.) Board of Trade.
The Philadelphia (Pa.) Grocers and Importers' Exchange.
The Portland (Oregon) Chamber of Commerce.
The Providence (R. I.) Board of Trade.
The Rochester (N. Y.) Chamber of Commerce.
The Scranton (Pa.) Board of Trade.
The St. Joseph (Mo.) Board of Trade.
The St. Louis (Mo.) Mechanics' Exchange.
The St. Louis (Mo.) Merchants' Exchange.
The Toledo (Ohio) Produce Exchange.
The Trenton (N. J.) Board of Trade.
The Washington (D. C.) Board of Trade.
The Wichita (Kans.) Board of Trade.
The Williamsport (Pa.) Board of Trade.
The Wilmington (Del.) Board of Trade.
The York (Pa.) Board of Trade.

Mr. FRYE. Will the Senator from Pennsylvania inform the Senate what is the list which has just been read?

Mr. QUAY. I will state, in answer to the Senator from Maine, that I presented resolutions adopted by the National Board of Trade at its meeting recently held in this city favoring the construction of the Nicaragua Canal, and had the list read to the Senate in order to show the constituents of that body. I desire to have both printed in the RECORD.

The PRESIDENT *pro tempore*. It will be so ordered. The resolutions will lie on the table.

Mr. HARRIS. What was the request of the Senator from Pennsylvania?

Mr. QUAY. That the list be printed in the RECORD.

Mr. HARRIS. Oh, yes.

The PRESIDENT *pro tempore*. As the list has been read, it will of course appear in the RECORD.

Mr. HARRIS. Necessarily it will be printed in the RECORD, having been read.

Mr. MORGAN. I ask that the series of resolutions adopted by the National Board of Trade be printed as a document.

Mr. QUAY. My understanding is that the resolutions are also to be printed in the RECORD.

The PRESIDENT *pre tempore*. The order of the Senate was that the names of the commercial bodies comprising the National Board of Trade shall be printed in the RECORD, not the resolutions.

Mr. QUAY. I should be glad, if there be no objection, to have the resolutions also incorporated in the RECORD.

The PRESIDENT *pro tempore*. Is there objection to the request of the Senator from Pennsylvania?

Mr. HARRIS. If it be to print simply the matter read there can be no objection; but if it be to print more I do object.

The PRESIDENT *pro tempore*. The request is that the resolutions, which were not read, be printed in the RECORD.

Mr. HARRIS. To that I object.

Mr. SHERMAN. I hope the resolutions will be printed as a document.

Mr. QUAY. Then let them be printed as a document.

The PRESIDENT *pro tempore*. Is there objection to the request made by the Senator from Pennsylvania, that the resolutions of the National Board of Trade be printed as a document. The Chair hears none, and it is so ordered.

Mr. QUAY presented a petition of the Chamber of Commerce of Pittsburg, Pa., praying for the creation of a commission to be known as the Ohio River commission, to have general supervision of the improvement of that river from Pittsburg, Pa., to Cairo, Ill.; which was referred to the Committee on Commerce.

He also presented memorials of 182 religious and other organizations of Pennsylvania, remonstrating against the repeal of the present law closing the World's Columbian Exposition on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

He also presented petitions of Henry Vaught and 62 other citizens of Sharpsburg; of H. J. Deily and 206 other citizens of Philadelphia; of C. K. Rhodes and 36 other citizens of Birdsboro, and of L. H. Kuhn and 11 other citizens of Philadelphia, all in the State of Pennsylvania, praying for a total suspension of immigration for one year, and the appointment of a commission to investigate the evils of immigration in sections colonized by aliens during the last two decades; which were ordered to lie on the table.

He also presented memorials of the Presbyterian Church of Derry; of the Susquehanna Avenue Presbyterian Church of Philadelphia; of Rev. John C. Conover and other citizens of Kenwood; of the congregations of Salem, Ebenezer, and Zion churches of the Evangelical Association of North America of Allentown; of the Young People's Society of Christian Endeavor of the First Presbyterian Church of Emlenton; of sundry citizens of Hebron; of the Ministerial Union of Bethlehem; of the Presbyterian Congregation of Manor Station; of Pisgah and Troy Presbyterian churches of Corsica and Summerville; of Grace Memorial Presbyterian Church of Pittsburg; of Pine Sun Presbyterian Church of Markle; of sundry citizens of Glenfield; of the Presbyterian Church of Hookstown; of Little Redstone Presbyterian Church of Kenneth, all in the State of Pennsylvania; and of the Presbyterian Church of Senecaville, Ohio, remonstrating against the repeal of the law closing the World's Columbian Exposition on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

Mr. SAWYER presented a petition of bankers of La Crosse, Wis., praying for the repeal of the so-called Sherman silver act; which was ordered to lie on the table.

Mr. PALMER presented a petition of the Peoria (Ill.) County Pomona Grange, Patrons of Husbandry, praying for such governmental supervision of railroads as will prevent discrimination in passenger and freight charges; for the passage of the Washburn-Hatch antioption bill; for the passage of the pure-food bill; for the establishment of Government postal savings banks, and for the free and daily delivery of mail in the rural districts; which were ordered to lie on the table.

Mr. WOLCOTT presented a memorial of the German-American Central Verein, of Arapahoe County, Colo., remonstrating against the passage of legislation suspending immigration; which was ordered to lie on the table.

Mr. COCKRELL. I have just opened some mail I have received, and in it is a petition to Congress from A. B. Johnson and sundry other citizens residing in various parts of Missouri, praying for the repeal of the act closing the World's Columbian Exposition on Sunday. It is one of the stereotyped printed petitions gotten up to express the burning sentiment of the people on a question of that kind. I move that the petition be referred to the Select Committee on the Quadro-Centennial.

The motion was agreed to.

Mr. COCKRELL. I hold in my hand sundry other petitions, all in the same printed form, praying for the opening of the World's Fair on Sunday. Four of these petitions were orginally addressed to Hon. JOHN C. TARSNEY, a member of Congress from the Fifth Congressional district of Missouri, and his name has been erased and mine substituted, so that it is addressed to "Hon. F. M. COCKRELL, member of Congress," etc. Two of the petitions were originally addressed to Hon. SETH W. COBB, a member from St. Louis, and his name has been erased and mine inserted. Then three of the petitions were addressed originally to Hon. JOHN J. O'NEILL, a member of Congress from St. Louis, and his name has been erased and mine inserted. We are expected to be wonderfully moved by expressions of sentiment from our constituents in that form.

The PRESIDENT *pro tempore*. The petitions will be noted and referred to the Select Committee on the Quadro-Centennial.

The petitions were referred to the Committee on the Quadro-Centennial (Select), as follows:

A petition of Kansas City (Mo.) Lodge No. 4 of the Switchmen's Mutual Aid Association;

A petition of Tailors' Union No. 64, of Kansas City, Mo.;

A petition of Kansas City (Mo.) Lodge No. 92, International Association of Machinists;

A petition of Big Four Lodge No. 337, Brotherhood of Locomotive Firemen, of Kansas City, Mo.;

A petition of International Union No. 2, of the Machine Woodworkers of St. Louis, Mo.;

A petition of the Upholsterers' Union, of St. Louis, Mo.;

A petition of the Tin, Sheet-iron, and Cornice Workers, of St. Louis, Mo.;

A petition of the American Waiters and Bartenders' Union No. 20, of St. Louis, Mo.; and

A petition of the German Progressive Waiters and Barkeepers' Union, of St. Louis, Mo.

Mr. FRYE. I present a petition that really means business. I present a petition of bankers and business men of the city of Portland, Me., praying for the immediate discontinuance of the purchase of silver under the so-called Sherman act. I move that the petition be referred to the Committee on Finance.

The motion was agreed to.

Mr. POWER presented petitions of officers and members of Local Union, No. 112, United Brotherhood of Carpenters and Joiners, of Butte City, Mont., and of citizens of Helena, Butte City, Anaconda, Deer Lodge, Garrison, Missoula, Walkerville, Lewistown, Virginia City, Maiden, Sheridan, Deerfield, Marysville, Utica, Craig, Cottonwood, Philipsburg, and Stanford, all in the State of Montana, praying for the opening of the World's Columbian Exposition on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

Mr. PLATT presented a petition of the Trades Council, of New Haven, Conn., praying for the repeal of the law closing the World's Columbian Exposition on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

Mr. CULLOM presented a petition of Pomona Grange, Patrons of Husbandry, of Peoria County, Ill., praying for the Government supervision of railroads; the passage of the Washburn-Hatch antioption bill; the Paddock pure-food bill; the Government postal-savings bank bill, and the free and daily delivery of postal matter to farmers and other rural residents; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry citizens of Elburn, Ill., praying for the repeal of the so-called Sherman silver law; which was ordered to lie on the table.

He also presented petitions of citizens of Edgar and Cumberland Counties, in the State of Illinois, praying for the appointment of a Senate committee to investigate the combine formed to depreciate the price of grain existing between millers, railroads, and elevators; which were referred to the Committee on Agriculture and Forestry.

Mr. HANSBROUGH presented a petition of the Chamber of Commerce of Grand Forks, N. Dak., praying for the establishment of a permanent national timber reservation to include the Turtle Mountain region in that State; which was referred to the Committee on Public Lands.

He also presented a memorial of the Presbyterian Synod of North Dakota, remonstrating against the opening of the World's Columbian Exposition on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

He also presented the petition of J. D. Vail, M. T. Jacobson, S. Friswold, R. L. Hill, and 100 other citizens of Forman, N. Dak., praying for the opening of the World's Columbian Exposition on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

REPORTS OF COMMITTEES.

Mr. MORRILL, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 535) to provide for the

construction of a public building at Baker City, Oregon, reported it with an amendment.

He also, from the same committee, reported four amendments intended to be proposed to the sundry-civil appropriation bill; which were referred to the Committee on Appropriations, and ordered to be printed.

Mr. HARRIS. The Committee on the District of Columbia, to whom was referred the bill (S. 3521) to amend the charter of the Eckington and Soldiers' Home Railway Company, of the District of Columbia, have directed me to report the same adversely and to ask that the bill be indefinitely postponed for the reason that the committee have already reported favorably a House bill substantially the same as the bill now reported adversely.

The report was agreed to.

Mr. PEFFER, from the Committee on Claims, to whom was referred the bill (S. 988) for the relief of Mrs. Emilie M. Ferriere, widow and representative of Louis L. Ferriere, deceased, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. McMILLAN, from the Committee on the District of Columbia, to whom was referred an amendment intended to be proposed to the District appropriation bill, the amendment making an appropriation for the purpose of condemning or purchasing the ground needed to extend and open Thirty-seventh street, between Back street and Tennallytown road, at or near Schneider lane, reported it favorably, and moved that it be referred to the Committee on Appropriations and be printed; which was agreed to.

Mr. VEST, from the Select Committee on the Transportation and Sale of Meat Products, to whom was referred the bill (S. 3522) to create a bureau in the Department of Agriculture for the giving public information of the production and shipping of live stock, reported it without amendment.

He also, from the Committee on Commerce, to whom was referred the bill (H. R. 6797) to authorize the construction of a bridge across the Cahaba River, in Bibb County, Ala., by the Montgomery, Tuscaloosa and Memphis Railway, reported it without amendment.

Mr. MITCHELL. I am directed by the Committee on Claims, to whom was referred the bill (S. 1954) for the relief of Lewis D. Allen, to report it adversely. I call the attention of the Senator from Missouri [Mr. COCKRELL] to the report.

Mr. COCKRELL. I think the Senator from Oregon has done exactly right. I am very glad to know he has reported the bill adversely.

Mr. MITCHELL. I move that the bill be indefinitely postponed, and ask that the report be printed.

The PRESIDENT *pro tempore*. Under the rules of the Senate the report will be printed, notwithstanding it is adverse. The bill will be indefinitely postponed, if there be no objection.

Mr. MITCHELL, from the Committee on Claims, to whom was referred the bill (S. 3520) for the relief of Jason Wheeler, late United States Indian agent at Warm Springs Agency, Oregon, reported it without amendment and submitted a report thereon.

MISSOURI RIVER BRIDGE AT OMAHA.

Mr. FRYE. From the Committee on Commerce I report back favorably, with an amendment, the bill (S. 3727) to amend "An act authorizing the construction of a railway, street railway, motor, wagon, and pedestrian bridge over the Missouri River, near Council Bluffs, Iowa, and Omaha, Nebr., and to extend the time for the completion of the bridge therein provided for." As it is important that the bill shall become a law at this session of Congress, I ask that it may receive present consideration. There will be no objection to it.

Mr. COCKRELL. Let it be read for information.

Mr. HARRIS. Subject to objection.

The bill was read; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendment of the Committee on Commerce was to add to the bill the following proviso:

Provided, That the navigation of the Missouri River shall not be obstructed by false works during the construction of the bridge.

So as to make the bill read:

Be it enacted, etc., That section 8 of the act entitled "An act authorizing the construction of a railway, street railway, motor, wagon, and pedestrian bridge over the Missouri River, near Council Bluffs, Iowa, and Omaha, Nebr," be amended to read as follows:

"SEC. 8. That this act shall be null and void if construction of said bridge shall not be commenced on or before the 1st day of January, 1892, and be completed on or before the 1st day of July, 1898: *Provided*, That the navigation of the Missouri River shall not be obstructed by false works during the construction of the bridge."

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ARREARAGES OF DISTRICT TAXES.

Mr. HUNTON. I am directed by the Committee on the District of Columbia, to whom was referred the bill (S. 3383) to amend the act of May 6, 1890, fixing the rate of interest to be charged on arrearages of general and special taxes now due the District of Columbia, to report it with a favorable recommendation, and I am further instructed unanimously by the committee to ask the consent of the Senate to put the bill upon its passage. It is an important matter which has been indorsed by the District Commissioners and the bill is unanimously reported by the District Committee.

Mr. COCKRELL and Mr. SHERMAN. Let the bill be read for information.

The bill was read, as follows:

Be it enacted, etc., That all persons whose property was involved in suits of law, or where minors were owners at the time the arrearages of taxes were received at 6 per cent and penalties off, may, within six months from the date of passage of this bill, have the privilege of paying said arrearages of taxes up to July 1, 1892, with remission of penalties, and interest to be computed at the rate of 6 per cent per annum.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

TABERNACLE SOCIETY OF THE DISTRICT OF COLUMBIA.

Mr. VANCE. I am instructed by the Committee on the District of Columbia, to whom was referred the bill (S. 3690) to incorporate the Tabernacle Society of the District of Columbia, to report it favorably, with an amendment, and I ask that it be now considered.

Mr. COCKRELL. Let the bill be read for information.

The PRESIDENT *pro tempore*. The bill will be read at length for the information of the Senate.

The Secretary read the bill, as follows:

Be it enacted, etc., That Thomas J. Kervock, Mrs. C. H. L. Coues, Mrs. Florence S. Vance, Mrs. Kate R. Mann, Miss Fannie Whelan, and Miss Rafael Acosta, and their associates and successors, are hereby constituted a body politic and corporate by the name of the Tabernacle Society of the District of Columbia, with power to sue and be sued, plead and be impleaded, and have perpetual succession; to acquire, take by devise, bequest, or otherwise, hold, purchase, encumber, and convey such real and personal estate as shall be required for the purpose of its incorporation; to make and use a common seal, and the same to alter at pleasure; to choose a board of trustees consisting of not more than fifteen, of whom five shall constitute a quorum to do business, and which board shall be authorized to fill any vacancies in their number; to appoint such officers and agents as the business of the corporation shall require, and to make by-laws for the accomplishment of its purposes, for the management of its property, and for the regulation of its affairs.

SEC. 2. That this act may be amended or repealed at any time by the Congress in its pleasure.

Mr. COCKRELL. I should like to ask the Senator from North Carolina what is the object of the bill? The bill gives unlimited power to this corporation to hold and acquire real and personal estate; there is no limit to the amount: and there is no object specified in the bill for which the association is organized.

Mr. VANCE. I will state that the object is specified; but not in the bill as it was read by the Secretary. The object is to furnish vestments and sacred vessels to poor churches.

Mr. COCKRELL. That object is not specified in the bill as printed. My attention was directed to the bill, and I had a copy of it on my desk and made a memorandum upon it.

Mr. VANCE. The bill was amended by the committee.

The PRESIDENT *pro tempore*. The Chair calls attention to the fact that the bill is reported with an amendment. It was read as introduced; but there is an amendment reported by the committee.

Mr. VEST. Let the amendment be read.

Mr. COCKRELL. Let us hear the amendment, then.

Mr. SHERMAN. I think the bill had better be placed on the Calendar.

Mr. VANCE. I will take this opportunity to state that the bill was changed by the printer. The object of the association was expressly stipulated and set forth in the original bill, and the printer, by what authority I do not know, drew his pen through it, which forced us again to amend the bill in the committee.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The PRESIDENT *pro tempore*. The amendments of the committee will be stated.

The SECRETARY. In line 7, after the word "Columbia," insert:

An association to provide vestments and sacred vessels to poor churches,

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

KILLING OF FRANK RILEY.

Mr. SHERMAN. I am directed by the Committee on Foreign Relations to report back favorably a resolution submitted by the Senator from Oregon [Mr. MITCHELL] calling for information from the State Department, and to recommend its passage.

The PRESIDENT *pro tempore*. The resolution will be read.

The resolution submitted by Mr. MITCHELL December 6, 1892, was read, as follows:

Resolved, That the President be and he hereby is requested, if not incompatible with the public interests, to transmit to the Senate, at his earliest convenience, copies of all correspondence on file in the Department of State, if any, relating to the alleged killing of Frank Riley, an American sailor of the United States steamship Newark, in Genoa, Italy, in August or September last.

Mr. MITCHELL. I suggest that the resolution be put on its passage, if the Senator from Ohio has no objection.

Mr. SHERMAN. I have no objection.

Mr. MITCHELL. I ask for the immediate consideration of the resolution, by consent of the chairman of the committee.

The resolution was considered by unanimous consent, and agreed to.

HEATON'S "RECALL OF COLUMBUS."

Mr. QUAY. I am instructed by the Committee on the Library, to whom was referred the joint resolution (S. R. 134) authorizing the exhibition, at the World's Columbian Exposition, of the picture entitled "The Recall of Columbus," by Augustus G. Heaton, to report it with an amendment in the nature of a substitute, and I ask the unanimous consent of the Senate that it be immediately placed on its passage.

By unanimous consent, the Senate, as in the Committee of the Whole, proceeded to consider the joint resolution.

The amendment of the Committee on the Library was to strike out all after the resolving clause and insert:

That the Architect of the Capitol be, and he hereby is, authorized to loan to the Department of State the picture in the Capitol entitled "The Recall of Columbus," by Augustus G. Heaton, for exhibition at the World's Columbian Exposition.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A joint resolution authorizing the loan, for exhibition at the World's Columbian Exposition, of the picture entitled 'The Recall of Columbus,' by Augustus G. Heaton."

POTOMAC AQUEDUCT BRIDGE.

Mr. GALLINGER. I am instructed by the Committee on the District of Columbia, to whom was referred the joint resolution (S. R. 133) instructing the Secretary of War to cause an examination to be made of the piers of the Aqueduct bridge, and the District Commissioners to furnish a statement of expenditures on account of said bridge since it became the joint property of the United States and the District of Columbia, to report a Senate resolution as a substitute for the joint resolution, and I am likewise instructed by the committee to ask for its immediate consideration.

The PRESIDENT *pro tempore*. The joint resolution, in the absence of objection, will be indefinitely postponed. The Senator from New Hampshire asks unanimous consent for the present consideration of the Senate resolution which is reported as a substitute.

The Senate, by unanimous consent, proceeded to consider the resolution; which was read, as follows:

A resolution instructing the Secretary of War to cause an examination to be made of the piers of the Aqueduct bridge, and the District Commissioners to furnish a statement of expenditures on account of said bridge since it became the joint property of the United States and the District of Columbia.

Whereas by the annual report of the Commissioners of the District of Columbia for the year ending June 30, 1889, it is made to appear that the masonry composing the piers of the Aqueduct bridge was largely in need of repair and at least one of the piers thereof had settled 4 inches to the north, and large cavities caused by erosion existed in more than one of said piers, and that a large sum of money was expended in the repair of the same: Therefore,

Resolved, That the Secretary of War is hereby authorized and directed to cause to be made a thorough examination of the piers of said bridge by some competent officer of the Engineer Corps of the United States Army, and report to Congress at an early day—

First. If any one of said piers of said bridge has so settled as to be out of plumb; and, if so, which way it leans.

Second. What cavities, if any, exist in any of the piers of said bridge requiring repairs or in any way impairing the supporting capacity of said piers, or either of them, making specific report of defects, if any, in each pier.

Third. That he transmit a copy of the report of the officer of the Engineer Corps charged with the duty of constructing the piers of the said bridge, showing as minutely as may be the plans and processes used in the construction thereof.

And be it further resolved, That the Commissioners of the District of Columbia be required to transmit to Congress a detailed report of any and all expenses incurred in the repair of the piers of said bridge since the same became the joint property of the United States and the District of Columbia, and by whom said repairs, if any, were made, and under whose direction or supervision the same were made, and, as fully as may be practicable, a detailed account of the work of making the same, and a copy of the report of any officer of the District or employé thereof, engaged in the said work, or upon any part thereof, including a statement as to whether the said Commissioners have ever caused either or all of the piers of said bridge to be tested with plumb and level, or any other suitable instrument, to see if either or all of them, are out of plumb, and, if so, the result of such examination.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

The resolution was agreed to.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had, on the 20th instant, approved and signed the following acts:

An act (S. 118) for the relief of the estate of Isaac W. Talkington, deceased; and

An act (S. 3195) granting to the Yuma Pumping Irrigation Company the right of way for two ditches across that part of the Yuma Indian Reservation lying in Arizona.

BILLS INTRODUCED.

Mr. TELLER introduced a bill (S. 3743) granting a pension to Julia E. Lock, formerly widow of the late Gen. Daniel McCook; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. CHANDLER introduced a bill (S. 3744) granting a pension to Alice K. Potter, widow of Gen. Joseph H. Potter, deceased; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BRICE introduced a bill (S. 3745) to amend the military record of Thomas M. Elliott; which was read twice by its title, and, with the accompanying papers, referred, to the Committee on Military Affairs.

Mr. WOLCOTT introduced a bill (S. 3746) granting a pension to William J. Eaton; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PEFFER introduced a bill (S. 3747) for the relief of William K. Copeland; which was read twice by its title, and referred to the Committee on Pensions.

Mr. STOCKBRIDGE introduced a bill (S. 3748) granting a pension to B. C. Goodhue; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. CULLOM introduced a bill (S. 3749) to place William H. Bailhache on the retired list of the Army; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. CALL introduced a bill (S. 3750) granting an increase of pension to Benjamin F. Perry; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3751) granting a pension to John Hatcher; which was read twice by its title, and referred to the Committee on Pensions.

Mr. WHITE introduced a bill (S. 3752) for the relief of Mrs. Mattie S. Holland; which was read twice by its title, and referred to the Committee on Claims.

Mr. WILSON (by request) introduced a joint resolution (S. R. 138) to recover the value of the Columbian souvenir coins in certain contingencies; which was read twice by its title, and referred to the Committee on the Quadro-Centennial (Select).

AMENDMENTS TO APPROPRIATION BILLS.

Mr. CAREY submitted an amendment intended to be proposed by him to the legislative appropriation bill; which was referred to the Committee on Agriculture and Forestry, and ordered to be printed.

He also submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Agriculture and Forestry, and ordered to be printed.

Mr. CHANDLER submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment intended to be proposed by him to the fortification appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. PROCTOR submitted an amendment intended to be proposed by him to the Army appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

Mr. HUNTON submitted an amendment intended to be proposed by him to the naval appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Naval Affairs.

He also submitted an amendment intended to be proposed by him to the fortification appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. DOLPH submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Territories, and ordered to be printed.

SALMON FISHERIES OF ALASKA.

Mr. PLATT submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to transmit to the Senate a copy of the report of date January 19, 1893, of the special agent of the Treasury Department, detailed under the act of March 2, 1889, to carry into effect the provisions of the laws pertaining to the protection of the salmon fisheries of Alaska.

INDIAN DEPREDATION CLAIMS.

Mr. CHANDLER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Attorney-General be directed to transmit to the Senate a copy of the decision mentioned in his communication to the Senate of the 3d instant, announced by the Court of Claims, that two specified classes of Indian depredation claims are entitled to priority of consideration under section 4 of the act of March 3, 1891.

SALE OF COLUMBIAN STAMPS.

Mr. WOLCOTT. I desire to call up from the table a joint resolution which I introduced two days ago, instructing the Postmaster-General to continue the sale of the ordinary postage stamps, which have been used for years by the people of the United States, and to sell the Columbian postage stamps only to such people as may call for them, my object being to move a reference of the joint resolution to the appropriate committee.

I have been at a loss to understand why the Columbian stamps were ever manufactured. I find by referring to the annual report of the Postmaster-General—in which he asks, and very properly, for increased appropriations, appropriations aggregating some $80,000,000—that he expects to receive a million and a half dollars extra profit out of these stamps by selling them to stamp collectors. That is a trick which some of the little Central American States do sometimes. When they are short a few thousand dollars they get up a new stamp and sell it to stamp collectors all over the world, and get money for it. It seems to me, Mr. President, this is too great a country to subject 60,000,000 people to the inconvenience of using this big concern in order that we may unload a cruel and unusual stamp upon stamp collectors to file in their albums.

Since the joint resolution was introduced I have heard from a great many sources good reasons why the measure should be not only introduced, but carried. I have received letters from many railway clerks who say that the resemblance of the new 1-cent stamp to the special-delivery stamp is so marked that mistakes are constantly being made in spite of their vigilance. I have received a number of letters from manufacturers of small articles who advertise in the papers that on receipt of so many stamps they will send out the articles. They can not sell the stamps that they receive; they have to use them. On the ordinary small package, which requires four or five stamps, the small stamps would go upon it, but to put four or five of the great big new stamps upon it you have got to make a package to go through the mail two or three times the ordinary size, and therefore must use additional postage. I received a letter this morning from a physician who suggests that if the sale of the stamps is abandoned, those on hand might be properly used as chest-protectors. [Laughter.]

I trust the Committee on Post-Offices and Post-Roads will take some speedy action on the subject of discontinuing the use of these stamps, except to people who demand them, and nobody would demand them. If you go to a post-office now and ask for ordinary stamps, you can not buy them. I move that the joint resolution be referred to the Committee on Post-Offices and Post-Roads.

Mr. COCKRELL. Why not put it on its passage?

Mr. HALE. Why does not the Senator ask the Senate to put the joint resolution on its passage?

Mr. WOLCOTT. Because it is a joint resolution. I will state to the Senator from Maine that, in my ignorance, I supposed we could do that, but I am informed that it has to go to the committee, because the resolution is joint.

Mr. HARRIS. Not necessarily.

Mr. COCKRELL. Certainly not.

Mr. HALE. I hope the Senator will ask unanimous consent to put the joint resolution on its passage.

Mr. SAWYER. I object. I ask for its reference to the Committee on Post-Offices and Post-Roads.

Mr. WOLCOTT. I make that motion.

The PRESIDENT *pro tempore*. The Senator from Colorado moves that the joint resolution (S. R. 137) instructing the Postmaster-General to discontinue the sale of the so-called Columbian stamps be referred to the Committee on Post-Offices and Post-Roads.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had passed the following bills and joint resolutions:

A bill (S. 3117) relating to post traderships;

A bill (S. 3581) to amend an act entitled "An act to forfeit certain lands heretofore granted for the purpose of aiding in the construction of railroads, and for other purposes;" and

A joint resolution (S. R. 135) making appropriation of $5,000 for clearing the Potomac River of ice.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. 1419) for the relief of Catharine Caine;

A bill (H. R. 5504) to permit the withdrawal of certain papers and the signing of certain receipts by John Finn or his attorney;

A bill (H. R. 9825) to establish companies of the Hospital Corps, United States Army, and for other purposes;

A bill (H. R. 10206) to ratify and confirm an agreement made between the Seneca Nation of Indians and William B. Barker;

A bill (H. R. 10042) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, as amended March 2, 1889; and

A bill (H. R. 10163) to amend an act entitled "An act to regulate commerce," approved February 4, 1887.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the President *pro tempore:*

A bill (S. 2625) to provide for the punishment of offenses on the high seas;

A bill (S. 3537) for the relief of M. P. Deady;

A bill (S. 3580) to amend the proviso to be found in connection with the free-delivery service, page 569, twenty-fourth volume, Statutes at Large; and

Joint resolution (S. R. 128) to authorize the Secretary of War to grant permits for the use of reservations and public spaces in the city of Washington, and for other purposes.

EXECUTIVE SESSION.

Mr. SHERMAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour and twenty-seven minutes spent in executive session the doors were reopened.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (H. R. 1419) for the relief of Catherine Caine; and

A bill (H. R. 9925) to establish companies of the Hospital Corps, United States Army, and for other purposes.

The following bills were severally read twice by their titles, and referred to the Committee on Interstate Commerce:

A bill (H. R. 10042) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, as amended March 2, 1889; and

A bill (H. R. 10163) to amend an act entitled "An act to regulate commerce," approved February 4, 1887.

The bill (H. R. 5504) to permit the withdrawal of certain papers and the signing of certain receipts by John Finn or his attorney was read twice by its title, and referred to the Committee on Finance.

The bill (H. R. 10206) to ratify and confirm an agreement made between the Seneca Nation of Indians and William Barker was read twice by its title, and referred to the Committee on Indian Affairs.

SOUTHERN KANSAS RAILWAY COMPANY.

Mr. WASHBURN. I call for the regular order.

Mr. JONES of Arkansas. I ask unanimous consent that the regular order may be laid aside for a moment in order that Senate bill 1948 may be considered. It will not take more than a minute or two. It is a bill of some importance.

Mr. WASHBURN. If the bill will not lead to debate, I shall not interpose an objection.

Mr. JONES of Arkansas. It will only take a moment.

By unanimous consent, the Senate, as in Committee of the

Whole, proceeded to consider the bill (S. 1948) to authorize the Southern Kansas Railway Company to construct and maintain a pipe line from the North Fork of the Canadian River, Indian Territory, to said railroad.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DEALING IN OPTIONS AND FUTURES.

The PRESIDENT *pro tempore*. The Senate resumes the consideration of the unfinished business.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7845) defining "options" and "futures," imposing special taxes on dealers therein, and requiring such dealers and persons engaged in selling certain products to obtain license, and for other purposes, the pending question being on the amendment of Mr. VILAS, to strike out lines 2, 3, and 4 in the fourth section of the amendment proposed by Mr. GEORGE, in the words:

"Options" and "futures," as hereinbefore defined, are hereby declared to be obstructions to and restraints upon commerce among the States and with foreign nations, and to be illegal and void; and.

So as to read:

SEC. 4. That if any person shall be a party, either as buyer or seller, to any contract or agreement hereinbefore defined as "options" or "futures," he shall be guilty of a misdemeanor, etc.

Mr. GEORGE. Mr. President, I rise with some embarrassment on Saturday evening, at a time when we generally adjourn and permit Senators to suspend the consideration of public business, for the purpose of further calling the attention of the Senate to the pending matter, about which I have already spoken more than I desired. If I were to consult my own judgment or my own feelings as to the necessity of again addressing the Senate, I should not again trespass upon their attention in submitting any remarks upon this bill or any of the amendments offered to it. I feel, and that feeling is based upon declarations made to me by Senators themselves, that the Senate is wearied with the discussion of this question.

I feel somewhat that I am speaking to Senators who have made up their minds as to the various questions involved in this bill, and who do not desire to hear anything more upon the subject. On the other hand, I am urged by some Senators who possibly have not been able to give the debates on this subject the attention which the remainder of us have to make some remarks additional to those I have made in support of the amendment which was proposed by me on behalf of the minority of the Judiciary Committee, composed of the Senator from Alabama [Mr. PUGH], the Senator from Texas [Mr. COKE], and myself.

I feel, as has been expressed by Senators upon the other side of this question, that no more important subject for debate, for consideration, and for action, has come before the American Congress for the last quarter of a century. When I look at all the history of this bill, all the circumstances connected with it, all the proof which has been introduced before the committee of the Senate and the committee of the other House, that there is a practice, a dealing, what was called by the Senator from Missouri [Mr. VEST], and very properly called, a mechanism which has so interwoven itself with the legitimate business of this country in cotton and in other agricultural products, I feel there is no effort I might properly make, which I ought not to make in order to afford the relief which the great mass of the farmers of this country expect the American Congress to give them.

Something has been said in this debate about Congress being influenced by popular clamor, about our being driven from our proprieties by the excited and mistaken feeling of the farmers of this country to undertake to do that which will not only not benefit, them, but will injure them if we succeed in our efforts in destroying dealings in futures. I am not quite sure, Mr. President, whether it is a proper designation of a call almost unanimous on the part of the agriculturists of this country to denominate it "popular clamor."

I am quite sure that that is not the proper term to bestow upon it. I have felt all along that expressions of that kind were calculated to disparage and bring into disrepute our representative system. Within the limits of the Constitution there is no motive known to me which ought to be weighed more carefully than an expression of the popular feeling upon any given measure before the American Congress. I have been taught to believe, not only by the precepts of the fathers, but by my own observation, that when there is a great popular demand for any particular measure, when there is a great and almost universal popular complaint of an existing evil, the American Congress before they shall disregard such a complaint ought to weigh carefully the circumstances and the evidence, to see whether that complaint is well founded or not.

I am one of those who believe that the common sense, the common observation, the common experience of the great mass of the citizens of this country is entitled to weight. I do not think that a large mass of American citizens, belonging to that intelligent and conservative class who till the soil, are easily misled, either as to an evil which they feel or as to the remedy by which they propose to remove that evil.

I find that quite recently there have been actions on the part not only of voluntary associations of American farmers, lodges, granges, conventions, who have spoken their will in reference to this matter, but there have been actions taken by responsible bodies, Legislatures of the States. I hold in my hand a memorandum handed to me by the Senator from Minnesota [Mr. WASHBURN] this morning, containing a list of the States which have solemnly passed resolutions asking the American Congress to pass a law to suppress dealings in futures.

Mr. GRAY. Does the Senator mean Legislatures?

Mr. GEORGE. Legislatures, organized bodies, bodies commissioned by the people of their respective States in an orderly and constitutional way to express their views upon the subject. In that list I find the Legislatures of the States of Iowa, of Minnesota, of Wisconsin—if I have not been misinformed. I ask the Senator from Wisconsin if I have?

Mr. VILAS. I am unable to inform the Senator from Mississippi, for I have no other information than what he himself has.

Mr. GEORGE. I get my information from the Senator from Minnesota. In this list I also find the Legislatures of Ohio, of Georgia, of Arkansas, and of South Carolina.

Mr. WHITE. The Senator from Arkansas told me this morning that whilst one house of the Legislature of Arkansas had passed such a resolution, the other had rejected it.

Mr. GEORGE. Very well; then one house in Arkansas is separated from the other on this question. I understand that some other States perhaps have acted. Leaving out Arkansas, we have six great States of the American Republic who in the last few days, after the learned, the able, and the exhaustive debate which has taken place on this measure has gone out to the country and been considered by it have petitioned and memorialized us to pass a measure like that now before the American Senate, and one State divided. I understand there are some other States which have acted, the names of which I do not recollect. In view of the well-known and well-ascertained sentiments of the agricultural class of this country we ought at least to inquire carefully before we defeat this legislation.

The amendment offered by me in behalf of the minority of the Judiciary Committee is now the particular matter to be discussed. It is assailed upon the ground that it is a gross usurpation of power on the part of the Federal Government, that it is an invasion by us of the reserved rights of the States. It becomes my duty to show, as far as I may show, that that assumption is not well founded. It is possible, even at this late day, that the great question of fact which lies at the foundation of this legislation and which, according to the amendment, undertaken to be decided by the American Senate, should be alluded to in brief terms. I have discussed that fact on two occasions before.

I confined my remarks to cotton, because I knew that Senators representing the wheat-growing States were entirely competent to represent their interests. The evidence which I have adduced and pressed upon the attention of the Senate and discussed fully on former occasions, settles the great fact, which this amendment asserts is true, and that is, that such dealings as now carried on constitute an obstruction to interstate and foreign commerce. Who will deny it? The Senator from Wisconsin [Mr. VILAS], who has upon two occasions made carefully prepared written arguments in opposition to this bill, did not in either of them deny the great fact which constitutes the foundation of the amendment, that these dealings did affect interstate and foreign commerce. It was true, he said, that such dealings affected them remotely and indirectly, but the great fact is admitted that these dealings do constitute an interference with and an obstruction to interstate and foreign commerce.

Mr. GRAY. Will the Senator allow me a moment?

The PRESIDING OFFICER (Mr. JONES of Arkansas in the chair). Does the Senator from Mississippi yield to the Senator from Delaware?

Mr. GEORGE. Yes, sir.

Mr. GRAY. I have not perhaps been as attentive to the previous stages of this debate as I should have been, but I have read carefully both the speeches of the Senator from Mississippi, the one he made last summer and the one delivered at this session, and I have listened to the remarks of the Senator from Minnesota [Mr. WASHBURN] on the point which the Senator from Mississippi is now discussing—that dealings in futures are, as he says, obstructions to interstate commerce, and as to which he says there has been a great deal of evidence adduced.

I now ask, if it is not asking too much of the Senator, to point out what evidence before the committee or before the Senate

goes to show, not that these dealings affect interstate commerce, as he said just now, but that these dealings are really obstructions to interstate commerce? For one, I have not yet been brought to a knowledge of anything in the evidence which would cause me to admit that fact.

Mr. GEORGE. Has the Senator read the evidence?

Mr. GRAY. I have read the evidence as quoted by the Senator from Mississippi.

Mr. GEORGE. Then, I have no more to add. If the evidence which I have already produced to the Senate, taken from the report of the committee, does not establish that dealings in futures are an interference with and an obtruction to interstate commerce, then I am unable to make out that proposition.

Mr. GRAY. Of course I do not want to dictate the line of argument which the Senator shall pursue, but, if it does not disturb him, I should like to say a word.

Mr. GEORGE. I shall be glad to hear the Senator.

Mr. GRAY. In this very important matter, as I said, I have not been brought to admit by anything I have yet seen that these dealings are obstructions, nor do I know that anybody opposed to this bill admits that they are obstructions. However that may be, of course I can not state, but what I want to know is, if there is any body of evidence which goes directly to the point—I do not mean merely evidence of certain dealings and speculations in futures, as in the case of a large amount of cotton and other products bought and not intended to be delivered, for we have evidence enough of that, I admit—is there any evidence which goes to show that these dealings, such as they are and have been described, actually obstruct commerce between the States?

Mr. GEORGE. Before I answer that I should like to ask the Senator a question. Would he regard the practice, which is made out by the evidence showing that these dealings do habitually interfere with and reduce the price of the great staple, cotton, as an interference with interstate commerce?

Mr. GRAY. No, sir.

Mr. GEORGE. Very well. Then I can not argue with the Senator.

Mr. GRAY. Then the contention of the Senator is that the reduction of the price, which he alleges is a consequence of these dealings, is of itself an obstruction?

Mr. GEORGE. I assert that this artificial interference with and reduction of the price of cotton sold in interstate and foreign commerce by these dealings is that kind of interference with and obstruction of interstate commerce which not only authorizes but requires us to enact legislation to suppress it.

Mr. GRAY. Then, Mr. President, it is the judgment of the Senator from Mississippi that these things do present obstructions to interstate commerce, though he has not adduced any evidence of the fact that they do.

Mr. WASHBURN. Will the Senator from Mississippi [Mr. GEORGE] yield to me a moment to ask the Senator from Delaware a question?

Mr. GEORGE. Certainly.

Mr. WASHBURN. I ask the Senator from Delaware what is his definition of commerce?

Mr. GRAY. I think I can define it.

Mr. WASHBURN. I should like the Senator to do so.

Mr. GRAY. If the Senator wants me to answer now, I will do the best I can.

Mr. WASHBURN. I should like to have the answer of the Senator.

Mr. GRAY. "Commerce," as I understand it, so far as it has been defined by the decisions of the Supreme Court, outside of which I shall not myself venture to travel, is a word which indicates in the first place the movement of commodities between parties who are dealing in them, and it includes, as Chief Justice Marshall has said, several elements, one of which, notably, as decided in the celebrated case of Gibbons *vs.* Ogden, is navigation, and as far as interstate commerce goes traffic in regard to and the movement of commodities from one State into another; and the contracts out of which that traffic grows are a part of or an element of interstate commerce. Further than that, I do not know that I can define "commerce" more than the courts have sought to define it.

Mr. WASHBURN. I find the common acceptation and definition of the term in Webster's Dictionary among others is "to carry on trade; to traffic."

The Chicago Board of Trade every day artificially makes prices, whereby the price of wheat in Minnesota, Iowa, and the Dakotas is affected. I ask whether that does not interfere with the trade or traffic in wheat?

Mr. VEST. Will the Senator permit me?

Mr. GRAY. Does the Senator wish me to answer?

The PRESIDING OFFICER. Does the Senator from Mississippi yield; and, if so, to which of the Senators does he yield?

Mr. GEORGE. I yield to anybody.

Mr. VEST. I beg pardon. I merely wanted to ask the Senator from Minnesota this question: Suppose he goes a little further, to another subject, and finds that through a board of trade or something else the price is increased, as in the case of pork, which has gone up to $19 a barrel?

Mr. WASHBURN. That would depend on whether it has any relation to the question of interference with commerce.

Mr. VEST. I understood the Senator from Mississippi [Mr. GEORGE] to contend that the operations in the boards of trade put down the price.

Mr. GEORGE. Mr. President, I must object to being taken off the floor.

Mr. GRAY. Then the Senator does not wish me to answer.

Mr. GEORGE. I must object to turning this into a general debate; but I am very willing to hear the Senator from Delaware.

Mr. GRAY. I do not wish the Senator to do so unless he is willing.

Mr. GEORGE. I am willing the Senator should ask his question, but I do not want this to be turned into a general debate by which I shall be taken off the floor. The Senator may answer the question.

Mr. GRAY. I ask the Senator, assuming that the prices of grain are increased or artificially made, as he says, by a board of trade in Chicago, whether he thinks that presents an obstruction to interstate commerce?

Mr. WASHBURN. I said an interference with commerce, which brings it then under the clause of the Constitution as to the regulation of commerce.

Mr. GRAY. But the commerce provision in the Constitution refers to interstate and foreign commerce, and not to commerce generally, and all that we are concerned with here necessarily is with interstate commerce. I believe the Senator from Mississippi will not contend that commerce generally is within the purview of the grant of power in the commerce clause. It is interstate commerce, foreign commerce, and commerce with the Indian tribes with which we have to deal.

Now, I say the fact assumed by the Senator from Minnesota [Mr. WASHBURN] that dealings on the boards of trade affect prices artificially does not, in my opinion, affect the commerce of the country between the States in the sense in which that phrase is used in the Constitution. The price of an article, whether it be high or low, does not affect the freedom or the want of freedom of its movement or the freedom of contracting for the movement of that article. In fact, a low price, which the Senator from Mississippi [Mr. GEORGE] contends is made by these boards of trade, may increase the volume of interstate commerce very much, for a very low price would naturally induce a larger number of people to deal in the article in question.

Mr. GEORGE. Mr. President, I wish that clearly understood. Of course there is a fundamental difference between the Senator from Delaware and myself if he contends, as I understand him to contend, that no artificial arrangement by boards of trade or otherwise which habitually reduces the prices of the agricultural products of this country which go into interstate and foreign commerce is an obstruction or an interference which we are authorized to remove; if he asserts that proposition then we are at the antipodes to each other on that question.

Mr. GRAY. Will the Senator indulge me for one moment?

Mr. GEORGE. Of course, for I want this matter understood.

Mr. GRAY. I said that that was my judgment; but the proposition with which we are concerned here, or with which I feel myself concerned as a Senator, sworn to observe the Constitution in the exercise of my legislative functions, is whether the contracts which are admitted to be within the power of the States to legalize and control as belonging to the internal commerce of the States can be declared under the commerce clause of the Constitution by Congress obstructions to commerce. So far as I can see that is all we have to deal with now.

Mr. GEORGE. That is further on. The first proposition to settle is, whether the acts of men interposed between the producer and the consumer which do reduce the price to the American producer of his products are an interference with or an obstruction to interstate commerce? If the Senator disputes that, then I should like to ask him or anybody who does dispute it, for what purpose is the power granted to Congress to regulate interstate and foreign commerce if it be not for the purpose of facilitating commerce, so that without artificial obstructions or natural obstructions, or any other obstructions, the American producer may get the most that the article which he produces can bring in the market?

Mr. GRAY. Does the Senator want an answer?

Mr. GEORGE. Yes, I do. If that be denied, if it be denied that the power of Congress does not extend to increasing the profits of the American producer, then I should like to know the

benefit to come to the American people from an exercise of the power to regulate commerce.

Mr. GRAY. Mr. President, the Senator has suggested and brought into consideration in the last sentence a matter which did not belong, as I conceive, to his question as he originally stated it. He asks now whether the right of Congress to interfere in order to make the production of the articles that may enter into interstate commerce more profitable is not within the purview of the commerce clause of the Constitution. I say decidedly no, so far as my judgment is concerned; but I repeat again that I am not concerned with that question now. It may be that in my judgment the contracts made on boards of trade, by which the Senator says prices are artificially fixed, do not injuriously affect the volume or the profitableness of interstate commerce.

That may be my judgment, but nevertheless those contracts, if they pertain to interstate commerce, I might be prepared to admit are within the purview of Congress under the commerce clause to regulate. The proposition, however, that I am really anxious about and want to hear discussed is whether those contracts which do not refer to interstate commerce, which may be carried on within the State, which belong to that mass of legislation which Chief Justice Marshall said undoubtedly belonged to the States exclusively, can be regulated under the power granted to Congress to regulate interstate and foreign commerce?

Mr. GEORGE. Mr. President, I am afraid the ingenuity of my friend from Delaware is too much for me on this occasion. He started out in this matter with the fundamental inquiry whether arrangements made by men acting as individuals, or as corporations, or as boards of trade, which do habitually and uniformly reduce the profits of the American producer in relation to articles which are to go and must go into interstate and foreign commerce, are such an interference by artificial means as authorizes the Congress to legislate for the purpose of removing these obstructions, so that the American producer may get the natural normal price for his products occasioned by the rule of demand and supply? If that be denied, then I should like to know from the Senator from Delaware, or from any other Senator, for what beneficial purpose was the power to regulate commerce with foreign nations and among the States granted to the American Congress?

Mr. GRAY. I can suggest one.

Mr. GEORGE. Very well.

Mr. GRAY. While I consider the question the Senator is discussing a very interesting one, and did in fact ask him what evidence there was that these contracts or dealings did affect the volume or the profitableness of interstate commerce, yet except so far as they concern interstate commerce directly or foreign commerce, I said that I conceived that they did not pertain to the grant of power made by the States to the Congress of the United States.

But I can answer in part the question last asked by the Senator from Mississippi by suggesting that the power to regulate interstate commerce may be of great value to the people of the country in that it gives Congress the right to secure, for instance, the freedom of exchange and barter in the commodities of the several States or farm products which go to make up the matters and things which are useful for the everyday living of the people; and the commerce itself, inasmuch as it puts within the grasp of the individual a greater range of profit, is a useful thing to the civilization of the country, and its effect is useful to the individual, it increases his power, increases the practicability of his carrying on the processes of production in the very fact that the exchange is more or less increased. I believe that according to the Constitution under which we are now living the States should not be permitted to restrict that sort of commerce.

Mr. GEORGE. The Senator agrees with me that the object of the grant of power to Congress to regulate commerce among the States and with foreign nations was to give us a free commerce, a free interchange of commodities. Now, I might go a step further, and ask him this—and this is the very gist of the case—what benefit is it to have commerce free when the profits of the laborers who produce the articles of commerce are so diminished by artificial arrangements that that production becomes unprofitable? That is the question—what do we want with free commerce? Is it merely to say that it is free? Is it merely to have a pretty word of the English language introduced by saying that we claim free commerce, or is it that commerce may be so conducted unrestricted, uninterfered with, and uninfluenced by artificial arrangements that all parties to that commerce may get the best results from it to themselves?

Mr. GRAY. I take it, if the Senator will permit me, that those who framed that clause took it for granted that what has been proved by the experience of mankind had not ceased to be true, that commerce would exist so long as there was a profit in it, and no longer; and if commerce exists at all between the States or elsewhere, it is because somebody is finding a profit in it, those who export——

Mr. GEORGE. I ask the Senator to stop right there.

Mr. GRAY. No, I will not stop right there.

It is because somebody is finding a profit in it, those who export as well as those who import; and unless there was a reasonable expectation of profit on both sides it would not exist at all. It is because of that universal instinct of mankind to trade, and that that trading has shown itself to be a blessing to the people who engage in it, that the Constitution of the United States, as written by its wise framers, enabled the General Government to so regulate commerce that they might prevent restrictions in the exchange and movement of commodities from one place to another.

Mr. GEORGE. That, as I understand it, is so that the production of the American worker, which furnishes the subject of commerce, may be the more profitable. Is that so?

Mr. GRAY. Why, Mr. President, I take it that all the indirect and diffuse benefits which flow from commerce and spread among the people were in the mind of those who framed the Constitution, but that they expected that the benefits which would naturally fall from controlling the thing itself in the interest of freedom was enough for them, without going out into the thousand ramifications of commerce itself and the benefits which it bestows upon the people and attempting to interfere with or by law to control those indirect and remote consequences of commerce.

Mr. GEORGE. The "indirect and remote consequences of commerce" are the profits of commerce; they are the main objects for which commerce was introduced; they are the main objects for which production is made. Now, what does the Senator gain when he says we want free commerce, if he can not show that restricted and obstructed commerce is more profitable to this country than free commerce? What is the object of this grant of power by the Constitution to Congress, to make commerce *less* profitable or more profitable? Was it the object of this grant to Congress to make the productions of the American people which enter into and become the subjects of interstate and foreign commerce, more profitable or less profitable?

Mr. GRAY. That is a matter of judgment, as I said awhile ago, and my judgment is that the dealings which the Senator denounces do not affect the price of the articles at all or the profitableness of the commerce. Suppose the Senator is right and that they do; then I might say that so far as the objects and transactions of interstate or foreign commerce are concerned, we have the right to deal with them; but the proposition then which we come back to, and with which I consider myself concerned here, is whether we have a right to deal with other transactions which do not refer to interstate or foreign commerce.

The other question which the Senator is arguing is an interesting one, as I said awhile ago, but it does not pertain to the constitutional question which has been my sole thought and my sole trouble in this case. It may or it may not be that a protective tariff increases the profits of commerce between this country and countries abroad; it may be that the prohibitions in a protective tariff affect disastrously the commerce of this country; it is my opinion that in many cases they do; but there is no doubt in my mind of the jurisdiction of Congress in regard to that matter. I say that is an interesting question concerning the economics of the country, concerning the great questions of trade and general commerce, but it does not concern the question of power with which I conceive we are alone dealing now, and on which I should like to hear the Senator from Mississippi discourse.

Mr. GEORGE. I do not know that I understand the precise position taken by the Senator from Delaware. A little while ago I understood him to say he wanted free commerce——

Mr. GRAY. And I say so now.

Mr. GEORGE. That freedom of commerce was the object of the Constitution in making this grant to Congress; then I put to him the question, what good does free commerce do us, except on the idea that it is more profitable?

Mr. GRAY. More profitable to whom?

Mr. GEORGE. Profitable to all concerned; not to the dealers alone, not to the producers alone, but to the whole people.

Mr. GRAY. Awhile ago the Senator said the producers alone.

Mr. GEORGE. Profitable to the whole of them. That is the issue which I made with the Senator in the very beginning. I asked him to either affirm or deny what I will show and have heretofore shown, that an artificial, unnecessary combination, by which trade in cotton is controlled in this country—the Senator does not admit that, but I will show that it is so controlled—so as to depress the price of cotton was a thing which was the subject of interstate commerce and within the control of Congress under the power to regulate interstate and foreign commerce. I asked him whether that power was granted for the

purpose of making commerce and production more advantageous to the people of this country or less advantageous?

Was it a beneficial grant of power for the good of the American people, or was it a mere grant to have something done, which according to the theories of certain gentlemen about political economy, was a nice thing to have done? If Congress can not interfere for the purpose of making, in the regulation of commerce, the products of the American farmer, three-fourths of which go into interstate and foreign commerce, more profitable to him, I should like to know what interest the American producer, who constitutes more than one-half of the American people, has in the exercise of that power by the American Congress?

Mr. GRAY. Will the Senator answer me a question?

Mr. GEORGE. I will answer any question I can, and when I can not answer it I will say that I can not.

Mr. GRAY. It would be a very hard question that the Senator could not answer.

The Senator says that in his opinion Congress has jurisdiction to make by legislation the products which are described in the pending bill more profitable to the producer.

Mr. GEORGE. No, I did not say that.

Mr. GRAY. That is my understanding of what the Senator said.

Mr. GEORGE. I said that if there existed anything, whether in the shape of a physical obstruction to interstate and foreign commerce, or whether in the shape of combinations of men which interposed between the producer and the consumer, by which, as the direct result of that action, the profits of the American producer were reduced, that was a matter which was the subject of interstate and foreign commerce.

Mr. GRAY. Very well. The question which I wished to ask was, if the Senator should find, as a matter of fact, that such dealings as have been described or other things should serve to enhance the price of commodities raised by the farmer so as to enhance the cost of living to the great laboring masses of the country, who are not engaged in their production, does he think that Congress ought to interfere in the interest of those great masses, fully one-half of the people of the country, in order that the price might be lowered?

I wish to ask the Senator a further question, if he will permit me to ask him two questions at once which relate to the same subject. Does he think that because a big cotton crop depresses prices Congress has the right to pass a law restricting its culture in order to decrease the crop and thus raise the price?

Mr. GEORGE. The Senator has no right to ask such a question as that. Of course I do not believe in any such folly.

But, Mr. President, the Senator seems to think that the interest of consumers is to be considered by Congress when the question is whether we will remove an obstruction to commerce which depresses the price of agricultural products. Let us see whether the Senator is right about that or not. For what purpose do we remove physical obstructions to navigation?

If the Senator's argument is correct, it might be said that when, for instance, the falls at the city of Louisville or the falls in the Tennessee River, in the State of Alabama, called the Muscle Shoals, form an obstruction which it is proposed to remove, we ought not to do it, because the wheat and coal and iron which are produced on the upper parts of the Ohio and the Tennessee Rivers will have an outlet and go into general commerce, and by adding more competition and more buyers the price of the products in the community where they are produced is raised, and if we remove the obstructions we increase the cost of those articles in the community in which they are produced above what it was before. That seems to be the Senator's argument. Now, my idea about that is, that the object of the power to regulate commerce with foreign nations and among the States is neither to depress nor to lower the natural, normal price of our products.

Mr. PUGH. Mr. President, it is manifest that there is not a quorum of the Senate present. There are very few here to listen to the able and instructive speech of the Senator from Mississippi. I move a call of the Senate.

The PRESIDING OFFICER. The Senator from Alabama suggests the absence of a quorum, and the roll will be called.

The Secretary called the roll, and the following Senators answered to their names:

Allison,	Dixon,	Irby,	Sawyer,
Bate,	Dubois,	Jones, Ark.,	Shoup,
Berry,	Frye,	Kyle,	Squire,
Blackburn,	Gallinger,	Manderson,	Stewart,
Butler,	George,	Mills,	Stockbridge,
Caffery,	Gibson,	Mitchell,	Turpie,
Call,	Gordon,	Palmer,	Voorhees,
Carey,	Gray,	Peffer,	Walthall,
Chandler,	Hale,	Pettigrew,	Washburn,
Cockrell,	Hansbrough,	Platt,	White,
Coke,	Hawley,	Pugh,	Wilson,
Cullom,	Higgins,	Quay,	

The PRESIDING OFFICER. Forty-seven Senators have responded to their names. A quorum is present, and the Senator from Mississippi will proceed.

Mr. GEORGE. Mr. President, I believe, taking all things into consideration, as it is Saturday evening, and so on, if it is agreeable to the Senate to adjourn, I would rather proceed on Monday morning. If not, I will go on now.

Mr. STEWART. Of course we ought to adjourn.

The PRESIDING OFFICER. The Senator from Mississippi moves that the Senate adjourn.

The motion was agreed to; and (at 3 o'clock and 38 minutes p. m.) the Senate adjourned until Monday, January 23, 1893, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate January 21, 1893.

PENSION AGENT.

Sidney L. Willson, of Washington, D. C., to be pension agent at Washington, D. of C., whose term of office will expire January 21, 1893.

PAYMASTER IN THE ARMY.

Elijah W. Halford, of Indiana, to be paymaster with the rank of major, January 10, 1893, vice Canby, nominated for promotion.

PROMOTION IN THE ARMY.

Corp. Orrin R. Wolfe, Company H, Fourteenth Infantry, to be second lieutenant, to rank from November 19, 1892.

PROMOTION IN THE NAVY.

Passed Assistant Engineer Julien S. Ogden, to be a chief engineer in the Navy from January 17, 1893, vice Chief Engineer Charles A. Baker, retired.

POSTMASTERS.

William Stanley, to be postmaster at Plainfield, in the county of Hendricks and State of Indiana, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1893.

Joseph M. Tomlinson, to be postmaster at Alexandria, in the county of Madison and State of Indiana, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1893.

Mrs. Ida A. Blanchard, to be postmaster at Millville, in the county of Worcester and State of Massachusetts, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1892.

Michael Huiras, to be postmaster at Springfield, in the county of Brown and State of Minnesota, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1893.

Grovenor D. McCubrey, to be postmaster at Barnesville, in the county of Clay and State of Minnesota, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1893.

Peter A. Peterson, to be postmaster at Cannon Falls, in the county of Goodhue and State of Minnesota, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1893.

Seth W. Collins, to be postmaster at McComb, in the county of Pike and State of Mississippi, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1893.

Verd I. Banta, to be postmaster at Westport, in the county of Jackson and State of Missouri, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1893.

Roger Edwards, to be postmaster at Anaconda, in the county of Deer Lodge and State of Montana, in the place of Joseph C. Keppler, resigned.

Jacob M. Harman, to be postmaster at Shelton, in the county of Buffalo and State of Nebraska, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1893.

Mrs. Bertha Kleven, to be postmaster at Culbertson, in the county of Hitchcock and State of Nebraska, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1893.

John L Derby, to be postmaster at Cranford, in the county of Union and State of New Jersey, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1893.

Marvin R. Denniston, to be postmaster at Washingtonville, in the county of Orange and State of New York, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1893.

Burt Graves, to be postmaster at Middleport, in the county of Niagara and State of New York, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1893.

William V. Molloy, to be postmaster at New Rochelle, in the county of Westchester and State of New York, in the place of Charles L. Perry, removed.

Hawley E. Webster, to be postmaster at Brockport, in the county of Monroe and State of New York, in the place of Henry C. Hammond, removed.

Leroy L. Brinkley, to be postmaster at Edenton, in the county of Chowan, and State of North Carolina, in the place of Leroy L. Brinckley, whose commission expires February 28, 1893.

Jacob Alvord, to be postmaster at Lykens, in the county of Dauphin, and State of Pennsylvania, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1893.

CONSULS.

John J. Piatt, of Ohio, at present consul at Cork, to be consul of the United States at Dublin, vice Alexander J. Reid, resigned.

Adolph G. Studer, of Iowa, now consul of the United States at Barmen, to be consul at Singapore, vice Rounsevelle Wildman, nominated to be consul at Barmen.

Rounsevelle Wildman, of Idaho, now consul of the United States at Singapore, to be consul at Barmen, vice Adolph G Studer, of Iowa, nominated to be consul at Singapore.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 21, 1893.

CONSULS.

Nicholas Smith, of New York, now consul of the United States at Three Rivers, to be consul at Liege.

Henry M. Moore, of Spokane, Wash., to be consul of the United States at Three Rivers, Canada.

PROMOTIONS IN THE ARMY.

Subsistence Department.

First Lieut. Guy Howard, Twelfth Infantry, to be commissary of subsistence with the rank of captain.

Ordnance Department.

Second Lieut. George W. Burr, First Artillery, to be first lieutenant, January 10, 1893.

POSTMASTER.

Roger Edwards, to be postmaster at Anaconda, Mont.

HOUSE OF REPRESENTATIVES.

SATURDAY, *January 21, 1893.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

J. M. BELL, J. S. COOK, DECEASED, AND WILLIAM YORK, DECEASED.

The SPEAKER laid before the House copies of findings of the Court of Claims in the cases of J. M. Bell, J. S. Cook, deceased, and William York, deceased, against the United States; which were referred to the Committee on War Claims, and ordered to be printed.

FORFEITURE OF LAND GRANTED IN AID OF CONSTRUCTION OF RAILROADS.

The SPEAKER also laid before the House the bill (S. 3581) to amend an act entitled "An act to forfeit certain lands heretofore granted for the purpose of aiding in the construction of railroads, and for other purposes."

Mr. HERMANN. Mr. Speaker, I ask unanimous consent for the present consideration of that bill.

The SPEAKER. The Clerk will report the bill, after which the Chair will ask if there be objection.

The bill was read, as follows:

Be it enacted, etc., That section 3 of an act entitled "An act to forfeit certain lands heretofore granted for the purpose of aiding in the construction of railroads, and for other purposes," be, and the same is, amended so as to extend the time within which persons entitled to purchase lands forfeited by said act upon the line of the Northern Pacific Railroad Company between Wallula, Wash., and Portland, Oregon, shall be permitted to purchase the same in the quantities and upon the terms provided in said section to January 1, 1894.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

Mr. BRETZ. I would like to hear the report read.

The report (by Mr. MCRAE) was read, as follows:

The Committee on the Public Lands, to whom was referred the bill (H. R. 10249) to amend an act entitled "An act to forfeit certain lands heretofore granted for the purpose of aiding in the construction of railroads, and for other purposes," approved September 29, 1890, beg leave to report:

It is shown by memorial resolutions unanimously passed by the Legislature of Oregon, that great distress prevails among the people who are entitled, until February 3 next, to purchase lands under the forfeiture act approved September 29, 1890, and it is alleged that by reason of successive failures of crops during the past three years these people are unable to make payment of the purchase price of the lands to which they are entitled until they have the advantage of the present year's crops. Some of these lands are improved and under cultivation, and your committee believe it is just that an extension of time should be had for the balance of this year in order that the settlers may have additional time for payment, and therefore report the bill back with the recommendation that it pass.

The SPEAKER. Is there objection to the request of the gentleman from Oregon? [After a pause.] The Chair hears none.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. HERMANN, a motion to reconsider the vote by which the bill was passed was laid on the table.

FORT CUMMINGS MILITARY RESERVATION.

Mr. JOSEPH. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 1710) to authorize the Secretary of the Interior to reserve from sale certain land in the abandoned Fort Cummings military reservation, and for other purposes.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, directed to withdraw from sale so much of the land of the abandoned Fort Cummings military reservation, in the Territory of New Mexico, as may be necessary to secure perpetually for public use the spring upon said reservation; the land to be reserved as aforesaid to embrace not only that upon which the spring is situated, but such other portions for right of way as may be necessary to secure to the public the right to have all the advantages of the spring aforesaid.

SEC. 2. That the Secretary of the Interior be, and he is hereby, authorized to grant to the Rio Grande, Mexico and Pacific Railroad Company a license to so much of the water of said spring as may be necessary for the operation of the road of said company, and to grant to said company a right of way for a pipe from said spring to the road of said company by the most direct line; to be located under the direction of the Secretary of the Interior: *Provided*, That said right of way shall not exceed 40 feet in width, and when the same is located the land covered by the right of way shall be withdrawn from entry, and after due appraisal shall be paid for by said company and be dedicated to the right of way aforesaid.

SEC. 3. That the license aforesaid shall continue as long as the existence thereof may be deemed not injurious to the public interest by the Secretary of the Interior, who shall at all times have the right to regulate the quantity of water to be used by said company, so as not to deprive the public of the benefits of the dedication to public use hereinabove made. Upon the cessation of the license the right of way for the pipe line aforesaid shall revert to the United States, upon refunding by the United States the sum of the appraised price thereof which may have been paid to the United States by said company under the previous provisions of this act, and Congress reserves the right at any time to alter, amend, or repeal this act.

Mr. BRETZ. Mr. Speaker, I would like to hear the report read, or an explanation made of that bill.

The SPEAKER. Without objection the report can be read.

The report (by Mr. AMERMAN) was read, as follows:

The Committee on the Public Lands, to whom was referred the bill (S. 1710) to reserve from sale certain land in the abandoned Fort Cummings military reservation, report.

Your committee report the bill favorably, adopting the report of the Senate committee thereon, as follows:

"The bill referred to your committee proposed selling to the railroad the spring on the Fort Cummings military reservation. While the proof before your committee indicated the advisability of allowing the railroad to use the spring, your committee thought it best not to deprive the public of the use of the water by making a sale thereof to the railroad. Your committee has consequently amended the bill by allowing the Secretary of the Interior to grant a license to the railroad to use the water, at the same time preserving the use of the spring for public purposes. The bill as amended seems to your committee to fully protect the interests of the public and at the same time give the railroad a license to use such water as may be necessary for its purposes, the whole under the control of the proper Department of the Government."

The company has used a portion of the water of the spring under military license, has improved the same by putting in necessary pumping apparatus, and the military forces used the water thus developed until the military occupation was abandoned. The company has since used the water in supplying its trains, and as the road is a part of a transcontinental system (the Atchison, Topeka and Santa Fe), continuance of such use, under the control of the Secretary of the Interior, and shared with the public, seems to your committee to be fully justified by the necessities of the situation and sound public policy.

Mr. BRETZ. Mr. Speaker, I would like to ask the gentleman from New Mexico how much land is reserved, or how much they intend to reserve?

Mr. JOSEPH. It is only intended to reserve the land immediately around the spring. It is a small spring, which can never be utilized for agriculture.

Mr. BRETZ. Then it is not a mineral spring?

Mr. JOSEPH. It is not a mineral spring.

The SPEAKER. Is there objection to the request of the gentleman from New Mexico?

Mr. WATSON. I would like to ask the gentleman from New Mexico a question. It seems from the reading of the report that the railroad already uses that spring, under military license.

Mr. JOSEPH. They have been using it for several years.

Mr. WATSON. Why is that not sufficient?

Mr. JOSEPH. They want to continue the use of the spring as they have heretofore. This is an abandoned military reservation that is to be sold by proclamation, and, therefore, they want to reserve this spring from sale.

Mr. BRETZ. Mr. Speaker, it seems to me that that bill ought to specify the amount of ground, at least, reserved from sale.

Mr. OUTHWAITE. That is left to the discretion of the Secretary of the Interior.

Mr. JOSEPH. It is not more than an acre in extent.

Mr. OUTHWAITE. And the Secretary of the Interior will not reserve more than is necessary.

Mr. SPEAKER. Is there objection to the request of the gentleman from New Mexico?

Mr. WATSON. I object.

OKLAHOMA MIDLAND RAILWAY COMPANY.

Mr. PEEL. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 10146) to authorize the Oklahoma Midland Railway Company to construct and operate a railway, telegraph, and telephone lines through the Indian and Oklahoma Territories, and for other purposes.

The Clerk proceeded to read the bill.

Mr. ROCKWELL. Mr. Speaker, I ask that the further reading of this bill be dispensed with. It is a very lengthy bill, and simply embodies all the regulations prescribed by the Department for these right-of-way bills passed here.

Mr. PEEL. I can state to the House that I have examined the bill and it does comply with all the requirements.

The SPEAKER. Is there objection to the request of the gentleman from New York, to dispense with the further reading of the bill?

Mr. TRACEY. I will have to object, Mr. Speaker.

Mr. SIMPSON. I object.

The Clerk resumed and concluded the reading of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas for the present consideration of this bill?

Mr. SIMPSON. Mr. Speaker, I ask that that bill lie over until the next legislative day; that it may be printed in the RECORD, and that we may have a chance to examine it. It is a very long bill, and I for one, would like to have a chance to look it over.

Mr. PEEL. I have no particular objection to that; but I can state that it is exactly like all other right-of-way bills that have been passed within the last four or five years.

Mr. REILLY. Mr. Speaker, I understand that the bill is printed and is in the document room, accessible to members; and I object to the request of the gentleman from Kansas.

Mr. PEEL. I would state to the gentleman from Kansas that it is precisely and perfectly in the form of all other right-of-way bills that we have been passing here for the last five or six years, and contains all the restrictions and limitations that have been put upon all the bills granting rights of way to railroads that have been built through the Indian Territory.

Mr. SIMPSON. I ask that the bill be laid over until the next legislative day.

The SPEAKER. The bill is not before the House. The question is whether the House will agree that the bill may be printed in the RECORD, and objection has been made.

Mr. SIMPSON. Then I will have to object to consideration.

The SPEAKER. Objection is made.

CATHERINE CAINE.

Mr. HENDERSON of Illinois. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the desk, being the bill (H. R. 1419) for the relief of Catherine Caine.

The bill was read, as follows:

Be it enacted etc., That the proper accounting officers of the Treasury be, and they are hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mrs. Catherine Caine, widow of the late Rev. Charles Caine, the pay and allowances of a chaplain in the volunteer service, from the 10th day of December, 1861, to March, 1863, the said Charles Caine having served as such chaplain in the organization known as Yates's Sharpshooters, Illinois Volunteers, during the time mentioned, under a commission issued by Richard Yates, governor of the State of Illinois, without pay

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

Mr. BRETZ. Mr. Speaker, I would like to hear the report in that case.

The report (by Mr. DOLLIVER) was read, as follows:

The Committee on War Claims, to whom was referred the bill (H. R. 1419) for the relief of Catharine Caine, submit the following report:

This measure was considered by this committee during the Fifty-first Congress, and was reported upon favorably, which report is appended as a part of this report.

Your committee concur in the conclusions stated in that report and recommend the passage or the bill.

[House Report No. 3815, Fifty-first Congress, second session.]

The Committee on War Claims, to whom was referred the bill (H. R. 10800) for the relief of Catharine Caine, submit the following report:

This bill is for the payment to the widow of the late Rev. Charles Caine a sum equal to the salary and allowances of chaplain in the volunteer service from December 10, 1861, to March, 1863. The records of the War Department show that Rev. Charles Caine was commissioned as chaplain of the Sixty-fourth Illinois Volunteers (also designated Yates's Sharpshooters) to rank from December 10, 1861, but that as the battalion only consisted of six companies, and the War Department is only authorized to allow compensation to a chaplain for an entire regiment, he could not be mustered in. The records show him present for duty from date of commission, December 10, 1861, to July 31, 1862, and from that date to February 28, 1863, report him "absent in Illinois to make some arrangements to draw pay." The roll for March, 1863, says:

"Chaplain Caine was not recognized, a battalion not being entitled to one; dropped from rolls by order of Maj. Gen. Hurlbut."

Your committee recommend the passage of the bill.

Mr. BRETZ. Mr. Speaker, I wish to ask the gentleman from Illinois whether under existing law the Secretary of War can not allow this claim?

Mr. HENDERSON of Illinois. I will state to the gentleman that in this case there was an organization of soldiers formed in the State of Illinois known as the Yates Sharpshooters, and the governor appointed this gentleman, Mr. Caine, chaplain and so commissioned him; I hold the commission in my hand. Supposing that he was properly appointed, he entered upon his duties and served as stated in the report, but there were only six companies of the organization, and the military authorities ultimately declined to muster him in, on the ground that there was not a sufficient number of men in the organization to entitle it to a chaplain.

Mr. BRETZ. How much money does this bill carry?

Mr. HENDERSON of Illinois. With the amendment which I propose to offer, it will carry, I think, in the neighborhood of about $700 or $800. This gentleman was twice as long in the service as the amendment provides for, but a portion of the time he was absent trying to get his pay. During the time covered by my amendment, however, he was actually with the command; that is, from December, 1861, until July, 1862. The bill as it stands would give him pay until 1863.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. BUTLER. Mr. Speaker, reserving the right to object, I desire to ask the gentleman whether this is a bill that could come up at the Friday evening sessions?

Mr. HENDERSON of Illinois. It is not.

Mr. BRETZ. Mr. Speaker, I would like to hear the amendment which the gentleman proposes.

The amendment was read, as follows:

Amend by striking out in the ninth line the words, "March, 1863," and insert in lieu thereof the following, "July 31, 1862."

Mr. HENDERSON of Illinois. It will be seen that that amendment shortens the time for which he will receive pay by the difference between July 31, 1862, and March, 1863.

There was no objection to the consideration of the bill.

The amendment was adopted. The bill as amended was ordered to be engrossed and read a third time; and, being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. HENDERSON of Illinois, a motion to reconsider the vote by which the bill was passed was laid on the table.

INDEX TO BANKRUPTCY BILL.

Mr. OATES. Mr. Speaker, I ask unanimous consent to have printed in the RECORD an analysis, or rather a copious index, of the bankruptcy bill. That bill is to be considered by the order of the House on Tuesday or Wednesday next, and if this index is printed in the RECORD it will be a great aid to gentlemen who desire to understand the bill and to refer readily to its several provisions, and, of course, will be of equal benefit to gentlemen who are opposed to the bill.

Mr. RICHARDSON. What space will it occupy?

Mr. OATES. Not more than a page, I think.

The SPEAKER. Is there objection to the request of the gentlemen from Alabama?

There was no objection, and it was so ordered.

The index is as follows:

A UNIFORM SYSTEM OF BANKRUPTCY.—A SUMMARY OF H. R. 9348.

CHAPTER I.—BANKRUPTS.

Sec. 1. Meaning of words and phrases.
2. Acts of bankruptcy.
3. Who may become bankrupts.
4. Partners.
5. Exemptions of bankrupts.
6. Duties of bankrupts.
7. Death or insanity of bankrupts.
8. Protection and detention of bankrupts.
9. Extradition of bankrupts.
10. Suits by and against bankrupts.
11. Compositions, when confirmed.
12. Compositions, when set aside.
13. Discharges, when granted.
14. Discharges, when revoked.
15. Codebtors of bankrupts.
16. Debts not affected by a discharge.

SECTION 1. *Meaning of words and phrases.*—Words and phrases are given certain meanings in order to prevent unnecessary repetition; *e. g.*, "courts of bankruptcy" shall include the district courts of the United States and Territories and the supreme court of the District of Columbia; "persons" shall include corporations, officers, partnerships, and women.

The use of certain words in lieu of phrases, which is made possible by this section, adds to the clearness of the bill and makes it shorter by thousands of words than it would otherwise be

SEC. 2. *Acts of bankruptcy.*—Acts of bankruptcy by a person shall consist of his having, within six months before the filing of a petition against him, concealed himself to defeat his creditors; failed for thirty days, or conditionally within such time, while insolvent to secure the release of property levied upon for $500 or over; made a transfer of property to defeat his creditors; made an assignment or filed in court an admission of insolvency; made, while insolvent, an option contract; made, while insolvent, a preference; procured or suffered a judgment against himself to defeat creditors; secreted property to avoid process; suffered, while insolvent, executions for $500 or over to be returned unsatisfied; or suspended, and not resumed, while insolvent, payment of commercial paper for thirty days for $500 or over.

The time within which proceedings in bankruptcy may be instituted shall not begin to run until parties in interest shall have had an opportunity to be advised of the facts.

In general terms, acts of bankruptcy are divided into those which constitute dishonesty and those which are the result of insolvency.

It was thought that if a debtor was acting dishonestly with his property or if he had become insolvent his creditors ought to have an opportunity to secure the payment of at least a percentage of their claims. In a financial sense it is immaterial to the creditor whether the debtor has acted dishonestly or become insolvent, as the probable result to him in either case will be the loss of a part of the amount due.

Very careful restrictions have been made with reference to the commencement of proceedings in bankruptcy. (See Sec. 59, Who may file and dismiss petitions.)

The person against whom proceedings are instituted will have every opportunity to make a defense as in other cases (see Sec. 19, Jury trials). Any of the creditors who so desire may assist in the defense of the case (see Sec. 18, Process pleadings and adjudications).

During the pendency of the proceedings the defendant will retain possession of his property, unless the creditors can convince the court that there is danger to the property in so doing and secure an order for the taking of it into custody; such an order will not be executed unless the creditors give a bond to indemnify him in the event that the adjudication is not made, and even in that event he may give a forthcoming bond and retain possession of the property. (See Sec. 69, Possession of property.)

Under the laws of the several States there is no adequate remedy for a debtor whose creditors institute compulsory proceedings; in almost every case the creditors dissipate a large part of the estate in litigation, and while some of them are paid in full, the majority are not paid any part of the amount due, and the debtor is left still owing the bulk of his debts, although at the inception of the litigation he may have been solvent. Under this bill the distribution of the assets will be pro rata (see Sec. 65, Declaration and payment of dividends; Sec. 60, Preferred creditors, and Sec. 67, Liens). The debtor, if honest, will be discharged (see Sec. 13, Discharges, when granted). It therefore seems evident that the position of both the debtor and creditors will be more advantageous under this act than under the present State laws.

It is not proposed to have acts of bankruptcy secretly committed and then have the time within which proceedings may be instituted elapse before the creditors learn of the commission of the act. The time in which proceedings may be instituted will therefore be extended six months from the date when the diligent creditor is enabled to learn of the commission of the act of bankruptcy (see Sec. 2, Acts of bankruptcy).

SEC. 3. *Who may become bankrupts.*—Any person who owes debts, except a corporation, shall be entitled to the benefits of this act as a voluntary bankrupt.

Any person whose debts amount to $500 or over, if adjudged an involuntary bankrupt upon an impartial trial, shall be subject to the provisions of the act, except a national bank, a person engaged chiefly in farming or the tillage of the soil, or a wage-earner.

There is already in existence a satisfactory law for the control and liquidation of national banks. Since the Government is responsible for the money issued by these banks in the event of their failure, there is a good reason why it should have control of their liquidation.

It is said that persons engaged chiefly in farming or the tillage of the soil and wage-earners do not wish to become subjected to involuntary bankruptcy; the bill does not therefore include them among the persons who may become involuntary bankrupts; objection would not be made if they should ask its extension to them. They may voluntarily take the benefits of the act.

The difference between voluntary and involuntary bankrupts consists only in whether the petition is filed by the bankrupt or his creditors. After the adjudication the rights and responsibilities of all bankrupts and their creditors are identical.

SEC. 4. *Partners.*—Partners may be adjudged bankrupts. The partnership creditors, if all of them are adjudged bankrupts, shall nominate the trustee. The court first obtaining jurisdiction over one partner may have jurisdiction of all of them, and of the partnership estate, if all of the partners are adjudged bankrupts. If any one or more partners are not adjudged bankrupt, they shall settle the estate and account for the share of the bankrupt partners.

The administration of the affairs of partners is likened to that of the individual. If there is a solvent member of the partnership, he may settle its affairs and account to the estates of the bankrupts.

SEC. 5. *Exemptions of bankrupts.*—The bankrupt will be allowed the exemptions provided by the laws of his State.

The State exemptions are not in any way interfered with, as the State laws providing for them should not be superceded by an enactment of Congress.

In any view of the case an uniform exemption would prove satisfactory to the citizens of the States whose exemptions are smaller than the one proposed, nor to those of the States whose exemptions were larger than the proposed law.

SEC. 6. *Duties of bankrupts.*—The bankrupt shall attend the first meeting of his creditors, if requested by any of them to do so, and the hearing upon the petition for a discharge; comply with the orders of the court; examine claims as to their correctness against his estates; execute such papers as may be necessary; inform his trustee of attempts to commit fraud by his creditors; file a schedule of his property and list of his creditors and submit to an examination concerning the conducting of his business, the cause of his bankruptcy, his dealings with his creditors and other persons, and the amount and whereabouts of his property.

See section 55, meetings of creditors; section 17, jurisdiction of courts of bankruptcy (28); section 29, offenses; section 30, duties of referees; section 55, meetings of creditors; section 21, evidence, and section 58, notices to creditors.

SEC. 7. *Death or insanity of bankrupts.*—The death or insanity of a bankrupt shall not abate the proceedings in bankruptcy.

Ordinarily the death or insanity of a bankrupt would abate the proceedings, but to save delay and expense, it is provided that upon the court's having obtained jurisdiction the administration shall be completed.

SEC. 8. *Protection and detention of bankrupts.*—Bankrupts are exempt from arrest upon civil process, except in certain cases.

The bankrupt, if apprehended, shall be forthwith taken before the court for the determination of the question of the necessity for his remaining, and in the event of his detention shall be kept in custody by the marshal, but not imprisoned.

SEC. 9. *Extradition of bankrupts.*—Bankrupts may be extradited from one district to another in accordance with the laws now in force upon that subject.

(See Sec. 8, Protection and detention of bankrupts.)

SEC. 10. *Suits by and against bankrupts.*—Certain suits shall be stayed, subject to the order of the court of bankruptcy. Suits by and against bankrupts may be prosecuted or defended by trustees. Suits shall not be brought by or against the trustee subsequent to two years after the estate has been closed.

(See Sec. 63, Debts which may be proved.)

SEC. 11. *Composition, when confirmed.*—A composition may be offered after, but not before, the bankrupt has been examined in open court or at a meeting of his creditors, and after he has filed a schedule of his property and list of his creditors. The application may be filed in court after, but not before, it has been accepted by a majority in number and amount of all the creditors whose claims have been allowed, and after the consideration to be paid and the money necessary to pay debts which have priority and the costs of the court have been deposited subject to the order of the judge. After these conditions have been complied with and the application has been filed a time will be fixed for the hearing and the composition will be confirmed if it is for the best interests of the creditors, if the bankrupt is entitled to a discharge, if his embarrassment is not due to his fraudulent acts, and if the offer and acceptance are in good faith and have been properly procured. The confirmation of a composition will result in the discharge of the bankrupt, except from a compliance with the terms of the composition.

In most cases of honest failures a composition or compromise can be effected between the debtor and his creditors.

In order to enable the creditors to pass upon the honesty of a debtor and to calculate the worth of their claims, it has been provided that the debtor shall be examined in open court or at a meeting of his creditors, and file his schedule of property and list of creditors before the creditors shall be petitioned to accept the compromise which he offers. The offer shall not be filed in court until it has been accepted by a majority in number and amount of the creditors and whatever is to be paid has been deposited subject to the order of the court. It is not intended that any offer shall be made except in good faith and not unless it can be complied with upon its acceptance by the creditors. (See Section 58, Notices to creditors, and section 13, discharges when granted.)

SEC. 12. *Compositions, when set aside.*—A composition will be set aside upon application made within six months after it is confirmed if it was fraudulently obtained.

Fraudulent compositions may be set aside upon application filed within six months after the confirmation.

SEC. 13. *Discharges, when granted.*—A person, not a corporation, may, after the expiration of two months after the adjudication and within the next four months, apply for a discharge; if it is impossible to file the petition within that time the judge may permit it to be filed within the next six months, but not thereafter. A discharge shall not be granted to a person who has committed an offense punishable by imprisonment or fine (see section relating to offenses), given a preference which has not been surrendered, knowingly made a materially false statement concerning his financial condition, made a transfer of his property which might have been impeached as fraudlent unless it has been surrendered to the trustee, or with fraudulent intent destroyed or neglected to keep books showing his financial condition.

A corporation will not be discharged. (See Sec. 15, Codebtors of bankrupts; Sec. 16, Debts not affected by a discharge; and Sec. 59, Notices to creditors.)

SEC. 14. *Discharges, when revoked.*—A discharge may be revoked upon application filed within two years after being granted if it transpires that it was fraudulently procured.

Fraudulent discharges may be revoked upon application filed within two years after being granted.

SEC. 15. *Codebtors of bankrupts.*—Codebtors of bankrupts shall not be affected by the discharge of such bankrupts.

Although an honest bankrupt may be discharged it does not affect the liability of his codebtors.

SEC. 16. *Debts not affected by a discharge.*—A discharge shall release the bankrupt, not a corporation, from provable debts, except such as are due as a tax, have not been duly scheduled, or were created by fraud, embezzlement, or defalcation while acting as an officer or in a fiduciary capacity.

It is thought that public policy will be promoted by not, under any circumstances, granting a discharge in the above classes of debts.

CHAPTER II.—COURTS.

Sec. 17. Jurisdiction of courts of bankruptcy.
18. Process, pleadings, and adjudications.
19. Jury trials.
20. Oaths, affirmations.
21. Evidence.
22. Reference of cases after adjudication.
23. Jurisdiction of United States circuit courts.
24. Jurisdiction of appellate courts.
25. Appeals and writs of error.
26. Arbitration of controversies.
27. Compromises.
28. Designation of newspapers.
29. Offenses.
30. Rules, forms, and orders.
31. Computation of time.
32. Transfer of cases.

SEC. 17. *Jurisdiction of courts of bankruptcy.*—Courts of bankrupts are invested with original jurisdiction in proceedings in bankruptcy.

(See Sec. 4, Partners; Sec. 32, Transfer of cases; Sec. 57, Proof and allowance of claims; Sec. 29, Offenses; Sec. 1, Meaning of words and phrases; Sec. 47, Duties of trustees; Sec. 23, Jurisdiction of United States circuit courts; Sec. 11, Compositions, when confirmed; Sec. 12, Compositions, when set aside; Sec. 39, Duties of referees; Sec. 38, Jurisdiction of referees; Sec. 6, Duties of bankrupts; Sec. 47, Duties of trustees; Sec. 70, Title to property; Sec. 13, Discharges, when granted: Sec. 14, Discharges, when revoked; Sec. 9, Extradition of bankrupts; Sec. 41, Contempts before referees.)

SEC. 18. *Process, pleadings, and adjudications.*—Upon the filing of an involuntary petition process will be issued as in equity cases returnable within

fifteen days. The answer must be filed under oath in ten days after the return day. If a defense is made the court, with or without the intervention of a jury, shall determine the controversy. If no defense is made the judge shall enter the judgment, if present; if he is absent the case shall be referred to the referee. Creditors other than those initiating the proceedings may appear either as petitioners or defendants.

(See Sec. 59, Who may file and dismiss petitions; and Sec. 19, Jury trials.)

SEC. 19. *Jury trials.*—Jury trials may be had upon application of bankrupt, as now provided by law.

The right of trial by jury will remain inviolate both in cases in which it is alleged that an act of bankruptcy has been committed and in those in which it is charged that the defendant has committed an offense in violation of the provisions of the act.

SEC. 20. *Oaths, affirmations.*—Oaths or affirmations may be administered by referees, State and Federal officers now authorized by law to administer oaths, and diplomatic or consular officers in foreign countries.

The purpose of this section is to put claimants to as little trouble as possible in making proof of their claims against estates.

SEC. 21. *Evidence.*—Any person may be examined wherever found as a witness in any bankruptcy proceeding. Depositions will be taken under the laws now in force upon that subject. Notices of the taking of depositions will be filed with the referee in every case, and will be served upon the parties in interest in given cases. Records of the courts may be used as evidence.

Parties to controversies will be able to secure the testimony of all persons in the administration of estates, irrespective of their residences.

SEC. 22. *References of cases after adjudication.*—After the adjudication the judge will cause the estate to be administered, or refer it to the referee for general or special purposes, and may at any time change the reference.

The court may cause the estate to be administered or refer it generally or specially to the referee. Cases may be transferred from one referee to another for the convenience of parties.

SEC. 23. *Jurisdiction of United States circuit courts.*—Circuit courts of the United States are given jurisdiction of controversies about the property of bankrupt estates in the same manner and to the same extent as though bankruptcy proceedings had not intervened. The trustee can only sue in the State or Federal court in which the bankrupt might have sued had he not become a bankrupt, except by consent. United States circuit courts have jurisdiction over persons who have committed offenses.

The proposed plaintiff in a suit against a bankrupt estate may institute proceedings in the appropriate State court, or, if it has jurisdiction, in the the United States circuit court, or if he desires, in the court of bankruptcy; but the trustee is limited to the institution of such suits as he may wish to bring in the court in which the bankrupt, of whose estate he is trustee, might have brought them if proceedings had not been instituted. These provisions are for the purpose of having controversies litigated at the places most convenient for the parties litigant and witnesses.

SEC. 24. *Jurisdiction of appellate courts.*—Appellate courts will have jurisdiction to hear cases brought by appeal or writ of error from bankruptcy courts in term time and vacation. In cases in which appeals and writs of error will not lie they will have a superintending control over proceedings had in bankruptcy courts.

SEC. 25. *Appeals and writs of error.*—Appeals and writs of error may be taken in controversies involving $500 or over, adjudications upon petitions, the granting or refusing of applications for removal of cases, and the granting or dismissal of petitions for discharges within ten days, in accordanee with the laws now in force, except that the same shall be returnable within ten days, unless further time be granted. Trustees are not required to give bonds when they appeal or sue out writs of error.

(See Sec. 24, Jurisdiction of appellate courts).

SEC. 26. *Arbitration of controversies.*—The arbitration of controversies may be had between trustees and opposing parties.

Under the provisions of this section tedious and expensive litigation may be superseded by prompt and inexpensive arbitrations.

SEC. 27. *Compromises.*—Compromises may be made by the trustees with adverse claimants.

The trustee may compromise controversies with the approval of the court.

(See Sec. 58, Notices to creditors.)

SEC. 28. *Designation of newspapers.*—Newspapers for the publication of notices shall be designated by the court.

There will be in each district one newspaper in which all official notices, decrees, and orders required to be published will be inserted; in particular instances such publications may be duplicated in an additional newspaper for the convenience of parties.

SEC. 29. *Offenses.*—Officers who embezzle, bankrupts who defraud, and creditors who present false claims may be punished by imprisonment for not exceeding two years.

Bankruptcy officers who neglect to perform their duties may be fined not to exceed $100 for each offense.

Proceedings for the punishment of wrongdoers must be commenced within one year.

An indictment can not be found or information filed subsequent to one year after the commission of the alleged offense.

SEC. 30. *Rules, forms, and orders.*—Rules, forms, and orders shall be prescribed by the Supreme Court. Courts of bankruptcy may prescribe additional rules and orders.

It will be desirable to have standing rules, forms, and orders, which may be changed from time to time, and hence this provision.

SEC. 31. *Computation of time.*—Time shall be computed by days by excluding the first and including the last, unless the latter fall on a Sunday or legal holiday, in which event it also shall be included.

SEC. 32. *Transfer of cases.*—In the event that proceedings are begun in several courts, each of which has jurisdiction, the cases in all of the courts but one may be transferred to such court to be consolidated and administered.

(See Sec. 17, Jurisdiction of courts of bankruptcy; Sec. 4, Partners; and Sec. 25, Appeals and writs of error.)

CHAPTER III.—OFFICERS.

Sec. 33. Creation of two offices.
34. Appointment of referees.
35. Qualification of referees.
36. Oaths of office of referees.
37. Number of referees.
38. Jurisdiction of referees.
39. Duties of referees.
40. Compensation of referees.
41. Contempts before referees.
42. Records of referees.
43. Absence or disability of referees.
44. Appointment of trustees.
45. Qualification of trustees.
46. Death or removal of trustees.
47. Duties of trustees.
48. Compensation of trustees.
49. Accounts and papers of trustees.
50. Bonds of referees and trustees.
51. Duties of clerks.
52. Compensation of clerks.
53. Duties of Attorney-General.
54. Statistics of bankruptcy proceedings.

SEC. 33. *Creation of two offices.*—The offices of referee and trustee are created.

There are but two new offices created. The officers to fill them are the referee, who is an assistant judicial officer to assist in expeditiously disposing of the business before the court, and the trustee, who is to have the title of the bankrupt's property and administer it.

SEC. 34. *Appointment of referees.*—Courts of bankruptcy shall appoint and remove referees, and prescribe and change their districts.

(See Sec. 35, Qualification of referees.)

SEC. 35. *Qualifications of referees.*—Referees may be commissioners of deeds, justices of the peace, masters in chancery, or notaries public, but shall not hold other offices of profit or emolument; they shall not be related to the judges.

Under the old law, unworthy relatives of judges were appointed in some districts to the desirable positions. It is believed that under this act favoritism will be avoided, and that in every instance the person best qualified to perform the duties will be appointed.

SEC. 36. *Oaths of office of referees.*—Referees shall take the oath of office prescribed for United States judges.

The referees are assistant judicial officers, and are therefore required to take the same oath of office as judges.

SEC. 37. *Number of referees.*—There shall be such number of referees as may be necessary to expeditiously transact the business of the court.

These officers are compensated wholly out of the estate administered and their appointment will not therefore be of any expense to the State or to the Government.

SEC. 38. *Jurisdiction of referees.*—Referees may exercise the powers of the courts for the production of evidence, except the power of commitment; and their jurisdiction to enforce the act, except as to discharges, compositions, and the seizure of the property of bankrupts.

(See Sec. 18, Process, pleadings, and adjudications; Sec. 17, Jurisdiction of courts of bankruptcy; Sec. 8, Protection and detention of bankrupts; Sec. 69, Possession of property; Sec. 17, Jurisdiction of courts of bankruptcy; Sec. 11, Compositions when confirmed; Sec. 12, Compositions when set aside; Sec. 13, Discharges when granted; Sec. 14, Discharges when revoked; Sec. 30, Rules, forms, and orders; Sec. 6, Duties of bankrupts; and Sec. 62, Expenses of administering estates.)

SEC. 39. *Duties of referees.*—The referee shall cause estates to be promptly administered.

(See Sec. 47, Duties of trustees; Sec. 65, Declaration and payment of dividends; Sec. 6, Duties of bankrupts; Sec. 29, Offenses; Sec. 58, Notices to creditors; Sec. 6, Duties of bankrupts; Sec. 42, Records of referees; Sec. 51, Duties of clerks.)

SEC. 40. *Compensation of referees.*—Referees shall receive as their compensation in each case a ten-dollar filing fee and a commission of 1 per cent on the dividends paid when estates are administered, and half that amount when there is a composition.

This arrangement, as to the manner of computing the commission and the time of paying it, will interest these officers in securing prompt and economical administrations.

SEC. 41. *Contempts before referees.*—Persons may be punished by courts of bankruptcy for the commission of contempts before referees.

(See Sec. 17, Jurisdiction of courts of bankruptcy.)

SEC. 42. *Records of referees.*—Records of referees shall be kept in the same manner as courts keep their equity records; those of each case shall be kept in a separate book.

Under the old law records were duplicated at great expense, and in such manner as to make them very cumbersome. It is believed that the provisions here made will prove satisfactory and inexpensive.

SEC. 43. *Absence or disability of referees.*—Whenever a referee is absent or becomes disqualified the judge may appoint another referee to act, or may act personally.

Business will not be neglected because of the absence or disability of the referee.

SEC. 44. *Appointment of trustees.*—Trustees shall be appointed by the creditors, or, if they fail to act, by the court.

(See Sec. 55, Meetings of creditors.)

SEC. 45. *Qualifications of trustees.*—Trustees may be individuals or trust companies.

Individuals qualified to perform the duties and corporations authorized by law may be appointed trustees in the districts in which they have their offices.

SEC. 46. *Death or removal of trustees.*—The death or removal of the trustee shall not abate any suit or proceeding.

(See Sec. 17, Jurisdiction of courts of bankruptcy.)

SEC. 47. *Duties of trustees.*—Trustees shall promptly administer the estates.

(See section 17, Jurisdiction of courts of bankruptcy; Sec. 61, Depositories for funds; Sec. 29, Offenses; Sec. 58, Notices to creditors; Sec. 39, Duties of referees; Sec. 58, Notices to creditors; Sec. 6, Duties of bankrupts; Sec. 5, Exemptions of bankrupts; and Sec. 70, Title to property.)

SEC. 48. *Compensation of trustees.*—Trustees shall be paid, as their full compensation, a five-dollar filing fee and 5 per cent on the first $5,000 paid to creditors in dividends, 2 per cent on the second $5,000, and 1 per cent on additional amounts.

The amount of the commissions of the trustee will not be computed upon the income or outgo of the estate, but upon the amount to be actually paid to the creditors in dividends.

Since the amount of the trustee's commissions will depend upon the amount paid in dividends, and can not be paid until the dividends have been declared, he will be financially interested in having the dividends as large and the expenses as small as possible, and the dividends payable quickly.

SEC. 49. *Accounts and papers of trustees.*—The accounts and papers of trustees shall be open to the inspection of all parties in interest.

There will not be any secrets in the administration of estates, but all of the facts will be available to the parties in interest.

SEC. 50. *Bonds of referees and trustees.*—Referees and trustees shall give bonds, under very careful restrictions, with solvent sureties, conditioned for the faithful performance of their official duties. The court shall fix the amount of the bond of the referee. The creditors shall fix the amount of the bond of the trustee, and may increase it.

Very strict provisions are made as to the qualifications of sureties, to the end that the giving of "straw bonds" may be prevented.

SEC. 51. *Duties of clerks.*—Clerks shall perform their duties and account for the moneys received.

(See Sec. 40, Compensation of referees; Sec. 48, Compensation of trustees, and Sec. 39, Duties of referees.)

SEC. 52. *Compensation of clerks.*—Clerks shall be paid, as full compensation, a filing fee of $10 in each case.

Under the old law clerks received in the aggregate very large fees. By the provisions of this bill they will receive but a single fee for each case, payable in advance. They will therefore be anxious that the estate shall be promptly administered.

SEC. 53. *Duties of Attorney-General.*—The Attorney-General shall collect and lay before Congress statistics as to proceedings in bankruptcy.

(See Sec. 54, Statistics of bankruptcy proceedings.)

SEC. 54. *Statistics of bankruptcy proceedings.*—Bankruptcy officers shall make reports to the Attorney-General for statistical purposes.

(See Sec. 53, Duties of Attorney-General.)

CHAPTER IV.—CREDITORS.

Sec. 55. Meetings of creditors.
56. Voters at meetings of creditors.
57. Proof and allowance of claims.
58. Notices to creditors.
59. Who may file and dismiss petitions.
60. Preferred creditors.

SEC. 55. *Meetings of creditors.*—The first meeting of the creditors shall be held after ten and within thirty days after the adjudication at the county seat of the county in which the bankrupt has done business, resided or had his domicile; or if such place is manifestly inconvenient as a meeting place, or if such meeting by any mischance is not held within such time, the court shall fix the time and place most convenient to the parties in interest. The judge or referee shall preside. The bankrupt may be examined. Subsequent meetings shall be called as occasion may require. The court shall call a meeting whenever one-fourth or more in number and amount of the creditors request it; a majority or more of the creditors may fix the place of meeting. Meetings after the first one may be held by consent without notice.

(See Sec. 6, Duties of bankrupts; Sec. 57, Proof and allowance of claims; Sec. 44, Appointment of trustees; Sec. 50, Bonds of referees and trustees, and Sec. 58, Notices to creditors.)

SEC. 56. *Voters and meetings of creditors.*—Creditors at their meetings shall determine matters submitted to them by a majority vote in number and amount of those present.

It is expected that the creditors will take a more active part in the administration of the estate than under the old law, and hence specific provision has been made as to their rights as voters at meetings.

SEC. 57. *Proof and allowance of claims.*—The proof of a claim shall consist of a statement under oath by the creditor setting forth the claim, the consideration therefor, the securities held, the payments made, and the sum claimed as still due. Claims shall be allowed unless objection is made. Objections shall be heard and determined in a summary way. Claims of creditors who have received preferences shall not be allowed unless they surrender their preferences. The value of securities held shall be determined and the amount realized be credited upon the claims, and a dividend shall be paid only on the unpaid balance.

The allowance of a claim is to be a simple and inexpensive process; justly so, as a great majority of them will be bona fide and will be shown to be due by the books of the bankrupt; but ample provisions have been made for their reconsideration and a trial as to their merits in order to prevent the perpetration of fraud.

SEC. 58. *Notices to creditors.*—The creditors shall have ten days' notice, unless they waive it in writing, of examinations of the bankrupt; hearings upon applications for the confirmation of a composition or a discharge; meetings of creditors; anticipated sales of property; the filing of the final accounts of trustees; the declaration and time of payment of dividends; the proposed compromise of controversies; and the proposed dismissal of proceedings.

The creditors will be advised by the referee of the various steps in the administration of the estate to the end that they may, if they so desire, be heard upon any subject connected with the administration of the estate.

SEC. 59. *Who may file and dismiss petitions.*—Petitions may be filed or dismissed by three creditors of a bankrupt who together have provable claims in excess of securities held, for at least $500; if there are less than twelve creditors, one of them holding such a claim may file the petition. Creditors other than the original petitioners may become petitioners or defendants.

Very careful provisions have been made as to the filing and dismissal of petitions to the end that they shall not be filed in malice or dismissed for fraudulent purposes. (See Sec. 18, Process, pleadings and adjudications; Sec. 19, Jury trials, and Sec. 58, Notices to creditors.)

SEC. 60. *Preferred creditors.*—Preferred creditors are those who have within four months before the filing of a petition procured property from an insolvent with an intent to defeat the operation of the act; or for the purpose of obtaining a greater percentage of their debts than other creditors of the same class; if the person receiving such preference has reasonable cause to believe that a fraud upon this act was intended the property received or its value may be recovered by the trustee.

The giving and receiving of preferences is forbidden; it is not thought in the broadest sense and in the long run that they redound to the best interest of either party giving or receiving them.

Many solvent but temporarily pressed men have their property spent and their prospects blighted by a struggle between their creditors to secure preferences.

A debtor who is temporarily embarrassed and needs the counsel and advice of his creditors can not, under existing laws, secure it, because as soon as his condition is suspected or known compulsory processes are instituted by the most alert of his creditors, and as a result he is financially ruined and rendered helpless.

The prevention of preferences will make it possible for debtors and creditors to meet and counsel together and will beget a conservative tone between them which will tend to prevent commercial failures and promote equity and fair dealing.

CHAPTER V.—ESTATES.

Sec. 61. Depositories for funds.
62. Expenses of administering estates.
63. Debts which may be proved.
64. Debts which have priority.
65. Declaration and payment of dividends.
66. Unclaimed dividends.
67. Liens.
68. Set-offs and counter claims.
69. Possession of property.
70. Title of property.

SEC. 61. *Depositories for funds.*—Depositories for money shall be designated by the courts. They shall be required to give such bonds as the court may deem necessary.

(See Sec. 47, Duties of trustees.)

SEC. 62. *Expenses of administering estates.*—Expenses shall be reported in detail under oath, and shall not be paid until allowed by the court.

The expenses are limited to those which are actual and necessary. It does not seem possible that extravagance can be practiced under the terms of this section.

SEC. 63. *Debts which may be proved.*—Debts may be proved which are a fixed liability, as evidenced by a written instrument, and owing at the time of the filing of the petition, whether then due or not; due as costs; and judgments rendered after the filing of the petition. Unliquidated debts may be liquidated and proved.

(See Sec. 57, Proof and allowance of claims.)

SEC. 64. *Debts which have priority.*—Debts which have priority are those which are due as taxes, when there is property on which they constitute a lien. Other debts which have priority are the filing fees paid by the creditors; the costs of administration; wages due to employés which have been earned within three months before the filing of the petition, not to exceed $300 for each employé; and debts which have priority by the laws of the States or the United States.

Certain debts will have to be paid in order to secure the administration of the estates; others ought, for reasons of public policy, be paid in full. In the event of a composition being set aside or a discharge revoked the title of the bankrupt to property acquired subsequent to the filing of the petition, and prior to the setting aside of the composition or the revocation of the discharge, will vest in the trustee, and all persons who have extended credit during such time will be paid in full out of the property before creditors holding claims of anterior dates will receive any payments. As a result, full faith and credit will be given to compositions which have been confirmed and discharges which have been granted. These provisions are equitable and tend to the administration of exact justice.

SEC. 65. *Declaration and payment of dividends.*—Dividends of an equal percentage will be declared and paid on all claims, except such as have priority, or are secured; the first dividend shall be declared within thirty days after adjudication, if the money equals 5 per cent or more. Subsequent dividends may be declared as often as the money equals 10 per cent, and upon the closing of the estate.

(See Sec. 39, Duties of referees, and Sec. 47, Duties of trustees.)

SEC. 66. *Unclaimed dividends.*—Dividends unclaimed for six months shall be paid into court. Such as remain unclaimed for two years shall be distributed to the creditors until they are paid in full, and then paid to the bankrupt.

This section is to prevent unclaimed dividends from inuring to the benefit of the banks in which bankruptcy funds are deposited.

SEC. 67. *Liens.*—Claims which would not have been valid liens as against the claims of creditors of a bankrupt shall not be liens against the estate. Whenever a creditor is prevented from enforcing his rights as against a lien created or attempted to be created by his debtor, the trustee may enforce such lien for the benefit of the estate. Liens obtained by compulsory processes begun against a person within four months before the filing of the petition shall be dissolved in the event of an adjudication, or if such dissolution would militate against the best interests of the estate, they shall not be dissolved, but the trustee shall protect and enforce them for the benefit of the estate. If a lien shall have been realized upon, the amount may be recovered by the trustee. Liens given in good faith and for a present consideration shall not be affected by bankruptcy proceedings.

It is not intended to in any way interfere with the right of the debtor to give or the creditor to receive valid liens for a valuable consideration; *i. e.*, to interfere with business in the ordinary course, but it is proposed to prevent fraudulent preferences.

SEC. 68. *Set-offs and counter claims.*—Set-offs and counter claims may be enforced as between the trustee and the person with whom the bankrupt dealt, but not between the trustee and a purchaser with notice.

Debtors of estates will not be permitted to pay off the amounts due from them at the rate of 100 cents on the dollar with set-offs or counter claims purchased for that purpose and worth only a percentage of their face value.

SEC. 69. *Possession of property.*—The bankrupt's property may be seized by order of the court after the filing of the petition and before adjudication, if there is danger of its being improperly transferred, upon the giving of bond by the creditors, the defendant may give a forthcoming bond and retain possession of the property.

Ordinarily the property will remain in the hands of the debtor until the trustee is appointed.

While this section protects the rights of the creditors it is more favorable to the debtor than the statutes of most of the States.

SEC. 70. *Title to property.*—The title of the bankrupt to property, except such as is exempt, shall vest in the trustee as of the date of the filing of the petition. The trustee may institute proceedings to have set aside any fraudulent transfer made by the bankrupt. All personal property shall be appraised. Personal property shall not be sold for less than 75 per cent of its appraised value, except subject to the approval of the court. All real and mixed property shall be sold subject to the approval of the court.

(See Sec. 58, Notices to creditors.)

ORDER OF BUSINESS.

Mr. RAYNER. Mr. Speaker, I call for the regular order.

Mr. BANKHEAD. Mr. Speaker, I desire to present a privileged report.

PUBLIC BUILDINGS.

The report was read, as follows:

Mr. SCOTT submitted the following; which was referred to the Committee on Public Buildings and Grounds:

Whereas the Fifty-First Congress made appropriations for the establishment and erection of seventy-five public buildings, including the extension and improvement of those already erected, and

Whereas, from the records of the Department, the construction of public buildings and the letting of contracts for the same, it appears that forty-seven of these buildings, for which appropriations were made more than two years ago, have not been contracted for, and no steps taken to let the same; and

Whereas it further appears that complete contracts for only fifteen of said buildings have been let and that partial and incomplete contracts have been let for ten others: Therefore,

Be it resolved, That the Secretary of the Treasury be, and he is hereby, requested to inform the House of Representatives why so large a number of these public works are not begun, and why more than $8,000,000 of the appropriations have remained unexpended during the past two years.

The Committee on Public Buildings and Grounds, having had under consideration the accompanying resolution, recommend that it be agreed to by the House.

Mr. BANKHEAD. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. SCOTT], who introduced this resolution.

Mr. SCOTT. Mr. Speaker, I do not desire to take much time, because the facts are quite fully set forth in the resolution itself.

It appears from a statement of the Supervising Architect of the Treasury, which I hold in my hand, and which I will publish with my remarks, that the Fifty-first Congress made appropriations for some seventy-five public buildings; that contracts for the erection of only a very small number of these have been entered into; that those which have been contracted for are in large part buildings the construction of which was so urgent that they could not be delayed, notably the buildings for the Columbian Exposition, the Ellis Island immigration building, and the Washington post-office.

It appears that out of almost $13,000,000 appropriated for these purposes more than $8,000,000 remain untouched. I believe also that examination would show that a great many of the buildings authorized by former Congresses are lying without any action, and some of them have been in this condition for years. Here is the statement to which I have just referred:

TREASURY DEPARTMENT,
OFFICE OF THE SUPERVISING ARCHITECT,
Washington, D. C., December 22, 1892.

SIR: In compliance with your request in letter of the 8th instant, I have the honor to inclose a statement, showing the number of buildings and important extensions authorized, and appropriations made therefor by the Fifty-first Congress, with information in regard to contracts, etc., under the control of this office.

I trust that the information furnished is as desired, and regret that the pressure of business in this office has prevented an earlier reply.

Respectfully yours,

JAMES P. LOW,
Acting Supervising Architect.

Hon. OWEN SCOTT,
House of Representatives, United States, Washington, D. C.

Statement showing number of buildings and important extensions authorized and appropriations made therefor by the Fifty-first Congress, with information in regard to contracts to this date, under the control of the Supervising Architect Treasury Department.

Location.	Limit of cost of site and building.	Appropriated.	Information in regard to contract.
Akron, Ohio, post-office	$75,000.00	$75,000.00	No contract awarded.
Alexandria, La., post-office	60,000.00	60,000.00	Do.
Allegheny, Pa., post-office	250,000.00	100,000.00	Do.
Alaska Territory, Mary Island and Sand Point, custom-houses	15,000.00	15,000.00	Contracts awarded for building complete.
Ashland, Wis., post-office	100,000.00	100,000.00	Contract awarded for erection of building.
Atchison, Kans., post-office	100,000.00	100,000.00	Contract awarded for basement masonry.
Aurora, Ill., post-office	75,000.00	75,000.00	No contract.
Baton Rouge, La., post-office	100,000.00	100,000.00	Do.
Beatrice, Nebr., post-office	60,000.00	60,000.00	Contract awarded for erection of building.
Beaver Falls, Pa., post-office	50,000.00	50,000.00	No contract.
Bloomington, Ill., post-office	75,000.00	75,000.00	Do.
Buffalo, N. Y., post-office*	600,000.00	600,000.00	No limit of cost prescribed. No contract awarded.
Burlington, Iowa, post-office	100,000.00	125,000.00	Contract awarded for basement masonry, etc.
Camden, Ark., post-office	25,000.00	25,000.00	No contract.
Canton, Ohio, post-office	100,000.00	100,000.00	Contract awarded for erection of building.
Cedar Rapids, Iowa, post-office	100,000.00	100,000.00	Contract awarded for basement masonry.
Chester, Pa., post-office	80,000.00	80,000.00	No contract.
Chicago, Ill., World's Fair Government buildings	400,000.00	400,000.00	Contract awarded for erection of main building.
Clarksville, Tenn	35,000.00		No contract.
Columbus, Ga., post-office	100,000.00	100,000.00	Do.
Dallas, Tex., extension	150,000.00	150,000.00	Contract awarded for erection of extension.
Danville, Ill., post-office	100,000.00	100,000.00	Contract awarded for basement masonry.
Davenport, Iowa, post-office	100,000.00	100,000.00	No contract.
Ellis Island, New York, immigration purposes†	250,000.00	250,000.00	Contracts awarded for erection of buildings, etc.
Emporia, Kans., site only	10,000.00	10,000.00	No limit of cost prescribed. No contract awarded.
Fargo, N. Dak., post-office and court-house	100,000.00	100,000.00	No contract.
Fort Dodge, Iowa	75,000.00	75,000.00	Contract for erection awarded.
Fremont, Nebr., post-office	60,000.00	60,000.00	Contract for erection awarded. Contractor forfeited check and new bids invited.
Galesburg, Ill	75,000.00	75,000.00	No contract.
Houlton, Me., post-office	50,000.00	50,000.00	Do.
Haverhill, Mass., post-office	75,000.00	75,000.00	Do.
Kansas City, Mo., post-office and court-house	1,200,000.00	750,000.00	Contract awarded for clearing site.
Lafayette, Ind., post-office	80,000.00	80,000.00	Contract awarded for erection of building.
Lansing, Mich., post-office	100,000.00	100,000.00	Do.
Lewiston, Me., post-office	75,000.00	75,000.00	No contract awarded.
Lima, Ohio, post-office	60,000.00	60,000.00	Do.
Lynn, Mass., post-office	125,000.00	125,000.00	Do.
Madison, Ind	50,000.00	50,000.00	Do.
Mankato, Minn., court-house and post-office	90,000.00	100,000.00	Contract awarded for basement masonry.
Martinsburg, W. Va., post-office	75,000.00	75,000.00	Do.
Meridian, Miss	50,000.00	50,000.00	No contract awarded.
Newburg, N. Y	100,000.00	100,000.00	Do.
New Haven, Conn.:			
Additional land	25,000.00	25,000.00	
Extension of building	40,000.00	40,000.00	Do.
New London, Conn., post-office and custom-house	75,000.00	75,000.00	Do.
Norfolk, Va., court-house and post-office	150,000.00	75,000.00	Do.
New York, N. Y., custom-house building only‡	4,000,000.00	4,000,000.00	Do.
Paris, Tex., court-house and post-office	100,000.00	100,000.00	Contract awarded for erection.
Pawtucket, R. I., post-office	75,000.00	75,000.00	Do.
Philadelphia, Pa., mint	2,000,000.00		Do.
Portland, Oregon, custom-house, etc	500,000.00	250,000.00	Do.
Pueblo, Colo	300,000.00	100,000.00	Do.
Racine, Wis., custom-house and post-office	100,000.00	100,000.00	Do.
Reidsville, N. C., post-office, court-house, and custom-house	25,000.00	25,000.00	Do.
Richmond, Ky., post-office	75,000.00	75,000.00	Contract for excavation awarded.
Roanoke, Va., post-office	75,000.00	75,000.00	No contract awarded.
Rockford, Ill., post-office	100,000.00	100,000.00	Do.
Rock Island, Ill	75,000.00	75,000.00	Do.
Rome, Ga., post-office	50,000.00	50,000.00	Do.
Salina, Kans., post-office	75,000.00	75,000.00	Do.
San Jose, Cal., post-office	200,000.00	200,000.00	Contract for erection awarded.
Saginaw, Mich	100,000.00	100,000.00	No contract awarded.
Sheboygan, Wis	50,000.00	50,000.00	Do.
Sioux City, Iowa	250,000.00	125,000.00	Do.
Sioux Falls, S. Dak	150,000.00	75,000.00	Contract for erection of building awarded.
South Bend, Ind., post-office	75,000.00	75,000.00	No contract awarded.
Staunton, Va., post-office	75,000.00	75,000.00	Do.
Stockton, Cal	75,000.00	75,000.00	Do.
St. Albans, Vt	60,000.00	60,000.00	Do.
St. Paul, Minn., custom-house, etc.§	800,000.00	400,000.00	Contract awarded for clearing site.
Taunton, Mass	75,000.00	75,000.00	No contract awarded.
Washington, D. C., extension Bureau Engraving and Printing	80,000.00	80,000.00	Contract for extension awarded.
Washington, D. C.:			
Post-office site‖	655,490.77	655,490.77	Contracts awarded for clearing site, piling, concreting foundations, masonry, etc.
Building	2,000,000.00	250,000.00	
York, Pa., post-office	80,000.00	80,000.00	Contract awarded for basement masonry.
Youngstown, Ohio, post-office	75,000.00	75,000.00	No contract awarded.

* Legislation in regard to site was enacted prior to the Fifty-first Congress, and on March 3, 1891, a further appropriation was made, but no limit was prescribed. † And made head money available. ‡ Revenue from sale of old custom-house. § Limit on building only. ‖ Limited to cost $655,490.77.

The three buildings in Washington, D. C., authorized to be purchased are not included in this list.

OFFICE SUPERVISING ARCHITECT TREASURY, *December 19, 1892.*

The facts that I have stated indicate that something is needed to be done in this direction. Either the force of the Department is wholly inadequate to push forward and complete this work, or there is incompetency; or for some other reason which we ought to understand these public works have been delayed. It may be, Mr. Speaker, that the cause of this delay lies in a desire to save the Government from every expenditure possible. The condition of the Treasury may have indicated——

Mr. DINGLEY. Does not the gentleman know that more money by seven and a half million dollars has been expended for public buildings during the last four years than was expended for the same purposes during the previous four years?

Mr. SCOTT. This is not the question involved in this resolution.

The gentleman can have his own time to make any statement he wishes. I was about to say that it is pretty evident from the straits in which the Treasury has been for the last year and a half or certainly the last year that there may be other causes for the delay on these public buildings than the fact that the Department has been unable with the assistance at hand to do the work. Certain it is that the erection of these public buildings, scattered all over the country, where the needs of the Post-Office Department and other branches of the Government have been pressing, has been delayed unnecessarily and unreasonably.

The purpose of this resolution is that the Department may report the causes of this delay, so that we may understand why public buildings upon which work was authorized two, three, four, and five years ago are still in the position in which they were when the appropriations were made. Very few of the seventy-five public buildings authorized by the Fifty-first Congress have been begun. A few contracts have been made for foundations, but very few for complete buildings. The larger part of those buildings are lying to-day without any action, and the people in those localities are urging that these public works may be commenced and prosecuted to completion. It seems to me, Mr. Speaker, that this resolution ought to be adopted so that this House and the people may have some knowledge of the reason for the inexcusable delay which has occurred.

Mr. DINGLEY. I ask the gentleman from Alabama [Mr. BANKHEAD] to yield me five minutes.

Mr. BANKHEAD. I yield to the gentleman for that time.

Mr. DINGLEY. Mr. Speaker, the statements which the gentleman from Illinois [Mr. SCOTT] has made as reasons for the adoption of this resolution certainly deserve some attention. The inference which might be drawn from his remarks is, that during the last four years there has been a refusal on the part of the Administration to enter upon the construction of many authorized public buildings for lack of public money.

Mr. SCOTT. Not refusal, but failure.

Mr. DINGLEY. Well, failure; just as the gentleman pleases. Now, as a matter of fact during the last four years, as I find by a statement of the Secretary of the Treasury, there has been an expenditure of $23,977,477 on these public buildings, while during the previous four years there was an expenditure of only $16,341,064, showing that under the present Administration there has been much more done in the construction of public buildings than was done in the previous four years.

Now, the reason why more of the buildings which have been authorized have not been constructed is evident to anyone who will read the reports already made to the House. It is that the Supervising Architect of the Treasury, whose force has not been increased with the number of buildings authorized, has not a sufficient force to prepare the plans and put all the buildings authorized under construction. He has done all that could be done with the force under his control; and this must be evident because he has expended seven and a half million dollars more in the last four years than was expended in the preceding four years.

Now, all that can be said in answer to the resolution of inquiry, which is all right, is simply in this direction, that in the Forty-ninth and Fiftieth Congresses we authorized the construction of an unusually large number of public buildings, and in the Fifty-first Congress we increased this large number, the result being that during the last four years we have been completing the construction of buildings authorized by the Forty-ninth and Fiftieth Congresses, and have entered upon the construction of only a part of the new buildings authorized by the Fifty-first Congress.

In order to carry forward more rapidly the buildings which have been authorized there must be a larger force provided by Congress in the office of the Supervising Architect. Yet, with the existing force, the expenditure for this purpose has been seven and a half million dollars, more within the last four years than during the previous four years. In justice to the Supervising Architect this statement ought to accompany the remarks of the gentleman from Illinois [Mr. SCOTT]. I reserve the residue of my time.

Mr. BANKHEAD. I yield two minutes and a half more to the gentleman from Illinois [Mr. SCOTT].

Mr. SCOTT. Mr. Speaker, the record will show that many of the buildings authorized by the Forty-ninth and Fiftieth Congresses are in the same condition as those authorized by the Fifty-first Congress. The inquiry that we now present is not whether recent Congresses have appropriated more money for public buildings than previous Congresses. The object is to ascertain why the Department charged with this public duty has not pursued the work authorized by Congress.

It is believed, and I am sure the facts will show, that the real reason—although the gentleman seeks to obscure it by making a comparison between the amounts appropriated by this and other Congresses——

Mr. DINGLEY (interrupting). The amounts expended, not appropriated.

Mr. SCOTT (continuing). Is that the Government itself has felt the sore need of money such as it has rarely felt before. It has desired to prevent as far as possible any demand for ready cash being placed upon it. For this reason it has held up the construction of these public buildings.

Mr. HOPKINS of Illinois. Let me ask the gentleman if it is not true that the great purpose is because a proper appropriation has not been made for the Architect's office to employ the necessary force to make plans for the work and to carry it out?

Mr. SCOTT. No; I think not. The Architect's office has either been negligent or incompetent for this work; or it may have been restrained by its superiors from making contracts in order to save the Government from the perils of a threatened deficit. The object of this inquiry is to elicit the reason of this delay. I think the cause I have given is the correct one. The people are entitled to fair treatment in the prosecution of public works.

Mr. HEMPHILL. Let us have a vote and then discuss this matter when the facts come in.

Several MEMBERS. That is right.

Mr. BANKHEAD. I demand the previous question on the adoption of the report.

The previous question was ordered, under which the resolution was agreed to.

On motion of Mr. BANKHEAD, a motion to reconsider the last vote was laid on the table.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. DUNPHY, until Wednesday next, on account of important business.

ENROLLED BILLS SIGNED.

Mr. SCOTT, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. 2345) to authorize the construction of a bridge across the Mississippi River above New Orleans; and

A bill (S. 3407) to authorize the Court of Claims to hear and determine the claims of certain New York Indians against the United States.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had disagreed to the amendments of the House of Representatives to the bill (S. 1933) concerning testimony in criminal cases or proceedings based upon the growing out of illegal violations of an act entitled "An act to regulate commerce," approved February 4, 1887, as amended March 2, 1889, and February 10, 1891, asked a conference with the House on the disagreeing votes of the two Houses, and had appointed Mr. WILSON, Mr. TELLER, and Mr. PUGH as the conferees on the part of the Senate.

It also announced that the Senate had passed bills and joint resolution of the following titles; in which the concurrence of the House was requested:

A bill (S. 1948) to authorize the Southern Kansas Railway Company to construct and maintain a pipe line from the North Fork of the Canadian River, Indian Territory, to said railway;

A bill (S. 3383) to amend the act of May 6, 1890, fixing the rate of interest to be charged on arrearages of general and special taxes now due the District of Columbia;

A bill (S. 3690) to incorporate the Tabernacle Society of the District of Columbia;

A bill (S. 3727) to amend "An act authorizing the construction of a railway, street railway, motor, wagon, and pedestrian bridge over the Missouri River near Council Bluffs, Iowa, and Omaha, Nebr., and to extend the time for the completion of the bridge therein provided;" and

Joint resolution (S. R. 134) authorizing the loan, for exhibition at the World's Columbian Exposition, of the picture entitled "The Recall of Columbus," by Augustus G. Heaton.

AGRICULTURAL APPROPRIATION BILL.

Mr. HATCH. Mr. Speaker, I ask unanimous consent that the subcommittee of the Committee on Agriculture, having in charge the appropriation bill, be authorized to sit during the sessions of the House until the completion of the bill.

The SPEAKER. In the absence of objection that order will be made.

There was no objection.

DIGEST, HOUSE OF REPRESENTATIVES.

Mr. RICHARDSON. Mr. Speaker, I submit a privileged report from the Committee on Printing.

The SPEAKER. The report will be read.

The Clerk read as follows:

Resolved, That there be printed —— copies of the Digest and Manual of the Rules and Practice of the House of Representatives for the second session of the Fifty-second Congress, the same to be bound and distributed under the direction of the Speaker and Clerk of the House; ——copies thereof to be bound in paper covers.

The Committee on Printing, to whom was referred the foregoing resolution, report the same back with the recommendation that it do pass, with the following amendments: Fill the first blank by inserting "2,500," and the second by inserting "500;" so that it will read: "2,500 copies of the Digest and Manual of the Rules and Practice of the House of Representatives for the second session of the Fifty-second Congress," etc., and "500 copies thereof to be bound in paper covers."

The estimated cost of same is $3,568.

The amendments recommended by the committee were agreed to.

The resolution as amended was agreed to.

On motion of Mr. RICHARDSON, a motion to reconsider the last vote was laid upon the table.

ORDER OF BUSINESS.

The SPEAKER. The regular order is the call of the standing and select committees for reports.

SOILED PAPER CURRENCY.

Mr. BACON, from the Committee on Banking and Currency, reported back the bill (H. R. 10012) to provide for the speedy and frequent redemption of United States paper currency and national bank notes which have become soiled, impure, unclean, or otherwise unfit for use; which was referred to the Committee of the Whole House on the state of the Union.

REPORTS OF NATIONAL BANKING ASSOCIATIONS, ETC.

Mr. BACON also, from the Committee on Banking and Currency, reported back with amendments the bill (H. R. 10118) to amend section 5209 of the Revised Statutes; which was referred to the House Calendar.

REGULATION OF COMMERCE.

Mr. STORER, from the Committee on Interstate and Foreign Commerce, reported back the bill (H. R. 10232) to amend the act to regulate commerce; which was referred to the House Calendar.

Mr. STORER also, from the Committee on Interstate and Foreign Commerce, reported back the bill (H. R. 10250) to amend an act entitled "An act to regulate commerce;" which was referred to the House Calendar.

BUOYAGE WATER LINE, CHICAGO, ILL.

Mr. BRICKNER, from the Committee on Interstate and Foreign Commerce, reported back the bill (S. 3707) to make an appropriation for the establishment of buoyage on the water front of Chicago, Lake Michigan, Ill.; which was referred to the House Calendar.

ROCKPORT AND HARBOR ISLAND SUBURBAN RAILROAD.

Mr. CRAIN, from the Committee on Interstate and Foreign Commerce, reported back the bill (H. R. 9174) authorizing the Rockport and Harbor Island Suburban Railroad to construct a bridge across the Corpus Christi channel, known as the Morris and Cummings Ship Channel, near its entrance into Aransas Bay, in Aransas County, Tex.; which was referred to the House Calendar.

MILLE LAC INDIAN RESERVATION IN MINNESOTA.

By Mr. AMERMAN, from the Committee on the Public Lands: Joint resolution (S. R. 86) for the protection of those parties who have heretofore been allowed to make entries of lands within the former Mille Lac Indian Reservation in Minnesota—to the House Calendar.

TRUST, LOAN, AND OTHER CORPORATIONS, DISTRICT OF COLUMBIA.

By Mr. RICHARDSON, from the Committee on the District of Columbia: A bill (H. R. 10248) to amend an act to provide for the incorporation of trust, loan, mortgage, and certain other incorporations within the District of Columbia—to the House Calendar.

SALE OF LIQUORS, DISTRICT OF COLUMBIA.

By Mr. HEMPHILL, from the Committee on the District of Columbia: A bill (H. R. 7207) to regulate the sale of distilled and fermented liquors in the District of Columbia—to the House Calendar.

SATURDAY HALF-HOLIDAY, DISTRICT OF COLUMBIA.

By Mr. HEMPHILL, from the Committee on the District of Columbia: Joint resolution (S. R. 130) to amend an act entitled "An act making Saturday a half-holiday for banking and trust companies in the District of Columbia," approved December 22, 1892—to the House Calendar.

ECLECTIC MEDICAL SOCIETY, DISTRICT OF COLUMBIA.

By Mr. HEMPHILL, from the Committee on the District of Columbia: A bill (S. 741) to incorporate the Eclectic Medical Society of the District of Columbia—to the House Calendar.

EAST WASHINGTON CROSS-TOWN RAILWAY COMPANY.

By Mr. HEARD, from the Committee on the District of Columbia: A bill (H. R. 5353) to incorporate the East Washington Crosstown Railway Company of the District of Columbia—to the House Calendar.

WASHINGTON, BURNT MILLS AND SANDY SPRING RAILWAY COMPANY.

By Mr. RICHARDSON, from the Committee on the District of Columbia: A bill (H. R. 9956) to incorporate the Washington, Burnt Mills and Sandy Spring Railway Company—to the House Calendar.

ORDER OF BUSINESS.

The SPEAKER. This completes the call of the standing and select committees for reports. The morning hour begins at five minutes to 1. The call rests with the Committee on the Library, which committee had a bill pending yesterday.

Mr. CUMMINGS. Mr. Speaker, I withdraw that bill.

The SPEAKER. This is the second call for the purpose of permitting committees to bring up measures for consideration.

The Committee on Rivers and Harbors was called.

Mr. BLANCHARD. I ask unanimous consent to pass the Committee on Rivers and Harbors, with the right to be taken up later without prejudice.

Mr. BACON. I object.

The Committee on Military Affairs was called.

HOSPITAL CORPS, UNITED STATES ARMY.

Mr. OUTHWAITE. Mr. Speaker, I call up the bill (H. R. 9925) to establish companies of the Hospital Corps, United States Army, and for other purposes.

The bill was read, as follows:

Be it enacted, etc., That the companies of the Hospital Corps, organized by the Secretary of War in the Medical Department of the Army, are hereby established upon the same military status as companies of infantry, and shall hereafter be known as companies of the Hospital Corps.

SEC. 2. That each company shall consist of eight hospital sergeants, one of whom shall be selected as first sergeant and one as quartermaster sergeant; six hospital corporals, two musicians, one artificer, and as many privates, not exceeding one hundred, as the President may direct.

SEC. 3. That the hospital sergeants shall be detailed as such from the hospital stewards, the hospital corporals from the acting hospital stewards, and the remaining members of the companies from the privates of the Hospital Corps, United States Army, and each shall receive the pay of his grade in the Hospital Corps.

SEC. 4. That the necessary officers to command the companies of the Hospital Corps shall be detailed from the Medical Department, United States Army.

SEC. 5. That the President is authorized to organize for bearer, ambulance, field, hospital, and other like service, such companies of the Hospital Corps as he may deem necessary.

SEC. 6. That all acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

The SPEAKER. This bill is on the Union Calendar.

Mr. OUTHWAITE. The bill does not provide for any appropriation or require any expenditure of money whatever. It should be on the House Calendar. If it is on the Union Calendar it is there by mistake.

The SPEAKER. That being true, the Committee of the Whole will be discharged from the further consideration of it, and it will be considered in the House.

There was no objection.

The SPEAKER. The Clerk will report the amendment proposed by the committee.

The Clerk read as follows:

Amend line 3, in section 1, by adding the word "already" after the words "Hospital Corps," and striking out all of section 6.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, was accordingly read the third time, and passed.

On motion of Mr. OUTHWAITE, a motion to reconsider the last vote was laid on the table.

POST TRADERSHIPS.

Mr. OUTHWAITE. Mr. Speaker, I call up the bill (S. 3117) relating to post traderships.

The bill was read, as follows:

Be it enacted, etc., That where a vacancy now exists or hereafter occurs in the position of post trader at any military post it shall not be filled, and the authority to make such appointment is hereby terminated: *Provided*, That in the event of the death of a post trader his personal representative shall be allowed by the Secretary of War a reasonable time in which to close the business.

Mr. HEARD. I would like to ask the gentleman in charge of the bill to make a brief explanation. I do not know of any good reason why the bill should not pass, but I should like the gentleman to state briefly the reason why he thinks it should pass.

Mr. OUTHWAITE. Mr. Speaker, I will ask for the reading of the report.

The report (by Mr. OUTHWAITE) was read, as follows:

The Committee on Military Affairs, having had under consideration the bill (S. 3117) to abolish post traderships, are of the opinion that this measure should become a law, and therefore recommend that the bill do pass.

The Senate report, a copy of which is hereunto attached, is adopted by the House committee.

[Senate Report No. 713, Fifty-second Congress, first session.]

The Committee on Military Affairs, to whom was referred the bill (S. 3117) relating to post traderships, have had the same under consideration and submit the following report:

The purpose of this bill is to abolish post traderships. It will not produce a radical change, and the present system will continue until those persons who are now post traders shall either die or retire, but when vacancies occur from either of those causes, then the post tradership shall be abolished. The bill has received the approval of the War Department and the Major-General Commanding the Army, whose report is herewith appended. An extract from the last report of the Secretary of War upon this subject is also annexed.

Your committee has amended the bill and in its amended form recommend that it pass.

HEADQUARTERS OF THE ARMY,
Washington, D. C., May 14, 1892.

SIR: Referring to Senate bill 3117, entitled "A bill relating to post traderships," I have the honor to report as follows:

The position of post trader was originally established in part, perhaps, as a substitute for the old sutlership which had been abolished, but mainly as a means of supplying necessities to emigrants and travelers passing or visiting military posts on the frontier at a period of time when the Army and roving Indians were almost the sole inhabitants of a vast region of country. Around all those, then new, frontier posts have grown up thriving towns where traders of all kinds are able to supply the necessities above referred to, by means of which the post trader became only a privileged rival of citizens engaged in legitimate business in the near vicinity.

These trade stores were also found to be a demoralizing element in nearly every garrison, being places of dissipation for both officers and enlisted men. Under the wiser social custom gradually developed in the Army, both officers and enlisted men have generally been provided with far better means for social entertainment and recreation, the officers having their post messes or clubs, and the soldiers the institution now called "exchange," both of which are in the main coöperative stores in their character, and as such supply to the officers and their families and to the enlisted men of every garrison all those comforts and luxuries which are deemed essential in modern society.

The post trader is no longer necessary, and in nearly all cases, if continued at all, would be only a source of detriment to the best interests of the Army. In some cases the policy of the War Department to do away with all post traders has been delayed through a just and generous regard for vested interests of the present incumbents, and such have been permitted to continue their business until they could close out without material loss, and their buildings have been or are to be purchased at a fair price whenever that may be done to the advantage of the Government. So rapidly as this can be accomplished the system of post traders should be eliminated entirely, and I therefore fully concur in the wisdom of the proposed law repealing the authority to appoint post traders in the Army. This necessity can never hereafter again arise so long as the territory of the United States remains with its present boundaries.

Very respectfully,

J. M. SCHOFIELD,
Major-General Commanding.

The SECRETARY OF WAR.

[Extract from the last report of the Secretary of War.]

At the beginning of this administration there were licensed post traders at most army posts. They were a privileged class, exempt from taxation, because located on Government reservations, and had practically a monopoly of the trade in such articles as were not furnished or sold by the quartermaster or commissary. Wherever cities and villages have grown up near the formerly remote Western posts, and the post trader has thus ceased to be a necessity, it has been my purpose to discontinue the system as rapidly as possible and permit the trade of military posts, outside of the ordinary governmental supplies, to take its regular channels.

On the 4th of March, 1889, there were eighty-five of these traders. There are now but twenty-two, and seven of these have been notified that their licenses will be revoked within a short time, at a date so fixed as to give them an opportunity to sell or reduce their stocks. Four of the remaining fifteen are at posts whose abandonment has been ordered, or soon will be, so that at the end of the fiscal year there will be only eleven remaining.

The parties who held these privileges had large personal and political influence, and it has not been an easy or pleasant task to make this change. Many of them also had invested considerable capital in these enterprises, and were, therefore, entitled to consideration and a reasonable time to close their business. But their profits had been large, and I believe that no injustice has been done them. It was a pernicious system and necessity was the only excuse for its existence at any time. It has outlived whatever usefulness it may have had, and its longer continuance is not for the interest of the service or for the public good.

Mr. OUTHWAITE (during the reading of the report). I ask that the further reading of the report be dispensed with.

Mr. HEARD. I am content with the report as far as read.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

LINES OF BATTLE OF THE ARMY OF NORTHERN VIRGINIA AT GETTYSBURG.

Mr. OUTHWAITE. Mr. Speaker, I now call up the bill (S. 2914) for marking the lines of battle and positions of troops of the Army of Northern Virginia at Gettysburg, Pa., and for other purposes.

The SPEAKER. The Clerk will report the title of the bill.

The title of the bill was reported.

Mr. OUTHWAITE. I move that the House resolve itself into Committee of the Whole for the purpose of considering the Senate bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. BYNUM in the chair.

The CHAIRMAN. The House is in Committee of the Whole for the purpose of considering the bill which the Clerk will report.

The Clerk proceeded to read the bill.

Mr. OUTHWAITE (during the reading of the bill). Mr. Chairman, so far as the bill has been read it places before the committee fully and clearly the purposes of the bill. I therefore ask unanimous consent that the further first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to dispense with the further first reading of the bill. Is there objection? [After a pause.] The Chair hears none.

Mr. OUTHWAITE. I ask that the Clerk now commence with the reading of the bill by sections.

The Clerk read as follows:

Be it enacted, etc., That for the purpose of preserving the lines of battle at Gettysburg, Pa., and for properly marking with tablets the positions occupied by the various commands of the armies of the Potomac and of Northern Virginia on that field, and for the purchase or condemnation of land of historical importance, and for opening and improving avenues along the positions occupied by troops upon those lines, and for fencing the same, and for determining the leading tactical positions of batteries, regiments, brigades, divisions, corps, and other organizations with reference to the study and correct understanding of the battle, and to mark the same with suitable tablets, each bearing a brief historical legend, compiled without praise and without censure, and to be prepared by said commission and approved by the Secretary of War, the said Secretary is hereby authorized and directed to appoint three commissioners, two of whom shall have been participants in the battle of Gettysburg, and one of whom shall have been an officer of the Army of Northern Virginia; and the said commissioners shall have the general charge of the work aforesaid, and shall recommend the purchase of such land as they deem it necessary for the United States to acquire for the purposes aforesaid, and they shall, under the directions and instructions of the Secretary of War, execute the provisions of this act. The said commissioners shall be paid such compensation, out of the appropriation provided in this act, as the Secretary of War shall deem reasonable and just, not exceeding $10 each per day of actual service, and they may employ such surveying parties and clerical assistance as may be necessary, and secure such historical information as they may need, at compensations for these several services to be fixed by the commission, subject to the approval of the Secretary of War, and to be paid out of the appropriation provided in this act.

Mr. OUTHWAITE. Mr. Chairman, I ask that the amendments to this section be voted on in gross, unless a separate vote be demanded.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent that the committee amendments be voted on in gross. Is there objection? [After a pause.] The Chair hears none.

Mr. BURROWS. What are the amendments?

The CHAIRMAN. The Clerk will report the amendments.

The Clerk read as follows:

In line 4, section 1, after the word "field," insert "and the securing and compiling of additional historical data now available beyond that now in possession of the Government."

In line 8, section 1, strike out the words "the leading" and insert in place thereof the words "delineating the most important." At the end of same line add the words "and evolutions."

Section 2. Strike out all after the word "censure," in line 13, to and including the word "and," in line 21, and insert in place thereof the following:

"A commission is hereby created and established, under the name of 'The Gettysburg Battlefield Commission,' to consist of three members, who shall be appointed by the Secretary of War, one of whom shall be a civilian who is recognized as the person best informed in the history of the battle, possessing the most thorough knowledge of the history of the battle, and who shall be chairman of the commission and its historian; one an officer of the Army of the Potomac who participated in the battle, and one an officer of the Army of Northern Virginia who participated in the battle. Said commission shall have a principal office in connection with the War Department in the city of Washington.

"The said chairman shall, as soon as possible after his appointment, compile historical maps showing not only the general lines of battle of the two armies, but approximately the successive tactical and strategic positions and evolutions of all bodies of troops taking part in said engagement, to the end that all the principal operations of batteries, regiments, brigades, divisions, and corps, and other organizations, when acting as such respectively, may be represented upon said maps, and by means of which the said several positions and evolutions of said organizations may be marked upon the field, and for said special services in the preparation of said maps said historian shall be paid a reasonable compensation, not exceeding the sum of $25,000, to be fixed by the Secretary of War: the same to be paid in such installments, according to the progress of the work, as may be determined upon between said historian and the Secretary of War."

Line 20, section 1, strike out the word "aforesaid" and insert in lieu thereof the words "upon the field."

Line 21, section 1, after the word "purchase," insert "or condemnation."

Line 25, section 1, after the word "commission," insert "in addition to the special services of the historian."
Line 31, section 1, after the word "such," insert "further."

The CHAIRMAN. The question is upon agreeing to the amendments reported by the committee.

Mr. BROSIUS. Mr. Chairman, on page 2 of the bill, line 17, after the word "tablets," I would like to inquire whether the gentleman in charge of the bill would object to inserting the words "of uniform designs."

Mr. OUTHWAITE. I would have to object to that, for the reason that the plan would involve different designs to indicate the different bodies of troops. And the position of different bodies of troops would be indicated by tablets of different designs. For instance, where a battery of artillery had been planted, possibly the tablet might have a circular top; where a company or regiment of infantry had been, the tablet might have a square top; and where cavalry had been, it might have a pointed top. Therefore, I think there is no necessity for introducing such a suggestion as that offered by the gentleman from Pennsylvania.

Mr. BROSIUS. Now, if the gentleman will have the kindness to allow me just a moment, I will state that it does not seem necessary for the purpose of this marking to indicate lines of battles and to furnish information concerning the battle to have the different designs which the gentleman has suggested, and it seems to me that it may be better, inasmuch as these tablets are to be for a uniform purpose, namely the marking of lines of battle, it seems to me there would be a propriety in having a uniform design. Now, I do not intend to press this, and will not ask for a vote upon it, but would prefer to have it adopted if the gentleman would do so.

Mr. OUTHWAITE. Mr. Chairman, it is not simply to mark the lines of battle, but to mark the evolutions and movements of the troops. The same troops may have occupied several positions. Troops may have had one position at one time, and the same body of troops had another position at a little later period, and the purpose is to mark the evolutions of the troops.

Mr. BROSIUS. Well, then, I will not press the amendment.

Mr. OUTHWAITE. I ask the Chairman to submit my request that the amendments be voted on in gross.

Mr. PICKLER. This will not interfere with any markings that are there now, will it?

Mr. OUTHWAITE. Not in the least; it simply supplements the markings there now.

The amendments recommended by the committee were agreed to.

Mr. OUTHWAITE. Mr. Chairman, I now desire to make a verbal amendment. On page 2, in line 12, insert the word "and" before the word "delineating."

The CHAIRMAN. Without objection that amendment will be considered as agreed to.

There was no objection.

Mr. OUTHWAITE. I now desire to amend, on the same page, line 13, by striking out the words "and evolutions," where they occur, and insert them after the word "positions" in the same line.

The CHAIRMAN. Without objection, this amendment will be considered as agreed to.

There was no objection, and it was so ordered.

The clerk read section 2 of the bill, as follows:

SEC. 2. That the title to such lands as the Secretary of War may find it necessary to purchase to carry into effect the provisions of this act may be acquired by purchase, by condemnation, under the act of the Pennsylvania Legislature providing for the condemnation of land on said battlefield, approved the 7th day of May, A. D. 1889, or in accordance with the provisions of the act of Congress of August 1, 1888, entitled "An act to authorize the condemnation of land for sites of public buildings, and for other purposes;" and all lands acquired by the United States under this act, whether by purchase, condemnation, cession, gift, or otherwise, and all avenues constructed, and all tablets or other structures erected shall be under the care and supervision of the Secretary of War, whose duty it shall be to make such rules and regulations for their protection and preservation as he may deem necessary.

Mr. OUTHWAITE. Mr. Chairman, there are one or two verbal amendments in that section which the committee desire to have made.

The amendments were read, as follows:

Line 2, after the word "find," strike out "it."
After the word "necessary" strike out "to purchase."

The amendments were agreed to.

The Clerk read section 3, as follows:

SEC. 3. That to enable the Secretary of War to begin the work contemplated by this act, and prosecuting it to include the location of lines of battle and positions of troops, the selection and mapping of such lands as the commission may deem it necessary to acquire to carry out the purposes of this act, and to pay the expense of surveys, the per diem of commissioners, and the necessary clerical assistance, the sum of $25,000, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the Treasury not otherwise appropriated.

Mr. SAYERS. I see that there is an amendment proposed by the committee to this section, increasing the appropriation to $50,000. Sir, this will not be one-tenth of the expenditure that will be involved in the execution of this bill should it become law.

Mr. COGSWELL. How do you know?

Mr. SAYERS. I know, because the marking of the battlefield of Chattanooga has cost over $400,000 already, and I take it for granted that this will cost not less, but probably more.

Mr. COGSWELL. But the cost at Chattanooga includes the acquiring of land.

Mr. SAYERS. And this bill also proposes to acquire land.

Mr. OUTHWAITE. Mr. Chairman, I ask unanimous consent that the amendments proposed by the committee to this section be voted on in gross unless some gentleman desires a separate vote.

Mr. SAYERS. We shall demand separate votes upon all the amendments.

The CHAIRMAN. The gentleman from Ohio [Mr. OUTHWAITE] asks unanimous consent that the amendments to this section may be voted upon in gross. Is there objection?

Mr. SIMPSON. I object.

The CHAIRMAN. Objection is made. The Clerk will report the first amendment.

The amendment was read, as follows:

Section 3, lines 1 and 2, insert after the word "war" the words "to pay for said historical maps and."

The question was taken on the amendment; and there were—ayes 44, noes 15.

Mr. SIMPSON and Mr. ANTONY. No quorum, Mr. Chairman.

The Chairman appointed Mr. OUTHWAITE and Mr. ANTONY to act as tellers.

The committee again divided; and the tellers reported—ayes 135, noes 5.

Mr. ANTONY. No quorum.

The count was resumed; and the tellers reported—ayes 160, noes 6. So the amendment was agreed to.

The next amendment was read, as follows:

Section 3, line 2, after the word "the," insert the word "other;" so as to read: "and to begin the other work," etc.

The question was taken, and the CHAIRMAN declared that the ayes seemed to have it.

Mr. LONG. Mr. Chairman, I ask for a division.

The committee again divided; and there were—ayes 70, noes 0.

Mr. LONG. No quorum, Mr. Chairman.

Mr. OUTHWAITE and Mr. LONG were appointed to act as tellers.

Pending the count by tellers the morning hour expired, and the committee rose.

Mr. BYNUM, from the Committee of the Whole, reported that they had had under consideration a bill (S. 2914), and had come to no resolution thereon.

CONSULAR AND DIPLOMATIC APPROPRIATION BILL.

Mr. BLOUNT, from the Committee on Foreign Affairs, reported a bill (H. R. 10267) making appropriation for the diplomatic and consular service of the United States for the fiscal year ending June 30, 1894; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. DINGLEY and Mr. BRECKINRIDGE of Kentucky reserved all points of order.

ORDER OF BUSINESS.

The SPEAKER. The Clerk will report the special order.

The Clerk read as follows:

Resolved, That Saturday, the 21st instant, beginning immediately after the second morning hour, be set apart for the consideration of bills reported from the Committee on Interstate and Foreign Commerce; bills to be considered in the order indicated by said committee.

NATIONAL QUARANTINE BILL.

Mr. RAYNER. Mr. Speaker, I desire to move that the House resolve itself into Committee of the Whole for the consideration of the bill H. R. 9759, the quarantine bill, but before doing that I will yield to the gentleman from Massachusetts [Mr. RANDALL], who desires to call up a local bill which has the unanimous approval of the committee and to which, I think, there can be no objection.

The SPEAKER. If the gentleman from Maryland yields the floor the Chair will recognize the gentleman from Massachusetts [Mr. RANDALL] to call up the bill, which, the Chair understands, comes from the Committee on Interstate and Foreign Commerce.

LIFE-SAVING STATION, GAY HEAD, MASS.

Mr. RANDALL. Mr. Speaker, I call up the bill (S. 1631) to establish a life-saving station at Gay Head, on the coast of Massachusetts.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to establish a life-saving station at or near Gay Head, on the coast of Massachusetts, at such point as the General Superintendent of the

Life-Saving Service may recommend: *Provided*, That the cost thereof shall not exceed the sum of $10,000.

The SPEAKER. This bill is in Committee of the Whole. The gentleman from Massachusetts [Mr. RANDALL] asks unanimous consent that that committee be discharged from the consideration of the bill and that it be considered in the House as in Committee of the Whole.

There was no objection, and it was so ordered.

The bill was ordered to a third reading, and it was accordingly read the third time, and passed.

Mr. RANDALL moved to reconsider the vote by which the bill was passed, and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

NATIONAL QUARANTINE BILL.

Mr. RAYNER. Mr. Speaker, I call up the bill (H. R. 9757) "To provide for the better protection of commerce and for the general welfare by the establishment of a national quarantine, etc.," and I move that the House resolve itself into Committee of the Whole for the consideration of the bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. OUTHWAITE in the chair.

The CHAIRMAN. The House is now in the Committee of the Whole for the consideration of the bill (H. R. 9757) to provide for the better protection of commerce, and for the general welfare by the establishment of a national quarantine, etc.

Mr. RAYNER. I wish to say that in lieu of the original bill introduced by myself at the beginning of this session the Committee on Interstate and Foreign Commerce has reported as a substitute an entirely different bill. It would be an absolute waste of time to read the original bill, because it is a totally different measure from that which the committee have reported. I ask unanimous consent, therefore, that the Clerk in reading omit the original bill, and read simply the substitute reported by the committee.

There was no objection.

The substitute reported by the committee was read, as follows:

Strike out all after the enacting clause, and insert the following:

"That it shall be unlawful for any merchant ship or other vessel from any foreign port or place to enter any port of the United States except in accordance with the provisions of this act and with such rules and regulations of State and municipal health authorities as may be made in pursuance of or consistent with this act; and any such vessel which shall enter, or attempt to enter, a port of the United States in violation thereof shall forfeit to the United States a sum, to be awarded in the discretion of the court, not exceeding $5,000, which shall be a lien upon said vessel, to be recovered by proceedings in the proper district court of the United States. In all such proceedings the United States district attorney for such district shall appear on behalf of the United States; and all such proceedings shall be conducted in accordance with the rules and laws governing cases of seizure of vessels for violation of the revenue laws of the United States.

"SEC. 2. That all vessels at foreign ports clearing for any port or place in the United States shall be required to obtain from the consul, vice-consul, or other consular officer of the United States at the port of departure, or from the medical officer where such officer has been detailed by the President for that purpose, a bill of health, in duplicate, in the form prescribed by the Secretary of the Treasury, setting forth the sanitary history and condition of said vessel, and that it has in all respects complied with the rules and regulations in such cases prescribed for securing the best sanitary condition of the said vessel, its cargo, passengers, and crew; and said consular or medical officer is required, before granting such duplicate bill of health, to be satisfied that the matters and things therein stated are true; and for his services in that behalf he shall be entitled to demand and receive such fees as shall by lawful regulation be allowed, to be accounted for as is required in other cases.

"The President, in his discretion, is authorized to detail any medical officer of the Government to serve in the office of the consul at any foreign port or ports for the purpose of furnishing information and making the inspection and giving the bills of health hereinbefore mentioned. Any vessel clearing and sailing from any such port without such bill of health, and entering any port of the United States, shall forfeit to the United States not more than $5,000, the amount to be determined by the court, which shall be a lien on the same, to be recovered by proceedings in the proper district court of the United States. In all such proceedings the United States district attorney for such district shall appear on behalf of the United States; and all such proceedings shall be conducted in accordance with the rules and laws governing cases of seizure of vessels for violation of the revenue laws of the United States.

SEC. 3. That the Marine Hospital Service shall coöperate with and aid State and municipal boards of health in the execution and enforcement of the rules and regulations of such boards and in the execution and enforcement of the rules and regulations made by the Secretary of the Treasury to prevent the introduction of contagious or infectious diseases into the United States from foreign countries, and into one State or Territory or the District of Columbia from another State or Territory or the District of Columbia; and at such ports and places within the United States as have no quarantine regulations under State or municipal authority, where such regulations are, in the opinion of the Secretary of the Treasury, necessary to prevent the introduction of contagious or infectious diseases into the United States from foreign countries, or into one State or Territory or the District of Columbia from another State or Territory or the District of Columbia, and at such ports and places within the United States where quarantine regulations exist under the authority of the State or municipality which, in the opinion of the Secretary of the Treasury, are not sufficient to prevent the introduction of such diseases into the United States, or into one State from another, the Secretary of the Treasury shall, if in his judgment it is necessary and proper, make such additional rules and regulations as are necessary to prevent the introduction of such diseases into the United States from foreign countries, or into one State from another, and when said rules and regulations have been made they shall be promulgated by the Secretary of the Treasury and enforced by the sanitary authorities of the States and municipalities, where the State or municipal health authorities will undertake to execute and enforce them; but if the State or municipal authorities shall fail or refuse to enforce said rules and regulations the President shall execute and enforce the same and may detail or appoint officers for that purpose. The Secretary of the Treasury shall make such rules and regulations as are authorized by the laws of the United States and necessary to be observed by vessels at the port of departure and on the voyage, where such vessels sail from any foreign port or place at which contagious or infectious disease exists, or from which the President has reason to believe that infected articles of merchandise are being shipped, to any port or place in the United States, to secure the best sanitary condition of such vessel, her cargo, passengers, and crew which shall be published and communicated to and enforced by the consular and medical officers of the United States. None of the penalties herein imposed shall attach to any vessel or owner or officer thereof until a copy of this act, with the rules and regulations made in pursuance thereof, has been posted up in the office of the consul or other consular officer of the United States for ten days, in the port from which said vessel sailed; and the certificate of such consul or consular officer over his official signature shall be competent evidence of such posting in any court of the United States.

SEC. 4. That it shall be the duty of the Marine Hospital Service, under the direction of the Secretary of the Treasury, to perform all the duties in respect to quarantine and quarantine regulations which are provided for by this act, and to obtain information of the sanitary condition of foreign ports and places from which contagious and infectious diseases are or may be imported into the United States, and to this end the consular officer of the United States at such ports and places as shall be designated by the Secretary of the Treasury shall make to the Secretary of the Treasury weekly reports of the sanitary condition of the ports and places at which they are respectively stationed, according to such forms as the Secretary of the Treasury shall prescribe; and the Secretary of the Treasury shall also obtain, through all sources accessible, including State and municipal sanitary authorities throughout the United States, weekly reports of the sanitary condition of ports and places within the United States, and shall prepare, publish, and transmit to collectors of customs and to State and municipal health officers and other sanitarians weekly abstracts of the consular sanitary reports and other pertinent information received by him, and shall also, as far as he may be able, by means of the voluntary coöperation of State and municipal authorities, of public associations, and private persons, procure information relating to the climatic and other conditions affecting the public health, and shall make an annual report of his operations to Congress, with such recommendations as he may deem important to the public interests.

SEC. 5. That the Secretary of the Treasury shall from time to time issue to the consular officers of the United States and to the medical officers serving at any foreign port, and otherwise make publicly known, the rules and regulations made by him, to be used and complied with by vessels in foreign ports, for securing the best sanitary condition of such vessels, their cargoes, passengers, and crew, before their departure for any port in the United States, and in the course of the voyage; and all such other rules and regulations as shall be observed in the inspection of the same on the arrival thereof at any quarantine station at the port of destination, and for the disinfection and isolation of the same, and the treatment of cargo and persons on board, so as to prevent the introduction of cholera, yellow fever, or other contagious or infectious diseases; and it shall not be lawful for any vessel to enter said port to discharge its cargo, or land its passengers, except upon a certificate of the health officer at such quarantine station certifying that said rules and regulations have in all respects been observed and complied with, as well on his part as on the part of the said vessel and its master, in respect to the same and to its cargo, passengers, and crew; and the master of every such vessel shall produce and deliver to the collector of customs at said port of entry, together with the other papers of the vessel, the said bills of health required to be obtained at the port of departure and the certificate herein required to be obtained from the health officer at the port of entry; and that the bills of health herein prescribed shall be considered as part of the ship's papers, and when duly certified to by the proper consular or other officer of the United States, over his official signature and seal, shall be accepted as evidence of the statements therein contained in any court of the United States.

SEC. 6. That on the arrival of an infected vessel at any port not provided with proper facilities for treatment of the same, the Secretary of the Treasury may remand said vessel, at its own expense, to the nearest national or other quarantine station where accommodations and appliances are provided for the necessary disinfection and treatment of the vessel, passengers, and cargo; and after treatment of any infected vessel at a national quarantine station, and after certificate shall have been given by the United States quarantine officer at said station that the vessel, cargo, and passengers are each and all free from infectious disease or danger of conveying the same, said vessel shall be admitted to entry to any port of the United States named within the certificate. But at any ports where sufficient quarantine provision has been made by State or local authorities the Secretary of the Treasury may direct vessels bound for said ports to undergo quarantine at said State or local station.

SEC. 7. That whenever it shall be shown to the satisfaction of the President that by reason of the existence of cholera or yellow fever in a foreign country there is serious danger of the introduction of the same into the United States, and that notwithstanding the quarantine defense this danger is so increased by immigration that a suspension of the same is demanded in the interest of the public health, the President shall have power to suspend immigration from such countries or places as he shall designate and for such period of time as he may deem necessary.

SEC. 8. That the act entitled "An act to prevent the introduction of infectious or contagious diseases into the United States, and to establish a national board of health," approved March 3, 1879, be, and the same is hereby, repealed.

Mr. STUMP. I ask for the reading of the reports.

Mr. RAYNER. Oh, I hope they may be read afterward.

Mr. STUMP. We want at least one of the reports read.

Mr. CUMMINGS. I ask for the reading of the majority report, and also the minority report, which, in my opinion, is a perfect answer to the report of the majority.

The CHAIRMAN. The gentleman from Maryland has the floor.

Mr. RAYNER. I do not yield the floor at present for the reading of any report. I will have those reports read as a part of my remarks, as I do not intend to address the House for more than ten or fifteen minutes. But I do not desire to have time occupied now with the reading.

Mr. COMPTON. I would like to inquire whether the bill just read from the desk is the same as the bill passed by the Senate?

Mr. RAYNER. No, it is not.

Now, Mr. Chairman, I wish to submit a few general remarks upon the subject of quarantine, and I shall then explain very briefly the status of these bills. I kindly ask that I may not be interrupted until I get to the bills and then I will yield for any question and will do my utmost to make every necessary explanation.

Mr. CUMMINGS. Mr. Chairman, I would like to inquire whether, under the rules, I have not the right to have the majority report read?

The CHAIRMAN. Not while another gentleman has the floor.

Mr. RAYNER. The gentleman shall have the reports read; I will have them read in my own time; there will be no trouble about that.

Mr. Chairman, I think we are all agreed upon the proposition that something should be done, if possible, to avoid the threatened presence of pestilence upon our shores during the coming summer; and that while we are providing for temporary security we ought to adopt some permanent plan to protect us in the future from the continual danger to which otherwise we should be exposed.

It is needless for me to state to the House that it would be impossible to estimate the sacrifices we would incur and the losses which would be inflicted upon us if this deadly scourge that has lately depopulated one of the greatest commercial centers of Europe should gain an entrance upon our territory. War or famine would prove far less destructive, because against war we could defend ourselves and against famine we might seek deliverance through the relief and benevolence of mankind.

I do not wish to create any false apprehensions upon this subject; but with the tide of immigration that is pouring in upon us at every port of entry the highest authorities unite in predicting that it is almost impossible for us to evade or escape the threatened danger. If we adopt no preventive measures, if we look heedlessly on without any combined effort at resistance, if with all its horrors staring us in the face we defy it to approach us, if we are willing to take our chances and rely upon temporary devices and expedients when the emergency is upon us, then, Mr. Chairman, it will be a miracle if we escape; and I am almost tempted to say that it will be a just punishment if the danger overtakes us.

I shall not consume the time of this House in discussing our constitutional power to pass a bill of this sort. The right to regulate commerce between the States and with foreign countries carries with it the fullest power that is necessary for this purpose. I believe not only in the power, but in the imperative duty of the Federal Government to assume jurisdiction over this matter; and I would, if I had my way—for I want to be very frank, and will say that this bill does not suit me, though I am willing to take it as a compromise—if I had my own way I would curtail every unnecessary expense in order to provide for the creation, the equipment, and the maintenance of a board of maritime sanitation that would render the presence of this great calamity impossible in our midst. And if we are unwilling to do that, Mr. Chairman, I want to go a step farther and say that I would be in favor of suspending all immigration from infected ports until the danger from infection is passed.

There are two classes of immigrants coming to this country. The one class has been and will continue to be a benefit and a blessing to the country; the other is a detriment and an injury. This country was intended as an asylum for the downtrodden and the oppressed from every land who are in sympathy with our institutions. But it never was contemplated that our land should become a place of refuge for those who do not believe in any established institutions, who are the disciples of lawlessness, who have been educated in the schools of disorder and anarchy, and who come here simply because they believe that this being a free country it will afford them a free opportunity to put their pernicious principles into successful execution.

We may as well, Mr. Chairman, have plain, candid words on the subject; and I have no fear about expressing my exact convictions in reference thereto; because a number of these helpless wanderers whom despotism has lashed over every frontier in Europe, and driven in on our shores, have my warmest and deepest sympathy in their distress. Robbed of their birthright, unprotected by law, punished and expatriated, they have been despoiled of their homes, forced from their sanctuaries, and sent as outlaws from place to place upon the face of the earth, simply for committing the crime of worshiping God according to the traditions of their faith and the dictates of their own consciences.

I believe, sir, that every civilized nation on the face of the globe ought to combine to demand of their persecutors that they shall be required to amend their code of religious intolerance and become proselytes at the altar of reason and humanity, or that they shall be no longer tolerated or maintain friendly contact and intercourse with the free nations of the world. But as deeply and profoundly as I feel on this subject I do not believe that we ought to become the receptacle for the conditions and the vice and the crimes that are turned in on us from the continent of Europe.

Last summer, as all will remember, a foreign steamship company sent one of its vessels from an infected port, and with a living sepulcher beneath her decks, with flying colors, entered the harbor of New York, utterly regardless of the sanitary laws of that Commonwealth and of the hundreds and thousands of human lives being imperiled at the port of destination. Had it not been for the heroic conduct of your sanitary officer in that city there is no foretelling what disaster might have been inflicted on our population. The master of this ship was willing to tie his vessel to the dock and actually to distribute his cargo and steerage not only in defiance of the laws of New York, but in disregard of the maritime code of nations.

This instance, Mr. Chairman, only illustrates how utterly powerless even the great State of New York, with its vast municipal powers, would be to provide itself and the balance of the State from an invasion of this character.

Now, I propose very briefly to give the status of these bills, and if any gentleman on the floor desires to ask any question I will cheerfully yield for the purpose of answering, because I am anxious that this measure shall be completed to-day, and hope to be for that reason very much briefer in my remarks than I should otherwise desire.

I introduced at the beginning of the session of Congress a bill for the creation and equipment of a board of maritime sanitation. On consultation with a committee of the Senate I saw at once that there would be little opportunity or chance for a bill of that character getting through the Senate even if it should have passed the House. Then the Senate bill was passed. This bill is a compromise measure. It does not put quarantine regulations in the hands of the Federal Government exclusively.

Mr. CRAIN (interrupting). Will the gentleman allow me to interrupt him for a question?

Mr. RAYNER. Yes, sir.

Mr. CRAIN. I would not do so, but I understood the gentleman to say that he solicited interrogatories.

Mr. RAYNER. I did not say that I wanted questions, but I am perfectly willing to answer them, if for information.

Mr. CRAIN. I want to know if the gentleman is entirely correct in his last statement that the municipal authorities or the State authorities have absolute control in this matter, and that the Federal authorities only act in cases where there is no State or municipal authority?

Mr. RAYNER. I will explain the point to which the gentleman alludes so that every one will understand, but I must ask to be permitted to do so in my own way.

There has been no quarantine legislation in this country virtually for almost one hundred years. The first act was passed in 1799.

Mr. CRAIN. The first Federal act.

Mr. RAYNER. Yes, the first Federal act. This is the first one, and that was passed nearly one hundred years ago, and amounts to absolutely nothing. It was never intended to be executed, and the only provision of consequence in it was a provision which permitted the President to remove the Government's offices here from the city of Washington, in case of danger, to some other city which was not infected.

There has been nothing done under that act until 1878—no quarantine regulations—for nearly eighty years. Both of these enactments followed epidemics of disaster, the yellow fever immediately preceding the year 1799, and there having been also an outbreak of yellow fever in 1878. The act of 1878, which was crudely and inartificially drawn, gave rise to the complication of last summer in New York, so much so that the most distinguished counsel in the land had conflicting notions as to the powers of the Government under that act. At the end of that act was a provision which provided that nothing herein contained shall conflict or interfere with the regulations of any State, etc.

This act did not provide for any consular or any other inspection at ports of departure as the bill of the Chairman of the Committee on Immigration provides.

It does not provide for anything except that the Federal officials may assist the State officers in the execution of the law. That is about all that the act of 1878 provides for. Now, there is only one more act on the subject, and that is the act of 1890. That act has not been brought to public attention as much as it should have been. It provides that the President can put it into

execution whenever cholera exists in the country. The act is very brief, and to show you how utterly inefficient it is for the purposes for which it was intended, I propose to read it to you.

Mr. HOOKER of Mississippi. What is the date of the act?

Mr. RAYNER. The act was passed March 27, 1890. This act was entirely overlooked in the discussion last summer, I may say, and the Treasury officials in doing what they did at the port of New York are said to have overlooked some of the important provisions of this act.

After the enacting clause the text of the act is as follows:

That whenever it shall be made to appear to the President that cholera, yellow fever, small-pox or plagues exist in any State or Territory or in the District of Columbia—

Whenever it shall be made to appear that it exists. It must be made to appear that it exists before he can do anything. It may exist upon a vessel that comes across the ocean. It may exist even in a port of entry, but it must actually exist within the territorial limits of a commonwealth before the President can act or before the Federal authorities can act under this law, so as to avail themselves of its provisions. Not only that. The act provides that the President is—

hereby authorized to cause the Secretary of the Treasury to promulgate such rules and regulations as in his judgment may be necessary to prevent the spread of such disease from one State into another.

Gentlemen have talked a great deal here about the enormous powers that this act confers upon the Federal authorities, and have said that it enables a Federal inspector, for instance, if the disease exists in some city in Texas or in Louisiana, to enter there and blockade and barricade the city, but they have omitted and forgotten the fact that while this act gives no such power there is an act existing, the act of March 27, 1890, to which I am referring, that gives identically these powers, so far as they can be given under the Constitution of the United States.

But that act, as I say, contains the unfortunate provision that the President must be satisfied that the disease exists, and then, when he finds that it does exist, what can he do? He can not stop it. He can not pass any regulation, and the Treasury Department can not pass any regulation that will take effect at the port of entry, but he can take measures to prevent it from going from one State into another. Now, that act could never be carried out. The Treasury officials knew they could not carry it out. They never made the slightest effort to carry out this act, because it did not apply to the emergency which existed last summer, or to the emergency with which we are threatened, and that is the appearance of the disease at a port of entry.

Now that is the situation with reference to legislation upon this subject, with the exception of the act of 1888, which establishes certain Federal quarantine stations. There are only five or six Federal quarantine stations in the United States. There is one, I think, at Cape Charles. There is another at the Delaware Breakwater. There is one at Ship Island——

Mr. STOCKDALE. Chendeliers Island it is now.

Mr. RAYNER. There is none in the State of New York, none in the State of Massachusetts. There is no Federal quarantine station in Louisiana. There is none in Texas. There is none in any of the maritime States with the exception of the stations at the Delaware Breakwater and Cape Charles, and one or two other places which I have mentioned.

There is not in this bill a single word that gives the Government a single right to take possession of the quarantine stations. I want if I can to impress that upon gentlemen who, for reasons no doubt satisfactory to themselves, are opposed to this bill.

Mr. CRAIN. Mr. Speaker, if the gentleman will permit me——

The CHAIRMAN. Does the gentleman yield?

Mr. RAYNER. Certainly.

Mr. CRAIN. Does the gentleman from Maryland deny the fact that in this bill the Secretary of the Treasury is made a supreme court to pass upon the legislation on quarantine subjects of the States of this Union?

Mr. RAYNER. I do not recognize that fact.

Mr. CRAIN. Then, if the gentleman will permit me——

Mr. RAYNER. I know the section that the gentleman refers to, which is section 3. I was coming to that. I am going through the different sections of the bill in my own way. I was coming to that in a moment, but as you have asked the question, I may as well come to that now. Section 3 provides that the Federal Government shall make necessary rules and regulations where there are no quarantine regulations.

Now, let us look at that. There are some States of the Union that have no quarantine regulations at all. There are a number of States that have quarantine regulations about the impounding of cattle, and so forth, but some States of this Union have absolutely no quarantine regulations upon their statute books. This third section provides, in the first portion of it, that in a case of that sort the Government may make necessary rules and regulations.

If the States have not these regulations, then why not give the Government, if necessary, the right to make them. The second portion of that section to which the gentleman refers provides that where these quarantine regulations are inefficient for the purposes for which they were designed the Treasury Department can make rules and regulations that are needed.

Mr. CRAIN. Will you pardon me? The second portion of section to which you refer authorizes the Secretary of the Treasury, if, in his judgment, the State regulations upon this subject are insufficient, to make such additional rules and regulations as he may desire to make; and if the municipal or State authorities do not carry out his suggestions, then the President is authorized to use the force of this country to carry them out. That is making the Secretary of the Treasury a supreme court to pass upon legislation of the States.

Mr. RAYNER. Well, now——

Mr. BOWERS. Where the States fail or refuse to make such regulations.

Mr. RAYNER. That leads us into a discussion——

Mr. CRAIN. It is the plain English.

Mr. RAYNER. You are right about that; but let me answer that now. That leads us into a constitutional discussion as to whether it would not be very much better for the Federal Government to assume the entire jurisdiction of this matter.

Mr. CRAIN. Ah!

Mr. RAYNER. I think it would be very much better.

Mr. CRAIN. That may be true.

Mr. RAYNER. Now, let me finish in my own way.

Mr. OATES. Will the gentleman permit me to ask him a question?

Mr. RAYNER. I want to say to the gentleman from Texas that I believe in as strict a construction of the Constitution as he does; that I was trained by the strictest school in the construction of the Constitution, at the institution of learning that Thomas Jefferson founded; but I never will believe in an interpretation of that instrument that wholly nullifies the intention of the spirit of its framers, and that makes this Government of fully enumerated powers a feeble and a frail fabric to be humiliated and be trampled upon at the capricious bidding of any of the members that compose it. [Applause.]

Mr. CRAIN. But that has nothing to do with this bill.

Mr. RAYNER. Now, if the gentleman wants me to go on let me say to him that I believe that this subject of health is a vital subject, and if I did not so believe I would not be in favor of the Federal Government assuming jurisdiction over it. You have a right to declare war by the Constitution, but you have no right, according to your construction of the Constitution, to defend against an enemy who can desolate your seaboard and convert your prosperous cities into a withering wilderness. You can, under the Constitution, provide uniform laws for naturalization; but according to the Texas construction you can not pass a uniform law of health. You can provide for the common defense, but you can not defend against an enemy that is more subtle than any enemy that ever appeared in human form.

I believe that under the Constitution the Government has the absolute right to provide for the protection of the public health; and, so far as I am concerned, I am utterly opposed to leaving this to the conflicting powers of forty-four different States. But I have accepted the Senate bill, not because I like, not because in all of its parts its meets with my approval. But I want to say to the gentleman that when this portion comes up for consideration there are plenty of gentlemen who will move to amend it; and there will be a motion made to strike out the very portion of this section he refers to.

Mr. CRAIN. That is all right.

Mr. RAYNER. And we will take a vote of the House upon that, so that the House itself can pass upon it. But I want to give the House my views, and that is that upon the subject of quarantine and of public health I am in favor of Federal legislation.

Mr. Chairman, let us go on a little further. This bill meets with two classes of objectors.

Now, let us try to do something to oblige those who think it is too strong, and also to oblige those who think it is too weak. I object to this bill because I think it is too weak, but I am perfectly willing to accept it. There are several gentlemen here who think it ought to be much stronger. There are several gentlemen here who think it ought to be much weaker. After four or five days' discussion in the Senate this bill was adopted as a compromise measure; and, while it does not suit me in all its parts, while it is not a perfect measure, rather than take the risk we are taking, I am willing to accept it, as it may be improved with amendments, as a compromise measure, in order to meet the exigencies and the emergencies of the case. I will refer to one other point, and then I will reserve the balance of my time or yield the floor.

Mr. STOCKDALE. Before the gentleman closes I would like him to explain the provisions in lines 10, 11, 12, and 13, on page 20.

Mr. RAYNER. I will come to that presently. I understood that the gentleman from Alabama [Mr. OATES] desired to ask me a question.

Mr. OATES. I wish to ask the gentleman to yield me some time.

Mr. RAYNER. I will do so with pleasure.

Mr. CRAIN. One more question before the gentleman sits down. I understand that he agrees with me that that part of section 3 ought to be stricken out.

Mr. RAYNER. No; you must not understand any such thing. I do not agree with you at all. I never disagreed with anybody more in my life. [Laughter.]

Mr. CRAIN. You admit that the Secretary of the Treasury has power to pass upon legislation, whether State or municipal, in regard to quarantine subjects.

Mr. RAYNER. I do decidedly.

Mr. CRAIN. Therefore, to that extent you agree with me.

Mr. RAYNOR. I agree with you as to the construction of the statute.

Mr. CRAIN. Now, what is there in this bill which provides for the keeping out of infectious or contagious diseases along the border between the State of Texas and Mexico?

Mr. RAYNER. The gentleman from New York [Mr. WARNER] will at the proper time introduce an amendment to protect the Mexican frontier and the Canadian frontier, and, as far as I am able to do it, I have accepted that amendment; so that the gentleman from Texas will be protected from cholera in his State.

Mr. CRAIN. It is not cholera that we fear.

Mr. RAYNER. Well, yellow fever, or anything else. I don't know what you do have down there. [Laughter.]

Mr. CHIPMAN. Will the gentleman from Maryland allow me a question?

Mr. RAYNER. Yes, sir.

Mr. CHIPMAN. I understood the gentleman to say that the committee had adopted the Senate bill.

Mr. RAYNER. No, sir; we have not adopted the Senate bill.

Mr. CHIPMAN. Then I misunderstood the gentleman. Now, will you explain why you have reported certain changes in the bill passed by the Senate? I do not wish to interrupt you again, so I will call your attention now to line 36, on page 16, as compared with the language on the same subject found on page 5 of the Senate bill. I will also call your attention——

Mr. RAYNER. There are a dozen different changes from the Senate bill, and there is no use in calling my attention to every one of them.

Mr. CHIPMAN. There is; because I wish to know what you think of them. I call your attention to the changes made in section 7, very important changes, which, in my judgment, radically alter the meaning of the Senate bill. I should be glad to hear the reasons for those changes.

Mr. RAYNER. The committee of conference reported the bill that Senator HARRIS reported, identically the same measure. When this bill came up the other day in the House, I asked leave to substitute the Senate bill, but, by an objection from the gentleman from New York, I was prevented from doing that. There are a number of differences between the Senate bill and this. The principal difference is that that bill appropriates a million dollars.

Now, I do not think we need a million dollars for this purpose. I trust we shall not need any considerable amount of money; at all events, not any such amount as that, because there is already, I understand, an epidemic fund in the hands of the President, which he can use, under the law, for the purpose of meeting an emergency of this kind. That is the most radical difference between the Senate bill and ours, but there are other differences; and as the bill will probably go into conference, and as the House refused to permit us to substitute the Senate bill for the House bill, the committee decided to present the bill in this form. But, Mr. Chairman, the vital point is the one stated by the gentleman from Texas; that is, whether or not you want to give the General Government the right, where the State regulations are inefficient, to supplant them by making better regulations, which shall be efficient.

Mr. CRAIN. I trust the gentleman will not misunderstand me. I recognize the fact that Congress has power to legislate upon this question, and also that the States have power to legislate in the absence of national legislation. There is no question about that. But what I contend against is giving the power to the Secretary of the Treasury to override State legislation upon this subject.

Mr. RAYNER. Oh, it is not the Secretary of the Treasury that you object to. You object to the whole Federal Government. If I were to amend that section by putting in the President and all the Cabinet officers you would still object to it.

Mr. CRAIN. I beg your pardon. If you will confine yourself to a statement of your own ideas on the subject you may be correct, but you have no right to submit to this House what you think my view or my idea is.

Mr. RAYNER. Well, what is the idea of the gentleman from Texas?

Mr. CRAIN. My idea is that the Secretary of the Treasury ought not to be permitted to override the regulations of the States or municipalities.

Mr. RAYNER. Who ought to be?

Mr. CRAIN. Why, Congress.

Mr. RAYNER. Congress! That is a beautiful idea! Just imagine! Is not that a lovely idea? Imagine cholera about to enter the city of New York next summer, and the gentleman sitting at his beautiful home in Texas undertaking to legislate to prevent the cholera from entering that city. How can Congress legislate?

Mr. CRAIN. There is no such provision in the bill.

Mr. RAYNER. Certainly there is not. you can not put in it a provision that Congress should legislate, because it would be perfectly impracticable and ridiculous.

Mr. CRAIN. But Congress can legislate——

Mr. RAYNER. Congress is legislating; but Congress can not make rules and regulations to apply——

The CHAIRMAN. The gentleman from Maryland [Mr. RAYNER] will suspend for a moment. The Committee of the Whole will come to order so that gentlemen occupying the floor may be heard.

Mr. DINGLEY. I would like to put an inquiry to the gentleman.

Mr. RAYNER. I will yield in a moment. I want to settle this question in the mind of the gentleman from Texas. How can Congress legislate with regard to the coming of cholera into the port of New York next summer? How can Congress possibly know how to deal with a case of that sort?

Mr. CRAIN. We can pass a general act.

Mr RAYNER. Is not this a general act?

Mr. CRAIN. No, sir.

Mr. RAYNER. What is it?

Mr. CRAIN. Why, it proposes to deal with the matter in detail by conferring jurisdiction upon an officer of the Government to override State legislation.

Mr. RAYNER. Well, Mr. Chairman, that amounts to this——

Mr. CRAIN. Of course the gentleman can indulge in ridicule, if he pleases; but that is not answering my proposition. I want him to understand that the people of my State may be seriously affected by this matter. I am anxious to join in the adoption of a measure for keeping out infectious and contagious diseases.

Mr. RAYNER. Your board of trade has unanimously instructed you to vote for this bill.

Mr. CRAIN. That shows my independence. When I think my board of trade wrong, I vote against it.

Mr. RAYNER. I think your board of trade knows more about this question than you do. With all due deference I prefer to take the opinion of your board of trade on a question of this kind. I would take the opinion of yourself and your colleague's on a constitutional question, but upon the subject of the cholera I prefer the opinion of the board of trade.

Mr. CRAIN. If you are willing to take my opinion on constitutional questions you will agree to the motion I propose to submit to strike out.

Mr. RAYNER. Now, I hope the gentleman will let me go on. I ask him to permit me to proceed.

Mr. DINGLEY. I would like to ask the gentleman a question. From what the gentleman from Maryland said a few moments ago in reply to the gentleman from Michigan [Mr. CHIPMAN], I understand that the gentleman from Maryland is in favor of the Senate bill with certain modifications. Yet we have before us the House bill with certain amendments. I wish to inquire why the committee, the Senate bill having come to the House, did not call up that bill in order that we might take action upon it, and put it in such a parliamentary status as might bring the two Houses into accord upon the same measure, instead of bringing before us an entirely new bill?

Mr. RAYNER. I explained that matter a moment ago, but I will explain it again. I asked permission to do that very thing, but objection was made, and it was not done. I could not do it without unanimous consent.

Mr. DINGLEY. Could not the Senate bill have been sent to the gentleman's committee instead of lying on the Speaker's table, and could it not have been reported and called up?

Mr. RAYNER. It was too late to do that. We did everything we could in the matter. The Senate bill came to this House upon the very day that the report of our committee came in. I was afraid to ask the commitment of the Senate bill to the Committee on Commerce, because our bill might come up in the mean

time before the Senate bill could be reported. My purpose was to ask the substitution of the Senate measure for the House bill, the very thing which the gentleman from Maine thinks would have been the proper course. I did make that request; but the gentleman from New York objected; so the Senate bill is not now before the House.

Mr. DINGLEY. But you could have accomplished that result by referring it to your committee and reporting it back again.

Mr. RAYNER. Certainly, and if I had known that anything in the way of objection was going to be urged to my request, I might have done so. But I did not think that such a reasonable request would have met with an objection.

Now, I hope I may be permitted to go on for the purpose of explaining this bill. In the first place let me say that if the Secretary of the Treasury is not to be the judge, who is to be? Suppose that you have a State regulation which is inefficient and that there is a Federal regulation on the same subject; who is to judge which is to be enforced? If the gentleman objects to the Secretary of the Treasury having this power, he can put it in the hands of the President of the United States to appoint any one else. But his point is that Congress shall make rules and regulations.

How can Congress make rules and regulations? Congress can only pass a general bill giving the officials in charge the right to make such rules and regulations as will meet the aspects of the case as they may arise. We can not take into consideration a subject that does not exist. We do not know what rules and regulations we will require, because sometimes rules and regulatsons applicable to one disease do not apply to another. We do not know whether we want a vessel disinfected or not, or sent from one station to another, or whether the people on board are to be disinfected and quarantined. That is to be left to the officer who, under the statutes of the United States, would have charge of the subject. He must make such local rules and regulations as will meet the case.

Now, there are one or two other sections of this bill to which I want to allude briefly. Referring to the first section again there certainly can be no objection to that. It provides for a method of procedure. The Senate bill provides for a consular inspection. There can be no objection to that, and I understand the chairman of the Committee on Immigration will offer an amendment to this bill providing for an inspection at the ports of departure, and certainly there will be no objection to that.

Mr. CRAIN. Will the gentleman allow me——

Mr. RAYNER. I decline to be interrupted.

Mr. CRAIN. I thought you said you were willing to have any gentleman ask questions for information?

Mr. RAYNER. Any gentleman; yes. But you are the same gentleman who has been asking me questions all along and consuming my time.

Mr. CRAIN. I will yield you my hour.

Mr. RAYNER. You have no hour to yield.

Mr. CRAIN. Am I not a member of the committee?

Mr. RAYNER. Yes.

Mr. CRAIN. Then every member of the committee has a right to an hour if he desires it.

Mr. RAYNER. I think there is no such rule. There are seventeen members of the committee, and that would take seventeen hours.

Mr. CRAIN. Is the gentleman willing to submit to a question propounded, not for the purpose of retarding the bill, but for information?

Mr. RAYNER. Yes.

Mr. CRAIN. Why limit this to a medical officer of the Government? Why limit the discretion of the President?

Mr. RAYNER. Well, I imagine a medical officer will be necessary. Lawyers can not do the work. What kind of an officer do you want?

Mr. CRAIN. But why limit the discretion of the President to the selection of a medical officer of the Government? Why not allow him to choose from persons outside of the Government service?

Mr. RAYNER. Oh! I have no objection to that. He can appoint wherever he finds a fit person. That is a matter of detail. But when he appoints an officer for this duty he becomes an officer of the Government, anyhow.

Now we come to the fifth section and the sixth, which provide for certain statistical information. There is no objection to them, and the only objection now, as I understand it, is to the fourth section of the bill.

Now, I want gentlemen to determine whether or not they are willing to give the public officers of the Government the right to make rules and regulations where there are none, or where they are inefficient, and make them the judges of the insufficiency in such rules and regulations as may exist.

A word more, Mr. Chairman, and I will conclude what I have to say now, as I desire to reserve the remainder of my time. It has been said that there is no danger of this dread disease next summer, and that we need not anticipate it. I want to say that the concensus of medical opinion on the subject is that when this disease once commences in summer, and slumbers in winter, the experience of the world shows that it is likely to break out again during the following heated season. Follow the track of this disease where it starts in the tropical regions of Central Asia, where sanitary science is absolutely unknown, and whence it finds its way to the great capitals of Europe, notwithstanding every effort has been made to restrain its dread progress.

Last summer, without a moment's warning, it entered the gates of one of the fairest cities of Europe, and during months of untold anguish and sorrow it strode like a destroying angel from door to door and home to home of her afflicted people. The highways of traffic were closed. Commerce was prostrated and a half a million of human beings were isolated from intercourse with mankind. The slightest precaution would have avoided this catastrophe.

I believe in preventive rather than remedial measures, and I call upon this House not to adjourn without heeding the appeal that comes to us from almost every school of medicine, from every chamber of commerce, from every board of trade, from every board of health to guard the coast, and to at least place in the hands of the hospital service of the revenue marine the right to pass rules and regulations with which a State shall have no more right of interference than the militia of a State would have the right to interfere with the regular Army in protecting our coast from the invasion of a foreign foe.

If the House desires to know my opinion upon it, I tell you very frankly that I am opposed to leaving it to the States. That only means conflict and contention. But more than that, I am opposed to presenting to our people the awful policy of inaction. If the blight of this scourge should come upon us, in those hours of despair when the whole world shall become our enemy, when its hospitable shores are closed upon us, when there is no hope and no relief till nature runs her deadly course, exhausted by the number of victims that she has gathered for her sacrifice, I for one would never have forgiven myself, if, when the opportunity was presented, I had not at least sounded an alarm which, however feeble it may be, may have possibly awakened us to a proper sense of our responsibility and may have rescued the homes of our countrymen from the perils of this affliction. [Applause.]

I reserve the balance of my time.

Mr. MALLORY. Mr. Chairman, I have listened with a great deal of pleasure to the remarks of the eloquent gentleman from Maryland [Mr. RAYNER], and I am in full accord——

Mr. RAYNER. Is the gentleman occupying my time?

Mr. MALLORY. I am occupying my own time.

Mr. RAYNER. I have reserved the balance of my time and promised to yield to several other gentlemen.

Mr. MALLORY. I am in opposition to some features of this bill.

Mr. RAYNER. I simply wanted to know the situation with reference to time.

Mr. MALLORY. Mr. Chairman, as I was proceeding to say, I am in full accord with the gentleman in the view that he takes as to most of this bill. I believe that there is an urgent necessity at this moment for Congress to take active and efficient measures for the purpose of preventing the invasion of an epidemic, and I think, sir, that this bill indicates that it has been most carefully considered and weighed well by those qualified to do so.

So far as the question of maritime quarantine is concerned I am in favor of all of the features of this bill. I believe it is within the power of Congress, under that clause of the Constitution that gives it the right to regulate commerce, to enact all measures that are necessary for the purpose of preventing the importation of diseases to our shores and across our borders; and if this bill were confined to that alone, I would do all that my Chamber of Commerce and my city council have telegraphed me requesting me to do, namely, to cast my vote for the measure.

But, sir, there is a feature in this bill which I do not think we should allow to pass without at least some criticism. I refer to a portion of the third section.

Under that portion of the third section to which I refer the Secretary of the Treasury is given power to prescribe rules and regulations, and State and municipal sanitary authorities are empowered to enforce them if they desire; but in the event of State and municipal sanitary authorities failing or refusing to enforce them, then the President is armed with power to appoint Federal officials for the purpose of carrying out those provisions.

These provisions, Mr. Chairman, relate to inhibitions upon intercourse between the States. Now, I will go as far as any gentleman who professes to entertain democratic principles, in giv-

ing the Federal Government ample power in this matter; but, sir, do what I could, I have failed, after a careful examination of the situation and into the judicial decisions bearing upon this point, to find any authority in Congress to say that a citizen of the State of New York, not engaged in commerce, not in any way connected with commerce, can have the heavy hand of the Federal Government laid upon his shoulder and be compelled to abide in the State of New York against his will.

That is a power we all concede to the States. The State of New Jersey can inhibit the passage of a citizen of New York across the Hudson River. The State of Kentucky can prohibit the passage of a citizen of Ohio across the Ohio River. But, sir, I say there is nowhere in the Constitution nor in any of the decisions that have been rendered by the tribunals in this land upon this question that you can put your finger upon a single utterance or intimation that gives that power to the President or to Congress.

That, Mr. Chairman, is my special objection to this bill. I appreciate, as I have said, the necessity of our entering upon legislation of this character at this time. I think there is no State in the Union that has had a sadder experience of the necessity of some general legislation of this character than the State which I have the honor in part to represent here.

Year after year our shores have been invaded by pestilence. Year after year the Legislature has been battling with it, and passing law after law endeavoring to reach a point whereby the sanitary condition of our country could be preserved; and I, who figured somewhat in the legislation of those days, long since reached the conclusion that so far as American quarantine is concerned it is in the power of the United States Government to impose or establish rules and regulations as stringent as may be, and that in the end it will prove to be for the benefit of the community. But, sir, I think that before we indorse the principle that is embodied in this portion of the third section, to which I have referred, before we open the door to the exercise of Federal power any more than it has been, notwithstanding the fact that the appeal is a most urgent one, notwithstanding the fact that eloquence can be poured upon us and every argument that oratory can employ can be ably employed, I say that we will be recreant to our duty if we pass this bill in the form in which it is presented.

Mr. Chairman, I believe that our powers are limited by the Constitution, and unless authority is granted either directly or by reasonably necessary implication, I for one, sir, shall not pass beyond what I believe to be the limitations prescribed in that instrument.

I yield ten minutes to the gentleman from Alabama [Mr. OATES].

Mr. OATES. Mr. Chairman, I quite agree with the gentleman from Maryland [Mr. RAYNER] that it is desirable to keep out an invasion of cholera, and also of anarchists and communists. I quite agree that it is right and proper for Congress to do whatsoever it has authority to do to these ends. But when the gentleman, proclaiming himself a Jeffersonian Democrat, talks about Congress "assuming" the power to do anything, there we part company. Congress can not "assume" to do anything. It derives all of its power to act in all cases from the Constitution; and the Supreme Court of the United States, in every decision that was ever made touching the question, has so emphatically declared.

Mr. RAYNER. Does the gentleman say that I said that Congress could pass an unconstitutional law?

Mr. OATES. You say that you are in favor of Congress "assuming" the power to extend its quarantine over States in the absence of any grant to that end.

Mr. RAYNER. "Assuming" it under the Constitution, and as far as the Constitution allows it.

Mr. OATES. That is not the claim you made. That is not the ground you took. You claimed that Congress had the right to "assume" the power, and that in States where there was no quarantine regulation or an insufficient one in the opinion of a Federal official, that the Government should take the authority.

Mr. RAYNER. I withdraw the word "assume."

Mr. OATES. The gentleman has no right to "assume" that Congress can assume jurisdiction when the Constitution has not given it.

Mr. BOUTELLE. The word "assume" is all right.

Mr. OATES. The Congress of the United States, under the Constitution, has no jurisdiction to enact quarantine or health laws overruling the laws of the States.

Mr. RAYNER. Why, the Supreme Court has decided that question, if the gentleman will allow me.

Mr. OATES. I know what the decision is, and I am going to give it to you.

Mr. RAYNER. What case have you?

Mr. OATES. Never mind, you will find out if you will keep your seat and behave yourself. [Laughter.]

Now, in this bill there are some good provisions; but the bill is gotten up (pardon the form of expression) wrong end foremost. It puts the Federal Government in the lead, and allows it to control this matter of quarantine regulation, when it has no power to do anything of the kind. It should follow and give aid to the States; but it can not take the lead of the States.

Mr. BOUTELLE. Follow the cholera through the States! [Laughter.] Is that what the gentleman means? That it should follow the cholera through the States? [Laughter.]

Mr. OATES. If you will take your seat and behave yourself, I will tell you what Chief Justice Marshall said in delivering the decision of the Supreme Court, and you will be better informed than you are now. [Laughter.]

Mr. BOUTELLE. But Chief Justice Marshall might not be on hand to deal with the cholera. [Laughter.]

Mr. OATES. Then I will give you a later one, delivered by one of your own party, and you will stand on that, I suppose, cholera or no cholera. [Laughter.]

In the case of Gibbons *vs.* Ogden, many years ago, this question came up and the court held:

> That inspection laws may have a remote and considerable influence on commerce will not be denied; but that a power to regulate commerce is the source from which the right to pass them is derived can not be admitted.

The gentleman from Maryland [Mr. RAYNER] contended, and other gentlemen who differ with him as to the details of the bill have contended, that under the power to regulate commerce you may make quarantine regulations. You can not do it.

Mr. RAYNER. Will the gentleman allow me to ask him a question?

Mr. OATES. Not now; later on.

Mr. RAYNER. Will you not give me the name of the case you are quoting?

Mr. OATES. I will treat you as you treated me. I am reading from the case of Gibbons *vs.* Ogden.

Mr. RAYNER. Oh, I do not think there is anyone in this House that does not know all about that case.

Mr. OATES. I think you are perhaps about the only exception. [Laughter.]

Mr. RAYNER. I have gone over that case probably one hundred times.

Mr. OATES. Well, you did not read it to much purpose, judging from your remarks this evening. The court proceeds:

> The object of inspection laws is to improve the quality of articles produced by the labor of a country; to fit them for exportation, or, it may be, for domestic use. They act upon the subject before it becomes an article of foreign commerce, or of commerce among the States, and prepare it for that purpose. They form a portion of that immense mass of legislation which embraces everything within the territory of a State not surrendered to the General Government; all which can be most advantageously exercised by the States themselves. Inspection laws, quarantine laws, health laws of every description as well as laws for regulating the internal commerce of a State and those which respect turnpike roads, ferries, etc., are component parts of this mass.
>
> No direct general power over these objects is granted to Congress, and consequently they remain subject to State legislation. If the legislative power of the Union can reach them it must be for national purposes; it must be where the power is expressly given for a special purpose or is clearly incidental to some power which is expressly given. It is obvious that the Government of the Union, in the exercise of its express powers, that, for example, of regulating commerce with foreign nations and among the States, may use means that may also be employed by a State in the exercise of its acknowledged powers—that, for example, of regulating commerce within the State.
>
> If Congress license vessels to sail from one port to another in the same State, the act is supposed to be, necessarily, incidental to the power expressly granted to Congress, and implies no claim of a direct power to regulate the purely internal commerce of a State, or to act directly on its system of police. So, if a State in passing laws on subjects acknowledged to be within its control, and with a view to those subjects, shall adopt a measure of the same character with one which Congress may adopt, it does not derive its authority from the particular power which has been granted, but from some other, which remains with the State and may be executed by the same means.
>
> All experience shows, that the same measures, or measures scarcely distinguishable from each other, may flow from distinct powers; but this does not prove that the powers themselves are identical. Although the means used in their execution may sometimes approach each other so nearly as to be confounded, there are other situations in which they are sufficiently distinct to establish their individuality.
>
> In our complex system, presenting the rare and difficult scheme of one General Government, whose action extends over the whole, but which possesses only certain enumerated powers; and of numerous State governments, which retain and exercise all powers not delegated to the Union, contests respecting power must arise. Were it even otherwise, the measures taken by the respective governments to execute their acknowledged powers would often be of the same description, and might, sometimes interfere. This, however, does not prove that the one is exercising, or has a right to exercise, the powers of the other.
>
> The acts of Congress passed in 1796 and 1799 empowering and directing the officers of the General Government to conform to and assist in the execution of the quarantine and health laws of a State, proceed, it is said, upon the idea that these laws are constitutional. It is undoubtedly true that they do proceed upon that idea; and the constitutionality of such laws has never, so far as we are informed, been denied. But they do not imply an acknowledgment that a State may rightfully regulate commerce with foreign nations or among the States; for they do not imply that such laws are an exercise of that power, or enacted with a view to it.

The General Government does not derive authority in this matter from the power to regulate commerce among the States.

Congress is simply authorized to aid in the execution of the health laws of the State. The court continues:

On the contrary, they are treated as quarantine and health laws, are so denominated in the acts of Congress, and are considered as flowing from the acknowledged power of a State to provide for the health of its citizens. But as it was apparent that some of the provisions made for this purpose, and in virtue of this power, might interfere with, and be affected by the laws of the United States, made for the regulation of commerce, Congress, in that spirit of harmony and conciliation which ought always to characterize the conduct of governments standing in the relation which that of the Union and those of the States bear to each other, has directed its officers to aid in the execution of these laws.

Now, that decision is affirmed in a later case, reported in 19 Wallace.

Mr. LIND. Will the gentleman yield for a question?

Mr. OATES. I will.

Mr. LIND. I believe the decision just cited by the gentleman was not rendered upon a case where Congress had assumed to exercise this jurisdiction, was it?

Mr. OATES. Not precisely.

Mr. LIND. It was rendered, as I understand, in a case where Congress had simply provided for concurrent action.

Mr. OATES. My friend, as I infer from his question, is assuming that the case I have cited does not decide the question which I contend it does decide.

Mr. LIND. Only indirectly.

Mr. OATES. Now, I propose to settle the question by citing the case of Peete *vs.* Morgan, 19 Wallace, page 582. In that case the court, in an opinion delivered by Mr. Justice Davis, said:

That the power to establish quarantine laws rests with the States, and has not been surrendered to the General Government, is settled in Gibbons *vs.* Ogden.

That answers the gentleman's question.

Mr. LIND. But that is a dictum, is it not?

Mr. OATES. Well, the Supreme Court of the United States answers the gentleman's question.

Mr. LIND. It is a dictum, nevertheless.

Mr. OATES. The gentleman may consider it a dictum; but the Supreme Court does not.

Mr. LIND. I ask the gentleman whether he does not consider it a dictum?

Mr. OATES. No; I am not wiser than the Supreme Court of the United States.

Mr. LIND. I think it is clearly *obiter dictum*.

Mr. OATES. No; I do not so consider it, and the Supreme Court of the United States did not so consider it. On the contrary, I have just read the language of the court, in which it declared without dissent, in a unanimous opinion, that the court in Gibbons *vs.* Ogden did so decide. In this case of Peete *vs.* Morgan the opinion of the court continues:

The source of this power is in the acknowledged right of a State to provide for the health of its people, and although this power, when set in motion, may in a greater or less degree affect commerce, yet the laws passed in the exercise of this power are not enacted for such an object.

Now, I concede that it is competent for Congress to enact legislation in aid of the health laws of the States; but I deny the proposition that Congress can override or annul the authority of the State within its own territory in respect to quarantine and health laws.

[Here the hammer fell.]

Mr. MALLORY. I yield three minutes more to the gentleman.

Mr. OATES. I deny the proposition that Congress has the right to enact any law to override the laws of the States or to assume to exercise quarantine power and health-regulating power within the borders of the States. You can not find in the Constitution any provision granting such power. It therefore is a part of the body of police power reserved to the States.

It does not make any difference that a supposed necessity may arise for the exercise of this power on the part of the General Government. I am not discussing the question whether it would have been wiser to vest this power in Congress than in the States. I am discussing the question as to where the power is lodged and what rights Congress has over the subject, for whatever may be the supposed necessity we have no right to usurp power, or, in the language of the gentleman from Maryland, "assume" it. We have gotten on pretty well for more than a century without any such legislation as this bill proposes, and I do not see any very great necessity for the enactment into law of any of its provisions.

Mr. BOATNER. I would like to ask the gentleman a question. Suppose that Congress by legislative declaration should decide that the danger of the introduction of infectious disease was an impediment to interstate and foreign commerce, would that legislative declaration be subject to review in the courts or would it be conclusive of the question?

Mr. OATES. That would depend on the facts of the case. Congress has certain jurisdiction and the States have certain jurisdiction. Congress has no authority except such as it derives from the Constitution; my friend knows that well. Congress has, as I stated awhile ago, jurisdiction to enact laws affecting commerce on the high seas and affecting vessels in our ports and in the navigable waters of the United States. Within that province the States have no jurisdiction as a matter of course.

Mr. BOATNER. I entirely agree with the gentleman in his argument; but I simply want to call his attention to the fact that the position has been taken and attempted to be maintained that whatever Congress may declare to be an obstacle to interstate or foreign commerce becomes thereby such an obstacle, and consequently Congress may legislate with regard to it as it pleases.

Mr. OATES. If that be so, then whatever Congress may determine is to be accepted as an absolute fact, and there is no check or limit upon its authority. Whereas, on the contrary, the United States is a government of enumerated and limited powers. I am surprised that my friend's Democracy allows him to take any such position as that.

Mr. BOATNER. I say to the gentleman that I do not indorse the proposition at all. I have simply called his attention to that proposition because it is now maintained in the other end of the Capitol, and I desire to know the gentleman's views upon it.

Mr. OATES. I thought my friend from Louisiana was too learned a lawyer and statesman to make that kind of a blunder, and thank him for the compliment he pays me.

[Here the hammer fell.]

Mr. MALLORY. I reserve the remainder of my time.

Mr. RAYNER. I ask unanimous consent that the general debate be limited now. The committee has this day only, and of course this bill will be killed if we adjourn without action upon it.

Mr. CUMMINGS. I shall object unless I can have a limited time.

Mr. RAYNER. I will give you the time you desire.

I ask unanimous consent that the debate be now closed and the bill be taken up for consideration under the five-minute rule.

Mr. COCKRAN. One moment before consent is given, Mr. Chairman. What is the effect of that motion? Would it preclude the offering of amendments?

Mr. RAYNER. Not at all. It permits the offering of amendments and limited debate upon them.

Mr. COCKRAN. I have no objection.

The CHAIRMAN. If there be no objection, general debate will be considered as closed and the bill will be read by sections.

There was no objection.

The Clerk read as follows:

SECTION 1. That it shall be unlawful for any merchant ship or other vessel from any foreign port or place to enter any port of the United States except in accordance with the provisions of this act and with such rules and regulations of State and municipal health authorities as may be made in pursuance of, or consistent with, this act; and any such vessel which shall enter, or attempt to enter, a port of the United States in violation thereof shall forfeit to the United States a sum, to be awarded in the discretion of the court, not exceeding $5,000, which shall be a lien upon said vessel, to be recovered by proceedings in the proper district court of the United States. In all such proceedings the United States district attorney for such district shall appear on behalf of the United States; and all such proceedings shall be conducted in accordance with the rules and laws governing cases of seizure of vessels for violation of the revenue laws of the United States.

SEC. 2. That all vessels at foreign ports clearing for any port or place in the United States shall be required to obtain from the consul, vice-consul, or other consular officer of the United States at the port of departure, or from the medical officer where such officer has been detailed by the President for that purpose, a bill of health, in duplicate, in the form prescribed by the Secretary of the Treasury, setting forth the sanitary history and condition of said vessel, and that it has in all respects complied with the rules and regulations in such cases prescribed for securing the best sanitary condition of the said vessel, its cargo, passengers, and crew; and said consul or medical officer is required, before granting such duplicate bill of health, to be satisfied that the matters and things therein stated are true; and for his services in that behalf he shall be entitled to demand and receive such fees as shall by lawful regulation be allowed, to be accounted for as is required in other cases.

The President, in his discretion, is authorized to detail any medical officer of the Government to serve in the office of the consul at any foreign port or ports for the purpose of furnishing information and making the inspection and giving the bills of health hereinbefore mentioned. Any vessel clearing and sailing from any such port without such bill of health, and entering any port of the United States, shall forfeit to the United States not more than $5,000, the amount to be determined by the court, which shall be a lien on the same, to be recovered by proceedings in the proper district court of the United States. In all such proceedings the United States district attorney for such district shall appear on behalf of the United States; and all such proceedings shall be conducted in accordance with the rules and laws governing cases of seizure of vessels for violation of the revenue laws of the United States.

Mr. STUMP. I offer an amendment to this second section.

The CHAIRMAN. The Clerk will report the amendment of the gentleman from Maryland.

The Clerk read as follows:

After the words "port or ports," in line 20 of the bill, on page 14, insert "during the prevalence of any dangerous, contagious, or infectious epidemic in such port or ports."

Mr. WISE. I have no objection to the amendment, as far as I am concerned.

The amendment was adopted.

Mr. MALLORY. I have an amendment which I desire to offer to section 2, if in order at this time.

The CHAIRMAN. The amendment will be read.

The Clerk read as follows:

In line 5 of section 2, after the word "detailed," insert the words "or appointed;" so that it will read: "where such officer has been detailed or appointed by the President of the United States."

Mr. WISE. I have no objection.

The amendment was adopted.

Mr. MALLORY. I offer a further amendment, Mr. Chairman.

The Clerk read as follows:

After the word "Government," in line 19, insert "or appoint any other medical man;" so that it will read: "The President in his discretion is authorized to detail any medical officer of the Government, or appoint any other medical man, to serve, etc."

The amendment was adopted.

Mr. STUMP. I now offer an amendment to come in immediately after section 2, which I ask to have read.

The Clerk read as follows:

Be it enacted, etc., That from and after the 1st day of March, 1893, and until otherwise directed by the Secretary of the Treasury, no alien immigrant shall be permitted to land at any port in the United States who has not been quarantined at the port of departure for from five to seven days immediately preceding the day of embarkation. Such quarantine shall be strict and thorough, and apply to the person, clothing, and baggage of each, under such rules, regulations, requirements, and conditions as said Secretary may deem proper, making use of the most approved appliances and methods to detect, develop, and eradicate all epidemic, contagious, and infectious diseases. That before embarkation the vessel shall be thoroughly cleansed, fumigated, and inspected, and after embarkation the surgeon of the vessel shall make a daily inspection of the immigrant passengers thereon, and upon arrival render a report as to the sanitary condition of each immigrant to the health officer at the port of entry.

It shall be the duty of any person, or a member of any partnership, or agent of any corporation engaged in transporting alien immigrants to the United States, and such person, member, or agent is hereby required to make oath before the United States consul at the port of departure that such quarantine station as the Secretary of the Treasury shall require has been established, and the medical officer detailed by the President, as provided in section 2 of this act, shall furnish a list, in duplicate, of all alien immigrants permitted to embark on each vessel, that all and each of the rules, regulations, requirements, and conditions relating to each immigrant have been strictly and faithfully complied with, and that no one has been released from said quarantine and permitted to embark who has any taint or suspicion of any dangerous epidemic disease, contagious or infectious, that can be ascertained by known medical science, one of which lists shall be delivered by the commanding officer of the vessel to the commissioner of immigration at the port of arrival of said vessel, and the other shall be retained by said consul.

The United States consul at said port shall inspect said quarantine station from time to time and report its condition and management to the Secretary of the Treasury. And should the owner or owners of any vessel willfully violate any of the provisions of this section, no alien immigrant shall be permitted to land in the United States from any vessel owned or operated by him or them without the special permission of the Secretary of the Treasury, upon such conditions as he may impose; and the owner or owners of any vessel bringing alien immigrants who have not been quarantined as required by this act shall be fined the sum of $5,000, which fine shall be imposed and enforced in accordance with the provisions of existing law, and shall be a lien upon said vessel, and said vessel shall not be allowed to leave port until it is paid or approved security given for such payment.

And if it shall appear to said health officer that all of said immigrant passengers have undergone the said quarantine at the port of departure, and are entirely free from all contagious or infectious diseases, and that said vessel, cargo, and other passengers are also free from said diseases, it shall be the duty of said health officer to cause said immigrant passengers to be landed without further detention; and no vessel, passengers, or cargo entering port shall be subjected to a second quarantine or inspection by any health officer, State or Federal, after having undergone a first quarantine or inspection by either State or Federal officials.

Mr. RAYNER. As far as I am concerned, I am willing to accept this entire amendment. It seems to relate to the disinfection of vessels and passengers at the port of departure.

The CHAIRMAN. What is the statement of the gentleman from Maryland?

Mr. RAYNER. I say, as far as I am concerned, I am willing to accept the amendment. Of course I can not bind the House.

Mr. DINGLEY. I would like to ask the gentleman from Maryland if the last portion of the amendment which has been read, which does not appear in the printed bill and is an addition thereto, does not practically nullify all the other provisions?

Mr. RAYNER. I do not so understand it.

Mr. DINGLEY. It provides that an immigrant, having been subjected in a foreign country to such quarantine as the owners of the vessel may think proper, shall be admitted into this country without any further quarantine.

Mr. RAYNER. That can be remedied by providing that it shall be subject to such rules and regulations as the Treasury Department may provide.

Mr. STUMP. This amendment provides that every immigrant shall be obliged, before he can take passage on a ship coming to this country, to have his clothing and baggage disinfected, and the immigrant himself must be put in quarantine for from five to seven days. Then in addition to that, we have the actual quarantine of, say, seven to twelve days in coming across the ocean.

Now, it is provided by this amendment that after having undergone the quarantine abroad and the quarantine of the voyage, immigrants shall not be subjected to another quarantine unless there is danger from some infectious disease aboard which has been developed during the voyage. All that this intends is to prevent the immigrant who has undergone the quarantine I speak of, of from five to seven days abroad, and also the quarantine on the voyage, from being again subjected to another quarantine here without any necessity for it, upon his arrival.

Mr. COCKRAN. Will the gentleman allow me to ask him a question?

Mr. STUMP. Certainly.

Mr. COCKRAN. Under the operation of that amendment, the immigrant, having undergone the seven days' quarantine at the point of departure, would be absolutely entitled to entry at the point of discharge, unless the Federal authorities acting under this bill held that there was some danger from infectious disease developed during the progress of the voyage?

Mr. STUMP. So I understand.

Mr. COCKRAN. So that there would be no State quarantine at all?

Several MEMBERS. None at all.

Mr. COCKRAN. Mr. Chairman, I desire to say a word in reation to this amendment. We have the statement of the author of it [Mr. STUMP] that it means the total abolition of State quarantine, the total abolition of all municipal or State precautions for the protection of municipalities from disease brought across the seas.

Mr. STUMP. I am afraid the gentleman has misunderstood me.

Mr. COCKRAN I certainly have misunderstood the gentleman if that is not the effect of his statement. Nor do I see, under that act, how the State authorities could interfere at all for the protection of the public health. Under this amendment every immigrant must undergo this quarantine in the port of departure, and having been subjected to it he has the absolute right to discharge at the port of entry unless some danger shall have developed during the voyage, which danger must become apparent to the Federal authorities mentioned in the bill reported by the committee. This, I understand, will be the practical operation of the amendment.

Mr. STUMP. There are other sections in the bill which will cure that seeming defect.

Mr. RAYNER. It is provided that they shall not come in except subject to State regulations.

Mr. COCKRAN. If the amendment be adopted there would not be any opportunity for the enforcement of State regulations, that I can see.

But if the gentleman will pardon me, I want to state another and more serious objection to this amendment, and one that, it seems to me, ought to commend itself to the common sense of every member of the House.

We have here a provision that every person who seeks to come to this country, whether he sail from an infected port or from a port free from infectious disease, must undergo seven days imprisonment at the hands of the steamship companies before he is eligible to prosecute his voyage. Now the practical operation of this section, if it go into force, will be that no decent man will submit to the regulation, and the man whose arrival in this country would be advantageous to the community will decline to embark under such conditions, while those who are forced from their homes under the operation of circumstances that reflect upon their own characters, whose condition will not permit them to decide for themselves whether they shall depart or stay, will submit to this or any other provision that you may choose to adopt. Instead of improving the character of immigration to this country by a device of this character, you will degrade it, because you will impose conditions to which honest and respectable men will not submit.

That this amendment should apply to every port in the world is in itself, it appears to me, a statement of its own absurdity. If you intend to limit its application to infected ports, it does not go far enough. I am willing to vote here for an amendment that will prohibit all immigration from any infected port; but I am opposed to this amendment, because it applies alike to the infected and the uninfected, and because it will enable the steamship companies to add the cost of this quarantine to the cost of passage, thus forcing the honest, healthy, and vigorous men who seek to come here, the class of men whose immigration should be encouraged, to suffer an unnecessary, expensive, and degrading indignity, if it be adopted by this House.

The quarantine described in this amendment does not enter in any way into the scheme of the bill presented by the Committee on Interstate Commerce. Here we have an act which provides for a quarantine system to be administered in some respects by the States and in other respects by the United States. Gentle-

men may differ as to the extent to which the control of the quarantine laws should be intrusted to the State or to the Federal Government; but no honest and sensible man, it seems to me, can support an amendment which practically imposes a penalty of seven days' imprisonment, under more rigorous rules than prevail in many penitentiaries, on every person who seeks to come to this country to earn an honest livelihood.

Mr. MALLORY. Will the gentleman who introduced this amendment allow me to ask him why he limits this quarantine to alien immigrants? Is there not as much reason to fear that infectious diseases may be introduced in this country by others as well as alien immigrants?

Mr. STUMP. Mr. Chairman, I would say to the gentleman from New York [Mr. COCHRAN] that the object of this amendment was really for the benefit of the immigrants. The proposition made at the time this bill was drawn was the exclusion of all immigrants from the United States for a period of one year.

At this time, with a view to ascertaining what would be a proper safeguard, the terror of the cholera being introduced solely through immigrants, these facts staring the immigrants in the face, certain physicians of the city of New York were examined, and their testimony has been adduced, and the consensus of opinion of all these physicians was this: that unless immigrants were quarantined abroad that the immigration itself should be suppressed for the period of one year; so that the object, intent, and purpose of this act was to allow immigrants who desire to come to this country, to have the advantage of quarantine there, and not to be subject to quarantine on their arrival in this country.

Mr. COCKRAN. That is the objection to it, in that aspect.

Mr. STUMP. Now, I should like, before I take my seat, to call attention to the opinions of these physicians. I read from the opinion of Dr. W. A. Ewing, who had fifteen years' experience in the health department of the city of New York as sanitary inspector. In answer to the questions there propounded to him, he says:

I am strenuously opposed to the general suspension of immigration from European countries, for the reason that it is unnecessary if the following measures are adopted and carried out:

One of the measures is—

At least five days before sailing each emigrant should be kept in a house of detention, in suitable, cleanly, well-ventilated apartments, provided with bathing and fumigating——

Mr. COCKRAN. He is not to be handcuffed, is he?

Mr. STUMP. No; he is only to be kept in a house of detention. That is all—

suitable, cleanly, well-ventilated apartments, provided with bathing and fumigating facilities, so that these persons may have at least five daily baths and their clothing and other luggage fumigated.

Steamships should be kept thoroughly clean——

I will read from the opinion of Dr. Sayres:

III. The danger to be apprehended from immigrants and their belongings is very great, and the best measures to reduce this danger to a minimum are to have all immigrant passengers and their belongings thoroughly cleansed and disinfected, and carefully isolated and watched for at least five days before they are permitted to take passage. This careful inspection of all the passengers should be made daily, during the entire voyage, by the medical officers of the ship, and their nurses and their assistants, so that the first evidences of the disease may be detected and the disease itself arrested.

* * * * * * *

If this efficient plan can be properly carried out in every port of entry on this continent we can certainly prevent an invasion of cholera.

Mr. COCKRAN. Then that applies to all ports, infected or not infected?

Mr. STUMP. I will state what the application of this bill is when I can get a copy of the bill.

Mr. HOOKER of Mississippi. I submit, Mr. Chairman, that the gentleman should turn his face to the Speaker, so that we can hear what he says.

The CHAIRMAN. The time of the gentleman has expired. The Chair recognizes the gentleman from Massachusetts, but the gentleman will suspend until order is restored.

Mr. LODGE. Mr. Chairman, I think there can be no doubt——

Mr. STUMP. Has my time expired?

Mr. LODGE. I understand that it has; and the Chair recognized me.

The CHAIRMAN. The time of the gentleman from Maryland had expired.

Mr. GEISSENHAINER. I ask that the time of the gentleman from Maryland be extended.

Mr. LODGE. Mr. Chairman, there can be no doubt that the surest way of preventing the introduction of cholera into the country, and one upon which, I think, all the best medical opinion is agreed, is by a total suspension of immigration during the prevalence of the epidemic. Under this act we have given that power to the President; so that all immigration can be stopped when an epidemic is raging in Europe and it seems best to the President to prohibit immigration from any infected ports.

But this amendment, it seems to me, does not strengthen the bill, but weakens it. I believe with the gentleman from Maryland [Mr. RAYNER], and believe most profoundly, in a thorough, comprehensive, and purely national quarantine; but if we can not have that, I am in favor of the best we can get. A quarantine bill we must have, and at once. I believe that we should only hurt the bill by the adoption of this amendment, for, in its practical operation, it provides for quarantine in a foreign port where we can not control the regulation of it, and where we have absolutely no power over the details.

Having it in a foreign port for seven days, the result practically would be to admit emigrants after such a quarantine as that, instead of a thorough twenty-day quarantine, which we could control absolutely ourselves. I can see that if this amendment is adopted and becomes law it might smooth the path of the steamship companies, but I can not see that it would have any effect in defending this country against an invasion of cholera; and I therefore hope, sir, that the amendment will be voted down.

Mr. COMPTON. Mr. Chairman, I have not time to go at length into this question, but I want to assert that proposition first and foremost, that I think the concensus of all well-informed opinion upon this subject points conclusively to the view that absolute quarantine is no protection against the invasion of infectious diseases. It seems to me, sir, that the argument of the distinguished gentleman from New York [Mr. COCKRAN] against the proposition in this amendment will not hold.

In the first place, I believe—and I base my belief upon the opinions expressed by experts on these questions, because personally I have no knowledge, and therefore must depend entirely upon such testimony as a basis for my own opinion—I believe, and I want to call the attention of the gentleman from New York [Mr. COCKRAN] and the gentleman from Massachusetts [Mr. LODGE], and others who oppose this amendment, to the fact that, without one single exception, every learned physician in the city of New York whose opinion and advice upon this question was called for by the authorities of that city stated (as gentlemen will find in the testimony taken by the committee) that a quarantine on the other side of the ocean would reduce the quarantine on this side to a minimum, and that it was really the only effectual mode whereby the incoming of contagious diseases could be prevented.

The gentleman from New York deems it a great hardship that a worthy man, an emigrant seeking to leave his own country to make his home here, should be taken and kept under restraint, it may be, as the gentleman suggests, under rules more exact and rigid and disagreeable than those in your penitentaries, for seven days before being allowed to sail. But why should that be a greater hardship than it would be for the same man to be seized by a State, municipal or Federal quarantine officer when he reaches these shores after a long and tedious voyage, and to be held, it may be, for months, before being allowed to land, as emigrants were held upon an infected vessel last year, and, even after leaving the infected vessel, were kept in very uncomfortable quarters? I cannot see that the argument of the gentleman from New York does not prove as much against quarantine at the port of entry as against quarantine at the port of departure.

Mr. COCKRAN. The gentleman evidently misunderstands my position in this matter. I would not object to a seven days' quarantine in an infected port. I would not object to a fifty days' quarantine in an infected port. I would not object to a total exclusion of emigrants from an infected port; but I do object to imposing seven days' imprisonment upon every man who starts for this country from another country, no matter whether he comes from a port that is free from infection or from a port that is suffering from infection.

Mr. COMPTON. Take a case of this kind. Suppose an interior city is afflicted with cholera, and a citizen of that city comes to a city on the coast and seeks to emigrate, how would the gentleman determine here in any such case that the individual was or was not from an infected port? Would he determine it simply by the fact that the port of departure on the coast was declared to be exempt from infection?

Mr. COCKRAN. My answer to that is that for one hundred years the immigration into this country has continued without any of the dangers or evil consequences which the gentleman dreads. If we are called upon here to legislate to meet an extraordinary situation let us legislate with reference to that, but I object to this amendment because it is an attempt to subject all transatlantic travel in the steerage, whether it be from places infected with cholera or from places which are entirely free from infectious disease—to subject it to conditions so onerous that honest men, self-respecting men, will not submit to them.

If this were a provision relating to cholera, if this were a provision relating to any infectious disease, if this were a provision relating and limited to any particular period, the objection to it would not be so strong as it is to the amendment in the

shape in which it is presented. But you propose to change the whole system. You want to subject every man, no matter whether disease be rife or whether disease be absent in the place from which he comes, to the imprisonment proposed here; and that in my judgment is an insuperable objection to it.

The CHAIRMAN. The time of the gentleman from Maryland has expired. [Laughter.]

Mr. STUMP. Would not this amendment meet the object of the gentleman from New York? After the words "Secretary of the Treasury," in the fifth line of the bill, insert "no alien immigrant from any infected port or place shall be permitted to land in any port in the United States."

Mr. COCKRAN. My objection to that is that it would not be strong enough.

Mr. CUMMINGS. Say "from any infected or suspected port."

Mr. COCKRAN. "Suspected" is rather too vague a term. But my objection to the amendment as it would be with the addition of the words proposed by the gentleman is that then it would not be strong enough. In other words, I am willing to go any distance to meet infection; but I am not willing to impose onerous and degrading conditions on persons who do not come from infected ports.

Mr. PATTERSON of Tennessee. The bill would not be so strong after the adoption of the amendment as it is now.

Mr. CRAIN. I desire to offer an amendment to the amendment.

The CHAIRMAN. There is now pending an amendment to an amendment. No further amendment is in order at this time.

Mr. STORER. Mr. Chairman, there is another objection, and one which seems to me fatal in principle to the amendment now offered. The proposition submitted by our committee provides for a consular or other official inspection on the part of the United States of vessels in all ports abroad. The proposed amendment substitutes what is apparently a most stringent and drastic measure, but one which is to be carried out in what way? Simply under the oath of the agent of the transportation company, and upon the written statement of two surgeons paid by the company.

Mr. STUMP. The proposed amendment does not include such a provision. It provides that the two surgeons shall be appointed by the President under section 4 of the bill. The amendment in its present form is in perfect harmony with the provisions of the bill.

Mr. STORER. Then I did not understand correctly the reading.

Mr. LIND. I wish to call attention to another objection to the amendment, an objection to which I think the statement just made by the gentleman from Maryland [Mr. STUMP] is not a sufficient answer. If the proposed amendment be read as a whole it will be seen that instead of instituting and maintaining a national or quasi-national quarantine, as we propose to do in the bill reported from the Committee on Interstate and Foreign Commerce, this proposition is only for a steamship quarantine—a quarantine by the steamship companies.

There is another point to which I wish to call attention. Under our treaty regulations with most of the European powers we are required, if we observe those treaties, to admit citizens from those countries upon the same terms and conditions on which they admit our citizens, for purposes of trade, business, visiting, etc. Without violating those treaties we can not exclude any person coming from any of those countries who says that he is coming here for the purpose of business. If an Italian organ-grinder says that he is coming to the United States to prosecute his business he can not be quarantined, but the man who states that he is coming here as an immigrant to settle will be. This amendment puts it in the power of any man to escape all quarantine regulations by subterfuge. He need only deny that he is an immigrant.

I believe, as suggested by the gentleman from New York, that we ought to pass a law which will enable our Government to suspend absolutely, if necessary, not only immigration but intercourse with infected ports for the time being. I believe it proper to give the President power to suspend immigration from infected countries for a year or for any length of time which may be required. But I do not concede that all the danger comes from immigration. I want to see quarantine regulations that apply to all. An amendment of the sort now proposed, which would enable the very class of persons whom we are seeking to exclude from the country to come in without regard to quarantine restrictions by their simply resorting to the subterfuge of saying that they are not immigrants, would be, to my mind, preposterous. This amendment, if adopted, would place the execution of our whole scheme of protection in the hands of the steamship companies themselves.

[Here the hammer fell.]

Mr. CRAIN. I will yield five minutes to the gentleman from Minnesota [Mr. LIND], if he will answer me one question. I wish to know whether infectious and contagious diseases are communicable only by alien immigrants, and whether the amendment, if adopted, should not contain a provision applicable to all persons coming from an infected country?

Mr. LIND. I think that question answers itself.

Mr. CRAIN. I am in accord with the gentleman's argument. I merely desired to make that suggestion.

The CHAIRMAN. The question is on the amendment of the gentleman from Maryland.

Mr. COMPTON. Is that subject to amendment?

The CHAIRMAN. It is not.

The question being taken on the amendment of Mr. STUMP, there were on a division (called for by Mr. STUMP)—ayes 15, noes 111.

So the amendment was rejected.

The Clerk read section 3, as follows:

SEC. 3. That the Marine Hospital Service shall coöperate with and aid State and municipal boards of health in the execution and enforcement of the rules and regulations of such boards, and in the execution and enforcement of the rules and regulations made by the Secretary of the Treasury to prevent the introduction of contagious or infectious diseases into the United States from foreign countries, and into one State or Territory or the District of Columbia from another State or Territory or the District of Columbia; and at such ports and places within the United States as have no quarantine regulations under State or municipal authority, where such regulations are, in the opinion of the Secretary of the Treasury, necessary to prevent the introduction of contagious or infectious diseases into the United States from foreign countries, or into one State or Territory or the District of Columbia from another State or Territory or the District of Columbia, and at such ports and places within the United States where quarantine regulations exist under the authority of the State or municipality which, in the opinion of the Secretary of the Treasury, are not sufficient to prevent the introduction of such diseases into the United States, or into one State from another, the Secretary of the Treasury shall, if in his judgment it is necessary and proper, make such additional rules and regulations as are necessary to prevent the introduction of such diseases into the United States from foreign countries, or into one State from another, and when said rules and regulations have been made they shall be promulgated by the Secretary of the Treasury and enforced by the sanitary authorities of the States and municipalities, where the State or municipal health authorities will undertake to execute and enforce them; but if the State or municipal authorities shall fail or refuse to enforce said rules and regulations the President shall execute and enforce the same and may detail or appoint officers for that purpose. The Secretary of the Treasury shall make such rules and regulations as are authorized by the laws of the United States and necessary to be observed by vessels at the port of departure and on the voyage where such vessels sail from any foreign port or place at which contagious or infectious disease exists, or from which the President has reason to believe that infected articles of merchandise are being shipped, to any port or place in the United States, to secure the best sanitary condition of such vessel, her cargo, passengers, and crew which shall be published and communicated to and enforced by the consular and medical officers of the United States. None of the penalties herein imposed shall attach to any vessel or owner or officer thereof until a copy of this act, with the rules and regulations made in pursuance thereof, has been posted up in the office of the consul or other consular officer of the United States for ten days, in the port from which said vessel sailed; and the certificate of such consul or consular officer over his official signature shall be competent evidence of such posting in any court of the United States.

Mr. CRAIN. I offer the amendment which I send to the desk.

The Clerk read as follows:

Strike out in section 3 all after the word "Columbia," in line 17, down to and including the word "purpose," in line 35.

Mr. SAYERS. I desire to offer an amendment to perfect the language of the section. It seems to me that my amendment ought to be considered first.

The CHAIRMAN. The Clerk will report the proposed amendment of the gentleman from Texas [Mr. SAYERS,] and the Chair will then determine whether it has precedence.

The Clerk read as follows:

After the word "Columbia," in line 9, section 3, insert "whenever the supreme health authority of the State, Territory, or District, through proper officials, makes application for assistance."

Mr. ANTONY. Mr. Chairman, I offer the amendment I send to the desk as a substitute for the amendments of my colleagues.

The Clerk read as follows:

Amend section 3 by striking out all after the words "foreign countries," in line 7, page 15, down to and including the words "from another," in line 27, page 16.

Mr. TERRY. I desire to offer an amendment to perfect the text of the section.

The CHAIRMAN. The Chair will state that other amendments are not now in order.

Mr. SAYERS. I desire to ask a ruling from the Chair as to whether or not the amendment I offered has not priority over either of the amendments offered by my colleagues?

Mr. CRAIN. Mr. Chairman, in response to that inquiry I suggest to the Chair that I offered my amendment some time ago, and the Chair said that it would be considered as pending; that it was not properly before the committee at that time, but as soon as the Clerk had concluded the reading of the section it would be pending. I am perfectly willing after my amendment is adopted, not only willing, but anxious that the amendment of my colleague, Mr. SAYERS, should be adopted, it being in the line of my suggestions to the gentleman from Maryland [Mr. RAY-

NER]. But I think my motion has precedence over all other amendments for the reasons I have stated.

The CHAIRMAN. The Chair will submit the amendment of the gentleman from Texas first offered.

Mr. ANTONY. I offered my proposition as a substitute for the amendments of both of my colleagues from Texas. Does not the vote come first on that?

Mr. CRAIN. I would suggest that a substitute can not be offered for an amendment that is not pending, and an amendment to an amendment is not in order at this stage of the bill. We are considering now a committee amendment to which I have offered an amendment. Therefore the suggestion of my colleague has no force.

The amendment of my colleague on the right [Mr. SAYERS] is not before the House; and the substitute of my colleague on the left [Mr. ANTONY] can not be considered, so far as the propositions or matters embodied in the amendment of my colleague are concerned, that matter not being before the House.

The CHAIRMAN. The Chair will submit the question on the amendment of the gentleman from Texas [Mr. CRAIN].

Mr. COCKRAN. May I ask that that amendment be reported again?

The Clerk read as follows:

Strike out on page 15, line 17, after the word "Columbia," down to and including the word "purpose," in line 35, on page 16.

Mr. DINGLEY. I would like to have some explanation of the amendment, Mr. Chairman, before a vote is taken upon it.

The CHAIRMAN. The Chair thinks the gentleman is too late in making his request, as the Chair had submitted the question.

Mr. DINGLEY. I was on my feet, Mr. Chairman, making the request.

The CHAIRMAN. Under the circumstances, the Chair will permit the gentleman from Texas, if he so desires, to explain the amendment.

Mr. CHIPMAN. I make the point of order, Mr. Chairman, that there is so much confusion that it is utterly impossible to understand a word of what is being said in the House.

The CHAIRMAN. The Chair has been endeavoring to preserve order, and will ask the committee again to observe order, so that the proceedings of the House will be uninterrupted.

Mr. CRAIN. The gentleman from Maine [Mr. DINGLEY] has asked me for an explanation of the effect of the amendment I have suggested. It strikes out all after the word "Columbia," in line 17, on page 15 of the bill, down to and including the word "purpose," on page 16, being the following words:

and at such ports and places within the United States where quarantine regulations exist under the authority of the State or municipality which, in the opinion of the Secretary of the Treasury, are not sufficient to prevent the introduction of such diseases into the United States, or into one State from another, the Secretary of the Treasury shall, if in his judgment it is necessary and proper, make such additional rules and regulations as are necessary to prevent the introduction of such diseases into the United States from foreign countries, or into one State from another, and when said rules and regulations have been made they shall be promulgated by the Secretary of the Treasury and enforced by the sanitary authorities of the States and municipalities, where the State or municipal health authorities will undertake to execute and enforce them; but if the State or municipal authorities shall fail or refuse to enforce said rules and regulations the President shall execute and enforce the same and may detail or appoint officers for that purpose.

Mr. DINGLEY. That takes away all the good that may be effected by the bill.

Mr. CRAIN. The gentleman from Maryland in charge of the bill agrees that this provision would give to the Secretary of the Treasury the power to consider the force and effect of municipal or State regulations upon the subject of quarantine, and if in his supreme judgment, he being the sole arbiter to determine the question, the regulations and rules whether municipal or State should be insufficient, he is authorized to add to them legislation by promulgating such rules and regulations and orders, as in his discretion, added to the force and effect of existing legislation, would keep out infectious or contagious diseases.

Now, I contend that that is conferring too much power on any officer of the Government. I say it is dearer to my people and nearer to my people to keep away infectious and contagious diseases than it is to the Secretary of the Treasury 2,000 miles away.

More than that, Mr. Chairman, I say that the power of legislation should be vested and is vested by the constitutions of the States and of the United States in the Legislatures of the respective States and in the National Legislature assembled at Washington, and that that power should not be conferred upon any other individual.

[Here the hammer fell.]

Mr. BOWERS. Mr. Chairman, I want to ask the gentlemen who are in favor of striking out these lines, and the gentleman who offered the amendment, if practically the effect is not to make the State paramount to Federal or United States authority in all these quarantine matters?

Mr. CRAIN. Does the gentleman want an answer?

Mr. BOWERS. Certainly.

Mr. CRAIN. The States ought to have, on all questions over which they have jurisdiction, just that power.

Mr. BOWERS. That is the point I wanted to reach; and I want the House and the people of the country to understand that the struggle right here on this bill is whether the States shall be permitted to become paramount to the United States or not. You speak of the Constitution and of the constitutional limitations. I am not a constitutional lawyer, but I do read it; and I read that the States have conceded to the General Government power to provide for the common defense and general welfare, and this bill is to provide for the general welfare and common defense against common disaster.

Now, I do not care whether it is the Secretary of the Treasury you invest with the power or the President or whoever he may be, but somewhere there should be a power bestowed, when a State fails to enforce the quarantine regulations, that the other States might demand of the General Government protection from impending national disaster because of the inability or the refusal of any one State to take protective action and provide proper remedies.

I tell you that the Asiatic cholera does not stop at State lines or State boundaries. It will march through the State of New York, and it will not even stop when the typical tiger shows its teeth, but will walk right on over its body in the same way that a gentleman named Cleveland did the other day. When you give us cholera that will stop at State lines, I shall not object to this proposition, but taking the disease as it is the people of the country have a common right to this provision of defense by the General Government.

[Here the hammer fell.]

Mr. DINGLEY. I move to strike out the last word for the purpose of calling attention to the fact that the amendment proposed by the gentleman from Texas [Mr. CRAIN] goes even further than the point which has been under discussion between him and the gentleman from California [Mr. BOWER]. It also includes—

such ports and places within the United States as have no quarantine regulations.

And if that be stricken out ports and places in States that have no quarantine regulations would remain in the same condition.

Mr. RAYNER. I am willing to accept an amendment including those.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. CRAIN].

The question being taken, the Chairman announced that the "noes" seemed to have it.

Mr. CUMMINGS and others. Division.

The CHAIRMAN. The "noes" seem to have it. The "noes" have it, and the amendment is rejected.

Mr. ROCKWELL. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from New York [Mr. ROCKWELL] sends up an amendment, which will be reported by the Clerk.

Mr. SAYERS. There is an amendment pending which was offered by me.

The CHAIRMAN. The Chair does not know of any such amendment pending.

Mr. SAYERS. I sent an amendment up to be read. I desire to have the amendment which I offered presented to the House.

The CHAIRMAN. The Clerk will report the amendment of the gentleman from New York [Mr. ROCKWELL].

The Clerk read as follows:

Strike out from and after the word "Columbia," in line 17 of section 3, to and including the word "another," in line 22 of said section.

The words proposed to be stricken out are as follows:

"And at such ports and places within the United States where quarantine regulations exist under the authority of the State or municipality which, in the opinion of the Secretary of the Treasury, are not sufficient to prevent the introduction of such diseases into the United States, or into one State from another."

Mr. SAYERS. That is not the amendment I offered.

The CHAIRMAN. The Chair recognized the gentleman from New York [Mr. ROCKWELL]. The gentleman from Texas [Mr. SAYERS] sent up an amendment awhile ago which was not in order.

Mr. SAYERS. But I understood the Chair to say that just as soon as the amendment of my colleague [Mr. CRAIN] was acted upon the Chair would present the amendment offered by me to the committee.

The CHAIRMAN. The Chair has no recollection of making such a statement, but there will be an opportunity to offer the amendment as soon as the amendment of the gentleman from New York [Mr. ROCKWELL] is disposed of.

Mr. CUMMINGS. Do I understand the Chair to say that the amendment of the gentleman from Texas [Mr. CRAIN] is passed?

The CHAIRMAN. No; it is rejected.

Mr. CUMMINGS. I called for a division at the time of the vote, and so did the gentleman from Texas [Mr. SAYERS].

The CHAIRMAN. The Chair did not hear the demand and the Chair announced the result. The question is on the amendment of the gentleman from New York [Mr. ROCKWELL].

Mr. ROCKWELL. I desire to say a word in explanation of that amendment.

Mr. CHIPMAN and others. Let the amendment be again read.

The amendment was again read.

Mr. ROCKWELL. Mr. Chairman, the difference between the effect of this amendment and the effect of the amendment offered by the gentleman from Texas [Mr. CRAIN] is, that this simply strikes out from the provisions of the bill those States which have existing quarantine regulations and does not permit the Secretary of the Treasury to interfere with the existing quarantine relations of the different States; but it leaves the bill so that, in any State where there are no quarantine regulations, the Secretary of the Treasury may make such provisions as are provided for in the bill reported by the committee.

Mr. DINGLEY. That practically destroys the bill.

The amendment offered by the gentleman from New York [Mr. ROCKWELL] was rejected.

Mr. SAYERS. I desire now to have the amendment which I offered a few moments ago presented to the committee.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Texas [Mr. SAYERS].

The Clerk read as follows:

After the word "Columbia," in line 9 of section 3 of the bill, insert the words:

"Whenever the supreme health authority of a State, Territory, or district, through proper officials, makes application for assistance."

The question being taken on the amendment of Mr. SAYERS, the Chair announced that the noes seemed to have it.

On a division (demanded by Mr. SAYERS) there were—ayes 56, noes 86.

So the amendment was rejected.

Mr. CHIPMAN. I have an amendment which I desire to offer.

The amendment was read, as follows:

In lines 36 and 37 of section 3, strike out the words "as are authorized by the laws of the United States."

Mr. CHIPMAN. Mr. Chairman, I am in favor of the Senate bill, one that has already been passed, and has been sent to the House. This amendment restores the language of the Senate bill, which was stricken out by the bill before us. Those gentlemen who have scruples as to the power of the State, and those who have constitutional qualms on this question, should vote against the amendment which I have offered; and unquestionably should vote against the Senate bill. But those gentlemen who wish an efficient protection against an incursion of cholera into this country, and who have no such qualms and scruples, should vote for this amendment, and should ultimately vote to substitute the Senate bill for the bill now pending before us.

Trusting to the States alone to enforce quarantine laws will be a very poor dependence if this trouble we anticipate comes upon us. Cities such as I represent here have no difficulty in time of epidemic, as a general rule, in protecting themselves, but within 5 or 10 miles of them may be a community with a local board of health governed by gentlemen as economical in their notions as gentlemen who frequently appear on this floor, and all the efforts made by places which have effective quarantine will be utterly valueless. This House bill——

The CHAIRMAN. The time of the gentleman has expired.

Mr. CHIPMAN. Does the Chair count the time he was calling the committee to order? A great deal of time was consumed in that way.

Mr. McMILLIN. Mr. Chairman, if I can be recognized I will yield to the gentleman from Michigan.

The CHAIRMAN. Without objection the gentleman from Michigan will be allowed to proceed.

There was no objection.

Mr. CHIPMAN. Mr. Chairman, what we wish on the northern frontier is an effective bill from the Atlantic to the Pacific. Throughout that great extent of country on the Canadian border we demand a protection which will be efficient against an irruption of cholera. Cholera has come into the United States time and again from Canada. The quarantine regulations in that country, like most of their regulations, except those in imitation of our own, are very inefficient.

The result will be that unless we have the aid of the strong hand of the Government we will have no protection. If we are to trust to local laws and to the inchoate system of small communities along that border, extending thousands and thousands of miles, the legislation which we may enact here will be utterly valueless to us.

The Senate bill, in my judgment, preserves the powers of the States, and it also exercises the legitimate power of the National Government. It has been sedulous in regard to preserving and harmonizing those different powers, and I hope and trust that this House will sooner or later, before this debate is concluded and before this bill is disposed of, reinstate the Senate bill bodily and put it in the place of this bill, which in the most important particulars differs from it.

The question was taken, and the amendment was rejected.

Mr. COCKRAN. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

Add to section 3, page 17, line 53, the following:

"*Provided*, That nothing in this act contained shall be construed to authorize any Federal officer to relax, modify, or suspend any rules, precautions, or regulations which may have been or which may hereafter be adopted by State or municipal authorities for the exclusion of contagious or infectious diseases from any port of the United States or to permit the entry or discharge of any vessel in any port of the United States where quarantine regulations have been established by State or municipal authority until such vessel shall have complied with such regulations."

Mr. COCKRAN. Mr. Chairman——

Mr. WISE. Mr. Chairman, I would like simply to state that the committee accepts that amendment. [Cries of "Oh, no!"]

Mr. WILLIAM A. STONE. Mr. Chairman, let the amendment be reported again.

The amendment was again reported.

Mr. HOOKER of Mississippi. If the gentleman from New York desires to speak in favor of his amendment, I will yield to him.

Mr. COCKRAN. The amendment has been accepted by the committee.

Mr. HOOKER of Mississippi. Then I want to say something about the amendment myself.

Mr. COCKRAN. Mr. Chairman, I simply desire to say one word in explanation of the amendment. It does not prevent the Federal authority from enforcing quarantine in any part of the United States, but it does prevent them from relaxing or suspending any regulation that the State authorities may have made.

Mr. DINGLEY. Makes it come after the State authority?

Mr. COCKRAN. I do not care which is first or second. It means that the Federal Government can not make less stringent regulations than those which have already been made by the State.

Mr. DINGLEY. It seems to me it substitutes the State for the Federal authority.

Mr. COCKRAN. It does not do anything of the kind.

Mr. HOOKER of Mississippi. I desire to say a word on the amendment offered by the gentleman from New York.

Mr. MILLIKEN. Let us have order.

Mr. HOOKER of Mississippi. Mr. Chairman, I desire to have order before I submit my remarks, so that I may be heard.

The CHAIRMAN. The gentleman from Mississippi will suspend until the committee is in order.

Mr. HOOKER of Mississippi. I want to say, Mr. Chairman, that the amendment offered by the gentleman from New York [Mr. COCKRAN], in my judgment, utterly eliminates from the bill all of the powers which it is proposed shall be exercised by the Federal Government in establishing efficient quarantine.

Mr. DINGLEY. That is just what it does.

Mr. HOOKER of Mississippi. In 1878 we had a visitation of yellow fever which decimated the whole Southern country. It followed the lines of the great rivers and penetrated as far into the interior as Louisville, Ky., and St. Louis, Mo., in a few sporadic cases, and it became necessary that we should adopt some general system of quarantine.

The necessity gave rise to the creation of the National Board of Health, which was composed of seven distinguished sanitarians appointed from as many States, the law providing that not more than one should be appointed from any particular State. I remember that upon that Board there was a distinguished sanitarian from the State of Massachusetts and another from the State of Virginia, a member of the medical faculty of the University of that State, associated with five other distinguished gentlemen. I do not think the country has ever had a law passed that did more for the prevention of the spread of epidemic diseases in this country than the law which created the National Board of Health; a body which, as I understand by the terms of the Senate bill, is proposed to be abolished, and which has in fact been virtually abolished by the expiration of the period of time fixed by the statute of 1879.

The object of the establishment of that Board was to prevent a recurrence in this country of what had occurred previously. In 1878 it was seen to be necessary that we should have, for this

purpose, a power which should not be subject to, but should act in concert with, the State authorities, and, as a part of my remarks on this occasion, I ask leave to print the original act passed March, 1879, which I have not time to read now, and in that connection the laws and regulations on this general subject which were then in existence, and which have been referred to by the gentleman from Maryland.

Following are the acts April 29, 1878, March 3, 1879, and June 2, 1879:

CHAP. 66.—An act to prevent the introduction of contagious or infectious diseases into the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That no vessel or vehicle coming from any foreign port or country where any contagious or infectious disease may exist, and no vessel or vehicle conveying any person or persons, merchandise or animals, affected with any infectious or contagious disease, shall enter any port of the United States or pass the boundary line between the United States and any foreign country, contrary to the quarantine laws of any one of said United States, into or through the jurisdiction of which said vessel or vehicle may pass, or to which it is destined, or except in the manner and subject to the regulations to be prescribed as hereinafter provided.

SEC. 2. That whenever any infectious or contagious disease shall appear in any foreign port or country, and whenever any vessel shall leave any infected foreign port, or, having on board goods or passengers coming from any place or district infected with cholera or yellow fever, shall leave any foreign port, bound for any port in the United States, the consular officer, or other representative of the United States at or nearest such foreign port shall immediately give information thereof to the Supervising Surgeon-General of the Marine Hospital Service, and shall report to him the name, the date of departure, and the port of destination of such vessel; and shall also make the same report to the health officer of the port of destination in the United States, and the consular officers of the United States shall make weekly reports to him of the sanitary condition of the ports at which they are respectively stationed; and the said Surgeon-General of the Marine Hospital Service shall, under the direction of the Secretary of the Treasury, be charged with the execution of the provisions of this act, and shall frame all needful rules and regulations for that purpose, which rules and regulations shall be subject to the approval of the President, but such rules and regulations shall not conflict with or impair any sanitary or quarantine laws or regulations of any State or municipal authorities now existing or which may hereafter be enacted.

SEC. 3. That it shall be the duty of the medical officers of the Marine Hospital Service and of customs officers to aid in the enforcement of the national quarantine rules and regulations established under the preceding section; but no additional compensation shall be allowed said officers by reason of such services as they may be required to perform under this act except actual and necessary traveling expenses.

SEC. 4. That the Surgeon-General of the Marine Hospital Service shall, upon receipt of information of the departure of any vessel, goods, or passengers from infected places to any port in the United States, immediately notify the proper State or municipal and United States officer or officers at the threatened port of destination of the vessel, and shall prepare and transmit to the medical officers of the Marine Hospital Service, to collectors of customs, and to the State and municipal health authorities in the United States weekly abstracts of the consular sanitary reports and other pertinent information received by him.

SEC. 5. That wherever, at any port of the United States, any State or municipal quarantine system may now or may hereafter exist the officers or agents of such system shall, upon the application of the respective State or municipal authorities, be authorized and empowered to act as officers or agents of the national quarantine system, and shall be clothed with all the powers of United States officers for quarantine purposes, but shall receive no pay or emoluments from the United States. At all other ports where, in the opinion of the Secretary of the Treasury, it shall be deemed necessary to establish quarantine, the medical officers or other agents of the Marine Hospital Service shall perform such duties in the enforcement of the quarantine rules and regulations as may be assigned them by the Surgeon-General of that service under this act: *Provided*, That there shall be no interference in any manner with any quarantine laws or regulations as they now exist or may hereafter be adopted under State laws.

SEC. 6. That all acts or parts of acts inconsistent with this act be, and the same are hereby, repealed.

Approved April 29, 1878.

CHAP. 202.—An act to prevent the introduction of infectious or contagious diseases into the United States, and to establish a National Board of Health.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be established a National Board of Health, to consist of seven members, to be appointed by the President, by and with the advice and consent of the Senate, not more than one of whom shall be appointed from any one State, whose compensation, during the time when actually engaged in the performance of their duties under this act, shall be $10 per diem each and reasonable expenses, and of one medical officer of the Army, one medical officer of the Navy, one medical officer of the Marine Hospital Service, and one officer from the Department of Justice, to be detailed by the Secretaries of the several Departments and the Attorney-General, respectively, and the officers so detailed shall receive no compensation. Said board shall meet in Washington within thirty days after the passage of this act, and in Washington or elsewhere from time to time upon notice from the president of the board, who is to be chosen by the members thereof, or upon its own adjournments, and shall frame all rules and regulations authorized or required by this act, and shall make or cause to be made such special examinations and investigations at any place or places within the United States, or at foreign ports, as they may deem best, to aid in the execution of this act and the promotion of its objects.

SEC. 2. The duties of the National Board of Health shall be to obtain information upon all matters affecting the public health, to advise the several departments of the Government, the executives of the several States, and the Commissioners of the District of Columbia, on all questions submitted by them, or whenever in the opinion of the board such advice may tend to the preservation and improvement of the public health.

SEC. 3. That the Board of Health, with the assistance of the Academy of Science, which is hereby requested and directed to coöperate with them for that purpose, shall report to Congress at its next session a full statement of its transactions, together with a plan for a national public health organization, which plan shall be prepared after consultation with the principal sanitary organizations and the sanitarians of the several States of the United States, special attention being given to the subject of quarantine, both maritime and inland, and especially as to regulations which should be established between State or local systems of quarantine and a national quarantine system.

SEC. 4. The sum of $50,000, or so much thereof as may be necessary, is hereby appropriated to pay the salaries and expenses of said board and to carry out the purposes of this act.

Approved, March 3, 1879.

CHAP. 11.—An act to prevent the introduction of contagious or infectious diseases into the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be unlawful for any merchant ship or vessel from any foreign port where any contagious or infectious disease exists, to enter any port of the United States except in accordance with the provisions of this act, and all rules and regulations of the State boards of health and all rules and regulations made in pursuance of this act; and any such vessel which shall enter, or attempt to enter, a port of the United States, in violation thereof, shall forfeit to the United States a sum, to be awarded in the discretion of the court, not exceeding $1,000, which shall be a lien upon said vessel, to be recovered by proceedings in the proper district court of the United States. And in all such proceedings the United States district attorney for such district shall appear on behalf of the United States, and all such proceedings shall be conducted in accordance with the rules and laws governing cases of seizure of vessels for violation of the revenue laws of the United States.

SEC. 2. All such vessels shall be required to obtain from the consul, vice-consul, or other consular officer of the United States at the port of departure, or from the medical officer, where such officer has been detailed by the President for that purpose, a certificate in duplicate setting forth the sanitary history of said vessel, and that it has in all respects complied with the rules and regulations in such cases prescribed for securing the best sanitary condition of the said vessel, its cargo, passengers and crew; and said consular or medical officer is required, before granting such certificate, to be satisfied the matters and things therein stated are true; and for his services in that behalf he shall be entitled to demand and receive such fees as shall by lawful regulation be allowed, to be accounted for as is required in other cases.

That upon the request of the National Board of Health the President is authorized to detail a medical officer to serve in the office of the consul at any foreign port for the purpose of making the inspection and giving the certificates hereinbefore mentioned; *Provided*, That the number of officers so detailed shall not exceed at any one time six: *Provided further*, That any vessel sailing from any such port without such certificate of said medical officer, entering any port of the United States, shall forfeit to the United States the sum of $500, which shall be a lien on the same to be recovered by proceedings in the proper district court of the United States. And in all such proceedings the United States district attorney for such district shall appear on behalf of the United States, and all such proceedings shall be conducted in accordance with the rules and laws governing cases of seizure of vessels for violation of the revenue laws of the United States.

SEC. 3. That the National Board of Health shall coöperate with and, so far as it lawfully may, aid State and municipal boards of health in the execution and enforcement of the rules and regulations of such boards to prevent the introduction of contagious or infectious diseases into the United States from foreign countries, and into one State from another; and at such ports and places within the United States as have no quarantine regulations under State authority where such regulations are, in the opinion of the National Board of Health, necessary to prevent the introduction of contagious or infectious diseases into the United States from foreign countries, or into one State from another; and at such ports and places within the United States where quarantine regulations exist under the authority of the State, which, in the opinion of the National Board of Health, are not sufficient to prevent the introduction of such diseases into the United States, or into one State from another, the National Board of Health shall report the facts to the President of the United States, who shall, if, in his judgment, it is necessary and proper, order said Board of Health to make such additional rules and regulations as are necessary to prevent the introduction of such diseases into the United States from foreign countries, or into one State from another, which, when so made and approved by the President, shall be promulgated by the National Board of Health and enforced by the sanitary authorities of the States, where the State authorities will undertake to execute and enforce them; but if the State authorities shall fail or refuse to enforce said rules and regulations the President may detail an officer or appoint a proper person for that purpose.

The Board of Health shall make such rules and regulations as are authorized by the laws of the United States and necessary to be observed by vessels at the port of departure and on the voyage where such vessels sail from any foreign port or place at which contagious or infectious disease exists, to any port or place in the United States, to secure the best sanitary condition of such vessel, her cargo, passengers, and crew, and when said rules and regulations have been approved by the President they shall be published and communicated to, and enforced by, the consular officers of the United States: *Provided*, That none of the penalties herein imposed shall attach to any vessel or any owner or officer thereof, till the act and the rules and regulations made in pursuance thereof shall have been officially promulgated for at least ten days in the port from which said vessel sailed.

SEC. 4. It shall be the duty of the National Board of Health to obtain information of the sanitary condition of foreign ports and places from which contagious and infectious diseases are or may be imported into the United States, and to this end the consular officers of the United States at such ports and places as shall be designated by the National Board of Health shall make to said Board of Health weekly reports of the sanitary condition of the ports and places at which they are respectively stationed, according to such forms as said Board of Health may prescribe; and the Board of Health shall also obtain, through all sources accessible, including State and municipal sanitary authorities throughout the United States, weekly reports of the sanitary condition of ports and places within the United States; and shall prepare, publish and transmit to the medical officers of the Marine Hospital Service, to collectors of customs, and to State and municipal health officers and authorities, weekly abstracts of the consular sanitary reports and other pertinent information received by said board; and shall also, as far as it may be able, by means of the voluntary coöperation of State and municipal authorities, of public associations and private persons, procure information relating to the climatic and other conditions affecting the public health; and shall make to the Secretary of the Treasury an annual report of its operations, for transmission to Congress, with such recommendations as it may deem important to the public interests; and said report, if ordered to be printed by Congress, shall be done under the direction of the board.

SEC. 5. That the National Board of Health shall from time to time issue to the consular officers of the United States and to the medical officers serving at any foreign port, and otherwise make publicly known, the rules and regulations made by it and approved by the President, to be used and complied with by vessels in foreign ports for securing the best sanitary condition of such vessels, their cargoes, passengers, and crews, before their departure for any port in the United States, and in the course of the voyage; and all such other rules and regulations as shall be observed in the inspection of

the same on the arrival thereof at any quarantine station at the port of destination, and for the disinfection and isolation of the same, and the treatment of cargo and persons on board, so as to prevent the introduction of cholera, yellow fever, or other contagious or infectious diseases; and it shall not be lawful for any vessel to enter said port to discharge its cargo or land its passengers except upon a certificate of the health officer at such quarantine station, certifying that said rules and regulations have in all respects been observed and complied with, as well on his part as on the part of the said vessel and its master, in respect to the same and to its cargo, passengers, and crew; and the master of every such vessel shall produce and deliver to the collector of customs at said port of entry, together with the other papers of the vessel, the said certificates required to be obtained at the port of departure, and the certificate herein required to be obtained from the health officer at the port of entry.

SEC. 6. That to pay the necessary expenses of placing vessels in proper sanitary condition, to be incurred under the provisions of this act, the Secretary of the Treasury be, and he hereby is, authorized and required to make the necessary rules and regulations fixing the amount of fees to be paid by vessels for such service and the manner of collecting the same.

SEC. 7. That the President is authorized, when requested by the National Board of Health, and when the same can be done without prejudice to the public service, to detail officers from the several departments of the Government for temporary duty, to act under the direction of said board, to carry out the provisions of this act; and such officers shall receive no additional compensation except for actual and necessary expenses incurred in the performance of such duties.

SEC. 8. That to meet the expenses to be incurred in carrying out the provisions of this act the sum of $500,000, or so much thereof as may be necessary, is hereby appropriated, to be disbursed under the direction of the Secretary of the Treasury on estimates to be made by the National Board of Health, and to be approved by him. Said National Board of Health shall as often as quarterly make a full statement of its operations and expenditures under this act to the Secretary of the Treasury, who shall report the same to Congress.

SEC. 9. That so much of the act entitled "An act to prevent the introduction of contagious or infectious diseases into the United States," approved April 29, 1878, as requires consular officers or other representatives of the United States at foreign ports to report the sanitary condition of and the departure of vessels from such ports to the Supervising Surgeon-General of the Marine Hospital Service, and so much of said act as requires the Surgeon-General of the Marine Hospital Service to frame rules and regulations, and to execute said act, and to give notice to Federal and State officers of the approach of infected vessels, and furnish said officers with weekly abstracts of consular sanitary reports, and all other acts and parts of acts inconsistent with the provisions of this act be, and the same are hereby, repealed.

SEC. 10. This act shall not continue in force for a longer period than four years from the date of its approval.

Approved June 2, 1879.

Mr. COCKRAN. Will the gentleman permit me to ask him a question?

Mr. HOOKER of Mississippi. Yes, sir.

Mr. COCKRAN. How does the amendment which has just been offered by me and accepted by the committee in any way limit the powers of the National Government as to quarantine?

Mr. HOOKER of Mississippi. It does so because it proposes that although you establish a national quarantine, to be enforced by national officers, yet the action of the State officers may qualify or control it, and make it obedient to State laws and regulations.

Suppose that in the State of New York they do not choose to enact a rigid quarantine for the city of New York; suppose the same should be the case in the State of Louisiana or in any other State in the Union which has great ports of entry like New York and New Orleans. Now, the board of health, acting under this national law of 1879 and under previously existing laws, established a cordon of posts outside and beyond the limits of the State authorities. For instance, they established a post at Ship Island on the Gulf coast of Mississippi.

[Here the hammer fell.]

Mr. COCKRAN. I hope the gentleman may be permitted to answer my question. If he had allowed me to finish it he would perhaps have answered it in briefer terms. I wish the gentleman would state how that part of the amendment just offered by me which he criticises can in any way limit the power of the Government in any square inch of the territory of the United States to establish the most rigid quarantine it desires.

Mr. HOOKER of Mississippi. Mr. Chairman, I will take five minutes, with the permission of the House, to answer the gentleman. [Laughter.] The creation of the National Board of Health was brought about, as I have said, by the condition of affairs that was found to exist in 1878 and 1879. Now, sir, we want a general national quarantine.

Mr. COCKRAN. Will the gentleman permit me?

Mr. HOOKER of Mississippi. No, sir; I will not be interrupted any more. I am going to explain the matter if you will allow me. The National Board of Health established quarantine posts outside the limits of the States and required that vessels should stop at those posts; that the passengers should be quarantined and the freight should be fumigated, and, in short, that proper sanitary regulations should be observed. One was established on Ship Island, and was afterward removed still farther out, on Chandelier Island.

Now, this National Board of Health, while it was in existence, did more to prevent the recurrence of the disease which devastated the country in 1878 than any other board of health ever established by State or national authority. That board was broken up because men engaged in trade at the great ports on the Atlantic coast from New Orleans to Galveston objected to the restrictions which the regulations of that board imposed upon trade.

A committee of Congress consisting of Senators and Representatives was sent to New Orleans to investigate the origin of the yellow fever in 1878. That committee, of which I chanced to be a member, took evidence on the subject. Yellow fever reappeared at New Orleans in 1879; and when Gen. Hood and his wife and one of his children died from the disease—when a particular part of the city was infected—the National Board of Health, under the regulations which it adopted, drew a cordon around the infected district in the midst of that great commercial city and stamped out the disease.

Mr. Chairman, it was unwise policy to abolish that board. It was a national board, whose members were appointed by the President and confirmed by the Senate. It adopted regulations which were universal in their character. It did not come into conflict with the State authorities, but was in harmony with them. That board acted the more efficiently because it was unrestrained by any local interest that attempted to dictate the form and the language of the restrictions which might be adopted.

[Here the hammer fell.]

Mr. COCKRAN. Mr. Chairman, in view of the attitude taken by the gentleman from Mississippi [Mr. HOOKER], I think it proper that I should explain the amendment. I agree with the gentleman in the spirit of his remarks. I am partial to cordons, inside and outside and all around—fortifications, bastions, and everything else that can be erected in defense of the country, whether from invasion by war or invasion by pestilence. My amendment recognizes the power of the United States to establish a quarantine anywhere and everywhere in the United States. But it provides that where quarantine regulations have been established by the States, the Federal Government shall not relax or repeal or suspend those regulations.

The Federal Government may adopt additional regulations, may increase the precautions tenfold if it will. It may give the gentleman four times as many cordons and bastions as he has ever known in the history of this country, but it must not at any time relax the regulations and precautions which have been adopted by the States. The amendment recognizes the power of the Federal Government to extend its protection as far as possible, but does not allow it to limit or restrict the protection which the States may have already adopted.

Mr. TERRY. Mr. Chairman, the only objection I have to the proposition of the gentleman from New York is this: The amendment provides, as I understand, that the General Government shall not relax the State regulations at any port.

Several MEMBERS. At any point.

Mr. TERRY. I understood it to read "port." Now, in the interior we have to defend ourselves sometimes by a shotgun quarantine [laughter]; and I have been trying to get in an amendment to protect our people in the interior as well as those at the "ports," which is the word I understood to be used in the amendment.

The CHAIRMAN. The question is on the amendment of the gentleman from New York.

Mr. DINGLEY. I move to amend the amendment by striking out the last word. I wish to call attention to the effect of this proposition; and we can better understand it by looking at its practical application. Suppose that a vessel arrives in the lower harbor of New York——

Mr. TERRY. Mr. Chairman, I have examined the amendment, and I find that the language is "port." [Laughter.]

Mr. COCKRAN. Let it be changed, then, so as to read "port or place."

Mr. DINGLEY. I want to make a practical application of the gentleman's amendment——

Mr. BLAND. I rise to a point of order. We would like to hear what the gentleman from Maine has to say.

The CHAIRMAN. The Chair will not allow any business to proceed until order is restored. [A pause.]

Mr. DINGLEY. Mr. Chairman, as I have already said, I think this Committee of the Whole should understand thoroughly the effect of this amendment in its practical application. Suppose a vessel arrives in the lower harbor of New York from a foreign port. If this bill should become a law that vessel, before it can enter, is met by the Federal officials who have charge of the Federal quarantine——

Mr. COCKRAN. Where do you find that?

Mr. DINGLEY. That I understand is the provision.

Mr. COCKRAN. No, the gentleman is mistaken. The measure now before the House provides that the local authorities shall enforce the Federal regulations; so that the vessel does not meet the Federal authority if there happens to be a State authority there.

Mr. DINGLEY. When the vessel arrives in the lower harbor and meets the officers, if you choose to put it in that form, who

are to enforce the Federal quarantine laws, it is held to the performance of the Federal quarantine according to the tenor of this bill and pays the proper fees for such quarantine. Having completed the Federal quarantine, what next?

A State quarantine is to be authorized and recognized by the amendment of the gentleman from New York; and if the State officials see fit to demand that the vessel so performing a second quarantine shall pay fees to the local New York officer, which is the nut of this amendment, then this vessel thus entering the harbor is compelled to go through two quarantines, State and Federal, with all the detentions that may be caused thereby; and we put ourselves in the attitude of saying practically by that amendment that no vessel can enter the port of New York and discharge her cargo until she has performed not only the Federal quarantine, but also the State quarantine that is proposed under this amendment.

Now, if it is the desire of the gentlemen of this committee and of the House to impose this on vessels which may arrive in the waters of the United States, then this amendment will accomplish it absolutely.

Mr. BUTLER. Mr. Chairman, I would have no objections to the two quarantines mentioned by the gentleman from Maine, but it does seem to me that the wording of the amendment of the gentleman from New York is not correct. He has explained it to say that he means there shall be no relaxation or suspension of quarantine regulations. But he uses the word "modify," that it shall not be "relaxed, modified, or suspended." That would make it impossible to amplify, for that is a modification.

I do not think the gentleman from New York intended that the General Government should make no change whatever if it was found necessary to extend the quarantine regulations, for if so there is no use in this legislation.

Mr. COCKRAN. Mr. Chairman, in explanation of the amendment, and in response to the objection of the gentleman who has just spoken, I want to say that as I understand this bill the State establishment of a quarantine is recognized by every one of its provisions. The Federal Government has the right to supplement State regulation by an independent quarantine, and to that there is no objection. But I do not think it proper nor is it the intention of this bill to give the Federal Government the right to step inside of the State lines and modify or relax its regulations in regard to quarantine. It may supplement them, but not modify or suspend them, and the amendment is drawn precisely in that form because I conceive in that form it expresses the intent of the framers of this law.

Mr. COX of Tennessee. Will the gentleman from New York permit me to ask him a question?

Mr. COCKRAN. Certainly.

Mr. COX of Tennessee. When regulations are made both by State and Federal authority which do you concede ought to govern?

Mr. COCKRAN. Which do I concede ought to govern? Why, both should govern, each in its own sphere, and it is the intent of this act that they shall. It is the intent of the act that the Federal authorities shall establish such a quarantine as is necessary to protect every part of the whole country.

The local authorities will also have the right to establish a quarantine to protect themselves, and the only excuse for the interposition of the Federal authorities is because of the fact that the question is not a local but a national one. It is right, therefore, for the Federal Government to prescribe its regulations for the safety of the nation, and the municipality or State will prescribe such regulations as are deemed fit and necessary for the protection of the locality itself.

The amendment does not change the scope or nature of the bill reported by the committee; it simply defines and specifies the right of the State or municipality to take such precautions and establish such rules as to it may seem proper. These regulations the Federal authorities must respect, while they are at liberty to supplement them by any additional regulations that they may deem essential to the complete protection of the country.

Now, Mr. Chairman, I want to say a word in response to the suggestion of the gentleman from Maine [Mr. DINGLEY], who conjures up a fanciful condition which he thinks might arise from the adoption of this amendment, and which is due evidently to the fact that the gentleman has not read the bill. There is no danger that additional quarantine may be imposed in order to secure fees for the health officer in the city of New York for the simple reason that no fees have been paid to the health officer there since a Republican incumbent of the office rendered the fee system infamous. [Applause on the Democratic side.]

Mr. BOUTELLE. Mr. Chairman, it seems to me that my friend from New York, whose ability to make the worse appear the better reason I should be the last person to deny, in this ingenious amendment and his explanation of it fails to present to the House clearly just what is proposed to be done.

If I can understand the English language, the proposition in this bill is that wherever the State authorities shall not have established quarantine regulations that are deemed adequate or satisfactory, the Secretary of the Treasury shall have the power to make other regulations to be enforced. Now, the gentleman's amendment proposes that no quarantine law or provision or regulation of any State shall be relaxed, or modified, or changed in the enforcement of this statute.

Mr. COCKRAN. Or suspended.

Mr. BOUTELLE. Or "suspended." I do not care which of those words you use. I say that the adoption of any one of the provisions of this amendment will render the law absolutely nugatory, because it will be utterly impossible for the United States quarantine authorities, where the State regulations may be inadequate or improper, to establish adequate or proper regulations without substituting the proper and necessary action in place of the inadequate and improper methods that are disapproved.

Mr. COCKRAN. Can you not supplement them?

Mr. BOUTELLE. You can not "supplement" that which is improper and inadequate by that which is adequate.

Mr. COCKRAN. Why not?

Mr. BOUTELLE. But it is not a question of supplementing. You can not do two contrary things at the same time.

Mr. COCKRAN. Is the gentleman's objection to the word "modify"?

Mr. BOUTELLE. My objection is to the entire amendment. I will answer the gentleman categorically, that if it is not proposed to keep the word "modify" or its equivalent in the amendment, the amendment will mean nothing. I am equally opposed to either of the words employed to prevent the national quarantine authorities from substituting efficacious methods for those of a State that are found inefficient or worthless.

Mr. COCKRAN. I will take the amendment as it is, then.

Mr. BOUTELLE. If a ship comes into the port of New York with infected passengers on board, and the State of New York has provided that certain things shall be done with that ship in the nature of quarantine regulations, and the United States Government under this law is to be made absolutely unable to modify or relax or change or suspend those State regulations, then it is perfectly plain to my mind, however it may appear to others, that the quarantine authorities under the law of the United States, while the regulations of the State of New York are permitted to be carried out, can not at the same time carry out other and entirely different regulations that may be established by the Secretary of the Treasury. They are liable at any time to be in conflict.

The quarantine officers of New York State may say that a vessel shall go to her wharf and land her passengers at once or after three days' quarantine. The quarantine officers appointed under this United States law may say the vessel and passengers, in order to be surely purged from contagion, ought to go to the Lower Bay and lie there twenty days. Now, the gentleman from New York [Mr. COCKRAN] proposes that the national quarantine law shall not "relax," "modify," or "suspend" the regulations of the New York State authorities, but that in such a case as I have supposed the vessel shall go to her wharf in New York and discharge her cargo and passengers after the three days' quarantine in spite of any protest by the national quarantine board; but after that is done, and after contagion may have been let loose upon the country over every trunk line leading out of New York, the quarantine authorities provided for by this law may take the empty hull down to the Lower Bay to be disinfected at leisure under the United States regulations!

The CHAIRMAN. The question is on the amendment of the gentleman from New York [Mr. COCKRAN].

The question being taken, the Chairman announced that the noes seemed to have it.

On a division (demanded by Mr. COCKRAN) there were—ayes 87, noes 95.

Mr. COCKRAN. I call for tellers on the amendment.

The CHAIRMAN. The question is on ordering tellers.

Mr. DICKERSON. I want to move that the committee do now rise. There is so much confusion, and I think we have worked long enough; I think that the committee should now rise.

Mr. RAYNER. I want to say that if you defeat this amendment you will defeat the bill.

Mr. COGSWELL. If the amendment is carried the bill will be worthless.

Mr. MILLIKEN. With the amendment in it, we do not want the bill.

Tellers were ordered on the amendment of Mr. COCKRAN, and the Chairman appointed Mr. COCKRAN and Mr. DINGLEY.

Mr. COCKRAN. Inasmuch as objection has been made to the word "modify" in that amendment, I ask unanimous consent to strike it out.

Mr. ANTONY. I object.

Mr. DICKERSON. Is a motion that the committee do now rise, in order?

The CHAIRMAN. The committee is dividing, and the motion is not in order.

The tellers reported—ayes 94, noes 88.

Accordingly, the amendment was agreed to.

Mr. BOUTELLE. I give notice that I shall call for the yeas and nays on that amendment in the House.

Mr. WARNER. I offer the amendment, which I send to the Clerk's desk.

The amendment was read, as follows:

Substitute for the word "vessels," in the 37th line, on page 16, and all other words to and including the words "and crew," in line 44 of the same page, the following:

"By persons, shippers, and common or other carriers of persons or goods either at the port or place of departure or shipment for the United States, of any persons or goods, or on the journey, voyage, or transport to the United States of any persons or goods or at any port or place at or from which in the opinion of the President, contagious or infectious disease exists, or there is danger that infected goods or persons are likely to enter the United States, to secure the best sanitary condition of such persons or goods, and any medium of transport thereof."

Mr. DICKERSON. Mr. Chairman, this legislation, being had in such confusion as this, it is impossible for any one to understand what it is. I do not understand the provisions of this bill, and I think we ought to have a little time in which to consider it; and for that reason I want to move that the committee rise so that we may have until Monday morning to consider the bill. There is such a variety of opinion as to what its provisions are, that we can not determine on this confused consideration. I am not doing this through any captious opposition to the bill, but simply because I do not know what it means.

The CHAIRMAN. The motion is not debatable.

The question was taken; and the Chairman announced that the "ayes" seemed to have it.

Mr. WISE. Division.

Mr. COCKRAN. A parliamentry inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. COCKRAN. What will be the effect of the committee rising now? Does that end the consideration of the bill?

The CHAIRMAN. It ends the consideration of the bill under the present rule.

Mr. REED. Not if the House takes a recess.

Mr. RAYNER. Mr. Chairman, what is the motion before the House?

The CHAIRMAN. That the committee rise.

The committee divided; and there were—ayes 102, noes 42.

So the motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. OUTHWAITE, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 9757) to provide forthe better protection of commerce and for the general welfare by the establishment of a national quarantine, etc., and had come to no resolution thereon.

Mr. RAYNER. Mr. Speaker, I move that the House take a recess until 11 o'clock on Monday morning.

Mr. COGSWELL. Make it 11.55.

Mr. HEMPHILL. I move that the House do now adjourn.

Mr. WHEELER of Alabama. Will the gentleman yield so that I can make a report on an appropriation bill?

The SPEAKER. The gentleman from Maryland moves that the House take a recess until 11 o'clock a. m. on Monday; and, pending that motion, the gentleman from South Carolina moves that the House do now adjourn.

Mr. WHEELER of Alabama. Will the gentleman from South Carolina yield until I can make a report on an appropriation bill?

The question was taken; and the Speaker announced that the noes seemed to have it.

Mr. ANTONY. Division.

The House divided; and there were—ayes 31, noes 150.

So the House refused to adjourn.

The SPEAKER. The question now is on the motion of the gentleman from Maryland, that the House take a recess until 11 o'clock a. m. on Monday.

Mr. DOCKERY. Eleven o'clock and 55 minutes.

The SPEAKER. Eleven o'clock was the motion.

Mr. RAYNER. Eleven o'clock.

Mr. WHEELER of Alabama. Will the gentleman yield so that I may make a report on an appropriation bill?

The motion was agreed to.

And accordingly (at 5 o'clock and 15 minutes) the House was declared in recess until 11 o'clock a. m. Monday, January 23.

REPORTS OF COMMITTEES.

Under clause 2 of Rule XIII, Mr. BELTZHOOVER, from the Committee on War Claims, reported the bill (H. R. 10282) for the allowance of certain claims reported by the accounting officers of the United States Treasury Department (Report No. 2329); which was referred to the Committee of the Whole House, and ordered to be printed.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H.R. 4371) for the relief of William J. Ford, and the same was referred to the Committee on Pensions.

BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills and resolutions of the following titles were introduced, and severally referred as follows:

By Mr. PEEL: A bill (H. R. 10263) to authorize the Loyal Creek Indians, Indian Territory, to bring suit in Court of Claims for damages committed upon their property—to the Committee on Indian Affairs.

By Mr. ANTONY: A bill (H. R. 10264) to prohibit the further chartering of national banks and provide for the retirement of national-bank notes, and for other purposes—to the Committee on Banking and Currency.

By Mr. HERBERT: A bill (H. R. 10265) to prevent desertion from the Navy and for other purposes—to the Committee on Naval Affairs.

By Mr. WHEELER of Alabama: A bill (H. R. 10280) to authorize the construction of a bridge over the Tennessee River at or near Sheffield, Ala.—to the Committee on Interstate and Foreign Commerce.

By Mr. COBB of Alabama (by request): A bill (H. R. 10281) to regulate the practice of medicine in the District of Columbia—to the Committee on the District of Columbia.

By Mr. MALLORY: A resolution to set apart Tuesday, the 31st day of January, to consider Senate bill No. 1391—to the Committee on Rules.

By Mr. CROSBY: A resolution authorizing and directing the Clerk of the House to pay Peter J. McDonald the difference between his salary as folder and that of acting assistant foreman of the folding room—to the Committee on Accounts.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as indicated below:

By Mr. CHIPMAN: A bill (H. R. 10268) to submit to the Court of Private Land Claims, established by an act of Congress approved March 3, 1891, the title of William McGarrahan to the Rancho Panoche Grande, in the State of California, and for other purposes—to the Committee on Mines and Mining.

By Mr. DOAN (by request): A bill (H. R. 10269) for the relief of Chief Wolf—to the Committee on Claims.

Also, a bill (H. R. 10270) to amend the military record of Capt. Thomas M. Elliott—to the Committee on Military Affairs.

By Mr. GROUT: A bill (H. R. 10271) to increase the pension of John L. Cleveland—to the Committee on Invalid Pensions.

By Mr. HOUK of Tennessee: A bill (H. R. 10272) for the relief of Hermans Burk, Company H, Twelfth Kentucky Infantry—to the Committee on Military Affairs.

Also, a bill (H. R. 10273) to correct the military record of Stephen Pitts—to the Committee on Military Affairs.

By Mr. HEMPHILL (by request): A bill (H. R. 10274) for the relief of S. J. Block and A. P. Baurman, of the District of Columbia—to the Committee on the District of Columbia.

By Mr. MANSUR: A bill (H. R. 10275) for the relief of Henry F. Branham—to the Committee on Pensions.

By Mr. McCLELLAN: A bill (H. R. 10276) granting a pension to Joshua Parker—to the Committee on Invalid Pensions.

By Mr. OHLIGER: A bill (H. R. 10277) granting a pension to Leslie N. Aylsworth—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10278) granting a pension to Mrs. Lovinia A. Hewitt—to the Committee on Invalid Pensions.

By Mr. WILSON of Missouri: A bill (H. R. 10279) granting restoration of pension to the widow of Gen. Dan McCook—to the Committee on Invalid Pensions.

By Mr. HAYES of Iowa: A bill (H. R. 10283) granting a pension to Elizabeth Beesley—to the Committee on Invalid Pensions.

By Mr. WHEELER of Alabama: A bill (H. R. 10284) to authorize the presentation of a gold medal to Lieut. Frank D. Webster for gallant conduct—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions were laid on the Clerk's desk and referred as follows:

By Mr. DURBOROW: Petition of William Green and 40 oth-

ers, of Jamestown, Pa., in favor of opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of John F. McMenamin and 6 others, of Chestnut street, Philadelphia, in favor of opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of John H. Atz and 75 others, of Philadelphia, in favor of opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of E. P. Hatch and 2 others, of Chicago, in favor of Sunday opening of the World's Fair—to the Select Committee on the Columbian Exposition.

Also, petition of Fred Klepnow and 60 others, of Chicago, for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Rev. Francis Gordon and 98 others, of Chicago, in favor of opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Harry Coleman and 50 others, of Philadelphia, in favor of opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of H. Falkner and 89 others, of Philadelphia, in favor of opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Ed. Metins and 47 others, of Philadelphia, in favor of opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Thomas S. Dauds and 12 others, in favor of opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of J. C. Ripka and 32 others, of Philadelphia, in favor of opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition Hugo Bilgoam and 28 others, of Philadelpia, in favor of opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of A. J. Shaw and 75 others, of Muskegon, Mich., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of T. L. Bolton and 10 others, of Worcester, Mass., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Allen Wrinch and 20 others, of Sterling, Colo., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of John Gentleman and others, of Pullman and vicinity, Illinois, in favor of opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Elgar S. Moyer and others, of Oakley and vicinity, Kansas, for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of citizens St. Peter, Minneapolis, and other places of Minnesota, asking for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of H. L. Hall, of Philadelphia, in favor of opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of A. Cuthbert and 103 others, of Philadelphia, in favor of opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of O. W. Kennedy and 36 others, of Scottdale, Pa., in favor of opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Pedro W. Salom and 72 others, of Philadelphia, in favor of opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also petition of Charles A. Mitchell and 33 others, of Addison, Pa., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of C. W. Bergner and 21 others, of Philadelphia, for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of M. Rode and 93 others, of Chicago, in favor of opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of John F. Raffer and 187 others, of Chicago, for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Louis Roche and 1,746 others, of Chicago, praying that Congress open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of T. F. Whitfield and 138 others, of Chicago and vicinity, asking Congress to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of F. Rock and 62 others, of Chicago, and other cities, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Mrs. C. J. Ross and 106 others, of Denver and vicinity, in favor of opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Charles A. Stokes and 75 others, of Chicago, for the Sunday opening of the World's Fair—to the Select Committee on the Columbian Exposition.

Also, petition of T. W. Hall and 69 others, of Chicago, favoring Sunday opening of the World's Fair—to the Select Committee on the Columbian Exposition.

Also, petition of James Forrest and 94 others, of Chicago and other cities, for the opening on Sunday of the World's Fair—to the Select Committee on the Columbian Exposition.

Also, petition of E. D. Kemas and 88 others, of Chicago and other cities, for Sunday opening of the World's Fair—to the Select Committee on the Columbian Exposition.

Also, petition of Samuel D. Reisen and 45 others, of Salt Lake City and other cities of the Union, in favor of the World's Fair being open on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of John Fitzpatrick and 79 others, of Chicago, in favor of opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of A. Brisk and 78 others of various places in Illinois, for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of ——— Murphey and 107 others, of various places in Illinois, for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of P. Sorensen and 56 others, of Union, Ill., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Henry Brugel and 105 others, of Mascoutah, Ill., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of W. A. Bolger and 106 others, of Woodstock, Ill., opposing closing the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of B. B. Bignall and 6 others, of Aurora, Ill., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Walter P. Collman and 49 others, of Peoria, Ill., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Francis A. Sterling and 255 others, of Rock Falls, Whiteside County, Ill., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of George W. Peel and 52 others, of Quincy, Ill., against closing the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Melim M. Cohen and 56 others, of Pullman, Ill., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Henry Newhouse, of various places in Illinois, for closing the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Phil Coash and 56 others of others, of Clifton, Ill., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of James W. Broeffle and 58 others, of La Porte, Ind., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of D. M. McCarthy and 40 others, of Chicago, for the opening of the World's Fair on Sunday—to the Select Committee of the Columbian Exposition.

Also, petition of Henry Kaiser and 37 others, of Chicago, asking for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Frank J. Rost and 62 others, of Chicago, asking that the World's Fair be opened on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Robert Arthurs and 48 others, of Pittsburg, for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of E. C. Lyons and 86 others, of Media, Pa., and vicinity, for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of J. B. Conner and 11 others, of Highland, Ill., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of F. W. Haster and 110 others, of Girard, Ill., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of James Clark and 1 other, of Sycamore and Cortland, Ill., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of L. S. Hoyt and 66 others, of Valparaiso, Ind.,

for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Richard Richardson and 96 others, of Chicago, for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of J. G. Liston and 57 others, of Chicago, for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of L. C. Young and 64 others, of Chicago, in favor of the World's Fair being opened on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of H. G. Hogendable and 48 others, of Villa Ridge, Ill., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of R. S. Chapman and 85 others, of Rockford, Ill., opposing the closing of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of W. T. McGarvey and 115 others, of Rico, Telluride, and other places in Colorado, for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Charles H. Gard and 34 others, of Moreland and other places in Illinois, for Sunday closing of the World's Fair—to the Select Committee on the Columbian Exposition.

Also, petition of John Johnston and 17 others, of Chicago, Ill., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Harry Howell and 71 others, of Raymond, Ill., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of H. T. Catlin and 42 others, of Hot Springs, S. Dak., opposing the closing of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of F. C. Myer and 65 others, of Decatur, Ill., and other places, for the closing of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of H. J. Allardt and 60 others, of Deerfield, Ill., for Sunday closing of the World's Fair—to the Select Committee on the Columbian Exposition.

Also, petition of Gus. E. McCune and 32 others, of Pennsylvania, for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of J. H. Kelsey and 27 others, of South Boston, East Boston, and other places in Massachusetts, for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Edw. J. Collinson and 61 others, of Chicago, Ill., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Anton Meyer and 76 others, for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of A. W. Anderson and 80 others, of Pullman, Ill., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of A. C. Rankin and 156 others, of Pullman, Ill., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of John L. Jackson and 141 others, of Saginaw, Mich., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of J. F. Heffernan and 81 others, of Bloomington, Ill., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of John H. Toohey and 68 others, of Chicago, for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of A. L. Buchler and 101 others, of Chicago, in favor of Sunday opening of the World's Fair—to the Select Committee on the Columbian Exposition.

Also, petition of J. S. Henderson and 97 others, of Chicago, for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of H. W. Peterson and 58 others, of Chicago, in favor of the World's Fair being opened on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Joe Higgins and 77 others, of Chicago, for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of William H. Kelly and 73 other citizens of Chicago, asking that the World's Fair be open on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of John Elk and 31 others, of Chicago, in favor of Sunday opening of the World's Fair—to the Select Committee on the Columbian Exposition.

Also, petition of Silas Wegg, of London, England, and 56 citizens of cities of the United States, asking that the World's Fair be opened on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Mrs. Annie B. Emerick and 55 others, of Chicago, favoring the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of N. R. Baker and 3 others, of Chicago, for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of William Charles Spell and 350 others, of Chicago, in favor of opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of W. H. Weibke and 36 others, of Fort Wayne, Ind., asking Congress to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of M. H. Hume and 34 others, of Chicago, for Sunday opening of the World's Fair—to the Select Committee on the Columbian Exposition.

Also, petition of George W. Lilley and 43 others, of Chicago, in favor of the World's Fair being opened on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of J. H. Kearney and 47 others, of Chicago, asking Congress to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of E. K. Butler and 27 others, of Chicago, for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of D. H. Perkins and 20 others, of Chicago, in favor of Sunday opening of the World's Fair—to the Select Committee on the Columbian Exposition.

Also, petition of Daniel Hepp and 52 others, of Chicago, asking that the World's Fair be opened on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Edward H. Cole and 17 others, of New York, for closing the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Louis Seigtz and 34 others, of Lauderdale and Sandusky, Ohio, for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of C. H. Van Bramer and 51 others, of Omer, Mich., opposing the closing of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of M. M. Morrissey and 80 others, of Bloomington, Ill., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Wm. Buxton and 82 others, of Bloomington, Ill., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of C. F. Koch and 98 others, of Bloomington, Ill., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of C. H. Backus and 88 others, of Hampshire, Ill., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Fred Riggs and 125 others, of Sebewaing, Mich., for opposing the closing of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Albert Dickinson and 175 others, of Chicago, Ill., against the closing of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Robert Nicol and 105 others, of Chicago, Ill., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of the Hand-Made Saw-Blade Manufacturing Company and 12 citizens of Chicago, in favor of opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Joseph E. Flanagan and 53 others, of Chicago, in favor of opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of A. D. Palmer and 76 others, of Chicago, asking that the World's Fair be open on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of H. G. Tink and 58 others, of Chicago and other places, for Sunday opening of the World's Fair—to the Select Committee on the Columbian Exposition.

Also, petition of J. C. Schank and 66 others, of Chicago, for Sunday opening of the World's Fair—to the Select Committee on the Columbian Exposition.

Also, petition of Frank Parker and 108 others, of Chicago, for Sunday opening of the World's Fair—to the Select Committee on the Columbian Exposition.

Also, petition of R. W. Johnson and 200 others, of Lincoln, Nebr., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of C. S. Potter and 152 others, of Omaha, Nebr.,

for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of William C. Bayer and 156 others, of Council Bluffs, Iowa, and Omaha, Nebr., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Charles Fischer and 91 others, of New York, for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of John Murphy and 115 others, of Fort Wayne, Ind., asking that the World's Fair be opened on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of George H. Day and 232 others, of Mt. Pleasant, Mich., opposing the closing of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of O. H. Barrows and 85 others, of Marion, Ind., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of A. C. Thompson and 91 others, of Lafayette, Ind., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of E. T. Kearney and 81 others, of Logansport, Ind., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Samuel D. Schooley and 42 others, of Chicago, for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Daniel Collins and 33 others, of Lima, Ohio, and vicinity, in favor of opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of E. C. Cooke and 47 others, of Chicago, asking for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of C. A. Conner and 146 others, of St. Paul, Minn., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of George R. Frich and 66 others, of St. Paul, Minn., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of T. Z. Cowles and 37 others, of the St. Paul Dispatch, of St. Paul, Minn., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of W. R. Stevens and 51 others, of Grand Island, Nebr., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of A. L. Kinney and 28 others, of Rushville, Nebr., asking Congress to open the gates of the World's Columbian Exposition on Sundays—to the Select Committee on the Columbian Exposition.

Also, petition of J. S. Pyne and 8 others, of Rushville, Nebr., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of John Turner and 328 others, of Detroit, Mich., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of T. E. Clapp and 22 others, of White Rivers, Mich., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of J. H. Mullin and 128 others, of Grand Island, Nebr., for opening the World's Fair on Sunday and asking Congress to repeal the act closing the same—to the Select Committee on the Columbian Exposition.

Also, petition of N. F. Avery and 128 others, of Grand Rapids, Mich., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of T. W. Bamer, of Dundee, Mich., and 50 others, for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Rawson Bennett and 75 others, of Marquette, Mich., asking Congress to repeal the act closing the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Edith Langley and 51 others, of Chicago, for Sunday opening of the World's Fair—to the Select Committee on the Columbian Exposition.

Also, petition of Emily M. Boyden and 75 others, of Chicago, in favor of opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of George Buck and 144 others, of Chicago and vicinity, for Sunday opening of the World's Fair—to the Select Committee on the Columbian Exposition.

Also, petition of W. H. Rodgers and 154 others, of Decatur, Ill., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of George Bauer and 77 others, of Blue Island, Ill., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of A. E. Jackson and 87 others, of Menasha, Wis., and vicinity, for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of F. F. Prentice, of Janesville, Wis., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Joseph Bezucha and 116 others, of Hillsboro, Wis., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of John F. Hennessy and 75 others, of Eagle, Wis., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of N. B. Koll and 64 others, of Eau Claire, Wis., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Emil Kliner and 60 others, of Antigo, Wis., and vicinity, for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of John H. Tipp and 1,880 others, of Brooklyn, N. Y., against closing the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of W. C. Jipson, of Blissfield, Mich., and 31 others, against closing the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of G. W. Cannan and 30 others, of Marine City, Mich., against closing the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of H. Glatner and 29 others, of New York City, against closing the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of R. Dunlap & Co., of New York City, and 720 others, against closing the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of James F. Barry, of Canandaigua, N. Y., and 127 others, against closing the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of James Clark and 96 others, of Chicago, for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of A. J. McGurren and 132 others, of Chicago, in favor of the World's Fair being open on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Mary A. Gibbons and 44 others, of Chicago, for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of C. F. Banderob and 96 others, of Blue Island, Ill., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of C. E. Martin and 151 others, of Lafayette, Ind., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of W. H. Snyder and 156 others, of Wabash, Ind., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of H. M. Garver and 97 others, of Bremen, Ind., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Peter White and 77 others, of Aurora, Ill., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of John J. Rockafellow and 66 others, of Maywood, Ill., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of H. A. Hend and 120 others, of Rock Island, Ill., opposing the closing of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of J. E. Grady and 117 others, of Rock Island, Ill., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of O. W. Briggs and 95 others, of Paw Paw, Ill., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of W. H. Hallis and 82 others, of Tacoma, Wash., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of J. A. Rowbottom and 53 others, of Bristol, Wis., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of August Helkmann and 22 others, of Delavan, Wis., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of G. Rheinleinder and 92 others, of Seattle, Wash., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of G. N. Smith and 225 others, of Tekoa, Wash., in favor of opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of C. F. Clough and 95 others, of Spokane,

Wash., in favor of opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Benjamin W. Rochester and 186 others, of Seattle, Wash., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of A. T. Lundberg and 96 others, of Seattle, Wash., in favor of opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Thomas Bromley and 84 others, of Seattle, Wash., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Edward A. Evarts and 84 others, of Chicago, in favor of opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Phil Cullen and 99 others, of Chicago, in favor of opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Rev. Pius Niermann and 115 others, of Chicago, in favor of Sunday opening of the World's Fair—to the Select Committee on the Columbian Exposition.

Also, petition of L. M. Hull and 55 others, of Oak Park, Ill., for Sunday opening of the World's Fair—to the Select Committee on the Columbian Exposition.

Also, petition of Charles W. Newman and 78 others, of Chicago, for Sunday opening of the World's Fair—to the Select Committee on the Columbian Exposition.

Also, petition of E. M. Eastman and 89 others, of Chicago, for Sunday opening of the World's Fair—to the Select Committee on the Columbian Exposition.

Also, petition of L. T. Willcox and 500 others, of Three Rivers, Mich., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of James A. Robinson and 80 others, of Muskegon, Mich., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Parker, Davis & Co. and about 350 others, of Detroit, Mich., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of John S. Moran and 76 others, of Chicago, Ill., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of George R. Hunter and 35 others, of Pleasantville, Ill., against closing the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Charles F. Kuhen and 26 others, of Highland, Ill., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of J. G. Megler and 35 others, of Brookfield, Wash., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of James F. Johnson and 57 others, of Morton Park, Ill., against closing the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Hans Hausen and 46 others, of Elgin, Ill., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of R. J. Keppel and 125 others, of Tacoma, Wash., in favor of opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of D. Brodeck and 154 others, of Everett, Wash., and vicinity, in favor of opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of F. W. Scott and 147 others, of Silverton, Wash., and vicinity, for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of F. S. Palmer and 5 others, of Boston, Mass., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of A. Torkousky and 55 others, of Chicago, Ill., opposing the closing of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of G. G. Douglas, Greenville, Mich., against the closing of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of George W. Johnson and 55 others, of Frederickstown, Ohio, opposing the closing of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of John H. Hughes and 32 others, of Philadelphia, Pa., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of James C. Kelly and 37 others, of Casey, Ill., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of A. L. Rogers and 125 others, of Waterville, Wash., in favor of opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Chas. P. Corey and 36 others, of Rockford, Wash., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of E. E. Ellis and 86 others, of Tacoma, Wash., in favor of opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of J. T. Molyneaux and about 250 others, of Sutton, Nebr., favoring the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of R. A. Powell and 25 others, of Grand Island, Nebr., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of James C. Drake and 386 others, of Tacoma, Wash., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Leon Rose and 156 others, of La Grange, Ind., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of L. C. Miles and 77 others, of Wabash, Ind., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of James Hall and 55 others, of Huntington, Ind., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Fred H. Myers and 26 others, of La Paz, Ind., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of C. D. Randall and 50 others, of Oxford, Mich., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of David Duford and 31 others, of Bay City, Mich., against closing the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of C. W. Petersen and 75 others, of Walton, Mich., and vicinity, for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of George H. Berry and 15 others, of Grand Lodge, Mich., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of George H. Hayward and 18 others, of Buckhorn, Mich., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Fred Beeck and 50 others of Saginaw, Mich., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of William Steinway and 56 others, of Steinway Hall, N. Y., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of George Sassburg and 118 others, of New York City, against closing the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of C. Emil Thenen and 108 others, of New York City, against closing the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Lewis Tattberg and Bros., and 82 others, of New York City, for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of A. M. Bristol and 21 others, of Rochester, N. Y., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Charles H. Ingersoll and 18 others, of New York City, for opening the World's on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of B. F. Harris and 28 others, of Agnew, Mich., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition,

Also, petition of George Harvey and 108 others, of Battle Creek, Mich., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of E. H. Hammett and 82 others, of Shepherd, Mich., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of George L. Kealy and 43 others, of Chicago, in favor of opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of William J. Horn and 57 others, of Chicago, in favor of opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of W. W. Gilbert and 45 others, of Chicago and other towns, in favor of opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also petition of C. A. Allen and 39 others, of Grand Forks and other places of North Dakota, for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of William B. Mays and 50 others, of Lancaster,

Schuyler County, Mo., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of G. W. Fox and 15 others, of Murietta, San Diego County, Cal., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of George W. Morrison, of Kenney, Ill., and 41 others, for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of C. W. Martyne and 108 others, of Hengenwich, Ill., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of G. W. Carter and others, of Forest, Ill., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of C. E. Roberts and 98 others, of Springfield, Ill., opposing the closing of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Edwin B. Harles and 75 others, of Springfield, Ill., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of John B. Gugerty and 85 others, of Ohio, Ill., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Jerry Feazel and 79 others, of Lacon, Ill., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of J. B. Drake and 130 others, of Dwight, Ill., against closing the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of J. A. M. Canley and 65 others, of Dwight, Ill., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of James Gittner and 18 others, of Imperial, Nebr., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of George Schmidt and 22 others, of Omaha, Nebr., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of E. Y. Cornell and 256 others, of Holdrege, Nebr., and neighboring town in adjoining States, asking Congress to repeal the act closing the gates of the World's Columbian Exposition on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Charles H. Godfrey and 80 others, of Benton Harbor, Mich., against closing the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of George H. Day and 97 others, of Mount Pleasant, Mich., against closing the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Fred Riggs and 72 others, of Sebewaing, Mich., against closing the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Charles Kent and 49 others, of Colehour, Ill., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of H. McLinden and 150 others, of Braidwood, Ill., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Louis E. Walter and 128 others, of Alton, Ill., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of William Steinwedell and 156 others, of Quincy, Ill., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of P. A. Schmidt and 39 others, of Blue Island, Ill., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of James Hynd and 121 others, of Braidwood, Ill., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of John Geitort and 257 others, of Quincy, Ill., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of H. Spitz and 12 others, of Philadelphia, for Sunday opening of the World's Fair—to the Select Committee on the Columbian Exposition.

Also, petition of C. E. Meigs and 9 others, of Chicago, for Sunday opening of the World's Fair—to the Select Committee on the Columbian Exposition.

Also, petition of Edward Rothchild and 21 others, of New York, for Sunday opening of the World's Fair—to the Select Committee on the Columbian Exposition.

Also, petition of F. X. La Chance, rector St. Philip's Church, of Westport, N. Y., and 47 others, for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Arthur E. Green and 29 others, of Berlin, N. Y., and vicinity, for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Frank T. Arnolds and 78 others, of New Berlin, N. Y., and vicinity, for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of The Electrical Engineer, by George M. Phelps, president, for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of T. M. Osborn and 41 others, of Auburn, N. Y., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of John McAdams and 98 others, of Brooklyn, N. Y., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Charles R. Fenderick and 426 others, of Allegheny, Pa., in favor of opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of H. C. Paxson and 40 others, of Philadelphia, for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Meechant & Co. and 72 others, of Philadelphia, in favor of opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Carl Grübeder and 17 others, of Philadelphia, in favor of opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of O. P. Odell and 91 others, of Bradford, Pa., in favor of opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Roscoe C. North and 21 others, of Selins Grove, Pa., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of J. K. Neal and 87 others, of Springfield, Ill., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Harry N. Finkelston and 79 others, of Peoria, Ill., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of R. J. Tousley and 112 others, from Sharon, Blaine, and other places in Wisconsin, for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of M. E. Cadwalder and 91 others, of Ohio, Ill., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of E. A. Ficke and 75 others, of Lake Zurich, Ill., against closing the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of David N. Lepper and 29 others, of Springfield, Ill., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Charles West and 42 others, of String Prairie, Bastrop County, Tex., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of C. W. Platt and 30 others, of Waterbury, Conn., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of A. C. Pray and 70 others, of Boston, Mass., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of John B. Synnestiedt and 7 others, of Dearborn street, Chicago, Ill., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of James Marburg and 35 others, of Pistern, Fayette County, Pa., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Frank Merler and 111 others, of String Prairie, Tex., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Alfred Richter and 75 others, of Iron Mountain, Mich., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Anthony Wiethoff and 15 others, of Michigan, for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of H. E. Boswell and 18 others, of Marquette, Mich., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Louis J. Sching and 78 others, of Joliet, Ill., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of H. Manden Zoon and 49 others, of Oswego, Ill., against closing the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of D. R. Parmell and 100 others, of Decatur, Ill.,

for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of John A. Smith and 29 others, of Kansas City and other towns, in favor of the World's Fair being open on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of George Moore and 63 others, of Cleveland and vicinity, in favor of opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of J. H. Kane and 55 others, of Chicago, in favor of Sunday opening of the World's Fair—to the Select Committee on the Columbian Exposition.

Also, petition of James B. Olson, John R. Coke, and 74 others, of New York, for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of M. K. Beshop, Owen Costello, and 55 others, of Dunsmore, Pa., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of William N. Allen and 10 others, of Philadelphia, in favor of opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Clarence S. Bement and 15 others, of Philadelphia, for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Hiram H. White, H. S. Thomas, and 73 others, of Glenburn, Pa., and vicinity, for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of John Dursch and 27 others, of Philadelphia, in favor of opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of T. J. Hoag and 46 others, of Milton, Pa., and vicinity for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of George Stoll and 39 others, of Erie, Pa., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of James D. Smith, George Knight, and 350 others, of Bradford, Pa., in favor of opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of L. A. Foster and 32 others, of Indiana, asking the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of L. A. Le Bean and 54 others, of Chicago, for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Joseph W. Cary and 78 others, of Chicago, in favor of opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Lyman J. Gaze and 3 others, of Chicago, for the opening on Sunday of the World's Fair—to the Select Committee on the Columbian Exposition.

Also, petition of Edward William Denahy and 68 others, of cities in the United States, for Sunday opening of the World's Fair—to the Select Committee on the Columbian Exposition.

Also, petition of E. H. McIntyre and 89 others, of Salt Lake City and other cities of the Union—to the Select Committee on the Columbian Exposition.

Also, petition of George Motts and 77 others, of Washington and Chicago, asking Congress to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of P. H. Frye and 11 others, of Chicago, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of E. V. Gale and 240 other citizens of Chicago, in favor of opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of William Harper and 10 others, of Chicago, for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of E. W. Buel and 71 others, of Chicago, asking for the closing of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Julius Barnard and 18 others, of Chicago, in favor of Sunday opening of the World's Fair—to the Select Committee on the Columbian Exposition.

Also, petition of W. L. Frose and 22 others, of Chicago, for Sunday opening of the World's Fair—to the Select Committee on the Columbian Exposition.

Also, petition of S. Mautner and 6 others, of Chicago, in favor of opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of A. E. Lard and 15 others, of Chicago, asking that the World's Fair be opened on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of John H. Palmer and 53 others, of Tidoute, Pa., in favor of opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Louis Benkirt and 48 others, of Huntingdon, Pa., in favor of opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of James F. Sellers, Martin Grube, and 56 others, of Huntingdon, Pa., in favor of opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Thomas Lewertson and 56 others, of sundry places in Illinois, for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of E. Newton and 56 others, of Pullman, Ill., for closing the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of John Dixey and 56 others, of Pullman, Ill., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of J. B. Brown and 37 others, of Gazette, Galena, Ill., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of John Quinon and 56 others, of Batavia, Ill., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of C. B. Taylor and 42 others, of Carbon Hill, Ill., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Mathew Wilson and 56 others, of Pullman, Ill., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of J. C. Woodard and 100 others, of St. Charles, Minn., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of James Anderson and 250 others, of Snohomish and various other places of the State of Washington, asking that the World's Fair be opened on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of E. F. Fish and 97 others, of California, for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of R. G. Johnson and 60 others, of Mecosta, Mecosta County, and other places of Michigan, asking that the World's Fair be opened on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of D. McKee and 120 others, of Chicago, Ill., in favor opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 50 citizens of Remson, Iowa, for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of J. D. Boyd of London, England, and 89 citizens of cities of the United States, for the World's Fair to be opened on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of T. F. McNitty and 118 others, of Chicago, for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of John J. Smith and 123 others, of Chicago and vicinity, asking that the World's Fair be opened on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of H. M. Lay and 133 others, of Chicago, for Sunday opening of the World's Fair—to the Select Committee on the Columbian Exposition.

Also, petition of Henry Becker and 67 others, of Chicago, in favor of opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of M. O. Brown and 342 others, of Chicago, asking Congress to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of M. N. Tisdale and 85 others, of Wenona, Ill., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of R. M. May and 76 others, of Peoria, Ill., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Wallace Machaner and 75 others, of Kent, Ill., and other places, for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of C. M. Francis and 65 others, of Odell, Ill., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Charles McHugh and others, of Rock Island, Ill., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of William P. Bahel and many others, of Plainfield, Ill., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Aaron Grammer and 79 others, of Illinois, for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of A. E. Henry and 58 others, of Rockford, Ill., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of L. S. Willis and 27 others, of Dalton, Ill., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of John E. Pollock and 210 others, of Bloomington, Ill., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of John A. Brady and 85 others, of Fort Sheridan, Ill., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of W. O. Gready and 8 others, of Ann Arbor, Mich., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Perry H. Smith, jr., and 22 others, of Evanston, Ill., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of F. L. Sutherland and 21 others, of Chicago, Normal, Park, and various other places in Illinois, for closing the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of P. Howley and 205 others, of Grand Crossing, Kensington, and other places in Illinois, for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of J. K. Jacoba and 11 others, of Blue Island, Ill., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of E. Porter and 50 others, of Joliet, Ill., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of C. A. W. Fash and 40 others, of City Hall, Peoria, Ill., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of G. L. Fisher and 75 others, of Rockford, Ill., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of R. Wegner and 84 others, of Chicago, in favor of opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of William Scott and 121 others, of Chicago, for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of B. S. Kennedy and 134 others, of Chicago and vicinity, asking that the World's Fair be closed on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of E. W. Thompson and 111 others, of Chicago, in favor of opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of J. E. Barnes and 98 others, of Chicago, for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of May E. Calhoun and 86 others, of New Orleans and vicinity, for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of George W. Clendenen, M. D., and 8 others, of Fulton, Ill., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Mrs. Flora Stowell and 8 others, of Prophetstown, Ill., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Charles Nichols and 135 others, of Kansas, for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

SENATE.

MONDAY, *January 23, 1893.*

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The VICE-PRESIDENT resumed the chair.

The Journal of the proceedings of Saturday last was read and approved.

CREDENTIALS.

The VICE-PRESIDENT presented the credentials of FRANCIS MARION COCKRELL, elected by the Legislature of Missouri a Senator from that State for the term beginning March 4, 1893; which were read and ordered to be filed.

Mr. WASHBURN presented the credentials of CUSHMAN K. DAVIS, elected by the Legislature of Minnesota a Senator from that State for the term beginning March 4, 1893; which were read and ordered to be filed.

MESSAGE FROM HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had passed the bill (S. 1631) to establish a life-saving station at Gay Head, on the coast of Massachusetts.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (S. 2345) to authorize the construction of a bridge across the Mississippi River above New Orleans; and

A bill (S. 3407) to authorize the Court of Claims to hear and determine the claims of certain New York Indians against the United States.

PRESIDENTIAL ELECTORS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of State, transmitting, in pursuance of the provisions of the act of Congress approved February 3, 1887, a certified copy of the final ascertainment of the electors for President and Vice-President appointed in the State of Louisiana at the election held therein on the 8th of November, 1892, as certified to him by the governor of that State; which was ordered to lie on the table.

EXECUTIVE COMMUNICATION.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, in compliance with law, a statement of the Commissioner of Indian Affairs, showing open market purchases of goods and supplies for the Indian service during the fiscal year 1892 in excess of $500, and the exigencies of the service rendering such purchases necessary; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented memorials of the Armory Methodist Episcopal Church of Dover, Del.; of the Union Presbyterian Church of Philadelphia, Pa., and of the Presbyterian Church of Lawndale, Pa., remonstrating against the repeal of the law closing the World's Columbian Exposition on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

Mr. CARLISLE presented a petition of the National Bank and Trust Companies of Louisville, Ky., praying for the repeal of the silver-purchase act of July 14, 1890; which was ordered to lie on the table.

Mr. BRICE presented petitions of Good Will Council, No. 178, Junior Order United American Mechanics, of Gnadenhutton; and of the boards of health of North Amherst, Piqua, Tippecanoe, De Grath, Navarre, Sylvania, McComb, Tiffin, Canton, Miamisburg, and College Hill, all in the State of Ohio, praying for the establishment of a national quarantine and the suspension of immigration until such time as the quarantine defenses of the country shall be in condition to guarantee protection against infectious diseases; which were ordered to lie on the table.

He also presented memorials of J. W. R. Smith, of Updegraff; of E. J. Davis, of Jamestown; of the congregation of the Church of Christ of Quaker City; of Benjamin Talbot, of Columbus; of the Christian Endeavor Union of Cleveland, and of Adolph Bossel, of New Bremen, all in the State of Ohio, remonstrating against the repeal of the present law closing the World's Columbian Exposition on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

He also presented petitions of the State board of agriculture, of the Lake County Farmers' Institute, and of Pomona Grange, No. 3, of Knox County, all in the State of Ohio, praying for the passage of the Washburn-Hatch antioption bill; which were ordered to lie on the table.

He also presented the petition of Edward J. Wallace, of the Safety Cycle Club of Springfield, Ohio, praying for the passage of legislation providing for better roads; which was referred to the Committee on Agriculture and Forestry.

He also presented petitions of Miami Lodge, No. 441, Brotherhood of Locomotive Firemen of Cincinnati; of the Journeymen Tailors' Union of Springfield; of the United Brotherhood of Carpenters and Joiners of Springfield; of the United Brotherhood of Carpenters and Joiners of Tiffin; of the Stonecutters' Association of Cincinnati, and of 76 citizens of Portage County, all in the State of Ohio, praying for the opening of the World's Columbian Exposition on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

Mr. MANDERSON presented petitions of Theodore Koch, C. A. Miller, J. W. Whitney, and other citizens of Fullerton; of citizens of Central City; of Theodore Dunham and other citizens of Lincoln; of Robert Squires and 49 other citizens of Imperial; of Iron Molders' Union, No. 190, of Omaha; of members of Local Union No. 184, of the Journeymen Tailors' Union of America; of members of Journeymen Stonecutters' Union of Omaha; of Local Union No. 11, International Union of Carriage and Wagon Workers, of Omaha; of Elkhorn Lodge, No. 28, Brotherhood of Locomotive Firemen, of North Platte; of Tom Potter Lodge, No. 140, of the Switchmen's Mutual Aid Association of North America, of Lincoln; and of Cigar-Makers' International Union, No. 67, of South Omaha, all in the State of Nebraska, praying for the opening of the World's Columbian Exposition on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

He also presented memorials of the German Methodist Episcopal Church of Arlington, Nebr., and of the Presbytery of Nebraska, remonstracting against the opening of the World's Columbian Exposition on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

Mr. CULLOM presented petitions of citizens of Stephenson, Shelby, and Iroquois Counties, in the State of Illinois, praying for the appointment of a Senate committee to investigate the combine formed to depreciate the price of grain; which were referred to the Committee on Agriculture and Forestry.

Mr. STOCKBRIDGE presented the petition of Scott Field and other citizens of Battle Creek, Mich., praying for the repeal of the so-called Sherman silver law; which was ordered to lie on the table.

Mr. GALLINGER presented additional papers to accompany Senate bill No. 3720, to set aside the verdict of a court-martial in the case of George J. Barnes; which were referred to the Committee on Military Affairs.

Mr. GALLINGER. I present the petition of C. M. Hildreth and 39 other business men of Lebanon, N. H., who represent that the experience of the past two years has convinced them that the purchase of silver under the act of Congress known as the Sherman bill, or any other bill having that object in view, has proved detrimental to the business interests of our country, and that a continuance of such purchases may within a short time result in financial disaster, and should therefore be immediately discontinued. I move that the petition lie on the table.

The motion was agreed to.

Mr. COKE presented petitions of Atascosa County Alliance, of Tarrant County Alliance, and of Cedar Creek Alliance, No. 2804, of Bastrop County, all in the State of Texas, praying for the passage of the Washburn-Hatch antioption bill; which were ordered to lie on the table.

Mr. PEFFER presented a memorial of the Ministerial Association of Newton, Kans., remonstrating against the repeal of the present law closing the World's Columbian Exposition on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

He also presented petitions of Overland Lodge, No. 278, International Association of Machinists, of Kansas City, and of Switchmens' Mutual Aid Association of Leavenworth, Kans., praying for the opening of the World's Columbian Exposition on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

Mr. PERKINS presented a memorial of the First Baptist Church of Newton, Kans., remonstrating against the repeal of the law closing the World's Columbian Exposition on Sunday, the sale of intoxicating liquors thereat, and praying that if the gates of such Exposition be opened on Sunday it be under certain restrictions; which was referred to the Committee on the Quadro-Centennial (Select).

He also presented memorials of the Presbyterian Church of Peotone; of S. F. Vance and other citizens of Girard, and of W. W. Stewart and 78 other citizens of Washington, all in the State of Kansas, remonstrating the repeal of the law closing the World's Columbian Exposition on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

He also presented the petition of August Jaedicke, sr., president of the State National Bank, and 52 other citizens of Hanover, Kans., praying for the opening of the World's Columbian Exposition on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

He also presented the petition of Morris Palmateer and 98 other citizens of Clay County, Kans., praying that the name of Henry Curtis, late of Company F, Fiftieth Regiment Illinois Infantry, to be placed on the pension rolls; which was referred to the Committee on Pensions.

He also presented the petition of J. N. Bunce and 91 other citizens of Hunnewell, Kans., praying for immediate action on the bill opening the Cherokee Outlet to settlement; which was ordered to lie on the table.

Mr. SHERMAN presented a petition of 56 citizens of Tuscarawas, Ohio, praying for the absolute suspension of foreign immigration for one year and the appointment of a commission to thoroughly investigate the evils of such immigration; which was referred to the Committee on Immigration.

He also presented a petition of the Logan County (Ohio) Farmers' Institute, praying for the passage of the Washburn-Hatch antioption bill; which was ordered to lie on the table.

He also presented memorials of 4,115 citizens of Ohio, and of the United Presbyterian Church of Sidney, Ohio, remonstrating against the repeal of the law closing the World's Columbian Exposition on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

He also presented the petition of W. P. Andrews, of Cincinnati, Ohio, praying for the establishment of a department of roads; which was referred to the Committee on Agriculture and Forestry.

Mr. SQUIRE presented petitions of W. H. Babcock and other citizens of Kitsap County, and of W. H. Noe and other citizens of Spokane, all in the State of Washington, praying for the passage of the Washburn-Hatch antioption bill; which were ordered to lie on the table.

He also presented a petition of Col. Anson Mills Garrison, No. 61, Regular Army and Navy Union, of Walla Walla, Wash., praying for the passage of legislation for the retirement of enlisted men of the Army after twenty-five years' service; which was referred to the Committee on Military Affairs.

He also presented the petition of A. H. Nickerson, of Washington, late major, United States Army (retired), praying for the passage of legislation restoring him to the retired list of the Army with the rank and pay of a major dating from the passage of the act; which was referred to the Committee on Military Affairs.

He also presented petitions of Henry Rupp and other citizens of Steilacoom and Tacoma; of Local Union, No. 13, of the Tin, Sheet Iron and Cornice Workers' Association, of Seattle; of Carpenters' Union, No. 542, of Olympia; of Spokane Lodge, No. 183, Order of Railroad Telegraphers; of J. B. Lane, of South Bend; of A. E. Leroy and other citizens of Montesano, and of J. V. Bowen and other citizens of Snohomish, all in the State of Washington, praying for the repeal of the law closing the World's Columbian Exposition on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

Mr. SAWYER presented petitions of sundry citizens of Appleton, Wis., and of the La Crosse (Wis.) Manufacturers and Jobbers' Union, praying for the repeal of the so-called Sherman silver law; which were ordered to lie on the table.

Mr. DAVIS presented a petition of the Chamber of Commerce of Minneapolis, Minn., praying for the repeal of all laws authorizing the purchase of bar silver by the Treasurer of the United States; which was ordered to lie on the table.

He also presented a petition of the Board of Trade of Winona, Minn., praying for the passage of legislation providing for the national control of quarantine; which was ordered to lie on the table.

He also presented a petition of the Board of Trade of Winona, Minn., praying for the repeal of the so-called Sherman silver act of 1890, or any other act compelling the Secretary of the Treasury to purchase silver; which was referred to the Committee on Finance.

He also presented memorials of the Congregational Ministers' Conference, the Baptist Pastors' Conference, and the Presbyterian Pastors' Association of Minneapolis, of the Presbyterian Synod of St. Paul, and of the Woman's Auxiliary Board, all in the State of Minnesota, remonstrating against the opening of the World's Columbian Exposition on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

He also presented a petition of sundry citizens of Minnesota, praying for the opening of the World's Columbian Exposition on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

He also presented the petition of M. Mouston, president, and other associated members of the council of La Prairie, Minn., praying that La Prairie be connected with Duluth by canal, it being one of the objective points on the Mississippi River for such purposes; which was referred to the Committee on Commerce.

Mr. BLACKBURN presented petitions of the Carpenters and Joiners' Labor Unions, Nos. 103 and 785, and of the Iron Molders' Unions, Nos. 16 and 20, of Louisville and Covington, in the State of Kentucky, praying for the repeal of the law closing the World's Columbian Exposition on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

Mr. WASHBURN presented petitions of Iron Moulders'

Union, No. 226, of Brainerd, and of Local Union, No. 8, Master Workmen and Joiners' Union of America, praying for the repeal of the law closing the World's Columbian Exposition on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

Mr. JONES of Arkansas presented a petition of the Legislative Assembly of the Territory of New Mexico, praying that that Territory be admitted to Statehood at an early day; which was ordered to lie on the table and to be printed in the RECORD, as follows:

Council joint memorial No. 1.—Statehood.

(Introduced by A. B. Fall, Dona Ana, Grant, Lincoln, Chaves, and Eddy Counties.)

To the Senate and House of Representatives of the United States in Congress assembled:

Your memorialists, the Legislative Assembly of the Territory of New Mexico, now in session at Santa Fe, most respectfully represent that—

Whereas by the treaty of Guadalupe Hidalgo, made between the United States and the Republic of Mexico on the 2d day of February, A. D. 1848, by virtue of which the Territory of New Mexico became a portion of the United States, it was solemnly declared that at the proper time such Territory should be incorporated into the Union and vested with all the powers of a sovereign State; and

Whereas the assessed value of property in the Territory is $45,500,000, while that of Idaho and Wyoming, when admitted, was respectively twenty-eight and thirty-one millions; and

Whereas the population of the Territory, exclusive of Indians, is more than 175,000, while that of Montana, Idaho, and Wyoming when admitted was, respectively, thirty-nine, eighty-four, and sixty thousand; and

Whereas the proportion of foreign-born inhabitants in this Territory is seven to one hundred less than that of any of the recently admitted States; and

Whereas in every respect the Territory is entitled to demand, as a right based on justice and equity, her admission to the Union, an enabling act such as has lately passed the House of Representatives and is now pending in the Senate of the United States: Now therefore:

Be it resolved by the Legislative Assembly of the Territory of New Mexico, That honest justice to the people of the Territory demands that the Territory be admitted at an early day, and the Senate of the United States is respectfully requested to pass the House bill now pending therein, with the school clause as contained in the House bill, or with such a modification of the Senate committee amendment thereto as will do justice to the Spanish-speaking people, citizens, and tax-payers.

Be it further resolved, That the clerks of the council and House are hereby directed to transmit copies of this memorial to the Hon. Antonio Joseph, and through him to the President of the United States, the Speaker of the House of Representatives, and the President of the Senate of the United States.

J. FRANCO CHAVES,
President of Council.
CHAS. F. HUNT,
Chief Clerk of Council.
A. L. BRANCH,
Speaker of House.
FILADELFO BACA,
Chief Clerk of House.

Mr. TURPIE presented a petition of citizens of Columbia City, Ind., praying for the repeal of the so-called Sherman silver act of 1890; which was ordered to lie on the table.

He also presented petitions of 25 citizens of Indiana; of Cigar-Makers' Union, No. 215, of Logansport; of Hoosier Lodge, No. 163, Independent Order American Mechanics, of Elkhart; of Cigar-Makers' Union, No. 335, of Hammond; of Typographical Union No. 286, of Marion; of Kickapoo Lodge, No. 310, Brotherhood of Railroad Trainmen, of Brogit; of Cigar-Makers' Union of Bluffton; of International Brotherhood of Machinery Molders, No. 64, of Michigan City; and of Cigar-Makers' Union, No. 134, of Laporte, all in the State of Indiana, praying for the opening of the World's Columbian Exposition on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

ELECTION OF SENATORS BY THE PEOPLE.

Mr. TURPIE. I present a communication from the governor of the State of California, stating that in accordance with a resolution of the Legislature of that State, at the general election held therein last November a vote was had under an act to ascertain the will of the people of the State upon the subject of the election of United States Senators by a vote of the people. The communication shows that upon that proposition the vote in favor of it was 187,987 and the vote against it 13,342. That was the result of a direct vote in the State of California on the question submitted to the people under a local law of that State.

I ask that the communication, which is very brief, containing about ten lines, and is transmitted by direction of the State Legislature, be printed in the RECORD.

The VICE-PRESIDENT. The communication will be printed in the RECORD, if there be no objection.

Mr. HARRIS. What is the character of the communication? Is it the memorial of a State Legislature?

Mr. TURPIE. It is a communication from the governor of the State of California, transmitted in accordance with a resolution of the Legislature of that State.

Mr. HARRIS. I shall interpose no objection under those circumstances.

The VICE-PRESIDENT. The communication will be printed in the RECORD, and referred to the Committee on Privileges and Elections.

Mr. TURPIE. I may be permitted to remark that I regard as a felicitous omen the fact that a great and growing State, and a comparatively new one like California, has given such a magnificent indorsement and approval to the policy of the election of Senators by a direct vote of the people.

The communication was referred to the Committee on Privileges and Elections, and ordered to be printed in the RECORD, as follows:

EXECUTIVE DEPARTMENT, *Sacramento, Cal., January 12, 1893.*

SIR: In accordance with the resolution of the Legislature of the State of California, I hereby inform you that at the general election in this State, held on the 8th day of November, A. D. 1892, an act to ascertain an expression of the will of the people of the State of California upon the subject of the election of United States Senators, was submitted to the qualified voters of the State of California, and that the vote thereon was 187,987 in favor of the election of United States Senators by the direct vote of the people, and 13,342 against the election of such Senators by the direct vote of the people.

In witness whereof, I have hereunto set my hand and caused the great seal of State to be affixed at Sacramento this 10th day of January, A. D. 1893.

[SEAL.] H. H. MARKHAM, *Governor.*

Attest:

E. G. WAITE, *Secretary of State.*

REPORTS OF COMMITTEES.

Mr. MANDERSON, from the Committee on Military Affairs, to whom was referred the bill (S. 2110) for the relief of Henry Haltman, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 3506) for the relief of John Palmier, Pine Ridge, Shannon County, S. Dak., asked to be discharged from its further consideration, and that it be referred to the Committee on Indian Affairs; which was agreed to.

Mr. BUTLER (for Mr. CAMERON), from the Committee on Naval Affairs, to whom was referred the bill (S. 3672) to amend the act approved June 8, 1880, relating to the pay to the Judge-Advocate-General, reported it without amendment, and submitted a report thereon.

Mr. WILSON, from the Committee on the Revision of the Laws of the United States, to whom was referred the bill (H. R. 9069) for the continuance of the publication of the Supplement to the Revised Statutes of the United States, reported it without amendment, and submitted a report thereon.

Mr. DOLPH, from the Committee on Public Lands, to whom was referred the bill (S. 3728) for the relief of the Blalock Wheat-Growing Company, reported it without amendment.

REPORT ON DISEASES OF CATTLE.

Mr. MANDERSON, from the Committee on Printing, to whom was referred the following concurrent resolution of the House of Representatives, reported it without amendment, and it was considered by unanimous consent, and agreed to:

Resolved by the House of Representatives (the Senate concurring), That there be printed and bound of the special report of the Bureau of Animal Industry on diseases of cattle and cattle feeding 60,000 copies, of which 20,000 shall be for the use of the Senate and 40,000 for the use of the House.

Mr. MANDERSON. I am directed by the Committee on Printing, to whom was referred the joint resolution (S. R. 132) to print 100,000 copies of the special report of the Bureau of Animal Industry on diseases of cattle and on cattle feeding, to report adversely thereon and move its indefinite postponement.

Mr. COCKRELL. Let the title of the joint resolution be read.

Mr. MANDERSON. It is the joint resolution introduced by the Senator from Missouri for printing 100,000 copies of the report on cattle diseases. As we have just disposed of the House concurrent resolution to print 60,000 copies, it would hardly seem to be necessary to place the joint resolution on the Calendar.

The PRESIDING OFFICER (Mr. PLATT in the chair). The joint resolution will be indefinitely postponed, if there be no objection.

Mr. MANDERSON, from the Committee on Printing, to whom was referred the concurrent resolution submitted by Mr. MCMILLAN on the 9th instant, reported adversely thereon, and it was postponed indefinitely; as follows:

Resolved by the Senate (the House of Representatives concurring therein), That there be printed of the special report on the diseases of cattle and cattle feeding prepared by the Bureau of Animal Industry of the Department of Agriculture, 100,000 copies, of which number 30,000 shall be for the use of the Senate, 60,000 for the use of the House of Representatives, and 10,000 to be distributed by the Secretary of Agriculture.

REPORT ON THE SHEEP INDUSTRY.

Mr. MANDERSON, from the Committee on Printing, to whom was referred the following concurrent resolution of the House of Representatives, reported it without amendment, and it was considered by unanimous consent, and agreed to:

Resolved by the House of Representatives (the Senate concurring), That there be printed and bound of the special report on the sheep industry of the United States 60,000 copies, of which 20,000 copies shall be for the use of the Senate and 40,000 for the use of the House.

Mr. MANDERSON, from the Committee on Printing, to whom was referred the concurrent resolution submitted by Mr. McMILLAN on the 9th instant, reported adversely thereon, and it was postponed indefinitely; as follows:

Resolved by the Senate (the House of Representatives concurring therein), That there be printed of the special report on the sheep industry of the United States, prepared by the Bureau of Animal Industry of the Department of Agriculture, 35,000 copies, of which number 10,000 shall be for the use of the Senate, 20,000 for the use of the House of Representatives, and 5,000 for distribution by the Secretary of Agriculture.

BILLS INTRODUCED.

Mr. CULLOM introduced a bill (S. 3753) relating to the anchorage and movement of vessels in the port of Chicago; which was read twice by its title, and referred to the Committee on Commerce.

Mr. SQUIRE introduced a bill (S. 3754) to amend an act entitled "An act to provide for the times and places to hold terms of the United States courts in the State of Washington; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 3755) for the relief of Col. Azor H. Nickerson; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 3756) providing for the manufacture of steel high-power rifled guns, under the designs of R. J. Gatling, for coast defenses; which was read twice by its title, and referred to the Committee on Coast Defenses.

Mr. PERKINS introduced a bill (S. 3757) granting a pension to Henry Curtis; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3758) granting a pension to Robert Parker; which was read twice by its title, and referred to the Committee on Pensions.

Mr. VOORHEES introduced a bill (S. 3759) to extend California avenue, in West Washington, D. C.; which was read twice by its title, and, with the accompanying papers, referred to the Committee on the District of Columbia.

He also introduced a bill (S. 3760) granting a pension to Samuel J. Rhoads; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 3761) granting a pension to John Helfrich; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. DOLPH introduced a bill (S. 3762) for the relief of Mrs. M. P. Sawtelle, of Oregon; which was read twice by its title, and referred to the Select Committee on Indian Depredations.

Mr. MITCHELL introduced a bill (S. 3763) for the relief of the Oregon Improvement Company; which was read twice by its title, and referred to the Committee on Appropriations.

COAST AND GEODETIC SURVEY REPORT.

Mr. MANDERSON submitted the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound in cloth, of the report of the Superintendent of the United States Coast and Geodetic Survey for the fiscal year 1892, 1,500 extra copies of part 1, in quarto form, of which 200 copies shall be for the use of the Senate, 600 copies for the use of the House, and 700 copies for distribution by the Superintendent of the Coast and Geodetic Survey; and of part 2, in octavo form, 2,800 extra copies, of which 200 copies shall be for the use of the Senate, 600 for the use of the House, and 2,000 copies for distribution by said Superintendent.

PROHIBITION OF CHINESE IMMIGRATION.

Mr. CALL. I submit a resolution and ask for its consideration at this time.

The resolution was read, as follows:

Resolved, That the Secretary of State be, and he is hereby, directed to send to the Senate the official correspondence of the Government of China with the United States relating to the acts of Congress forbidding the emigration of Chinese and the treaty stipulations between the two countries, and that the same shall be printed for the use of the Senate.

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. SHERMAN. I have no objection to the resolution except that it ought to contain the usual provision. It is always usual when a call is made of that kind in regard to diplomatic correspondence to insert "if not incompatible with the public interest."

Mr. CALL. I have no objection to that modification. The correspondence on the part of our Government has already been printed.

The VICE-PRESIDENT. The modification will be stated.

The SECRETARY. In line 2 of the resolution insert "if not incompatible with the public interest."

The VICE-PRESIDENT. The question is on agreeing to the resolution as modified.

The resolution as modified was agreed to.

WILLIAM K. COPELAND.

Mr. PEFFER. I ask that the bill (S. 3747) for the relief of William K. Copeland be recalled from the Committee on Pensions and referred to the Committee on Military Affairs, inasmuch as it appears that that committee ought to have jurisdiction of the bill rather than the Committee on Pensions.

The PRESIDING OFFICER (Mr. PLATT in the chair). If there be no objection that order will be made.

OHIO RIVER BRIDGE AT CINCINNATI.

The PRESIDING OFFICER. If there is no further morning business, the Calendar under Rule VIII is in order.

Mr. BLACKBURN. I ask the unanimous consent of the Senate to call up the bill (H. R. 10007) to provide for lowering the height of a bridge proposed to be constructed across the Ohio River between Cincinnati, Ohio, and Covington, Ky., by the Cincinnati and Covington Rapid Transit Bridge Company.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. FRYE. The bill is reported from the Committee on Commerce?

Mr. BLACKBURN. It is reported from the Committee on Commerce unanimously, and the Senator from Ohio [Mr. SHERMAN] and myself agree about it.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DEALING IN OPTIONS AND FUTURES.

Mr. WASHBURN. I ask unanimous consent that the Senate proceed to the consideration of the antioption bill.

The PRESIDING OFFICER. The Senator from Minnesota asks unanimous consent of the Senate that it take up for consideration at this time the unfinished business. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7845) defining "options" and "futures," imposing special taxes on dealers therein, and requiring such dealers and persons engaged in selling certain products to obtain license, and for other purposes.

The PRESIDING OFFICER. The pending question is upon the amendment proposed by the Senator from Wisconsin [Mr. VILAS] to the amendment proposed by the Senator from Mississippi [Mr. GEORGE], upon which the Senator from Mississippi is entitled to the floor.

Mr. GEORGE. Mr. President, I have been informed by the Senator from Minnesota, who has charge of the bill, that he expects to ask the Senate to continue in session to-day until a vote shall be reached. I have also heard various Senators express their great anxiety that this matter should be finally disposed of. In view of that I propose this morning simply to occupy a very few minutes of the attention of the Senate on the proposition involved in the amendment proposed by the Senator from Wisconsin to the amendment of the minority of the Judiciary Committee.

The proposition involved in that amendment is that Congress is not the judge of what constitutes an obstruction to interstate and foreign commerce. I read before as authority, in a speech which I made six months ago, the decision of the Supreme Court in the case of the Wheeling Bridge Company. I ask the indulgence of the Senate to read it again. I propose to read that which I read six months ago from the decision of the Supreme Court in the case of the State of Pennsylvania *vs.* The Wheeling and Belmont Bridge Company:

We do not enter upon the question—

Say the court—

whether or not Congress possess the power, under the authority in the Constitution—

To establish post-offices and post-roads—

to legalize this bridge—

Counsel had insisted that that gave the power. The court waived that—

for, conceding that no such powers can be derived from this clause, it must be admitted that it is, at least, necessarily included in the power conferred to regulate commerce among the several States. The regulation of commerce includes intercourse and navigation and, of course, the power to determine what shall or shall not be deemed in judgment of law an obstruction to navigation, and that power, as we have seen, has been exercised consistent with the continuance of the bridge.

The Senate will remember that after the court in a very elaborate and learned decision had concluded that the bridge in question was an obstruction to navigation and ordered it to be pulled down or raised to a certain height, then when the court was taking active steps to enforce the judgment, Congress passed a law legalizing the structure. Then the question came up before the court whether, after Congress had passed that law, the judgment of the court could be enforced. I wish the Senate to bear in mind that here was a distinct conflict between the judgment of the Supreme Court declaring the bridge to be an ob-

struction to navigation and the act of Congress on the subject declaring that it was not.

Now, which did the court say should prevail? The court gave effect to the last act of Congress, saying, as I have read, that the power to regulate commerce includes the power to determine what shall or shall not be deemed in judgment of law an obstruction to navigation, which is a part of commerce. That seems to be conclusive. That decision was made in the year 1855.

But that was no new doctrine of the Supreme Court. It was but the application of a doctrine which had long anterior to that time been settled by the Supreme Court. I propose to read what was said by the court in another very celebrated case on that very subject. I read now from the opinion delivered by Chief Justice Marshal in Gibbons *vs.* Ogden. On page 197 of the ninth volume of Wheaton's Reports, the court says:

This power—

To regulate commerce—

like all others vested in Congress, is complete in itself, may be exercised to its utmost extent, and acknowledges—

Note the language—

no limitations other than prescribed in the Constitution. These are expressed in plain terms and do not affect the questions which arise in this case or which have been discussed at the bar. If, as has always been understood, the sovereignty of Congress, though limited to specified objects, is plenary as to those objects, the power over commerce with foreign nations and among the several States is vested in Congress as absolutely as it would be in a single government having in its constitution the same restrictions on the exercise of the power as are found in the Constitution of the United States.

I desire to call the attention of the Senate especially to the language which follows:

The wisdom and the discretion of Congress, their identity with the people, and the influence which their constituents possess at elections, are in this, as in many other instances, as that, for example, of declaring war, the sole restraints on which they have relied to secure them from its abuse. They are the restraints on which the people must often rely solely in all representative governments.

That is the doctrine of the Supreme Court, as announced in the year 1824 by Chief Justice Marshall. I have read what the court said in 1855. There is no authoritative decision of the Supreme Court against this doctrine, and why should there be, Mr. President? There must be some one who is the final judge in matters of this sort. Shall it be the Supreme Court or shall it be Congress? It is not to be understood that the Supreme Court has any revisory power over the action of Congress. It has no power except to decide a case. Gentlemen sometimes think that the Supreme Court has been invested by the Constitution with the power to decide all questions of constitutional law. It has no such power. The Supreme Court has no jurisdiction, nor has any Federal court jurisdiction to decide anything but a case, and of course in reaching a conclusion in a particular case the court decides the questions that are involved. Let that be borne in mind. It is not the theory of our institutions that the Supreme Court of the United States or any other court has a revisory power over the action of Congress.

I will allude to one or two instances in which this power of Congress has been exerted beyond control by the Supreme Court. There are two ways only in which the Supreme Court can ever make a decision upon the question involved. One mode must exist in all cases. There must arise a case between parties which has been instituted in the lower courts, and which, by appeal or writ of error, has been brought to the Supreme Court. Then what does the court do? I wish Senators to consider this point. The court decides the law upon the facts made in that particular case. If it is a case of A against B it decides the law as A and B have evolved it by the proof which they have made in that particular case.

So a particular obstruction to commerce, if left to the final decision of the Supreme Court, would depend upon the proof which private parties may have made in that particular case with reference to that particular obstruction, and when the judgment of the court is rendered, if the court please, it is a judgment adjudicating rights to A as against the action of B. Let that be borne in mind.

But gentlemen may ask, how can the Supreme Court in any case adjudicate that a particular thing is an obstruction to commerce? Only, sir, because Congress may have left to the decision of the court that particular question.

We have two statutes, both recent, which illustrate the action of Congress on that particular subject. In the antitrust law Congress declared all contracts and all combinations, whether in the shape of a trust or otherwise, which obstructed interstate and foreign commerce to be illegal and void. In that case Congress laid down the rule and left it to the courts to ascertain the fact; and in all cases of that kind the courts may, in obedience to a rule of law fixed either by the Constitution or by Congress, adjudicate whether a particular act, whether it be a contract or whether it be something else, is an obstruction to commerce.

Congress not only can and does prescribe rules by which the courts are governed in the ascertainment of the judgment which they shall announce, but Congress has also assumed for itself in many instances the final settlement of the question whether a particular thing is or is not an obstruction to commerce. We have an instance of that—and I cite it now only for that purpose—in the interstate-commerce law, in which Congress makes an enactment of that sort, to which I desire to call the especial attention of Senators who are giving attention to this question. Remember that Congress may either prescribe the rule by which the courts shall act and leave it to the courts to settle the fact, or, as was decided by the Supreme Court in the case to which I have called attention, Congress may decide the fact itself, and there is no appeal. This statute provides:

That it shall be unlawful for any common carrier subject to the provisions of this act to enter into any contract—

These are contracts with which we are dealing—

agreement, or combination with any other common carrier or carriers for the pooling of freights of different and competing railroads, or to divide between them the aggregate or net proceeds of the earnings of such railroads or any portion thereof.

In that case Congress did not leave it to the courts to say whether or not pooling was an obstruction to interstate commerce, but Congress assumed to decide for itself that it was an obstruction, and denounced it. Has any court ever held that Congress could not do that thing? I know of no instance of that sort.

I have a list, I will not read all of it to the Senate, of various statutes in which Congress has done the very same thing. It is no new thing in American constitutional law for Congress to decide that a particular specific thing is a proper regulation of commerce as being a facility to commerce in removing obstructions.

I wish to call attention to some of the late acts of Congress on that subject to show that Congress assumes to decide, and does decide finally, and there is not a Senator here who will undertake to say that every one of those statutes is not constitutional.

I call attention to section 4258 of the Revised Statutes. I will read a part of it so that the Senate may understand what it is:

SEC. 4258. Every vessel carrying more than fifty such passengers, and engaged in transporting them between the United States and Europe, shall have for their use on deck, housed and conveniently arranged, at least one caboose or cooking-range, the dimensions of which shall be equal to 4 feet long and 1 foot 6 inches wide for every two hundred passengers.

Can the Supreme Court or any other court set that aside upon the ground that Congress did not have the right to decide the specific thing which should be done? If Congress had desired to leave it to the courts, it would have said unless vessels had on board a cooking range of sufficient dimensions to accommodate the crew; but Congress does not do that. It says the range shall be just so many feet wide and just so many feet long. I come to section 4260, which provides:

All vessels so employed in transporting passengers between the United States and Europe shall have on board, for the use of such passengers, at the time of leaving the last port whence such vessel shall sail, well secured under deck, for each passenger—

What? A sufficient amount of wholesome and nutritious food, leaving it to the court to ascertain whether there was a sufficient supply on hand or not? No, sir; but—

shall have on board, for the use of such passengers, at the time of leaving the last port whence such vessel shall sail, well secured under deck, for each passenger, at least 20 pounds of good navy bread.

No other bread will do—

at least 20 pounds of good navy bread, 15 pounds of rice, 15 pounds of oatmeal, 10 pounds of wheat flour, 15 pounds of pease and beans, 20 pounds of potatoes, 1 pint of vinegar, 60 gallons of fresh water, 10 pounds of salted pork, and 10 pounds of salt beef, free of bone, all to be of good quality.

Here Congress prescribes the specific thing, a bill of fare. It does not leave it to the courts to ascertain whether a sufficient amount of food and water and clothing—for clothing also is prescribed here—shall be put on board of a vessel, but the statute fixes it, and it goes on to provide in the last part of the same section that where these things can not be had, a sufficient quantity of something else shall be put on board. A penalty is also imposed for sailing without these provisions and water prescribed. Then there is a provision for ventilators, providing that they are to be of a certain size and placed at certain parts of the vessel.

Can Congress do that unless it has power to find the fact which ought to be done? Senators say these are not obstructions to navigation. I admit they are not, but the absence of these things constitute the obstruction, and these provisions constitute the act of removing the obstruction and the particular way in which it shall be removed.

There is a statute which requires that every ship shall be clean. There is another statute, section 4276, in which social intercourse between the passengers is regulated and a penalty imposed for

allowing seamen to visit the immigrant part of the ship. There are various other provisions to which I simply call attention for the purpose of allowing Senators to examine the statutes. I call attention to section 4282, where, so far as fire is concerned, there is removed the liability of the owner of a vessel who was liable by the common law and liable by the law-merchant for the destruction of property committed to his care, unless it comes from the act of God or the King's enemies.

There is another section, 4283, where the liability of the owners of a vessel for embezzlement is limited to the interest of the owner in the vessel, and his personal liability is taken away.

There is a regulation relative to log-books, which contains some minute provisions as to their contents, and among them a provision that every birth happening on board is to be registered and reported, and also every marriage, with the names and ages of the parties.

Section 4386 provides a penalty for transporting certain animals over a certain length of time without food or water.

All these things go to show that Congress has uniformly exercised the power which Chief Justice Marshall said in Gibbons *vs.* Ogden was solely invested in it, and which the Supreme Court twenty-five years afterwards reaffirmed as being solely invested in it; but Senators say that that makes the will of Congress supreme; that Congress, if it can decide this question finally, may make certain absurd and ridiculous provisions, and they would be the law of the land. Is not that equally so with reference to the Supreme Court? I suppose you have to make somebody the final judge.

Suppose I should say, like Mr. Jefferson did, who was so feelingly alluded to by the Senator from Missouri [Mr. VEST] the other day as a great light from which we were not to depart; or suppose any of us on this side were to say that it is as dangerous to place the final decision of this constitutional question in the Supreme Court as anywhere else. What did Mr. Jefferson say with reference to the Federal judiciary? He simply called them the sappers and miners of the Constitution.

I do not reiterate that language: I am only speaking of what good men and great men have said about leaving anything to any department of the Government as a final decision. Of course Mr. Jefferson contended all along, as all the State-rights men did until the war, that no department of the Government should be the final judge of the powers which the Government might exercise. We all contended for that. That was Mr. Jefferson's doctrine; that was the doctrine of the resolutions of 1798 in Kentucky, which are said to have been drawn up by him; but who contends for that doctrine now? That part of Jeffersonian Democracy, if it had not been killed before by Jackson and by Taney, has certainly departed from the politics of this country by the result of the war and the amendments to the Constitution made in accordance therewith.

I wish to call attention once more to what John Marshall said upon this unlimited power. Of course, there is bound to be a final judge. Who is to revise the action of Congress upon a declaration of war? Suppose that the Congress of the United States was wicked enough to declare war to-day against every enlightened power in the world, can the Supreme Court revise it and correct it? Sir, the true restraint, since the doctrine of State interposition has been abrogated, lies in what Chief Justice Marshall said in the extract from which I read:

> The wisdom and the discretion of Congress, their identity with the people, and the influence which their constituents possess at elections are, in this—

That is in the regulation of commerce—

> as in many other instances as that, for example, of declaring war, the sole restraints on which they have relied to secure them from its abuse. They are the restraints on which the people must often rely solely in all representative governments.

The Supreme Court has over and over again announced the same doctrine. What did the court say in the effort made to restrain the enforcement of the reconstruction acts? It said Congress was the final judge. That was the most important question that ever came before the American Congress involving more of weal and woe, more of the rights of the people of this country, than any other question, and yet the court decided that that was a matter left by the Constitution solely to Congress.

Mr. President, it does not devolve upon me at this late day to vindicate the solemn judgment of the Supreme Court upon this subject. It may have been better, and at one time it was a part of my political creed that it was better, that there was outside of the machinery of the Federal Constitution a final judge as to the powers to be exercised by the Federal Government, but that day has gone. There is obliged to be somebody final; it is necessary that the decision of some department of the Government should be final; and the Supreme Court has said that as to this particular measure, the regulation of commerce, Congress was the final judge.

But Senators say, Can Congress do anything? Can Congress make any sort of regulation it sees proper? I answer, no. I answer that the members of Congress are as much bound by their oaths to support the Constitution of the United States and to perform their duties of legislation according to the Constitution and law as the Supreme Court, and so far as the regulation of interstate and foreign commerce is concerned they have the sanction of the Supreme Court of the United States for the exercise of that power.

I admit that Congress may do wrong; but may not the Supreme Court? Are the judges of the court infallible? Are they angels? Are they endowed with any power and wisdom superior to the other departments of the Government? I do not think they are. They are good men when they perform their appropriate duties, but when they undertake to travel out of their appropriate duties and to fix rules for the regulation of commerce, then they are performing a function which the Constitution has denied them according to their own decision, and for which they are unfitted.

Mr. President, having said that much, I will not press further any argument upon the question involved in the amendment offered by the Senator from Wisconsin [Mr. VILAS], except to consider whether we have before us sufficient evidence upon which to make the declaration. On that point I have heretofore, as have other Senators, produced the evidence before this body. I have one other piece of evidence, however, which I will read on that subject, and then I think I shall have discharged my duty. I read now from an article from the Washington Post of three or four days ago:

> "Cotton buying in the South has been bad," said Mr. C. H. Bond, who is stopping at the Randall. "The crop has been good enough, but the competition has been heavy and the markets extremely unsettled. Some men I know, who are professional buyers of cotton, have been able to do nothing at all. They refuse to put up a cent for the staple for the reason that the quotations from the money centers fluttered up and down in a very bewildering way. Formerly a man who wished to buy cotton for delivery in the Liverpool market was able to make some sort of calculation as to what it would be worth when it reached England. This season it has been impossible to make any calculation at all. The amount of cotton on hand was known all right enough and the amount of future supply was figured to a nicety, but it has been well nigh impossible to do anything on account of the fluctuations."

I will not read the entire article now, yet I wish to call the attention of the Senate to the fact that during this season there have been more dealings in futures than at any other period of our history. In one month alone, in the month of November, futures were sold to the amount, I believe, of over 8,000,000 bales of cotton; in the month of December they were sold to nearly the amount of 6,000,000 bales of cotton, and sold whilst this gentleman complains that real cotton buying could not go on, that men would not buy the real cotton, and yet it is shown by the record of the exchanges in New Orleans and in New York that more fictitious trading in sham cotton was carried on than ever before.

Mr. VILAS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Mississippi yield to the Senator from Wisconsin?

Mr. GEORGE. Of course.

Mr. VILAS. I should simply like to ask the Senator from Mississippi in that connection, for he is better informed on the details than I am, if during the period when the excess of future sales has been so great the price of cotton has not advanced?

Mr. GEORGE. From September until the present time there has been an advance, but he who has paid attention to the cotton market will find that there have been depressions as well as advances; that the markets have not been regular; that there has been a fall altogether, I believe, of over 1 cent as compared to other parts of the market.

I have heretofore read the evidence to the Senate of the fluctuations, sometimes amounting to fifty points in a day, and I refer Senators to it. Those fluctuations, those dealings this gentleman says, make it unsafe for men to deal in actual cotton. He says:

> That the amount of cotton on hand was known all right enough, and the amount of future supply was figured to a nicety.

Does it not seem, when the actual crop was ascertained and when the amount of the supply on hand was ascertained, that all the elements of what was the proper price of cotton were known? But he says:

> The amount of cotton on hand was known all right enough, and the amount of future supply was figured to a nicety, but it has been well nigh impossible to do anything on account of the fluctuations.

Do anything, how? Not to deal in futures, because I have shown that there was more dealing in futures in the last two months than ever before in the same length of time. This writer accounts for it—

Mr. WHITE. May I ask the Senator a question right there?

Mr. GEORGE. Of course.

Mr. WHITE. I should like to ask the Senator what was the relative parity in price during this period between spot cotton and future cotton?

Mr. GEORGE. In the New York market, without a single exception upon any one day, futures were sold lower than spots. I showed in the speech, which I made several days ago, that commencing on the 1st of September and ending on the 1st of December, there was not a single exception in the city of New York on any day that futures were not sold lower than spots, and therefore sold against them.

Mr. WHITE. The Senator does not meet the question I asked.

Mr. GEORGE. What is the Senator's question?

Mr. WHITE. I asked the Senator what was the price of future cotton for January, February, March, April, and May delivery during December in New York, as compared with spot cotton?

Mr. GEORGE. I refer the Senator to the speech I made on that subject, in which the figures were given for the months named. I can not state them accurately now, but I can state that it took futures from one to three months to reach the price of spots.

Let me explain what that means. On the 15th day of November spot cotton was sold in New York at 10 cents a pound; futures on that day, deliverable in that same month, were sold at about 9.6 cents; and it so happened that on the last day of November in which sales were made—I believe it was on the 28th—futures deliverable within the next two days were sold at $2.40 per bale less than spots. I hope I have answered the Senator.

I took, say from the 10th day of November to the 15th, according to the market, as will be seen by looking at my speech—I quoted as accurately as I could, and I had the figures made out by the gentleman to whom the Senator from Louisiana [Mr. WHITE] introduced me as a reliable man, and I know them to be reliable—it took until January in some instances and February in some instances for the price of futures to be equal to the price of spots on a named day in November and December.

Mr. WHITE. If the Senator will allow me, my question did not address itself to the relative price of spots and futures in the same month. I think the figures I have heretofore given establish beyond peradventure, and I do not think even the Senator will dispute it, that the effect of the operation on the market has been this: This year the spot market was depressed because of the controversy as to the size of the crop. The spinners being overloaded with cotton for immediate consumption, as I have shown, held out of the market, and the great speculative mind of the country being satisfied of the smallness of the crop, speculators came in and bought cotton for February, March, April, and May delivery, which forced the spot cotton up and forced the spinner to buy. Therefore the speculative demand drove up the price of cotton for consumption, when under the normal demand of the spinner it would have declined.

Mr. GEORGE. The Senator does not contradict my facts; he draws only a different inference from that which I have drawn. He asked me as to the relative price of spot cotton and futures, and I have shown that futures are sold from one-tenth to one-half cent lower than spot. As to the inference, I want to say something about that since the Senator has alluded to it; and if this can be answered successfully, then I confess I know nothing about the force of human reasoning.

But let us go back a step, and look at this thing as it is. It is said, as the Senator has just said, that the sale of futures keeps up the price of spots. Let us see what the fact is upon that subject, and see whether it does or does not. The first fact is that futures are uniformly sold lower than spots. How does that keep up the price of cotton? I should like to have that answered. If I be in the city of New York to-day and desire to buy cotton, if spots are offered to me at 9½ cents, deliverable at once, money all paid down, to be insured by me at my risk from the very moment that I buy it, storage to be paid by me from the very moment that I become the owner, and futures, say in April, are offered to me at the same price, and I am not required to pay on the future contract more than $5 a bale and have no insurance and no storage to pay, I should like to know what I as a reasonable man would buy if I am a speculator; and it is all speculation now about which we are talking?

If I am a consumer and I must have the cotton right then and there and can not wait, what will I do? I will buy just as much at 9½ cents a pound as I am compelled to buy, and no more, and wait until the lapse of time shall equalize things a little. If I am a speculator—and it is claimed that it is speculators under these future dealings who keep the price of cotton up—what will I do? I will say, "What is the sense of my paying out $50 a bale for cotton to-day, holding it for sale in April, May, or June, or as I see proper, when I can buy by paying out only $5 a bale cotton at the same price, deliverable to me two or three months ahead?"

Is there any sane man who would hesitate as to what he would do under such circumstances? I ask the Senator from Louisiana, interested as I am as a representative in the raising of cotton, if in fact the uniform selling of futures at lower prices than spots does not prevent the dealing in spots by speculators?

Mr. President, what are the facts? I have given you the prices, I have drawn my inferences, and the Senator has drawn his. Now let us see how the facts work out as shown by the reports of the New York Cotton Exchange for the year 1890-'91. There were sold in New York 26,000,000 bales of futures in round numbers, there were sold 99,000 bales of real cotton for export, and about 96,000 bales to spinners, actual consumers. How much was taken by the speculators, who, it is said, keep up the price of cotton? Just 1,026 bales. I should like to know how the purchase of 1,026 bales of spot cotton in a whole year in the city of New York has the effect of raising the price of spot cotton.

Mr. MORGAN. Does not speculation in fact put the price down?

Mr. GEORGE. It does, and I read the evidence here a week or two ago, and I will ask the permission of the Senate, at the suggestion of a friend of mine, that I may incorporate in my remarks two or three pages of the speech I made some days ago upon that subject.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and it will be so ordered.

[The extracts from the speech of Mr. GEORGE above referred to will be found as an appendix at the end of his speech in to-day's RECORD.]

Mr. GEORGE. Before I take my seat, I should like the Senator from Louisiana to explain to me how the continuous selling of future cotton below the price of spot tends to keep up the price of spot cotton?

Mr. WHITE. I shall take pleasure in explaining that very fully to the Senator. I have prepared my tables and expected to speak this morning.

Mr. GEORGE. Very well; I will yield the floor to the Senator.

Mr. WHITE. No, I shall have the pleasure when my turn comes to pay my respects to the Senator.

Mr. GEORGE. I should like to hear the Senator or anybody else on that subject. I should like to know if it is a fact that two and two make five? I should like to know how you arrive at that conclusion, and I should like to know, if it be a fact, why a part is equal to the whole? I suppose there is nothing impossible now to logicians. I should like to know why the continual selling of thirty or forty million bales of cotton lower than spots has the effect of keeping up the price of spots?

Mr. President, I have said all I intend to say on this particular question. However, I have not read all of the article in the Post to which I alluded, which it would be very unjust to the gentleman if I did not quote in full. It is but fair to him for me to read the remainder of it.

Mr. WHITE. Does the Senator read from the New York Post?

Mr. GEORGE. No, sir; from the Washington Post. After showing all the trouble about cotton and cotton buying, how cotton buyers have been driven out of the market, and the fluctuations in the market, which he says did it, and which were simply fluctuations in the futures market, he accounts for it in this way:

> The way in which the prices have advanced and receded has been due almost altogether to the antioptions bill before Congress. One day it seemed that it would pass, and another day it seemed that it would not. We have been unable to buy on this account, and the farmer, who needed the ready money, has suffered. In my opinion he will suffer still more after the bill becomes a law—if it ever does becomes a law.

There is one little moral I desire to draw in conclusion. The fact to which I wish to call attention is that there have been more sales of futures for the last three months than ever before in a similar time—8,000,000 bales in November and nearly 6,000,000 bales in December. I have not added up the numbers for this month, but trading in futures has certainly not been interfered with by the pendency of the antioption bill; on the contrary, it seems to have been a stimulus to them. If it be a fact that the large tradings in futures or the fluctuations in the futures market have made it unsafe to buy cotton, and therefore men who want real cotton will not buy it, I should like to know what further fact the Senate desires to have proved before it to establish the proposition that dealings in futures do influence the price of cotton.

Mr. WHITE. The Senator will recollect that the distinguished Senator from Minnesota [Mr. WASHBURN] admitted on the floor the other day that he recognized the fact that there had been a great advance in the articles covered by this bill and that the market had wonderfully improved, but that it all grew out of the expectation of the passage of the bill.

Mr. GEORGE. I express no opinion on that subject. I have just been combatting the statement made by the man from whom I have quoted. Before I sit down I merely wish to add that if men have the power to thus raise and depress prices by future dealings, is not that a reason why this bill should be passed?

APPENDIX.

Now I want to call the attention of the Senate to another very important fact, and that is, as the sales of futures increase in quantity the real transactions in real cotton in New York decrease in quantity. I read from their own report submitted by the New York Cotton Exchange:

"In 1889 there were 218,429 bales of cotton sold for export; in 1890, 163,932; in 1891"—

The very figures which I gave—

"96,666 bales."

The New York Cotton Exchange have become so enamored with trading in "futures" that year by year they pay less and less attention to real transactions. Now let us examine as to spinning.

"In 1889, 200,550 bales were sold for spinning; in 1890, 151,938; in 1891, the amount for spinning was 99,956 bales."

Then, "for speculation." Before I get through I shall have something to say about speculation, but it is as well to read that part of it here. "In 1889, 9,045 bales of spot cotton"—real cotton, genuine cotton—were sold for speculation in New York. In 1890 the enormous sum of 573 bales was sold; in 1891, 1,026 bales were sold for speculation. Now let us see how the "futures" ran in those years. Here it is in their own book:

"The transactions of cotton for future delivery have aggregated 26,389,500 bales"—

That is for the year 1890-'91—

"against 21,084,100 bales last year, and 20,184,400 bales in 1889."

So that as the transactions in "futures" go up the transactions in real cotton go down.

* * * * * * *

On the 1st day of September last in New York spots were worth 7.12 cents. In September futures were worth 7.08 cents, and in November only did futures catch up with the price of spots on the 1st day of September. On the 15th day of September spots were worth 7.19 cents. They reached 7.13 in November, and only got even with the price of spots in December following. For September 28 spots were worth 7.63 cents. They reached 7.65 cents in November in New York. I have taken the 1st, 15th, and 28th of each month and they represent fairly the business of the whole month. On the 1st day of October spot cotton in New York was worth 7.69 cents. Futures reached 7.63 cents in November and 7.75 cents in December.

On October 15 it was worth 8 cents in New York. It reached 8.02 cents in February, about four months afterwards. October 28 spots in New York were worth 8.63. They were as low as 8.38 cents in February, and reached 8.63 cents only in March. November 1, spot cotton was 8.31. It reached 8.19 cents in January, three months afterwards. November 15 spots were worth 9 cents in New York. It reached 8.91 cents only in January, 9.11 cents in March, and so on. It is thus shown by reference to the account of sales of cotton of spots and futures in New York that uniformly, without a single exception in the city of New York, futures ranged from one-tenth to one-half a cent lower for the same day of the same month, and reached a parity with that day only from two to three months afterwards.

* * * * * * * *

I read now from a letter of Atwood, Violett & Co., to the Memphis Commercial, dated September 28. Atwood, Violett & Co. are reputable cotton-future brokers in the city of New Orleans and write a daily letter to the Memphis papers, and also to the papers in the city of Jackson, in the State of Mississippi, and probably in other places. They say, referring to Liverpool:

"Our cables say there was very large selling by the long interest. The spot business there has improved; sales, 14,000 bales. We think the decline there yesterday and in New York as well as here, was premeditated and done to shake out the long interest by influential parties."

There is where the result was accomplished by the predetermined action of speculators in futures. I quote again from the Memphis Commercial:

"NEW YORK, *September 27.*

"Schwarts, Dupee & McCormick furnish the following review of the New York cotton market: 'The market declined on account of nearly all the outside interest being on the long side and the short interest covered up. There has not been sufficient new buying at the advance to cause a further rise.'"

I read again from the market report of September 30, in the Memphis Commercial:

"The weakness in the several domestic markets occurred late in the day, and was due"—

I have been talking about longs; they had caused the depression—

"was due to shorts realizing and an expected increase in receipts close ahead."

So it goes down by the action of the longs or by the action of the shorts, just as each one sees proper to depress the market.

I read now from the market report of Hubbard, Price & Co., of New York, who are reputable dealers in cotton:

"Liverpool advices this morning were not regarded as a satisfactory response to the advance in New York yesterday, and the result was many realizing orders. Under the liquidation the market eased away 3 to 5 points."

From the same parties, to the Memphis Avalanche and Appeal on October 8:

"Our market opened at 10 points decline for the immediate and 5 to 6 points for the more distant positions, caused entirely by the selling of the local long interest."

I read again from Atwood, Violett & Co., strong opponents of this bill:

"The decline to-day of 20 points from last night's closing, from which there was a recovery of 4, indicates a heavy realizing by the longs, and selling on stop orders."

From the same parties, New Orleans, October 14:

"The long interest closing out to-day at the opening on stop orders and otherwise caused a drop of 8 points here, January selling at 55. Later on, after reports of rain at a number of points in Texas, there was a recovery of 15, January advancing to 71, but selling orders again came on, and January closed at 62."

From Hubbard, Price & Co., again, the New York men:

"A liquidation ensued, causing large sales by orders as stop orders were reached, and with only slight reaction the market declined 14 points by 1 o'clock."

From Atwood, Violett & Co., again, October 27:

"As long as the idea prevails that there is an interest in the market that will be forced to liquidate on a declining market, just so long will there be timidity about increasing the long interest."

That is, by persons buying.

From the same parties, on October 27:

"The situation seems to be about as follows: The bears in all three markets have for the last week been endeavoring to create the impression that by holding off and feeding the market with short sales slowly—

Slowly!

"and feeding the market with short sales slowly the longs would be gradually forced to cover and all that the shorts had to do was to wait. Liverpool has been flooded with information about expected large increase in movement. Frost news has been discredited, although the Government has given its official indorsement as follows for yesterday morning: Atlanta district, minimum temperature, 26°; Augusta, 32°; Charleston, 36°; Little Rock, 34°; Memphis, 32°; Mobile, 34°; Montgomery, 30°; New Orleans, 36°; Vicksburg, 30°. Whether this low temperature has a beneficial effect upon the cotton crop those bearishly inclined must decide. Our own impression is that the market will be one-half cent higher inside of thirty days. Whether it will go lower in the mean time depends upon the influence we have mentioned as to what extent present cotton labors in England will be carried."

Now I read from another very reputable firm in New Orleans, cotton brokers:

"We attribute the weakness almost entirely to the fact of the selling out of long cotton and not to any other cause."

I read from Hubbard, Price & Co., again:

"The New York market opened firm at 13 to 14 points advance, and became easy under continued realizing. On the decline the South and West came into the market as large buyers, and the decline was recovered, January touching 9.01, though freely offered at 9 when the sale was made. During the afternoon the supply proved too much for prices, breaking the market to 8.86 for January."

All these quotations are from persons who are the enemies of this bill, who are reputable cotton brokers, regularly reporting the condition of the markets in New Orleans and New York.

Now, I read from a firm that is on the other side, the Jerome Hill Cotton Company. I am authorized to say with reference to that firm that it has handled within the last twenty-five years in the Southern markets, Memphis and St. Louis, more cotton than any other factoring house in the country. They close up by saying:

"While the situation really is growing stronger each day by reduction of the surplus and bad reports from the crop, cotton is being forced down by illegal methods."

Now, Mr. President, we have the facts. We have the declaration of the representatives of the New York Cotton Exchange, Latham, Alexander & Co., that this can be done. We have the further fact that they uniformly in New York sell futures for from one-tenth to one-half cent lower than spots. We have the declaration of these men, which I have read in the hearing of the Senate, showing that on certain days the market was depressed solely by the action of the dealers in futures. Now, what more do you want? First, we have the actual transactions of the market continued through three months, without a single exception on any day, to the fact that there was a continual selling of futures against the spot market and lower than the spot market. Then we have the declaration of these parties above quoted that on certain days, without reference to anything else, the market was depressed by the action of future dealers.

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"Mr. YOUMANS. Now, in these various transactions of the kind you have just explained, do not these men in making these transactions make an effort to depress the market of the actual grain?

"Mr. KNEELAND. No more than the men who buy it make an effort to put it up. It is opposing and contending forces all the time."

Now, I wish to call the attention of the Senate to the next sentence. Mr. Kneeland says:

"They can not get up a bear lie that I can not get up a bull lie to equal it."

So there is the confession of this prominent member of the New York Produce Exchange that lies are used on both sides for the purpose of raising and depressing prices. I have some examples of that to show you that this man was not mistaken on that subject.

* * * * * * * *

I read what Hubbard, Price & Co. say October 29:

"In Liverpool the arrival market declined 2 to 3 points. This decline exceeded the anticipation of the trade and our market opened barely steady under heavy selling by local operators. After these offerings were absorbed it became known that the decline in Liverpool was accentuated by a rumor that Neill Bros. had issued an estimate of a crop of 8,000,000 bales. This was afterward denied from New Orleans."

It turned out to be false. Mr. Kneeland would call it a lie. Mr. Neill, it seems, is a gentleman who has great character for being an accurate calculator as to the amount of a crop before it is gathered. On that occasion a decline was forced in the market by a falsehood as to his statement as to the extent of the crop. October 13 they dealt with him again:

"Our Liverpool cable of this morning said there was an uneasy feeling in that market and large selling, which latter, we ascertained, was attributable to a rumor, so our correspondent there informs us, that Neill had issued an estimate of 8,250,000 bales for this crop."

That turned out to be a mistake, and there was a decline in the market. They use Mr. Neill again, and there was another decline in the market. That was in the same month. Then comes a very remarkable statement, which I might as well bring in here as I have it before me. It did not affect the market at all, but it was one of those untruths or rather nontruths which were circulated, not for the purpose of affecting the market exactly, but to affect men here. There was a decline in Liverpool July 5 of several points. At that time the pending antioption bill was before the Senate and was being considered. There was an attempt to manufacture a sentiment against it. There was an attempt to prejudice in the public mind the public men who were advocating it, and so this firm of Atwood, Violett & Co., in reporting the decline in Liverpool, say:

"We think the weakness in Liverpool after 12 o'clock was due to the amended antioption bill to be introduced by Senator GEORGE, of Mississippi."

A most remarkable circumstance, Mr. President, that the price of cotton in Liverpool should be affected adversely by an amendment not offered, but proposed to be offered, by so humble an individual as I am! Of course that was a mistake, a nontruth, intended simply to prejudice the minds of the people of Mississippi against me and my action. That was published in the leading Democratic paper in the State of Mississippi, July 6.

Then comes another very remarkable thing among the capacities of these people, according to Mr. Kneeland, to make representations. This is from Hubbard, Price & Co.'s circular of November 17, New York:

"During the afternoon January declined to 17, closing easily at 18 and 19. The principal cause of the decline is a dispatch from Chicago, reporting an interview with Senator WASHBURN, in which he said that the antioption bill will certainly pass the Senate as soon as it has been convened, unless there should prove to be a a great change in sentiment."

Yet whilst cotton declined in New York, or these traders in New York forced a decline, upon the reported interview from Chicago with the Senator from Minnesota [Mr. WASHBURN], it appears that all the other articles embraced in the bill, and which are principally dealt with in Chicago, were not affected by the declaration that the bill would pass. I thought when I ascertained that fact that my friend from Minnesota had invented a kind of machine which would have the effect of destroying the interests of the people of the South, and not affecting the interests of the people of the West; but upon further investigation I find it frequently happens that when reports go into the markets with reference to the passage or the nonpassage of the pending bill in the Senate sometimes cotton goes up when the bill is re-

ported as being about to pass, or having a good chance to pass, and wheat goes down. So I take it that there is nothing in that except that as these speculators desire to affect Representatives and Senators from one section or the other they report these alleged effects upon the market. As they have got up a considerable agitation against the antioption bill down South, when they want to increase that agitation they report that the Hatch bill is destroying cotton, and when they want to perform a similar operation in the West, they report that it is destroying corn, wheat, and provisions.

The next point to which I desire to call the attention of the Senate is one of the alleged benefits to come from the pending bill. It is claimed all along that it steadies operations; that we do not have under the operation of the future dealing violent fluctuations. Now, I want to call the attention of the Senate to a little of the proceedings of the market upon that point. Cotton has risen and fallen, as everybody knows, since the 1st of September. I with to quote from the market in New Orleans, which is the principal spot market in this country. There is very little spot business done in New York, as we have seen.

On September 1 the spots in New Orleans were worth 7 cents; on the 12th it fell to 6⅞ cents; on the 13th it went back to 7 cents; on the 14th it went back to 6⅞ cents; on the 21st it went up to 7 1/16; on the 23d to 7 1/16; on the 26th to 7 1/16; or, in other words, in the month of September there was a variation of ⅛ cent per pound from the highest to the lowest. Take October. October 1 cotton in New Orleans was worth 7 1/16 cents; on the 3d it was worth 7 1/16; on the 4th, 7 1/16; on the 6th, 7⅛; on the 12th, 7⅛; on the 13th, 7⅛; on the 14th, 7 1/16; on the 19th, 7⅛; on the 21st, 7⅛; on the 23d, 7⅛; on the 27th, back to 7⅛ cents; and the 28th, up again to 7⅛; on the 29th, back to 7⅛; and on the 31st, 7⅛. There was a variation in the price nearly every day, and the variation in that month was ten-sixteenths of a cent, over half a cent.

Take the month of November at New Orleans. On the 1st day of November cotton was worth 7⅛ cents; on the 2d it was worth 7⅛; on the 5th it was worth 7⅛; on the 7th it was worth 7⅛; on the 9th it was worth 8 1/16; on the 10th, 8 1/16; on the 11th, 8 1/16; on the 12th, 8⅛; on the 14th, 8⅛; on the 15th, 9 cents; on the 16th, 9 1/16; on the 17th, 9 1/16, a fall again; on the 18th, 9 1/16; on the 19th, 9 1/16; on the 21st, 9 1/16; on the 22d, 9 1/16; on the 25th, 9⅛; on the 26th, 9 1/16; on the 29th, 9⅛, there being a variation during the month of 2 1/16 cents. So I do not see much steadiness in the market occasioned by future delivery.

Now, I will make some quotations. Atwood, Violett & Co., to whom I have just alluded as prominent cotton men in New Orleans, in their letter to the Memphis Commercial of October 26, say:

"Liverpool vacillated considerably to-day."

I. E. Glenny & Co., in the Appeal-Avalanche, November 12, say:

"New York opened 13 points higher and closed 4 points higher, with sales of 514,100 bales. New Orleans opened irregular, 13 to 18 points higher, declined 16 to 17 points, and closed 8 points higher than yesterday; sales 174,000 bales."

There were four or five variations on the same day, and large variations up and down. The same letter goes on to say:

"We have had another day of very large business and considerable fluctuations. The advance in Liverpool had to a certain extent been discounted yesterday, but it nevertheless brought in large buying orders for the opening of the market, which was at about the highest of the day. We fluctuated frequently and sharply, at one time being very weak, with sales of January as low as 8.60."

I read from the New York Herald of September 26:

"Cotton was more active than on any day for a long time, and the fluctuations were feverish and within a wide range of prices. Early in the day there was an advance of 15 points. Later on a part of this was lost. Still later the market ran back to the best prices of the day, November and December showing a net rise of 16 points compared with Saturday closing figures. Still later there was a reaction, and the final prices were about 10 points higher than the closing official quotations on Saturday."

That looks like a steady market, when there are four or five rises and falls during the same day! I quote now from the letter of I. E. Glenny & Co., who are prominent cotton men of New Orleans, to the Memphis Appeal-Avalanche in November:

"New York opened 2 points lower and closed 14 points higher. New Orleans opened 1 point lower, declined 2 points, advanced, closing 12 points higher."

That looks like being steady. In the same article the same men say:

"But we nevertheless opened easy, and after the first call the market looked rather weak, sales being made at 2 to 3 points decline. The further advance of 1/64d. at the close in Liverpool and the predictions of lighter receipts at our ports to-morrow imparted greater confidence and led to considerable buying, the market improving steadily as the day advanced, until January was sold as high as 8.20. From this we reacted, and sales were made as low as 8.12, but it improved again toward the close, the last sales being at 8.17 to 8.18."

Hubbard, Price & Co. report from New York October 15 as follows:

"Market unsettled and erratic."

Atwood, Violett & Co., New Orleans, November 26, say;

"There must have been very considerable excitement in Liverpool to-day, where the market opened 1/64d. to 1/64d. higher than yesterday and closed 1/64 lower."

A difference of seven sixty-fourths.

"Our cables say there was large dealing by longs."

Now I wish to read from the commercial article of the New York Herald on the 9th day of the present month:

"Cotton advanced 1 to 2 points, lost this and declined 5 to 6 points, recovered this and in some cases advanced 1 point over last night's prices, lost this and declined 10 to 11 points, recovered this and advanced 1 point, and then lost this and fell 18 to 19 points, this being the net decline for the day, closing barely steady, with sales of 352,300 bales."

The article goes on further to say:

"There were six movements of prices distinctly noticeable in to-day's fluctuations—first an advance, owing to an unexpected rise in Liverpool, then a decline on long selling and a fall in Liverpool, then a rally on light arrivals at a few interior towns, then a decline on an estimate that New Orleans would receive 15,000 bales to-morrow, and actual receipts at Baltimore to-day of 7,557 bales; then a rally owing to a reduction in the New Orleans estimated arrivals to-morrow to 10,000 bales, and then a final and precipitate decline, owing to unexpectedly large receipts at the ports and interior towns and an increase in interior stocks, as well as a report that the Hatch bill will come up in Congress."

Mr. President, with these facts before the Senate, I think the claim is not made out, and can not be made out, that we have any steadier market now than we had before; so that the alleged benefit of trading in futures is not made out.

The PRESIDING OFFICER (Mr. DOLPH in the chair). The question is on the amendment of the Senator from Wisconsin [Mr. VILAS] to the amendment submitted by the Senator from Mississippi [Mr. GEORGE]. Is the Senate ready for the question?

Mr. WASHBURN. Mr. President, this bill has been discussed for a long time, both at the last and at the present session. I think nearly all the speeches designed to be made have been made. I had hoped to get a vote upon the bill to-day, as it has dragged along for such a length of time, and I think it is in the interest of both the friends and opponents of the measure that we should have a vote upon it. With a view of meeting as far as possible the wishes of everybody, both the friends and foes of the bill, I ask unanimous consent that on Thursday next, say at 2 o'clock, we shall take the vote on the bill and amendments, closing the debate. I believe that is a fair proposition.

The PRESIDING OFFICER. The Senator from Minnesota asks unanimous consent that on Thursday next at 2 o'clock a vote may be had on the bill and pending amendments, without further discussion. Is there objection?

Mr. WHITE. I shall have to object, Mr. President, until I can appeal to the Senator from Minnesota through the Chair. I hope the Senator will modify his proposition by making it Tuesday next at 2 o'clock, and I say that with no purpose of delay. To-morrow is set aside for the commemorative ceremonies on the late Senator Barbour. That only leaves Wednesday and Thursday. We shall probably adjourn over on Thursday evening.

I can see no obstacle in the world to prevent the Senator from granting sufficient time to enable two or three Senators who are absent and who desire to be heard on the bill, to have an opportunity of stating their views. They have expressed their intentions to me. One is the Senator from Delaware [Mr. GRAY], who had his notes prepared and who doubtless would have been here had he thought the pending bill would be reached before 2 o'clock to-day. The Senator from New York [Mr. HISCOCK] is in the same category. It seems to me that every useful purpose will be subserved by a vote on Tuesday of next week, which will give ample time for all Senators to be heard, and there will then be no impediment in the way of the passage of the bill. We will agree in the meanwhile, when the pending bill is not under consideration, that any other business may be proceeded with. It is but just to Senators who are absent that this should be done.

Mr. WASHBURN. I think we certainly ought to have a vote this week, and that was the general expectation. I will not object if the Senator will name Friday of this week, which will give an opportunity to everybody who desires to speak. I know the Senator from New York [Mr. HISCOCK], the Senator from Delaware [Mr. GRAY], and other Senators desire to be heard on the bill, and that will give them almost an entire week. I think the Senator from Louisiana should not object to that.

Mr. WHITE. I will say to the Senator that the agreement which I have suggested is for the purpose of expediting public business, that it has been made in perfect candor, and I believe it the wisest and safest agreement which can be made. If the Senator will propose that agreement no objection will be raised, and if Senators are not ready to proceed with the discussion other business may go on and the passage of the bill will not be delayed if the Senator has a majority for it. In view of the fact that certain Senators are absent, and in view of the fact that they stated to me their intention to speak on the bill, it seems to me the Senator will save time for his bill by accepting my proposition, and I have made it in no unfriendly spirit. The time will then be limited, and Senators who desire to be heard can be heard, or, if not, it will be their own oversight.

Mr. WASHBURN. Does the Senator prefer Tuesday to Monday?

Mr. WHITE. I do. That will make it an absolute certainty, and no Senator who is not here can then complain that he has not had an opportunity to state his objections to the bill. If the Senators to whom I have referred were here, I might not press the suggestion I have made, but as they are absent, I would not like any Senator who is absent to have ground to complain that I had entered into an agreement which deprived him of the opportunity to be heard on the bill.

Mr. WASHBURN. I inquire of the Chair if there is any special order which will interfere with the proposed arrangement?

The PRESIDING OFFICER. Unanimous consent would displace all pending orders.

Mr. WASHBURN. All right. To meet the wishes of the Senator from Louisiana, I will agree that on Tuesday next at 2 o'clock the vote may be taken.

The PRESIDING OFFICER. The Senator from Minnesota [Mr. WASHBURN] modifies his request, which now is, that at 2 o'clock on Tuesday of next week the vote shall be had on the pending bill and amendments without further debate. Is there objection?

Mr. BERRY. I ask the Senator from Minnesota to make the agreement that the vote on the amendment of the Senator from Mississippi [Mr. GEORGE] be taken at 1 o'clock, and then the

vote on the bill not later than 2 o'clock. I wish to make a few remarks on the bill, but I do not wish to make them until after the amendments are voted on.

Mr. WASHBURN. I will agree to that.

The PRESIDING OFFICER. The proposition as now modified is that at 1 o'clock on Tuesday next the vote be taken on the amendment of the Senator from Mississippi [Mr. GEORGE], and at 2 o'clock——

Mr. BERRY. Not later than 2 o'clock.

The PRESIDING OFFICER. That not later than 2 o'clock the vote shall be taken on the bill and the pending amendments without further debate. Is there objection to that proposition?

Mr. WASHBURN. And I will add that meanwhile the pending bill may be laid aside temporarily to consider other business.

The PRESIDING OFFICER. And meanwhile, if no Senator desires to discuss the pending measure, it may be laid aside temporarily for other business, without interfering with the unanimous consent agreement.

Mr. WHITE. I understand the order will be entered exactly in the words as stated by the Chair, that in the mean time if no Senator desires to be heard on the pending bill, other business may be proceeded with.

The PRESIDING OFFICER. That will be the order if unanimous consent is given. Is there objection? The Chair hears none; and it is so ordered.

The pending question is on the amendment of the Senator from Wisconsin [Mr. VILAS] to the amendment offered by the Senator from Mississippi [Mr. GEORGE].

Mr. VILAS. Was it not part of the understanding that the vote on all the amendments should go over until the time which has been fixed?

Mr. WASHBURN. That was my understanding.

Mr. WHITE. The bill and all the amendments?

Mr. WASHBURN. The vote on the bill and all the amendments.

The PRESIDING OFFICER. The Chair did not suppose that the unanimous-consent agreement would interfere with any amendment to the bill which the Senate was ready to act upon, but that the agreement was that the amendment of the Senator from Mississippi should be voted on on Tuesday of next week at 1 o'clock, and not later than 2 o'clock the bill and all the pending amendments should be voted on. The Chair did not understand that the agreement necessarily involved any pending amendment, but it is a matter of entire indifference to him.

Mr. WASHBURN. My understanding was that the vote should be taken on the bill and all the amendments at the time fixed, and meantime of course the discussion can proceed on the amendments.

The PRESIDING OFFICER. What is the pleasure of the Senate?

Mr. VILAS. I suggest that that be understood as part of the unanimous-consent agreement.

The PRESIDING OFFICER. If there be no objection, that statement will be understood as part of the agreement, and the vote will be postponed on the pending amendment.

Mr. CHANDLER. What is the pending question, Mr. President?

The PRESIDING OFFICER. The pending question is on the amendment of the Senator from Wisconsin [Mr. VILAS] to the amendment of the Senator from Mississippi [Mr. GEORGE]. The amendment to the amendment will be stated.

The SECRETARY. It is proposed to strike out lines 2, 3, and 4 in the fourth section of the amendment proposed by Mr. GEORGE, in the words:

"Options" and "futures," as hereinbefore defined, are hereby declared to be obstructions to and restraints upon commerce among the States and with foreign nations, and to be illegal and void; and.

So as to read:

SEC. 4. That if any person shall be a party, either as buyer or seller, to any contract or agreement hereinbefore defined as "options" or "futures," he shall be guilty of a misdemeanor, etc.

Mr. CHANDLER. Mr. President, the pending bill (H. R. 7845) imposes heavy taxes upon any person entering into a contract binding the other party to buy certain merchandise from him, but not binding him to sell it, called "an option," and upon any person making a contract to buy or sell such merchandise which he does not own when the contract is made, called "a future."

The object of the bill is to discourage the business of dealing in options and futures, and if the taxes will do it, to prohibit such business, and to encourage merchandise contracts which are mutual, and dealings in merchandise which is owned by the dealers.

The amendment submitted by the Senator from Mississippi [Mr. GEORGE] to the bill declares that the business of dealing in such options and futures is an obstacle to commerce among the States and with foreign nations, and it prohibits such business and punishes persons engaging therein. The bill and amendment only apply to persons dealing in options and futures in cotton, hops, wheat, corn, oats, rye, barley, pork, lard, and bacon.

The bill, I conceive, may be constitutionally enacted under clause 1 of section 8 of Article I of the Constitution authorizing national taxes, duties, imposts, and excises, taken alone, or taken in connection with clause 3, authorizing national regulations of commerce with foreign nations and among the several States.

The amendment, I conceive, may be constitutionally enacted under the power to regulate commerce.

From the foundation of the Government, duties on imported merchandise have been imposed for the purpose of discouraging the importation of foreign merchandise; and if the duties would do it, of prohibiting such importation and of encouraging trade in domestic products.

If the power to impose duties on imported merchandise in order to discourage and prohibit its importation and to protect home industries, is derived solely from the clause authorizing national taxes, duties, imposts, and excises, the same clause is sufficient to authorize taxes to discourage and prohibit options and futures, and to encourage legitimate transactions.

If the power to impose duties on imports, which are to be discouraging on the one side and protective on the other, is based partially on the clause authorizing the regulation of commerce, the power to impose discouraging and prohibitive taxes on the business of dealing in options and futures, and to build up legitimate trade, can also be sustained by the same clause. Importing and selling foreign merchandise is an act of commerce. Dealing in options and futures is an act of commerce. If in the regulation of commerce one of these acts may be taxed to discourage and prohibit it, so may the other.

Any distinction requiring the tax to be for revenue only in the latter case and not in the former is, in my judgment, fanciful, and has no real existence. If taxes or excises upon the subjects of commerce must be for revenue only, tariff duties must be for revenue only. The Constitution gives the same power in either case.

Mr. President, having thus briefly stated the views which lead me to a decision concerning the vote which I shall give upon this bill, I do not care to take up the time of the Senate by enlarging upon those views. I am prepared to vote to accomplish the result which is sought, which I admit is to discourage dealings in options and futures, in either form in which the proposition is presented.

I am ready to vote for the amendment which has been offered by the Senator from Mississippi, and if my own judgment were to govern I should do that which it is sought to accomplish, by the direct method proposed by that Senator rather than by heavily taxing dealings in options and futures with the object of discouraging them, and, if taxes will do it, of prohibiting them. But I believe that power to do that which is sought to be done constitutionally exists as to each of the methods which is now proposed.

Mr. President, I have been voting for this bill in its various stages principally because the farmers of the country desire the result which the bill purports to accomplish. I had not given the constitutional questions which had been debated very close attention, and I certainly should not have thought it worth while to submit my views to the Senate had it not been that the bill has been challenged by the Senator from Massachusetts [Mr. HOAR] and by the Senator from Connecticut [Mr. PLATT] on constitutional grounds, and the Senate urged not to pass it because it is a violation of the Constitution. Since they have made this challenge I have been led to give such consideration as I could to the constitutional questions involved, and have reached the result which I have indicated. My conclusions are satisfactory to my own mind, and I can vote for the bill without, in my belief, justly subjecting myself to the anathemas which have been hurled at the supporters of the bill by the Senators to whom I have alluded.

It is true that I have not thought that the bill would certainly accomplish the objects which the farmers of the country seek. I am afraid that the bill, if it becomes a law, will prove delusive. I fear that it will be difficult to draw the line between contracts which ought to be discouraged, and if possible prohibited, and those contracts which farmers wish to make, which they ought to be allowed to make, and which ought not to be either discouraged or prohibited. Nevertheless upon the judgment of those better informed than myself I advocate the passage of the bill in one or the other of the forms in which it is proposed, and I believe that in either form it is constitutional.

I am unable to distinguish between a high tariff duty on an article of imported merchandise imposed in order to discourage its importation and its use, and if possible to prevent its importation and its use, and a high tax or an excise imposed upon a business or an article anywhere within the country for the purpose

of discouraging or, if the tax or excise imposed will do it, of prohibiting the exercise of that business and the use of that article of merchandise.

Mr. President, I have in my hand a list of five suggested taxes to which I ask the attention of the Senate, to which I would ask the attention of the Senator from Massachusetts [Mr. HOAR] if he were here, and to which I think I will ask the attention of the Senator from Connecticut [Mr. PLATT], if he will do me the honor to listen to me as attentively as I listened to him while endeavoring to learn from him the constitutional point which he urged and the constitutional distinction which he laid down.

If laid for the purposes of revenue only I think it must be admitted that the following taxes, duties, imposts or excises would be constitutional:

First, a duty on imported whisky, wheat, cotton or tobacco;

Second, a tax on persons engaged in the business of importing whisky, wheat, cotton, or tobacco.

Third, a tax on all whisky, wheat, cotton, or tobacco produced in this country.

Fourth, a tax on all persons engaged in the business of making contracts to buy and sell whisky, wheat, cotton or tobacco not in their possession at the time of the contracts.

Fifth, a tax on all persons engaged in the business of making contracts to buy and sell whisky, wheat, cotton or tobacco in their possession at the time of making the contracts.

For the purposes of a tariff for revenue only, I think it must be admitted that every one of those five taxes can be constitutionally enacted. The question, then, further is, can those taxes, any or all of them, be enacted for another and different purpose? Can those taxes, any or all of them, be enacted for the purpose of discouraging the use of the articles taxed or of the business of dealing in the articles named? Can there be any other additional motive than the motive of obtaining revenue? That is the question which I ask. If there can be a further motive than that of obtaining revenue, can that motive exist as to any of those five taxes and not exist as to all of them?

First, as to a duty on imported whisky, wheat, cotton, or tobacco, I suppose no protectionist doubts that a tariff for the purpose of discouraging importations of those articles may be imposed, and that the legislators may properly have in mind the purpose (if the duties will do it) of wholly excluding those articles of merchandise, whisky, wheat, cotton, and tobacco from being imported into the country.

Secondly, as to a tax on persons engaged in the business of importing whisky, wheat, cotton, or tobacco, does anyone doubt that under section 8, Article I, of the Constitution a tax can be imposed upon persons who engage in the importing business in our great cities? Can there be a tax of $1,000 upon everybody engaged in the business of importing foreign merchandise into the United States, and can there, in addition, be a specific tax upon the articles which shall be the subjects of the contracts which the importing merchants make? I take it there is no doubt about the propriety of such a tax.

If we impose such a tax upon persons engaged in the business of importing foreign merchandise, it is a constitutional requirement that we shall make the tax uniform throughout the United States. We must impose the tax upon all persons engaged in importing the specified merchandise if we impose it upon any persons engaged in that business. But that we can impose such a tax upon all imports there can be no doubt, and that we can impose it with the motive and for the purpose of discouraging the persons taxed from engaging in importing foreign commodities and to promote the use of home products there can be, I think, no reasonable doubt.

Third, as to a tax on all whisky, wheat, cotton, or tobacco produced in this country, there can be no doubt about our right to impose such a tax. I should like to have any Senator demonstrate that when we impose a tax on whisky, wheat, cotton, or tobacco produced in this country, we must confine ourselves to the motive of securing revenue for carrying on the Government. We may tax one of these articles and not tax any other. We do put a high tax upon whisky, 100 or 200 per cent, and we put no tax upon wheat or upon cotton.

We have put a tax, which at times has been a high tax, upon tobacco; and yet we have not put a tax upon wheat and cotton. Yet I have never heard anyone deny that we could put a high tax upon whisky and upon tobacco, and could do it not merely for the purpose of raising revenue, but also for the purpose of discouraging the use of those commodities.

Fourth, a tax on all persons engaged in the business of making contracts to buy and sell whisky, wheat, cotton, or tobacco not in their possession at the time of the contracts. Has the Senator from Connecticut succeeded in showing that if you undertake to impose this tax 4 upon my list you must be governed solely by the motive of raising revenue, when you may impose a tax upon a person engaged in importing merchandise into the city of New York for the purpose of discouraging him with that business and of inducing him to leave it and to go into some other business? This tax No. 4, which I have supposed is a peculiar tax. It is a tax upon persons who are engaged in dealing in these articles of merchandise who do not possess them at the time they make the contracts.

When the Senator says that, in imposing a tax of that sort upon persons engaged in such a business, we do an unconstitutional act and commit a violation of the oaths of office which we have taken to legislate in accordance with and not against the Constitution, if we have any other motive than that of raising revenue, I maintain that either the Senator is mistaken in his position or else he is mistaken when he stands up and defends the imposition of heavy tariff duties upon imported merchandise and high taxes upon persons engaged in the business of importation for the purpose of discouraging foreign imports and protecting home industries.

So with the fifth tax, one upon all persons engaged in the business of making contracts to buy and sell whisky, wheat, cotton or tobacco, which was in their possession at the time of the contracts. I do not see, it has not been shown to me, that although you may impose a high tariff duty upon the importation of these articles for the purpose of discouraging their importation, so even as to wholly prevent their introduction into the country and for the purpose of building up the home production of such articles, yet you may not impose taxes and excises upon the same articles with a similar motive and for a similar purpose.

The proposition I make is, that if you may impose taxes upon merchandise imported for the purpose of discouraging the importation you may do the same thing as to merchandise which is not imported. If you may do it as to importers, you may do it as to domestic dealers.

The same clause, section 8 of Article I of the Constitution, authorizes tariff duties and internal taxes:

> The Congress shall have power to lay and collect taxes, duties, imposts, and excises; to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States.

Where do we find the right to tax internal products? Do we not find it in that clause and in no other? Where do we find the right to impose duties on imports? Do we find it in any other clause? The Senator from Connecticut says yes. The inquiry made by the Senator was, do not Senators understand that the power to impose protective tariff duties is not based upon the first clause of section 8 alone, but is also based upon the clause giving power to regulate commerce with foreign nations? If I misunderstood the Senator I beg that he will correct me.

Mr. PLATT. I did not say that it was not based alone on the clause which permits Congress to lay duties. I said it was based on both or existed under either.

Mr. CHANDLER. I wish to understand distinctly what the constitutional position of the Senator from Connecticut is, and also that of the Senator from Massachusetts, with reference to the system of protection, of which we all three are advocates.

I understand the Senator to state that I was not mistaken in saying that he bases the power to levy protective duties upon the clause authorizing Congress to impose duties, taxes, imposts, and excises, and also upon the clause giving power to Congress to regulate commerce with foreign nations. But the clause authorizing Congress to regulate commerce with foreign nations also says that Congress may regulate commerce among the several States, and if the power to regulate commerce with foreign nations may be appealed to for the purpose of levying protective duties upon foreign merchandise, may not the clause authorizing Congress to regulate commerce with foreign nations and among the several States be appealed to to justify the imposition of an internal tax or an excise for the purpose of discouraging the use of a domestic article or the engaging in a domestic business?

Where is the distinction, Mr. President? I have studied the subject conscientiously since the Senator from Massachusetts made his very ingenious argument. I studied it with an entire willingness to perceive the constitutional distinction which he undertook to establish, and I must confess I utterly failed to discover it.

When I further considered the argument of the Senator from Connecticut, who now does me the honor to listen to me, and who I know is faithful in his investigations and honest in his conclusions, both upon constitutional questions and all other questions of legislation, I found myself utterly unable to discover how he could denounce as usurpatory and as a violation of the Constitution the imposition of tax upon an article of internal commerce or upon the business of conducting internal commerce unless done only for the purpose of raising revenue and yet continue to maintain that when we impose tariff duties upon any article we are at liberty to impose them for the purpose of dis-

couraging the foreign product and compelling the use of the domestic product

The Senator from Connecticut is a high tariff advocate. The Senator, while saying that we must have no other motive or object in taxing dealers in options and futures, except to derive revenue for carrying on the Government, still contends in the Senate that we have the right to tax by import duties articles of foreign manufacture almost if not quite to extinction in order that we may protect the industries of his own State.

Mr. President, I have in my hand the report of our imports and exports up to last June under the operation of the McKinley act. I find upon page 99 of the annual report of the Chief of the Bureau of Statistics that there is a duty on rice of 2 cents a pound, which is a duty of 95.54 per cent ad valorem upon the value. I ask Senators why is that duty imposed? Is it a revenue duty or is it a protective duty?

What was the motive of Senators when they voted to impose that duty? Was it entirely to secure revenue to carry on the Government of the United States? Not at all. The motive was protection—protection to home industries, the discouragement of foreign rice, the building up of the rice product of South Carolina and Louisiana, and making the production of rice profitable to the people of those States.

I find on page 116 that the protective duties on woolens of various kinds are very large. We have imposed a tax upon bunting of 10 cents per square yard and 35 per cent ad valorem, and that duty has extinguished the importation of bunting. At one time all the bunting used in this country was imported. Now there is none imported, and the business of importation has been extinguished because we have imposed this high protective duty and because the national legislators, when they passed the bill fixing a duty upon bunting, intended to destroy the importation of foreign bunting and to give to the bunting manufacturers of the United States a monopoly of the business of producing bunting.

I find various high duties in the woolen schedule—59 per cent, 80 per cent, 84 per cent, 61 per cent, 69 per cent, 76 per cent, 64 per cent, 74 per cent, 64 per cent. On woolen or worsted cloths valued at not more than 30 cents per pound, 162 per cent; valued at more than 30 and not more than 40 cents per pound, 141 per cent; valued at above 40 cents per pound, 97 per cent; and so on, in the woolen schedule, 92 per cent, 89 per cent, 93 per cent, 84 per cent, 105 per cent, 98 per cent, 91 per cent, 107 per cent, 98 per cent, 102 per cent, and 93 per cent. For what purpose were these high duties imposed?

I come now to hats of wool. Hats of wool valued at more than 40 and not more than 50 cents per pound, 105 per cent.

I ask the Senator from Connecticut why a duty of 105 per cent was imposed upon hats? I also find that on knit fabrics valued at more than 30 and not more than 40 cents per pound the import duty is 138 per cent. On shawls valued at more than 30 and not more than 40 cents per pound, 138.63 per cent.

All other manufactures of wool or worsted valued at not more than 30 cents per pound, 164 per cent; valued at more than 30 and not more than 40 cents per pound, 149 per cent.

So all through this tariff schedule these high duties have been imposed, and they were imposed for the purpose of discouraging the use of foreign manufactures and of encouraging home manufactures.

Senators upon this side of the Chamber have almost without exception declared themselves in favor of this kind of legislation as absolutely and entirely constitutional; and yet Senators having this faith in the protective system compel themselves to now say upon this bill that, although we may be actuated by such motives in the levying of tariff duties, yet if we are influenced by the same motives in imposing a duty upon the subjects of domestic commerce only or upon the business of conducting domestic commerce, we are violating the Constitution. If down in our hearts anywhere we discover any motive for passing this bill except that of taxation for revenue only we are guilty of usurpation.

Mr. President, I do not so read the Constitution. I have seen in this Chamber innumerable taxes imposed which were not laid with the sole motive of raising revenue. I have been conscious of the existence in the minds of members of this body of many motives when voting taxes, duties, imposts, and excises other than the motive of obtaining money for the support of the Government, and I have supposed that these were legitimate motives and purposes which might be honestly and honorably entertained by Senators. But we are told the contrary by opponents of this bill.

Mr. President, where do we find the power to expend money for education within the States? Where is the constitutional power to give seventy-five or one hundred million dollars from the Treasury of the United States for education within the States? Point out the constitutional clause. Senators may tell me it is done under the power of appropriation; that when we have money in the Treasury we can expend it for the general welfare.

If we can expend money for purposes of education in the States of the Union without an express authority in the Constitution for doing so, and the Treasury is emptied by this process of assisting in education in the States, can we not impose taxes for the purpose of replenishing the Treasury? If we can empty the Treasury to-day into those States of the Union where there is gross illiteracy for the purpose of removing that illiteracy and promoting education and high development, can we not to-morrow impose duties upon imports or internal revenue taxes for the purpose of filling the Treasury so that we may expend more money for education within the States?

Mr. President, no Senator who has voted to expend seventy-five or one hundred million dollars of the Government money for education in the States ought to oppose a bill which is designed to discourage the dealing in options and futures.

Where do we find the constitutional authority for paying bounties on sugar? I should like to have some Senator point out to me in the Constitution the authority for taking money from the Treasury and paying it for bounties on sugar. Yet we do it. If we can pay out money from the Treasury for bounties on sugar we can impose a tax to raise money to put into the Treasury in order that we may be enabled to pay bounties on sugar. Will any Senator draw a distinction between paying out for bounties for sugar or for educating the people money which we find in the Treasury and imposing taxes for the purpose of raising money by taxation to pay out as bounties on sugar and for educating the people?

Mr. President, I know of no such distinction. But I am not certain that the constitutional lawyers who have discovered that we may impose a tariff duty for a purpose for which we can not impose an excise duty will assert the distinction that while we can pay out money, if we find it in the Treasury, for either bounties on sugar or for education, yet we can not replenish the Treasury which we have exhausted by imposing new duties and new taxes in order to fill it up again.

Such constitutional distinctions, I believe, are too fine for common comprehension or for a basis for standing up in the Senate and fighting to protect the system of protective duties which is now upon the statute books and at the same time opposing the imposition of internal duties and taxes and excises unless they are imposed for the purposes of revenue only.

I believe, Mr. President, in the American system of protection. I believe in a liberal construction of the Constitution to promote the general welfare. I do not however believe that under the general-welfare clause we can pass any act of Congress which is not absolutely forbidden by the Constitution; but I do contend, as Senators of my political faith have always contended, for a liberal construction of the Constitution. It has been by a liberal construction of the Constitution that during the whole existence of this Government duties for the protection of home industries have been maintained upon the statute books of the country.

More than one hundred years after the foundation of the Government a great political party, in the year 1892, challenged the verdict of the American people upon the proposition that tariff duties can only be imposed for the purpose of raising revenue, and that any measure or motive of protection whatever in a tariff act is contrary to the Constitution of the United States. The political party which advocated these propositions declared the McKinley act to be a monstrosity of class legislation.

Mr. PLATT. "The culminating atrocity of class legislation."

Mr. CHANDLER. "The culminating atrocity of class legislation." That was an issue which was involved in the political canvass of last year, and the Senators on the other side of the Chamber will enter the next Congress with a pledge given to the people in the last canvass that they will wipe out this "culminating atrocity of class legislation," and that thenceforward and forever, as long as their party controls the Government, tariff duties shall be levied for revenue only.

Upon this side of the Chamber will be arrayed the members of the opposite party, who will contend, as they have always contended, that duties on imports may be raised as they have been raised from the foundation of the Government, not merely for purposes of revenue, but also for the purpose of discouraging the business of the importation of foreign merchandise, and for the purpose of encouraging and building up home industries and the protection of American manufacturers and American workingmen.

That, Mr. President, will be our contention, and we shall find it very difficult to meet the argument which will be based upon the assertion which has been made here by the Senator from Massachusetts and the Senator from Connecticut that internal taxes upon merchandise within the country can not be imposed

for any other purpose than that of raising revenue to fill the Treasury.

The Senators will be asked to point out the distinction, and, in my humble judgment, they will be unable to point out the distinction between such taxes and tariff duties that will be a satisfactory answer to the Senators on the other side when they undertake the business in the next Congress of the destruction of the American tariff system which has prevailed for one hundred years, but which they are bound to destroy if they are true to the platform upon which they won their Presidential victory.

Mr. President, while parting company upon this question with the Senator from Massachusetts and the Senator from Connecticut, I am glad to take my stand by the side of the Senator from Mississippi [Mr. GEORGE]. While I see these distinguished apostles of protection engaged in framing an argument which will be used for the destruction of the system of protection in the next Congress, I have discovered an ally in the work of an enlarged and liberal construction of the Constitution of the United States in the Senator from Mississippi, and I place myself unhesitatingly upon his ground.

I accept his argument in its entirety. I believe it is a sound, constitutional argument with no flaw in it. I do not believe either the Senator from Delaware [Mr. GRAY] or the Senator from Louisiana [Mr. WHITE] will be able to make a demonstration which will make any indentation in the armor with which the Senator from Mississippi has surrounded himself when he has planted himself impregnably upon that clause in the Constitution which gives to Congress the right to regulate commerce with foreign nations and among the several States.

Senators undertake to say that you can not declare dealings in options and futures to be obstructions to commerce with foreign nations and among the several States, because if they are such obstructions they are also obstructions to domestic commerce. What of that, Mr. President? That is only one incident of the obstruction. If in order that our enormous foreign commerce may be carried on, if in order that our immense interstate commerce may be carried on, it is necessary for us to remove a bridge and it is constitutioual to do this, it does not matter that we thereby remove a bridge which is also an obstruction to domestic commerce?

It seems to me that this is an answer to the Senators who undertake to say that because a particular act of Congress may affect domestic commerce therefore it is unconstitutional. It may affect domestic commerce, but no matter if it does, if it is in the judgment of the Congress of the United States necessary to pass that act in order to regulate commerce with foreign nations or among the several States, then the act is as constitutional as any act which can be devised, and its incidental effect upon commerce within the States is not the slightest argument against its constitutionality.

As the Senator from Mississippi has shown, we have enacted that railroads engaged in interstate commerce shall not pool their net earnings, we having determined that the prohibition is necessary for the regulation of commerce between the States. Does it make the act unconstitutional to demonstrate that when you prevent railroads from pooling their net earnings in interstate commerce you also prevent them from pooling their earnings derived solely from commerce within the States?

By no means, Mr. President. The greater includes the less, and the less goes down with the greater. When this Government of ours, acting through the Senate and House of Representatives under the powers given by the Constitution enacts a law, the State, which is less than the National Government, goes down before that law. Whether the law concerns the regulation of trade, whether the law concerns quarantine regulations to keep out disease, or whatever the imaginable purpose and object of the exercise of the national power may be, the State power goes down before it and the national power is supreme.

Mr. President, I think there is no mistake about this argument. I come back again to the case of a bridge. Congress may remove a bridge which passes over a navigable river, although the bridge is solely within one State. I suppose that is conceded. Why does Congress remove a bridge which is erected over a navigable river? It removes it because it will obstruct the water commerce which has the right to pass through that river. Now, when Congress exercises its power of removing a bridge because it is an obstruction to commerce between the States, it is absurd to complain that it also removes a bridge which is an obstruction to domestic commerce within the State where the river runs.

When Congress determines that a bridge in a State is necessary to commerce that passes over the river, notwithstanding the commerce that passes up and down the river, or when Congress decides that the bridge shall be taken down because it is too much of an obstruction to commerce passing up and down the river, in either case the power is exercised by Congress under its power to regulate commerce, and its law is supreme, notwithstanding the incidental and additional effect which that law has upon domestic commerce in the State either passing across or up and down the river.

So, Mr. President, I shall vote for the amendment of the Senator from Mississippi. I can not afford to lose the opportunity when I find unjustifiable limitations being put upon the constitutional power of Congress by Senators upon this side of the Chamber to attest my gratitude for the advocacy of an enlarged and liberal construction of the Constitution upon the other side of the Senate.

When we come to discuss in the next Congress the question of the constitutionality of tariff laws for the protection of home industries, if the Senator from Massachusetts and the Senator from Connecticut adhere to their doctrine that internal taxation must be for revenue only, I shall expect to see the Senator from Mississippi rise in his place and make as grand a vindication of the power of Congress, under section 8 of Article I of the Constitution to enact protective duties, as he has already made of the power of Congress in regulating commerce to remove every obstruction to that commerce, whether it be a tangible obstruction like a bridge or a vicious and demoralizing and dishonest system of options and futures.

Mr. President, the State of Massachusetts and the State of Connecticut are vitally interested in the American protective tariff system. So is the State of New Hampshire. If that system of protective laws which is now upon the statute book shall be struck down and a system of revenue duties inaugurated the prosperity of New Hampshire is at an end. If the great castle of protection to American industries which we have builded during the last hundred years, which is of so great importance to Massachusetts, and to Connecticut, and to New Hampshire, is to be broken down, and if the Senators from Massachusetts and from Connecticut are to help furnish the engines of warfare which are to batter it to its downfall, New Hampshire will take no part in that destruction. New Hampshire believes in a construction of section 8 of Article I of the Constitution which authorizes tariff duties for the protection of home industries and the discouragement of foreign importations. New Hampshire also believes, when her farmers desire it, that under the taxing power, or under the power to regulate commerce (or under both powers, if you please, for both are quoted by the Senators as the justification of protective duties), it is within the just province of Congress to establish internal taxes or excises which will discourage and prohibit dealings in options and futures, or to pass direct laws which will, by positive and unequivocal denunciation make such dealings hereafter forever impossible.

Mr. PLATT. If no other Senator wishes to speak on the antioption bill this afternoon, I ask that it be laid aside temporarily and that the Senate take up for consideration the bill (H. R. 9190) to ratify and confirm an agreement with the Cherokee Nation of Indians of the Indian Territory, to make appropriation for carrying out the same, and for other purposes, which is on the table.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Connecticut?

Mr. PLATT. If there is any one who desires to continue the debate on the antioption bill, of course I will not ask that it be laid aside.

The VICE-PRESIDENT. The Chair hears no objection, and the unfinished business will be temporarily laid aside.

CHEROKEE INDIAN LANDS.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 9190) to ratify and confirm an agreement with the Cherokee Nation of Indians of the Indian Territory, to make appropriation for carrying out the same, and for other purposes.

Mr. PLATT. I desire to have action on the House bill. A bill for the same purpose has been reported by the Committee on Indian Affairs, and I shall move, after the bill from the other House has been read, to substitute for it by way of amendment the bill which has been reported from the Committee on Indian Affairs of the Senate. The bill from the House had better be read.

The VICE-PRESIDENT. The bill will be read.

The Secretary proceeded to read the bill, and read the preamble and the first section.

Mr. BUTLER. Would it be in order now to submit amendments, or what is the purpose of the Senator from Connecticut?

Mr. PLATT. I desire to have the House bill read through.

Mr. BUTLER. Before any modification is proposed?

Mr. PLATT. Then I should wish, on the part of the Committee on Indian Affairs, to move to strike out all after the enacting clause of the House bill and substitute the bill which has been reported by the Senate committee.

Mr. BUTLER. May I inquire of the Senator from Connecticut, if the provisions of the Senate bill are similar to the House bill. I have not read the Senate bill for some time. I understand that that bill makes an appropriation of $8,000,000 in accordance with the terms of the agreement.

Mr. PLATT. It ratifies the agreement.

Mr. BUTLER. And makes an appropriation of $8,000,000.

Mr. PLATT. I do not know whether it makes the appropriation, but it ratifies the agreement in full, and the agreement calls for the payment of that sum. I had supposed, however, that the appropriation would be made in an appropriation bill.

Mr. BUTLER. The House provision is clearly unjust and wrong, it seems to me.

Mr. PLATT. I suggest to the Senator that he wait until the bill is read through.

Mr. BUTLER. Very well.

The Secretary resumed and concluded the reading of the bill.

Mr. PLATT. I move to strike out all after the enacting clause of the House bill and to substitute therefor what I send to the desk.

The PRESIDING OFFICER (Mr. TURPIE in the chair). The proposed substitute will be read.

The SECRETARY. Strike out all after the enacting clause and insert:

That the agreement recited, accepted, ratified, and confirmed on behalf of the Cherokee Nation in the said act of the national council of that nation be, and the same is hereby, accepted, ratified, and confirmed, subject to the Constitution and laws of the United States, and the acts of Congress that have been or may be passed regulating trade and intercourse with the Indians, subject however to amendments of said agreement, as follows: Add to the first paragraph of article 2 of said agreement the following proviso: *And provided further*, That before any intruder or unauthorized person occupying houses, lands, or improvements, commenced before the 11th day of August, A. D. 1886, shall be removed therefrom, upon demand of the principal chief or otherwise, the value of his improvements as the same shall be appraised by a board of three appraisers, to be appointed by the President of the United States, one of the same upon the recommendation of the principal chief of the Cherokee Nation for that purpose, shall be paid to him by the Cherokee Nation; and upon such payment such improvements shall become the property of the Cherokee Nation.

Strike out paragraph 3 of article 2 of said agreement, and change the number of the subsequent paragraphs to correspond.

SEC. 2. That to pay for the services of the appraisers, to be appointed as provided in the first paragraph of article 2 of the amended agreement, at a rate not exceeding $10 per day for the time actually employed by each appraiser and their reasonable expenses, and to enable the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior, to effect the removal of intruders from within the territory of the Cherokee Nation, as required by the first paragraph of article 2 of said agreement, the sum of $5,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated, out of any moneys in the Treasury not otherwise appropriated.

SEC. 3. That to enable the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior, to employ such expert person or persons and assistants as may be necessary to properly render a complete account to the Cherokee Nation of moneys due said nation, as required in the fourth subdivision of article 2 of said agreement, the sum of $5,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated, out of any moneys in the Treasury not otherwise appropriated.

SEC. 4. That for the purpose of making the compensation provided for in said agreement the sum of $8,595,736.12 be, and the same is hereby, appropriated, out of any moneys in the Treasury not otherwise appropriated, to be paid in the manner provided for in article 2 of said agreement.

SEC. 5. That the President is hereby authorized, as soon after the approval of this act as he may deem advisable, by proclamation, to open said lands to settlement as provided in section 14 of the act of Congress approved March 2, 1889, entitled "An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1890, and for other purposes" (25 United States Statutes, page 1005); and also subject to the provisions of the act of Congress approved May 2, 1890, entitled "An act to provide a temporary government for the Territory of Oklahoma, to enlarge the jurisdiction of the United States court in the Indian Territory, and for other purposes; also subject to the second proviso of section 17, the whole of sections 18, 37, and 38 of the act of March 3, 1891, entitled "An act making appropriations for the current expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1892, and for other purposes:" *Provided*, That sections 13, 14, 15, 16, 21, 22, 23, 24, 25, 26, 27, 28, and the east half of sections 17, 20, and 29, all in township numbered 29 north, of range numbered 2 east of the Indian meridan, the same being lands reserved by Executive order dated July 12, 1884, for use of and in connection with the Chilocco Indian industrial school, in the Indian Territory, shall not be subject to public settlement, but shall continue to be reserved for the purposes for which they were set apart in the said Executive order: *Provided, however*, That each settler on said lands, under and in accordance with the provisions of the homestead laws, shall, before receiving patent for his homestead, pay to the United States for the land so taken by him, in addition to the fees provided by law, the sum of $1.50 per acre: *Provided also*, That the President may, in his said proclamation, or by Executive order, reserve such lands within the limits of said cession as in his opinion are required for public purposes, and the lands, while so reserved, shall not be subject to settlement or entry under any of the laws of the United States: *And provided also*, That until said lands are opened for settlement by proclamation of the President no person shall be permitted to enter upon and occupy the same, and no person violating this provision shall be permitted to enter any of said lands or acquire any right thereto.

SEC. 6. That the consent of the United States is hereby given to the allotment of lands in severalty within the limits of the country occupied by the Cherokees, Creeks, Choctaws, Chickasaws, and Seminoles; and upon such allotments the individuals to whom the same may be allotted shall be deemed to be in all respects citizens of the United States. And the sum of $25,000, or so much thereof as may be necessary, is hereby appropriated to pay for the survey of any such lands as may be allotted by any of said tribes of Indians to individual members of said tribes; and upon the allotment of the lands held by said tribes respectively the reversionary interest of the United States therein shall be relinquished and shall cease.

Mr. BERRY. I offer as an amendment to the bill what I send to the desk. The sections may be properly numbered by the Secretary.

The PRESIDING OFFICER. The amendment offered by the Senator from Arkansas [Mr. BERRY] to the amendment offered by the Senator from Connecticut [Mr. PLATT] will be read.

The SECRETARY. It is proposed to add at the end of the amendment the following:

SEC. —. That the President shall nominate and, by and with the advice and consent of the Senate, shall appoint three commissioners to enter into negotiations with the Cherokee Nation, the Choctaw Nation, the Chickasaw Nation, the Muscogee (or Creek) Nation, the Seminole Nation, and all other Indian tribes and bands now owning lands or residing upon lands within the Indian Territory, for the purpose of the extinguishment of the national or tribal title to any lands within that Territory now held by any and all of such nations or tribes, either by cession of the same or some part thereof to the United States, or by the allotment and division of the same in severalty among the Indians of such nations or tribes, respectively, as may be entitled to the same, or by such other method as may be agreed upon between the several nations and tribes aforesaid, or each of them, with the United States, with a view to such an adjustment, upon the basis of justice and equity, as may, with the consent of such nations or tribes or Indians, so far as may be necessary, be requisite and suitable to enable the ultimate creation of a State or States of the Union which shall embrace the lands within said Indian Territory.

SEC. —. That the commissioners so appointed shall each receive a salary, to be paid during such time as they may be actually employed, under direction of the President, in the duties enjoined by this act, at the rate of $5,000 per annum, and shall also be paid their reasonable and proper expenses incurred in prosecution of the objects of this act upon accounts therefor to be rendered to and allowed by the Secretary of the Interior from time to time. That such commissioners shall have power to employ a secretary, a stenographer, and such interpreter or interpreters as may be found necessary to the performance of their duties, and by order to fix their compensation, which shall be paid, upon the approval of the Secretary of the Interior, from time to time, with their reasonable and necessary expenses, upon accounts to be rendered as aforesaid; and may also employ, in like manner and with the like approval, a surveyor or other assistant or agent, which they shall certify in writing to be necessary to the performance of any part of their duties.

SEC. —. That such commissioners shall, under such regulations and directions as shall be prescribed by the President, through the Secretary of the Interior, enter upon negotiations with the several nations, tribes, and bands of Indians in the Indian Territory, and shall endeavor to procure, first, such allotment of lands in severalty to the Indians belonging to each such nation, tribe, or band, respectively, as may be agreed upon as just and proper to provide for each such Indian a sufficient quantity of land for his or her needs, in such equal distribution and apportionment as may be found just and suited to the circumstances; for which purpose, after the terms of such an agreement shall have been arrived at, the said commissioners shall cause the lands of any such nation or tribe or band to be surveyed and the proper allotment to be designated; and, secondly, to procure the cession, for such price and upon such terms as shall be agreed upon, of any lands not found necessary to be so allotted or divided, to the United States; and to make proper agreements for the investment or holding by the United States of such moneys as may be paid or agreed to be paid to such nations or tribes or bands, or to any of the Indians thereof, for the extinguishment of their rights therein. But said commissioners shall, however, have power to negotiate any and all such agreements as, in view of all the circumstances affecting the subject, shall be found requisite and suitable to such an arrangement of the rights and interests and affairs of such nations, tribes, bands, or Indians, or any of them, to enable the ultimate creation of a Territory of the United States with a view to the admission of the same as a State in the Union.

SEC. —. That the commissioners shall at any time or from time to time report to the Secretary of the Interior their transactions and the progress of their negotiations, and shall at any time or from time to time, if separate agreements shall be made by them with any nation, tribe, or band, in pursuance of the authority hereby conferred, report the same to the Secretary of the Interior for submission to Congress for its consideration and ratification.

SEC. —. That for the purposes aforesaid there is hereby appropriated, out of any money in the Treasury of the United States, the sum of $50,000, to be immediately available.

SEC. —. That neither the passage of this act nor the negotiations or agreements which may be had or made thereunder shall be held in any way to waive or impair any right of sovereignty which the Government of the United States has over or respecting said Indian Territory, or the people thereof, or any other right of the Government relating to said Territory, its lands, or the people thereof.

Mr. PLATT. Mr. President, I do not know that I have any objection to the amendment offered by the Senator from Arkansas [Mr. BERRY]. I have no authority to accept it on behalf of the Committee on Indian Affairs, but I do not know that it would be objectionable to any member of that committee. Indeed the amendment is a bill which has been reported by that committee favorably. The only question about it is whether it should be added to a bill for the opening of the Cherokee Outlet. It is not directly connected with it, though in a remote and indirect way it is connected with it. Perhaps it is the surest way of getting any legislation of the kind contemplated by the bill which is proposed as an amendment. I do not think there is any objection to the amendment on the part of the members of the Committee on Indian Affairs so far as I know.

Mr. PERKINS. I desire to call the attention of the Senator from Arkansas to the fact that the tendency has been for several years past to make such commissions nonpartisan in their character, or as nearly so as possible. The present Cherokee Commission, for instance, was appointed under a law which provided that no more than two of them should be members of the same political organization. I suggest that as an amendment to the Senator's amendment, and with that addition I certainly shall have no objection to it.

Mr. BERRY. Mr. President, as I introduced the bill origi-

nally, which I have now offered as an amendment to the pending measure, it contained that provision. It was referred to the Committee on Indian Affairs, and that provision was stricken out by the committee. I have no kind of objection to such a provision being now inserted, and I have no doubt that any President would divide the commissioners in the way the Senator has suggested. Some members of the committee, however, thought it was not proper to have such a provision in the bill, and it was taken out by the committee, of which I think the Senator from Kansas is a member. As I have said, I have no objection whatever to the provision, but I do not think it material.

Mr. PLATT. When the bill now offered by the Senator from Arkansas as an amendment to the pending substitute was reported from the Committee on Indian Affairs, I think a provision that the commission should be nonpartisan was stricken out on my suggestion. I thought I could afford to make the suggestion, because the commission would be undoubtedly appointed by a President of a different political party from that to which I belong.

I have always felt with regard to such commissions and with regard to appointments by the President generally that we should not insert in bills provisions of the kind referred to, and I thought when another President was coming into office I could say, and say with very great emphasis, that I was quite willing to trust him. I do not believe that President Cleveland would make a partisan commission. If he should do so I should be quite willing to assent to it. So far as I am concerned I do not wish to provide that any Republican shall necessarily go on that commission.

I think we might as well commence now to discountenance the practice which has sprung up here, whenever any little or large commission is to be appointed, of providing that there shall be upon it members of different political organizations. I am sure we can trust the President of the United States not to make a partisan commission at any time.

Mr. PERKINS. Just a word in reply. I do not know that I have any objection to the amendment, particularly as explained by the Senator from Connecticut, yet I remember the fact that the practice of Congress has been as I have suggested, to make by law these commissions nonpartisan in their character so far as possible. The present Cherokee Commission, which has been an active and useful commission, and which has accomplished much work, was appointed under a statute which provided that no more than two of its members should be members of the same political organization.

This bill as it comes to us from the House of Representatives has a provision for the appointment of a commission, and the language of the bill is that "no more than two of the commissioners shall be members of the same political organization." So it has been from time to time the judgment of Congress that in providing for these commissions they should be as nearly nonpartisan as they could be constituted, not more than two members representing one political organization. Of course, if it is the sense of this body that there had better be no limitation in the matter, I do not know that I have any objection, yet I presume that Mr. Cleveland would do as other Presidents have done, try to take care of his friends.

Mr. PLATT. I am perfectly satisfied for my part to leave the appointment of a commission of this kind to President Cleveland. I believe that his desire to serve the best interests of the country would rise superior to any desire to take care of his friends.

Mr. PERKINS. The same may be said of every President.

Mr. BUTLER. Mr. President, I do not know that I have any objection to the amendment proposed by the Senator from Arkansas [Mr. BERRY], as it only contemplates negotiation with these Indians looking, as I understand, to extending the laws of the United States over their Territory; but I suggest to the Senator from Arkansas and to the Senator from Connecticut, in charge of the bill, is there not some danger of jeopardizing the passage of the bill ratifying this agreement by attaching to it an amendment like this? I see in the agreement found in the last paragraph of the proviso to the sixth section this language:

> It is expressly understood that this agreement ceding and relinquishing the title to the lands herein described shall not be effective for any purpose whatever until it shall in its entirety be ratified by Congress, and the amount of money herein agreed to be paid to the Cherokee Nation for such cession and relinquishment shall have been appropriated by Congress and placed in the Treasury of the United States, subject to the order of the Cherokee national council: *Provided further*, That nothing contained in this agreement shall have the effect to limit or impair any rights whatever the Cherokee Nation has in or to or over the lands herein ceded until it shall be so ratified by Congress.

I submit that this amendment does not appear to be germane, so far as I have been able to understand it from a hurried reading at the desk, to the question which the Senate has under consideration. I have no objection particularly to a commission of that kind being appointed for the purpose of seeing if they can negotiate with these Indians on the line suggested in the amendment.

In regard to the political complexion of the board of commissioners, I entirely agree with the Senator from Connecticut. I do not think it a matter of very much consequence, yet I believe it has been the custom of Congress to provide that the two political parties shall be represented on such commissions.

I rose, however, more especially for the purpose of calling attention to two sections of the bill as it passed the House of Representatives, which, I must say, without meaning to be disrespectful to anybody, are not exactly honest. The bill as it comes from the House does not carry out the terms of the agreement at all; it simply proposes in its fourth section that—

> The United States, in consideration of the cession of said land, as specified in said agreement, will appropriate and pay to the Cherokee Nation the said sum of money, viz, $8,595,736.12, within six years after the said nation shall ratify said amendment to said agreement, and will pay to the Cherokee Nation interest on said money, or any part thereof at any time remaining unpaid, at the rate of 5 per cent per annum from and after the said Cherokee Nation shall agree to and ratify said amendment and until the said sum shall be paid.

There is no appropriation of money in that bill.

Mr. PLATT. Not even for the interest.

Mr. BUTLER. Not even for the interest. I submit in common fairness and in common honesty to and fair dealing with these people that that is not right and proper.

These negotiations have been pending for years. Month after month and year after year has been exhausted in attempting to arrange with the Cherokees for the cession of their outlet to the United States Government in order that it may be thrown open for settlement. They have agreed to take the price of $1.40 an acre, which, in my judgment, is very much under its value. They have been offered a very much larger sum than that, but, I suppose, in order to settle the controversies which have arisen, they have agreed to take $1.40 an acre, which amounts to over $8,000,000. Now comes Congress and says we will not make the appropriation, but we will agree to make the appropriation to pay for these lands, taking them from the Indians, destroying their title to them simply upon an agreement to pay them the money.

I submit that is not right, that it is not in accordance with the terms of the agreement, and that it is not in accordance with the terms of common honesty and fair dealing between this Government and anybody. I trust if this bill shall go to conference that the conferees on the part of the Senate will insist that the appropriation shall now be made, and if made payable in installments in five years at 5 per cent interest, I think, perhaps, that would be fair; but the idea of undertaking to get possession of the lands of these people and making no provision for paying them in the law ratifying the agreement is, in my judgment, not honest. I find in the bill reported by the Senate committee an appropriation is made of eight million and odd dollars for the purpose of paying for this outlet, which I think is proper and right.

There is, however, a provision in the amendment submitted by the Committee on Indian Affairs which I think is objectionable, which provides that before the intruders in that country shall be ejected from the territory of the Indians they shall be paid for their improvements. I must submit that I do not know under what principle of law or equity that can be required of the Indians. In an action of ejectment by one person against another, who is a bald and naked trespasser upon his land, if the plaintiff succeed, I have never yet known of any principle of law which would require that plaintiff to compensate the intruder for improvements which he made upon the plaintiff's land, and yet that is exactly what we are asked by these Indians to do.

I understand that it will perhaps require about $250,000 to pay for improvements of the people who are confessed to be intruders, who have gone upon the lands of the Cherokees and of the Indians without even the color of title; and yet before we ratify the agreement to pay them for the land we say to them, "You must compensate these intruders who have gone upon your lands and made improvements before they can be expelled by the United States Government in pursuance of the provisions of the treaties made from time to time between the United States Government and the Indians themselves."

Mr. President, the intruders in that Territory have had the use, benefit, and enjoyment of the improvements and the lands. There is not a provision here even that they shall be required to account for rents and profits to the Cherokees; but the Cherokees, before these intruders can be expelled, must pay for improvements which the intruders have made at their own risk. I submit to the Senator from Connecticut, who I know is always fair and desires to be just and honest in dealing with these people, if there is any equity, or law, or justice in such a provision as that? At the proper time I shall move to strike out that clause.

Mr. MILLS. Out of whose pocket is the $250,000 to come.

Mr. BUTLER. It is to come out of the pockets of the Cherokee Indians.

Mr. PLATT. Mr. President, I do not know how much of explanation the Senate desires me to make, either upon the question of the removal of the intruders from the home country of the Cherokees or upon the general features of the bill for the opening of the Cherokee Outlet. I think I shall say just this about it: That the question of opening this land to settlement is of very great importance. It contains, I think, over 8,000,000 acres which are to be opened for settlement. The question of what title they had to this land, or whether they had any, has been a long time in contest between the Cherokee Indians and the United States; and it has been the occasion of raids of white people upon it for settlement and their being excluded therefrom by the Army by order of the President. Senators will remember the "Couch boomers," as they were called, who settled along the upper line of this tract and finally moved in. Payne was one of the leaders. They had to be removed by authority of the Government.

Then the Indians leased the lands for cattle-grazing, and the Government ordered the leases to be canceled and drove off the cattle men. So the land lies there now practically unoccupied.

After this contention, lasting for many years, the Cherokee commission was directed to go down there and see if they could negotiate with those Indians and buy out or have them relinquish and release their interest in the land. The commission succeeded in making an agreement with them whereby they were to be paid a sum of money, which is variously estimated per acre, depending upon how many acres it is to be applied to. The whole sum of money, however, which they are to be paid is $8,595,736.12.

These negotiations were pending, I think, two years or more, and were finally concluded by an agreement which has been ratified by the Cherokee council. If this Congress adjourns on the 4th of March without the ratification of that agreement it falls to the ground. My knowledge of the situation leads me to believe that if it does there will be a rush of white people into that Outlet territory, which is 60 miles broad and 140 miles long, or thereabouts, from both sides of it, from Kansas on the north and from Oklahoma on the south, and that within a very few days, perhaps a few hours, after the 4th of March all that part of it which is susceptible to agriculture will be located upon. There is another thing that I think would be done. I believe then that the Indians from the home country of the Cherokees would be rushing over there to settle just about the same time, claiming that they had a right to occupy that land.

Mr. BUTLER. May I interrupt the Senator?

Mr. PLATT. Certainly.

Mr. BUTLER. Does not the Senator from Connecticut think this Government is strong enough and has force and power enough to protect that land against that kind of invasion on the part of people who will attempt to rush in there in violation of law? The other public lands of the United States are protected, it seems to me. I can not understand why we should assume that anybody is going upon these particular lands in violation of law. If they do go then they should be put out *vi et armis* if necessary.

Mr. PLATT. Mr. President, I of course am deprecating and deploring any such condition of affairs as I am suggesting might occur, but I know that people are encamped and have been encamped for months all along the northern line of that Outlet and are there to-day. They have been encamped there for months by the thousand, and the state of feeling is such that those people are desperate. I do not say that they ought to be, I do not say that there is any reason in it, but there is a feeling that in some way or other that Territory ought to be opened to settlement and that the Government is standing in the way of it or the Indians are standing in the way of it, and there is no telling what desperate people will do.

The condition to the south of that Territory is very much the same. While people are coming in from the north, others will rush in from the south; and it is an open secret that the Indians, in order to protect their title, if this agreement should not be ratified and confirmed, intend to go over there in considerable numbers and occupy the land themselves. There is opportunity at least for collision there which will be unpleasant if the Government is compelled by military force to drive these people out.

Mr. SHERMAN. I should like to ask the Senator from Connecticut a question for information. Is there any express stipulation in this agreement between the Cherokee Nation and the United States as to the time of the payment of the eight million and odd dollars referred to?

Mr. PLATT. Whatever stipulation there is will be found in the proviso to the sixth section.

Mr. SHERMAN. I have read that.

Mr. PLATT. I will read it. This is the provision:

It is expressly understood that this agreement ceding and relinquishing the title to the lands herein described shall not be effective for any purpose whatever until it shall in its entirety be ratified by Congress and the amount of money herein agreed to be paid to the Cherokee Nation for such cession and relinquishment shall have been appropriated by Congress and placed in the Treasury of the United States, subject to the order of the Cherokee national council.

Mr. SHERMAN. Here is a proviso:

That the United States may at any time pay to said Cherokee Nation the whole or any part of said sum, and thereupon terminate the obligation of the United States in respect to so much thereof as shall be so paid, and in respect to any further interest upon the same.

Mr. PLATT. That has to be read in connection with the other proviso. The proviso along towards the bottom of the ninth page, is that the cession shall not be valid until the amount has been appropriated and placed in the Treasury at the call of the Cherokee Nation.

The other proviso, according to my view, is that the United States can discharge itself of the care of the money at any time, if the Cherokee Nation does not call for it, by paying it over in advance of their desire to have it.

Mr. SHERMAN. There is the trouble I have about this agreement. I have read the report of the committee, which is voluminous and very interesting, and which gives a very clear statement of the whole matter. It seems to me the Government ought not now to undertake to pay this money. If it is to agree to pay the money at the ratification of this agreement, I certainly shall not vote for the bill; but, if the money can be placed to the credit of the Cherokee Nation at a reasonable rate of interest and the money be paid out of the fund which undoubtedly will very soon be acquired by the sale of the land, then I think it would be plain sailing, and we should have no difficulty in proceeding to the ratification of the treaty.

Mr. HIGGINS. I should like to ask the Senator if he objects to the present payment of the money?

Mr. SHERMAN. I do not wish to interrupt the Senator from Connecticut by making a statement at this time.

Mr. PLATT. I will come to that. I should like to make, as I commenced to do, a short statement about this matter.

I was saying that if the agreement was not ratified by the 4th of March it falls. Then we shall be practically in the condition that whatever change we make in the agreement will have to be a change to which the Indians will assent. If we change the terms or times of payment from immediate payment it would have to be satisfactory to the Indians.

The House of Representatives does not propose to pay anything down, but proposes to agree to pay the whole sum within six years, not specifying any time within the six years at which separate installments shall be paid, but providing that the United States shall pay the whole within six years, not appropriating anything for present payment and not appropriating anything for the interest which it provides shall be paid on the whole sum until paid. I am very sure that will not be satisfactory to the Indians.

There are a great many other matters in the bill, as it came from the House of Representatives, which seem to me quite objectionable. That bill changes nearly all our land laws, provides a new method of taking up the lands, and a new method with regard to the organization of counties and the establishment and location of county seats; it undertakes to repeal some railroad charters, for whose repeal I do not know any reason, and in various matters and particulars relating to the opening of the lands it seems to me to be objectionable.

I think that bill is objectionable also in the matter of not providing any payment whatever to the Indians and making them wait six years, the money to be paid as it may be realized by the Government. It seems to me that having made a contract with these Indians, in which the stipulation was that the money should be paid into the Treasury to their credit, where they could call at any time for the whole or any portion of it, they at least ought to be consulted as to any different arrangement about the payment.

I am inclined to believe that if the sum of $500,000 down was paid them or some sum—I will not say that sum—if an appropriation was made for its payment and for the payment of the interest, it might not be entirely objectionable to the Indians to make some stipulations about the time when the balance of the money should be paid to them.

Mr. BUTLER. Does not the Senator think, however, that the entire amount ought to be appropriated now?

Mr. PLATT. I think it ought to be appropriated and placed in the Treasury, and the time fixed when it should be paid.

Mr. FRYE. So much a year.

Mr. PLATT. So, not being able to arrange these things immediately, and the Senate bill providing an appropriation for

the whole amount, I have moved to-day to substitute the Senate bill for the bill as it came from the House. I do not believe in legislation by conference committees, and yet I think this is one of those cases where it will be impossible to reconcile the substantial differences of opinion which have arisen regarding large matters and small matters with reference to the proposed payment, with reference to the intruder question, and with reference to the manner of opening and settling up that tract, unless something is left to the discretion of a conference committee. I think the bill as we reported it in the Senate is sufficient for the opening up of the tract, and it is sufficient for the appropriation of the money.

There is one other question to which the Senator from South Carolina [Mr. BUTLER] alluded. The intruder question is a vexed question also. That has been a matter of contention between the Cherokee government and the Government of the United States nearly as long as has been the question of their title. There are some 6,000 people, more or less, within the home territory of the Cherokee Nation, who, they say, are intruders. There are a great many white people there, some 20,000, but it is said that there are 6,000 people there claiming to have more or less of Cherokee blood, who are intruders and have no business there; that wherever they have located on the land they are simply naked trespassers. The Cherokees claim that by treaties and decisions of our Supreme Court the entire right to say who shall be a citizen of the Cherokee Nation belongs to the Cherokee National Council, and that these persons are there in defiance of the decision of the Cherokee National Council. The Cherokees claim that by treaty we are bound to remove those intruders. There seems to be a good deal of ground for their claim.

The Supreme Court of the United States in a recently decided case practically says that the whole question of who shall be citizens of the Cherokee Nation is to be decided by the Cherokee national council. There is no question but that by our treaties time after time we have agreed to remove intruders, and the Government has been repeatedly called upon to remove them, but they have not been removed. The difficulty about it is that the Government has undertaken to exercise some little discretion when called upon to remove an intruder as to whether that person really ought to be removed or not.

The Attorney-General and the Secretary of the Interior, when the Senator from Wisconsin [Mr. VILAS] was Secretary of the Interior, decided that at least before exercising force to remove a person whom the Cherokee Nation called an intruder, the Government had the right to inquire into the circumstances of the case, and see whether, in the opinion of the Government, that person ought to have been admitted as a citizen; and if he ought, in the opinion of the Government, to have been admitted as a citizen, the Government would not exercise the discretion which they claim existed on the part of the Government as to whether they would remove such a person or not. I do not know that I state the matter in exact legal phase, but I think I state the common-sense, practical result of the contention which has been going on.

So upon the decision of the Kesterson case, as it is called, by the Secretary of the Interior in the last Administration, that was the position which the Government took. While admitting that the national council could determine the question of citizenship, while admitting the obligation under the treaty to remove intruders, yet it reserved to itself the right in any particular instance, when called upon to remove an intruder, to say whether it would remove that particular person or not; that it would look into all of the circumstances and see whether the person ought really to be removed; whether, in the opinion of the Government, he ought to have been rejected by the national council. That is about the proposition, is it not?

Mr. HIGGINS. That is right.

Mr. PLATT. That being the contention between the Cherokee Nation and the Government, the Cherokee Nation claiming that the Government had no discretion whatever and must remove intruders whenever called upon by the chief of the Cherokee Nation, there was put into this agreement—and the Cherokees say that they would never have negotiated the agreement if it had not been put in—a provision that the United States should, on the demand of the principal chief, remove all intruders. That, I suppose, was to divest the Government of any discretion whatever as to whether they would remove a person who was called an intruder, leaving the decision of the whole question as to whether or not he was an intruder to the national council, and to remove whoever the national council said was an intruder and should be removed.

The Senator from South Carolina [Mr. BUTLER] says that is all right; the Cherokee government says that is all right; that those people are there without rights, they are naked intruders, they are occupying lands which belong to the Cherokees to occupy, and that no matter if they have homes and houses and improvements, they have no right there, and the Government is bound by treaty to remove them and the Government should do it.

On the other hand, the committee looked at it in this way: Here are probably 5,000 persons——

Mr. HIGGINS. Seven thousand five hundred.

Mr. PLATT. The number is perhaps not agreed on, but I take the minimum. There are 5,000 people, I think, men, women, and children, who are now in fact occupying lands and homes who the Cherokee government claims are intruders. Some of them have been there a great many years; they have houses; they have cultivated the lands; they have farms and other improvements; some of them are in trade, and have stores. This agreement says whenever the principal chief demands that these people shall be removed, the Government shall remove them, and the improvements shall be forfeited. That looked to us like a very harsh thing for the Government to do. Where is the Government going to take these 5,000 people when the cavalry goes down there and says: "You must leave your homes; you must go away from this house and these improvements; you must get out of this Cherokee country, and we are going to put you out." Is the Government going to put 5,000 of them down in Arkansas? Is it going to take them to Kansas and put them there? Is it going to put 5,000 people, homeless and paupers, over in Oklahoma?

When Senators come to look at the agreement which has been made, they will see that it is a pretty harsh thing to do, and something the like of which was never done in a civilized nation. We have had squatters on our public lands from time immemorial; they have gone on lands which did not belong to them, as they did on the Des Moines River lands. They went on some land which the Supreme Court of the United States said belonged to somebody else, but we never could have gone there with the Army and moved them off.

An ejectment in any case, even as the result of lawful process, is very hard and harsh and almost uncivilized when a person has been a long time in the occupation of property, claiming it as a matter of right. It is notorious that a good many, if not all, of these intruders do claim as a matter of right. They say that they are just as much Cherokees as many others recognized by the Cherokee Nation; they say they can prove it; but in some way their proof has not been satisfactory to the Cherokee Nation. They have been going to the Indian Office and they have been offering to make proof there. They have often satisfied the Indian Office, I think, in individual instances that they ought to have been admitted to citizenship amongst the Cherokees. Those who first went there went on the invitation of the Cherokee Nation from North Carolina and that section of the country which they first inhabited.

Mr. FELTON. Were they Indians?

Mr. PLATT. They claim to be able to trace their ancestry back to the rolls of the Cherokee Nation, but the Cherokee council says: "You must trace your ancestry back to certain rolls which we enumerate and which we recognize." They say: "We can not do that, but there are other rolls, and our ancestors are on those rolls; we have as much Cherokee blood in us as you have." They say they were invited to go there. Under the circumstances—I put it very lightly and in the most condensed way for the purpose of letting the Senate understand what is the question with which we have to deal—we thought it was a tremendously harsh thing for this Commission to have agreed to. Then we set about to see if there was not some way in which the removal could be made without being quite so harsh and without really violating what seems to me to be the sentiment of humanity. We inquired as to the value of these improvements, and the Cherokees and the intruders themselves did not differ very much. The Cherokees said $250,000, and the intruders said $350,000.

The question then came up, who is going to have these improvements if the intruders are removed? The Cherokee Nation is going to have them, and the Cherokee Nation is going to have the disposal of them. They can place people whom they do acknowledge as citizens in possession of these improvements. Then it occurred to the committee that, after all, there could be no very great hardship and injustice under the circumstances if, upon the removal of these intruders, the Cherokees should be called upon to pay for the improvements, as the improvements would belong to the nation and they would let in Cherokee citizens whom they did acknowledge, and thus they would get back what they paid for the improvements. I think that is the only fair way of disposing of this question.

I do not know but that I am too tender-hearted, but really my whole heart and my mind revolt at the idea of sending an army down there, a company or a troop of cavalry, and taking those people out of their homes, their children away from their schools and their firesides, and deporting them all over into another State, on the demand of the principal chief, for, if the agree-

ment stands without amendment, that is all there is to it, and this Government will have bound itself on the demand of the principal chief to do it.

I discovered another matter, which I confess gave me some trouble. I will not say from whom I derived this information, but I found certain parties who were desirous that this agreement should be ratified with a clause in it that on the demand of the principal chief the Government should remove these intruders, because they expected that after all the Government would not remove them without going through the same old method of determining whether it ought to remove them or not; in other words, that the adoption of the agreement compelling the Government to remove such intruders on the demand of the principal chief would not make any difference in the relations of the Government to the Cherokee Nation. I said in reply that I could scarcely believe that. I can scarcely believe that if we go ahead and ratify this agreement the matter will stand just as it did before. If that is the purpose of the authorities here or of the persons who negotiated the agreement or of the persons who want it accepted, I can not be made a party to any such thing.

If that is agreed to the Cherokees will understand that they have established new relations with the Government, and that the Government has now, by consenting to this agreement, abandoned its claims that it has a right to determine whether it will remove an intruder when the principal chief or the nation requires him to be removed. The Cherokees will have a good right to say that the situation has been changed; they will have a right to understand when the principal chief demands that one or a thousand intruders shall be removed that the Government has to exercise its powers to remove them.

Mr. TELLER. May I ask the Senator from Connecticut if that will change the legal obligation in the slightest? Is the Government not now under obligation by its treaty, at least, to remove any persons whom the nation designates as intruders? I ask if it has not been settled that it is the right of the Cherokee Nation and not of the United States Government to determine who are intruders?

Mr. PLATT. That is a pretty large question. I had stated that the claim set up on the part of the Indians is that the Government now has nothing in the world to do with the matter except to remove intruders.

Mr. TELLER. According to my recollection, that question was determined by the Supreme Court of the United States some years ago.

Mr. PLATT. The Supreme Court certainly said that the National Cherokee Council have the right to determine who shall be citizens; but the Attorney-General, as I have stated, and I think the Senator himself must have heard me——

Mr. TELLER. No, I did not.

Mr. PLATT. The Senator from Wisconsin [Mr. VILAS], when Secretary of the Interior, as I understood, upon a careful examination of the whole subject and the legal questions involved, came to the conclusion that there was a discretion left in the Government as to whether, when called upon in a particular case to remove an intruder, it would do it or would not; that it had a discretion to determine whether in a particular case a man ought to be removed. I understand that to be the condition up to the time of the making of this agreement. It is to avoid that, it is to foreclose the United States and prevent it from setting up any such claim as that, that this agreement was made.

Mr. TELLER. I understand the law to be as the Senator states, but I have no doubt that the Department have the discretion to say that they will not proceed to the execution of that provision of the treaty at this time. That has been several times declared by the executive department, on the advice of the Interior Department, not upon the theory that the Government of the United States had the right to determine who were intruders, but that the Government of the United States might take its own time to execute the provisions of its treaties.

Mr. PLATT. Secretary Vilas on August 21, 1888, said in the Kesterson case:

> Having gone there in apparent good faith upon invitation of the nation, made valuable improvements while suffered or permitted to remain there, the Department will not cause nor suffer his removal to be made in such summary and sudden manner as to work great harm and loss to his property and unnecessary inconvenience and hardship personally to himself and family. He is entitled to the protection of the Government of the United States in a proper way as a citizen, as he is not admitted to the Cherokees nor under their jurisdiction; and this protection is peculiarly necessary in such a case.

The Attorney-General has said:

> That it is quite plain that in executing such treaties the United States are not bound to regard simply the Cherokee law and its construction by the counsel of the nation, but that any department required to remove alleged intruders must determine for itself, under the general law of the land, the existence and extent of the exigency upon which such requisition is founded.

Evidently when the Cherokees negotiated this agreement they intended to cut off from the United States the exercise of any discretion about when they would remove an intruder, but that it should be done, and done in good faith, and done at once upon the demand of the principal chief. That is the way the Cherokees understand it. If we were to ratify the agreement in that way and go on as we have before and wait and wait and inquire and inquire, they would have good reason to charge us, I think, with not acting in good faith.

I do not know but that I have said all I desire to say upon the intruder question and upon this whole subject.

Mr. BUTLER. I wish to call the attention of the Senator from Connecticut [Mr. PLATT] and the Senate itself to the terms of the treaty of 1835, by article 6 of which it is provided that the Cherokees—

> shall be protected against interruptions and intrusions from citizens of the United States who may attempt to settle in the country without their consent; and all such persons shall be removed from the same by order of the President of the United States. But this is not intended to prevent the residence among them of useful farmers, mechanics, and teachers for the instruction of Indians according to treaty stipulations.

In article 26 of the treaty of 1866 it is provided that the Cherokees—

> shall also be protected against interruptions or intrusions from all unauthorized citizens of the United States who may attempt to settle on their lands or reside in their territory.

In article 27 of the same treaty it is stipulated—

> * * * and all persons not in the military service of the United States, not citizens of the Cherokee Nation, are to be prohibited from coming into the Cherokee Nation, or remaining in the same, except as herein otherwise provided; and it is the duty of the United States Indian agent for the Cherokees to have such persons not lawfully residing or sojourning therein removed from the nation, as they now are or hereafter may be required by the Indian intercourse laws of the United States. (14 Stat. L., p. 803.)

I desire to call the attention of the Senator from Connecticut to the express stipulations of those two treaties about which, to my mind, there can be no possible doubt as to the duty of the United States Government in regard to the intruder question.

Mr. PLATT. I have not set up the claim that the United States Government is not bound by those treaties to remove intruders, but, admitting it, when there has come to be a body of five or six thousand people there who have become attached to the soil, who have homes there, and who can not be removed without absolute cruelty, I think I would question whether the United States under the circumstances ought to be held to carry out the treaty in a way which would shock the sentiment of civilized nations.

I can not believe, Mr. President, that such removal could take place if the intruders should wait for actual forcible removal by the United States without awakening all over the world a feeling that the United States had proceeded in a cruel and harsh way to carry out a technical obligation imposed upon it many years ago by a treaty and under entirely different circumstances from those which now exist. I believe we should be condemned more than Russia is now condemned for the expulsion of the Jews. I can not think of anything which has occurred in history among civilized people which would equal this in harshness.

Therefore it did seem to the committee that there was nothing unjust in asking the Indians, if they insisted upon the removal of the intruders, that they should, when they are going to receive nearly $9,000,000, pay $250,000 of it to compensate these people for improvements, especially when the Indians will get it all back again from persons to whom they will sell the improvements.

Mr. BUTLER. Mr. President, I do not know that we are bound by any action of an executive officer in regard to this matter. The terms of the treaty from which I have just read are very explicit, it seems to me. I hold that under the provisions of that treaty it is the solemn duty of the Government of the United States to remove the intruders from the territory belonging to the Indians. Whether they went there rightfully or whether they went there wrongfully, whether they are trespassers, I submit to the Senator from Connecticut, the only judge of that question must be the Cherokee Indians themselves, by the very terms of the treaty between themselves and the Government of the United States, and upon it being made to appear by the lawful authorities of the Cherokee Nation that these people are intruders it is the duty of the Government then and there to remove them.

The Cherokee Indians are not savages. We hear the periodical story—I have heard it at every session of Congress since I have been here—of the violence and outlawry within the Indian Territory, where, as was said by the Senator from Missouri [Mr. VEST] the other day, every man and woman goes to sleep with their doors barred to protect them against outlaws who have gone there for the purpose of doing them bodily harm or some other violence. This is the same story, as I have just stated, coming, as we all understand, from what quarter? Coming from white men who are anxious to secure the lands of the Indians—that is the English of it—rightfully or wrongfully.

I remember when the bill came over from the House to admit Oklahoma as a Territory there was a provision including this very Outlet in the Territory of Oklahoma, and gentlemen from another branch of the Government came to the committee of this body and demanded that this land should be thrown open to settlement and included within the territorial limits of Oklahoma. Believing that great injustice would thereby be done to these people, I resisted that, and procured the adoption of an amendment which provided for a commission to treat with the Cherokee Indians.

I was told then, as we all were told, if this land was not put into Oklahoma Territory, that the thousands camping all around it would rush in and settle upon it violently if need be, and that therefore we must legislate under the threat—for that is what it was, as it is to-day—that if Congress did not do an injustice in that way, those people would take the law in their own hands and rush in upon this Territory, dedicated for the benefit of the Indians; and we are told to-day by the Senator from Connecticut that if this agreement shall not be ratified, the thousands who are encamped along the border, north and south, will rush into this Outlet and take possession, that we who are charged with the duty of doing justice to these people, shall legislate under the threat of a mob; that if we do not legislate according to their peculiar notions they will go in *nolens volens* and take the land from the Government of the United States; that the Government itself has not power enough and force enough to protect the public domain or protect the lands of the Indians from invasion by a mob!

That is the attitude, Mr. President, in which we find ourselves. Now, as then, I propose, for one, as far as I may be able to do so, to defy the threats of that mob and to throw around these people the protection of the Government if it takes every soldier in it to enforce the treaty stipulations between these poor people and the Government of the United States.

The Senator from Connecticut tells us that perhaps he is too tender-hearted, and that he can not tolerate even the suggestion that these poor people, five or six thousand of them, shall be taken up and thrown out upon the cold and heartless world without a home and without means for their support; that it would shock the civilized world to enforce the treaty stipulations between the Government of the United States and these feeble, almost helpless, people.

It is a pity that some of the tears being shed for the intruders had not been shed for the poor Indian himself. We all know that soldiers of the Government, and all of them if necessary, have been employed to transport these people from their homes, and they have been located hundreds of miles away from their homes without asking them, "by your leave." But when the white man goes into his territory and settles upon it in violation of the treaties with the Government, we are called upon to shed tears for the lawless intruder who has gone in and taken from these people the land which the Government of the United States over and over again decided was theirs.

I stated awhile ago that the Cherokee Indians are not savages. I venture to say that in point of intelligence, in obedience to law, in education, in all that goes to make a civilized people, they will bear a favorable comparison with many if not all the States of the Union; and if they had been heretofore dealt by fairly, as I insist, the Government of the United States would have left to their council the question as to who were intruders, and when that question was decided would have enforced the treaty stipulation with them.

I have great respect, as my friend from Wisconsin [Mr. VILAS] knows, for his sense of fairness and justice, as I have for that of my friend from Colorado [Mr. TELLER], in the exercise of their executive duties, but I must say I think in the one act of depriving these Cherokee Indians of the revenues derived from the lease of their lands for grazing cattle, by which they were deprived of from two to three thousand dollars annually realized from that identical land, an act of injustice was done them. They appropriated those revenues very largely to educational purposes, but they were required under the strong arm of the Government to revoke the contracts for pasturage and give up the enormous revenue which they were using for their own support and for the benefit of their own people.

Mr. VILAS. I should like to ask the Senator from South Carolina if he understands that that was done by my act?

Mr. BUTLER. No, I do not.

Mr. VILAS. The Senator's reference to me seemed to indicate that he supposed it had been done by my order.

Mr. BUTLER. Not that particular thing. I was coming to one of the acts of the honorable Senator in regard to the intruder question, in reply to what was said by the Senator from Connecticut. It is not a matter of the slightest consequence by whose order it was done.

Mr. PERKINS. If the Senator from South Carolina will permit an inquiry, I should like to ask him if any executive order ever did in fact recognize the rights of the Cherokees to lease any portion of these lands.

Mr. BUTLER. I do not think it did, and in that I think the Department made a great mistake. I have insisted, and insist now, that the title of the Cherokees to that Outlet is just as good as the title of the United States Government to the Capitol in which we sit. I know it was questioned, but the contention was never sustained by the courts, and their title is as good, I repeat, as the title of the Government of the United States to the Capitol in which we sit. I believe they had a right to lease it for that or any other purpose and to derive such revenue as they could, and, I repeat, I believe it was an act of injustice to these people that they were not permitted to go on and continue those leases.

So I say in regard to the intruder question, differing as I do with gentlemen in charge of the Interior Department, the Government had discretion and should have exercised it when the fact was patent and clear that those people were intruders. That the Government had any discretion or should hesitate one moment to enforce the demands of the Cherokee people, I think was another act of injustice.

Mr. VILAS. Probably the Senator from South Carolina will permit me to ask him a question there.

Mr. BUTLER. Certainly.

Mr. VILAS. I should like to put this question to the Senator from South Carolina: Suppose one of the members of the band of Eastern Cherokees from North Carolina had gone to the Cherokee country under the general statute of invitation passed by the Cherokees, there had claimed his kinship and had been allowed to settle upon lands, marry, bring up his family, reside there twenty years and make many valuable improvements, if at the end of that time, quite in defiance of all their invitations and precedents, the Cherokees should suddenly decide that he was an intruder, would the Senator from South Carolina as an executive officer of the United States charged with the duty of executing the treaty for the United States, turn that man and his family naked across the line and leave the labors of his twenty years to perish behind him or be seized by those who had not earned them?

Mr. BUTLER. If I were an executive officer of the Government of the United States, and the national council or whatever authority is charged with that duty should come and satisfy me that the man was an intruder, about which there was no doubt, they settling the question, in my construction of the treaty at least I should most certainly eject him from that territory, whether he went out naked or otherwise. He came in, he settled on the land, he had the usufruct, the rents and profits for twenty years, and he could not have been in such a deplorable condition that at the end of that time he could not at least have had transportation across the line to some other country. I should have not hesitated one moment, if the proper authority of the Cherokee Nation had demanded in pursuance of the provisions of the treaties of 1835 and 1866, the expulsion of this man—I should have ejected him.

Mr. VILAS. I should like also to ask the Senator from South Carolina if after he had determined the right of the Cherokees to require the ejection of the intruder and the duty of the United States to eject him, he would not then have said that it was the duty of the United States to proceed under all those circumstances temperately, considerately, giving permission to the intruder to dispose of his goods and property before he was thus driven across the line?

Mr. BUTLER. I should, sir, most assuredly.

Mr. VILAS. Would six months be too much time to allow in such a case, I ask the Senator from South Carolina?

Mr. BUTLER. That would depend very much upon circumstances.

Mr. VILAS. I have stated a case. In the case which I stated would six months be too much time to allow?

Mr. BUTLER. That would depend very much upon circumstances. I do not know that six months would be too long.

Mr. VILAS. I am very glad to have the approbation of the distinguished Senator from South Carolina of the decision in the Kesterson case. That is precisely what I determined as Secretary of the Interior in that case.

Mr. BUTLER. I think the Senator from Wisconsin ought to be congratulated upon doing it; and I shall take occasion to congratulate him in doing so wise and just and humane a thing. But that, I believe, is about the only instance. I do not recall any other. Perhaps the Senator may know of other cases where an intruder has been put out by the Government of the United States even after the expiration of six months. According to the statement of the Senator from Connecticut [Mr. PLATT], and the statement made here the other day by the Senator from Missouri [Mr. VEST], there are over a hundred thousand white

men within the limits of the Indian Territory. Can it be claimed that the Government has done its duty to these people and that they are now to be mulcted in the sum of $250,000 to pay for the neglect or omission, or whatever you choose to call it, of the Government of the United States?

If, as the Senator from Connecticut so pathetically stated awhile ago, it would be a hardship to put these people out without payment for their homes, why should not the Government put its hand in its own pocket and pay the money and protect us from the anathema and execration of the civilized world for cruelty to these people? Why take the land of the Cherokees and with a "stand and deliver" style say, "You must pay $250,000 of this money, which is yours, not ours, to compensate men who we must assume have come in without even the color of title"?

That is a novel principle of law, Mr. President, one that I have never heard of before in a civilized government. I predict that if the amendment is adopted in the bill ratifying this treaty the Cherokees will and ought to reject it. That is my deliberate judgment, notwithstanding the army of men who have been camping for months around the border north and south ready to rush in and take possession of this land. We shall have descended to a point where I trust the Government will never find itself when we undertake to say to these people, "We have made a solemn treaty with you, and we have not the power to enforce it." We shall have descended to a point of humiliation in which I trust this Government will never be found.

As I stated awhile ago, this is the periodical acclaim, if I may use the expression, of the violence within the Indian Territory, the lawlessness, the insecurity of life and property there. We hear it at every session of Congress, particularly when we are trying to get some of the land belonging to the Indians; and the demands of civilization are so urgent, so exigent that we yield to the threats and stories about the condition of things there and coerce these people into giving up their lands, permitting the laws of the United States to be extended over them, throwing them into a territorial condition, abolishing the tribal relation, giving up the tenure of land in common and taking it in severalty.

I think, Mr. President, the time will come (I have never hesitated to express that opinion) when these people will have to assume the duties of citizenship under the Government of the United States. I think that they themselves will ask it in due course of time, and that these independent dependencies, as they have been called, the *imperium in imperio* which exists in some parts of this country will have to be abandoned. But I submit that this Government can not afford to take steps which will do violence to the treaties and to justice and humanity.

I trust at the proper time the Senate will reject the amendment of the committee and that we shall in good faith, in strict accordance with the terms of the agreement made between the three commissioners and the Indians, appropriate this money, more than $8,000,000, as promptly as we would appropriate money to pay any other debt of the Government; not dally and trifle with these people by saying that we will agree to appropriate in six years money to pay them for their property.

According to the report in another branch of Congress the Government will be reimbursed every dollar of this money by the sale of the land. They pay only $1.40 an acre and they will sell some of it perhaps as high as $2.50, and will make money by the transaction out of the Indians. Yet we are here paltering and hesitating about coming squarely up to the demands of the Indians and saying "we will appropriate the money to pay you for your property and you can do as you please with it." That would be the honorable, honest course to pursue, in my opinion, and I trust that before we get through with the bill we shall ratify the agreement as it comes to us from the commissioners, in spirit and in letter, and turn the money over to the Cherokees to do as they please with it. They are just as able to manage their own affairs as we are, and a great deal more able than many people in this country.

Mr. HIGGINS. Mr. President, at the proper time I propose to offer an amendment to the Senate bill which has been submitted as an amendment by the Senator from Connecticut to the House bill. In the first section, in the twentieth and twenty-first lines, I shall move to strike out the provision that before these intruders shall be ejected the amount of their improvements shall be paid to them by the Cherokee Nation, and substitute for that that the improvements shall be paid for by the United States. I shall further propose to amend the bill by providing that an additional price shall be added to the amount to be paid by the proposed settlers on these lands after they are opened to settlement for the land they take, as homestead land thereunder, and thus have the new settlers, when they pay the Government for the land, pay enough to raise the sum of $250,000 or $350,000, as it is variously estimated, which will be sufficient to pay the intruders or alleged intruders for their improvements.

The number of the intruders is variously estimated. I have heard it put as low as 1,500. It has been put as high as 1,500 families, including from 5,000 to 7,500 souls. But whether the number be 1,500 or 7,500, take either extreme and it presents a very serious as it presents a very interesting question to the United States and to Congress in passing upon this agreement.

I am disposed to agree with the Senator from South Carolina in the opinion that the Cherokee Nation will not ratify the agreement if the amendment stands as it is without some such modification as I have suggested.

I have been informed that the representatives of the intruders will be willing to go if they are paid for their improvements. If that is the case, the amendment I shall propose will relieve the Government from a most severe and invidious and cruel task. By the raising of this sum of money they will be satisfied and the problem will be solved; the agreement will be adopted and ratified by both parties. I submit that it is perfectly just and fair that the settlers, who get the land by the bounty of the Government, shall pay a few cents more an acre—it will not exceed 10 cents an acre more for the land that they thus get—and raise the money by which the intruders can be satisfied.

The interesting statement of the Senator from Connecticut did not give the entire history of the intruder question. It arose from an invitation given by the Cherokee Nation, I think about 1869, to their brethren in North Carolina and to others in the United States to come to the Indian Territory, and that they would be admitted to Cherokee rights in case they could prove them.

At the time that invitation was extended the council of the nation further created a court or tribunal with authority to pass upon the admission to Cherokee rights of persons thus coming. But it brought a very much larger number of people than the Cherokees had anticipated, so much larger that the Cherokees became alarmed, and at the end of one year, I think, they repealed the statute and thus drew back the jurisdiction over the question to their council. But it did not stop the crowd of people who were headed toward the Cherokee country. They continued to come.

Doubtless many of them were of Cherokee blood; doubtless many of them could prove their pedigree up to the rolls of the Government from which various moneys at one time or another had been paid by the United States to the Eastern Band of Cherokees. Possibly under any fair decision of their rights by a fair tribunal they would have been admitted. But it was claimed by the Cherokee Nation, and on a case authorized by an act of Congress to be made for that purpose, which was carried up to the Supreme Court of the United States, and in 1876 decided by that tribunal, that the Cherokee Council had the jurisdiction and the right to determine who were and who were not Cherokees.

I submit it is not a question any longer as to whether they acted fairly or unfairly. They had jurisdiction. They were the tribunal of ultimate appeal. They have refused to admit these people and they had no right there. They are subject to ejectment. It seems to me that the Government of the United States, under its treaty stipulations and obligations, was bound to have ejected them, but it did not choose to do so. The Government made a very fine distinction—one that I confess I can not see the validity of—that the Cherokee Nation had the jurisdiction and the right to say who should be intruders, and admitting that the United States was bound to eject intruders, yet the Cherokee Nation had the right to determine who were citizens, and the United States had the right to determine who was or who was not an intruder.

Mr. PLATT. Whom they would remove.

Mr. HIGGINS. Whom they would remove as intruders. Under that policy the Government abandoned its obligation and duty and these people went on and occupied the land. Of course it is known on all hands that the title to the land in this Territory is held by the nation in common. It is an example of that kind of tenure which is advocated by so many people now and then, and it is an example of the difficulties which arise out of it, for it has brought this question to us here to settle now.

There is a strong equity on the side of the intruders. They doubtless have been of Cherokee blood. They came there under invitation. They settled on those lands expecting that the council of the nation in time would confirm their title and give them their right. But the council chose not to do it. The United States chose then to step in, so to speak, and not perform its duty. Thus you have here a case of from 1,500 to 5,000 or 7,500 people living upon lands for twenty years whom you propose abruptly and harshly, as harshly as any person was ever tomahawked, to expel from that country.

Where shall we take them? Where shall we put them? On what community shall they be dumped? By what power shall they be dumped if they stand there and undertake to refuse to go? It would be a harsh proceeding and I think with the Sena-

tor from Connecticut it is one against which the conscience of the good people of the United States would revolt. But it seems to me that the question would be largely met and solved by the very easy and simple solution which I have proposed.

Mr. FRYE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Delaware yield to the Senator from Maine?

Mr. HIGGINS. Certainly.

Mr. FRYE. I may show my ignorance by the question, but let me ask what is there to prevent a provision of law by which, after the United States regain possession of this land, these so-called intruders shall be permitted to select the lands which they occupy and thus get the advantage of their own improvements?

Mr. HIGGINS. I will state to the Senator the United States does not get the land from which the intruders are to be expelled. They occupy land within the admitted Cherokee country.

Mr. FRYE. Ah, I see.

Mr. HIGGINS. But the land that we are to get under this agreement is the Cherokee Outlet, as to which it was always claimed on the part of the United States that the Cherokees merely had a right of way. The Cherokees claimed they had a fee. The solution of the difference is finally found in this proposed act, where, whatever their title may be, the United States undertakes to buy them out. While it was not good enough for them to settle on, it was good enough to keep any citizen of the United States from settling on until their title, whatever it might be, was extinguished.

Now, the amendment of the Senator from Arkansas meets my approval. I think the time has come when the United States, with all gravity and seriousness, should undertake to end the tribal relation and ownership of land in common of the Cherokee Nation and all the tribes occupying the Indian Territory and add it with Oklahoma and constitute it another State in the Union. The reason for the creation of the Indian Territory has almost, if not absolutely, passed away.

I went to the Indian Territory since the last session of Congress on a committee authorized by the Senate, and I looked almost in vain for an Indian. I asked men with whom I was thrown in contact to show me an Indian. Everybody was white. While these people claiming Cherokee rights are of Cherokee blood they are not the red Indian; they are not the blanket Indian. The fact is they are white people, and it is simply amusing and grotesque for them any longer to be posing as wards of the nation. Indeed, as the Senator from South Carolina truly said, civilization has gone so far there that those who are of full blood are civilized people. They are occupying their own land in severalty. They live upon agriculture and not upon the chase.

Indeed, I was surprised to find that they had almost abandoned the practice of hunting or shooting; that when they no longer had to live by the chase they no longer cared to indulge in it. That is one way of testing how far they had got from the habit of the Indian, the condition of these people when the United States felt that it was necessary to have regard for their tribal condition, their habits of life, their savage condition, and place them on that land after they were expelled from their old home east of the Mississippi.

Mr. FRYE. I do not think the fact that they do not like to hunt and fish is an evidence of civilization. I think the highest civilization is shown by a desire to hunt and fish.

Mr. HIGGINS. I agree with the Senator entirely on that point, when you come to the abstract question, and yet I think nevertheless that my proposition is true. So the only thing that to-day fairly stands as an obstruction to an act of Congress putting an end to the condition of things created by treaty in that country is whatever rights belong to the Cherokee Nation under the treaty. Now that the amendment of the Senator from Arkansas proposes to respect. That amendment provides for a commission to go to the Territory and see whether the various tribes of Indians will consent and upon what terms they will consent to an abandonment of their possession under the treaties, give up their title in common to the land, and consent to its being given out in severalty to the present owners thereof, and to their being incorporated in a State of the Union under the ordinary polity.

The discussion that arose early in the session on the resolution of the Senator from Missouri [Mr. VEST], who is not now in his seat, and which was taken part in by him and the Senators from Arkansas and others as to the condition of lawlessness and crime in the Indian Territory, will be fully met and can only be fully met by such a disposition as is proposed by the amendment of the Senator from Arkansas.

Mr. PERKINS. By statehood.

Mr. HIGGINS. By statehood. That will dispose of it completely. The present condition is an anomaly. It is provocative of crime. It does not tend to good government. It creates an anomalous condition which presents such a question as that in regard to these intruders, otherwise ever unknown to the people of the United States. It seems to me that the time has fully come when we should take the tentative steps towards the full and final disposition of this question.

Mr. PERKINS. I desire to talk a few minutes upon the bill. I observe it is now after 5 o'clock, and I will yield for an adjournment.

Mr. PLATT. If the Senator from Kansas will yield for a moment, I will state that I should very much like to have a full Senate when this matter is discussed, and it is getting late.

Mr. FRYE. Had we not better have an executive session?

Mr. PLATT. With the permission of the Senator from Kansas and the Senate, I will after a moment or two move an executive session.

Mr. PERKINS. I yield for that purpose.

Mr. PLATT. I desire to get this matter before the attention of the Senate, except when it is occupied by the antioption bill, because there is very great need that something should be done as speedily as possible. In so far as I may, in such intervals as shall not be occupied by the antioption bill between now and the time of its passage, I shall ask the Senate to go right along with this question.

Mr. FRYE. Does the Senator mean that he proposes to ask that the morning hour shall be given to it? It seems to me that the Calendar is by this time entitled to the morning hour.

Mr. PLATT. I do not think I have any right to interfere with the consideration of the Calendar. I shall not ask the Senate to take up the bill in the morning hour.

Mr. BERRY. Mr. President, one word before the motion is made to go into executive session. There is no objection, I understand, from any quarter to the amendment I have offered. If that was adopted it would then leave the bill open for any amendment the Senator from South Carolina may desire to offer in reference to the intruder question. I should like to have my amendment adopted now.

Mr. PLATT. I have no objection to a vote being taken on the amendment of the Senator from Arkansas to the amendment proposed by me.

Mr. PERKINS. I will yield so that a vote may be taken on the amendment to the amendment.

The PRESIDING OFFICER. The question is upon agreeing to the amendment proposed by the Senator from Arkansas [Mr. BERRY] to the substitute moved by the Senator from Connecticut for the House bill.

The amendment to the amendment was agreed to.

Mr. PLATT. I move that the report of the Senate committee on the substitute now under consideration be reprinted.

The motion was agreed to.

EXECUTIVE SESSION.

Mr. PLATT. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 20 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, January 24, 1893, at 12 o'clock m.

NOMINATION.

Executive nomination received by the Senate January 23, 1893.

ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY.

Frank C. Partridge, of Vermont, to be envoy extraordinary and minister plenipotentiary of the United States to Venezuela, vice William L. Scruggs, resigned.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 23, 1893.

CONSULS.

Adolph G. Studer, of Iowa, now consul of the United States at Barmen, to be consul at Singapore.

John J. Piatt, of Ohio, at present consul at Cork, to be consul of the United States at Dublin.

Rounsevelle Wildman, of Idaho, now consul of the United States at Singapore, to be consul at Barmen.

POSTMASTERS.

Mrs. Bertha Kleven, to be postmaster at Culbertson, in the county of Hitchcock and State of Nebraska.

Jacob M. Harman, to be postmaster at Shelton, in the county of Buffalo and State of Nebraska.

Grovenor D. McCubrey, to be postmaster at Barnesville, in the county of Clay and State of Minnesota.

Michael Huiras, to be postmaster at Springfield, in the county of Brown and State of Minnesota.

Leroy L. Brinkley, to be postmaster at Edenton, in the county of Chowan and State of North Carolina.

Jonathan B. Stovall, junior, to be postmaster at South Boston, in the county of Halifax and State of Virginia.

Joseph M. Tomlinson, to be postmaster at Alexandria, in the county of Madison and State of Indiana.

William Stanley, to be postmaster at Plainfield, in the county of Hendricks and State of Indiana.

HOUSE OF REPRESENTATIVES.

MONDAY, *January 23, 1893.*

[LEGISLATIVE DAY *January 21, 1893*].

The recess having expired, the House was called to order by the Speaker at 11 o'clock a. m. Monday, January 23, 1893.

ORDER OF BUSINESS.

Mr. RAYNER. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 9757.

The motion was agreed to.

NATIONAL QUARANTINE BILL.

The House accordingly resolved itself into Committee of the Whole, Mr. OUTHWAITE in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 9757, and there is an amendment, offered by the gentleman from New York [Mr. WARNER], pending.

The amendment was read, as follows:

Substitute for the word "vessels," in the thirty-seventh line, on page 16, and all other words to and including the words "and crew," in line 44 of the same page, the following:

"By persons, shippers, and common or other carriers of persons or goods either at the port or place of departure or shipment for the United States, of any persons or goods, or on the journey, voyage, or transport to the United States of any persons or goods, or at any port or place at or from which, in the opinion of the President, contagious or infectious diseases exist, or there is danger that infected goods or persons are likely to enter the United States, to secure the best sanitary condition of such persons or goods, and any medium of transport thereof."

Mr. WARNER. Mr. Chairman, the amendment is intended——

Mr. PATTERSON of Tennessee. Mr. Chairman, I just came in a moment ago, and did not catch the reading of the amendment. I would like to have the amendment read again.

The CHAIRMAN. The gentleman from New York [Mr. WARNER] is recognized.

Mr. WISE. Let it be stated what portion of the bill is proposed to be amended.

The Clerk read as follows:

Substitute for the word "vessels," in the thirty-seventh line, on page 16 and all other words to and including the words "and crew," in line 44 of the same page, the following:

The amendment was again read.

Mr. WARNER. Mr. Chairman, I will not detain the committee. The amendment is simply a change of the phraseology of the bill now before the House, in order that it may provide for regulations governing as well immigration and importing goods across land boundaries as over the seaboard boundary; in other words, to make the bill apply to and be efficacious in regard to the boundaries of the United States between the United States and Canada and Mexico as well as to those across which immigration must be by vessels already provided for. The committee, as I understand it, accepts the amendment.

The amendment was agreed to.

Mr. MALLORY. Mr. Chairman, I desire to offer an amendment.

The Clerk read as follows:

After the word "purpose," in line 35, of section 3, insert the following:

"*Provided, however*, That nothing in this act shall be so construed as to authorize or empower the Secretary of the Treasury, by any such rules and regulations, to prohibit, or the President to restrain or prevent, the passage from one State to another State of the United States of persons not emigrants and not engaged in commerce."

The question being taken, a division was demanded.

Mr. BRECKINRIDGE of Kentucky. Can the amendment be reported by unanimous consent?

The CHAIRMAN. A division is being had.

The committee divided; and there were—ayes 18, noes 41.

Mr. MALLORY. No quorum.

The CHAIRMAN appointed as tellers Mr. MALLORY and Mr. RAYNER.

Mr. ATKINSON. May I ask that the amendment be again reported?

The CHAIRMAN. That can be done by unanimous consent. In the absence of objection the amendment will be again reported.

There was no objection.

The amendment was again read.

Mr. PATTERSON of Tennessee. Mr. Chairman, it seems to me——

The CHAIRMAN. A division is being had and debate is not in order.

Mr. PATTERSON of Tennessee. I would like to submit a few remarks on this amendment. I ask unanimous consent to discuss it for five minutes.

The CHAIRMAN. The gentleman from Tennessee [Mr. PATTERSON] asks unanimous consent to speak upon this amendment for five minutes. Is there objection?

Mr. MALLORY. I have no objection provided I have an opportunity to say something on the subject.

A MEMBER. He is on your side.

Mr. BURROWS. I demand the regular order. I guess everybody understands the amendment.

Mr. PATTERSON of Tennessee. Mr. Chairman, if I understand the amendment——

The CHAIRMAN. The regular order has been demanded, and consent has not been given.

Pending the division

Mr. MALLORY said: Mr. Chairman, I withdraw the point of no quorum.

The CHAIRMAN. On this question the ayes are 18, the noes 41; and the amendment is rejected.

Mr. MALLORY. Mr. Chairman, I offer the same amendment again.

Mr. BURROWS. Why, Mr. Chairman, that can not be done after the amendment has once been voted down.

The CHAIRMAN. It is not in order.

Mr. MALLORY. Then I was certainly misled. I was given to understand that if I withdrew the point of no quorum——

Mr. BURROWS. Regular order.

Mr. MALLORY. I rise to a question of personal privilege. I was given to understand that if I withdrew the point of no quorum I would be allowed to offer the same amendment a second time, with ten minutes for debate upon it, with the understanding that I would not again raise the point of no quorum. My object in raising the point was to give time for gentlemen who are not present to arrive at the House.

Mr. BURROWS. That agreement was made without being submitted to the committee.

Mr. MALLORY. When I withdrew the point of no quorum, I had no idea the Chairman was going to announce the result.

The CHAIRMAN. That was the only thing in order.

Mr. WISE. I ask unanimous consent that the gentleman from Florida [Mr. MALLORY] may be permitted to again offer this amendment, and that ten minutes' discussion on each side be allowed.

The CHAIRMAN. Is there objection?

Mr. BURROWS. Mr. Chairman, I will not enter any objection to that, if this business of making private arrangements shall cease. It is about time that the Committee of the Whole considered this bill, instead of having arrangements made by a few gentlemen, by which amendments are put into the bill which the committee does not approve, and in that way sending it back to the House and passing it in the hope that a conference committee may make a decent bill out of it.

The CHAIRMAN. The Chair does not understand the gentleman to object. Is there objection?

There was no objection.

Mr. MALLORY. Now I offer the amendment again, and I ask the Chairman that it may be again read.

The amendment offered by Mr. MALLORY was again read.

Mr. MALLORY. Mr. Chairman, inasmuch as a number of gentlemen have asked me to explain the purport and intent of this amendment, I will devote two or three minutes to doing so. It seems to me that it is very patent on its face what is intended by it. Under the bill as it now stands, in the event of an epidemic breaking out in the city of New York, for illustration, people from Jersey City, across the river, engaged in business in the city of New York, but not necessarily engaged in commerce, desiring to return home in the evening, as is their custom, can be prevented by a Federal official from doing so. They may not be connected with commerce in any way.

If that is so, then I think, Mr. Chairman, that the provision transcends the power of the House. I go as far as any gentleman on the floor of this House can go in believing that the United

States Government has the power to control maritime quarantine, and I will go as far as any one in indorsing its powers to regulate interstate commerce; but I fail to see how under any circumstances, how under any interpretation that can be put upon that clause of the Constitution relating to interstate commerce, it can be said that the Federal Government has the power to put its hand upon the shoulder of an individual not engaged in commerce, and prevent him from exercising his freedom of movement. It is to bring this bill within what I believe the limit of the Constitution, that the amendment is offered. It is not to hamper any one.

I am as anxious to see maritime quarantine established as any gentleman on this floor, but in this emergency, that is urged on perhaps by an apprehension that is legitimate, I must protest against our doing a thing which I do not think the cool judgment of the people of this country or of the members of this House will favor. It is true, sir, that there is in existence the act of 1890, which authorizes the same thing; but that act of 1890 is unconstitutional if there is an unconstitutional statute on our books, and I propose, if this amendment passes, to offer an additional amendment to this bill whereby the act of 1890 will be repealed. I will yield the remainder of my time to the gentleman from Tennessee [Mr. PATTERSON].

Mr. MILLIKEN. Before the gentleman from Florida takes his seat will he permit me to ask him a question?

Mr. MALLORY. Certainly; I yield for a question.

Mr. MILLIKEN. Suppose a class of persons or a number of people not engaged in commerce and not immigrants in the city of New York are about to cross to New Jersey and it is known that they are infected with the cholera, shall the law not be permitted to stop them?

Mr. MALLORY. The State of New York or the State of New Jersey has all the power necessary to stop them; and if it had not the power the Constitution does not give it to the United States. It is a matter belonging exclusively to the State.

Mr. MILLIKEN. Then the gentleman would leave the State of New Jersey entirely at the mercy of infection from New York?

Mr. MALLORY. No; I would leave it at the mercy of the State of New Jersey.

Mr. PATTERSON of Tennessee. Mr. Chairman, on page 15 this bill provides regulations for preventing the introduction of contagious or infectious diseases into the United States from foreign countries, or into one State or Territory or the District of Columbia from another State or Territory or the District of Columbia.

Now, it is very clear that this provision of the bill applies as well to persons as to commerce, and I submit that under the constitutional provision empowering Congress to regulate commerce between the States, Congress has not the power to prevent one citizen of the United States from passing over State lines, or in any way circumscribing his locomotion. In my judgment that would be entirely unconstitutional. I know of no power in this House to provide for such a regulation.

Then, again, Mr. Chairman, it is unquestionably true that neither cholera nor yellow fever has ever originated in the United States. They have always been imported. Now, in the city in which I reside we have had yellow fever two or three times. It has occurred two or three times in Baltimore, more than once in Philadelphia; and everyone who has had any experience in respect to that disease knows that the best way to arrest it is to disperse the population. When it occurred in the city of Memphis four-fifths of the population of that city took refuge in the mountainous countries of East Tennessee, Virginia, North Carolina, and North Alabama and other sections of the Union; and even if any of those persons took the yellow fever with them on leaving the city it was found that the community in which they sought refuge was entirely exempt from it.

Take the district represented by my friend from Virginia [Mr. BUCHANAN]. A great many of our people went into that district. There never was a case of yellow fever originating there. No one ever took the yellow fever who was a resident of that part of the country. Therefore I claim and believe, and it is the opinion of all persons who have given the matter any consideration, that the best way to arrest the progress of a yellow fever epidemic is for the population to scatter and get out of the way into the hilly and mountainous countries; and experience has also shown that even when persons have taken yellow fever with them into such country districts, it will not be communicated to the resident population.

Therefore I hold that there is no necessity for this provision of the bill restricting the locomotion of the citizen. He has a right to pass from one State to another at will; and it is in no sense a regulation of commerce to enact a law restricting and confining him to a certain locality.

I agree with my colleague on the committee [Mr. MALLORY] that we ought to have maritime quarantine on the high seas. In every part of the United States, on the high seas, and in all our relations with foreign countries, the Federal Government is sovereign, and it ought to provide adequate quarantine regulations to absolutely exclude contagious diseases from our shores. That can be effectually accomplished within the scope of the powers that Congress has under the Constitution, and without the necessity of going outside of them. I see no necessity, therefore, for providing in this bill for the restriction of the locomotion of the people. I do not believe that Congress has power to interfere with their right of egress from an infected district. It is in no sense a regulation of commerce.

What, Mr. Chairman, is it competent for Congress in the event yellow fever should break out in Baltimore, New Orleans, Savannah, Charleston, Memphis, or any other city of the Union, to hem in the population and confine them in the stricken city to die like sheep with the rot? The exercise of such power, in my judgment, would be unwarranted. It is a violation in my judgment of the Constitution and an unwarranted restriction of the liberty of the citizen. The amendment, I think, should be adopted.

Mr. MILLIKEN. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. That motion is not necessary. There are ten minutes allowed in opposition to the amendment, and the gentleman from Maine will be recognized for five minutes.

Mr. MILLIKEN. Mr. Chairman, I have only a word to say, and that is, that notwithstanding the great respect which I have for the legal attainments of the gentleman from Tennessee [Mr. PATTERSON], and for the time which he has given to a study of the Constitution, I do not believe that an individual has the right to go from one State to another or from one place to another and carry a nuisance with him, or carry, what is worse than a nuisance, an infection. The theory of the gentleman is that while the Government has the constitutional power to prevent infection entering into our country from abroad, it has no power to prevent that infection from spreading in the country after it has once entered it.

The gentleman says that the yellow fever got to Memphis. How did it get to Memphis? Where did it come from? Did it come from Cuba through the air and turn a somersault over Louisiana and strike Memphis, or did it first enter Louisiana and then cross the State line, and get to Memphis in that way? Why the very precautions that you are now trying to make in this bill to prevent the cholera from spreading in this country require that the Government should have power not only to prevent the cholera from entering the country, but, if it shall enter, then that the Government shall also have the power to prevent it from spreading in the country.

They who live in the interior have quite as much right to be protected as they who live upon the seacoast; and if we who live upon the coast shall be so unfortunate, notwithstanding all precautions which may be taken, as to have the cholera get once into our villages and into our cities, why should not the interior have the same right to be protected by national quarantine from catching the cholera from us, that we have to be protected from catching it from Europe or otherwheres? The meaning of the gentleman's amendment, if it has any meaning at all, is that we shall provide all means necessary to keep the cholera, and other infectious diseases, away from our shores, but if they should once succeed in landing, then we should vote them the freedom of the country. I do not think the amendment will prevail even in this House.

Mr. O'NEILL of Pennsylvania. Mr. Chairman, I had hoped that the Committee of the Whole would have reported to the House at the proper time the bill as reported from the Committee on Interstate and Foreign Commerce without amendment. In the first place that bill is almost identical with the bill which passed the Senate a week or ten days ago, after a great deal of discussion, after Senators had yielded individual points and had agreed almost unanimously upon their bill, which, in my opinion, if enacted into a law, would in all probability prevent the cholera from getting into this country in the coming spring or summer.

It is remarkable that the opposition to the bill now before the Committee of the Whole generally comes from Louisiana, from Florida, or New York.

Mr. COCKRAN. The opposition to what proposition?

Mr. O'NEILL of Pennsylvania. To the general proposition. The amendment of the gentleman from New York I will refer to in a moment when I get to that point.

Now, the city of New Orleans has had great experience and sad experience with infectious diseases. So has Florida in some of its cities, Pensacola especially; and so, but in a less degree, has the city of New York. Even to-day, with all the power of the health board of that city and the vigilance of health officers, headed by so celebrated and distinguished a man as Dr. Jen-

kins, they have not been able to prevent typhus fever from getting in and spreading to some extent, but we hope it may be suppressed entirely.

Now, if we enact the proposed law we certainly do one thing. We put it in the hands of the Marine Hospital Service, thus placing it under national jurisdiction; and in accordance with the very wording of the bill reported from the Committee on Interstate and Foreign Commerce we do not absolutely take away the power of a State board or of a municipal board of health. This bill was well considered in the Senate, and well considered in the Committee on Interstate and Foreign Commerce, and every line of it shows that the National Board of Health can not wipe out a State board of health or a municipal board of health.

On the contrary, the idea is that as far as consistent with the provisions of this bill the National Board of Health would work in harmony with the municipal and State boards, or rather they with the National Board. Can there be any wrong to the people of this country, in endeavoring to prevent the coming of this disease, that the national power should take effect at the entrance to our bays? Is there any reason why we should not have an examination made by our consuls in infected ports abroad, and then at the entrance to our bays and ports that the National Government shall take control, and then be followed by a similar power in a State board or in a municipal board?

Now, with reference to the amendment of the gentleman from Florida [Mr. MALLORY], it seems to me that it is unnecessary to adopt it. The power to do what the amendment proposes is sufficient now in the municipal boards of health, wherever those boards are in existence or may be instituted. I am sure in any of those cities in this country where there are boards of health the officers are good men and their business is well attended to. I know that is true in the city of Philadelphia and also in the city of New York. I think we are under great obligations to Dr. Jenkins, although in some respects he differed last summer and fall with the Superintendent of the Marine Hospital Service; but the great point is to pass a bill, and to have it enacted into law and signed by the President, and as I said before, I had hoped that this bill, which is so nearly like the Senate bill, when reported by the Committee of the Whole, would be passed by the House.

As regards the proposition of the gentleman from New York [Mr. COCKRAN], I do not know what the object of it is. I do not understand its purport exactly; but I want to say here that if it is to protect any political power, if it is to keep in office any persons under State or municipal power, I would be willing to vote for a sufficient amount of money to pay the salaries of those city or State officials, so anxious am I that Congress shall do its full duty now in almost the closing days of the Fifty-second Congress. This is too important a matter to fail for the sake of money merely.

The CHAIRMAN. The time in opposition to the amendment is exhausted. The question now is on the amendment of the gentleman from Florida [Mr. MALLORY].

Mr. MILLER. Mr. Chairman, I desire to offer a substitute for that amendment.

Mr. RAYNER. I submit that it is out of order. The bill is an amendment itself.

The Clerk read as follows:

No power shall be conferred by this act upon State or municipal officers or employés which may conflict with any power conferred upon the employés or officers of the United States.

The CHAIRMAN. Under the rule adopted by the committee a moment ago the Chair decides that the amendment is not in order at this time.

The question was then taken on the amendment of Mr. MALLORY, and the Chairman announced that the noes seemed to have it.

Mr. MALLORY. Division, Mr. Chairman.

The committee divided; and there were—ayes 33, noes 61.

So the amendment was rejected.

Mr. ANTONY. Mr. Chairman, there is an amendment on the table which I desire to offer.

The Clerk read as follows:

Amend section 3 by striking out all after the words "foreign countries," in line 7, on page 15, down to and including the words "from another," in line 27, on page 16.

Mr. ANTONY. Mr. Chairman, I do not object to the United States Government passing a quarantine law which will keep out cholera or any other contagious or infectious disease from foreign countries; but I desire, for my part, that the powers of the United States Government shall stop at the port of entry and the boundary lines of the United States. Too much power has already been snatched from the States by Federal legislation, and the object and purpose of this amendment is to strike out all that portion of this section which authorizes the Secretary of the Treasury to make regulations for the government of the State or municipal authorities in the enforcement of these laws; and also for the purpose of striking out the power given to the President to put these laws in execution against one State, one Territory, or district in favor of any other Territories, States, or district.

I think, Mr. Chairman, that the power of the United States should stop at the boundary line. To illustrate: It sometimes happens that yellow fever appears in the city of New Orleans. Suppose the physicians of New Orleans, as well as the commercial part of the community, desire that it shall not be spread abroad over the land that New Orleans is infected with an epidemic of yellow fever, and they strain every point to classify the cases as sporadic cases. Now, if that state of affairs should exist and yellow fever be communicated to Houston, Tex., where the conditions favorable to yellow fever sometimes exist as well as they do sometimes in New Orleans, then an epidemic is as likely to break out from a sporadic case transported to Houston as would be in case of an epidemic in New Orleans.

In this condition of affairs the President of the United States, taking the opinions of the physicians of New Orleans would not probably be willing to declare a quarantine of Texas against New Orleans; and if the conditions were reversed, he would not probably declare a quarantine of Louisiana against Texas. In this condition of affairs, the yellow fever might spread from one State to another and the latter be powerless to protect itself, since by the first section of this act no State or municipal authorities can make any regulations inconsistent with it or against regulations made by the Secretary of the Treasury under its provisions. This is a specific provision in the very first section of the act. I am opposed to any power being vested in the President of the United States which will enable him to injure one State for the purpose of seeking to benefit another, not that the President will of necessity exercise it, but because he might exercise the power wrongfully.

The local authorities can control these things better. They are familiar with the situation. They are on the ground and can protect themselves better than any officer of the Federal Government, and I ask that this be stricken out, leaving the States to control their own local affairs, and leave to every citizen in every one of the States the privileges of citizens of every other State, as the Constitution guarantees. I should vote for this bill with all that part stricken out which deprives the States of the rights vested in them by the Constitution and genius of our Government; but with those clauses in the bill, I will never vote for it. Local self-government at every point is essential to the existence of free government, and by my vote and voice shall ever be sustained with jealous care. I hope the amendment will be adopted.

Mr. BLANCHARD. Mr. Chairman, I do not think the State quarantine officials at the port of New Orleans, or the State board of health of the State of Louisiana, or the physicians of the city of New Orleans, or the community of New Orleans, have ever at any time been justly amenable to the charge hurled against them just now by the gentleman from Texas.

Mr. ANTONY. Mr. Chairman, if the gentleman will allow me, I did not make any charge against the city of New Orleans. I did not say that the citizens of New Orleans, or the city of New Orleans, or the physicians of New Orleans, or anybody had ever done anything of the kind. It was a hypothetical case, and I simply suggested that it was liable to be done, not only in Louisiana, but elsewhere. Houston might do it against New Orleans as well as New Orleans against Houston. I made no charge. I merely presented a condition which might arise.

Mr. BLANCHARD. Then, Mr. Chairman, I will say that I misunderstood, and I think the House generally misunderstood, the remarks of the gentleman from Texas. I rose to repel his charge as I understood it, but now, since he has disclaimed any criticism such as I thought he had passed, and has made an apology to the community of New Orleans, I have nothing further to say. [Laughter.]

The question was taken on the amendment of Mr. ANTONY, and the Chairman declared that the "noes" seem to have it.

Mr. ANTONY. I ask for a division.

The House divided; and there were—ayes 16, noes 84.

Mr. ANTONY. No quorum, Mr. Chairman.

The CHAIRMAN. The gentleman from Texas makes the point that no quorum has voted. The Chair will appoint to act as tellers the gentleman from Texas [Mr. ANTONY] and the gentleman from Maryland [Mr. RAYNER].

The tellers took their places.

Mr. ANTONY. Mr. Chairman, a parliamentary inquiry; can I reserve the right to have a vote on this amendment in the House?

The CHAIRMAN. It will not come into the House at all if it is rejected in the committee.

Mr. ANTONY. I withdraw the point of no quorum, Mr. Chairman.

The CHAIRMAN. The point of no quorum being withdrawn, the amendment is rejected.

Mr. BROSIUS. Mr. Chairman, I offer the amendment which I send to the desk.

The amendment was read, as follows:

In line 35, on page 16, after the word "purpose," insert the following:
"And all quarantine regulations existing or that may hereafter be adopted by authority of State laws or municipal ordinances at any port or place where the Federal Government has established or may establish quarantine regulations, shall be inoperative and of no effect so far as the same may interfere with or be in conflict with the provisions of this act or the rules or regulations prescribed thereunder."

Mr. BROSIUS. Mr. Chairman, I think that this bill ought to be made as nearly a national quarantine bill as we can make it. I entertain the conviction that the defense of the people of the United States against contagious and infectious diseases, plagues, and pestilences is not only a privilege conferred but a duty imposed upon the Federal Government as imperative in its mandate, as binding in its obligation, and constitutional in its requirements as the duty of defending our territory from the invasion of foreign armies and the protection of our people from slaughter and pillage.

A frontier exposed to the invasion of alien pestilence is as much a menace to the lives of our people and the welfare of our commerce and our industries as the invasion of an alien army or an alien navy. My conception of a national quarantine service is one which authorizes the Government of the United States at all times and all places to be paramount and supreme in its authority, which authorizes the Federal Government to supersede all local regulations wherever and whenever they are inadequate and unsafe; an authority in whose presence every regulation of the inferior jurisdiction shall fall instantly when it fails to coincide with or is in conflict with the Federal regulations; in short, a Federal authority which can keep the eye of the Marine Hospital Service of the United States upon every foreign port, upon every ship when it clears at the point of embarkation as well as when it arrives at our domestic ports, and when danger is descried, either near or remote, on land or sea, can lay the hand of the Federal power and execute sentence of death upon it before its infectious virus plants itself in the homes of our people.

[Here the hammer fell.]

The CHAIRMAN. The Chair has been requested to have read a portion of one of the rules of the House. The Clerk will read paragraph 7 of Rule XIV.

The Clerk read as follows:

While the Speaker is putting a question or addressing the House no member shall walk out of or across the Hall, nor, when a member is speaking, pass between him and the Chair; and during the session of the House no member shall wear his hat or remain by the Clerk's desk during the call of the roll or the counting of ballots, or smoke upon the floor of the House; and the Sergeant-at-Arms and Doorkeeper are charged with the strict enforcement of this clause.

The CHAIRMAN. It is the latter portion of this paragraph to which the attention of the Chair was called and which he was requested to have read. The Chair trusts that members will observe the rule.

The question was taken on the amendment of Mr. BROSIUS, and the Chairman declared that the "noes" seemed to have it.

Mr. BROSIUS. I ask for a division.

At the request of Mr. BROSIUS the amendment was again read.

The committee divided; and there were—ayes 52, noes 75.

So the amendment was rejected.

Mr. MILLER. Mr. Chairman, I offer the amendment which I send to the desk.

The amendment was read, as follows:

After the word "purpose," line 35 of section 3, insert the following:
"No power shall be conferred by this act upon State or municipal officers or employés which may conflict with any power conferred upon the officers or employés of the United States."

Mr. MILLER. Mr. Chairman, there is no doubt, indeed every one admits, that we are threatened with an invasion of the cholera. The destructive and alarming effects should it gain a foothold can scarcely be calculated or realized. It behooves us, as the representatives of a people who are threatened with danger, to do that which we feel will most effectually prevent its invasion of our country.

I claim we have the power, under the Constitution, conferred upon the Federal Government, to regulate and protect commerce, to promote general and domestic tranquility, and provide for the common defense, which certainly confers upon Congress the power to prevent the invasion of a pestilence which probably would destroy more lives than was ever destroyed by any war in which we have been engaged; in order to cope with an enemy which threatens to enter our borders, not only through New York, but every port upon the Atlantic and Pacific coast and over our northern and southern frontiers. Only yesterday I saw an account of several Polish immigrants who had arrived in Wisconsin by railroad from the East through Canada who were suffering from cholera. Now, in order to cope with the situation, the General Government should have full control, that uniformity and energetic action should prevail in the treatment of this pestilence that threatens to spread over our land.

We all feel proud of the city of New York, the great gateway of our country, but we must remember that New York constitutes but a small part of our country. Philadelphia, Boston, Baltimore, St. Louis, New Orleans, San Francisco, and the great city of the Lakes, and other cities too numerous to mention, and the people scattered over our country who own the broad acres of our land, are all equally interested.

I was surprised at the position assumed by the distinguished gentleman from New York in his argument against the General Government assuming complete control of this matter, questioning the constitutional power of the Government to protect its citizens against the invasion of a pestilence that may desolate our land. His argument on the subject reminded me of the wailing of some ward politician, who was fearful of losing some local patronage.

It will be remembered by some members of this House that about thirty years ago a portion of the people of the city of New York assumed that the General Government did not possess the power to do certain things. Abraham Lincoln ordered 30,000 troops to be concentrated in the city of New York and vicinity. The action of President Lincoln had about as quieting an effect upon the parties who claimed that the General Government was assuming too much power as did the remarks of Andrew Jackson when certain parties assumed the same position with reference to the General Government.

If any one has any doubts as to the right of the General Government under the Constitution to prevent the invasion of a pestilence that may desolate our land, we will assume the right to act to prevent such a calamity under the law of self-preservation.

I think we should be very careful in our legislation upon the subject of quarantine in a way to interfere with immigration. The subject is the most important of any question we have had before Congress during this session.

The large immigration to our country since its organization has materially added to our population and prosperity.

Had our population been confined to the natural increase, we probably would not have over one-third of our present population. Our wealth would be limited in proportion.

The vast migration that has made it possible for us to level the mountains and fill the valleys, creating many iron highways from the Atlantic to the Pacific, encouraging people to make homes in regions which were formerly considered uninhabitable by reason of their great distance from markets—these great thoroughfares crossing our continent in various latitudes hold out inducements and encouragement to people of distant nations, from the frozen regions of the north to the equator, to make themselves homes within our borders.

The golden fields of grain which border the railroads crossing the continent satisfy the passing stranger that it is a desirable land; the extensive herds of cattle and sheep that cover the surrouunding mountains and plains in such numbers that they can scarcely be counted, testify to the fact that we are a great nation—made so, to a great extent, by the efforts and enterprise of the immigrants from foreign lands.

The great industries and enterprises of our country that command the admiration of the people of the civilized world could not have been accomplished without the constant additions that have been made to our population by immigration from foreign countries.

In consideration of the great benefits we have derived from immigration to our shores it behooves us to be careful in legislating on the subject. Persons who at one time were poor and humble immigrants have occupied some of the most exalted positions in our Government, serving with distinguished ability in the field and in the councils of the nation.

Having great confidence in the good judgment of Mr. Cleveland, and in any men that he will be likely to appoint as his advisers, is my reason for investing them with extraordinary power to prevent the cholera from entering our country.

Should the terrible scourge gain a footing within our borders, no one can calculate the loss that we shall sustain in the loss of many valuable lives and the destruction of enterprises the success of which will materially advance the prosperity of the country.

The amendment was rejected.

Mr. TRACEY. Mr. Chairman, I offer the amendment which I send to the desk.

The amendment was read, as follows:

Line 36, page 16, strike out the words "authorized by" and insert the words "not inconsistent with;" and in line 37, after the word "and," insert the words "in his opinion."

Mr. TRACEY. Mr. Chairman, I offer this amendment for the purpose of making it clear that the Secretary of the Treasury shall have the power to carry out the regulations which he wishes to have enforced respecting the control of immigrants before leaving foreign ports. When the gentleman from Maryland [Mr. STUMP] earlier in this discussion offered his amendment to the bill the question was asked by my colleague from New York [Mr. COCKRAN] whether the amendment then offered would have the effect of taking from the States the power of arranging for quarantine, and it was understood that the adoption of that amendment would give the Federal authorities power to control quarantine and would take it from the States.

Now, in my opinion an error was made in impressing upon the committee that view of the question. The idea of the bill which had been reported from the other committee was that the Federal Government should take upon itself the control of the quarantine upon the other side of the ocean, and that when the immigrants arrived in this country the local authorities should have power to control their quarantine irrespective of anything that might have been done before the immigrant left the foreign shore.

My object in offering this amendment is to make it perfectly clear that the Secretary of the Treasury shall have power to make such rules and regulations as are not inconsistent with the laws of the United States and are, in his opinion, necessary to be observed in foreign ports. I have no idea of restricting the powers of the State authorities or even of the municipal authorities. I simply desire to make it easier for the National Government to enforce such regulations as it may think proper to require to be observed on the other side before the immigrant is allowed to land in this country and practically turned over to the local authorities.

The amendment was agreed to.

Mr. CUMMINGS. Mr. Chairman, I move to strike out the third section as amended.

There seems to be an attempt here to put this bill through under whip and spur, with a strong backing from the other side of the House. There appears to be some mystery about this proposed legislation. Neither the majority nor the minority report accompanying this bill have been allowed to be read upon this floor, although the gentleman in charge of the bill promised to have them read in his time. When general debate was closed the gentleman [Mr. RAYNER] told me that he would give me eight minutes of his own time to discuss the measure, but he cut me off by immediately moving to limit debate.

Now, Mr. Chairman, there is more in this bill than has been made apparent. The gentleman from Maryland [Mr. RAYNER] read or told us what he said was all there was of legislation in regard to national quarantine, but he left out the important act of June 2, 1879. The gentleman from Mississippi [Mr. HOOKER] printed that act with his remarks in the RECORD this morning. This act was limited to four years. To show what it was, I want to read a letter received by me from a member of the National Board of Health. It will give you the inside of this bill and may show you the "nigger in the fence."

NEW YORK CITY, *January 20, 1893.*

SIR: I have just read in the evening paper that you propose to oppose the proposed quarantine bill when it comes up in the House.

In this course, permit me to say, I think you are right. If you have time to inquire as to the promoters and advocates of the measure you will, I think, find them chiefly among the surgeons and clerks of the Marine Hospital Service. In season and out of season for the past ten years they have been busy exerting their influence to extend the powers of the Treasury Department in so far as it relates to that branch of the service, resorting to any and all methods to accomplish their purpose.

It was through the grossest misrepresentations on the part of the officers and employés of that service alone that the act of June 2, 1879, which expired by limitation June 2, 1883, was not reënacted. If you will turn to the CONGRESSIONAL RECORD for 1878 and up to June 2, 1879, when the act referred to was passed, you will find that every phase of the quarantine question and the methods of dealing with epidemic diseases were discussed, and the power now sought to be given to the Marine Hospital Service was denied. The act of June 2 extended the powers of the National Board of Health and provided that it should coöperate with State and local boards of health in carrying out their rules and regulations to prevent the introduction of contagious and infectious diseases.

Within a month after the passage of that act the Board was called upon to deal with the memorable epidemic of yellow fever which broke out in Memphis, Tenn., July 9, 1879. It formulated rules which were adopted by State and local boards throughout the country, and the signal success which attended the coöperation of the National Board with the State and local boards is a matter of history. Commerce and traffic were regulated, not suspended, and the epidemic was almost entirely confined to Memphis. The Board was called upon to deal with other epidemics of yellow fever and also with the great smallpox epidemic on our northern border in 1882, and with equal success. In the last the Board coöperated with the State and local boards of New York, employing inspectors to aid the State authorities in carrying out their rules. No collisions or conflicts of authority occurred, and the disease was stamped out.

As the time for the law to expire approached the officers and employés of the Marine Hospital Service began their hostile work, and by fair means and foul succeeded in preventing the reënactment of the law.

All agree that we should have a good sanitary service to guard against the introduction of contagious or infectious diseases from abroad. All agree that in great emergencies the State authorities alone are and have been unequal to the task.

In 1878 the head of the Marine Hospital Service tried to convince Congress that his service alone could do the work, but failed. The decision was that a board (see act March 2, 1879) composed of experts from different States, seven in number, could best administer this service to the country.

The members of the Board to-day are just as much interested as ever in seeing the country provided with the best and most efficient means of preventing the introduction and spread of epidemic diseases, but lest they should be charged with seeking their own advantage have said nothing during the progress of this discussion except as one of its members has been called upon by the joint committee for his personal views. I do not know that the committee were even aware that he was a member. Personally I should not continue in the Government service even if the Board were re clothed with the power granted in the act of June 2, 1879, but I wish to say that in my opinion, after a careful study of the questions involved for more than ten years, you could do no greater service in a sanitary point of view than by securing the passage of the act of June 2, 1879, in the very words, as a substitute for the bill now under consideration.

I doubt if a single member of the present board would remain, but I am sure that the theory of a board as now organized is the surest means of securing successful coöperation. I trust you will secure the coöperation of your ablest colleagues, and that you may be able to pass the substitute suggested.

I have written hastily and on the impulse of the moment, without consultation, my own personal views. I do not speak for anyone else or wish to be considered as speaking officially. I only direct your attention to the public records in, as I believe to be, the best interests of the country. I do not care to have my name known or appear in the matter.

The points I give will enable you and your colleagues to understand the matter fully if you have opportunity to look them up.

Hon. AMOS CUMMINGS, M. C.,
Washington, D. C.

During the reading of the foregoing letter, the time of Mr. CUMMINGS having expired, by unanimous consent it was extended five minutes.

Mr. CUMMINGS. Now, Mr. Chairman, with this light thrown full upon this bill, I withdraw my motion to strike out the third section.

The Clerk read as follows:

SEC. 5. That the Secretary of the Treasury shall from time to time issue to the consular officers of the United States and to the medical officers serving at any foreign port, and otherwise make publicly known, the rules and regulations made by him, to be used and complied with by vessels in foreign ports for securing the best sanitary condition of such vessels, their cargoes, passengers, and crew, before their departure for any port in the United States, and in the course of the voyage; and all such other rules and regulations as shall be observed in the inspection of the same on the arrival thereof at any quarantine station at the port of destination, and for the disinfection and isolation of the same, and the treatment of cargo and persons on board, so as to prevent the introduction of cholera, yellow fever, or other contagious or infectious diseases; and it shall not be lawful for any vessel to enter said port to discharge its cargo, or land its passengers, except upon the certificate of the health officer at such quarantine station certifying that said rules and regulations have in all respects been observed and complied with, as well on his part as on the part of the said vessel and its master, in respect to the same and to its cargo, passengers, and crew; and the master of every such vessel shall produce and deliver to the collector of customs at said port of entry, together with the other papers of the vessel, the said bills of health required to be obtained at the port of departure and the certificate herein required to be obtained from the health officer at the port of entry; and that the bills of health herein prescribed shall be considered as part of the ship's papers, and when duly certified to by the proper consular or other officer of the United States, over his official signature and seal, shall be accepted as evidence of the statements therein contained in any court of the United States.

Mr. COMPTON. Mr. Chairman, I move to strike out the last word. I simply desire that the House may have all the light possible on this subject, and I wish to call the attention of the committee to an extract from a speech delivered by Dr. Holt in New Orleans, who, I believe, is regarded as one of the most distinguished and competent experts on this question in the country. It bears upon the point made and the statement so strongly presented by the gentleman from New York [Mr. CUMMINGS]. Dr. Holt, in a speech delivered in the city of New Orleans a few days ago, used these words:

The attempt now being made through the Harris bill in the Senate is merely a transferrence of all the leading features together with the mixed responsibility of the former National Board of Health, confiding this multiple and enormous trust to one man, the Surgeon-General of the United States Marine Hospital Service.

As a result of its enactment, if successful, we will have the detailing of strangers to render the hypothetical aid in coöperating with State and local authorities with such scenes of discord and excitement as we witnessed here during the régime of the National Board of Health, and as we remember, in Florida, during the yellow fever of 1888, between the State and United States Marine Hospital service officials, and in New York last fall in the interchange of such compliments and rejoinders as "He has lied" between the State quarantine officers and the agent of the United States Marine Hospital.

I am against the mongrel institution.

The informal amendment was withdrawn.

Mr. COVERT. Mr. Chairman, I offer the amendment I send to the desk.

The Clerk read as follows:

At the end of section 6 insert:

"*Provided, however*, That nothing herein contained shall be construed to authorize the establishment or maintenance of any quarantine station at any locality where properly constituted local authority, having jurisdiction in the matter, shall officially determine such action or proposed action to be dangerous to the lives or safety of the people of such locality."

Mr. COVERT. The history of the world has demonstrated the fact that in times of great excitement, arising from the presence or expected presence of infectious diseases, very often "judgment has flown to brutish beasts and men have lost their reason."

I submit that the very genius of quarantine is isolation, perfect and entire isolation. Constituted authority in seasons of excitement does not always recognize this. Only a few years ago, during the prevalence of excitement over the presence or approach of disease, the Government established a quarantine station on Staten Island in the midst of a thickly populated community. What was the result? An outraged people under the cover of darkness razed the buildings to the ground. If ever men were justified in an action of this character it seems to me this action on the part of this people had as its justification the defense of home and family against the imminent danger of deadly disease.

Only last summer a citizen of the State of New York, the governor of the State, made a private purchase of Fire Island, located within the jurisdiction of Suffolk County, in my district, a popular summer resort, paid a heavy price for it, and an effort is now being made, through the action of the New York Legislature, to make over this purchase to the people of the State of New York and to constitute Fire Island for all time to come a quarantine station.

Against this, Mr. Chairman, voicing the sentiment of the people I represent, giving expression as it seems to me to the instincts of common humanity, I protest, I earnestly protest, against the establishment of this quarantine station in the midst of a populous locality which renders the people subject to the dangers of infection.

Mr. RAYNER. Has the Government of the United States the right to take charge of Fire Island without the consent of the Legislature of the State of New York?

Mr. COVERT. I say to the gentleman from Maryland that as I construe the terms of this bill the Government of the United States has the right to designate any quarantine station located in a State and establish it as the site of the Federal quarantine station.

Mr. RAYNER. Let me say to the gentleman from New York that there is a constitutional provision on that point that the Government of the United States has no right to take possession of any part of the territory of any State for the erection of forts, docks, arsenals, quarantine stations, or anything else without the consent of the State. That is Article VIII of the Constitution; unless it can be done by the process of condemnation.

Mr. COVERT. The very fact, Mr. Chairman, that there are differences of construction between my friend from Maryland and myself, raises the suspicion that there will be danger of the construction to be given to this bill and its terms by others. And if it be true, as my friend asserts, that there can be no longer doubt as to the proper construction of this measure, certainly there can be no danger in the adoption of the amendment.

Mr. BROSIUS. Mr. Chairman, a word in reply.

It seems to me, sir, and I ask the attention of the House for a moment, that every effort is being made to deprive the bill before the House of every feature and semblance of a Federal quarantine measure.

Let us examine the matter calmly for a moment, and look at the bill in its details and what may be effected by it. If the government of Germany or Hungary or France or any other government on the face of the earth should commit an outrage upon a citizen of the United States anywhere, a million swords would leap from their scabbards, our war ships would plow the seas with their guns shotted to the muzzle, if necessary, to avenge the wrong.

But when Germany or Hungary or Italy or France or any other nation sends hither in the reeking rags of the immigrant steerage a dangerous pestilence or plague, with death and desolation upon its wings, the Government of the United States is to sit down and hang its head in shame and humiliating helplessness and say to inferior jurisdictions of State or city, "By your leave New York city, by your gracious and condescending permission Tammany Hall," the great Government of the United States will lend a hand in the protection of its own people from this invading and destroying pestilence.

Mr. Chairman, let me say that the Federal Government has long enough occupied this attitude of humiliating subordination to inferior jurisdictions, and this House ought not to suffer it to continue any longer in that situation; and if it does, it is not at all unlikely that within the compass of a year this nation may repent in sackcloth and ashes its pusillanimous course of inaction.

I am therefore opposed to the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. COVERT].

Mr. COCKRAN. May I ask to have that amendment read? I thought I understood it before the last speech; but now I ask to have it read. [Laughter.]

The amendment was again read.

Mr. BACON. I move to strike out the last word. It seems to me that this amendment is altogether too broad, and that it thrusts into this House a controversy which was settled within the State of New York last summer to the satisfaction of the majority of its citizens.

When the cholera was brought into the port of New York last summer and threatened the whole country, we found ourselves unprovided with any sufficient quarantine ground. The governor of the State of New York patriotically stepped in and purchased Fire Island, and provided it as a quarantine station. This island is off the south shore of Long Island, and is a strip of sand upon which nobody lives, so far as I know, except the light-house keeper and the people who were in an old hotel there. Whether that was a proper thing to do or not, was a question which was widely discussed in the State of New York. The local authorities of Suffolk County, and of that neighborhood, undertook to prevent the use of that island for quarantine purposes; through the rest of the State the action of the governor received universal and hearty praise and approval. The power of the State was invoked to settle that question, and did settle it.

It seems to me that this amendment reopens it in this House and reopens it improperly. I am opposed to any interference of the sort, and I am opposed to making this bill seem to authorize the Government of the United States to interfere and interrupt the course of a procedure upon the part of the State authorities, which has met with public approbation there, and which has excited no animosity anywhere except among a few people who reside upon the shore of Long Island, separated from Fire Island by about 10 miles of open water. Fire Island, the use of which is referred to for the purpose of illustration by my colleague [Mr. COVERT], and is in fact the occasion for the introduction of this amendment, is a strip of sand separated from Long Island by the Great South Bay, there being many miles of water between it and any human habitation, and is as isolated as any place fit for a quarantine station could well be. The effect of the amendment, as it seems to me, is to give the authorities of a single county in any State power to nullify the action of the Government of the United States and of the State of New York, in making the best possible selection of a quarantine station. I am opposed to the amendment, and I trust it will not prevail.

Mr. COVERT. Mr. Chairman, I desire to reply to my colleague [Mr. BACON]. It is true, as has been intimated by my colleague, that when the local authorities, having the power to deal with the question of the public health in the locality for which they had been chosen to office, took action expressing their disapproval of this danger of contagion being brought to their midst, the armed force of the State was called into requisition by the chief executive, quite unnecessarily, as was thought by a good many well-thinking people of the State of New York.

Now, I have yet to hear one word in reply to the suggestion I made a little while ago, that there is no reason under God's eternal, over-bending heaven why, if quarantine is established anywhere, it should not be established where there would be no danger of contagion, no danger of the spread of disease among the people of the locality where these pesthouses are sought to be established. The statement of my colleague [Mr. BACON] that Fire Island is completely isolated is not correct. Fire Island was in communication with the main land every day last summer.

Mr. BACON. By ferry.

Mr. COVERT. Yes; there was possible danger of the spread of disease then. There will be possible danger of the spread of contagion if this plan is carried out, and if the Legislature of the State of New York shall take the property that Governor Flower has purchased.

Mr. BACON. Will my colleague yield for a question now?

Mr. COVERT. Not now; my time is much too limited. Mr. Chairman, I submit again that quarantine does not consist in moving the danger line from one point to another simply for the sake of removal. Let the isolation of quarantine be perfect and complete. It can be made so, as we are told by scientists. Our own common sense tells us that it may. In the face of this admitted fact, why should this Congress needlessly endanger the lives and safety of entire communities by giving permission to the Federal authorities or to the authorities of any State or municipality to establish a quarantine station in the midst of a locality teeming with people, subject to all the dangers of infection?

The formal amendment was withdrawn.

The question being taken on the amendment of Mr. COVERT, the Chairman announced that the noes seemed to have it.

On a division (demanded by Mr. COVERT), there were—ayes 28, noes 98.

So the amendment was rejected.

Mr. CUMMINGS. Mr. Speaker, I desire to withdraw any imputation made intentionally or unintentionally by me upon the course of the gentleman from Maryland [Mr. RAYNER]. He tells me that he did promise me eight minutes of his time, but in the prevalent excitement he overlooked it when he moved that all debate be closed. I believe what he says, and exonerate him.

Now, Mr. Chairman, I want to say further that this bill, in my opinion, overrides all State laws. I was justified in objecting to its consideration. The gentleman from Maryland [Mr. RAYNER] did refer to me rather unctuously in his speech on Saturday—not only once, but twice or thrice—as being the gentleman who had interposed factious objection to the consideration of the bill. The rules bore me out in my action. Now, sir, I want to serve notice on this House that hereafter, whenever it is proposed to consider a bill which overrides State rights it will get no quarter from me. [Applause on the Democratic side, and derisive jeers on the Republican side.]

I intend hereafter, sir, to use every parliamentary means under the rules of the House to defeat such bills. The lines of State rights have been almost obliterated, in my opinion, by legislation on this floor. It is time that State right lines were reëstablished, and I intend to give my little quota of effort toward reestablishing them. [Renewed applause on the Democratic side.]

Mr. BROSIUS. Mr. Chairman, I offer an amendment to come in after section 6.

The Clerk read as follows:

That when in the judgment of the Secretary of the Treasury it shall be necessary to an effective quarantine service to provide buildings and appliances for the disinfection of vessels, their passengers and cargoes, at such ports or places within the United States as have no quarantine regulations under State or municipal authority, or having such they are, in the judgment of the Secretary of the Treasury, insufficient for adequate protection, he is hereby authorized to provide such buildings and appliances, and when necessary to acquire a site or to enlarge one already acquired for quarantine purposes, he is hereby authorized and empowered to select and acquire title to the same, in accordance with existing laws governing the selection and purchase of sites for federal buildings and the rules and regulations of the Treasury Department thereunder; and that when, in his judgment, it will be advantageous to the Government, he is authorized to effect, when practicable, an arrangement with the authorities of any State having a local quarantine station established, by which the title and control of said station shall be acquired by the United States.

Mr. BROSIUS. Mr. Chairman, I would like to direct the attention of the House to the fact that there seems to be in the bill before us no express authority to purchase any ground for the purpose of erecting buildings, hospitals, or any other appliances necessary to an effective quarantine service. I have studied the bill with some care to see whether I could discover any authority conferred by implication for that purpose and I have failed to discover any; and it therefore results that the passage of this bill in its present shape confers upon the Federal Government no power or authority to acquire title to one foot of ground or to erect any buildings for hospital purposes or for disinfecting purposes at any place.

Now, an effective quarantine plant involves, as everybody knows, buildings for the purposes of hospitals, for nursing infected patients, and for disinfecting cargoes, merchandise, and passengers; and while the bill refers to regulations, and makes provision for regulations, it seems to provide none of those material subjects to which the regulations refer.

I propose in the amendment to make another provision—for transferring from time to time, as need requires, the local quarantine plants to Federal ownership and Federal control, thus conforming in an easy and regular way to that progressive feeling that is developing in the United States very rapidly, that the Federal Government and not the State government should exercise exclusive control over the important subject of our quarantine service.

These two provisions meet this requirement of the situation; and without them, as I have observed, the Federal Government has no authority to buy one foot of ground or to erect one building to carry out the purposes of Federal quarantine.

The question was taken on the adoption of the amendment of Mr. BROSIUS, and the chairman announced that the noes seemed to have it.

Mr. BROSIUS. Division.

The committee divided; and there were—ayes 46, noes 52.

So the amendment was rejected.

Mr. BROSIUS. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

After section 6, insert the following:

That for the security of the people of the United States against the introduction of the Asiatic cholera, pending the establishment of the Federal system of quarantine provided for in this act, all immigration from European and Asiatic countries shall be suspended for the term of one year from the passage of this act. And during such suspension it shall not be lawful for any immigrant from said countries or any of them to enter the United States from any foreign port or place.

Mr. BROSIUS. Mr. Chairman, I do not wish to trespass upon the patience of the House by any remarks in support of this amendment. If the members of the House are not sufficiently sensible of the importance of this provision under existing circumstances, and, in view of the approaching World's Fair, which can not possibly be a success if the people of the United States are in the state of terror and disquietude which will necessarily exist if pestilence or plague should visit our shores during its continuancy, then no argument that I can make would demonstrate that proposition. I desire to have the sense of the House on the amendment.

At the request of Mr. COCKRAN the amendment was again read.

Mr. COCKRAN. Is that a substitute for section 7?

The CHAIRMAN. It is offered as an amendment to the section.

The question was taken on the amendment, and the Chairman declared that the noes seemed to have it.

Mr. BROSIUS. I ask for a division.

The committee divided; and there were—ayes 27, noes 79; so the amendment was rejected.

Mr. BROSIUS. Mr. Chairman, I offer the amendment which I send to the desk.

The amendment was read, as follows:

Add after section 7: "That there shall be, and hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $1,000,000, to be expended, or so much of the same as may be necessary, from time to time, under the direction of the President and according to his discretion, to meet emergencies arising in the execution of the provisions of this act."

Mr. BROSIUS. Mr. Chairman, I desire to suggest to the House the impossibility of carrying out the provisions of this law and making an effective quarantine service at any port or any place in the United States without some money, and this bill carries no appropriation. It seems to me that the amount named in my amendment, or some other amount, ought to be appropriated for the purpose of giving effect to the provisions of the bill.

Mr. DINGLEY. I will say to my friend that that difficulty can be obviated entirely in this way: This bill having passed, an appropriation can be put into the sundry civil bill when it is before the House.

Mr. BROSIUS. That is very true, and I have had that in mind; but at the same time I desire the sense of the House upon this amendment.

The question was taken, and the amendment was rejected.

Mr. CRAIN. Mr. Chairman, I move to amend by inserting, in line 3, after the word "fever," these words, "or other contagious or infectious disease." I offer this amendment so that the provisions of the bill may not be limited to cholera or yellow fever. There are other objectionable contagious or infectious diseases—small-pox for example.

Mr. RAYNER. I think that amendment is right.

The amendment was adopted.

Section 8 was read and adopted.

Mr. MALLORY. Mr. Chairman, I offer the amendment which I send to the desk.

The amendment was read, as follows:

Add the following as section 9:

"SEC. 9. That whenever the proper authorities in any State, county, or municipality shall surrender to the United States the use of buildings, structures, appliances, or disinfecting apparatus at quarantine stations at which such authority has possession, the Secretary of the Treasury is hereby authorized to receive the same and to pay reasonable compensation to the owners thereof for their use.

Mr. RAYNER. I will not make any objection to that.

Mr. BROSIUS. I would like to ask the gentleman from Florida who offers this amendment whether he would object to modifying it so as to include the acquiring of title and control of local quarantine appliances by arrangement between the Federal and the State authorities.

Mr. MALLORY. I prefer to let the amendment stand in its present shape, and not to complicate it with any other question.

Mr. BROSIUS. The amendment as it is now worded contemplates merely acquiring the use. Would it not be better to acquire control and title if necessary, and if satisfactory to both parties?

Mr. MALLORY. In some instances I think that would require the action of State Legislatures and would therefore take too much time.

The amendment was adopted.

Mr. ANTONY. Mr. Chairman, I offer the amendment which I send to the desk.

The amendment was read, as follows:

Amend by adding after section 8 the following:

"SEC. 9. That this act shall not take effect until January 1 A. D. 2000."

[Laughter.]

Mr. ANTONY. I offer that amendment because I think the bill ought to take effect in the year 2000, the date from which Edward Bellamy "looked backward," as it is strictly in accordance with his theory of government. [Laughter.]

The amendment was rejected.

The CHAIRMAN. The bill itself being an amendment, the question now is on agreeing to the amendment as amended.

Mr. PATTERSON of Tennessee. Mr. Chairman, I understand that this is a motion to report the bill as amended to the House.

The CHAIRMAN. No; before that question can be put the bill itself must be voted upon as an amendment.

Mr. CHIPMAN. What bill is it, Mr. Chairman?

The CHAIRMAN. The one which this committee has been considering during the whole of this legislative day.

Mr. BOUTELLE. I find that a number of gentlemen still misunderstand the exact posture of the question. I hope the Chair will again state it.

The CHAIRMAN. The proposition which the Committee of the Whole has been considering was reported as an amendment to the original bill; it was a proposition to strike out all after the enacting clause and insert a new measure. To that amendment certain amendments have been offered during the whole of this legislative day. The Committee of the Whole has now finished the consideration of the measure offered as an amendment, and of all amendments thereto. The question is now on agreeing to the bill as amended. That is the question upon which the Committee of the Whole is to vote.

Mr. DINGLEY. Before that question is taken I desire to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. DINGLEY. Suppose that this substitute as amended should be adopted and reported to the House, will there then be an opportunity to have a separate vote on any of the amendments to the substitute?

The CHAIRMAN. No; the proposition would come before the House as a single amendment.

Mr. DINGLEY. That is what I was afraid of.

Mr. BOUTELLE. I give notice that I shall demand a separate vote——

Mr. DINGLEY. You can not do it.

Mr. BOUTELLE. Then I hope we shall vote down the present motion.

The CHAIRMAN. The question just propounded by the gentleman from Maine [Mr. DINGLEY] might more properly be submitted to the Speaker when the matter comes before the House; and the Chair of course leaves the question for his decision.

The question being taken on the motion of Mr. RAYNER, it was agreed to, there being—ayes 95, noes 31.

Mr. RAYNER. I move that the committee rise and report the bill as amended to the House.

Mr. TURPIN. Pending that I desire to state, as I have been out of the House for a moment, that I have an amendment which I desire to offer as an additional section. I do not think it will be objected to on either side.

The CHAIRMAN. It is not in order to offer an amendment at this time.

Mr. TURPIN. Then I ask unanimous consent. [Cries of "Regular order!"

Mr. TURPIN. I think there will be no objection to the amendment if it be read.

The CHAIRMAN. The regular order is demanded.

Mr. TURPIN. Let the amendment be read, subject to objection.

The CHAIRMAN. The regular order is demanded. The question is on the motion of the gentleman from Maryland, that the committee rise and report the bill as amended to the House.

The question being taken, there were on a division (called for by Mr. ANTONY)—ayes 111, noes 34.

So the motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. OUTHWAITE reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. 9757) to provide for the better protection of commerce and for the general welfare by the establishment of a national quarantine, etc., and had directed him to report back the same with an amendment.

Mr. RAYNER. I would like to have a moment, with the consent of the House, to make an explanation as to the parliamentary status of this bill. I propose to make a motion now (and I can only do it by unanimous consent) that Senate bill No. 2707, which is upon the Speaker's table, be substituted for the bill which has just been adopted in Committee of the Whole; and then I propose that the provisions of the House bill as agreed to in Committee of the Whole be substituted for the provisions of the Senate bill. It is necessary to do this in order that we may have a conference with the Senate on this question. Otherwise our bill will go the Senate, the Senate bill remaining here on our table; and in that position of the case there can be no conference.

The only way to reach a conference is to substitute the Senate bill for the House bill; and if that be agreed to I will move that the provisions of the bill as just adopted in Committee of the Whole be substituted for those of the Senate bill. The measure will then be in a position to go to a conference. I ask unanimous consent for the purpose I have stated.

Mr. BOUTELLE. I wish it understood that unanimous consent must be contingent upon permission to have a separate vote upon the amendment of which I have already given notice.

Mr. RAYNER. I understand that.

Mr. BURROWS. There can not be any objection to the arrangement proposed.

Mr. HOOKER of Mississippi. The gentleman from Maryland yields to me for a moment. I understand that the object of the gentleman is to substitute——

Mr. TURPIN. I will object to the request for unanimous consent, unless I be allowed an opportunity to offer my amendment.

The SPEAKER. The previous question has not been ordered; the gentleman from Maryland [Mr. RAYNER] has the floor, in his own right, and has yielded to the gentleman from Mississippi, as the Chair understands.

Mr. HOOKER of Mississippi. The gentleman from Maryland proposes, as I understand, to ask unanimous consent to substitute the Senate bill for the House bill and then to amend the Senate bill by substituting the bill agreed upon in Committee of the Whole, the object being, as he states, to refer the whole question to a committee of conference.

Now, Mr. Speaker, I think that is a very bad method of legislation. It takes from the body of this House the opportunity to determine what it wants to do in regard to a bill and refers the whole matter to a committee of conference composed of three Senators and three Representatives; and when the matter comes back to us it comes back with a report from the chairman of the Senate committee and a report from the chairman of the House committee, and in nine cases out of ten, if there are many amendments, although there may be serious difference of opinion, the question is voted upon without a proper understanding of the purpose to be accomplished.

Besides, under the rules, the report of a committee of conference is not amendable. It may be referred back to the committee with instructions on the part of the House or the Senate to insist on a particular amendment, but the report must be voted upon as a whole. Therefore the course proposed by the gentleman from Maryland is calculated to restrict the free action of the House upon this question.

Mr. RAYNER. Under the gentleman's proposition our bill, when it goes to the Senate, will go upon the Calendar and may never be reached; under my proposition the bill when it goes there will be sent to conference, and the bill before the conference committee will be indentical in its provisions with the bill to which the Committee of the Whole has agreed. The only way to get the question properly before the Senate so that it may go to conference is to substitute the Senate bill for the House bill; there is no other method of parliamentary procedure by which the matter can get into conference. If the view of the gentleman from Mississippi [Mr. HOOKER] be adopted our bill will be sent to the Calendar of the Senate with very little chance of its being reached.

Mr. HOOKER of Mississippi. Oh, the Senate has plenty of time and can pass any bill that it is disposed to pass.

Mr. RAYNER. The Senate has not plenty of time, and unless we adopt the course suggested by me the measure may fail. I ask unanimous consent for the substitution of Senate bill No. 2707 for the House bill just adopted in Committee of the Whole.

Mr. ANTONY. I object.

Mr. TURPIN. I rise to a parliamentary inquiry. I wish to know whether I shall have an opportunity to offer an amendment as an additional section.

The SPEAKER. That depends upon whether the previous question is ordered.

Mr. TURPIN. I ask unanimous consent that my amendment be now read.

Mr. RAYNER. I think I can give you a moment's time. If you will give way a moment I will let you get in your amendment. Mr. Speaker, is there objection to my amendment?

Mr. TURPIN. I give way with that understanding.

The SPEAKER. Objection has been made by the gentleman of Texas [Mr. ANTONY].

Mr. RAYNER. I move that the bill which I now send to the Clerk's desk be substituted for the bill just adopted in Committee of the Whole. This is the Senate bill; and if this proposition be agreed to I am going to move to substitute for the provisions of the Senate bill those of the House bill as already agreed to.

The SPEAKER. The Chair will state the position of the question. The Committee on Interstate and Foreign Commerce reported back to the House a bill which had been introduced by the gentleman from Maryland, with the recommendation that all after the enacting clause be stricken out and that an amendment reported by the committee be substituted. This bill, with the amendment of the committee, was referred to the Committee of the Whole on the state of the Union, which has just reported it back with a recommendation that all after the enacting clause be stricken out and another proposition be inserted. That is the status of the bill now before the House. What is now the proposition of the gentleman from Maryland?

Mr. RAYNER. I propose to substitute a bill which is not only germane but which is almost identical in its terms—the Senate bill upon the same subject. If this proposition be agreed to, then I propose to substitute for the Senate bill the provisions of the House bill as adopted in Committee of the Whole.

Mr. CRAIN. I make the point of order that we can not do that.

The SPEAKER. The Chair thinks that any amendment which the gentleman from Maryland may think proper to offer to the bill as reported from the Committee of the Whole would be in order.

Mr. RAYNER. I offer the bill which I have sent to the Clerk's desk as an amendment to the bill now before the House.

Mr. REED. In the nature of a substitute?

Mr. BRECKINRIDGE of Kentucky. I rise to a point of order. As I understand, the Committee of the Whole has adopted certain amendments to the bill as reported by the Committee on Interstate and Foreign Commerce. Now, the text of this bill must be perfected by the House by the adoption or rejection of the amendments reported before the substitute can be offered.

The SPEAKER. Will the gentleman again state his point?

Mr. BRECKINRIDGE of Kentucky. There is now before the House a bill which has been considered in Committee of the Whole and to which important amendments have been recommended by that committee. I submit that before a substitute can be offered those amendments must be acted on, so that the text of the original proposition may be perfected.

The SPEAKER. Under the general practice of the House all amendments reported by a committee are usually disposed of before amendments offered in any other way are considered. The amendments recommended by the Committee of the Whole stand in the same position as amendments which might be recommended by any other committee.

Mr. REED. But an amendment to an amendment proposed by the Committee of the Whole must be permissible in the House, and the gentleman from Maryland proposes to substitute for the action of the Committee of the Whole an amendment in the nature of a substitute.

Mr. CRAIN. But you can not present a substitute for a substitute.

The SPEAKER. There is some confusion in the terms. The Committee on Interstate and Foreign Commerce did not report a substitute, but an amendment, and expressly so stated. They recommended that all after the enacting clause of what is known as the Rayner bill be stricken out and that something be inserted in its stead. Of course if the committee had reported an amendment in lieu of the Rayner bill this present situation could have been avoided. But they reported an amendment. Now, the Committee of the Whole have reported back that bill with the recommendation that the following amendment be agreed to: striking out all after the enacting clause and inserting the action taken by the committee.

Mr. REED. And the gentleman from Maryland now moves an amendment to that amendment in the nature of a substitute, on the recommendation of the committee.

The SPEAKER. The gentleman moves to substitute something on the recommendation of the committee.

Mr. REED. Which makes it an amendment in the second degree.

Mr. CRAIN. But before that the amendments of the committee must be acted upon.

The SPEAKER. There is but one amendment from the Committee of the Whole.

Mr. OUTHWAITE. Mr. Speaker, I rise to a parliamentary inquiry. Suppose the motion of the gentleman from Maryland should prevail, and then he moves to substitute the amendment he has reported from the committee, will the measure then not be in just the same position as if he made none of these motions?

The SPEAKER. The Chair will state to the gentleman from Ohio and the gentleman from Maryland that there is no way except by unanimous consent—the Senate bill being on the table——

Mr. CRAIN. To which we object.

The SPEAKER (continuing). For the gentleman to get action on the Senate bill. He may pass a bill identical in terms with the Senate bill.

Mr. REED. And that is precisely what the gentleman is now doing. He has abandoned his idea of passing the Senate bill, technically as a Senate bill and offers the same words in an amendment in the second degree. That does not change the status of the House bill. The House bill then, if we adopt the identical language of the Senate bill, will go to the Senate as a House bill and must receive anew the action of the Senate.

Mr. MCMILLIN. Mr. Speaker, for the purpose of keeping the record clear, I would suggest that the proposition before the House, now proposed to be amended by the Committee of the Whole, is in itself an amendment. Therefore we have an amendment now pending to the original bill, which was sent to the committee and reported back to the House. Then the Committee of the Whole proposed an amendment thereto, and now, if the gentleman's proposition prevails, we will have an amendment in the third degree.

Mr. CRAIN. And a substitute for a substitute proposed by the committee.

Mr. MCMILLIN. I think as it stands now there are as many amendments existing as are admissible under the rules. Two amendments have been already proposed.

The SPEAKER. As the Chair understands there is but one pending.

Mr. MCMILLIN. Then I was misinformed. I understood that the recommendation of the committee was to strike out all after the enacting clause; and another amendment was a recommendation by the Committee of the Whole to insert something else. So we would have an amendment pending which is to strike out all after the enacting clause, and an amendment to that, and now it has been further proposed to amend that amendment.

The SPEAKER. The Chair will state to the gentleman that what took place in committee as to the amendment to the amendment is not a matter for consideration in the House. That committee reported back to the House and they recommend that the bill pass with this amendment.

Mr. REED. And that disposes of the committee amendment.

Mr. MCMILLIN. If the proposition of the gentleman from Maryland can be accomplished—I mean if the substitution can be made which the gentleman suggests—that provision of the rules which requires a bill requiring an appropriation, or making one, to have its first consideration in Committee of the Whole, is abrogated. You obviate that by going on and considering a bill in committee which does not so require, report it back to the House, and substitute for it in the House one that makes an appropriation and which, under the rules, must have its first consideration in Committee of the Whole.

Mr. REED. Mr. Speaker, that recalls a very famous scene in this House in which an entire tariff bill was modified after consideration in Committee of the Whole. Mr. DAWES, then chairman of the Committee on Ways and Means, upon bringing the bill into the House, proposed a substitute be adopted for the recommendation of the Committee of the Whole; and that substitute passed and finally became law.

Mr. CRAIN. In the House?

Mr. REED. Passed in the House.

Mr. CRAIN. Was it not in the Senate?

Mr. REED. Mr. DAWES was then chairman of the Committee on Ways and Means. They have no Committee on Ways and Means in the Senate.

The SPEAKER. It seems to the Chair that where the Committee of the Whole, as the Chair understands it has in this case, has reported back a bill with the recommendation that it do pass, with an amendment, that it is competent to amend that amendment. Of course, if the amendment offered were of such a character that it must have its consideration in Committee of the Whole——

Mr. MCMILLIN. That is the point.

The SPEAKER. That point might be made upon its consideration——

Mr. MCMILLIN. That is the point I made.

The SPEAKER. But not on the right to offer it.

Mr. RAYNER. Mr. Speaker, I desire to say that I intend to move to strike out the provision making an appropriation.

Mr. MCMILLIN. If I understand the gentleman from Maryland now, he proposes to embrace in his motion a motion to strike out and insert a bill which carries an appropriation. Now, the point which I made, and which the Chair has suggested, would probably stand in the way of the gentleman; so that he could not do indirectly that which could not be done directly, which is to pass a bill carrying an appropriation without consideration in Committee of the Whole.

Mr. RAYNER. Mr. Speaker——

Mr. COCKRAN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. COCKRAN. I desire the attention of the gentleman from Maryland [Mr. RAYNER] for a moment.

Mr. RAYNER. If I can hear the gentleman I will give it to him.

Mr. COCKRAN. I am not at my best yet, but I will take care that the gentleman hears me. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. COCKRAN. What would be the status of the bill if this motion be adopted? If the motion of the gentleman from Maryland be adopted, does that exhaust his power of amendment, or would he then have the power, after its adoption, to move the substitution of the bill considered in the Committee of the Whole?

Mr. CRAIN. No.

Mr. COCKRAN. I want to facilitate the passage of the bill as it comes from the Committee of the Whole, and I do not want to do anything that may close the door.

Mr. RAYNER. I ask the Speaker to rule on the motion, and if he says that I can not do that I will withdraw my motion.

The SPEAKER. What was the point of the gentleman?

Mr. COCKRAN. The point is this, Mr. Speaker: Assuming that this motion that is now pending should be declared in order, will that exhaust the power of the gentleman from Maryland to move an amendment, or would he have power, in the event of its adoption, to move to substitute the bill considered in the Committee of the Whole?

The SPEAKER. Until the previous question is ordered the matter is open to amendment. Only a certain number of amendments could be pending at the same time, but as disposed of from time to time by voting them up or down, further amendments could be in order.

Mr. COCKRAN. Then I understand if this substitute be adopted now it will still be competent for the gentleman from Maryland to move to substitute for the bill so substituted the bill considered in the Committee of the Whole?

Mr. REED. No; because that is an amendment for which the Senate bill is to be substituted by this identical motion.

Mr. COCKRAN. Now, that is where the learned doctors differ and neophites like myself are confounded.

The SPEAKER. The Chair would prefer to pass on questions as they arise. What is the motion of the gentleman from Maryland?

Mr. RAYNER. I rise to a parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. RAYNER. I desire to know from the Chair if the motion should prevail to substitute the text of the bill, with section 8 stricken from it, whether I could afterwards offer a motion to substitute for that the bill which has passed the Committee of the Whole, because if I can not, I will withdraw the motion to substitute the Senate bill. But if I can do that, I will insist upon the motion; and I respectfully ask the Chair to rule if I would have the right to do that?

The SPEAKER. The Chair does not exactly catch the point.

Mr. RAYNER. If the motion should prevail to substitute the text of the bill that I sent to the Speaker's desk, which is virtually the Senate bill, and afterwards I should move to substitute in its place the bill which has passed the Committee of the Whole with its amendment, would that be in order?

Mr. CRAIN. That is a substitute for a substitute.

Mr. HOOKER of Mississippi. Before the Speaker rules on that point I desire to make a single suggestion.

The SPEAKER. The gentleman will state it.

Mr. HOOKER of Mississippi. If the proposition made by the gentleman from Maryland be adopted——

The SPEAKER. The gentleman from Mississippi will suspend for a moment. The Chair can not understand the points gentlemen make on the floor on account of the confusion.

Mr. RAYNER. Mr. Speaker, I withdraw the motion, and I now call the previous question on the amendments and the bill to its engrossment and third reading.

Mr. TURPIN. Mr. Speaker, I understood from the gentleman from Maryland that I was to have an opportunity to at least have my amendment read.

Mr. RAYNER. I do not object to that if the House does not.

The SPEAKER. If the demand for the previous question is withdrawn, the Chair will recognize the gentleman from Alabama.

Mr. RAYNER. I withdraw the demand for that purpose.

The amendment was read, as follows:

Add the following as an additional section:

"SEC. —. That whenever at the beginning of an epidemic of yellow fever in any city or town in any State or Territory of the United States the mayor or other constituted authority of such city or town applies to the Secretary of the Treasury for transportation for persons who have not been exposed to infection, but who by reason of poverty are unable to leave the neighborhood of infection, it shall be the duty of said Secretary, under such regulations and restrictions as he deems necessary to prevent the spread of yellow fever, to provide such transportation for such persons to such point as in his judgment they will be free from danger of infection or contagion."

Mr. TURPIN. Mr. Speaker, can I have an opportunity to say a word about this amendment?

Mr. RAYNER. Mr. Speaker, I yield to the gentleman two minutes for an explanation.

Mr. DINGLEY. Mr. Speaker, I rise to a parliamentary inquiry. Has this been offered as an amendment to the bill or simply read for information?

The SPEAKER. The Chair is trying to ascertain that. The gentleman from Maryland [Mr. RAYNER] yields to the gentleman from Alabama.

Mr. DINGLEY. But does he yield for any other purpose than debate?

Mr. RAYNER. I have yielded the gentleman from Alabama two minutes.

Mr. DINGLEY. For debate only?

Mr. RAYNER. Yes, sir.

Mr. BOUTELLE. But the gentleman from Alabama [Mr. TURPIN] has offered an amendment. Does the gentleman from Maryland yield to him for that purpose?

Mr. RAYNER. No; I yield to him for the purpose of explaining his amendment.

Mr. BOUTELLE. But you have got either to let this amendment in or keep it out.

Mr. RAYNER. Well, we will keep it out.

Mr. DINGLEY. Will the gentleman from Maryland let us know whether he yields to the gentleman from Alabama for the purpose of offering this amendment?

Mr. RAYNER. I do not.

Mr. TURPIN. But the gentleman has already yielded.

Mr. BLAND. Mr. Speaker, I understood the gentleman from Maryland to yield only for the purpose of having the amendment read; not for the purpose of having it offered and pending.

The SPEAKER. But the gentleman from Maryland now yields again.

Mr. TURPIN. Mr. Speaker, the gentleman from Maryland can not take me off the floor. He has yielded me two minutes, and I have the floor.

The SPEAKER. The demand for the previous question being withdrawn, the gentleman from Alabama is recognized.

Mr. TURPIN. I simply want to state, Mr. Speaker, that there ought not to be any objection to this amendment, which is offered as an additional section to the bill. It provides for the prevention of the spread of yellow fever after it has once reached our shores. There is only one known way at this time to prevent the spread of yellow fever; that is, by depopulating the cities and towns and carrying the inhabitants to a certain altitude, I forget the exact height at this moment, but there are many places throughout the United States of such altitude that there is no danger of the spread of the disease. The amendment does not affect the bill in any particular; it simply authorizes the Secretary of the Treasury, upon the demand or the request of any mayor or other properly constituted officer of any town or city, to provide transportation for such persons as are unable, on account of poverty, to leave the city or town to avoid the disease.

Mr. DINGLEY. At the expense of the Government?

Mr. TURPIN. I hope, Mr. Speaker, there will be no objection to this amendment. I would have introduced the proposition as a separate bill long ago, only that I was assured by gentlemen on both sides, gentlemen in favor of this quarantine bill and gentlemen who were opposed to it, that there would be no objection to this amendment. This is the first and only amendment that I have offered to the bill and I trust that nobody will object.

Mr. DAVIS. But will not that very transportation spread the disease?

Mr. TURPIN. Not at all; I will inform the gentleman that persons who are financially able to leave a city or town always do so on the first news of a case of yellow fever being in their midst. The governors of North Carolina and West Virginia some years ago sent word to the States of Florida and Alabama that they would welcome with open arms not only the refugees, but even those who had the fever.

Mr. DAVIS. This bill comprehends yellow fever, cholera, and other infectious diseases.

Mr. TURPIN. But it makes no provision to prevent the spread of this disease. The bill makes provision, I admit, so far as the wisdom of this House has been able to do so, to prevent the introduction of yellow fever; but there is no provision in the bill to prevent the spread of the fever after it has been once landed in the United States. This disease is not indigenous to the United States. It always comes from abroad; and if we can

prevent the spread of it by depopulating the cities, which is the only way known——

Mr. DAVIS. Would not your amendment carry the smallpox to Leadville, Colo.?

Mr. TURPIN. It applies only to the yellow fever; and if the gentleman had listened to the reading of the amendment he would not have asked such a question. I call the previous question on the amendment.

Mr. RAYNER. I did not yield for the amendment.

The SPEAKER. The gentleman from Maryland [Mr. RAYNER] can not withdraw the demand for the previous question and then parcel out the floor at his pleasure.

Mr. RAYNER. I yielded in order that the amendment might be read and that the gentleman might have two minutes to explain it. I did not yield any further than that.

Mr. TURPIN. Mr. Speaker, I am entitled to an hour, am I not?

Mr. RAYNER. No, sir; you are entitled to two minutes, which you have occupied.

Mr. TURPIN. I was addressing the Chair—not the gentleman from Maryland.

The SPEAKER. The gentleman from Maryland states that he yielded to the gentleman from Alabama [Mr. TURPIN] only for the purpose of having the amendment read——

Mr. TURPIN. Then I will make another explanation——

Mr. RAYNER. I object.

Mr. TURPIN. The gentleman from Maryland said that he would not object to my amendment. I want no crawfish support—push one way and look the other. [Laughter.]

Mr. RAYNER. I demand the previous question.

The SPEAKER. The gentleman from Maryland [Mr. RAYNER] demands the previous question on the amendment and on the engrossment and third reading of the bill.

Mr. TURPIN. Am I not entitled to an hour, Mr. Speaker?

The SPEAKER. The gentleman is not. The gentleman from Maryland, being entitled to the floor, yielded two minutes to the gentleman from Alabama. The Chair has indulged the gentleman from Alabama beyond the two minutes.

Mr. TURPIN. I hope the House will indulge me so that I may state exactly what the gentleman from Maryland said to me.

Mr. BOUTELLE. Mr. Speaker, there has been considerable confusion here since the last motion was made. What amendment is pending?

The SPEAKER. The amendment reported from the Committee of the Whole.

Mr. BOUTELLE. Has the gentleman from Maryland withdrawn his proposed amendment to the amendment?

The SPEAKER. The Chair so understands.

Mr. BOUTELLE. Then I desire to have a separate vote on the amendment of which I have already given notice.

The SPEAKER. The question now is simply on the demand for the previous question.

Mr. BOUTELLE. If the previous question be ordered, will it interfere with my ability to obtain a recorded vote on the amendment offered by the gentleman from New York?

The SPEAKER. There is only one amendment pending, that reported from Committee of the Whole.

Mr. BOUTELLE. Does the Chair hold that all the amendments reported from the Committee of the Whole must be voted upon in a block; that the question can not be divided?

The SPEAKER. There is only one amendment reported from the Committee of the Whole, an amendment to strike out all after the enacting clause and insert another proposition.

Mr. BOUTELLE. Then the only possible way for me to obtain a vote on the amendment of which I gave notice will be to move at the proper time to recommit with an amendment. I give notice of that motion.

The SPEAKER. The gentleman from Maryland demands the previous question on the pending amendment and on the bill to its engrossment and third reading.

Mr. TURPIN. I hope that the previous question may be voted down, so that I may get in my amendment.

Mr. BOUTELLE. Will the ordering of the previous question cut off the right to move to recommit after the third reading of the bill?

The SPEAKER. It will not.

Mr. TURPIN. I rise to a parliamentary inquiry. If the previous question should be voted down, will I not then have an opportunity to have a vote upon my amendment?

The SPEAKER. If the previous question should be voted down amendments would be in order.

The question being taken on ordering the previous question, there were—ayes 114, noes 26.

Mr. ANTONY. No quorum.

Tellers were ordered; and Mr. ANTONY and Mr. RAYNER were appointed.

The House again divided; and the tellers reported—ayes 138, noes 29.

So the previous question was ordered.

Mr. REILLY. I desire to make a motion to recommit.

The SPEAKER. That is not in order at this stage. The previous question has simply been ordered on the amendment and on the bill to its engrossment and third reading.

Mr. BARWIG. Is it in order now to have the bill read as amended?

The SPEAKER. It is.

Mr. BARWIG. I think that had better be done, so as to give members an opportunity to vote intelligently.

The Clerk proceeded to read the amendment reported from the Committee of the Whole.

Mr. BARWIG. I withdraw the demand.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was adopted.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time.

The question recurred on the passage of the bill.

Mr. REILLY. Mr. Speaker, I move to recommit the bill with the instructions I send to the desk; and on that motion demand the previous question.

The SPEAKER. The Clerk will report the resolution of the gentleman from Pennsylvania.

The Clerk read as follows:

Ordered, That the bill (H. R. 9757) be recommitted to the Committee on Interstate and Foreign Commerce, with instructions to report to the House forthwith the following substitute therefor, namely:

"That it shall be unlawful for any merchant ship or other vessel from any foreign port or place to enter any port of the United States except in accordance with the provisions of this act and with such rules and regulations of State and municipal health authorities as may be made in pursuance of, or consistent with, this act; and any such vessel which shall enter, or attempt to enter, a port of the United States in violation thereof shall forfeit to the United States a sum, to be awarded in the discretion of the court, not exceeding $5,000, which shall be a lien upon said vessel, to be recovered by proceedings in the proper district court of the United States. In all such proceedings the United States district attorney for such district shall appear on behalf of the United States; and all such proceedings shall be conducted in accordance with the rules and laws governing cases of seizure of vessels for violation of the revenue laws of the United States.

SEC. 2. That any vessel at any foreign port clearing for any port or place in the United States shall be required to obtain from the consul, vice-consul, or other consular officer of the United States at the port of departure, or from the medical officer where such officer has been detailed or appointed by the President for that purpose, a bill of health, in duplicate, in the form prescribed by the Secretary of the Treasury, setting forth the sanitary history and condition of said vessel, and that it has in all respects complied with the rules and regulations in such cases prescribed for securing the best sanitary condition of the said vessel, its cargo, passengers, and crew; and said consular or medical officer is required, before granting such duplicate bill of health, to be satisfied that the matters and things therein stated are true; and for his services in that behalf he shall be entitled to demand and receive such fees as shall by lawful regulation be allowed, to be accounted for as is required in other cases.

"The President, in his discretion, is authorized to detail any medical officer of the Government or appoint any other medical man to serve in the office of the consul at any foreign port or ports during the prevalence of any dangerous, contagious, or infectious epidemic in such port or ports for the purpose of furnishing information and making the inspection and giving the bills of health hereinbefore mentioned. Any vessel clearing and sailing from any such port without such bill of health, and entering any port of the United States, shall forfeit to the United States not more than $5,000, the amount to be determined by the court, which shall be a lien on the same, to be recovered by proceedings in the proper district court of the United States. In all such proceedings the United States district attorney for such district shall appear on behalf of the United States; and all such proceedings shall be conducted in accordance with the rules and laws governing cases of seizure of vessels for violation of the revenue laws of the United States.

"SEC. 3. That the Supervising Surgeon-General of the Marine Hospital Service shall, immediately after this aat takes effect, examine the quarantine regulations of all State and municipal boards of health, and shall under the direction of the Secretary of the Treasury, coöperate with and aid State and municipal boards of health in the execution and enforcement of the rules and regulations of such boards and in the execution and enforcement of the rules and regulations made by the Secretary of the Treasury to prevent the introduction of contagious or infectious diseases into the United States from foreign countries, and into one State or Territory or the District of Columbia from another State or Territory or the District of Columbia; and all rules and regulations made by the Secretary of the Treasury shall operate uniformly and in no manner discriminate against any port or place; and at such ports and places within the United States as have no quarantine regulations under State or municipal authority, where such regulations are, in the opinion of the Secretary of the Treasury, necessary to prevent the introduction of contagious or infectious diseases into the United States from foreign countries, or into one State or Territory or the District of Columbia, from another State or Territory or the District of Columbia, and at such ports and places within the United States where quarantine regulations exist under the authority of the State or municipality which, in the opinion of the Secretary of the Treasury, are not sufficient to prevent the introduction of such diseases into the United States, or into one State or Territory or the District of Columbia from another State or Territory or the District of Columbia, the Secretary of the Treasury shall, if in his judgment it is necessary and proper, make such additional rules and regulations as are necessary to prevent the introduction of such diseases into the United States from foreign countries, or into one State or Territory or the District of Columbia or from another State or Territory or the District of Columbia, and when said rules and regulations have been made they shall be promulgated by the Secretary of the Treasury and enforced by the sanitary authorities of the States and municipalities, where the State or municipal authorities will undertake to execute and enforce them; but if the State or municipal authorities shall fail or refuse to enforce said rules and regulations the Presi-

dent shall execute and enforce the same and adopt such measures as in his judgment shall be necessary to prevent the introduction or spread of such diseases, and may detail or appoint officers for that purpose. The Secretary of the Treasury shall make such rules and regulations as are necessary to be observed by persons, shippers, and common or other carriers of persons or goods either at the port or place of departure or shipment for the United States of any persons or goods or on the journey, voyage, or transport to the United States of any persons or goods, or at any port or place at or from which in the opinion of the President contagious or infectious diseases exist, or there is danger that infected goods or persons are likely to enter the United States, to secure the best sanitary condition of such persons, goods, and any medium of transport thereof; which shall be published and communicated to and enforced by the consular offices of the United States. None of the penalties herein imposed shall attach to any vessel or owner or officer thereof until a copy of this act, with the rules and regulations made in pursuance thereof, has been posted up in the office of the consul or other consular officer of the United States for ten days, in the port from which said vessel sailed; and the certificate of such consul or consular officer over his official signature shall be competent evidence of such posting in any court of the United States.

"SEC. 4. That it shall be the duty of the Supervising Surgeon-General of the Marine Hospital Service, under the direction of the Secretary of the Treasury, to perform all the duties in respect to quarantine and quarantine regulations which are provided for by this act, and to obtain information of the sanitary condition of foreign ports and places from which contagious and infectious diseases are or may be imported into the United States, and to this end the consular officer of the United States at such ports and places as shall be designated by the Secretary of the Treasury shall make to the Secretary of the Treasury weekly reports of the sanitary condition of the ports and places at which they are respectively stationed, according to such forms as the Secretary of the Treasury shall prescribe; and the Secretary of the Treasury shall also obtain, through all sources accessible, including State and municipal and sanitary authorities throughout the United States, weekly reports of the sanitary condition of ports and places within the United States, and shall prepare, publish, and transmit to collectors of customs and to State and municipal health officers and other sanitarians weekly abstracts of the consular sanitary reports and other pertinent information received by him; and shall also, as far as he may be able, by means of the voluntary coöperation of State and municipal authorities, of public associations, and private persons, procure information relating to the climatic and other conditions affecting the public health, and shall make an annual report of his operations to Congress, with such recommendations as he may deem important to the public interests.

"SEC. 5. That the Secretary of the Treasury shall from time to time issue to the consular officers of the United States and to the medical officers serving at any foreign port, and otherwise make publicly known, the rules and regulations made by him, to be used and complied with by vessels in foreign ports, for securing the best sanitary condition of such vessels, their cargoes, passengers, and crew, before their departure for any port in the United States, and in the course of the voyage; and all such other rules and regulations as shall be observed in the inspection of the same on the arrival thereof at any quarantine station at the port of destination, and for the disinfection and isolation of the same, and the treatment of cargo and persons on board, so as to prevent the introduction of cholera, yellow fever, or other contagious or infectious disease; and it shall not be lawful for any vessel to enter said port to discharge its cargo, or land its passengers, except upon a certificate of the health officer at such quarantine station certifying that said rules and regulations have in all respects been observed and complied with, as well on his part as on the part of the said vessel and its master, in respect to the same and to its cargo, passengers, and crew; and the master of every such vessel shall produce and deliver to the collector of customs at said port of entry, together with the other papers of the vessel, the said bills of health required to be obtained at the port of departure and the certificate herein required to be obtained from the health officer at the port of entry; and that the bills of health herein prescribed shall be considered as part of the ship's papers, and when duly certified to by the proper consular or other officer of the United States, over his official signature and seal, shall be accepted as evidence of the statements therein contained in any court of the United States.

"SEC. 6. That on the arrival of an infected vessel at any port not provided with proper facilities for treatment of the same, the Secretary of the Treasury may remand said vessel, at its own expense, to the nearest national or other quarantine station where accommodations and appliances are provided for the necessary disinfection and treatment of the vessel, passengers, and cargo; and after treatment of any infected vessel at a national quarantine station, and after certificate shall have been given by the United States quarantine officer at said station that the vessel, cargo, and passengers are each and all free from infectious disease, or danger of conveying the same, said vessel shall be admitted to entry to any port of the United States named within the certificate. But at any ports where sufficient quarantine provision has been made by State or local authorities the Secretary of the Treasury may direct vessels bound for said ports to undergo quarantine at said State or local station.

"SEC. 7. That whenever it shall be shown to the satisfaction of the President that by reason of the existence of cholera or other infectious or contagious diseases in a foreign country there is serious danger of the introduction of the same into the United States, and that notwithstanding the quarantine defense this danger is so increased by the introduction of persons or property from such country that a suspension of the right to introduce the same is demanded in the interest of the public health, the President shall have power to prohibit, in whole or in part, the introduction of persons and property from such countries or places as he shall designate and for such period of time as he may deem necessaay.

"SEC. 8. There shall be, and hereby is, appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of one million dollars, to be expended, or so much of the same as may be necessary from time to time, under the direction of the President and according to his discretion, to meet emergencies arising in the execution of the provisions of this act.

"SEC. 9. That whenever the proper authorities of a State shall surrender to the United States the use of the buildings and disinfecting apparatus at a State quarantine station, the Secretary of the Treasury shall be authorized to receive them and to pay a reasonable compensation to the State for their use.

"SEC. 10. That the act entitled 'An act to prevent the introduction of infectious and contagious diseases into the United States, and to establish a National Board of Health,' approved March 3, 1879, be and the same is hereby repealed; and the Secretary of the Treasury is directed to obtain possession of any property, furniture, books, papers, or records belonging to the United States, which are not in the possession of an officer of the Treasury Department which were formerly in the use of the National Board of Health or any officer or employé thereof.

Mr. WISE. I would like to state that the committee is opposed to the adoption of this motion.

Mr. BURROWS. I object to debate.

Mr. REILLY. I demand the previous question on the motion to recommit with instructions.

The SPEAKER proceeded to submit the question.

Mr. REILLY. I ask unanimous consent simply——

The SPEAKER. The question is not debatable.

The question was taken; and on a division there were—ayes 89, noes 6.

So the previous question was ordered.

Mr. COCKRAN. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. COCKRAN. The substitute proposed by the gentleman from Pennsylvania [Mr. REILLY], on his motion to recommit with instructions to the Committee on Interstate and Foreign Commerce to report a certain substitute, carries an appropriation of $1,000,000. I want to know, under the parliamentary procedure, whether a point of order may now be made against the proposition, in view of the fact that the substitute has not been considered in the Committee of the Whole House on the state of the Union?

The SPEAKER. The Chair thinks that if any question of that character might be raised it would be after the bill was reported back to be considered. Whether it would be good then or not is another question.

Mr. BOUTELLE. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BOUTELLE. In the consideration of this bill there has been but one material point of difference over which I have raised or made any controversy, and in connection with which I gave notice in the committee that I should endeavor to obtain a record vote in the House. Since coming into the House I have repeatedly attempted, by resorting to every parliamentary method available to myself, to obtain such a vote. I gave notice that I would move to recommit the bill with instructions, but after having advertised that purpose once in the Committee of the Whole, and once in the House, the Chair recognized another gentleman to make an entirely different motion. Now, I ask, Mr. Speaker, if there is any way in which I can avail myself of any parliamentary privilege to be heard in the way I have suggested?

The SPEAKER. The Chair will state that he is not informed as to what took place in Committee of the Whole. The gentleman from Pennsylvania requested the Chair to recognize him to make a motion to recommit, and the Chair had no knowledge of the desire on the part of the gentleman to make such a motion.

Mr. BOUTELLE. I only desire, Mr. Speaker, to have it understood that the failure to obtain a direct vote upon the only proposition in dispute is not due to any lack of effort upon my part to obtain a hearing.

Mr. REILLY. I would like to say a word in reply to the gentleman from Maine [Mr. BOUTELLE] in justice to myself and in justice to the Speaker. I did not know that the gentleman from Maine had contemplated making any such motion until he stated it on the floor a short time ago, and when he stated it I replied, holding my resolution in my hand, that I had intended to make such a motion, and it was familiar to members all about the floor this morning that I did intend to make such a motion.

Mr. BOUTELLE. Of course I could not be advised of the private arrangement between the gentleman and the Speaker.

Mr. REILLY. There was no private arrangement. I stated it publicly to the gentleman from Maine, and I had the same right to make the motion that he or any other member had, and there was the same propriety in my making it.

Mr. COCKRAN. I call for the regular order.

Mr. REILLY. May I not be permitted to make a statement by the same courtesy that was extended to the gentleman from Maine [Mr. BOUTELLE]?

The SPEAKER. The regular order is demanded, which is equivalent to an objection. The Chair could not disregard that. The regular order is the vote on the motion of the gentleman from Pennsylvania [Mr. REILLY] to recommit, with the instructions just read.

The question being taken, the Speaker announced that the noes seemed to have it.

On a division (demanded by Mr. REILLY) there were—ayes 60, noes 80.

Mr. REILLY. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 99, nays 158, not voting 72; as follows:

YEAS—99.

Abbott,	Baker,	Broderick,	Busey,
Alexander,	Belknap,	Brosius,	Chipman,
Amerman,	Bingham,	Brunner,	Clover,
Andrew,	Boutelle,	Buchanan, Va.	Cogswell,
Atkinson,	Bowers,	Burrows,	Coolidge,

Covert,	Hitt,	Montgomery,	Stone, W. A.
Curtis,	Hooker, Miss.	O'Donnell,	Sweet.
Cutting,	Hooker, N. Y.	O'Ferrall,	Tarsney.
Dalzell,	Hopkins, Pa.	O'Neill, Pa.	Taylor, Ill.
Dingley,	Hopkins, Ill.	Otis,	Taylor, Tenn.
Dolliver,	Houk, Tenn.	Owens,	Taylor, E. B.
Edmunds,	Huff,	Payne,	Taylor, J. D.
Ellis,	Johnson, Ind.	Perkins,	Townsend.
Enochs,	Johnson, N. Dak.	Pickler,	Tucker,
Flick,	Jolley,	Powers,	Turpin,
Geary,	Kem,	Quackenbush,	Wadsworth,
Griswold,	Kribbs,	Ray,	Walker.
Grout,	Lawson, Va.	Reed,	Warner,
Halvorson,	Lewis,	Reilly,	Waugh,
Hamilton,	Lind,	Rusk,	Wever,
Hare,	Lodge,	Russell,	Wheeler, Mich.
Harmer,	Loud,	Scull,	Wilson, Wash.
Haugen,	Meredith,	Simpson,	Winn,
Henderson, Ill.	Miller,	Smith,	Wright.
Hilborn,	Milliken,	Stone, C. W.	

NAYS—158.

Alderson,	Crain,	Kilgore,	Price,
Allen,	Crawford,	Kyle,	Randall,
Antony,	Crosby,	Lagan,	Rayner,
Arnold,	Cummings,	Lane,	Reyburn,
Babbitt,	Daniell,	Lanham,	Richardson,
Bacon,	Davis,	Lapham,	Robertson, La.
Bailey,	De Armond,	Lawson, Ga.	Rockwell,
Bankhead,	De Forest,	Layton,	Sayers,
Barwig,	Dickerson,	Lester, Ga.	Seerley,
Beltzhoover,	Dockery,	Livingston,	Shell,
Bentley,	Donovan,	Lockwood,	Shively,
Blanchard,	Dunphy,	Long,	Sipe.
Bland,	Durborow,	Lynch,	Snodgrass,
Blount,	Elliott,	Mallory,	Snow,
Boatner,	English,	Mansur,	Sperry,
Bowman,	Enloe,	Martin,	Springer,
Branch,	Everett,	McAleer,	Stahlnecker,
Brawley,	Fithian,	McClellan,	Stevens.
Breckinridge, Ark.	Forman,	McGann,	Steward, Ill.
Bretz,	Fyan,	McKaig,	Stewart, Tex.
Brickner,	Gantz,	McKinney,	Stockdale,
Brookshire,	Gillespie,	McLaurin,	Stout,
Bryan,	Gorman,	McMillin,	Stump.
Bullock,	Grady,	McRae,	Terry,
Bunn,	Greenleaf,	Meyer,	Tillman,
Bushnell,	Hall,	Moore,	Tracey,
Butler,	Hallowell,	Moses,	Turner,
Cadmus,	Harries,	Mutchler,	Van Horn,
Caminetti,	Harter,	Newberry,	Watson.
Campbell,	Hatch,	Oates,	Weadock,
Capehart,	Heard,	Ohliger,	White,
Catchings,	Hemphill,	O'Neil, Mass.	Wike,
Cate,	Henderson, N. C.	Outhwaite,	Willcox,
Clarke, Ala.	Herbert,	Page,	Williams, Mass.
Cobb, Ala.	Hermann,	Patterson, Tenn.	Williams, Ill.
Cobb, Mo.	Hoar,	Patton,	Wilson, Mo.
Cockran,	Holman,	Paynter,	Wise,
Compton,	Houk, Ohio	Pearson,	Wolverton.
Cox, N. Y.	Jones.	Peel,	
Cox, Tenn.	Kendall,	Pierce,	

NOT VOTING—72.

Bartine,	Clark, Wyo.	Haynes, Ohio	Post,
Beeman,	Coburn,	Henderson, Iowa	Raines,
Belden,	Coombs,	Hull,	Rife.
Bergen.	Cooper,	Johnson, Ohio	Robinson, Pa.
Breckinridge, Ky.	Cowles,	Johnstone, S. C.	Sanford,
Brown, Ind.	Culberson,	Ketcham,	Scott,
Brown, Md.	Dixon,	Lester, Va.	Shonk,
Buchanan, N. J.	Doan,	Little,	Stephenson,
Bunting,	Dungan,	Magner,	Stone, Ky.
Bynum,	Epes,	McCreary,	Storer,
Byrns,	Fellows,	McKeighan,	Taylor, V. A.
Cable,	Fitch,	Mitchell,	Washington,
Caldwell,	Forney,	Morse,	Wheeler, Ala.
Caruth,	Fowler,	Norton,	Whiting.
Castle,	Funston,	O'Neill, Mo.	Williams, N. C.
Causey.	Geissenhainer,	Parrett,	Wilson, Ky.
Cheatham,	Goodnight,	Pattison, Ohio	Wilson, W. Va.
Clancy,	Hayes, Iowa	Pendleton,	Youmans.

So the motion of Mr. REILLY to recommit with instructions was rejected.

The Clerk announced the following pairs:

Until further notice:

Mr. GEISSENHAINER with Mr. BERGEN.

Mr. MCCREARY with Mr. WILSON of Kentucky.

Mr. GOODNIGHT with Mr. KETCHAM.

Mr. CARUTH with Mr. VINCENT A. TAYLOR.

Mr. WASHINGTON with Mr. SANFORD.

Mr. FORNEY with Mr. RAINES.

Mr. MITCHELL with Mr. MORSE.

For this day:

Mr. BYNUM with Mr. RIFE.

Mr. CULBERSON with Mr. SHONK.

Mr. WHITING with Mr. BUCHANAN of New Jersey.

Mr. COOMBS with Mr. POST.

Mr. STONE of Kentucky with Mr. BELDEN.

Mr. FITCH with Mr. STEPHENSON.

The result of the vote was then announced as above recorded.

Mr. RAYNER. I move the previous question on the passage of the bill.

The previous question was ordered.

The SPEAKER. The question now is, Shall the bill pass?

Mr. MALLORY. On that I call for the yeas and nays.

The yeas and nays were refused, 22 members voting in favor thereof.

On a division there were—ayes 111, noes 47.

Mr. MALLORY. No quorum, Mr. Speaker.

The SPEAKER appointed as tellers Mr. RAYNER and Mr. MALLORY.

The House again divided; and tellers reported—ayes 138, noes 29.

So the bill was passed.

The SPEAKER. Without objection the title of the bill will be amended so as to conform with the recommendation of the committee.

There was no objection, and it was so ordered.

On motion of Mr. RAYNER, a motion to reconsider the vote by which the bill was passed was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed without amendment the bill (H. R. 10007) to provide for the lowering of height of bridge proposed to be constructed across the Ohio River between Cincinnati, Ohio, and Covington, Ky., by the Cincinnati and Covington Rapid Transit Bridge Company.

It also announced that the Senate had passed without amendment the following resolutions:

Resolved by the House of Representatives (the Senate concurring), That there be printed and bound of the special report of the sheep industry of the United States 60,000 copies, of which 20,000 copies shall be for the use of the Senate and 40,000 for the use of the House.

Also,

Resolved by the House of Representatives (the Senate concurring), That there be printed and bound of the special report of the Bureau of Animal Industry on diseases of cattle and cattle feeding 60,000 copies, of which 20,000 shall be for the use of the Senate and 40,000 for the use of the House.

ORDER OF BUSINESS.

Mr. HOLMAN. Mr. Speaker, I have given notice heretofore that the Committee on Appropriations would ask the House at the earliest moment to enter into the consideration of appropriation bills; and I want to submit a motion now.

The SPEAKER. Before the gentleman submits the motion the Chair will recognize the gentleman from Alabama [Mr. WHEELER] to report the Military Academy Appropriation bill, simply for the purpose of putting it on the Calendar.

MILITARY ACADEMY APPROPRIATION BILL.

Mr. WHEELER of Alabama, from the Committee on Military Affairs, reported the bill (H. R. 10290) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1894; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

Mr. MCMILLIN. I reserve all points of order on the bill.

The SPEAKER. All points of order will be reserved.

CONTESTED ELECTION CASE—GREEVY VS. SCULL.

Mr. O'FERRALL. Mr. Speaker, on behalf of the Committee on Elections, I desire to present the report of the committee in the contested-election case of Greevy *vs.* Scull. It is a unanimous report, and there will be no minority report.

ORDER OF BUSINESS.

Mr. WISE. Mr. Speaker, I ask the gentleman from Indiana [Mr. HOLMAN] to allow me a few moments to ask for the consideration of a bridge bill—not more than twenty minutes.

Mr. HOLMAN. Mr. Speaker, there has been a very earnest appeal made by the gentleman from New York to have a few moments to pass a bridge bill, and with the understanding that not more than twenty minutes are to be occupied, I will yield for that time to the gentleman from Virginia [Mr. WISE].

ENROLLED BILL SIGNED.

Mr. SCOTT, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled the bill (H. R. 10007) to provide for lowering the height of a bridge proposed to be constructed across the Ohio River between Cincinnati, Ohio, and Covington, Ky., by the Cincinnati and Covington Rapid Transit Company; when the Speaker signed the same.

BRIDGE ACROSS THE HUDSON RIVER, NEW YORK.

Mr. WISE. Mr. Speaker, I call up for consideration the bill (H. R. 7585) to authorize the New York and New Jersey Bridge Companies to construct and maintain a bridge across the Hudson River between New York City and the State of New Jersey.

The bill was read, as follows:

Be it enacted, etc., That the New York and New Jersey Bridge Companies, incorporated by the States of New York and New Jersey and existing under

the laws of said States, are hereby authorized to construct, operate, maintain, and rebuild, in case of destruction, a bridge across the Hudson River between New York City, in the county and State of New York, and the State of New Jersey, pursuant to the laws of said States, respectively, upon the following terms, limitations, and conditions:

First. That said bridge shall be located at such point in the said city between Sixty-sixth street and Seventy-second street and such point north of the southerly line of the township of Union, in the county of Hudson, State of New Jersey, as shall be selected by the Secretary of War upon such examinations, hearings, and reports as he shall hereafter prescribe.

Second. That the companies may lay upon or over such bridge railroad tracks for the use of railroads, and locate, construct, and maintain such connections as are necessary and proper with railroads at the ends of said bridge or approaches thereto: *Provided*, That any railroad on either side of said river shall be permitted to connect their tracks with said bridge tracks, its approaches and connections, and shall have equal right of transit for their rolling stock, cars, passengers, and freight upon equal and equitable terms, and if a dispute as to the equality or equity of the terms shall arise, it shall be submitted to and decided by the Interstate Commerce Commissioners of the United States, under such rules and regulations as they may prescribe.

Third. That any bridge built under the authority of this act shall be constructed at such elevation as the Secretary of War shall approve and require, provided it shall not be less than 150 feet, and all the plans and specifications, with the necessary drawings, of said bridge shall be submitted to him for approval; and should any change be made in said plans during the progress of construction, such changed plans shall be submitted to him and approved by him before made; and no piers shall be built on the New York side of said river outside of the exterior pier line as established by the laws of the State of New York, and on the New Jersey side only at such points as approved by the Secretary of War.

Fourth. The companies operating under this law shall maintain such lights and signals as the United States Light-House Board may prescribe.

Fifth. The company or companies availing themselves of the privileges of this act shall not charge a higher rate of toll than authorized by the charters granted by the States of New York and New Jersey.

Sixth. That said company or companies shall be subject to the interstate-commerce laws and to all amendments thereof, and when such bridge is constructed under the provisions of this act it shall be a lawful military and post road and a lawful structure.

Seventh. The company or companies availing themselves of the privileges of this act shall file an acceptance of its terms with the Secretary of War, and the construction of said bridge shall be commenced within one year after the location is made by the Secretary of War and plans approved by him, and completed within ten years from said date.

Eighth. The right to amend, alter, modify, or repeal this act is hereby reserved, and nothing herein shall be construed as a repeal or interference with any right to build a bridge across the Hudson River heretofore granted by Congress to any company or bind this or any other Congress not to extend or renew the same.

Mr. WISE. Mr. Speaker, I now yield two or three moments of my time to the gentleman from New York [Mr. DUNPHY], but I do not yield the floor.

Mr. WILLIAM A. STONE. Mr. Speaker, I desire to have the report read.

The SPEAKER. The gentleman from Virginia has the floor. When the gentleman gets the floor he can have the report read.

Mr. WISE. I am not going to yield the floor.

The SPEAKER. The Chair desires to understand for what purpose the gentleman from Virginia yielded?

Mr. WISE. I yielded to allow the gentleman from New York to offer an amendment in the nature of a substitute.

The SPEAKER. The gentleman from Virginia yields to the gentleman from New York for the purpose of offering a substitute, which the Clerk will read.

Mr. DUNPHY. I offer the substitute which I send to the Clerk's desk.

The Clerk read as follows:

Amend said bill by striking out all after the enacting clause, and inserting the following:

"SECTION 1. That a bridge suited to the use of steam railroads may be constructed across the Hudson River by the New York and New Jersey Bridge Companies, between the States of New York and New Jersey, under and in accordance with the laws of said States, and upon plans to be submitted to and approved by the Secretary of War, and when built and constructed it shall be a lawful structure, a post and military road, and subject to the interstate-commerce laws. Said bridge companies shall display such lights, use such fog horns or other signals as may be from time to time prescribed by the Light-House Board, and nothing in this act shall authorize the laying down of any railroad tracks except in conformity to the constitution and laws of the State of New York and under the authority of said State: *Provided, however*, The location of all approaches of said bridge in the city of New York shall be approved by the local authorities of the city of New York: *And provided further*, That no railroad or railroads shall be operated on any of the approaches of said bridge companies in the city of New York except on such approaches as have been located in said city with the approval of the local authorities of said city of New York: *Provided*, That this act shall not be construed so as to in any way enlarge or abridge the authority given for the construction of said bridge by said States.

Mr. WISE. I now want one minute.

Mr. STAHLNECKER. Is it in order to have the report of the committee read?

The SPEAKER. It is not until the gentleman has the floor. The gentleman from Virginia can have it read or not, as he pleases.

Mr. WISE. Mr. Speaker, I want it understood by the House of Representatives that the authority to construct this bridge has been granted by the Legislature of the State of New York and by the Legislature of the State of New Jersey. The substitute which has just been read has been submitted to each of the members of the Committee on Interstate and Foreign Commerce, and also to all the members from the State of New York. It meets the approval of all, and I hope that it will be the pleasure of the members of this House to adopt this bill.

I call, Mr. Speaker, for the previous question upon the substitute, and the bill to its engrossment and third reading.

Mr. BLANCHARD. Mr. Speaker, I desire to ask the gentleman from Virginia——

Mr. WILLIAM A. STONE. I move that the House do now adjourn.

Mr. BLANCHARD. I desire to ask the gentleman from Virginia to yield to me for an inquiry.

Mr. WISE. I yield to the gentleman for an inquiry.

Mr. BLANCHARD. Mr. Speaker, this substitute which has just been read does not, I think, protect the interests of navigation at that point upon the Hudson River. I wish to ask the gentleman from Virginia if it is not true that the charter granted by the State of New York to the New York and New Jersey Bridge Company to bridge the river at that point, specifies that the bridge shall be constructed of a single span over the entire river between the towers located on one shore and the established pier lines on the other; and I further desire to ask him if it is not a fact that the charter granted to this same bridge company by the Legislature of the State of New Jersey does not contain that provision?

Mr. WISE. The gentleman is right. The authority granted by the State of New York did require that, but we think——

Mr. BLANCHARD. Now, let me ask the gentleman further if it is not true that the charter granted by the State of New Jersey does not contain that requirement. In other words, is it not a fact that according to the charter granted by the State of New Jersey those piers may be put right in the middle of the Hudson River, while according to the charter granted by New York they can not be placed beyond the pier-head lines?

Mr. WISE. Mr. Speaker, I will say in reply to the gentleman from Louisiana that under the provisions of the substitute which has been offered, that bridge can not be constructed unless the plans shall be approved by the War Department, and we think that affords a sufficient safeguard. I call for the previous question.

Mr. DALZELL. Will the gentleman permit a question?

Mr. BLANCHARD. I hope, Mr. Speaker, that in the interest of the preservation of the navigation of the river——

Mr. WISE. Mr. Speaker, I demand the previous question.

Mr. DALZELL. Will the gentleman permit me to ask him a question.

Mr. WISE. No, sir. I demand the previous question.

Mr. DALZELL. Then I tell the gentleman that he can not get his bill through to-day.

Mr. STAHLNECKER. Mr. Speaker, I move that the House adjourn.

Mr. WILLIAM A. STONE. I move that the House do now adjourn.

Mr. BLANCHARD. I ask the gentleman——

Mr. WISE. I positively refuse to withdraw the demand for the previous question.

The SPEAKER. The gentleman from Virginia demands the previous question, and pending that motion the gentleman from New York [Mr. STAHLNECKER] and the gentleman from Pennsylvania [Mr. WILLIAM A. STONE] move that the House do now adjourn.

Mr. ATKINSON. And pending that, Mr. Speaker, I move that when the House adjourn it be to meet at ten minutes past 3 o'clock to-day. [Laughter.]

Mr. DALZELL. Mr. Speaker, I make the point of order that a motion to adjourn can not be amended.

The SPEAKER. What was the motion of the gentleman from Pennsylvania?

Mr. WILLIAM A. STONE. My motion was that the House adjourn.

The SPEAKER. There is a motion to adjourn pending, but the other gentleman from Pennsylvania [Mr. ATKINSON] made a motion, as the Chair understood, that when the House adjourn it be to meet at 3 o'clock to-day. The rule provides that when the House adjourns it shall adjourn to meet to-morrow at 12 o'clock, and that rule can not be changed in this way. The gentleman may move to fix the day to which the House shall adjourn. The Chair will state the question. The gentleman from Virginia [Mr. WISE] demands the previous question upon the pending amendment and the bill to its engrossment and third reading, and, pending that motion, the gentleman from New York [Mr. STAHLNECKER] and the gentleman from Pennsylvania [Mr. WILLIAM A. STONE] move that the House do now adjourn.

Mr. DALZELL. And pending that motion I move that when the House adjourns it adjourn to meet on Wednesday next.

The question was taken on the motion of Mr. DALZELL; and the Speaker declared that the noes seemed to have it.

Mr. WILLIAM A. STONE. I ask for a division.

The House divided; and there were—ayes 6, noes 106.

Mr. DALZELL. No quorum.

The SPEAKER. The point of no quorum being made, the Chair will appoint to act as tellers the gentleman from Pennsylvania [Mr. DALZELL] and the gentleman from Virginia [Mr. WISE].

Mr. WISE. Mr. Speaker, I made a promise to the gentleman from Indiana [Mr. HOLMAN] that I would not consume more than twenty minutes in connection with this bill. Although five minutes of that time still remain it is very evident that the bill can not go through within the limit fixed by me, and I therefore comply with my promise to the gentleman from Indiana by withdrawing the bill.

The SPEAKER. The Chair understands that the gentlemen from Pennsylvania [Mr. WILLIAM A. STONE and Mr. DALZELL] withdraw their motions.

Mr. WILLIAM A. STONE and Mr. DALZELL assented.

ORDER OF BUSINESS.

Mr. HOLMAN. Mr. Speaker, I move that the House resolve itself into Committee of the Whole on the state of the Union for the consideration of general appropriation bills.

Mr. HEMPHILL. Mr. Speaker, I move as a substitute for that motion that the House do now proceed to the consideration of bills reported from the Committee on the District of Columbia.

The SPEAKER. The Chair will state to the gentleman from South Carolina that this is the legislative day of Saturday. [Laughter.]

Mr. HEMPHILL. I state to the Chair that I am aware of that, but the gentleman from Indiana [Mr. HOLMAN] gave notice that he would call up his bill on Monday; now, I am willing that he shall do what he said he would do, but it is not "Monday" yet. [Laughter.] I would like to ask the gentleman from Indiana whether he proposes to take up the deficiency bill or the sundry civil bill?

Mr. HOLMAN. The sundry civil bill, as the more important one.

Mr. HEMPHILL. We shall object to that.

The question was taken on the motion of Mr. HOLMAN, and the Speaker declared that the ayes seemed to have it.

Mr. HEMPHILL. I ask for a division.

The House divided; and there were—ayes 102, noes 33.

Mr. HEMPHILL. No quorum. Mr. Speaker, I think that if the House will hear me a moment I can submit a proposition that will be acceptable all around.

The SPEAKER. Debate is not in order.

Mr. HOLMAN. I think we may as well have the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 178, nays 31, not voting 120; as follows:

YEAS—178.

Abbott,	Coolidge,	Jolley,	Rayner,
Alderson,	Covert,	Jones,	Reilly,
Alexander,	Cox, Tenn.	Kem,	Rockwell,
Allen,	Crain,	Kilgore,	Russell,
Amerman,	Crawford,	Kribbs,	Sayers,
Andrew,	Crosby,	Kyle,	Scott,
Arnold,	Daniell,	Lagan,	Scull,
Atkinson,	Davis,	Lane,	Seerley,
Babbitt,	De Armond,	Lanham,	Shell,
Bacon,	De Forest,	Lawson, Ga.	Shively,
Bailey,	Dickerson,	Layton,	Sipe,
Baker,	Dockery,	Lester, Va.	Snodgrass,
Bankhead,	Donovan,	Lester, Ga.	Snow,
Barwig,	Dunphy,	Lewis,	Springer,
Belknap,	Durborow,	Lind,	Stahlnecker,
Beltzhoover,	Edmunds,	Livingston,	Stevens.
Bentley,	Ellis,	Lockwood,	Steward, Ill.
Blanchard,	Enochs,	Long,	Stockdale,
Bland,	Everett,	Loud,	Stone, C. W.
Blount,	Fithian,	Lynch,	Storer,
Boutelle,	Forman,	Martin,	Stout,
Bowman,	Fyan,	McClellan,	Taylor, Tenn.
Branch,	Gantz,	McGann,	Taylor, E. B.
Brawley,	Gillespie,	McKaig,	Terry.
Breckinridge, Ark.	Gorman,	McKinney,	Tillman,
Bretz,	Greenleaf,	McLaurin,	Tracey,
Brickner,	Hall,	McMillin,	Turner,
Brookshire,	Halvorson,	McRae,	Turpin,
Brunner,	Hamilton,	Meyer,	Van Horn,
Bryan,	Hare,	Montgomery,	Watson,
Buchanan, Va.	Harries,	Moses,	Weadock,
Bullock,	Harter,	Mutchler,	Wheeler, Ala.
Bunn,	Hatch,	Newberry,	Wheeler, Mich.
Busey,	Haugen,	Ohliger,	White.
Bushnell,	Hayes, Iowa	Otis,	Wike,
Butler,	Henderson, N. C.	Outhwaite,	Willcox,
Cable,	Henderson, Ill.	Owens,	Williams, Ill.
Capehart,	Herbert,	Patton,	Wilson, Wash,
Castle,	Holman,	Payne,	Wilson, Mo.
Cate,	Hooker, Miss.	Paynter,	Wilson W. Va.
Chipman,	Hooker, N. Y.	Pearson,	Winn.
Clarke, Ala.	Houk, Ohio	Peel,	Wolverton,
Clover,	Hull,	Pendleton,	Youmans.
Cobb, Mo.	Johnson, Ind.	Perkins,	
Coburn,	Johnson, N. Dak.	Pickler,	

NAYS—31.

Bowers,	Grout,	Mallory,	Richardson,
Brosius,	Harmer,	McAleer,	Robinson, Pa.
Cadmus,	Hemphill,	Meredith,	Rusk,
Cobb, Ala.	Hermann,	Moore,	Taylor, J. D.
Cummings,	Hitt,	Oates,	Tucker
Dalzell,	Hopkins, Pa.	O'Donnell,	Williams Mass.
Dolliver,	Huff,	O'Neill, Pa.	Wise.
Elliott,	Lawson, Va.	Reyburn,	

NOT VOTING—120.

Antony,	Cowles,	Houk, Tenn.	Randall,
Bartine,	Cox, N. Y.	Johnson, Ohio	Ray,
Beeman,	Culberson,	Johnstone, S. C.	Reed,
Belden,	Curtis,	Kendall,	Rife,
Bergen,	Cutting,	Ketcham,	Robertson, La.
Bingham,	Dingley,	Lapham,	Sanford,
Boatner,	Dixon,	Little,	Shonk,
Breckinridge, Ky.	Doan,	Lodge,	Simpson.
Broderick,	Dungan,	Magner,	Smith,
Brown, Ind.	English,	Mansur,	Sperry,
Brown, Md.	Enloe,	McCreary,	Stephenson,
Buchanan, N. J.	Epes,	McKeighan,	Stewart, Tex.
Bunting,	Fellows,	Miller,	Stone, W. A.
Burrows,	Fitch,	Milliken,	Stone, Ky.
Bynum,	Flick,	Mitchell,	Stump,
Byrns,	Forney,	Morse,	Swee.
Caldwell,	Fowler,	Norton,	Tarsney,
Caminetti,	Funston,	O'Ferrall,	Taylor, Ill.
Campbell,	Geary,	O'Neil, Mass.	Taylor, V. A.
Caruth,	Geissenhainer,	O'Neill, Mo.	Townsend.
Catchings,	Goodnight,	Page,	Wadsworth,
Causey,	Grady,	Parrett,	Walker
Cheatham,	Griswold,	Patterson, Tenn.	Warner
Clancy.	Hallowell,	Pattison, Ohio	Washington,
Clark, Wyo.	Haynes, Ohio	Pierce,	Waugh,
Cockran,	Heard,	Post,	Wever,
Cogswell,	Henderson, Iowa	Powers,	Whiting
Compton,	Hilborn,	Price,	Will ams, N. C.
Coombs,	Hoar,	Quackenbush,	Wilson, Ky.
Cooper.	Hopkins, Ill.	Raines,	Wright

So the motion of Mr. HOLMAN was agreed to.

The following additional pairs were announced:

For the rest of the day:

Mr. CAMPBELL with Mr. CALDWELL.

Mr. ENLOE with Mr. TOWNSEND.

The House accordingly resolved itself into Committee of the Whole (Mr. LESTER of Georgia in the chair), and proceeded to the consideration of the bill (H. R. 10238) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1894, and for other purposes.

Mr. HOLMAN. I ask unanimous consent that the first reading of the bill be dispensed with.

Mr. TAYLOR of Illinois. I think we had better have the bill read.

The Clerk proceeded to read the bill, but was interrupted by

Mr. TAYLOR of Illinois, who said: I withdraw my demand for the reading of the bill.

There being no further objection, the first reading of the bill was dispensed with.

Mr. HOLMAN. I suggest that the Clerk now go on with the second reading of the bill.

Mr. BLAND. I wish it understand that I object to the closing of general debate. I want to occupy thirty-five or forty minutes.

Mr. HOLMAN. I hope the reading of the bill will be commenced. Let the first section be read.

Mr. BRECKINRIDGE of Kentucky. Then we can have no general debate.

Mr. HOLMAN. Oh, yes.

Mr. BLAND. As I understand, the gentleman from Indiana wants the first paragraph of the bill read, but with the understanding that it is not to interfere with the right of general debate.

The CHAIRMAN. No arrangement has been made with reference to closing debate. The bill is now open for discussion.

Mr. HOLMAN. I call for the reading of the first section.

Mr. COGSWELL. I object, until this matter of general debate is settled.

The CHAIRMAN. The bill is open to general debate.

Mr. COGSWELL. I desire to be recognized in my own right.

The CHAIRMAN. The gentleman from Massachusetts [Mr. COGSWELL] is recognized.

Mr. BLAND. I announced my intention of debating the bill, and I supposed I had the floor for that purpose.

The CHAIRMAN. The gentleman from Massachusetts, a member of the committee, has been recognized.

Mr. COGSWELL. Mr. Chairman, this bill carries appropriations for public buildings and heating the same; light-houses, etc.; Light-House Establishment; Life-Saving Service; Revenue-Cutter Service; engraving and printing; Coast and Geodetic Survey; Smithsonian; Fish Commission; Interstate Commerce Commission; miscellaneous objects under the Treasury Department; custodians and janitors of public buildings and fuel, lights, and water for the same; quarantine service; certain public build-

ings of the Interior Department; Capitol grounds; the Capitol, and lighting the same; expenses of the collection of revenue from sales of public lands; surveying of public lands; Geological Survey; Government Hospital for the Insane; Columbia Institute for the Deaf and Dumb; Howard University; education in Alaska; armories and arsenals; buildings and grounds in and around Washington; military posts; certain river and harbor improvements now under contract; National Home for Disabled Volunteer Soldiers; back pay, bounty, etc.; the Department of Justice; United States courts; the Library of Congress; public printing and binding, and sundry other important items.

The estimate for public buildings is nearly $4,000,000. The amount allowed in the bill, however, is not quite $600,000.

For heating apparatus for public buildings the last bill carried $150,000, which was below the urgent needs of the service, yet this bill appropriates but $125,000, although the urgency is greater than ever before.

In the Light-House Establishment, although 39 light stations have been added, not one dollar has been added to the appropriation for supplies of light-houses, and the same is true of the salaries of the keepers of light-houses. In other words, recent legislation has added 39 light stations, and not a dollar has been given to supply these additional light-houses or to pay the salaries of the keepers of the same.

In the last bill the appropriation for the Coast and Geodetic Survey was reduced $53,200, under the amount given the previous year. This action seriously impaired the valuable work of this important service. This bill reduces even the appropriation in the last bill by the sum of $35,000, and if no more is allowed than this bill authorizes, that Bureau might as well be abolished; indeed, it would have been a manlier way had the committee recommended no appropriation at all, and provided legislation to close the Bureau and sell its effects at public auction.

Mr. HOLMAN. The gentleman must be well aware of the fact that there may be a limited detail to that service both from the Army and the Navy, and it is well known that there is a multitude of officers connected with both branches that can be transferred.

Mr. COGSWELL. I can not yield for the gentleman's explanation.

In this connection I ask to have read a letter from Prof. Mendenhall, the distinguished Superintendent of the Survey.

The Clerk read as follows:

UNITED STATES COAST AND GEODETIC SURVEY,
OFFICE OF THE SUPERINTENDENT,
Washington, D. C., January 17, 1893.

DEAR SIR: I am in receipt of yours of the 16th instant, in which you inform me that the subcommittee having charge of the sundry civil appropriation bill have determined to recommend appropriations for the Coast and Geodetic Survey for the fiscal year 1894 amounting in the aggregate to $420,430, and you request me to indicate how this sum should be divided among the several objects of expenditure for the Survey. You also add that the reduction should be made upon the office and field force, either by reducing their number or the amount of their compensation.

In reply I beg to remark as follows: My original estimates for the fiscal year 1894 were less than any made for many years. On the 19th of December, 1892, after a conference with the acting chairman of the subcommittee, I submitted a revision of these estimates reducing the aggregate amount to $484,530, being slightly less than the appropriation of last year, which was $485,430. This was done at his request and with the understanding that if the total of the revised estimates was not in excess of the appropriation of last year they would be accepted by the subcommittee. You now ask me to reduce this amount by $64,100, and to make this reduction in the field and office force. Both of these are already too small to meet the demands constantly made upon this Bureau, and their compensation is below that of any similar body of men in Government service, and very much lower than that received by persons of equal skill and experience in private employment.

To make such a reduction would result in the practical disruption of a technical corps, most members of which have devoted their lives to the service of the Government and all of whom are possessed of technical knowledge and skill not to be met with elsewhere. It would be a serious injury to the Government to be deprived of the services of these men. The Coast and Geodetic Survey can not be regarded as a bureau engaged in scientic research, the operations of which may be safely arrested or greatly restricted at any time. It is, and always has been, a bureau of applied science. To conduct its operations high scientific attainments combined with great technical skill are required.

The possession of these on the part of its employés has been insured by years of training and experience. Its output is entirely practical in character and some of the most important interests of the country are greatly benefited by or entirely dependent upon its work. It has received the highest praise from all civilized nations, and it is difficult for me to believe that your committee or Congress would willingly sacrifice a service, the necessity for and efficiency of which have long been admitted.

With these facts before me I am not able to share with the committee the responsibility of such action. The estimates as last submitted are as low as they can be made without imperiling important interests of the Government, and I am unwilling to suggest further reduction.

I am yours faithfully,
[Signed.] T. C. MENDENHALL,
Superintendent.

Hon. W. S. HOLMAN,
Chairman Committee on Appropriations, House of Representatives.

Mr. COGSWELL. Mr. Chairman, in this bill the Smithsonian Institution is again victim of a niggardly parsimony. The Interstate Commerce Commission, which never justified its existence better than now, and the services of which are so useful and valuable as to compel the commendation of its opponents heretofore, is impeded in its progress of usefulness by the insufficient appropriation given by this bill.

The appropriations for pay of assistant custodians and janitors and for fuel, lights, and water for public buildings, are recommended by the committee with the full knowledge that the amounts allowed are grossly inadequate and insufficient.

As to the expenses of the collection of revenue from sales of public land, there has been a reduction of $187,000, as compared with the last bill, which also made large reductions over previous appropriations; and from surveys of public lands, etc., there has been a reduction from $500,000 to $100,000.

The appropriation for the expenses of the Eleventh Census has again been taken qut of this bill, where it belongs, and is to appear once more as a deficiency in the deficiency bill.

The expenses for the Columbia Institution for the Deaf and Dumb have been increased by the addition of thirty-eight new pupils, which was caused by recent legislation of Congress, and this bill refuses to grant a single dollar for this increase of expense which Congress has placed upon the Institution.

For armories and arsenals it is estimated that $480,494.40 will be necessary for the fiscal year 1894. This bill allows $110,750.

"For military posts," the estimates for 1894 is $1,760,000; the bill allows $200,000.

"For headstones for graves of soldiers," a careful estimate of $40,000 was submitted, which probably is as near an exact and accurate estimate as is in the Book of Estimates, and yet but $25,000 is allowed, leaving a necessary, most proper, and patriotic expenditure to the extent of $15,000 unprovided with a single dollar.

In 1891 the law was changed so as to provide artificial limbs for our disabled soldiers every three years instead of five years. The attempt is made in this bill to change the law so as to provide these limbs not oftener than once in five years, and the estimate has been cut accordingly $575,000.

In the items "Back pay and bounty"—"Bounty to volunteers, their widows, etc.," "For bounty under the act of 1886," "For commutation of rations to prisoners of war," the carefully prepared estimates called for $850,000, this bill allows but $750,000, which leaves our volunteer soldiers, their widows, or their heirs, to wait some eighteen months after their long-delayed claims are adjusted and allowed, for the payment of the same to the extent of $100,000. This same unfair and unjustifiable policy was pursued in the last bill knowingly and purposely, and the deficiency bill, already or soon to be reported, has had to provide for the inadequate appropriations for these items by the last bill, as will the deficiency bill a year hence have to provide for the well-known inadequacy of the appropriations for these items in this bill.

Mr. Chairman, this is the unkindest feature in this whole bill.

I reserve the residue of my time.

The CHAIRMAN. The gentleman from Massachusetts has occupied twenty minutes.

Mr. COGSWELL. I reserve the forty minutes remaining.

Mr. HOLMAN. Mr. Chairman, I hope the reading of the bill will be proceeded with. I call for the reading of the bill by sections.

The CHAIRMAN. The Chair will state to the gentleman that the general debate has not been closed.

Mr. HOLMAN. I think there is nothing in the rules to require that the general debate shall be closed before the bill is read by sections.

The CHAIRMAN. After the general debate is closed the bill will be so read.

Mr. BLAND. I shall not object to closing the general debate if I can have, to-morrow morning, twenty-five or thirty minutes.

The CHAIRMAN. Does the gentleman from Indiana make any motion?

Mr. HOLMAN. I hope the request of the gentleman from Missouri will be granted.

Mr. COGSWELL. Wait a moment, Mr. Chairman. If the time is allowed, then I shall object to closing the general debate until we know what the gentleman from Missouri has to say. Certainly the proposition to give the other side thirty minutes to close the general debate with no opportunity to reply is objectionable.

Mr. BLAND. I only wish to state——

Mr. SAYERS. The gentleman from Massachusetts becomes unduly excited. We have listened to him with a great deal of pleasure——

Mr. COGSWELL. And you listened to me in my own time. Now I object to closing the debate in this way.

Mr. BLAND. I shall not make the remarks I expected to make this evening. I intended to confine them to the Sherman law, which, being a money bill, is connected to a certain extent

with the measure under consideration. But I hope that no objection will be made to my having an opportunity to-morrow morning.

Mr. COGSWELL. We do not object if we can have the same length of time on this side.

Mr. BLAND. I ask unanimous consent that I may have thirty minutes in the morning.

Mr. COGSWELL. I will agree to that if the same amount of time be given to the other side.

The CHAIRMAN. The Chair will state that the bill is still open to general debate, and general debate will continue on the bill unless the committee by unanimous consent agrees to close it, which the committee can do. Otherwise the general debate will not cease.

Mr. HOLMAN. I hope the reading of the bill will be commenced.

Mr. COGSWELL. I have no objection to that.

Mr. BLAND. I will take the time I want on some other bill.

Mr. HOLMAN. I call for the reading of the bill. I ask that general debate be closed on the bill, and that it be now read by sections under the five-minute rule.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The Clerk read as follows:

Rockland Lake Light Station, New York: For establishing a light-house and fog signal at or near Oyster Bed Shoal, Hudson River, opposite Rockland Lake Dock, $20,000.

Mr. KILGORE. Mr. Chairman, on the face of that paragraph I think it would be obnoxious to the point of order, and I make that point.

Mr. HOLMAN. What is the point the gentleman makes?

Mr. KILGORE. That this is obnoxious to the point of order, as it is new law.

Mr. HOLMAN. But it has been already authorized by law.

Mr. KILGORE. It does not so specify, and is not in the ordinary form of a provision which has been so authorized. This provision is for the establishment of a light-house and fog signal. I make the point of order on the face of the provision itself that it is for an expenditure not previously authorized by law, and if it is ascertained that it is authorized by law then of course the point of order will be no longer good.

Mr. HOLMAN. No propositions are made here except such as are authorized by law.

Mr. KILGORE. Has there been a law authorizing this?

Mr. HOLMAN. There has been.

Mr. BACON. The building of this light-house was authorized by law passed in the Fiftieth Congress.

Mr. KILGORE. Then why not say for continuing the work on this establishment?

Mr. HOLMAN. Because it was not necessary.

Mr. KILGORE. Why was not the work done?

Mr. BACON. Because no appropriations were made. This is the first appropriation.

Mr. HOLMAN. It was not necessary to put it in the form suggested by the gentleman from Texas.

Mr. KILGORE. It is always necessary to tell the truth about these things. It saves time usually.

Mr. HOLMAN. You could not use the form suggested by the gentleman, because this is the first appropriation.

Mr. KILGORE. I withdraw the point of order on the statement made by the gentleman from Indiana that there is a law authorizing the establishment of this light-house and fog signal.

The Clerk read as follows:

Supplies of light-houses: For supplying fog signals, light-houses, and other lights with illuminating, cleaning, preservative, and such other materials as may be required for annual consumption; for books, boats, and furniture for stations, and not exceeding $300 for the purchase of technical and professional books and periodicals for the use of the Light-House Board, and other incidental expenses, $370,000; and articles of light-house supply not manufactured in this country may be imported free of duty.

Mr. COGSWELL. I move to strike out the words "three hundred and seventy," and insert the words "four hundred and eight."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

In line 13 strike out the word "three," and in line 14 strike out the words "one hundred and seventy," and insert in lieu thereof the words "four hundred and eight;" so as to read, "and other incidental expenses, $408,000."

The amendment was rejected.

The Clerk read as follows:

Salaries of keepers of light-houses: For salaries, fuel, rations, rent of quarters where necessary, and similar incidental expenses of not exceeding 1,250 light-house and fog-signal keepers, and laborers attending other lights, $650,000.

Mr. COGSWELL. I move to strike out, in line 3, page 6, the words "six hundred and sixty" and insert in lieu thereof the words "six hundred and eighty."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

In line 3, page 6 strike out the words "six hundred and sixty" and insert in lieu thereof the words "six hundred and eighty."

The amendment was rejected.

The Clerk read as follows:

For pay of crews of surfmen employed at the life-saving and lifeboat stations, during the period of actual employment; compensation of volunteers at life-saving and lifeboat stations, for actual and deserving service rendered upon any occasion of disaster, or in any effort to save persons from drowning, at such rate, not to exceed $10 for each volunteer, as the Secretary of the Treasury may determine; pay of volunteer crews for drill and exercise; fuel for stations and houses of refuge; repairs and outfits for same; rebuilding and improvement of same; supplies and provisions for houses of refuge and for shipwrecked persons succored at stations; traveling expenses of officers under orders from the Treasury Department; for carrying out the provisions of sections 7 and 8 of the act approved May 4, 1882; for draft animals and their maintenance; and contingent expenses, including freight, storage, repairs to apparatus, medals, labor, stationery, advertising, and miscellaneous expenses that can not be included under any other head of life-saving stations on the coasts of the United States, $1,088,047.50.

Mr. HOLMAN. Mr. Chairman, the item for pay of crews and surfmen, etc., shows an increase of $252,797.50. This very large increase is the result of the legislation of the last session.

The Clerk read as follows:

Alaska boundary survey: To complete the joint survey of the territory adjacent to the boundary line of the United States of America and the Dominion of Canada——

Mr. BLOUNT. Mr. Chairman, I wish to ask the gentlemen of the Committee on Appropriations what they propose to do in reference to the survey between this country and Mexico?

Mr. HOLMAN. That subject was referred to the Committee on Foreign Affairs, and I think it properly belongs there.

Mr. BLOUNT. I asked the question because I supposed that would be the difficulty in the gentleman's mind; and if the gentleman means to make an effort to exclude it from the bill on that ground, then I wish to offer an amendment.

Mr. HOLMAN. I suggest to the gentleman from Georgia [Mr. BLOUNT], and ask unanimous consent, that this item be passed over. We have had no opportunity of examining these items.

Mr. BLOUNT. Mr. Chairman, I wish to say that the gentleman has had the same opportunity for examining these two items that he has had for examining any other items in the bill.

Mr. HOLMAN. Oh, no; the subject was referred to your committee.

Mr. BLOUNT. Not at all. These items are of a miscellaneous character, belonging in the sundry civil appropriation bill, and have been reported thereon from time to time. The Book of Estimates was in possession of the gentleman's committee, the Committee on Appropriations, as much as in the possession of the Committee on Foreign Affairs.

The CHAIRMAN. Does the gentleman from Georgia [Mr. BLOUNT] make any motion?

Mr. HOLMAN. My friend from Georgia [Mr. BLOUNT] labors under a mistake. For the information of the committee I will state that all the items that related to our foreign relations went to the Committee on Foreign Affairs. I suggest, in order to save time, that we pass over this item.

Mr. BLOUNT. I do not wish to pass over the item, because I fear that when we wish to return to it the gentleman will find that we have passed the place where an amendment will be in order.

Mr. HOLMAN. Oh, no; I will consent to go back to the item.

The CHAIRMAN. The Chair will suggest that there is no motion pending before the committee.

Mr. BLOUNT. I understand that. But I hope we may save time by an agreement. These surveys are the result of treaties, and the gentleman has included in the bill a survey in reference to the Alaska boundary, which is just as much a matter for the Foreign Affairs Committee as the other item. The gentleman left one out and put the other in.

Mr. HOLMAN. I propose that we pass this paragraph without any action, so as to go back to it. We want to examine these items.

Mr. BLOUNT. I have no objection to the arrangement suggested by the gentleman if it is understood that we may go back, with the view of offering these amendments as to these surveys.

Mr. HOLMAN. I ask unanimous consent that we take no action at all on this paragraph, so that we may go back to it at the proper time.

Mr. BLANCHARD. What paragraph does the gentleman refer to?

Mr. SAYERS. The paragraph in reference to the Alaska boundary.

Mr. HOLMAN. No.

Mr. SAYERS. That is where he wants to insert the item.

Mr. HOLMAN. It would come in in connection with that.

Mr. BLOUNT. The proper place for the item to come in is just before the item with reference to the Alaska boundary, to insert a provision in reference to the water boundary between the United States and Mexico, and another item relating to the water boundary between the United States and Canada, Passamaquoddy Bay.

Mr. SAYERS. Mr. Chairman, if the gentleman will allow me a word or two, I want to say to the gentleman from Georgia, that while I am in favor of appropriating for these estimates, yet in my judgment this is not the proper place.

This appropriation ought to come under the head of the State Department. The reason why the appropriation for the Alaska boundary comes under the head of the Coast and Geodetic Survey is because the Superintendent of the Coast and Geodetic Survey has not only been appointed a commissioner of the United States, but his office is also charged with making the survey.

Mr. BLOUNT. Mr. Chairman, without entering into any discussion with my friend on the suggestion he has made, I am perfectly willing that this paragraph shall be passed over, with the understanding that we may return to it and have an opportunity of offering these amendments or that they may be considered in that portion which relates to the State Department, if the gentleman from Indiana will agree to that.

Mr. HOLMAN. I agree to that, subject, however, to any point of order that it may be subject to. I do not know anything about this. I accept the gentleman's proposition to go back to this paragraph, and if his proposition shall be in order, no point of order will be made.

Mr. BLOUNT. I want to be a little more specific. The gentleman from Indiana thinks it is not in order at all. The gentleman from Texas [Mr. SAYERS] insists that it is in order at another place; and now the gentleman from Indiana [Mr. HOLMAN] seems to agree with him; and therefore he yields nothing if the point of order would be in order. I am perfectly willing that the paragraph shall be passed over if these two amendments may be offered at this place.

Mr. HOLMAN. Let it be passed over just as if it had not been read.

Mr. BLOUNT. I do not want them passed over in that way.

The CHAIRMAN. The Chair will state to the gentleman from Georgia——

Mr. HOLMAN. I hope the gentleman will consent to the proposition to pass over this paragraph. I want a moment's time to look at the proposition.

Mr. BLOUNT. I have not a particle of objection to the paragraph being passed over, but if the gentleman thinks that it is subject to the point of order that it should not be in this bill, I take it for granted that he does not intend to look to it.

Mr. HOLMAN. If this amendment is not subject to the point of order I certainly have no objection to it.

Mr. BLOUNT. That is all right.

Mr. SAYERS. As I understand the gentleman from Georgia his proposition is this: That he may have an opportunity, either at the present stage or at a subsequent stage, should it be more appropriate, to offer this amendment as an amendment to the sundry civil appropriation bill.

Mr. BLOUNT. I have no objection, with that understanding, Mr. Chairman.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent to pass over this paragraph, commencing at line 15, page 17.

Mr. KILGORE. Before that unanimous consent is granted I would like to submit a point of order, if it is not too late, in order to bring out information.

The CHAIRMAN. Which paragraph?

Mr. KILGORE. Paragraph 1, beginning at line 1, on page 17, where they provide for an expenditure of $550 for the purpose of measuring the earth. Everybody knows the size of the earth [laughter], and I would like to know under what law that is provided for.

Mr. HOLMAN. No law has ever been passed on that subject.

Mr. KILGORE. Then this got in loose, I suppose. I make the point of order that this is not previously authorized by law.

Mr. HOLMAN. Will my friend allow me there a moment? This appropriation is made in pursuance of a treaty of the United States with several foreign powers, and we are always making expenditures and appropriating money more or less in the execution of treaties between this Government and other countries.

Mr. KILGORE. Is not a treaty a law?

Mr. HOLMAN. It is not exactly a law; it is a treaty.

The CHAIRMAN. Does the Chair understand the gentleman from Texas to make a point of order against this paragraph?

Mr. KILGORE. After the explanation made by the gentleman from Indiana, that it is authorized by law, I will not press the point of order.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent to pass over this paragraph with permission to return to it for the purpose of offering an amendment.

Mr. HOLMAN. I hope there will be no objection to that.

Mr. KILGORE. I move to strike out that paragraph.

Mr. BLOUNT. Before we proceed——

Mr. KILGORE. Mr. Chairman, I withdraw the point of order on the statement made by the gentleman from Indiana, that this is in pursuance of law, but I move to strike it out because it is unnecessary.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent to pass over this paragraph with the right to return to it for amendment.

Mr. KILGORE. I object to that.

The CHAIRMAN. Then the question is on the motion of the gentleman from Texas, to strike out the paragraph.

The question was taken, and the amendment was rejected.

Mr. BLOUNT. Mr. Chairman, do I understand that unanimous consent was given to the agreement suggested by the gentleman from Indiana that the paragraph be passed over?

The CHAIRMAN. Objection was made to that.

Mr. KILGORE. I withdraw the objection.

The CHAIRMAN. The Chair will state to the committee that the gentleman from Indiana asks unanimous consent to pass this paragraph with liberty to return to it and offer amendments. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. HOLMAN. That covers the whole of that paragraph, down to line 5, page 18.

The Clerk read as follows:

And it shall be the duty of the Superintendent of the Coast and Geodetic Survey to so reduce the number and compensation of the persons now employed as field officers and in the office force as to bring their aggregate compensation for the fiscal year 1894 within the sum of $222,730, which amount is hereby appropriated for said field officers and office force.

Mr. COGSWELL. Mr. Chairman, I move to strike out "222" and insert "262."

The amendment was rejected.

The Clerk read as follows:

Paper and stamps: For paper for internal-revenue stamps, freight, and salary of superintendent, messengers, and watchmen, $6,000.

Mr. TAYLOR of Illinois. Mr. Chairman, I offer the amendment which I send to the desk.

The amendment was read, as follows:

After "dollars," in line 19, page 33, add "For the expenses of the Board of Lady Managers of the World's Columbian Exposition, $93,190."

Mr. HOLMAN. I make the point of order upon that amendment that it is not authorized by any existing law.

Mr. TAYLOR of Illinois. Mr. Chairman, I do not think the amendment is subject to the point of order.

Mr. HOLMAN. The point is that there is no law authorizing this appropriation. The law authorizing that exhibition limits the amount to be expended to $1,500,000, and that sum and more has already been appropriated.

Mr. TAYLOR of Illinois. I do not think this amendment is subject to the point of order. These commissions have been established under legislation enacted by Congress, and I think it is within the province of this Congress to provide for their compensation, and we did provide for this at the last session under this head.

The CHAIRMAN. The Chair will inquire of the gentleman from Illinois whether he can point to any law authorizing this appropriation?

Mr. TAYLOR of Illinois. Yes, sir. Congress passed an act authorizing the appointment of these commissions, and that authorizes us to make provision for their salaries. It is very important to have this amendment acted upon at this time. The money is absolutely necessary. In this connection I desire to have read a communication which I send to the desk.

The communication was read, as follows:

OFFICE OF THE PRESIDENT BOARD OF LADY MANAGERS
WORLD'S COLUMBIAN EXPOSITION,
Chicago, Ill., November 30, 1892.

DEAR SIR: I desire to call your attention to a matter of great importance to the success of the Columbian Exposition.

In order to promote the educational advantages of the exhibition and to stimulate the production of artistic industries in this country, loan collections of very unique and artistic objects, representing the best work done in past times, have been requested for the benefit of our own designers and artisans.

These objects are not articles of merchandise, but are prized as relics and as specimens of art of a former time. Their owners would not part with them, and they could only be exhibited by the courtesy of the individuals or governments that possess them.

As an instance I might cite the case of Italy, to which country an invitation was sent from the Board of Lady Managers and transmitted by the Department of State. This invitation reached Italy at a time when the diplomatic relations were sundered, and the Queen, as a mark of special favor and friendship, volunteered to send a rarely beautiful exhibit comprising her own remarkable historical collection of laces and embroideries, which are of great intrinsic and artistic value, many of the specimens dating back to a

period one thousand years before Christ. The Queen of Italy pays for the preparation and installation of this exhibit, together with such other articles as are coming from Italy, but it is of such importance that the collection will be sent through the Italian minister in Washington, who will place it in the hands of the Secretary of State, with the request that a special guard be maintained by the Government during the time of the Exposition. I have recently received a cable asking if the usual guaranty for the insurance, transportation, etc., would be given.

As the owners of these loan collections have no other object than to contribute to the success of the Exposition, common courtesy and established usage require that this Government should pay for the transportation of such articles to and from the Exposition, and should also insure the owners against loss as far as possible to do so.

This will illustrate many other cases of like kind, and the necessity for an appropriation to be made especially for this purpose. It is believed that the sum of $25,000 will be required to cover this expense, and we therefore ask that this sum be appropriated, with the customary provision that so much thereof as is necessary shall be used in the way indicated.

It is also important that this fund should be available at once, as it is now necessary to give guaranties and advance money for the transportation of these articles, and delay in this matter until the close of the session would greatly embarrass the Board of Lady Managers in bringing forward promptly and in time such valuable and useful exhibits.

Asking for favorable consideration of this request, I have the honor to be,

Very respectfully,

BERTHA HONORE PALMER,
President Board of Lady Managers.

Hon. CHARLES FOSTER,
Secretary of the Treasury.

Mr. HOLMAN. That has nothing at all to do with the point of order.

The CHAIRMAN. The point of order is made on this amendment that it is not authorized by existing law.

Mr. TAYLOR of Illinois. Who made the point of order?

The CHAIRMAN. The gentleman from Indiana.

Mr. TAYLOR of Illinois. The gentleman from Indiana [Mr. HOLMAN].

The CHAIRMAN. Yes, sir. The Chair is prepared to rule. The point of order is sustained.

Mr. TAYLOR of Illinois. Mr. Chairman, I desire to offer another amendment.

The amendment was read, as follows:

After "dollars," in line 19, page 33, add "for the expenses of the World's Columbian Commission, $140,185."

Mr. HOLMAN. I make the point of order that there is no law authorizing that.

The CHAIRMAN. The Chair sustains the point of order.

Mr. TAYLOR of Illinois. I offer another amendment, Mr. Chairman, which I send to the desk.

The amendment was read, as follows:

After "dollars," in line 19, page 33, add "for expenses of the committee on awards of the World's Columbian Commission, $570,880."

Mr. HOLMAN. I make the point of order that there is no law authorizing that.

Mr. TAYLOR of Illinois. Mr. Chairman, I simply desire to call the attention of the great Democratic city of Chicago to the fact that it will be compelled to go to a Republican Senate to get these necessary appropriations. [Laughter.]

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

Contingent expenses, independent treasury: For contingent expenses under the requirements of section 3653 of the Revised Statutes of the United States, for the collection, safe-keeping, transfer, and disbursement of the public money, and for transportation of notes, bonds, and other securities of the United States, $70,000.

Mr. OUTHWAITE. Mr. Chairman, I ask unanimous consent that this part of the bill be passed over, with permission to return to the same and offer an amendment.

Mr. HOLMAN. I hope that will be agreed to.

There was no objection, and it was so ordered.

The Clerk read as follows:

Transportation of silver coin: For transportation of silver coin, including fractional silver coin, by registered mail or otherwise, $40,000, to be immediately available; and in expending this sum the Secretary of the Treasury is authorized and directed to transport from the Treasury or subtreasuries, free of charge, silver coin when requested to do so: *Provided*, That an equal amount in coin or currency shall have been deposited in the Treasury or such subtreasuries by the applicant or applicants. And the Secretary of the Treasury shall report to Congress the cost arising under this appropriation.

Mr. TRACEY. Mr. Chairman, I desire to offer the amendment which I send to the Clerk's desk.

The amendment was read, as follows:

In line 5, page 34, strike out the word "forty" and insert "thirty-five;" and after the word "applicants," in line 11, page 34, insert "*And provided further*, That the Secretary of the Treasury may suspend the purchase of silver bullion authorized under the act of July 14, 1890, whenever in his judgment it is advisable to do so for the purpose of maintaining on a parity with each other gold and silver upon a ratio provided by law, this being the policy of the United States as declared in that act."

Mr. HOLMAN. Mr. Chairman, I reserve the point of order upon that amendment.

Mr. COX of Tennessee. I make the point of order.

Mr. TRACEY. Mr. Chairman, I ask unanimous consent that this paragraph be passed over for the present and the ruling of the Chair be made to-morrow.

Mr. SAYERS. I object.

Mr. COX of Tennessee. I raise the point of order against the amendment.

Mr. TRACEY. Then, Mr. Chairman, I wish to be heard on the point of order.

The CHAIRMAN. What is the point of order that is made?

Mr. HOLMAN. I make the point of order that this amendment is new legislation.

The CHAIRMAN. Which part of it?

Mr. HOLMAN. I make the point as to the whole amendment.

Mr. TRACEY. The gentleman from Indiana in charge of this bill can scarcely maintain that it is new legislation to move that the amount appropriated in the bill be reduced from $40,000 to $35,000, and I maintain that there is no legislation in my amendment. It simply authorizes the Secretary of the Treasury to carry out the act of July 14, 1890, in accordance with existing law.

The amendment is admissible under Rule XXI, because it is a reduction in the expenditures carried by the bill. I hope the Chairman will not rule without giving this matter serious attention, because if he will give the question the same consideration which he gave to the subject of coinage in the last session he may decide that my amendment is in order under the rules.

Mr. BLAND. If the Chairman gives the same attention to the gentleman's amendment that he did to mine, he will rule it out. [Laughter.]

Mr. HOLMAN. Of course the proposition to reduce the appropriation to $35,000 would be in order; but the amendment is vitiated by the legislative provision which it contains.

Mr. TRACEY. Why, Mr. Chairman, the law of July 14, 1890, which I have quoted, declares it to be the policy of the Government to carry out this idea of maintaining a parity between the two metals, and if the Secretary of the Treasury accepts the directions proposed to be given under this bill, in accordance with existing law, he will not need to use so much as $40,000, perhaps $35,000 will be sufficient.

Mr. COX of Tennessee. The gentleman means the Secretary of the Treasury need not coin so much.

Mr. KILGORE. Mr. Chairman, we have not members enough here to transact business. We have been working since 11 o'clock; and I must insist that we ought to have a quorum.

The CHAIRMAN. Does the gentleman make a motion that the committee rise?

Mr. HOLMAN. I hope that motion will not be made for ten minutes.

Mr. KILGORE. Will you then make the motion that the committee rise?

Mr. HOLMAN. I will.

The CHAIRMAN. The Chair regards the amendment offered as embracing two separate and distinct propositions——

Mr. TRACEY. I would like to be heard a moment, that I may call the attention of the Chair to another consideration. This entire paragraph, as a matter of fact, is not in order; but as it has been admitted in the bill, amendments are in order to a greater extent than would be the case were the original paragraph in order under the rules. I do not make any point of order against the original paragraph, but I make the point that the paragraph having been admitted, no point of order having been raised against it, I have the right to offer the amendment, even though under ordinary circumstances it would be out of order.

Mr. BRECKINRIDGE of Kentucky. On what ground does the gentleman from New York [Mr. TRACEY] make the statement that this whole paragraph is new legislation? It has been in all the recent bills. If the gentleman is correct in his statement that this paragraph is new legislation which we have admitted into the bill, of course it may be amendable by new legislation.

Mr. HOLMAN. There is existing law authorizing the transportation of silver coin.

Mr. MUTCHLER. There is no law which authorizes the transportation of silver coin at the expense of the Government, therefore I think the gentleman from New York is entirely correct in his position that this is new legislation.

Mr. BRECKINRIDGE of Kentucky. I take it for granted that if the paragraph is new legislation the amendment is in order, because it would be an anomalous position to hold that after we have admitted a paragraph embracing new legislation it is not amendable by another proposition which proposes new legislation. I do not admit, however, the foundation which the gentleman seeks to lay for his argument; I do not concede that the paragraph itself would be subject to a point of order.

Mr. DOCKERY. The gentleman from New York has not raised any question of order against the paragraph.

Mr. TRACEY. If I had done so, I could not make the point that my amendment is in order.

Mr. BLAND. I understand that this amendment is offered, not to a paragraph affecting the coinage of gold or silver, but only to a paragraph providing for the transportation of coin. Hence the amendment is not germane to the subject-matter; it has nothing to do with the transportation of coin. Although the paragraph itself may be new legislation, it relates to the transportation of coin; and the amendment of the gentleman from New York is not germane to that proposition.

Mr. TRACEY. But, Mr. Chairman, the very law which authorizes the purchase of silver bullion provides for the coinage of a certain portion of the metal purchased; and that very metal at the present time is being conveyed as coin from day to day by the Treasury Department; and the expense of such transportation is a part of the expenditure provided for by the bill.

The CHAIRMAN. This question presents two separate and independent propositions. The gentleman from New York takes the position that the paragraph itself, if a point of order had been raised against it, would not be in order. That may be true, yet at the same time the proposition which the gentleman submits is no less a distinct provision of law which he proposes to have enacted. The fact that the paragraph itself may not be in order does not affect the question whether or not the amendment proposes new legislation. The Chair regards the amendment as liable to a point of order on two grounds: first, because it embraces new and independent legislation, and, secondly, because it is not germane to the paragraph under consideration. The point of order is therefore sustained.

The Clerk read as follows:

Fuel, lights, and water for public buildings: For fuel, lights, water, electric-light plants, including repairs thereto, in such buildings as may be designated by the Secretary of the Treasury for electric-light wiring and miscellaneous items required by the janitors and firemen in the proper care of the buildings, furniture, and heating apparatus, exclusive of personal services, for all public buildings, marine hospitals included, under the control of the Treasury Department, inclusive of new buildings, $800,000. And the appropriation herein made for gas in any of the public buildings in the District of Columbia, under the control of the Treasury Department, shall include the rental or use of any gas governor, gas purifier, or other device for reducing the expenses of gas, when first approved by the Secretary of the Treasury and ordered by him in writing: *Provided*, That no sum shall be paid such rental or use of such gas governor, gas purifier, or device greater than the one-half part of the amount of money actually saved thereby.

Mr. TAYLOR of Illinois. Mr. Chairman, I offer an amendment to this paragraph.

The Clerk read as follows:

Strike out in line 4, on page 38, the words "eight hundred," and insert "eight hundred and fifty," so that it will read $850,000, and that $50,000 of said amount shall be used for repair and extension of the custom-house in Chicago, Ill.

Mr. HOLMAN. I make the point of order against that amendment. It is not germane to this provision.

Mr. TAYLOR of Illinois. I desire to discuss this question, Mr. Chairman, and I notify the chairman of the committee now that he can not get this out this afternoon. In view of that fact I think we had better rise and take it up in the morning.

Mr. HOLMAN. I hope the point of order will be disposed of at all events.

Mr. TAYLOR of Illinois. It is certainly germane. I have no objection to disposing of the point of order this evening.

Mr. HOLMAN. Oh well, Mr. Chairman, it is getting late, and I move that the committee now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. LESTER of Georgia, reported, that the Committee of the Whole House on the state of the Union having had under consideration the bill H. R. 10538, had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. CUTTING, for this day, on account of sickness.

To Mr. BYNUM, for five days, on account of important business; and

To Mr. GRADY, for one day, on account of important business.

And then, on motion of Mr. BAILEY (at 5 o'clock and 12 minutes p. m.), the House adjourned.

REPORTS OF COMMITTEES.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. PAGE, from the Committee on Claims: The bill (S. 2229) for the relief of the owners and crew of the Hawaiian bark Arctic. (Report No. 2330.)

By Mr. PEARSON, from the Committee on Pensions: The bill (H. R. 9327) granting a pension to Sarah E. Roebuck. (Report No. 2331.)

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Claims was discharged from the consideration of the bill (S. 2828) for the relief of L. M. Garrett, and the same was referred to the Committee on the Post-Office and Post-Roads.

BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills and a resolution of the following titles were introduced and severally referred as follows:

By Mr. RICHARDSON: A bill (H. R. 10285) to amend the charter of the District of Columbia Railway Company—to the Committee on the District of Columbia.

By Mr. HOUK of Ohio (by request): A bill (H. R. 10286) to increase pensions of those who have lost eyes, limbs, or the use of them—to the Committee on Invalid Pensions.

By Mr. BOATNER: A bill (H. R. 10287) to provide for the payment of certain claims settled and allowed by the accounting officers of the Treasury—to the Committee on Claims.

By Mr. BINGHAM: A bill (H. R. 10288) to authorize postmasters at money-order offices to redeem postage stamps—to the Committee on the Post-Office and Post-Roads.

By Mr. CLARKE of Alabama: A bill (H. R. 10289) to amend an act entitled "An act to grant to the Mobile and Dauphin Island Railroad and Harbor Company the right to trestle across the shoal water between Cedar Point and Dauphin Island," approved September 26, 1890—to the Committee on Interstate and Foreign Commerce.

By Mr. STORER: A bill (H. R. 10291) ordering a survey for an ice harbor at Cincinnati—to the Committee on Rivers and Harbors.

By Mr. YOUMANS: A joint resolution (H. Res. 192) to permit the sculptor to exhibit the statues of Columbus and Isabella in Statuary Hall—to the Committee on the Library.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as indicated below:

By Mr. BRYAN: A bill (H. R. 10292) to remove the charge of desertion from the military record of Jeremiah F. Brown—to the Committee on Military Affairs.

By Mr. CAMPBELL: A bill (H. R. 10293) to authorize the President to restore Edmund T. Ryan to his former rank in the Army—to the Committee on Military Affairs.

By Mr. DURBOROW: A bill (H. R. 10294) relating to the anchorage of vessels in the port of Chicago—to the Committee on Interstate and Foreign Commerce.

By Mr. ENLOE: A bill (H. R. 10295) for the relief of J. F. Holladay—to the Committee on War Claims.

By Mr. HARTER: A bill (H. R. 10296) for the relief of R. M. Underwood—to the Committee on Military Affairs.

Also, a bill (H. R. 10297) for the relief of George Stelts—to the Committee on Pensions.

Also, a bill (H. R. 10298) for the relief of Edmon Kiser—to the Committee on Military Affairs.

By Mr. HAYES of Iowa: A bill (H. R. 10299) for the relief of Jacob Putnam—to the Committee on Military Affairs.

By Mr. HEARD: A bill (H. R. 10300) granting a pension to John W. Ramey—to the Committee on Invalid Pensions.

By Mr. HOOKER of Mississippi: A bill (H. R. 10301) for the relief of Catherine Murchison, of Hinds County, Miss.—to the Committee on War Claims.

By Mr. HOUK of Ohio: A bill (H. R. 10302) to pension Emily Minerva Vandeveer, widow of Brig. Gen. Ferdinand Vandeveer, United States Volunteers—to the Committee on Pensions.

By Mr. O'NEILL of Pennsylvania: A bill (H. R. 10303) for the relief of Henry Frank—to the Committee on Claims.

By Mr. SPRINGER: A bill (H. R. 10304) to incorporate the American University—to the Committee on the District of Columbia.

By Mr. TRACEY: A bill (H. R. 10305) granting a pension to Margaret English—to the Committee on Invalid Pensions.

By Mr. WHEELER of Alabama (by request): A bill (H. R. 10306) granting two years' pay of her husband to Mrs. Eleonora G. Goldsborough, widow of the late Surg. Charles B. Goldsborough, of the Marine Hospital Service—to the Committee on Claims.

Also, a bill (H. R. 10307) granting two years' pay of her husband to Mrs. Eleonora G. Goldsborough, widow of the late Surg. Charles B. Goldsborough, of the Marine Hospital Service—to the Committee on Interstate Commerce.

By Mr. WILLIAMS of Illinois: A bill (H. R. 10308) granting a pension to Amanda J. Lane—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ANDREW: Petition of 50 citizens of Massachusetts, who favor the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. ALEXANDER: Petition of George R. French, secretary of the Seaman's Friend Society of Wilmington, N. C., praying that his war claim be referred to the Court of Claims under the provisions of the Bowman act—to the Committee on War Claims.

Also, petition of Flavel W. Foster, of Hanover County, N C., praying that his war claim be referred to the Court of Claims, under the provisions of the Bowman act—to the Committee on War Claims.

By Mr. BAILEY (by request): Protest of citizens of Hardeman County, Tex., against opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. BARWIG: Petition of citizens of Waukesha County, Wis., protesting against rescinding the action of Congress, closing the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. BELTZHOOVER: Petition of P. A. Ahl for himself and as executor of Daniel V. Ahl, deceased, of Cumberland County, Pa., praying that his war claim be referred to the Court of Claims under the provisions of the Bowman act—to the Committee on War Claims.

Also, resolutions of the Junior Order of United American Mechanics, of New Cumberland, Pa., in favor of rigid restrictions on immigration—to the Select Committee on the Immigration and Naturalization.

By Mr. BINGHAM: Petition of the Regular Army and Navy Union of the United States, Capt. Henry F. Picking, Garrison No. 8, of Erie, Pa., asking the Congress of the United States to further amend the law retiring the enlisted men of the Army and Marine Corps of the United States after thirty years of honorable service, so as to include the enlisted men of the Navy—to the Committee on Naval Affairs.

Also, petition of the Master Builders' Exchange, of Philadelphia, Pa., favoring a permanent census bureau—to the Select Committee on the Eleventh Census.

Also, petition of the Charles Beck Paper Company, of Philadelphia, and members of the firm, asking that the World's Fair be open on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. BRICKNER: Three petitions of the citizens of Wisconsin, as follows: The petition of the Journeymen Tailors' Union of Sheboygan; of the Carpenters' and Joiners' Union of Sheboygan, and of the Spring City Lodge, I. A. of M., of Waukesha, for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. BRYAN: Petition of 118 citizens of Nebraska, asking for the passage of House bill 8369, giving women the right to vote for members of the House of Representatives—to the Committee on the Judiciary.

Also, petition of Government printers, for relief—to the Committee on Printing.

By Mr. BURROWS: Petition of 10 citizens of Battle Creek, Mich., for the repeal of the act authorizing the purchase of silver—to the Committee on Banking and Currency.

Also, petition of the County Alliance of Branch County, Mich., against a loan by the United States for the construction of the Panama Canal—to the Committee on Interstate and Foreign Commerce.

By Mr. CAINE: Two petitions of citizens of Utah, as follows: The petition of 30 citizens of Eureka, and of 24 citizens of Ogden, asking that the World's Fair be opened on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. CALDWELL: Three petitions of citizens of Ohio, one of 49 citizens of Cincinnati, the second of citizens of Cincinnati, and the third of 50 citizens of Cincinnati, all for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. CAMINETTI: Petition of citizens of Ohio, for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. CATE: Petition of more than 50 citizens of Helena, Ark., in favor of opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. COBB of Missouri: Petition of the West St. Louis Turner Bund, against the suspension of immigration—to the Select Committee on Immigration and Naturalization.

By Mr. CLOVER: Petition of citizens of Girard, Kans., for Sunday closing of the World's Fair—to the Select Committee on the Columbian Exposition.

By Mr. COOLIDGE: Petition of 51 citizens of Fitchburg, Mass., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. CROSBY: Petition of 55 citizens of New Bedford, Mass., in favor of opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. DIXON: Petition of 48 citizens of Bozeman, 180 citizens of Helena, 51 citizens of Philipsburg, 55 citizens of Butte City, 13 citizens of Armington, and 51 citizens of Lewiston, Mont., all asking that the World's Fair be opened on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 500 citizens of Butte City, Mont., against repeal of law closing the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. DOAN: Two resolutions of citizens of Ohio, as follows: The resolution of the board of health of Cedarville, and of the board of health of Sabina, each recommending that the entire control of maritime quarantine be placed in the hands of the Government—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the board of health of the City of Xenia, Ohio, urging that the entire control of maritime quarantine be placed in the hands of the National Government—to the Committee on Interstate and Foreign Commerce.

By Mr. DURBOROW: Petition of William J. Kelley and 24 other citizens of Chicago, Ill., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of William Breitenfeld and 152 other citizens of Chicago, Ill., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Alonzo Thornton and 73 other citizens of Chicago, Ill., and suburbs, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of O. T. Wimmerstedt and 53 other citizens of Austin, Ill., and other places, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of L. Banschbach and 48 other citizens of Morrisonville, Ill., and other places, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Joseph Oopener and 23 other citizens of Morrisonville, Ill, and other places, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of E. P. Chapin, of Chicago, Ill., and 41 other citizens of other places, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of J. G. Withers and 55 other citizens of Milford, Ill., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of William Keys and 53 other citizens of Arcola, Ill., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of the Cosmopolitan Club of Evanston, Ill., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of F. W. Whiting and 71 other citizens of Evanston, Ill., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of James R. Saye and 55 other citizens of Champaign, Ill., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of F. M. Tenney and 43 others, of Aurora, Ill., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Edward T. Ritchie and 35 others, of Findlay, Shelby County, Ill., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Dr. C. N. Dunn and 54 other citizens of Centralia, Ill., and other places, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of James M. Jones and 55 other citizens of Arcola, Ill., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Warren S. Noble, of Joliet, Ill., and 55 citizens of other places, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Thomas B. Suplee, jr., of Joliet, Ill., and 55 other citizens of Joliet and other places, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Al Biedenweg and 58 other citizens of Chicago, Ill., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of George D. Thrift, of Lima, Ohio, and 52 citizens of other places, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of H. M. Laughlin, of St. Joseph, Mo., and 52

citizens of other places, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petion of T. McKeever and 43 others, of Falls City, Nebr., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of J. W. Hughes and 55 others, of Hebron, Nebr., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of William Butt and 56 others, of Omaha, Nebr., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of James Field and 45 others, of Ashland, Nebr., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of John Edmunds and 39 others, of Omaha, Nebr., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of John W. Frammel, of Oxford, Nebr., and 55 others, for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Charles Maher and 57 others, of Humphrey, Nebr., asking Congress to repeal the law closing the gates of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Werner Boehl and 37 others, of Omaha, Nebr., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of H. C. Bartlett and 32 others, of Holdrege, Nebr., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Mark M. Starkey and 56 others, of Omaha, Nebr., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Carl Marter and 56 others, of Nebraska City, Nebr., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of J. C. Hays and 39 others, of Grand Island, Nebr., in favor of opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Charles Phillips and 51 others, of St. Louis, Mo., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of R. M. Hindman and 12 others, of Grand Island, Nebr., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of T. M. D. Haney, of Omaha, Nebr., and 55 others, for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 53 citizens of Havana, Ill., praying Congress to repeal the law closing the World's Fair on the Sabbath—to the Select Committee on the Columbian Exposition.

Also, petition of citizens of Lucas County, Iowa, asking that the World's Fair be open on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of E. P. Robertson and 54 others, of Maple Park, Ill., asking for the repeal of the law closing the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of George Smith and 50 others, of Lexington, Nebr., to open the gates of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of John T. Campbell and other citizens of Forreston, Ill., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 56 citizens of Creston, Iowa, in favor of opening World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of E. O. Valle and other citizens of Oak Park, Ill., to open the World's Columbian Exposition on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of L. A. Goerke and others, of Burr, Nebr., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of M. W. Shurts and more than 100 other citizens of Joliet, Ill., in favor of Sunday opening of the World's Fair—to the Select Committee on the Columbian Exposition.

Also, petition of citizens of Rome, Iowa, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 68 citizens of Moline, Ill., for an open World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of over 100 citizens of Birmingham, Ala., in favor of Sunday opening of the World's Fair—to the Select Committee on the Columbian Exposition.

Also, petition of 70 citizens of Ottawa, Ill., to repeal the law closing the World's Columbian Exposition on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of citizens of Colfax, Iowa, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of S. O. Fox and other citizens of Vinton, Iowa, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of W. B. Lyman, M. D., and 56 others, of Eau Claire, Wis., in favor of opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of citizens of Batavia, Ill., in favor of opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of citizens of Monticello, Ill., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of S. H. Velies and 46 others, of Moline, Ill., to open the gates of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of L. F. Maple, of Chariton, Iowa, and 52 others, to repeal the law closing the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of J. Gould and 55 others, of Sioux City and elsewhere, in favor of opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Alexander McGillis, of Wisconsin, and 40 others, in favor of opening the gates of the Wold's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 51 citizens of Pekin, Ill., to repeal the act closing the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of many citizens of Amherst, Nebr., asking that the World's Fair be open on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of citizens of Boone, Iowa, in favor of an open World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, the petition of citizens of Assumption, Ill., in favor of the repeal of the law closing the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of citizens of Omaha, Nebr., in favor of an open World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 49 citizens of Canton, Ill., for the repeal of the law closing the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of C. J. Bell and other citizens of Cedar Rapids, Iowa, in favor of opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of citizens of Lincoln, Ill., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of C. D. Newton, president First National Bank, and other citizens of Batavia, Ill., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 60 citizens of Bucksport, Me., desiring the World's Fair open Sunday—to the Select Committee on the Columbian Exposition.

Also, petition from S. E. Fidler and 36 other citizens of Des Moines, Iowa, asking that the World's Fair be opened on Sunday—to Select Committee on Columbian Exposition.

Also, petition of William Bungart, M. R. Anderson, P. J. Garrity, and others, of La Salle, Ill., for opening the gate of the World's Fair on Sunday—to Select Committee on the Columbian Exposition.

Also, petition of Theodore Ferichs, C. E. Wood, and sundry other citizens of Talmage, Nebr., for opening the World's Fair on Sunday—to Select Committee on Columbian Exposition.

Also, petition of 50 citizens of Superior, Nebr., in favor of opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of citizens of La Porte City, Iowa, in favor of opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of G. E. Robinson and 50 others, of Point Clear, Ala., in favor of opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 50 citizens of Ottumwa, Iowa, in favor of opening the World's Columbian Exposition on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of W. W. Thompson and 56 others, of Ogallala, Nebr., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of O. A. Avery and 56 others, of Edgar, Nebr., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of P. O'Keefe and 55 others, of Grand Island, Nebr., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of H. Luessenbach and 56 others, of Omaha, Nebr., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of H. Melchior and 55 others, of Omaha, Nebr., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Andrew O'Brien and 32 others, of Omaha, Nebr., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of R. F. Ralston and 52 others, of Rock Island, Ill., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 52 citizens of Rock Island, Ill., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 52 citizens of Chicago, Ill., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 56 citizens of Winchester, Ill., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 56 citizens of Elgin, Ill., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 54 citizens of Elgin, Ill., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 63 citizens of Chebanse, Ill., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 38 citizens of Alton, Ill., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 49 citizens of Camp Point, Ill., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 46 citizens of Springfield, Ill., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 47 citizens of Virginia, Ill., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 3 citizens of Chillicothe, Ill., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 10 citizens of Chicago, Ill., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 24 citizens of Bureau, Ill., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 56 citizens of Mattoon, Ill., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 30 citizens of Rock Island, Ill., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 46 citizens of Quincy, Ill., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 12 citizens of Elroy, Wis., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 14 citizens of Alton, Ill., for the opening of World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 14 citizens of Beardstown, Ill., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 56 citizens of Chicago, Ill., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 53 citizens of Aurora, Ill., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 55 citizens of North Peoria, Ill., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 54 citizens of Mattoon, Ill., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 50 citizens of Peoria, Ill., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 56 citizens of Lyndon and other places of Illinois, for the opening of World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 56 citizens of Earlville, Ill., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 11 citizens of Earlville, Ill., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 56 citizens of La Grange, Ill., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 24 citizens of Moline, Ill., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 56 citizens of Rockford, Ill., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 21 citizens of Peoria, Ill., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 30 citizens of Morrison, Ill., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 15 citizens of Ottawa, Ill., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 30 citizens of Oak Park, Ill., for the opening of the World's Fair on Sunday—to the Select Committee on the Colnmbian Exposition.

Also, petition of 12 citizens of Sterling, Ill., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 56 citizens of Marshall, Ill., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 51 citizens of Sterling, Ill., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 55 citizens of Sterling and other places in Illinois, for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also petition of 56 citizens of Wheaton, Ill., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 55 citizens of Wheaton, Ill., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 56 citizens of Mattoon, Ill., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 22 citizens of Elgin, Ill., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 56 citizens of Dixon, Ill., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 55 citizens of Dixon and other places in Illinois, for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 34 citizens of Freeport, Ill., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 37 citizens of Elgin, Ill., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 23 citizens of Sterling, Ill., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 26 citizens of Elgin, Ill., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 55 citizens of Bureau and other places in Illinois, for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 56 citizens of Amboy and other places in Illinois, for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 55 citizens of Amboy and other places in Illinois, for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 53 citizens of Amboy and other places in Illinois, for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 85 citizens of Amboy and other places in Illinois, for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 29 citizens of Chicago Lawn, Ill., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of J. B. Marsh and 9 others, citizens of Chicago, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of G. D. Henderson and 13 others, citizens of Chicago, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of C. S. Nash and 14 others, citizens of Chicago, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of John S. Miner and 15 others, citizens of Chicago, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Otto H. Ceper and 56 others, citizens of Chicago, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of M. A. Donegan and 37 others, citizens of Chicago, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of E. J. Endres and 33 others, citizens of Chicago, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of J. F. Baumgarten and 40 others, citizens of Chicago, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of O. H. Wiley and 10 others, citizens of Chicago, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of A. Hagan and 12 others, citizens of Chicago, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exhibition.

Also, petition of A. S. Louray and 15 others, citizens of Chicago, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of John C. Richberg and 15 others, citizens of Chicago, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of F. A. Gettleson and 11 other citizens of Chicago, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of William Seng and 11 other citizens of Chicago, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of H. H. Williams and 88 others, citizens of Chicago, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Julius Kulm and 49 other citizens of Chicago, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 56 citizens of Decatur, Ill., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 89 citizens of Bushnell, Ill., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 6 citizens of Watseka, Ill., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 73 citizens of Champaign, Ill., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 56 citizens of Harlem, Ill., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 24 citizens of Bloomington, Ill., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 55 citizens of Gilman, Ill., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 110 citizens of Gilman, Ill., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 56 citizens of Forest, Ill., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 56 citizens of Harlem, Ill., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 67 citizens of Dayton, Ill., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 15 citizens of Elsdon, Ill., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 15 citizens of Carpentersville, Ill., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 15 citizens of Danleith, Ill., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Dr. J. F. Rennert and 40 other citizens of Chicago, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of James O'Donoghue and 6 other citizens of Chicago, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Charles Ord and 14 other citizens of Illinois, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Omer E. Thatcher and 46 other citizens of Chicago, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Mrs. M. Rutledge and 19 other citizens of Chicago, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of William Grimes and 22 other citizens of Chicago, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of H. Blessing and 16 other citizens of Chicago, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of H. C. Cuper and 26 other citizens of California, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Charles Sugers and 23 other citizens of Chicago, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Frank Ebphuger and 5 other citizens of Fort Wayne, Ind., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of William Kane, of Chicago, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of John H. Landers and 16 other citizens of Illinois, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of A. S. Bush and 56 other citizens of Chicago, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of E. H. Evans and 79 other citizens of Chicago, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of W. D. Farquhasson and 51 other citizens of Chicago, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Charles Halpin and 38 other citizens of Chicago, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Richard V. Dulleck and 52 other citizens of Chicago, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of August Ruppert and 53 other citizens of Chicago, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of E. A. Houghton and 54 other citizens of Chicago, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of William B. Connor and 43 other citizens of Chicago, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Sophus William Holt and 53 other citizens of Chicago, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of S. P. Jennison and 54 other citizens of Red Wing, Minn., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of E. S. Howard and 56 other citizens of Red Wing, Minn., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Peter Fish and 52 other citizens of Ashland, Wis., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Charles M. Lesier and 56 other citizens of Milwaukee, Wis., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Charles Coleman and 47 other citizens of Baraboo, Wis., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of George Ruland and 71 other citizens of Baraboo, Wis., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of W. H. Duffenboher and 56 other citizens of Platteville, Wis., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of W. G. McNair and 56 other citizens of Brodhead, Wis., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of A. Armstrong and 56 other citizens of Brodhead, Wis., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of A. E. Reilley and 55 other citizens of Appleton, Wis., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of C. W. Casper and 46 other citizens of Milwaukee, Wis., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of John N. Doerr and 23 other citizens of Chicago, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Henry H. Handy and 36 other citizens of Chicago, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Simon Sleanss and 5 other citizens of Albert Lea, Minn., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of William B. Frank and 53 other citizens of Chicago, Ill., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of F. Fichtenberg and 28 other citizens of Chicago, Ill., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. ENOCHS: Preamble and resolutions of the Ohio State board of health at Columbus, Ohio, January 5, 1893, demanding prohibitory laws against immigration to the United States until this country is beyond danger from cholera—to the Select Committee on Immigration and Naturalization.

By Mr. EVERETT: Papers in claims of Benton Freeman and Jacob A. Fite, of Gordon County, Ga.—to the Committee on War Claims.

Also, papers in claim of Thomas Russell, of Chatooga County, Ga.—to the Committee on War Claims.

Also, papers in claim of William J. Tate, of Whitfield County, Ga.—to the Committee on War Claims.

By Mr. FELLOWS: Two petitions of citizens of New York, as follows: The petition of Walter Wirtles, William Meyers, H. F. Bloss, Julius Boaner, Rupert Wolf, J. Mayce, and about 40 others, of New York City, and of 50 women of New York and Brooklyn, asking that the World's Fair be open on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of the New York Produce Exchange, praying for the construction of a ship canal from the Great Lakes to the Hudson River—to the Committee on Interstate and Foreign Commerce.

By Mr. GROUT: Memorial of the Boston Merchants' Association, in favor of the Torrey bankrupt bill—to the Committee on the Judiciary.

Also, petition of the Boston Fruit and Produce Exchange, of Boston, Mass., favoring the passage of House bill 4843—to the Committee on Agriculture.

Also, memorial of the National Grange of the Patrons of Husbandry, in favor of the Paddock pure-food bill—to the Committee on Agriculture.

Also, petition in favor of increasing the pension of John L. Clereland, Company B, Third Vermont Volunteers—to the Committee on Invalid Pensions.

By Mr. HAMILTON: Petition of citizens of Springdale, Iowa, asking that the World's Fair be opened on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of citizens of Springdale, Iowa, asking that the World's Fair be opened on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. HATCH: Two resolutions, one of the St. Louis Merchants' Exchange and the other of the St. Louis Trades and Labor Union, both as to an amendment to the census law—to the Select Committee on the Eleventh Census.

Also, resolution of Jackson County Farmers and Laborers' Union, concerning the Nicaragua Canal and the antioption bill—to the Committee on Interstate and Foreign Commerce.

By Mr. HAUGEN: Protest of Gunder Thompson and 29 others, of Eau Claire, Wis., against the passage of any legislation for the purpose of excluding honest and industrious immigrants, as injurious to the welfare and development of the country—to the Committee on Interstate and Foreign Commerce.

By Mr. HEARD: Resolutions of the Labor and Trades Union of St. Louis, Mo., in favor of establishing a permanent Census Bureau—to the Select Committee on the Eleventh Census.

By Mr. HENDERSON of Iowa: Four petitions of citizens of Iowa, as follows: The petition of the Cigar-Makers' Union, No. 88, of Dubuque; of Waterloo Lodge, No. 314, International Association of Machinists; of the Local Union (Tinners) No. 45, of Dubuque, and of Union No. 678, of United Brotherhood of Carpenters and Joiners, of Dubuque, all favoring Sunday opening of World's Fair—to the Select Committee on the Columbian Exposition.

By Mr. HOUK of Ohio: Petition of the Mutual Lodge, No. 225, of Dayton, Ohio, of the International Association of Machinists, in regard to sugar machinery—to the Committee on Ways and Means.

Also, three petitions signed by many citizens of Hamilton, Ohio, asking that the World's Fair be kept open on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. JOSEPH: Memorial of the Legislative Assembly of the Territory of New Mexico, demanding the admission of New Mexico as a State on an equal footing with the original States—to the Committee on the Territories.

Also, three petitions of citizens of New Mexico, as follows: the petition of 51 citizens of Deming, of 52 citizens of Albuquerque, and of 50 citizens of Albuquerque, in favor of opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. KETCHAM: Petition of C. B. Story and others, of Bay Side, N. Y., favoring the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. LANE: Two petitions of citizens of Fayette County, Ill., as follows: One the petition of the farmers and laborers, and the other of citizens, praying for a Congressional investigation of the combination existing between the millers, railroads, and elevators for the purpose of depressing the price of wheat—to the Committee on Agriculture.

By Mr. LAGAN: Petition of 126 citizens of New Orleans, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. LIND: Resolutions by the Commercial Club of St. Paul, Minn., praying for restriction of immigration—to the Select Committee on Immigration and Naturalization.

By Mr. LESTER of Georgia: Memorial of John J. Jones and others, of Burke County, Ga., against the repeal of the act closing the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. LOCKWOOD: Petition of the Third National Bank of Buffalo, N. Y., and other banks and citizens, in favor of the repeal of the Sherman act—to the Committee on Banking and Currency.

By Mr. LOUD: Petition of citizens of San Francisco, Cal., favoring the passage of House bill 3608, classifying salaries of post-office clerks—to the Committee on the Post-Office and Post-Roads.

By Mr. LYNCH: Petition of Josef Kraus, John Lane, L. I. Bryson, F. G. Rossemin, and a number of others, of Phillips, Wis., asking Congress to repeal its act closing the World's Fair on Sunday—to the Select Committee on the Columbian Exposition

By Mr. McCLELLAN: Petition of Joshua Parker and 40 citizens, of Fort Wayne and vicinity, asking Congress to grant a pension to said Parker, of Company D, Forty-eighth Indiana Volunteers—to the Committee on Invalid Pensions.

Also, petition of 154 citizens of Academy, Ind., and letter of Rev. J. M. Toohey, in favor of opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. McALEER: Petition of the Spring Garden Unitarian Society of Philadelphia, in favor of opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. McRAE: Petition of J. C. Darnell and 40 other citizens of Buena Vista, Ark., in favor of having the World's Fair open on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. OHLIGER: Papers to accompany House bill granting a pension to Mrs. Lovinia A. Hewitt—to the Committee on Invalid Pensions.

Also, papers to accompany House bill granting a pension to Sesliet Aylsworth—to the Committee on Invalid Pensions.

By Mr. O'NEILL of Pennsylvania: Five petitions of citizens of Pennsylvania, as follows: The petition of the Aider Street Presbyterian Church of Philadelphia; of the Patterson Memorial Presbyterian Church of Philadelphia; of the Philadelphia Typographical Union; of the Walnut Street Presbyterian Church of Philadelphia, and of the Susquehanna Avenue Presbyterian Church of Philadelphia, all against the repeal of the law closing the World's Fair on the Sabbath—to the Select Committee on the Columbian Exposition.

Also, petition of many citizens of the Second Congressional district of Pennsylvania, urging the prohibition of the landing in this country for one year of all immigrants excepting foreigners who come to visit the World's Columbian Fair and favoring also a commission to investigate certain classes of immigrants—to the Select Committee on Immigration and Naturalization.

By Mr. OUTHWAITE: Resolutions of boards of trade of Ohio;

the Board of Trade of Mason, of Lenwood, of Scott, of Williamsport, of Riverside, of Fremont, of Salineville, of Hamler, of Sylvania, of College Hill, of Bond Hill, of Felicity, of Higginsport, of Mansfield, of Xenia, of Mount Gilead, of Jewett, of Holgate, of Lynchburg, of Cary, of Antwerp, of Norwood, of Edon, of Bellair, of Peninsula, of Carthage, of Arcanum, of Delta, of Lancaster, of Summerfield, of Mount Vernon, of Spring Valley, of Cedarville, of Marrow, of Willoughby, of Conneaut, of Mentor, of Perrysville, of Bellefontaine, of Chagrin Falls, and of Tippecanoe, all urging legislation for the restriction of immigration—to the Select Committee on Immigration and Naturalization.

Also, petition of the Woman's Christian Temperance Union of Lancaster, Ohio, protesting against the repeal of the law closing the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of many citizens of Wauseon, Ohio, in favor of opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. PEEL: Two petitions of citizens of Arkansas, as follows: The petition of 44 bankers, physicians, merchants, and business men of Eureka Springs, of J. P. Corbin and 44 others, of Goldman, each asking Congress to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, two petitions of Illinois, as follows: The petition of R. M. Alherst, J. A. Malick, F. L. Armstrong, C. E. Berggren, H. Morton and 43 others, of Galesburg, and of 24 residents of Glasford, in favor of opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. POST: Petition of Rev. C. M. Taylor, of Princeville, Ill., in favor of Sunday closing of the World's Fair—to the Select Committee on the Columbian Exposition.

Also, resolutions of the Chamber of Commerce of New York, relative to national quarantine—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Ohio Sabbath Union, against Sunday opening of the World's Fair—to the Select Committee on the Columbian Exposition.

By Mr. RANDALL: Resolutions of the First Presbyterian Church of New Bedford, Mass., against opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. RAY: Two petitions of citizens of New York, as follows: The petition of the Journeymen Tailors' Union, of Binghamton, and of the Cigar-Makers' Union, No. 218, of Binghamton, for the repeal of the law closing the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of the "Lowdown" Wagon Company, of Earlville, N. Y., for a reduction of postage—to the Committee on the Post-Office and Post-Roads.

By Mr. REYBURN: Petition of John Sartain, chief of the art department, Centennial Exposition; Mary E. Wenefore, president Philadelphia County World's Fair committee; E. C. King, John A. Cook, and 47 others, of Philadelphia, requesting that the World's Fair be open on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of citizens of Philadelphia, Pa., in favor of the appointment of a special committee to investigate the evils of immigration—to the Committee on Interstate and Foreign Commerce.

Also, petition of the North Broad Street Presbyterian Church and congregation of Philadelphia, requesting the closing of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. SHELL: Petition of male members of the Winnsboro Station of the Methodist Episcopal Church, South, in favor of closing the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. SIPE: Resolution of the First Presbyterian Church of Washington, Pa., commending Congress for the passage of the law requiring the closing of the World's Columbian Exposition on Sunday and praying that said law be not repealed—to the Select Committee on the Columbian Exposition.

By Mr. STORER: Three resolutions of citizens of Ohio—one of the village of Bond Hill, the second of the village of Linwood, and the third of Norwood—all in favor of a system of national quarantine—to the Select Committee on Immigration and Naturalization.

Also, petition of sundry citizens of Harrison, Ohio, in favor of having the World's Fair opened on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. WILLIAM A. STONE: Three petitions of citizens of Pennsylvania, as follows: The petition of the New Lebanon Presbyterian Church, of the Presbyterian Ministers' Association of Pittsburg and Allegheny, and of the First Presbyterian Church of Apollo, asking that the World's Fair be closed on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Duquesne Lodge, of Allegheny, Pa., of the International Association of Machinists, against admission of machinery for refining at lower rates of duty than other machinery—to the Committee on Ways and Means.

Also, petition of Union No. 171, of Wage Workers of Allegheny, Pa., to have the World's Fair open on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. STUMP: Petition of the Mount Vernon Methodist Episcopal Church of Hampden, Baltimore County, Md., against the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of citizens of Westminster, Md., in favor of the repeal of the so-called Sherman act—to the Committee on Banking and Currency.

By Mr. VINCENT A. TAYLOR: Petition of citizens of Ohio, as follows: The petition of L. A. Bard, H. C. Webb, and many others of Cleveland; of numerous citizens of Cleveland; of various citizens of Cleveland; of 30 citizens of Cleveland; by more than 50 citizens of Cleveland, and by over 100 resident citizens of Painesville, all asking that the World's Fair be open on Sunday—to the Select Committee on the Columbian Exposition.

Also, resolutions adopted by the Ohio State board of health, urging the suspension of all immigration until such time as the quarantine defenses of the country are placed in a condition to guarantee protection from all danger of cholera by reason of immigration—to the Select Committee on Immigration and Naturalization.

Also, resolution setting apart days for the consideration of measures reported from the Committee on Public Buildings and Grounds—to the Committee on Rules.

By Mr. TERRY (by request): Petition of the Little Rock branches of the North American Turnerbund German Veteran Benefit Society and Little Rock Zither and Gesang Club, protesting against the proposed measures restricting or suspending immigration from other nations to this country—to the Select Committee on Immigration and Naturalization.

Also, petition of 44 citizens of Little Rock, Ark., asking that the World's Fair be kept open on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. TOWNSEND: Petition of 300 persons of Pueblo, Denver, and Fremont, Colo., asking that the World's Fair be opened on Sundays—to the Select Committee on the Columbian Exposition.

Also, three petitions of lodges or associations, as follows: Of Lodge No. 13; of Pike's Peak International Association of Machinists; of Denver Musical Protection Association of Denver, and of Pueblo Branch of Journeymen Stone-Cutters' Association, all in favor of repealing the act closing the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. TURNER: Resolution of the Board of Trade of Brunswick, Ga., urging the repeal of the Sherman silver act of 1890—to the Committe on Banking and Currency.

By Mr. WHEELER of Alabama: Papers in claim of William S. Keer, John Haynes, deceased, David Vincent, Jesse Jefferson, William Jones, and Senia McClelland, of Madison County, Ala.—to the Committee on War Claims.

Also, papers in claims of Stephen Harris, Corland M. Miller, and Edward Moore, of Madison County, Ala.—to the Committee on War Claims.

Also, memorial of F. F. Lomas and voters of Bradford County, in favor of restricting immigration—to the Select Committee on Immigration and Naturalization.

Also, papers in claim of Martha Byrd, of Lawrence County, Ala.—to the Committee on War Claims.

SENATE.

TUESDAY, *January 24, 1893.*

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

CREDENTIALS.

The VICE-PRESIDENT presented the credentials of GEORGE GRAY, elected by the Legislature of Delaware a Senator from that State for the term beginning March 4, 1893; which were read and ordered to be filed.

Mr. HARRIS presented the credentials of WILLIAM B. BATE, elected by the Legislature of Tennessee a Senator from that State for the term beginning March 4, 1893; which were read and ordered to be filed.

PRESIDENTIAL ELECTORS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of State, transmitting, in pursuance of the provisions of the act of Congress approved February 3, 1887, a certified copy of the final ascertainment of the electors for President and Vice-President appointed in the State of Michigan, at the election held therein on the 8th day of November, 1892, as certified to him by the governor of that State; which was ordered to lie on the table.

SALMON FISHERIES OF ALASKA.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 19th instant, the report of Special Agent Max Pracht, having in charge the protection of the salmon fisheries of Alaska; which was read.

Mr. PLATT. I think the communication should be referred to the Committee on Appropriations. It relates, to be sure, to the salmon fishing industry in Alaska, and might perhaps go to the Committee on Fisheries; but an appropriation will be asked for the continuance of the supervision of those fisheries. That matter is now before the Committee on Territories, and the committee will, I think, report in favor of an amendment to the sundry civil or some other appropriation bill for that purpose. I think, therefore, that the communication and accompanying papers had better go to the Committee on Appropriations, unless it is desired to refer them to the Committee on Fisheries.

Mr. DOLPH. The papers will be printed, I suppose.

Mr. PLATT. Yes.

Mr. DOLPH. I think the reference suggested a proper one.

Mr. PLATT. Unless a claim is made by the Committee on Fisheries, I move that the communication, with the accompanying papers, be referred to the Committee on Appropriations and printed.

The motion was agreed to.

INDIAN DEPREDATION CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the Attorney-General in response to a resolution of the 21st instant relative to specified classes of Indian depredation claims entitled to priority of consideration under section 4 of the act of March 3, 1891, transmitting the decisions of the Court of Claims in the cases of John T. Mitchell, administrator, etc., *vs.* The United States and Sioux Nation of Indians, and of James S. Valk, executor, etc., *vs.* The United States and Rogue River Tribe of Indians; which, on motion of Mr. CHANDLER, was, with the accompanying papers, referred to the Select Committee on Indian Depredations, and ordered to be printed.

BRIGHTWOOD RAILWAY COMPANY.

The VICE-PRESIDENT laid before the Senate a communication from the president of the Brightwood Railway Company of the District of Columbia, transmitting the names of stockholders of that company, etc.; which was referred to the Committee on the District of Columbia, and ordered to be printed.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented memorials of the Third Presbyterian Church of Camden, and of the Presbyterian Church of New Providence, in the State of New Jersey, remonstrating against the repeal of the law closing the World's Columbian Exposition; which were referred to the Committee on the Quadro-Centennial (Select).

Mr. SHERMAN presented a petition of the North Star Grange, No. 671, Patrons of Husbandry, of Geneva, Ohio, praying for the passage of the Washburn-Hatch antioption bill; which was ordered to lie on the table.

He also presented a memorial of the congregation of the First Presbyterian Church of Canton, Ohio, remonstrating against the repeal of the law closing the World's Columbian Exposition on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

He also presented petitions of the Boards of Trade of West Alexandria, Youngstown, Findlay, Canton, and Cuyahoga Falls, all in the State of Ohio, praying for the establishment of a national quarantine, and the suspension of immigration until the quarantine defense of the country shall be placed in a condition to guarantee protection from contagious diseases; which were ordered to lie on the table.

Mr. SAWYER presented a petition of sundry bankers and business men of Fox Lake, Wis., praying for the repeal of the so-called Sherman silver law; which was ordered to lie on the table.

Mr. VILAS presented a petition of the Manufacturers and Jobbers' Union of La Crosse, Wis., praying for the repeal of the so-called Sherman silver law, and remonstrating against the further purchase of silver by the Secretary of the Treasury; which was ordered to lie on the table.

Mr. WILSON presented petitions of the Tailors' Local Union No. 207, of Burlington, Iowa, and of Union No. 700, United Brotherhood of Carpenters and Joiners of America, of Keokuk, Iowa, praying for the opening of the World's Columbian Exposition on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

He also presented a petition of the Farmers' Institute of Howard County, Iowa, praying for the passage of the antioption bill; which was ordered to lie on the table.

Mr. QUAY presented petitions of the Paint and Drug Club of Pittsburg and the Trades League of Philadelphia, in the State of Pennsylvania, praying for the passage of the Torrey bankruptcy bill; which were referred to the Committee on the Judiciary.

He also presented a petition of the Philadelphia (Pa.) Board of Trade, praying for the repeal of the so-called Sherman silver law; which was ordered to lie on the table.

He also presented a petition of Capt. Henry F. Picking, Garrison No. 8, Regular Army and Navy Union, of Erie, Pa., praying Congress to further amend the law retiring enlisted men of the Army and Marine Corps of the United States after thirty years' honorable service; which was referred to the Committee on Military Affairs.

Mr. CULLOM presented petitions of Cigar-Makers' Union No. 38, of Springfield, Ill., and of Local Union No. 788, of Illinois, United Brotherhood of Carpenters and Joiners of America, praying for the opening of the World's Columbian Exposition on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

He also presented a petition of South Fiatt Grange, No. 1644, Patrons of Husbandry, of Illinois, praying for the passage of the antioption bill; which was ordered to lie on the table.

He also presented a petition of business men and citizens of Mendota, Ill., praying that the purchase of silver under the so-called Sherman act be immediately discontinued; which was ordered to lie on the table.

He also presented petitions of citizens of Jasper, Wayne, Hamilton, Monroe, Jefferson, and Moultrie Counties, all in the State of Illinois, praying for the appointment of a Senate committee to investigate the combine formed to depreciate the price of grain now existing between the millers, railroads, elevators, etc.; which were referred to the Committee on Agriculture and Forestry.

Mr. DANIEL presented a petition of business men of Norfolk, Va., praying for the repeal of the so-called Sherman silver law; which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. MORRILL. I am instructed by the Committee on Finance, to whom was referred the bill (S. 3500) to amend an act entitled "An act to credit and pay to the several States and Territories and District of Columbia all moneys collected under the direct tax levied by the act of Congress, approved August 5, 1861," approved March 2, 1891, to report adversely thereon. I ask, however, that the bill be placed on the Calendar.

The VICE-PRESIDENT. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. MORRILL, from the Committee on Finance, to whom was referred the bill (H. R. 5504) to permit the withdrawal of certain papers and the signing of certain receipts by John Finn or his attorney, asked to be discharged from its further consideration, and that it be referred to the Committee on Claims; which was agreed to.

Mr. MCMILLAN. I am directed by the Committee on the District of Columbia, to whom the subject was referred, to submit a report accompanied by a bill to authorize reassessments for local improvements in the District of Columbia, and for other purposes. I ask that the bill be read twice, and referred to the Committee on Appropriations.

The bill (S. 3764) to authorize reassessments for local improvements in the District of Columbia, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

Mr. DAVIS, from the Committee on Pensions, to whom was referred the bill (H. R. 8275) granting a pension to Abraham B. Simmons, of Capt. Thomas Tripp's company, in Col. Brisbane's regiment, South Carolina Volunteers, in the Florida Indian war, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 6508) granting a pension to Joseph Fortier, reported it without amendment, and submitted a report thereon.

Mr. SAWYER, from the Committee on Pensions, to whom was referred the bill (H. R. 929) granting a pension to Mrs. Mary E. Donaldson, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 7036) granting a pension to Lillie Ries, late a nurse at Jefferson Barracks;

A bill (H. R. 4047) granting a pension to Ellen Hewett;

A bill (H. R. 2407) granting a pension to Samuel Luttrell; and

A bill (H. R. 2400) granting a pension to Willis Luttrell.

PROOF IN PENSION CASES.

Mr. SAWYER. I am directed by the Committee on Pensions, to whom was referred the bill (H. R. 10189) relating to proof of citizenship of applicants for Indian war pensions under the act of Congress, approved July 27, 1892, to report it without amendment. This is a short bill, and I ask unanimous consent for its immediate consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Commissioner of Pensions to accept as sufficient proof of the citizenship of an applicant for pension under the act of July 27, 1892, the fact that such applicant at the date of the application was an actual and bona fide resident of the United States.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DEATH OF MR. JUSTICE LAMAR.

The VICE-PRESIDENT. The Chair has received a communication from the Chief Justice of the Supreme Court of the United States, which will be read.

The Chief Clerk read as follows:

SUPREME COURT OF THE UNITED STATES,
Washington, January 24, 1893.

The VICE-PRESIDENT:

It becomes my painful duty to inform the Vice-President and the Senate of the death of Mr. Justice Lamar, which occurred at 8.50 o'clock last night at Macon, Ga.

I have the honor to be, your obedient servant,
MELVILLE W. FULLER,
Chief Justice of the United States.

Mr. WALTHALL. Mr. President, that the death of the great man just announced—great, sir, in every sense—is a public calamity, will be agreed by men of all shades of opinion throughout the country which he served so well. But it is in Mississippi that this affliction will be most keenly and severely felt. Sir, he was the pride of that State, to whose name he brought so much of credit during his long career of usefulness and honor in public positions of the highest responsibility and trust. He was the idol of the people of his State. They admired him for his rare gifts and his uncommon powers; they were grateful to him for services which they believe and I believe no other man could have rendered them as he did and when he did; and they loved him and trusted him for the sublime courage, the fidelity, generosity, and honor which signalized as well his private as his public life.

Mr. President, on this occasion I may not speak at large of his private life or of his public service, but I may be permitted on behalf of Mississippi and of all her people to thank the Senate in advance for the action which I know will soon be taken in adjourning as a mark of respect to his memory.

Mr. GORDON. Mr. President, this is not the occasion for any extended remarks in reference to the distinguished dead, but I do feel impelled to say that Georgia especially sympathizes with her sister State, Mississippi, in the deep sense of the loss we have sustained.

Judge Lamar's life began in Georgia. His distinguished ancestry make a part of her history. Around his name in early manhood were clustered the hopes of our people. They have naturally followed his career with the deep interest that would attach to a career so illustrious, so brilliant, so exceptionally beneficial to his country. As a mother weeps, so Georgia weeps at the death of this great man.

Sir, it was my fortune to know him and love him. It is the fortune of Georgia to have given to this Union the man who has just passed away with an immortal glory around his name and with the blessings of his entire countrymen of every section forever to follow him.

Mr. WILSON. Mr. President, in view of the sad announcement which has been made to the Senate and as a proper mark of respect to the memory of the deceased justice, I move that the Senate do now adjourn.

The motion was unanimously agreed to; and (at 12 o'clock and 28 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, January 25, 1893, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

TUESDAY, *January 24, 1893.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of yesterday was read and approved.

REFUND OF CUSTOMS DUTIES.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting a detailed statement of the refund of customs duties, etc., for the fiscal year ending June 30, 1892; which was referred to the Committee on Ways and Means.

POST-OFFICE BUILDING, HOULTON, ME.

The SPEAKER also laid before the House a letter from the Acting Secretary of the Treasury, transmitting a statement as to the United States custom-house and post-office building at Houlton, Me.; which was referred to the Committee on Appropriations.

THOMAS READY.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting copy of a bill for the relief of Thomas Ready, and recommending its approval; which was referred to the Committee on Claims.

PURCHASE OF INDIAN SUPPLIES, ETC.

The SPEAKER also laid before the House a letter from the Acting Secretary of War, transmitting statement prepared by the Commissioner of Indian Affairs, showing open market purchases of goods and supplies for the Indian service during the fiscal year 1892; which was referred to the Committee on Indian Affairs.

WASHINGTON AND GEORGETOWN RAILROAD COMPANY.

The SPEAKER also laid before the House a communication from the president of the Washington and Georgetown Railroad Company, showing the receipts, etc., of said road for the year ending December 31, 1892; which was referred to the Committee on the District of Columbia.

BRIGHTWOOD RAILROAD COMPANY.

The SPEAKER also laid before the House a communication from the president of the Brightwood Railroad Company, showing the operations of said road for the year ending December 31, 1892; which was referred to the Committee on the District of Columbia.

PRESIDENTIAL ELECTORS.

The SPEAKER also laid before the House certified copies of the ascertainment of electors in the States of Michigan and Louisiana, transmitted by the Secretary of State; which were severally ordered to lie upon the table.

BRIDGE ACROSS THE MISSOURI RIVER.

The SPEAKER also laid before the House the bill (S. 3727) to amend an act authorizing the construction of a railway, street railway, motor, wagon, and pedestrian bridge over the Missouri River, near Council Bluffs, Iowa, and Omaha, Nebr.

Mr. BRYAN. Mr. Speaker, I ask unanimous consent for the present consideration of that bill.

The SPEAKER. The bill will be read subject to objection.

The bill was read, as follows:

Be it enacted, etc., That section 8 of the act entitled "An act authorizing the construction of a railway, street railway, motor, wagon, and pedestrian bridge over the Missouri River, near Council Bluffs, Iowa, and Omaha, Nebr.," be amended to read as follows:

"SEC. 8. That this act shall be null and void if construction of said bridge shall not be commenced on or before the 1st day of January, 1892, and be completed on or before the 1st day of July, 1898: *Provided*, That the navigation of the Missouri River shall not be obstructed by false works during the construction of the bridge."

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered, ordered to a third reading, and being read read the third time, was passed.

On motion of Mr. BRYAN, a motion to reconsider the last vote was laid on the table.

The SPEAKER. In the absence of objection the corresponding House bill (H. R. 10117) will be laid on the table.

SENATE BILLS REFERRED.

The SPEAKER laid before the House Senate bills and a joint resolution of the following titles; which were severally read a first and second time, ordered to be printed, and referred to the committees named below:

Joint resolution (S. R. 134) authorizing the loan, for exhibition at the World's Columbian Exposition, of the picture entitled "The Recall of Columbus," by Augustus G. Heaton—to the Committee on the World's Columbian Exposition.

A bill (S. 1948) authorizing the Southern Kansas Railway Company to construct and maintain a pipe line from the North Fork of the Canadian River, Indian Territory, to said railway—to the Committee on Indian Affairs.

A bill (S. 3690) to incorporate the Tabernacle Society of the District of Columbia—to the Committee on the District of Columbia.

A bill (S. 3383) to amend the act of May 6, 1890, fixing the rate of interest to be charged on arrearages of general and special taxes now due the District of Columbia—to the Committee on the District of Columbia.

TESTIMONY IN INTERSTATE-COMMERCE CASES, ETC

The SPEAKER laid before the House the bill (S. 1933) concerning testimony in criminal cases or proceedings based upon or growing out of alleged violations of an act entitled "An act to regulate commerce," approved February 4, 1887, as amended March 2, 1889, and February 10, 1891, the Senate having disagreed to the House amendments, and asked for a conference on the disagreeing votes of the two Houses.

Mr. PATTERSON of Tennessee. I move that the House insist on its amendments and agree to the conference asked for.

The motion was agreed to.

The SPEAKER appointed as conferees on the part of the House Mr. WISE, Mr. PATTERSON of Tennessee, and Mr. STORER.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. BROWN of Maryland, indefinitely, on account of sickness.

ORDER OF BUSINESS.

Mr. HOLMAN. I ask unanimous consent that the call of committees for reports be dispensed with this morning, and that gentlemen desiring to submit reports be permitted to file them with the Clerk.

There was no objection, and it was so ordered.

Mr. HOLMAN. I move that the House resolve itself into the Committee of the Whole for the further consideration of general appropriation bills.

Mr. OATES. Mr. Speaker, pending that motion I desire to make a proposition relating to the business of the House. It is well known that to-day and to-morrow were, by a previous order of the House, set apart for the consideration of the bankruptcy bill. Exception was made in favor of general appropriation bills. Now, I do not care to raise the question of consideration, provided we can reach an agreement which will facilitate business. I ask unanimous consent, therefore, that Thursday be substituted for to-day, so that Wednesday and Thursday may be given to the consideration of the bankruptcy bill, and let the gentleman from Indiana [Mr. HOLMAN] go on with his appropriation bill to-day, if that be agreed to.

Mr. HOLMAN. I think that is a very proper proposition, inasmuch as to-day ought to be devoted to the consideration of the sundry civil bill, so that it may be laid before the Senate at the earliest possible moment.

Mr. BURROWS. There ought to be no objection to that.

The SPEAKER. The Chair will submit the request of the gentleman from Alabama [Mr. OATES], which is that the order heretofore made assigning to-day for the consideration of the bankruptcy bill be vacated, and that Thursday be substituted for to-day, so that Wednesday and Thursday, subject to the same limitation as in the original order, may be given to the consideration of the bankruptcy bill.

Mr. CRAIN. I object.

Mr. HEMPHILL. I wish to submit a request for unanimous consent. As the House well knows, the Committee on the District of Columbia was cut out of its day yesterday. Next Monday happens to be the fifth Monday of the month, and there is no appointment, under the rules, for any particular business on that day. The Committee on the District of Columbia have some measures of consequence to be considered, one of which will probably increase the revenues of the District about $200,000 this year if we can get the bill through, and I ask unanimous consent that next Monday be devoted to business reported from the Committee on the District of Columbia the same as if it were the fourth Monday in the month.

Mr. BLOUNT. I hope the gentleman will add to that the provision that it shall not interfere with the appropriation bills.

Mr. HEMPHILL. That is not the rule of the House with reference to District day.

Mr. BLOUNT. We are not talking about the rules of the House. The gentleman from South Carolina is requesting unanimous consent now.

The SPEAKER. The Chair will submit the request.

Mr. BLOUNT. I shall object unless that modiffcation is made.

Mr. HEMPHILL. Then I will have to make that modification.

The SPEAKER. The Chair will submit the request as modified. The gentleman from South Carolina [Mr. HEMPHILL] asks unanimous consent that Monday next, being the fifth Monday in the month, be assigned to the consideration of such business as may be reported from the Committee on the District of Columbia, subject to the right to consider general appropriation bills. Is there objection?

Mr. CRAIN. Is not that suspension day?

The SPEAKER. No; it is the fifth Monday in the month. Is there objection to the request?

Mr. BELTZHOOVER. I object.

REPORTS OF COMMITTEES.

The following reports of committees were handed in at the Clerk's desk, referred to their appropriate Calendars, and otherwise disposed of, as indicated below:

TRESTLE ACROSS THE SHOAL WATER BETWEEN CEDAR POINT AND DAUPHIN ISLAND.

Mr. CRAIN, from the Committee on Interstate and Foreign Commerce, reported favorably the bill (H. R. 10289) to amend an act entitled "An act to grant to the Mobile and Dauphin Island Railroad and Harbor Company the right to trestle across the shoal water between Cedar Point and Dauphin Island," approved September 26, 1890; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

PUBLIC WORKS ON RIVERS AND HARBORS.

Mr. WILLIAM A. STONE, from the Committee on Rivers and Harbors, reported back with amendments the bill (H. R. 10241) to amend "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved July 13, 1892; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

CARACAS AWARDS.

Mr. CHIPMAN, from the Committee on Foreign Affairs, reported back favorably the bill (S. 2454) for the application of the accretions of the Caracas rewards of 1868 to the new awards made in 1889 and 1890; which was aferred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PUBLIC BUILDING, SAVANNAH, GA.

Mr. BANKHEAD, from the Committee on Public Buildings and Grounds, reported back favorably the bill (H. R. 9756) to provide for the amendment of act of Congress approved January 21, 1891, in regard to the sale of the old site of the public building at Savannah, Ga.; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

ADMISSION OF UTAH AS A STATE.

Mr. MANSUR, from the Committee on the Territories, reported back favorably the bill (H. R. 10190) to enable the people of Utah to form a constitution and State government, and to be admitted into the Union on an equal footing with the original States; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying reports, ordered to be printed.

INVESTIGATION OF CERTAIN BANKS.

Mr. BACON submitted a report from the Committee on Banking and Currency under a resolution directing the investigation of certain banks; which was laid on the table, and the accompanying report ordered to be printed.

POSTAL MONEY-ORDER SYSTEM.

Mr. HENDERSON of North Carolina, from the Committee on the Post-Office and Post-Roads, reported back favorably a bill (H. R. 10245) to modify the postal money-order system; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

PROTECTION OF PERSONS FURNISHING MATERIALS AND LABOR FOR THE CONSTRUCTION OF PUBLIC WORKS.

Mr. LAYTON, from the Committee on the Judiciary, reported back favorably the bill (H. R. 9491) for the protection of persons furnishing materials and labor for the construction of public works; which was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

REPRINT OF A BILL.

Mr. COX of Tennessee. Mr. Speaker, I wish to ask that there be a reprint of the bill (H. R. 10143) and the reports upon it, the copies in the document room having been exhausted. I ask that 500 copies of the bill and report be printed.

The SPEAKER. The Clerk will report the title of the bill concerning which the request is made.

The Clerk read as follows:

A bill (H. R. 10143) to increase the circulation of national banks, and for other purposes.

The SPEAKER. The gentleman asks for a reprint of this bill and the report accompanying it, containing the views of the majority and minority. Is there objection.

Mr. SIMPSON. I object.

Mr. OATES. Mr. Speaker, a few moments ago I asked unanimous consent that Thursday be substituted for to-day for the consideration of the bankruptcy bill, and objection was made. I desire to know if I can not now submit a motion to that effect, to be voted on by the House?

The SPEAKER. It is not in order.

Mr. OATES. Well, then, Mr. Speaker, it is perfectly apparent that if the time which has been set apart for the consideration of the bankruptcy bill be not allowed, there is very little chance of bankruptcy legislation at this session of Congress, and I raise the question of consideration.

Mr. HOLMAN. Will the gentleman allow me a word?

The SPEAKER. The Chair will state to the gentleman from Alabama [Mr. OATES] that the motion of the gentleman from Indiana [Mr. HOLMAN] is to go into Committee of the Whole for the consideration of an appropriation bill, and the question of consideration can not be raised on that motion.

Mr. HOPKINS of Illinois. But it can be voted down.

The SPEAKER. It is with the House.

Mr. OATES. If the motion should not be agreed to, then it will be in order to proceed to the consideration of the bankruptcy bill?

The SPEAKER. Unless some other appropriation bill antagonizes it.

Mr. HOLMAN. Mr. Speaker, I wish to make a suggestion to the gentleman from Alabama, and it is this: That if to-morrow the measure of the gentleman shall develop sufficient strength to go through the House he can get a recess until the next day. It is of the highest importance that this appropriation bill should be passed at the earliest moment.

Mr. REED. Why have you not had it in before, then?

The SPEAKER. The gentleman from Indiana moves that the House resolve itself into Committee of the Whole for the consideration of general appropriation bills.

The question was taken.

The SPEAKER. The Chair is in doubt.

The House divided; and there were—ayes 92, noes 82.

Mr. LODGE. The yeas and nays, Mr. Speaker.

The yeas and nays were ordered.

The question was taken; and there were—yeas 107, nays 128, not voting 94; as follows:

YEAS—107.

Abbott,	Dickerson,	Lane,	Pierce.
Alderson,	Dockery,	Lanham,	Quackenbush,
Alexander,	Dolliver,	Lawson, Va.	Reilly,
Allen,	Donovan,	Lester, Va.	Richardson,
Bacon,	Edmunds,	Livingston,	Robertson, La.
Bankhead,	Ellis,	Long,	Rockwell,
Barwig,	Everett,	Lynch,	Sayers,
Beltzhoover,	Fithian,	Martin,	Scott,
Bentley,	Forman,	McClellan,	Shively,
Blanchard,	Gantz,	McGann,	Smith,
Bland,	Geary,	McKaig,	Snow,
Blount,	Grout,	Meredith,	Springer,
Branch,	Halvorson,	Miller,	Steward, Ill.
Bretz,	Hamilton,	Montgomery,	Stewart, Tex.
Brookshire,	Hatch,	Moses,	Taylor, Tenn.
Brunner,	Hemphill,	Mutchler,	Terry,
Bryan,	Henderson, N. C.	Ohliger,	Tillman,
Buchanan, Va.	Hermann,	Outhwaite,	Turner,
Bullock,	Holman,	Owens,	Turpin,
Bunn,	Hooker, Miss.	Patterson, Tenn.	Van Horn,
Butler,	Houk, Ohio	Patton,	White,
Capehart,	Hull,	Paynter,	Wilcox,
Compton,	Jolley,	Pearson,	Williams, Ill.
Cox, Tenn.	Jones,	Peel,	Wilson, Mo.
Crain,	Kilgore,	Pendleton,	Wise,
Crawford,	Kribbs,	Perkins,	Wolverton.
De Armond,	Kyle,	Pickler,	

NAYS—128.

Amerman,	Busey,	Crosby,	Greenleaf,
Antony,	Bushnell,	Cummings,	Griswold,
Arnold,	Cadmus,	Curtis,	Hall,
Atkinson,	Caminetti,	Cutting,	Hallowell,
Babbitt,	Catchings,	Dalzell,	Hare,
Bailey,	Causey,	Daniell,	Harmer,
Baker,	Chipman,	Davis,	Harries,
Bartine,	Clarke, Ala.	De Forest,	Haugen,
Belknap,	Clover,	Dingley,	Herbert,
Bingham,	Cobb, Ala.	Doan,	Hilborn,
Boatner,	Cobb, Mo.	Dungan,	Hitt,
Boutelle,	Coburn,	Elliott,	Hooker, N. Y.
Bowman,	Cogswell,	English,	Hopkins, Pa.
Brawley,	Coolidge,	Enloe,	Hopkins, Ill.
Brickner,	Coombs,	Flick,	Houk, Tenn.
Broderick,	Covert,	Gillespie,	Huff,
Burrows,	Cox, N. Y.	Gorman,	Johnson, Ind.
Kem,	Meyer,	Reed,	Taylor, J. D.
Lagan,	Moore,	Reyburn,	Townsend,
Lapham,	Newberry,	Robinson, Pa.	Tracey,
Layton,	Oates,	Russell,	Wadsworth,
Lewis,	O'Donnell,	Scull,	Walker,
Lind,	O'Neil, Mass.	Seerley,	Warner,
Lockwood,	O'Neill, Pa.	Shell,	Watson,
Lodge,	Otis,	Shonk,	Weadock,
Loud,	Page,	Simpson,	Wheeler, Ala.
Mallory,	Payne,	Stahlnecker,	Wheeler, Mich.
Mansur,	Powers,	Stevens,	Williams, Mass.
McAleer,	Price,	Stone, W. A.	Wilson, Wash.
McKinney,	Randall,	Storer,	Wilson, W. Va.
McLaurin,	Ray,	Tarsney,	Winn,
McMillin,	Rayner,	Taylor, Ill.	Youmans.

NOT VOTING—94.

Andrew,	Cooper,	Johnson, N. Dak.	Sanford,
Beeman,	Cowles,	Johnson, Ohio	Sipe,
Belden,	Culberson,	Johnstone, S. C.	Snodgrass,
Bergen,	Dixon,	Kendall,	Sperry,
Bowers,	Dunphy,	Ketcham,	Stephenson,
Breckinridge, Ark.	Durborow,	Lawson, Ga.	Stockdale,
Breckinridge, Ky.	Enochs,	Lester, Ga.	Stone, C. W.
Brosius,	Epes,	Little,	Stone, Ky.
Brown, Ind.	Fellows,	Magner,	Stout,
Brown, Md.	Fitch,	McCreary,	Stump,
Buchanan, N. J.	Forney,	McKeighan,	Sweet,
Bunting,	Fowler,	McRae,	Taylor, E. B.
Bynum,	Funston,	Milliken,	Taylor, V. A.
Byrns,	Fyan,	Mitchell,	Tucker,
Cable,	Geissenhainer,	Morse,	Washington,
Caldwell,	Goodnight,	Norton,	Waugh,
Campbell,	Grady,	O'Ferrall,	Wever,
Caruth,	Harter,	O'Neill, Mo.	Whiting,
Castle,	Hayes, Iowa	Parrett,	Wike,
Cate,	Haynes, Ohio	Pattison, Ohio	Williams, N. C.
Cheatham,	Heard,	Post,	Wilson, Ky.
Clancy,	Henderson, Iowa	Raines,	Wright.
Clark, Wyo.	Henderson, Ill.	Rife,	
Cockran,	Hoar,	Rusk,	

So the motion was not agreed to.

The following pairs were announced:

Until further notice:

Mr. GEISSENHAINER with Mr. BERGEN.

Mr. MITCHELL with Mr. MORSE.

Mr. MCCREARY with Mr. WILSON of Kentucky.

Mr. GOODNIGHT with Mr. KETCHAM.

Mr. CARUTH with Mr. VINCENT A. TAYLOR.

Mr. WASHINGTON with Mr. SANFORD.

Mr. FORNEY with Mr. RAINES.

Mr. CULBERSON with Mr. STEPHENSON.

Mr. STONE of Kentucky with Mr. POST.

For this day:

Mr. NORTON with Mr. RIFE.

Mr. KENDALL with Mr. TOWNSEND.

Mr. HAYNES with Mr. HENDERSON of Iowa.

Mr. DIXON with Mr. BELDEN.

Mr. WHITING with Mr. BUCHANAN of New Jersey.

Mr. BYNUM with Mr. CALDWELL.

Mr. CAMPBELL with Mr. WEVER.

Mr. O'FERRALL with Mr. ENOCHS until Thursday, January 26, 1893.

The result of the vote was then announced as above recorded.

Mr. DICKERSON. Mr. Speaker, I ask for a recapitulation of the vote.

The SPEAKER. After the announcement, the Chair thinks it would not be in order unless the gentleman states that he was rising for that purpose.

Mr. DICKERSON. I was attempting to do so as quick as I could, but I shall not insist.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed without amendment the bill (H. R. 10189) relating to proof of citizenship of applicants for Indian war pensions under the act of Congress, approved July 27, 1892.

ENROLLED BILLS SIGNED.

Mr. SCOTT, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolutions of the following titles; when the Speaker signed the same:

A bill (S. 1631) to establish a life-saving station at Gay Head, on the coast of Massachusetts;

A bill (S. 3117) relating to post traderships;

A bill (S. 3581) to amend an act entitled "An act to forfeit certain lands heretofore granted for the purpose of aiding in the construction of railroads, and for other purposes;" and

Joint resolution (S. R. 135) making an appropriation of $5,000 for clearing the Potomac River of ice.

DEATH OF MR. JUSTICE LAMAR.

The SPEAKER. The Chair will lay before the House a communication from the Chief Justice of the Supreme Court of the United States.

The Clerk read as follows:

SUPREME COURT OF THE UNITED STATES,
Washington, January 24, 1893.

The Speaker of the House of Representatives:

It becomes my painful duty to communicate information of the death of Mr. Justice Lamar, which occurred at Macon, Ga., at 8.50 o'clock last evening.

I have the honor to be, your obedient servant,

MELVILLE W. FULLER,
Chief Justice of the United States.

Mr. ALLEN. Mr. Speaker, we have all heard with profound sorrow the announcement of the death of one of the most distinguished men this country has produced in our day, Justice L. Q. C. Lamar, of the Supreme Court of the United States.

A man Mississippi was proud to honor with a seat in this House for many years, and afterward with the proud position of her Senator until he was called to a position in the Cabinet, and afterward to be a Justice of the Supreme Court of the United States; all of which positions he filled with distinguished ability and fidelity. And as a mark of respect to the memory of him whom we all admire so much, and those of us who knew him love so well, I move this House do now adjourn.

The motion was unanimously agreed to; and accordingly (at 12 o'clock and 55 minutes p. m.) the House adjourned.

REPORTS OF COMMITTEES.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. PAGE, from the Committee on Claims: The bill (S. 1713) for the relief of George C. Foulk. (Report No. 2334.)

By Mr. SMITH of Illinois, from the same committee: The bill (H. R. 939) for the relief of Jabez Burchard. (Report No. 2335.)

By Mr. PATTON, from the Committee on Military Affairs: The bill (H. R. 9799) to remove the charge of desertion standing against the name of Edward J. Butler. (Report No. 2336.)

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Interstate and Foreign Commerce was discharged from the consideration of the bill (H. R. 10307) granting two years' pay of her husband to Mrs. Eleonora G. Goldsborough, of the Marine Hospital Service; and the same was referred to the Committee on Claims.

BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. CHIPMAN: A bill (H. H. 10311) to require retired army officers to serve as Indian agents, etc.—to the Committee on Military Affairs.

By Mr. WILLCOX: A bill (H. R. 10312) authorizing the Secretary of the Navy to contract for the building of an Ericsson destroyer—to the Committee on Naval Affairs.

By Mr. HARTER: A bill (H. R. 10313) to suppress trusts, and for other purposes—to the Committee on Manufactures.

By Mr. HOLMAN: A resolution that until the further order of the House the daily hour of meeting be at 11 o'clock a. m.—to the Committee on Rules.

By Mr. TARSNEY: A resolution setting apart days for the consideration of measures reported from the Committee on Public Buildings and Grounds—to the Committee on Rules.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as indicated below:

By Mr. LESTER of Georgia: A bill (H. R. 10310) for the relief of John S. Overstreet—to the Committee on War Claims.

By Mr. ENLOE: A bill (H. R. 10309) for the relief of E. C. Hendrix—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALDERSON: Petition of 30 citizens of Charleston, W. Va., who favor opening the World's Fair on Sundays—to the Select Committee on the Columbian Exposition.

By Mr. BRODERICK: Petition of Republican and Democratic members of the constitutionally organized house of representatives of Kansas—that is to say, the members who were elected by the people, for the speedy opening of the Cherokee Outlet to actual settlement and to refrain from leasing lands along the southern border of Kansas for grazing purposes—to the Committee on Indian Affairs.

Also, resolutions of the State Baptist Convention of Florida, protesting against the Sunday opening of the World's Fair—to the Select Committee on the Columbian Exposition.

By Mr. BULLOCK: petition of W. T. Miller and 100 others, of Florida, shippers of phosphate, lumber, naval stores, etc., praying for an emergency appropriation for entrance to Cumberland Sound and the port of Fernandina—to the Committee on Rivers and Harbors.

Also, petitions of members of the medical profession of Duval County, Fla., asking an appropriation to defray the expenses of the Pan-American Medical Congress to be held in Washington, D. C., September 5, 6, 7, and 8, A. D. 1893—to the Committee on Foreign Relations.

By Mr. CAMPBELL: Petition of Bertha Stearn, widow of Isaic Stearn, late Company I, Thirty-eighth Regiment New York Volunteers, and Company F, Fortieth Regiment New York Volunteers, for the removal of the charge of desertion against said Isaic Stearn—to the Committee on Military Affairs.

By Mr. COBB of Missouri: Petition of the J. A. Pozzoni Complexion Medicated Powder Company of St. Louis, Mo., regarding second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of Local Assembly No. 3650, St. Louis, Mo., favoring the permanent establishment of the Census Bureau—to the Committee on the Eleventh Census.

Also, petition of the Merchants' Exchange of St. Louis, Mo., favoring the placing of the Census Bureau on a permanent basis—to the Committee on the Eleventh Census.

By Mr. COBURN: Two petitions of Wisconsin, one of Steenwyk and others, of La Crosse, the other of the Manufacturers and Jobbers' Union, of La Crosse, both asking that Congress repeal the Sherman silver act of 1890—to the Committee on Banking and Currency.

By Mr. COMPTON: General petition of citizens of Maryland, Pennsylvania, New York, and elsewhere, asking that the World's Fair be opened on Sundays—to the Select Committee on the Columbian Exposition.

By Mr. COOLIDGE: Petition of sundry citizens of Ware, Mass., asking that the World's Fair be kept open on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. CRISP (by request): Three petitions of citizens of Pennsylvania, as follows: The petition of the Presbyterian Church at Lawndale; of the First Presbyterian Church of Germantown, and of the Union Presbyterian Church of Philadelphia, for Sunday closing of the World's Fair—to the Select Committee on the Columbian Exposition.

By Mr. CUMMINGS: Two petitions of citizens of New York City, one of 34 citizens, the other of 22 citizens, each in favor of opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. DURBOROW: Petition of D. W. Wood and 35 other citizens of Sioux City, Iowa, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of William H. Geisler and 355 other citizens of Chicago, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of John Casey and 64 other employés and patients of the United States marine hospital, Chicago, Ill., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of C. E. Mann and 55 other citizens of Mason City, Iowa, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Perry Engle and 12 other citizens of Newton, Iowa, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of F. M. Norris and 56 other citizens of Mason City, Iowa, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of John Barron and 64 other citizens of Keystone, Benton County, Iowa, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of M. M. Ham and 35 other citizens of Dubuque, Iowa, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of S. D. Campbell and 27 other citizens of Jones County, Iowa, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of W. L. Frost and 14 other citizens of Sioux City, Iowa, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of John McBride, rector of Roman Catholic Church, and 40 other citizens of Wytheville, Wythe County, Va., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of W. F. Clement and 34 other citizens of Cedar

Rapids, Iowa, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Taylor J. Riley and 12 other citizens of Indianapolis, Ind., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of George W. Lathrop and 39 other citizens of Oxford Junction, Iowa, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Joseph M. Naner and 27 other citizens of Fort Madison, Iowa, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of W. B. Massmon and 56 others, citizens of Des Moines, Iowa, Kansas City, Mo., and Bloomington, Wis., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of J. H. Sheridan and 43 other citizens of Bancroft, Iowa, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of A. G. Case and 33 other citizens of Charles City, Iowa, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Gustav Becker and 56 other citizens of Dubuque, Iowa, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of W. R. Wallen and 13 other citizens of Independence, Iowa, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of William Slade and 30 other citizens of Columbus, Ga., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of J. H. Davis and 75 other citizens of Ames, Iowa, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of A. B. Heydrick and 25 other citizens of Ottumwa, Iowa, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of A. Hermann and 50 other citizens of Iowa, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of George Gage and 56 other citizens of Illinois, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of A. B. Peterson and 57 other citizens of Chicago, Ill., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of T. Hannaher and 56 others, citizens of Iowa, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Capt. F. Langdon and 22 other citizens of city of Joliet (fire department), Ill., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of R. K. Madden and 55 other citizens of Illinois, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Kittie Jackson and 56 other citizens of Chicago, Ill., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of M. Hayes and 36 other citizens of Chicago, Ill., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of John V. Bunn and 10 other citizens of Menominee, Mich., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of R. J. O'Rielly and 55 other citizens of Boston, Mass., Peoria., Ill., El Paso, Tex., and New York, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Louis B. Larsen and 38 other citizens of Chicago, Ill., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Ed. Dalgreen and 35 other citizens of Chicago, Ill., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Frank P. Smith and 13 other citizens of Chicago, Ill., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Petition of George F. Hargreaves and 16 other citizens of Chicago, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of William H. Dean and 49 other citizens of Chicago, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of John A. Orr and 12 other citizens of Chicago, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of George W. Dexter and 17 other citizens of Chicago, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of George E. Benton and 17 other citizens of Chicago, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of William Parker and 13 other citizens of Chicago, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Charles Burcky and 39 other citizens of Chicago, Ill., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Frederick Nielson and 36 other citizens of Chicago, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of F. L. Hardeostte and 14 other citizens of Chicago, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of John S. Daw and 48 others, citizens of Pittsburg, Vandalia, Mich., New Orleans, and Leavenworth, Kans., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Charles H. Sanders and 56 others, citizens of Chicago, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Maurice H. Wildes and 50 others, citizens of Boston, Mass., St. Louis, Mo., Superior, Wis., Memphis, Tenn., Richmond, Va., and Lafayette, Ind., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Theodore H. Fishel and 53 others, citizens of New York, Iron Mountain, Mich., Louisville, Ky., and Providence, R. I., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Harry M. Hamlin and 52 other citizens of New York City, Baltimore, Md., Arlington, N. J., and Cincinnati, Ohio, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Henry Banks and 41 others, citizens of Denver, Colo., Quincy, Ill., Buffalo, N. Y., St. Louis, Mo., Columbus, Ohio, and Detroit, Mich., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of James H. Anderson and 30 others, of Keokuk, Iowa, for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of W. T. Day and 109 others, of Iowa, for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of George W. Rust and 56 others, of Illinois, for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of J. S. Datly and 32 others, of Maenta, Ill., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of S. A. Zeller and 53 others, of Iowa, for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 38 citizens of Springfield, Ill., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of G. T. Smeyd and 125 others, of Cleveland, Ill., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Herman Friedman and 55 others, of Chicago, Ill., for opening World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Conrad Metz and 88 others, of Chicago, Ill., for opening World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of M. J. Carrol and 20 others, of Chicago, Ill., for opening World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Gerst Meyer and 17 others, of Chicago, Ill., for opening World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of James J. Brady and 48 others, of Chicago, Ill., for opening World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Henry Eberhardt and 201 others, of Chicago, Ill., for opening World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Henry Kalp and 128 others, of Chicago, Ill., for opening World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of John Nelson and 56 others, of Chicago, Ill., for opening World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Dr. F. A. Luce and 53 others, of Chicago, Ill., for opening World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Aug. St. George and 56 others, of Chicago, Ill., for opening World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of M. Deutsch and 15 others, of Chicago, Ill., for opening World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of J. W. Hill and 29 others, of Chicago, Ill., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of J. W. Dostal and 56 others, of Chicago, Ill., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Samuel George Wood and 52 others, of Chicago, Ill., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Robert Montgomery and 37 others, of Chicago, Ill., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of J. H. Thompson and 48 others, of Chicago, Ill., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Albert J. Kittering and 53 others, of Chicago, Ill., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Adolph Carlson and 86 others, of Chicago, Ill., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of H. P. Little and 55 others, of Momence, Ill., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of C. H. Finks and 55 other citizens of Nashville, Ill., and other places in Illinois, for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of F. M. McKennie, of Cairo, Ill., and 47 other citizens of Cairo, Ill., and other places, for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of P. P. Walsh, of Cairo, Ill., and 55 other citizens of Cairo, Ill., and of other places, for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of J. Mahan, of Mansfield, Ill., and 25 citizens of Mansfield, Ill. and other places, for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Mrs. Wright Smith, of Englewood, Ill., and 46 other citizens of Englewood, Ill., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of R. F. Pettman and 57 other citizens of Momence, Ill., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of George Stephens and 56 others, of Moline, Ill., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Peter Seibert, of Fayetteville, Ill., and 53 other citizens of said town and other places in Illinois, for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of C. H. Baker, of Decatur, Ill., and 56 other citizens of Decatur, Ill., and other places, for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 114 citizens of Chicago, Ill., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 106 citizens of Chicago, Ill., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 14 citizens of Chicago, Ill., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 190 citizens of Chicago, Ill., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 49 citizens of Chicago, Ill., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 253 citizens of Chicago, Ill., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 30 citizens of Petaluma, Cal., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 56 citizens of Fresno, Cal., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 56 citizens of San Luis Obispo, Cal., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 241 citizens of New York and other places of New York, for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 36 citizens of Chicago, Ill., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 77 citizens of New York City, for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 76 citizens of Cedarville, Kans., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 56 citizens of Lancaster, Wis., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of St. Stanislaus Society, of Green Bay, Wis., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of St. Bonefacius Society, of Green Bay, Wis., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 22 citizens of Delavan, Wis., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 56 citizens of Atchison, Kans., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 175 citizens of Sumnerville, Oregon, for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 56 citizens of Becker, Wis., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 100 citizens of Chicago, Ill., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 51 citizens of St. Paul, Minn., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 10 citizens of Waterville, Minn., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 18 citizens of St. Paul, Nebr., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 56 citizens of Omaha, Nebr., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 34 citizens of Boston, Mass., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 70 citizens of Everest, Kans., for the opening of the World's Fair on Sunday—to the Select Committee on thy Columbian Exposition.

Also, petition of 56 citizens of Harrison, Ark., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 237 citizens of Odebolt, Iowa, for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 56 citizens of Council Bluffs, Iowa, for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 100 citizens of Marshalltown, Iowa, for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 30 citizens of Muskegon, Mich., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 56 citizens of Red Wing, Minn., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 52 citizens of St. Paul, Minn., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 56 citizens of St. Paul, Minn., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 25 citizens of Waterville, Minn., for the

opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 41 citizens of Chicago, Ill., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 18 citizens of St. Paul, Minn., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 52 citizens of Waterville, Minn., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 56 citizens of Dodge Center, Minn., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 56 citizens of Dodge Center, Minn., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 108 citizens of St. Charles, Minn., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 110 citizens of St. Charles, Minn., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 20 citizens of St. Charles, Minn., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 23 citizens of Milwaukee, Wis., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 48 citizens of Milwaukee, Wis., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 40 citizens of St. Paul, Minn., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 31 citizens of East Grand Forks, Minn., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 31 citizens of East Grand Forks, Minn., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 56 citizens of St. Paul, Minn., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 56 citizens of St. Paul, Minn., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 55 citizens of St. Paul, Minn., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 56 citizens of Columbus, Nebr., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 53 citizens of O'Neill, Nebr., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 50 citizens of O'Neill, Nebr., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 96 citizens of Omaha, Nebr., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 56 citizens of Omaha, Nebr., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 50 citizens of Hastings, Nebr., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 50 citizens of Blue Hill, Nebr., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 50 citizens of Gibbon, Nebr., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 56 citizens of Fremont, Nebr., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 24 citizens of Alma, Nebr., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 21 citizens of Fort Robinson, Nebr., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 56 citizens of St. Paul, Minn., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 31 citizens of Winona, Minn., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. FITHIAN: Two petitions of citizens of Illinois, as follows: The petition of citizens of Assington, Wayne County, and of citizens of Jasper County, praying for a Congressional investigation of a combination that exists between the millers, railroads, and elevators for the purpose of depressing the price of wheat—to the Committee on Agriculture.

By Mr. GRISWOLD: Petition of the Regular Army and Navy Union of the United States, Capt. Henry F. Picking Garrison, No. 8, of Erie, Pa., asking Congress to amend the law retiring the enlisted men of the Army and Marine Corps of the United States after thirty years of honorable service so as to include the enlisted men of the Navy—to the Committee on Naval Affairs.

By Mr. GROUT: Resolution of the New York Metal Exchange for the repeal of the Sherman act—to the Committee on Coinage, Weights, and Measures.

Also, petition of C. M. Wilcox, of Brattleboro, and other post-office clerks in Vermont, for the passage of House bill 3608 for classification of post-office clerks—to the Committee on the Post-Office and Post-Roads.

Also, petition of the New York Chamber of Commerce, of New York, for a Federal quarantine—to the Committee on Interstate and Foreign Commerce.

Also, memorial of the State board of health of Illinois, in behalf of Federal quarantine—to the Committee on Interstate and Foreign Commerce.

Also, memorial of religious societies of Elgin, Ill., against Sunday opening of the World's Fair—to the Select Committee on the Columbian Exposition.

Also, memorial of Albert A. Pope, of Boston, Mass., in behalf of a department for better roads—to the Committee on the Post-Office and Post-Roads.

Also, petition of E. S. Allbee and others, in behalf of an appropriation for the Pan-American Medical Congress—to the Committee on Appropriations.

By Mr. HARMER: Memorial of the Woman's Christian Temperance Union, of Philadelphia, Pa., in favor of the present law closing the World's Fair on Sunday; also against the sale of liquor on the grounds—to the Select Committee on the Columbian Exposition.

By Mr. HARTER: Four resolutions of boards of health of Ohio, as follows: Resolution of the board of health of Mount Gilead, of Perrysville, of Mount Vernon, and of Mansfield, all recommending and urging that the entire control of maritime quarantine be placed in the hands of the National Government—to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of Cincinnati, for the repeal of the Sherman act—to the Committee on Banking and Currency.

By Mr. HAUGEN: Memorial of the Chamber of Commerce of Milwaukee, Wis., in favor of the Torrey bankruptcy bill—to the Committee on the Judiciary.

Also, protest of D. M. Zenpel and 45 other citizens of Dunn County, Wis., against the passage of Senate bill No. ——, prohibiting immigration for one year, as injurious to the best welfare and development of the country—to the Select Committee on Immigration and Naturalization.

Also, memorial of the Chamber of Commerce of the city of Milwaukee, in favor of the repeal of the silver-purchase act of 1890—to the Committee on Banking and Currency.

By Mr. HAYES of Iowa: Petition of the Friends Church of Muscatine, Iowa, against the sale of intoxicating liquor at the World's Fair—to the Select Committee on the Columbian Exposition.

Also, petition of the North American Turnerbund of Davenport, Iowa, against legislation restricting immigration—to the Select Committee on Immigration and Naturalization.

By Mr. HENDERSON of Iowa: Remonstrance against the proposed legislation respecting immigration, from the Dubuque (Iowa) Turnverein Society—to the Committee on Interstate and Foreign Commerce.

By Mr. HITT: Two petitions of citizens of Illinois, as follows: The petition of the Skandia Plow Company, of Rockford, Ill., and of the Rockford Burial Case Company, asking for 1 cent postage—to the Committee on the Post-Office and Post-Roads.

Also, four petitions of banks and manufacturing establishments of Rockford, Ill., for 1-cent letter postage—to the Committee on the Post-Office and Post-Roads.

Also, petition of Levi Keister and 37 others, of Stephenson County, Ill., for Congressional investigation in regard to wheat and flour—to the Committee on Agriculture.

By Mr. HOOKER of New York: Two petitions in regard to rate of postage paid by publishers of periodicals—to the Committee on the Post-Office and Post-Roads.

By Mr. JOLLEY: Three petitions of citizens of South Dakota, as follows: The petition of 36 citizens of Highmore; of H. Frank

and others, of Aberdeen, and of 60 citizens of South Dakota, for Sunday opening of the World's Fair—to the Select Committee on the Columbian Exposition.

Also, two petitions of citizens of South Dakota, as follows: The petition of the L. A. I. U. and of the Equal Suffrage Association, asking for the passage of House bill 8369, giving women the right to vote for members of the House of Representatives—to the Committee on Election of President and Vice-President and Representatives in Congress.

Also, petition of 113 citizens of Custer, S. Dak., in favor of keeping the World's Fair open on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. KRIBBS: Papers of J. H. Sparks, to accompany House bill No. 7287—to the Committee on War Claims.

By Mr. LAYTON: Petition of Lima Lodge, No. 1116, International Association of Machinists, for the repeal of Sunday closing act of World's Fair—to the Select Committee on the Columbian Exposition.

By Mr. McCLELLAN: Petition of Eliza J. Gard, daughter of Aaron Gard, a private in Company D, Thirtieth Indiana Volunteers, signed by 54 citizens of Brimfield, Noble County, Ind., praying for the passage of bill No. 9520, granting her a pension; also, surgeon's certificate as to her disability—to the Committee on Invalid Pensions.

By Mr. MANSUR: Papers in the claim of Henry F. Branham, for relief—to the Committee on Invalid Pensions.

By Mr. NEWBERRY: General petition of F. P. Wade and others of St. Joseph, Mo., and other places, in favor of opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of citizens of New York, Illinois, Maine, and elsewhere, favoring an open Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, general petition of E. L. Blun and 53 other citizens of the United States, in favor of Sunday opening of the World's Fair—to the Select Committee on the Columbian Exposition.

By Mr. OATES: Petition of Mrs. Aurora McClellan, Miss Mary Peebles, and Miss Fanny Snow Pryor, of Athens, Ala., in behalf of the golden rod as the national flower, with resolutions of the Farmers' Congress—to the Committee on the Library.

By Mr. OHLIGER: Petition of 80 citizens of Bellaire, Ohio, in favor of opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, resolutions of the Board of Health of Youngstown, Ohio, concerning the cholera—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the Board of Health of Canton, Ohio, concerning cholera—to the Committee on Interstate and Foreign Commerce.

By Mr. PATTON: Four petitions of citizens of Indiana, as follows: The petition of 26 citizens of Delphi; of 10 citizens of Valparaiso; of 51 citizens of Flora, and of 52 citizens of Rochester, all favoring Sunday opening of the World's Fair—to the Select Committee on the Columbian Exposition.

By Mr. PEARSON: Protest of the Belmont Turnverein, of Bellaire, Ohio, against seriously restricting or totally suspending immigration—to the Select Committee on Immigration and Naturalization.

Also, petition of J. C. Gerlach and 76 others, of Ohio, praying that the World's Fair be closed on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. PERKINS: Petition of John H. Charles, in behalf of the trustees of the Public Library of Sioux City, Iowa, touching the bill to provide for public printing—to the Committee on Printing.

Also, petition of the union meeting of the Congregational, Baptist, and Methodist Episcopal Churches, of Sheldon, Iowa, against Sunday opening of the World's Fair—to the Select Committee on the Columbian Exposition.

Also, petition of bankers of Norfolk, Nebr., for repeal of Sherman silver-purchase act—to the Committee on Banking and Currency.

By Mr. PICKLER: Petition of E. W. Speed, J. S. Childs, C. H. Pening, A. L. Bishop, and about 70 others, of Hill City, S. Dak., in favor of opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of the Young People's Society of Christian Endeavor of Spearfish, in favor of closing the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of the Baptist Church of Mitchell, S. Dak., asking that the World's Fair be closed on Sunday and that the sale of intoxicating liquors be prohibited—to the Select Committee on the Columbian Exposition.

Also, petition of 57 citizens of Madison, S. Dak., in favor of opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of the Christian Endeavor Society of Artesian, S. Dak., asking that the World's Fair be closed on Sunday—to the Select Committee on the Columbian Exposition.

Also, three petitions of citizens of South Dakota, as follows: The petition of Prairie Lodge, No. 170, Brotherhood of Locomotive Firemen, Huron; of 52 citizens of Estelline, and of the Cigar-Makers' Union, No. 153, of Sioux Falls, asking that the World's Fair be open on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. RANDALL: Resolution of the North Congregational Church of New Bedford, Mass., against opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, resolution of the Board of Trade of Fall River, Mass., urging the repeal of the Sherman silver bill—to the Committee on Banking and Currency.

By Mr. RICHARDSON: Petition of 79 citizens of Tennessee, in favor of opening the World's Columbian Exposition on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. SCOTT: Petition of Haworth & Sons of Decatur, Ill., asking for the revision of the law governing second-class postage rate—to the Committee on the Post-Office and Post-Roads.

By Mr. SMITH of Arizona: Petition of Lodge No. 143 (Tucson, Ariz.), International Association of Machinists, against closing the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of citizens of Tucson, Ariz., asking the repeal of the act closing the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. SMITH of Illinois: Petition of citizens of Massac County, Ill., against opening the Columbian Exposition on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. STEVENS: Two petitions of citizens of Massachusetts, as follows: The petition of the Cigar-Makers' Union No. 255, of Lowell, and of the officers and members of Union No. 111 of Carpenters and Joiners of America, Lawrence, praying for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. WILSON of Washington: Three petitions of citizens of Washington, as follows: The petition of 30 citizens of Pasco, of citizens of Anicortes and Hamilton, and of 30 citizens of Tacoma—for Sunday opening of the World's Fair—to the Select Committee on the Columbian Exposition.

Also, petition of Anson Mills Garrison, No. 64, Wallawalla, Wash., for the passage of Senate bill for the retirement of enlisted men of the Army after twenty-five years' service—to the Committee on Military Affairs.

Also, memorial of the Chamber of Commerce of Seattle, Wash., for the construction and urging Government support of the Nicaragua Canal—to the Committee on Interstate and Foreign Commerce.

By Mr. WILLIAMS of Illinois: Three petitions of citizens of Illinois, as follows: The petition of citizens of Franklin County, of citizens of Jefferson County, and a general petition of citizens of Illinois, each praying for a Congressional investigation of the combination existing between the millers, railroads, and elevators for the purpose of depressing the price of wheat—to the Committee on Agriculture.

Also, petition of voters of Franklin County, Ill., praying for a Congressional investigation of the combination existing between the miller, railroads, and elevators for the purpose of depressing the price of wheat—to the Committee on Agriculture.

Also, affidavits in the case of Amanda J. Lane for relief—to the Committee on Invalid Pensions.

By Mr. WOLVERTON: Petition of E. Kranser & Brother, Samuel J. Shimer & Sons, and the Milton Manufacturing Company, of Milton, Pa., in favor of a law regulating postage—to the Committee on the Post-Office and Post-Roads.

SENATE.

WEDNESDAY, *January 25, 1893.*

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, in compliance with law, statements prepared by the Commissioner of Indian Affairs, showing the property transferred from one reservation to another, and the property sold at the various agencies and schools during the fiscal year ending June 30, 1892; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of the Interior, in answer to a resolution of the 9th instant, directing him to transmit a copy of the treaty negotiated by Joel Palmer, then superintendent of Indian Affairs for the Territory of Oregon, on or about the 11th day of October, 1855, with the various Indian tribes inhabiting the coast of Oregon from the Columbia River to the California line, inclosing a communication from the Commissioner of Indian Affairs on the subject; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed.

CREDENTIALS.

Mr. PLATT presented the credentials of JOSEPH R. HAWLEY, elected by the Legislature of Connecticut a Senator from that State for the term beginning March 4, 1893; which were read and ordered to be filed.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the New Mexico Bar Association, adopted at a meeting held at Santa Fe, Territory of New Mexico, praying for the passage at the present session of Congress of a bill providing for the admission of New Mexico and other Territories into the Union of States; which was referred to the Committee on Territories.

He also presented a petition of the Legislative Assembly of the Territory of New Mexico, praying Congress to immediately pass an act to enable the people of that Territory to establish a State government; which was ordered to lie on the table.

He also presented a petition of the Santa Fe (N. Mex.) Board of Trade, praying for the passage of an enabling act for the admission of the Territories of Arizona, New Mexico, Utah, and Oklahoma into the Union of States; which was referred to the Committee on Territories.

Mr. WILSON presented a petition of the Iowa Yearly Meeting of Friends, praying for a modification of the internal-revenue law of the United States, so that no receipts for revenue tax due the Government shall issue until the applicant therefor shall have complied with the laws of the State where he seeks to transact business, and shall produce written evidence of such compliance; which was referred to the Committee on Finance.

Mr. STOCKBRIDGE presented the memorial of Dosker & Van de Riet, lawyers, of Grand Rapids, Mich., remonstrating against the repeal of the law closing the World's Columbian Exposition on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

Mr. SHERMAN presented a petition of 68 citizens of Kilgore, Ohio, praying for the absolute suspension of immigration for one year, and the appointment of a commission to thoroughly investigate the immigration problem; which was ordered to lie on the table.

He also presented a petition of the Geauga County (Ohio) Farmers' Institute, praying for the passage of the Washburn-Hatch antioption bill; which was ordered to lie on the table.

He also presented petitions of Sergeant Jasper Council, No. 218, Junior Order United American Mechanics, of Ohio, and of the Nashville (Ohio) Council, No. 244, Junior Order United American Mechanics, praying for the passage of the so-called Chandler immigration bill; which were ordered to lie on the table.

Mr. DOLPH presented a petition of the Ministerial Association of Portland, Oregon, praying for a repeal of the Chinese restriction act; which was referred to the Committee on Foreign Relations.

Mr. HISCOCK presented the petition of R. P. Rothwell, president, and S. Braeunlich, secretary, of the Scientific Publishing Company of New York, praying that an appropriation be made for the publication of the mineral statistics for 1892 and for previous years, etc.; which was referred to the Committee on Printing.

He also presented a memorial of the Farmington (N. Y.) Quarterly Meeting of Friends, consisting of 500 members, remonstrating against the repeal of the present law closing the World's Columbian Exposition on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

He also presented a petition of twenty banks and several prominent business houses of Buffalo, N. Y., praying for the immediate repeal of the so-called Sherman silver law; which was ordered to lie on the table.

Mr. QUAY presented memorials of the Woman's Christian Temperance Union of Chambersburg; of the Methodist Episcopal Church of Oakmont; of the Woman's Christian Temperance Union of Beaver Falls; of the Methodist Episcopal Church of Bethlehem, and of the Baptist Church of Wissahickon, all in the State of Pennsylvania, remonstrating against the repeal of the law closing the World's Columbian Exposition on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

He also presented a petition of District Assembly No. 1 of the Knights of Labor, of Philadelphia, Pa., praying for the opening of the World's Columbian Exposition on Sunday, and that the working time of the employés of the Exposition be limited to six days each week, no working day to exceed eight hours; which was referred to the Committee on the Quadro-Centennial (Select).

He also presented a petition of the Philadelphia (Pa.) Board of Trade, praying for the passage of the provision in the so-called Andrew banking bill which provides for the issuance to national banks of circulating notes to the full par value of the interest-bearing United States bonds deposited, etc.; which was referred to the Committee on Finance.

He also presented a petition of McKeesport (Pa.) Council, No. 109, Junior Order United American Mechanics, praying for the passage of the so-called Chandler immigration bill; which was ordered to lie on the table.

Mr. HARRIS presented the petition of R. M. George, president, and Paul W. Frewhitt, secretary, Post-Office Clerks' Association, of Chattanooga, Tenn., and the petition of Frank S. Coffin, president, and J. J. Cheatham, secretary, Post-Office Clerks' Association, of Nashville, Tenn., praying for the passage of House bill 3603, providing for the classification of postal clerks and an equitable fixing of salaries of clerks in first and second class post-offices; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. PEFFER presented a petition of the Iowa Yearly Meeting of Friends, praying that no receipts for revenue tax shall issue to any manufacturer of intoxicating liquors until such applicant shall have complied with the laws controlling the sale of liquor in the State or Territory; which was referred to the Committee on Finance.

Mr. VEST presented petitions of Cigar-Makers' Local Union, No. 23, of Springfield, Mo., and of Golden Eagle Lodge, No. 78, Brotherhood of Locomotive Firemen, praying for the repeal of the law closing the World's Columbian Exposition on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

Mr. FELTON presented a petition of Stockton Grange, Patrons of Husbandry, of San Joaquin County, Cal., praying for the early completion of the Nicaragua Canal; which was ordered to lie on the table.

Mr. TURPIE presented a petition of citizens of Madison, Ind., praying for the passage of House bill 7453, providing for the appointment of a commission for the improvement of the Ohio River from Pittsburg to Cairo; which was referred to the Committee on Commerce.

He also presented a petition of citizens of Hammond, Ind., praying for the repeal of the so-called Sherman silver act; which was ordered to lie on the table.

Mr. FRYE presented a petition of the Unitarian Society of Houlton, Me., praying for the opening of the World's Columbian Exposition on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

He also presented a memorial of 18 citizens of Brunswick, Me., remonstrating against the passage of House bill 9176, being the so-called Harter bill, in reference to contracts of common carriers; which was referred to the Committee on Commerce.

Mr. DUBOIS presented a petition of Pocatello Lodge, No. 53, International Association of Machinists, of Idaho, praying for the repeal of the law closing the World's Columbian Exposition on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

Mr. PERKINS presented a concurrent resolution of the Legislature of Kansas, favoring the passage of the Washburn-Hatch antioption bill; which was ordered to lie on the table.

He also presented petitions of the Legislature of Kansas; of the Commercial Club of Kansas City, Mo., and of 350 citizens of Kansas, praying for the opening of the Cherokee Outlet to settlement; which were ordered to lie on the table.

He also presented a memorial of the Presbyterian Church of New Salem, Kans., remonstrating against the repeal of the law closing the World's Columbian Exposition on Sunday and the sale of intoxicating liquors thereat; which was referred to the Committee on the Quadro-Centennial (Select).

He also presented two petitions of Lodge No. 42, Switchmen's Mutual Aid Association of North America, of Argentine, Kans., praying for the repeal of the law closing the World's Columbian Exposition on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

REPORTS OF COMMITTEES.

Mr. DOLPH, from the Committee on Foreign Relations, to whom was referred an amendment intended to be proposed to the sundry civil appropriation bill, the amendment increasing the amount provided for the enforcement of the Chinese exclu-

sion act, reported it favorably, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. McMILLAN, from the Committee on the District of Columbia, to whom was referred the bill (S. 3531) to amend the charter of the Brightwood Railway Company, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom the subject was referred, reported a bill (S. 3765) to provide for annual reports by certain corporations in the District of Columbia; which was read twice by its title.

Mr. MANDERSON, from the Committee on Military Affairs, to whom was referred the bill (H. R. 6649) to extend the provisions of an act to provide for the muster and pay of certain officers and enlisted men of the volunteer forces, reported it without amendment, and submitted a report thereon.

He also, from the Committee on Indian Affairs, to whom was referred the bill (S. 3506) for the relief of John Palmier, Pine Ridge, Shannon County, S. Dak., reported it without amendment, and submitted a report thereon.

Mr. BUTLER, from the Committee on Naval Affairs, to whom was referred the bill (S. 66) for the relief of Commodore Oscar C. Badger, reported it without amendment, and submitted a report thereon.

Mr. BLACKBURN. I desire to state that this is not a unanimous report from the Committee on Naval Affairs; and I shall be obliged to the Senator making the report if he will advise me before he calls up the bill for action by the Senate.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

Mr. HARRIS. The Committee on the District of Columbia directed the Senator from Virginia [Mr. HUNTON], who is now necessarily absent from the Chamber, to report an amendment making an appropriation for the collection and removal of garbage and dead animals, to be proposed to the appropriation bill providing for the expenses of the government of the District of Columbia. The Senator from Virginia requested me for him and in his name to report the amendment, which I do. I move that the amendment be printed, and that it, with the accompanying papers, be referred to the Committee on Appropriations.

The motion was agreed to.

Mr. HALE, from the Committee on Naval Affairs, to whom was referred an amendment providing for a further increase of the naval establishment of the United States to be proposed to the naval appropriation bill, reported it with amendments and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

Mr. SAWYER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 7234) granting a pension to Mary Millard;

A bill (H. R. 9220) granting a pension to Mrs. Caroline Hardee Dyall, widow of James R. Dyall, veteran of the Florida war, 1836;

A bill (H. R. 1318) granting a pension to Martha A. Harris; and

A bill (H. R. 7257) granting a pension to Alonzo D. Barber.

Mr. WALTHALL, from the Committee on Public Lands, to whom was referred the bill (H. R. 7625) for relief of certain settlers on public lands in the Tucson land district in Arizona, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 8268) to amend chapter 559, page 1095, volume 26, United States Statutes at Large, reported it with amendments, and submitted a report thereon.

Mr. TURPIE, from the Committee on Pensions, to whom was referred the bill (H. R. 6272) to pension Susan S. Murphy, reported it without amendment, and submitted a report thereon.

Mr. PLATT, from the Committee on Territories, to whom was referred an amendment submitted by Mr. DOLPH on the 21st instant, providing for an appropriation of $5,000 for the protection of the salmon fisheries of Alaska under the direction of the Secretary of the Treasury, intended to be proposed to the sundry civil appropriation bill, reported it favorably and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

ELECTRIC RAILROADS.

Mr. MORRILL. I am directed by the Committee on Finance to ask to have referred to that committee the bill (S. 3561) to encourage the construction of electric railroads, to facilitate the rapid transportation of the mails, to promote the interests of commerce and travel, and to aid in demonstrating the feasibility of the distribution of electrical power for agricultural and other purposes along the line of electric roads, and especially to aid in the construction of a pioneer electric railroad between the cities of Chicago and St. Louis, by the Chicago and St. Louis Electric Railroad Company, and to secure to the Government the use of the same for postal, military, and other purposes at the existing rates.

Mr. FRYE. I call the attention of the Senator from Missouri [Mr. VEST] to the request which has just been made by the Senator from Vermont.

Mr. MORRILL. I have already called the attention of the Senator from Missouri to it.

Mr. VEST. Let the bill go to the Committee on Finance.

The VICE-PRESIDENT. The bill will be referred to the Committee on Finance, in the absence of objection.

DISTRICT OF COLUMBIA COURT OF APPEALS.

Mr. HOAR. I am directed by the Committee on the Judiciary, to whom was referred the bill (H. R. 10010) to establish a court of appeals for the District of Columbia, and for other purposes, to report it favorably with an amendment. I desire to ask unanimous consent that the amendment may be adopted in order that a conference may be had.

I will explain the matter, if the Senate will permit me. The other House, by an inadvertance (the chairman of the House Judiciary Committee having been kept away by illness in his family), instead of passing the Senate bill with two or three amendments, passed a new bill, which is substantially the Senate bill.

There are two or three differences. One of them is the provision in regard to the power of the court of appeals over injunctions. We provided that the court of appeals might revise the action of a single judge in granting or dissolving injunctions. The House expression is "in granting injunctions and the like," which is very vague, like the old term "and so forth," which sometimes used to creep into legislation.

Then the other House used a very inexact expression in regard to the granting of appeals in interference cases. I think all the members of the Senate committee agree that in patent cases where there is a judgment in regard to an interference, there ought to be an appeal to the higher court.

The third difference, which is a trifling one, is that the House bill has made no distinction between the salary of the chief justice and the associate justices. The chief justice has some special duties, and in the bill as it passed the Senate there was an addition of $500 to his salary.

So, in substance, I make the ordinary request, which is always granted by the Senate, that the Senate nonconcur and ask a conference with the other House. I suggest that the House bill be passed with the Senate amendment as a substitute, and that a conference be had.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 10010) to establish a court of appeals for the District of Columbia, and for other purposes.

The VICE-PRESIDENT. The amendment of the committee will be read.

The CHIEF-CLERK. The committee report to strike out all after the enacting clause of the House bill and insert a substitute, the substitute being Senate bill 1185.

Mr. HOAR. If any Senator thinks the substitute should be read, that course had better be taken.

Mr. COCKRELL. It is not very long?

Mr. HOAR. It is not very long. The bill has already passed the Senate without any substantial dissent. If Senators desire to have it read again it can be read.

The amendment was read, it being to strike out all after the enacting clause and insert:

That there shall be, and there is hereby, established in the District of Columbia a court, to be known as the court of appeals of the District of Columbia, which shall consist of one chief justice and two associate justices, who shall be appointed by the President, by and with the consent and advice of the Senate, and shall hold office during good behavior.

SEC. 2. That the said justices shall each receive an annual salary of $6,000, payable quarterly at the Treasury of the United States, except the chief justice, who shall receive $6,500.

SEC. 3. That each of said justices, before he enters upon the duties of his office, shall take the oath prescribed by law to be taken by the judges of the courts of the United States.

SEC. 4. That there shall be a clerk of said court of appeals, to be appointed by the court, who shall receive as compensation for his services, in the discretion of the court, an annual salary not to exceed the sum of $3,000, payable quarterly at the Treasury of the United States, and who shall give bond, such as the court may determine to be satisfactory, for the faithful performance of his duties; and his duties shall be such as the court may from time to time prescribe. The court shall regulate from time to time the fees to be charged by the said clerk, which shall be accounted for at least once in each quarter and paid into the Treasury of the United States; and said clerk shall receive such allowance for clerical assistance and necessary expenditures in the conduct of his office as the court may determine by special or general order in the premises, but not to exceed the sum of $2,000 in any one year, payable as aforesaid, at the Treasury of the United States.

SEC. 5. That said court of appeals may appoint a crier at a compensation not to exceed $100 a month, and a messenger at a compensation not to exceed $60 a month, both payable at the Treasury of the United States, who shall perform such duties as may be assigned them by the court.

SEC. 6. That the said court of appeals shall establish such terms of the court, not less than three in each year, as to it may seem proper and expedient; and it shall make such rules and regulations as may be necessary and proper for the transaction of the business to be brought before it, and for the time and method of the entry of appeals and for giving notice of appeals thereto from the suppreme court of the District of Columbia, and such other rules and regulations as may be necessary and proper in the premises.

If any member of the court shall be absent on account of illness or other cause during the session thereof, or shall be disqualified from hearing and determining any particular cause by having been of counsel therein, or by having as a justice of the supreme court of the District of Columbia previously passed upon the merits thereof, or for any other reason whatever, or if for any reason whatever it shall be impracticable to obtain a full court of three justices, the member or members of the court who shall be present shall designate a justice or justices of the supreme court of the District of Columbia to temporarily fill the vacancy or vacancies so created, and the justice or justices so designated shall sit in said court of appeals and perform the duties of a member thereof while such vacancy or vacancies shall exist: *Provided*, That no justice of the supreme court of the District of Columbia shall, while on the bench of said court of appeals, sit in review of any judgment, decree, or order which he shall have himself entered or made.

SEC. 7. That any party agrieved by any final order, judgment, or decree of the supreme court of the District of Columbia, or of any justice thereof, may appeal therefrom to the court of appeals hereby created; and upon such appeal the court of appeals shall review such order, judgment, or decree, and affirm, reverse, or modify the same as shall be just: *Provided, however*, That all causes now pending before the said supreme court in general term shall by appropriate orders duly entered of record be transferred and delivered to the court of appeals hereby created, which said court of appeals is hereby vested with authority and jurisdiction to hear and determine the causes so transferred. The appellate power and jurisdiction of said general term is hereby abrogated and abolished and no causes shall hereafter be heard in the said general term. Appeals shall also be allowed to said court of appeals from all interlocutory orders of the supreme court of the District of Columbia, or by any justice thereof, whereby the possession of property is changed or affected, such as orders for the appointment of receivers, granting or dissolving injunctions, dissolving writs of attachment, and also from any other interlocutory order, in the discretion of said court of appeals, whenever it is made to appear to said court upon petition that it will be in the interest of justice to allow such appeal. In all cases of appeal to the court of appeals and in the causes transferred to the court of appeals under this section the original papers and duly certified copies of the necessary record entries shall be transferred and delivered to the court of appeals under such regulations as the court of appeals shall from time to time prescribe.

SEC. 8. That any final judgment or decree of the said court of appeals may be reëxamined and affirmed, reversed, or modified by the Supreme Court of the United States, upon writ of error or appeal, in all causes in which the matter in dispute, exclusive of costs, shall exceed the sum of $5,000, in the same manner and under the same regulations as heretofore provided for in cases of writs of error on judgment or appeals from decrees rendered in the supreme court of the District of Columbia; and also in all cases, without regard to the sum or value of the matter in dispute, wherein is involved the validity of any patent or copyright, or in which is drawn in question the validity of a treaty or statute of or an authority exercised under the United States.

SEC. 9. That the determination of appeals from the decision of the Commissioner of Patents, now vested in the aforesaid general term of the supreme court of the District of Columbia, in pursuance of the provisions of section 780 of the Revised Statutes of the United States relating to said District, shall hereafter be, and the same is hereby, vested in the court of appeals hereby created.

SEC. 10. That the opinion of the said court of appeals in every case shall be reduced in writing, duly authenticated, and filed with the clerk of said court before any judgment, decree, or order shall be entered in pursuance thereof.

SEC. 11. That the said court of appeals shall have power to issue all necessary and proper remedial and prerogative writs in aid of its appellate jurisdiction.

SEC. 12. That the Attorney-General is hereby empowered and directed to provide suitable rooms and accommodations in the city of Washington for the court of appeals hereby created, and for the transaction of its business.

SEC. 13. That the marshal of the United States for the District of Columbia shall execute the orders and processes of the court of appeals hereby created in the same manner as he now executes those of the supreme court of the District of Columbia.

SEC. 14. That the justices of the supreme court of the District of Columbia shall hereafter receive an annual salary of $5,000 each, payable quarterly at the Treasury of the United States, except the chief justice, who shall receive $5,500.

SEC. 15. That whenever the number of the justices of the supreme court of the District of Columbia is, by death, resignation, retirement, or otherwise, reduced to five, the said supreme court of the District of Columbia shall thereafter consist of one chief justice and four associate justices, who shall be assigned by the said court annually, or as often as may be deemed expedient, to the several special terms thereof.

SEC. 16. That the justices of the court of appeals hereby created and of the supreme court of the District of Columbia shall be deemed to be justices of the courts of the United States within the meaning of the law providing for the retirement of such justices upon their attaining the age of 70 years and having been in commission ten years or upward. And whenever any justice of the supreme court of the District of Columbia shall be appointed a justice of the court of appeals hereby created the terms of service of such justice in both courts shall be deemed continuous and as under one commission for the purposes of said law.

SEC. 17. That all acts and parts of acts inconsistent herewith are hereby repealed.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. HOAR. I move that the Senate request a conference with the House of Representatives on the bill and amendment.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate, and Mr. HOAR, Mr. WILSON, and Mr. PUGH were appointed.

PARIS EXPOSITION REPORTS.

Mr. MANDERSON. I am directed by the Committee on Printing, to whom was referred a concurrent resolution for printing extra copies of the reports of the commissioners of the United States to the Paris Exposition of 1889, to report it with amendments, and I ask for its present consideration.

The Senate, by unanimous consent, proceeded to consider the concurrent resolution, submitted by Mr. MANDERSON on the 16th instant; which was read, as follows:

Resolved by the Senate (the House of Representatives concurring), That in addition to the usual number there shall be printed 5,000 extra copies of the reports of the commissioners of the United States to the Paris Exposition of 1889, 1,000 copies for the use of the Senate, 2,000 copies for the use of the House, and 2,000 copies for the use of the Department of State.

The VICE-PRESIDENT. The amendments will be stated.

The CHIEF CLERK. In line 3, strike out "5,000" and insert "5,500;" in line 6, strike out "1,000" and insert "1,500;" in line 6, strike out "2,000" and insert "3,000;" and in line 7, strike out "2,000" and insert "1,000;" so as to make the resolution read:

That in addition to the usual number there shall be printed 5,500 extra copies of the reports of the commissioners of the United States to the Paris Exposition of 1889, 1,500 copies for the use of the Senate, 3,000 copies for the use of the House, and 1,000 copies for the use of the Department of State.

The amendments were agreed to.

The concurrent resolution as amended was agreed to.

DISTRICT BOARD OF CHARITIES.

Mr. GALLINGER. I am instructed by the Committee on the District of Columbia, to whom was referred the bill (S. 3530) to create a board of charities for the District of Columbia, to report it favorably without amendment, and submit a report thereon. As it is important that speedy action should be taken on this measure, which is recommended by the District Commissioners and the commissioner of charities, I ask that it be immediately considered. I think there will be no objection to it.

The VICE-PRESIDENT. The bill will be read for information.

Mr. MITCHELL. I shall reserve the right to object if it leads to any debate.

Mr. GALLINGER. I think the bill will not be objected to when it is read.

Mr. COCKRELL. Let the bill be read for information.

The Secretary proceeded to read the bill.

Mr. MITCHELL. I am quite sure the bill will lead to debate. I ask the Senator from New Hampshire to let it go over until to-morrow.

Mr. GALLINGER. I will withdraw the report, by unanimous consent.

Mr. COCKRELL. This is an important bill. I hope the Senator will have the report printed and that we may see the bill just as it is proposed to be passed. Otherwise it may be delayed another morning, for I shall certainly want to see the report before I agree to the passage of the bill.

Mr. GALLINGER. Then let the report be printed and the bill be placed on the Calendar.

Mr. COCKRELL. Let the bill lie on the table, subject to be called up, and not be placed on the calendar.

Mr. GALLINGER. Very well.

Mr. VEST. I desire to make a single remark before the bill goes over. I wish to call the attention of the Senate, or a majority of it, to the fact that during the closing hours of the last session of Congress a bill was passed through the Senate, the contents of which I undertake to say not ten Senators knew, establishing a board of charities in the District of Columbia with most extraordinary powers, giving them authority which I am satisfied a majority of the Senate would never have committed to them. Therefore it becomes a matter of the greatest importance that the contents of this bill, which I do not know, should be well known to the Senate before any additional action is taken.

Mr. GALLINGER. The committee of which I am a member are very desirous that the Senate shall understand everything they report. I am quite willing the report shall be printed and examined before the bill is considered.

The VICE-PRESIDENT. The bill will lie on the table.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had passed the bill (S. 3727) to amend an act entitled "An act authorizing the construction of a railway, street railway, motor, wagon, and pedestrian bridge over the Missouri River, near Council Bluffs, Iowa, and Omaha, Nebr." and to extend the time for the completion of the bridge therein provided for.

The message also announced that the House insisted upon its amendments to the bill (S. 1933) concerning testimony in criminal cases or proceedings based upon or growing out of alleged violations of an act entitled "An act to regulate commerce," approved February 4, 1887, as amended March 2, 1889, and February 10, 1891, disagreed to by the Senate, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. WISE, Mr. PATTERSON

of Tennessee, and Mr. STORER managers at the conference on the part of the House.

The message further announced that the House had passed a bill (H. R. 9757) granting additional quarantine powers and imposing additional duties upon the Marine Hospital Service; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (S. 1631) to establish a life-saving station at Gay Head, on the coast of Massachusetts;

A bill (S. 3117) relating to post traderships;

A bill (S. 3581) to amend an act entitled "An act to forfeit certain lands heretofore granted for the purpose of aiding in the construction of railroads, and for other purposes;"

A bill (H. R. 10007) to provide for lowering the height of a bridge proposed to be constructed across the Ohio River between Cincinnati, Ohio, and Covington, Ky., by the Cincinnati and Covington Rapid Transit Company; and

Joint resolution (S. R. 135) making an appropriation of $5,000 to clear the Potomac River of ice.

BILLS INTRODUCED.

Mr. FAULKNER introduced a bill (S. 3766) to enable the people of Utah to form a constitution and State government, and to be admitted into the Union on an equal footing with the original States; which was read twice by its title, and referred to the Committee on Territories.

He also introduced a bill (S. 3767) to amend "An act to provide for the incorporation of trust, loan, mortgage, and certain other corporations within the District of Columbia;" which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 3768) relative to voluntary assignments by debtors for the benefit of creditors in the District of Columbia, and to amend section 782 of the Revised Statutes of the United States relating to the District of Columbia; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. DAVIS introduced a bill (S. 3769) relative to voluntary assignments by debtors for the benefit of creditors in the District of Columbia, and to amend section 782 of the Revised Statutes of the United States relating to the District of Columbia; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. MANDERSON introduced a bill (S. 3770) for the appointment of officers of the United States Army on the retired list as Indian agents; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Indian Affairs.

He also introduced a bill (S. 3771) to change the name of a portion of reservation No. 1, in the District of Columbia; which was read twice by its title, and, with the accompanying papers, referred to the Committee on the District of Columbia.

Mr. HISCOCK introduced a bill (S. 3772) for the relief of Maj. Gen. John C. Robinson, authorizing the Secretary of War to place him on the retired list of the Army with the full rank and pay of a major-general; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 3773) to ratify and confirm an agreement made between the Seneca Nation of Indians and William B. Barker; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. PLATT (by request) introduced a bill (S. 3774) authorizing the Secretary of the Navy to contract for the building of an Ericsson Destroyer; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. VEST introduced a bill (S. 3775) to authorize the construction of a bridge across the St. Louis River between the States of Minnesota and Wisconsin, near the village of West Duluth; which was read twice by its title, and referred to the Committee on Commerce.

Mr. HARRIS (by request) introduced a bill (S. 3776) to amend the charter of the District of Columbia Railway Company; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. HISCOCK introduced a joint resolution (S. R. 139) authorizing the Secretary of War to make use of an unexpended balance in deepening the harbor at Oswego, N. Y.; which was read twice by its title, and referred to the Committee on Commerce.

AMENDMENTS TO BILLS.

Mr. MITCHELL. I submit an amendment intended to be proposed to the bill (H. R. 1036) for the benefit of Logan, Simpson, Hardin, and Hart Counties and the city of Louisville, Ky., and of Sumner and Davidson Counties, Tenn. The amendment is a proposed substitute for the bill as reported from the Committee on Claims. I move that the amendment lie on the table and be printed.

The motion was agreed to.

Mr. TURPIE submitted an amendment intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Claims, and ordered to be printed.

Mr. MANDERSON submitted an amendment intended to be proposed by him to the Indian appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred o the Committee on Indian Affairs.

He also submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Military Affairs, and ordered to be printed.

Mr. VOORHEES submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

DEFICIENCY PAY OF SESSION CLERKS.

Mr. DOLPH. I submit an amendment intended to be proposed by me to the bill (H. R. 10258) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1893, and for prior years, and for other purposes. The amendment is as follows:

To pay clerks to Senators and per diem clerks to committees retained in the service of the Senate during the recess of the Fifty-first Congress, under resolution of the Senate of September 30, 1890, $21,600.

I beg leave to occupy the time of the Senate a moment to state the matter. On the 30th day of September, 1890—I quote from the Journal—

Mr. JONES of Nevada, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. TELLER, August 29, 1890, to pay the salaries of the per diem clerks during the recess of Congress, reported it with an amendment.

The Senate proceeded, by unanimous consent, to consider the said resolution; and the reported amendment having been agreed to, the resolution as amended was agreed to, as follows:

"*Resolved*, That the per diem clerks to the committees of the Senate and the clerks of Senators be retained in the service of the Senate during the coming recess, and that the Secretary of the Senate is hereby authorized and directed to pay out of the contingent fund of the Senate the per diem now allowed such clerks by law during the sessions of the Senate."

This resolution having been passed, the session clerks of committees and secretaries of Senators were retained in service during the recess of Congress, about two months. The contingent fund of the Senate having been exhausted, none of the clerks or secretaries were paid. Most of them remained in the city, and, as I happen to know in regard to several, borrowed money from their friends to pay their expenses during the recess. The obligation to pay these clerks and secretaries is just as binding, I suppose, as any obligation of the Government.

At the next session of Congress, in the deficiency appropriation bill, House bill 9284, an amendment was inserted by the Senate Committee on Appropriations similar to the one I now propose as an amendment to the next deficiency bill; but it was dropped out in conference, the House conferees refusing to agree to it.

I desire to call the attention of the chairman of the Committee on Appropriations and the members of that committee to this amendment. I hope it will be adopted by the committee and that it will be insisted on in conference. I can not believe that the House of Representatives will oppose so just an amendment, an amendment which is necessary to enable the Government to deal honestly by these men, and which refers alone to a matter which the Senate ought to be allowed to control for itself.

The VICE-PRESIDENT. The proposed amendment will be referred to the Committee on Appropriations, and printed.

WITHDRAWAL OF PAPERS.

On motion of Mr. SHERMAN, it was—

Ordered, That Philip Hawk be permitted to withdraw his papers from the files of the Senate.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 23d instant approved and signed the following acts:

An act (S. 1292) to remit the penalties on the light-house steamer Pansy; and

An act (S. 3580) to amend the proviso to be found in connection with the free-delivery service, page 569, twenty-fourth volume, Statutes at Large.

The message also announced that the President had this day approved and signed the act (S. 3537) for the relief of M. P. Deady.

CONSULAR FEES.

Mr. DOLPH submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of State be directed to inform the Senate what fees of officers in the consular service of the United States are regulated by law, and the rules of the Department, the amount of fees allowed in such cases, and what rules have been made on that subject; what fees are required by law and regulations of the Department to be reported to the Department; what fees or charges, if any, are collected by such officers not required to be reported and not reported to the Department; the aggregate amount of fees reported by each of said officers for the last fiscal year; what fees, if any, were collected by such officers which are not fixed by law or the regulations of the Department; whether the fees should not be reduced at the principal consulates; and what further legislation is required to regulate the amount of fees and charges collected by such officers, and prevent unjust and unreasonable charges.

NORTHERN PACIFIC INDEMNITY LANDS, ETC.

Mr. HANSBROUGH submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved by the Senate, That the Secretary of the Interior be, and he hereby is, directed to report to the Senate the area of lands excluded from the grant to the Northern Pacific Railroad Company in each State traversed by said railroad because reserved, granted, or otherwise appropriated, or to which claims or rights had attached prior to July 2, 1864; also the area of lands excluded from said grant by similar causes arising subsequent to July 2, 1864, the area of the different reservations and grants by reason of which lands are held excluded from such grant to be separately given; also the estimated area of lands excluded from said grant as mineral.

Also the area of surveyed lands within the first indemnity limits of said grant in each State selected by said railroad company; the area of such surveyed first indemnity lands in each State now remaining subject to its right of selection; and the estimated area of the unsurveyed first indemnity lands in each State which will probably become subject to said right of selection.

HOUSE BILL REFERRED.

The bill (H. R. 9757) granting additional quarantine powers and imposing additional duties upon the Marine Hospital Service, was read twice by its title, and referred to the Committee on Epidemic Diseases.

EXECUTIVE SESSION.

Mr. MITCHELL. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After four hours and ten minutes spent in executive session the doors were reopened, and (at 5 o'clock and 5 minutes p. m.) the Senate adjourned until to-morrow, Thursday, January 26, 1893, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate January 25, 1893.

TRANSFERS IN THE ARMY.

Capt. James N. Allison, Second Cavalry, to be commissary of subsistence with the rank of captain, January 24, 1893, with rank from January 7, 1893, vice Howard, transferred to the Quartermaster's Department.

Capt. John B. Eaton, assistant quartermaster, to be captain of cavalry, January 24, 1893, with rank from December 20, 1892, vice Allison, Second Cavalry, transferred to the Subsistence Department.

Capt. Guy Howard, commissary of subsistence, to be assistant quartermaster with the rank of captain, January 24, 1893, with rank from January 7, 1893, vice Eaton, transferred to the Second Cavalry.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *January 25, 1893.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

THE JOURNAL.

The Clerk proceeded to read the Journal in the usual manner.

Mr. KILGORE (during the reading). Mr. Speaker, the yeas and nays were called yesterday, and I observe that the Clerk has not read the names of members voting. I ask that they be read as a part of the Journal.

The Clerk read the names.

Mr. KILGORE. Mr. Speaker, the Clerk has not read that portion of the Journal included under the headings "Change of reference," "Bills, memorials, and resolutions," "Private bills, etc.," "Petitions, etc." They are part of the Journal, as I understand, and it is the right of any member to have them read in open session.

The SPEAKER. Does the gentleman desire to have them read?

Mr. KILGORE. I do.

Mr. O'NEILL of Pennsylvania. Mr. Speaker, I hope the gentleman will not require that the long list of petitions for the opening of the World's Fair on the Sabbath day shall be read. They seem to have been collected in masses and there are pages of them in the RECORD of to-day and of preceding days. I trust that the gentleman does not desire to have them read.

The SPEAKER. Debate is not in order. The rules provide that each morning the Journal of the preceding session shall be read. It has been the custom, in reading the Journal, to omit the yeas and nays and the other matters referred to by the gentleman from Texas [Mr. KILGORE], but if the gentleman demands the reading of the Journal in full it must be read.

Mr. O'NEILL of Pennsylvania. Well, Mr. Speaker, I request that the reading of those petitions be omitted.

Mr. DINGLEY. Does the Chair regard the petitions, which have been presented through the box, as a part of the Journal which the gentleman can require to have read?

The SPEAKER. They are all entered in the Journal.

The Clerk read the portions of the Journal indicated by Mr. KILGORE.

The SPEAKER. Unless objection be made the Journal as read will be approved.

Mr. KILGORE. I object.

The SPEAKER. The gentleman from Texas [Mr. KILGORE] objects to the approval of the Journal.

Mr. OATES. Mr. Speaker, I move that the Journal be approved, and on that I ask for the previous question.

Mr. BRETZ. Mr. Speaker, before the question is put, I desire to have the Journal and the RECORD corrected. On page 860 I am recorded as not voting. I was present and voted yea.

The SPEAKER. The Chair is informed that the correction has already been made in the Journal, and it will be made in the RECORD also.

The question was taken on ordering the previous question on the motion of Mr. OATES; and the Speaker announced that the ayes seemed to prevail.

Mr. KILGORE. I demand a division.

The House divided; and there were—ayes 136, noes 3.

Mr. KILGORE. A quorum has not voted, Mr. Speaker.

The SPEAKER. The point of no quorum being made, the Chair appoints to act as tellers the gentleman from Alabama [Mr. OATES] and the gentleman from Texas [Mr. KILGORE].

Mr. OATES. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 215, nays 3, not voting 111; as follows:

YEAS—215.

Abbott,	Coombs,	Johnson, Ind.	Perkins,
Amerman,	Covert,	Johnson, N. Dak.	Powers,
Andrew,	Cox, N. Y.	Jolley,	Quackenbush,
Arnold,	Cox, Tenn.	Kem,	Randall,
Atkinson,	Crosby,	Kribbs,	Reed,
Babbitt,	Cummings,	Kyle,	Reilly,
Bailey,	Curtis,	Lagan,	Reyburn,
Baker,	Cutting,	Lanham,	Robertson, La.
Bankhead,	Dalzell,	Lapham,	Rockwell,
Bartine,	Daniell,	Lawson, Ga.	Rusk,
Barwig,	Davis,	Layton,	Sayers,
Belknap,	De Armond,	Lester, Va.	Scott,
Beltzhoover,	De Forest,	Lester, Ga.	Scull,
Bentley,	Dingley,	Lewis,	Seerley,
Bergen,	Doan,	Lind,	Sheli,
Bingham,	Dockery,	Livingston,	Shively,
Blanchard,	Dolliver,	Lockwood,	Simpson,
Bland,	Dunphy,	Lodge,	Smith,
Blount,	Durborow,	Long,	Snow,
Boatner,	Edmunds,	Loud,	Sperry,
Boutelle,	Elliott,	Lynch,	Springer,
Bowers,	Enloe,	Magner,	Stahlnecker,
Bowman,	Epes,	Mallory,	Stevens,
Brawley,	Everett,	Mansur,	Steward, Ill.
Breckinridge, Ark.	Flick,	Martin,	Stone, C. W.
Bretz,	Forman,	McAleer,	Stone, W. A.
Brickner,	Gantz,	McClellan,	Storer,
Broderick,	Geary,	McGann,	Stout,
Brookshire,	Gorman,	McKaig,	Tarsney,
Brosius,	Greenleaf,	McKinney,	Taylor, Ill.
Brunner,	Griswold,	McLaurin,	Taylor, Tenn.
Bryan,	Grout,	McMillin,	Taylor, E. B.
Buchanan, Va.	Hallowell,	McRae,	Terry,
Bullock,	Halvorson,	Meyer,	Tillman,
Burrows,	Hare,	Miller,	Tracey,
Busey,	Harmer,	Milliken,	Tucker,
Bushnell,	Harries,	Montgomery,	Turner,
Butler,	Hatch,	Moore,	Van Horn,
Cable,	Haugen,	Morse,	Walker,
Cadmus,	Hayes, Iowa	Moses,	Warner,
Caldwell,	Heard,	Mutchler,	Watson,
Caminetti,	Hemphill,	Newberry,	Weadock,
Capehart,	Herbert,	Oates,	Wever,
Caruth,	Hilborn,	O'Donnell,	Wheeler, Ala.
Catchings,	Hitt,	Ohliger,	Wheeler, Mich.
Cate,	Hoar,	O'Neil, Mass.	White,
Chipman,	Holman,	O'Neill, Pa.	Wike,
Clover,	Hooker, Miss.	Otis,	Willcox,
Cobb, Ala.	Hooker, N. Y.	Outhwaite,	Williams, Mass.
Cobb, Mo.	Hopkins, Pa.	Page,	Wilson, Wash.
Coburn,	Hopkins, Ill.	Patterson, Tenn.	Wilson, Mo.
Cogswell,	Houk, Ohio	Payne,	Winn,
Compton,	Houk, Tenn.	Paynter,	Youmans.
Coolidge,	Hull	Peel,	

NAYS—3.

Crawford,	Kilgore,	Pierce.

NOT VOTING—111.

Alderson,	Dickerson,	Johnstone, S. C.	Robinson, Pa.
Alexander,	Dixon,	Jones,	Russell,
Allen,	Donovan,	Kendall,	Sanford,
Antony,	Dungan,	Ketcham,	Shonk,
Bacon,	Ellis,	Lane,	Sipe,
Beeman,	English,	Lawson, Va.	Snodgrass,
Belden,	Enochs,	Little,	Stephenson,
Branch,	Fellows,	McCreary,	Stewart, Tex.
Breckinridge, Ky.	Fitch,	McKeighan,	Stockdale,
Brown, Ind.	Fithian,	Meredith,	Stone, Ky.
Brown, Md.	Forney,	Mitchell,	Stump,
Buchanan, N. J.	Fowler,	Norton,	Sweet,
Bunn,	Funston,	O'Ferrall,	Taylor, J. D.
Bunting,	Fyan,	O'Neill, Mo.	Taylor, V. A.
Bynum,	Geissenhainer,	Owens,	Townsend,
Byrns,	Gillespie,	Parrett,	Turpin,
Campbell,	Goodnight,	Pattison, Ohio	Wadsworth,
Castle,	Grady,	Patton,	Washington,
Causey,	Hall,	Pearson,	Waugh,
Cheatham,	Hamilton,	Pendleton,	Whiting,
Clancy,	Harter,	Pickler,	Williams, N. C.
Clarke, Ala.	Haynes, Ohio	Post,	Williams, Ill.
Clark, Wyo.	Henderson, Iowa	Price,	Wilson, Ky.
Cockran,	Henderson, N. C.	Raines,	Wilson, W. Va.
Cooper,	Henderson, Ill.	Ray,	Wise,
Cowles,	Hermann,	Rayner,	Wolverton,
Crain,	Huff,	Richardson,	Wright.
Culberson,	Johnson, Ohio	Rife,	

The following-named members were announced as paired:

Until further notice:

Mr. GOODNIGHT with Mr. KETCHAM.

Mr. CULBERSON with Mr. STEPHENSON.

Mr. MCCREARY with Mr. WILSON of Kentucky.

Mr. WASHINGTON with Mr. SANFORD.

Mr. STONE of Kentucky with Mr. RIFE.

The following for this day:

Mr. DICKSON with Mr. BELDEN.

Mr. BYNUM with Mr. BUCHANAN of New Jersey.

Mr. WHITING with Mr. RAINES.

The following on the bankruptcy bill:

Mr. GEISSENHAINER with Mr. SNODGRASS.

Mr. HEMPHILL with Mr. BOWERS.

Mr. CRAIN with Mr. VINCENT A. TAYLOR.

Mr. ALLEN with Mr. WILSON of West Virginia.

Mr. LAWSON of Virginia with Mr. MITCHELL.

Mr. JONES with Mr. TOWNSEND.

Mr. MUTCHLER with Mr. HENDERSON of Iowa; Mr. MUTCHLER against the bill and Mr. HENDERSON for it.

Mr. O'FERRALL with Mr. ENOCHS, until Thursday, January 26.

The result of the vote was then announced as above recorded.

The question was taken on the approval of the Journal; and the Speaker declared that the ayes seemed to prevail.

Mr. KILGORE. I ask for a division.

The House divided; and there were—ayes 168, noes none; so the Journal as read was approved.

PAYMENT OF NOTARIAL FEES.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting a communication from the Commissioner of Customs in relation to the estimate for payment of notarial fees; which was referred to the Committee on Appropriations, and ordered to be printed.

CATALOGUE OF LIBRARY, SURGEON-GENERAL'S OFFICE.

The SPEAKER also laid before the House a letter from the Acting Secretary of War, calling attention to the omission in the sundry civil appropriation bill of the usual appropriation bill for printing the next volume of the index catalogue of the library of the Surgeon-General's Office; which was referred to the Committee on Appropriations, and ordered to be printed.

POTOHUNK RIVER, NORTH CAROLINA.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a letter of the Chief of Engineers with accompanying report of preliminary examination of Potohunk River, North Carolina; which was referred to the Committee on River and Harbors, and ordered to be printed.

NAVAJO INDIAN RESERVATION.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting, pursuant to House resolution, information relative to the opening of the Navajo Indian Reservation; which was referred to the Committee on Public Lands, and ordered to be printed.

ADJUDICATED LAND ENTRIES.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting a list of public entries adjudicated by the Commissioner of the Land Office and confirmed by the Board of Equitable Adjudication during the fiscal year 1892; which was referred to the Committee on Public Lands, and ordered to be printed.

AMENDMENT TO INDIAN APPROPRIATION BILL.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting an amendment to the Indian appropriation bill for the fiscal year 1894, submitted by the Commissioner of Indian Affairs: which was referred to the Committee on Indian Affairs, and ordered to be printed.

PUBLIC PROPERTY ON INDIAN RESERVATIONS.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting a statement prepared by the Commissioner of Indian Affairs, showing property transmitted from one reservation to another; also property sold at the various Indian agencies and schools during the fiscal year ending June 30, 1892; which was referred to the Committee on Indian Affairs, and ordered to be printed.

ENROLLED BILLS SIGNED.

Mr. SCOTT, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled the bill (H. R. 10189) relating to proof of citizenship of applicants for Indian war pensions under the act of Congress, approved July 27, 1892; when the Speaker signed the same.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed with an amendment the bill (H. R. 10010) to establish a court of appeals for the District of Columbia, and for other purposes, asked a conference with the House on the bill and amendment, and had appointed Mr. HOAR, Mr. WILSON, and Mr. PUGH as the conferees on the part of the Senate.

It also announced that the Senate had passed the following resolution; in which the concurrence of the House was requested:

Resolved by the Senate (the House of Representatives concurring), That in addition to the usual number there shall be printed 5,500 copies of the reports of the commissioners of the United States to the Paris Exposition of 1889, 1,500 copies for use of the Senate, 3,000 copies for use of the House, and 1,000 copies for use of the Department of State.

BIG HORN AND SOUTHERN RAILROAD.

Mr. PEEL. I ask unanimous consent that the bill (S. 3317) extending the time for the construction of the Big Horn and Southern Railroad through the Crow Indian Reservation be recommitted to the Committee on Indian Affairs.

There being no objection, it was so ordered.

RAFT-TOWING ON THE GREAT LAKES.

Mr. LOCKWOOD. By request of the gentleman from Virginia [Mr. WISE], chairman of the Committee on Interstate and Foreign Commerce, I ask unanimous consent for the immediate consideration of the joint resolution (S. R. 124) directing the Secretary of War to investigate the subject of raft-towing on the Great Lakes and their connecting waters. This resolution carries no appropriation whatever, but simply proposes that an inquiry may be made under the direction of the Secretary of War, with a view to the adoption of regulations for the towing of rafts on the Great Lakes.

The joint resolution was read, as follows:

Resolved by the Senate and House of Representatives, etc., That the Secretary of War be, and he is hereby, directed to appointed a board, to consist of three officers of the Engineer Corps of the Army, to investigate the subject of raft-towing on the Great Lakes and their connecting waters, and to report to Congress as to what restrictions, if any, should be placed upon the size and manner of constructing and towing rafts upon said Great Lakes and their connecting waters.

There being no objection, the House proceeded to the consideration of the joint resolution.

The question being taken on ordering the joint resolution to a third reading, there were on a division (called for by Mr. KILGORE)—ayes 130, noes none.

Mr. KILGORE. No quorum.

Tellers were ordered; and Mr. LOCKWOOD and Mr. KILGORE were appointed.

The House again divided; and the tellers reported—ayes 167, noes 1.

So the joint resolution was ordered to a third reading; and it was accordingly read the third time.

The question being taken on the passage of the joint resolution, there were on a division (called for by Mr. KILGORE)—ayes 149, noes 1.

Mr. KILGORE. No quorum.

Tellers were ordered; and Mr. LOCKWOOD and Mr. KILGORE were appointed.

The House again divided; and the tellers reported—ayes 165, noes 2.

So the joint resolution was passed.

ENROLLED BILL SIGNED.

Mr. SCOTT, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled the bill (S. 3727) to amend "An act authorizing the construction of a rail-

way, street railway, motor, wagon, and pedestrian bridge over the Missouri River near Council Bluffs, Iowa, and Omaha, Nebr., and to extend the time for the completion of the bridge therein provided for;" when the Speaker signed the same.

ORDER OF BUSINESS.

Mr. OATES. I demand the regular order.

The SPEAKER. The regular order is the call of standing and select committees for reports.

Mr. HOLMAN. I ask unanimous consent that the regular call of committees be dispensed with, and that gentlemen be permitted to file their reports with the Clerk.

Mr. KILGORE. I object.

The SPEAKER. Objection being made, the Clerk will call the standing and select committees for the presentation of reports.

REBUILDING OF LOCK NO. 2, GREEN RIVER.

Mr. BLANCHARD, from the Committee on Rivers and Harbors, reported back, as a substitute for House bill 10173, a bill (H. R. 10318) providing for rebuilding Lock No. 2, Green River, at Rumsey, Ky.; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

By unanimous consent, House bill 10173 was laid on the table.

REORGANIZATION OF ARTILLERY AND INFANTRY.

Mr. OUTHWAITE, from the Committee on Military Affairs, reported back, with an amendment in the form of a substitute, the bill (S. 2170) to reorganize the artillery and infantry of the Army and to increase its efficiency; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

PROTECTION OF FUR SEALS, ETC.

Mr. BLOUNT, from the Committee on Foreign Affairs, reported back the bill (S. 3629) to extend to the North Pacific Ocean the provisions of the statutes for the protection of fur seals and other fur-bearing animals; which was referred to the House Calendar.

ERIE, PA., WATERWORKS.

Mr. AMERMAN, from the Committee on the Public Lands, reported back the bill (H. R. 9826) granting certain rights and privileges to the commissioners of waterworks in the city of Erie, Pa.; which was referred to the Committee of the Whole House on the state of the Union.

ORDER OF BUSINESS.

The SPEAKER. This completes the call of the standing and select committees.

Mr. HOLMAN. I believe it is in order now to move that the House resolve itself into Committee of the Whole to consider general appropriation bills?

The SPEAKER. The Chair will state that the House has adopted a resolution under which yesterday and to-day were assigned to the Committee on the Judiciary for the consideration of the bankruptcy bill, subject to the right of the House to take up and consider general appropriation bills.

Mr. HOLMAN. I wish to move that the House resolve itself into Committee of the Whole to further consider general appropriation bills, if now in order.

The SPEAKER. The gentleman has the right to make the motion.

Mr. HOLMAN. I make that motion.

Mr. OATES. Pending that I desire to ask of the House, in view of the fact that yesterday was disposed of——

Mr. KILGORE. Debate is not in order.

Mr. OATES (continuing). One of the days set apart for the consideration of this special order——

The SPEAKER. The gentleman from Texas, as the Chair understands, makes the point of order that debate is not in order.

Mr. OATES. The gentleman from Texas, Mr. Speaker, is a little previous. I am not debating this question. If he will wait until my request is submitted then it will be time to object.

Mr. KILGORE. But the debate is not in order on a motion to go into Committee of the Whole.

Mr. OATES. The Chair will decide that question and not the gentleman from Texas. I am stating my request, but have not yet been permitted to do so by the gentleman from Texas.

The SPEAKER. The motion is not debatable, and if the gentleman from Texas makes the point of order the Chair must take notice of it.

Mr. OATES. I am not indulging in debate and do not propose to, but simply rise to submit a request.

I ask unanimous consent, in order that the appropriation bill may go on and be completed, that to-morrow and the next day be substituted for the two days which, by the order of the House, were given to the Judiciary Committee for the consideration of the bankruptcy bill.

The SPEAKER. The Chair will submit the request of the gentleman from Alabama.

Mr. HOLMAN. I hope that will be agreed to, as it is eminently fair.

The SPEAKER. The gentleman from Alabama asks unanimous consent that to-morrow and the next day be set apart for the consideration of the bankruptcy bill, in place of the two days heretofore given for that purpose. Is there objection?

Mr. KILGORE. I object.

Mr. OATES. Then I hope the motion of the gentleman from Indiana will be voted down.

The SPEAKER. The question is on the motion of the gentleman from Indiana, that the House resolve itself into Committee of the Whole House on the state of the Union to further consider appropriation bills.

The question was taken; and on a division there were—ayes 56, noes 102.

Mr. KILGORE. No quorum has voted.

Mr. OATES. I ask for the yeas and nays.

Mr. BURROWS. We can save time by having tellers.

Mr. OATES. Very well; I will withdraw the demand for the yeas and nays.

The SPEAKER. The point of no quorum being made, the Chair will appoint tellers.

Mr. HOLMAN and Mr. KILGORE were appointed tellers.

Mr. KILGORE. I demand the yeas and nays.

The yeas and nays were not ordered, there being 27 rising in favor thereof and 124 against; the affirmative vote not being one-fifth of the whole.

Mr. KILGORE. The point of no quorum has not been withdrawn, Mr. Speaker.

The SPEAKER. The Chair thinks that point is waived, however, by the gentleman when he demands the yeas and nays. [Laughter and applause.] Such has been the practice of the House.

Mr. KILGORE. I am not aware of any such practice.

The SPEAKER. The Clerk will invite the attention of the gentleman from Texas and the House to an authority which the Clerk will read from the Digest.

The Clerk read as follows:

When a rising vote is taken, and the Chair announces the result, it is in order for any member, if no quorum has voted, to make the point, and it then becomes the duty of the Chair (under Rule I, clause 5) to appoint tellers. But if tellers are demanded and refused by the House (or committee) it is then too late, under the practice, to make the point of no quorum.

Mr. KILGORE. I move that the House take a recess until 11 o'clock to-morrow.

The SPEAKER. The Chair will recognize the gentleman in one moment, as soon as he declares the result of the vote that is pending. On the motion of the gentleman from Indiana [Mr. HOLMAN] the vote was 56 in the affirmative and 102 in the negative. Therefore the House refuses to go into Committee of the Whole on general appropriation bills.

Mr. KILGORE. And now the Speaker rules, does he, that it is too late for me to make the point of no quorum?

The SPEAKER. The Chair holds that, under the practice of the House, it is too late.

Mr. KILGORE. This is the first time the result has been announced on that vote.

The SPEAKER. Oh, no, the Chair begs the gentleman's pardon. The Chair announced the result. The gentleman made the point of no quorum, and then, as the Chair understood, demanded the yeas and nays.

Mr. KILGORE. The gentleman from Alabama [Mr. OATES] demanded the yeas and nays, and then withdrew the demand.

The SPEAKER. Under the practice, it is the right of any member to make the point of no quorum; but as the Chair understands it, when a member does not choose to do that, and demands the yeas and nays or demands tellers, the practice is that it is then too late to go back and make the point of no quorum.

Mr. KILGORE. Why should the Speaker announce the result twice if it was announced before the demand for the yeas and nays?

The SPEAKER. The Chair announced it twice because, when the Chair first announced it, the gentleman demanded the yeas and nays. The yeas and nays are now refused. The Chair had to determine what had become of the motion of the gentleman from Indiana [Mr. HOLMAN].

Mr. KILGORE. I modify my motion to take a recess until to-morrow at 11 o'clock, and move that the House take a recess until 4 o'clock this afternoon.

The SPEAKER. The noes have it. The motion of the gentleman from Indiana [Mr. HOLMAN] is not agreed to. The gen-

tleman from Texas [Mr. KILGORE] now moves that the House take a recess until 4 o'clock this afternoon.

The question being taken, the Speaker announced that the noes seemed to have it.

On a division (demanded by Mr. KILGORE) there were—ayes 1, noes 143.

Mr. KILGORE. Mr. Speaker, a quorum has not voted.

The Speaker appointed as tellers Mr. KILGORE and Mr. OATES.

The House again divided; and the tellers reported—ayes 1, noes 108.

The SPEAKER. The House refuses to take a recess. The Clerk will report the special order.

Mr. KILGORE. Mr. Speaker, I move that the House do now adjourn.

Mr. PIERCE. And pending that, I move that when the House adjourns to-day it adjourn to meet on Friday next.

The SPEAKER. The gentleman from Texas [Mr. KILGORE] moves that the House do now adjourn, and pending that the gentleman from Tennessee [Mr. PIERCE] moves that when the House adjourns it adjourn to meet on Friday next. The question will be taken on the motion of the gentleman from Tennessee [Mr. PIERCE].

The question being taken, the Speaker announced that the noes seemed to have it.

On a division (demanded by Mr. PIERCE) there were—ayes none, noes 119.

Mr. PIERCE. No quorum.

Mr. POWERS. I demand the yeas and nays.

The SPEAKER. The gentleman from Tennessee [Mr. PIERCE] makes the point that no quorum has voted. The Chair will appoint tellers on that point, unless it is withdrawn.

Mr. OATES. Mr. Speaker, I will ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 0, nays 216, not voting 113; as follows:

YEAS—0.

NAYS—216.

Amerman,	Cox, N. Y.	Hopkins, Pa.	Perkins,
Antony,	Cox, Tenn.	Hopkins, Ill.	Pickler,
Arnold,	Crawford,	Houk, Ohio	Post.
Babbitt,	Crosby,	Houk, Tenn.	Powers,
Bacon,	Cummings,	Huff,	Price,
Bailey,	Curtis,	Hull,	Randall,
Baker,	Cutting,	Johnson, Ind.	Ray,
Bankhead,	Dalzell,	Jolley,	Reed,
Bartine,	Daniel,	Kem,	Reilly,
Barwig,	Davis,	Kendall,	Reyburn,
Beltzhoover,	De Armond,	Kyle,	Rockwell,
Bentley,	De Forest,	Lagan,	Sayers,
Bergen,	Dickerson,	Lanham,	Scull,
Bingham,	Doan,	Lapham,	Seerley,
Blanchard,	Dockery,	Lawson, Ga.	Shell,
Bland,	Dolliver,	Layton,	Shively,
Blount,	Donovan,	Lester, Va.	Shonk,
Boatner,	Dungan,	Lester, Ga.	Simpson,
Boutelle,	Dunphy,	Lewis,	Sipe,
Bowman,	Durborow,	Livingston,	Smith,
Branch,	Edmunds,	Lockwood,	Sperry,
Brawley,	Elliott,	Lodge,	Stahlnecker,
Breckinridge, Ark.	English,	Long,	Stevens.
Bretz,	Enloe,	Loud,	Steward, Ill.
Brickner,	Epes,	Lynch,	Stewart, Tex.
Broderick,	Everett,	Magner,	Stockdale,
Brookshire,	Fellows,	Mallory,	Stone, C. W.
Brosius,	Fitch,	Mansur,	Stone, W. A.
Brunner,	Fithian,	Martin,	Storer,
Bryan,	Flick,	McClellan,	Stout,
Buchanan, Va.	Gantz,	McGann,	Tarsney,
Bullock,	Geary,	McKaig,	Taylor, Ill.
Burrows,	Gorman,	McLaurin,	Taylor, Tenn.
Busey,	Greenleaf,	McMillin,	Taylor, J. D.
Bushnell,	Griswold,	McRae,	Terry.
Butler,	Grout,	Meyer,	Tillman,
Cadmus,	Hall,	Miller,	Tracey,
Campbell,	Hallowell,	Milliken,	Tucker,
Capehart,	Halvorson,	Moore,	Turner,
Caruth,	Hare,	Morse,	Wadsworth,
Castle,	Harmer,	Moses,	Walker,
Catchings,	Harries,	Mutchler,	Warner,
Cate,	Haugen,	Oates,	Watson,
Cheatham,	Haynes, Ohio	O'Donnell,	Waugh,
Chipman,	Heard,	O'Neill, Mass.	Weadock,
Clancy,	Henderson, N. C.	O'Neill, Pa.	Wever,
Clover,	Herbert,	Otis,	Wheeler, Mich.
Cobb, Ala.	Hermann,	Outhwaite,	White,
Cobb, Mo.	Hilborn,	Owens,	Wike,
Coburn,	Hitt,	Page,	Willcox,
Cogswell,	Hoar,	Patterson, Tenn.	Williams, Mass.
Coolidge,	Holman,	Patton,	Wilson, Mo.
Coombs,	Hooker, Miss.	Payne,	Winn,
Covert,	Hooker, N. Y.	Pearson,	Youmans.

NOT VOTING—113.

Abbott,	Belden,	Bunn,	Causey,
Alderson,	Belknap,	Bunting,	Clark, Wyo.
Alexander,	Bowers,	Bynum,	Clarke, Ala.
Allen,	Breckinridge, Ky.	Byrns,	Cockran,
Andrew,	Brown, Ind.	Cable,	Compton,
Atkinson,	Brown, Md.	Caldwell,	Cooper,
Beeman,	Buchanan, N. J.	Caminetti,	Cowles,
Crain,	Johnson, N. Dak.	O'Neill, Mo.	Stone, Ky.
Culberson,	Johnson, Ohio	Parrett,	Stump,
Dingley,	Johnstone, S. C.	Pattison, Ohio	Sweet,
Dixon,	Jones,	Paynter,	Taylor, E. B.
Ellis,	Ketcham,	Peel,	Taylor, V. A.
Enochs,	Kilgore,	Pendleton,	Townsend,
Forman,	Kribbs,	Pierce,	Turpin,
Forney,	Lane,	Quackenbush,	Van Horn,
Fowler,	Lawson, Va.	Raines,	Washington,
Funston,	Lind,	Rayner,	Wheeler, Ala.
Fyan,	Little,	Richardson,	Whiting,
Geissenhainer,	McAleer,	Rife,	Williams, N. C.
Gillespie,	McCreary,	Robertson, La.	Williams, Ill.
Goodnight,	McKeighan,	Robinson, Pa.	Wilson, Ky.
Grady,	McKinney,	Rusk,	Wilson, Wash.
Hamilton,	Meredith,	Russell,	Wilson, W. Va.
Harter,	Mitchell,	Sanford,	Wise,
Hatch,	Montgomery,	Scott,	Wolverton,
Hayes, Iowa	Newberry,	Snodgrass,	Wright.
Hemphill,	Norton,	Snow,	
Henderson, Iowa	O'Ferrall,	Springer,	
Henderson, Ill.	Ohliger,	Stephenson,	

So the motion that when the House adjourn it be to meet on Friday next was lost.

The following pairs were announced:

Mr. RICHARDSON with Mr. SWEET, for the rest of the day.

Mr. WILLIAMS of Illinois with Mr. O'NEILL of Missouri, on the bankruptcy bill, this day.

Mr. RAYNER with Mr. TILLMAN, on the bankruptcy bill, for this day. Mr. RAYNER would vote for it and Mr. TILLMAN against it.

The result of the vote was then announced as above recorded.

The SPEAKER *pro tempore* (Mr. O'NEIL of Massachusetts in the chair). The question now recurs on the motion of the gentleman from Texas that the House do now adjourn.

Mr. KILGORE. Mr. Speaker, pending that motion, I move that when the House adjourns it adjourn until Saturday next.

Mr. PIERCE. Pending that motion, I move that the House take a recess until 5 o'clock this afternoon.

The question was taken on the motion to take a recess, and the Speaker *pro tempore* announced that the "noes" appeared to have it.

Mr. PIERCE. Division, Mr. Speaker.

The House divided; and there were—ayes none, noes 55.

Mr. PIERCE. Mr. Speaker, no quorum has voted.

The SPEAKER *pro tempore*. The Chair will appoint the gentleman from Tennessee [Mr. PIERCE] and the gentleman from Alabama [Mr. OATES] to act as tellers. [After a pause.] In the absence of the gentleman from Alabama [Mr. OATES] the Chair will appoint the gentleman from Indiana [Mr. HOLMAN] to act as teller.

The House again divided; and tellers having reported,

Mr. HOLMAN said: Mr. Speaker, the tellers having reported, I suppose it is in order to move a call of the House, there being no quorum present.

The SPEAKER *pro tempore*. No quorum being present, the gentleman from Indiana moves a call of the House.

Mr. HOLMAN. Yes, sir.

The question was taken, and the Speaker *pro tempore* announced that the noes seemed to have it.

Mr. HOLMAN. I call for a division.

Mr. CAMPBELL. I ask for the yeas and nays.

Mr. HOLMAN. I think perhaps a yea-and-nay vote would verify whether there is a quorum present just as well as a call of the House; and therefore I ask for the yeas and nays.

The yeas and nays were ordered.

The SPEAKER *pro tempore*. The question is on the motion of the gentleman from Tennessee [Mr. PIERCE] that the House take a recess until 5 o'clock this afternoon, and on that the yeas and nays are ordered.

Mr. KILGORE. The yeas and nays were demanded on the motion for a call of the House.

Mr. HOLMAN. Oh, no; I withdrew that motion.

The SPEAKER *pro tempore*. The gentleman from Indiana withdrew the motion for a call of the House. The question before the House is the motion of the gentleman from Tennessee [Mr. PIERCE] that the House take a recess until 5 o'clock this afternoon, and on that the yeas and nays are ordered.

The question was taken; and there were—yeas 1, nays 211, not voting 117; as follows:

YEAS—1.

Taylor, E. B.

NAYS—211.

Alderson,	Bankhead,	Brickner,	Bushnell,
Amerman,	Bartine,	Broderick,	Butler,
Andrew,	Barwig,	Brookshire,	Cable,
Antony,	Beltzhoover,	Brosius,	Cadmus,
Arnold,	Bergen,	Brunner,	Campbell,
Atkinson,	Blanchard,	Bryan,	Capehart,
Babbitt,	Boatner,	Buchanan, Va.	Caruth,
Bacon,	Bowman,	Bunn,	Castle.
Bailey,	Branch,	Burrows,	Catchings,
Baker,	Bretz,	Busey,	Cate,

Cheatham,	Grout,	Martin,	Scull,
Chipman,	Hall,	McAleer,	Seerley,
Clarke, Ala.	Hallowell,	McClellan,	Shell,
Clover,	Halvorson,	McGann,	Shively,
Cobb, Ala.	Hare,	McKaig,	Shonk,
Cobb, Mo.	Harmer,	McLaurin,	Sipe,
Coburn,	Harries,	McMillin,	Smith,
Coolidge,	Haugen,	McRae,	Snow,
Coombs,	Hayes, Iowa	Meyer,	Sperry,
Covert,	Haynes, Ohio	Miller,	Stahlnecker,
Cox, N. Y.	Heard,	Milliken,	Stevens,
Cox, Tenn.	Henderson, N. C.	Moore,	Steward, Ill.
Crosby,	Herbert,	Morse,	Stewart, Tex.
Cummings,	Hilborn,	Moses,	Stone, C. W.
Curtis,	Hoar,	Mutchler,	Stone, W. A.
Cutting,	Holman,	Newberry,	Storer,
Dalzell,	Hooker, Miss.	Oates,	Tarsney,
Daniell,	Hooker, N. Y.	O'Donnell,	Taylor, Ill.
Davis,	Hopkins, Pa.	O'Neil, Mass.	Taylor, Tenn.
De Armond,	Houk, Ohio	O'Neill, Pa.	Taylor, J. D.
Dickerson,	Houk, Tenn.	Otis,	Terry,
Doan,	Huff,	Owens,	Tillman,
Dockery,	Hull,	Page,	Townsend,
Dolliver,	Johnson, Ind.	Patterson, Tenn.	Tracey,
Donovan,	Johnson, N. Dak.	Patton,	Tucker,
Dungan,	Jolley,	Payne,	Turner,
Dunphy,	Kem,	Paynter,	Turpin,
Durborow,	Kendall,	Pendleton,	Van Horn,
Edmunds,	Kribbs,	Perkins,	Walker,
Elliott,	Kyle,	Pickler,	Warner,
Ellis,	Lagan,	Pierce,	Watson,
English,	Lanham,	Powers,	Waugh,
Enloe,	Layton,	Price,	Weadock,
Epes,	Lester, Va.	Quackenbush,	Wheeler, Ala.
Everett,	Lewis,	Randall,	Wheeler, Mich.
Fitch,	Lind,	Ray,	White,
Flick,	Livingston,	Reed,	Wilcox,
Gantz,	Lockwood,	Reilly,	Williams, Mass.
Geary,	Lodge,	Reyburn,	Wilson, Wash.
Gillespie,	Long,	Rockwell,	Wilson, Mo.
Gorman,	Loud,	Russell,	Winn,
Greenleaf,	Lynch,	Sayers,	Youmans.
Griswold,	Mallory,	Scott,	

NOT VOTING—117.

Abbott,	Cooper,	Jones,	Rife,
Alexander,	Cowles,	Ketcham,	Robertson, La.
Allen,	Crain,	Kilgore,	Robinson, Pa.
Beeman,	Crawford,	Lane,	Rusk,
Belden,	Culberson,	Lapham,	Sanford,
Belknap,	De Forest,	Lawson, Va.	Simpson,
Bentley,	Dingley,	Lawson, Ga.	Snodgrass,
Bingham,	Dixon,	Lester, Ga.	Springer,
Bland,	Enochs,	Little,	Stephenson,
Blount,	Fellows,	Magner,	Stockdale,
Boutelle,	Fithian,	Mansur,	Stone, Ky.
Bowers,	Forman,	McCreary,	Stout,
Brawley,	Forney,	McKeighan,	Stump,
Breckinridge, Ark.	Fowler,	McKinney,	Sweet,
Breckinridge, Ky.	Funston,	Meredith,	Taylor, V. A.
Brown, Ind.	Fyan,	Mitchell,	Wadsworth,
Brown, Md.	Geissenhainer,	Montgomery,	Washington,
Buchanan, N. J.	Goodnight,	Norton,	Wever,
Bullock,	Grady,	O'Ferrall,	Whiting,
Bunting,	Hamilton,	Ohliger,	Wike,
Bynum,	Harter,	O'Neill, Mo.	Williams, N. C.
Byrns,	Hatch,	Outhwaite,	Williams, Ill.
Caldwell,	Hemphill,	Parrett,	Wilson, Ky.
Caminetti,	Henderson, Iowa	Pattison, Ohio	Wilson, W. Va.
Causey,	Henderson, Ill.	Pearson,	Wise,
Clancy,	Hermann,	Peel,	Wolverton,
Clark, Wyo.	Hitt,	Post,	Wright.
Cockran,	Hopkins, Ill.	Raines,	
Cogswell,	Johnson, Ohio	Rayner,	
Compton,	Johnstone, S. C.	Richardson,	

So the motion to take a recess was not agreed to.

The following additional pair was announced:

Mr. FORNEY with Mr. HENDERSON of Illinois, for the rest of this day.

The result of the vote was then announced as above recorded.

Mr. PIERCE. Mr. Speaker, I move to reconsider the vote by which the House refused to take a recess until 5 o'clock this evening.

Mr. REED. Is it not possible for the House to recognize the fact that it is in the hands of a minority, with the result that no business can be transacted? Would it not, therefore, be better to let all of us go about our business since we can not transact the public business? It seems to me it would be wiser.

Mr. JOSEPH D. TAYLOR. Mr. Speaker, I rise to a point of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. JOSEPH D. TAYLOR. Rule IX, on page 13 of the Rules of this House, reads as follows:

Questions of privileges shall be, first, those affecting the rights of the House collectively, its safety, dignity, and the integrity of its proceedings, etc.

Now, I make the point of order that this kind of conduct is not in keeping with the dignity of this House or any other House. [Cries of "Oh, no!" and laughter.]

Mr. REED. About any other House, you are right. [Laughter.]

The SPEAKER *pro tempore*. The Chair overrules the point of order. The question is on the motion of the gentleman from Tennessee.

Mr. JOSEPH D. TAYLOR. Mr. Speaker, I have not stated my point of order yet. I make this point of order because I observe that the present occupant of the chair is one of the Representatives from New England, where they transact a great deal of business in town meetings. The Speaker knows very well, just as well as he knows the district which he represents, that there is not a town meeting in New England where they assess taxes to remove the snow, to work the roads, to keep the poor——

The SPEAKER *pro tempore*. The Chair will request the gentleman to state his point of order.

Mr. JOSEPH D. TAYLOR. I am coming to it. [Laughter.] The point of order I make is this, that there is not a town meeting held anywhere in New England where they would permit such absurd, senseless, disgraceful proceedings as we are witnessing here this afternoon. Nothing is better known to the present occupant of the Chair than this.

Mr. ANDREW. Is the gentleman eulogizing New England or making a point of order?

Mr. JOSEPH D. TAYLOR. I am making a point of order. We only have a few weeks more of this session. We have a tremendous Calendar here; thousands of bills await consideration. The Calendar shows how many have been reported. Here are great measures in which the country is interested, and yet, Mr. Speaker, we are frittering away the hours of this House at the will of one man, and he a resident of the State of Texas, a long distance away from the great business centers of this country. Is it possible, Mr. Speaker, that one man can stop the legislation of this country? I think it is the duty of the Speaker in a case like this to regard these motions as dilatory. I think the Speaker should prevent this waste of time by refusing to recognize men who make such motions. Let us go on with public business. I insist, Mr. Speaker, that my point is well taken in view of preserving the dignity of this House. School boys will make faces at us and laugh at us when they see the way we attempt to do the business of this country. Even the Indians do better than that [pointing to Chief Wolf of the Palouse tribe in the gallery].

The SPEAKER *pro tempore*. The Chair overrules the point of order.

Mr. WILSON of Washington. Mr. Speaker, I rise to a question of order. I desire to know whether it is in order or in consonance with the dignity of this House for the gentleman from Ohio [Mr. JOSEPH D. TAYLOR] to insult my constituents who are in the gallery? [Laughter.]

Mr. TRACEY. Mr. Speaker, I move to lay the motion to reconsider on the table.

The SPEAKER *pro tempore*. That motion is not in order, because the Chair decides that the motion of the gentleman from Tennessee [Mr. PIERCE] to reconsider is not in order; and the question recurs on the motion of the gentleman from Texas [Mr. KILGORE] that when the House adjourns it adjourn to meet on Saturday next.

Mr. KILGORE. I understand the Chair to hold that the motion of the gentleman from Tennessee to reconsider the vote just taken is not in order.

The SPEAKER *pro tempore*. The Chair so holds.

Mr. KILGORE. I must appeal from the decision of the Chair.

The SPEAKER *pro tempore*. The Chair has decided that the motion of the gentleman from Tennessee [Mr. PIERCE] is not in order, and the gentleman from Texas [Mr. KILGORE] appeals from the decision of the Chair. The question is, Shall the decision of the Chair stand as the judgment of the House?

The question was taken; and the Speaker *pro tempore* declared that the ayes seemed to have it.

Mr. KILGORE. I ask for a division.

The House divided; and there were—ayes 127, noes 2.

Mr. KILGORE. A quorum has not voted.

The SPEAKER *pro tempore*. The point of no quorum being made, the Chair appoints to act as tellers the gentleman from Texas [Mr. KILGORE] and the gentleman from New York [Mr. MAGNER].

Mr. BOUTELLE (pending the count). Mr. Speaker, I suggest that the gentleman from Texas [Mr. KILGORE] take a recess until he has determined what kind of business he is willing to permit the House to transact. [Laughter.]

Mr. KILGORE. The gentleman's suggestion is out of order.

The House again divided; and the tellers reported—ayes 111, noes 6.

Mr. KILGORE. A quorum has not voted.

Mr. BLAND. Mr. Speaker, as it is evident that we can not do anything here to-day, I move that the House do now adjourn.

The SPEAKER *pro tempore*. The House is dividing, and the motion of the gentleman from Missouri [Mr. BLAND] is out of order.

Mr. BLAND. I think the motion to adjourn is in order whenever the fact is developed that there is no quorum, and I now make that motion.

Mr. POWERS. Mr. Speaker, pending that motion I move that the House take a recess until 11 o'clock to-morrow.

The SPEAKER *pro tempore*. The Chair must rule that that motion is not in order. The motion to adjourn takes precedence.

The question was taken on the motion of Mr. BLAND, that the House do now adjourn; and the Speaker *pro tempore* declared that the noes seemed to prevail.

Mr. KILGORE. I ask for a division.

The House divided; and there were—ayes 49, noes 91.

So the motion to adjourn was rejected.

Mr. POWERS. Now, Mr. Speaker, I move that the House take a recess until 11 o'clock to-morrow.

Mr. TRACEY. Regular order, Mr. Speaker.

The SPEAKER *pro tempore*. The motion of the gentleman from Vermont is not in order.

Mr. POWERS. Why not?

The SPEAKER *pro tempore*. There are two motions before the House which take precedence of the motion to take a recess, and in addition to that, an appeal has been taken from the decision of the Chair. The tellers will resume their places. The question is, Shall the decision of the Chair stand as the judgment of the House?

The House again divided.

Mr. BAILEY (after the count had continued for some time). Mr. Speaker, I suggest that the tellers make their report, and if that report discloses the absence of a quorum I intend to move for a call of the House.

The tellers reported—ayes 106, noes 1.

Mr. KILGORE. No quorum has voted.

Mr. BAILEY. Mr. Speaker, I move a call of the House.

The question was taken on the motion of Mr. BAILEY; and the Speaker *pro tempore* announced that the noes seemed to have it.

Mr. KILGORE. I ask for a division.

The House divided; and there were—ayes 9, noes 43.

So the motion for a call of the House was rejected.

Mr. OATES. Mr. Speaker, I ask for the yeas and nays on the question on which the gentleman from Texas [Mr. KILGORE] makes the point that a quorum has not voted.

Mr. KILGORE. That is on the appeal from the ruling of the Chair.

The SPEAKER *pro tempore*. The question recurs whether the decision of the Chair shall stand as the judgment of the House, and on that question the gentleman from Alabama [Mr. OATES] demands the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 208, nays 6, not voting 115; as follows:

YEAS—208.

Alderson,	Cogswell,	Hooker, Miss.	Payne,
Amerman,	Compton,	Hooker, N. Y.	Pearson,
Andrew,	Coolidge,	Hopkins, Pa.	Peel,
Antony,	Coombs,	Hopkins, Ill.	Pendleton,
Arnold,	Covert,	Houk, Ohio	Perkins,
Atkinson,	Cox, N. Y.	Houk, Tenn.	Post,
Babbitt,	Cox, Tenn.	Huff,	Powers,
Bacon,	Crawford,	Hull,	Price,
Bailey,	Crosby,	Johnson, Ind.	Quackenbush,
Baker,	Cummings,	Johnson, N. Dak.	Ray,
Bankhead,	Curtis,	Jolley,	Reed,
Bartine,	Cutting,	Kem,	Reilly,
Barwig,	Dalzell,	Kendall,	Reyburn,
Belknap,	Daniell,	Kribbs,	Richardson,
Beltzhoover,	Davis,	Lagan,	Rockwell,
Bentley,	De Armond,	Lanham,	Russell,
Bergen,	Dingley,	Lapham,	Sayers,
Blount,	Doan,	Lawson, Ga.	Scott,
Boatner,	Dolliver,	Layton,	Scull,
Boutelle,	Dungan,	Lester, Va.	Shell,
Bowman,	Dunphy,	Lester, Ga.	Shively,
Brawley,	Durborow,	Lewis,	Shonk,
Breckinridge, Ark.	Edmunds,	Livingston,	Simpson,
Bretz,	Elliott,	Lockwood,	Sipe,
Brickner,	English,	Lodge,	Smith,
Brookshire,	Enloe,	Long,	Sperry,
Brosius,	Epes,	Loud,	Stahlnecker,
Brunner,	Everett,	Lynch,	Steward, Ill.
Bryan,	Fithian,	Magner,	Stockdale,
Buchanan, Va.	Flick,	Mallory,	Stone, C. W.
Bullock,	Gantz,	Mansur,	Stone, W. A.
Burrows,	Geary,	Martin,	Storer,
Busey,	Gorman,	McClellan,	Stout,
Bushnell,	Greenleaf,	McGann,	Taylor, Ill.
Cable,	Griswold,	McKaig,	Taylor, Tenn.
Cadmus,	Grout,	McKinney,	Taylor, J. D.
Caldwell,	Hall,	McLaurin,	Terry,
Caminetti,	Hallowell,	McRae,	Townsend,
Campbell,	Halvorson,	Meyer,	Tracey,
Capehart,	Hamilton,	Miller,	Turner,
Caruth,	Hare,	Milliken,	Van Horn,
Castle,	Harmer,	Morse,	Walker,
Cate,	Harries,	Mutchler,	Warner,
Cheatham,	Hatch,	Newberry,	Watson,
Chipman,	Haugen,	Oates,	Wheeler, Ala.
Clancy,	Hayes, Iowa	O'Donnell,	White,
Clarke, Ala.	Haynes, Ohio	Ohliger,	Wike,
Clover,	Henderson, N. C.	O'Neill, Pa.	Willcox,
Cobb, Ala.	Hermann,	Outhwaite,	Williams, Mass.
Cobb, Mo.	Hilborn,	Page,	Wilson, Mo.
Coburn,	Hoar,	Patterson, Tenn.	Winn,
Cockran,	Holman,	Patton,	Youmans.

NAYS—6.

Butler,	Kyle,	Moses,	Stewart, Tex.
Gillespie,	Moore,		

NOT VOTING—115.

Abbott,	Dockery,	Little,	Snow,
Alexander,	Donovan,	McAleer,	Springer,
Allen,	Ellis,	McCreary,	Stephenson,
Beeman,	Enochs,	McKeighan,	Stevens,
Belden,	Fellows,	McMillin,	Stone, Ky.
Bingham,	Fitch,	Meredith,	Stump,
Blanchard,	Forman,	Mitchell,	Sweet,
Bland,	Forney,	Montgomery,	Tarsney,
Bowers,	Fowler,	Norton,	Taylor, E. B.
Branch,	Funston,	O'Ferrall,	Taylor, V. A.
Breckinridge, Ky.	Fyan,	O'Neil, Mass.	Tillman,
Broderick,	Geissenhainer,	O'Neill, Mo.	Tucker,
Brown, Ind.	Goodnight,	Otis,	Turpin,
Brown, Md.	Grady,	Owens,	Wadsworth,
Buchanan, N. J.	Harter,	Parrett,	Washington,
Bunn,	Heard,	Pattison, Ohio	Waugh,
Bunting,	Hemphill,	Paynter,	Weadock,
Bynum,	Henderson, Iowa	Pickler,	Wever,
Byrns,	Henderson, Ill.	Pierce,	Wheeler, Mich.
Catchings,	Herbert,	Raines,	Whiting,
Causey,	Hitt,	Randall,	Williams, N. C.
Clark, Wyo.	Johnson, Ohio	Rayner,	Williams, Ill.
Cooper,	Johnstone, S. C.	Rife,	Wilson, Ky.
Cowles,	Jones,	Robertson, La.	Wilson, Wash.
Crain,	Ketcham,	Robinson, Pa.	Wilson, W. Va.
Culberson,	Kilgore,	Rusk,	Wise,
DeForest,	Lane,	Sanford,	Wolverton,
Dickerson,	Lawson, Va.	Seerley,	Wright.
Dixon,	Lind,	Snodgrass,	

So the decision of the Chair was sustained.

The following additional pair was announced:

Mr. STEVENS with Mr. RANDALL, for the rest of the day.

The result of the vote was announced as above stated.

The SPEAKER *pro tempore*. The question now recurs on the motion of the gentleman from Texas, that when the House adjourns it adjourn to meet on Saturday next.

The question being taken, there were on a division (called for by Mr. KILGORE)—ayes 2, noes 65.

Mr. KILGORE. No quorum has voted.

Mr. BLAND. I move that the House adjourn. We are without a quorum, and we are doing nothing.

The question being on the motion of Mr. BLAND to adjourn, there were—ayes 93, noes 82.

Mr. OATES. I ask for the yeas and nays on this question.

The yeas and nays were ordered.

The question was taken; and there were—yeas 65, nays 144, not voting 120, as follows:

YEAS—65.

Abbott,	Daniell,	Kilgore,	Pearson,
Alderson,	De Armond,	Kribbs,	Perkins,
Alexander,	Dickerson,	Kyle,	Pickler,
Atkinson,	Dockery,	Lanham,	Pierce,
Bankhead,	Edmunds,	Lawson, Ga.	Quackenbush,
Bartine,	Fithian,	Lester, Va.	Richardson,
Bland,	Gantz,	Livingston,	Scott,
Blount,	Gillespie,	Lockwood,	Seerley,
Bretz,	Hallowell,	Long,	Stout,
Broderick,	Hamilton,	Martin,	Turner,
Brookshire,	Hare,	McClellan,	Turpin,
Brunner,	Hatch,	Moses,	Waugh,
Bryan,	Holman,	Mutchler,	Wike,
Caminetti,	Houk, Ohio	Owens,	Youmans.
Capehart,	Hull,	Page,	
Catchings,	Johnson, Ind.	Patterson, Tenn.	
Coburn,	Kem,	Paynter,	

NAYS—144.

Amerman,	Cobb, Mo.	Hopkins, Ill.	Powers,
Andrew,	Cogswell,	Houk, Tenn.	Price,
Arnold,	Coolidge,	Huff,	Ray,
Babbitt,	Coombs,	Jolley,	Reed,
Bacon,	Covert,	Kendall,	Reyburn,
Bailey,	Cox, N. Y.	Lapham,	Rockwell,
Baker,	Cox, Tenn.	Layton,	Rusk,
Barwig,	Crawford,	Lester, Ga.	Russell,
Belknap,	Cummings,	Lewis,	Sayers,
Bentley,	Curtis,	Lind,	Scull,
Bergen,	Cutting,	Loud,	Shonk,
Blanchard,	Dalzell,	Lynch,	Simpson,
Boatner,	Dingley,	Magner,	Sipe,
Boutelle,	Doan,	Mallory,	Smith,
Bowman,	Dunphy,	Mansur,	Sperry,
Brickner,	Elliott,	McGann,	Springer,
Brosius,	English,	McKaig,	Stahlnecker,
Buchanan, Va.	Everett,	McKinney,	Steward, Ill.
Bullock,	Fellows,	McRae,	Stockdale,
Burrows,	Fitch,	Meyer,	Stone, C. W.
Busey,	Gorman,	Miller,	Stone, W. A.
Bushnell,	Greenleaf,	Milliken,	Taylor, Ill.
Butler,	Griswold,	Moore,	Taylor, J. D.
Cable,	Grout,	Morse,	Terry,
Cadmus,	Hall,	Oates,	Townsend,
Caldwell,	Halvorson,	O'Donnell,	Tracey,
Campbell,	Harmer,	Ohliger,	Van Horn,
Caruth,	Harries,	O'Neil, Mass.	Walker,
Castle,	Haugen,	O'Neill, Pa.	Warner,
Cate,	Hayes, Iowa	Otis,	Watson,
Cheatham,	Haynes, Ohio	Outhwaite,	Wever,
Chipman,	Hermann,	Patton,	White,
Clancy,	Hilborn,	Payne,	Williams, Mass.
Clarke, Ala.	Hoar,	Peel,	Wilson, Wash.
Clover,	Hooker, N. Y.	Pendleton,	Wilson, Mo.
Cobb, Ala.	Hopkins, Pa.	Post,	Winn.

NOT VOTING—120.

Allen,	Dolliver,	Jones,	Shively,
Antony,	Donovan,	Ketcham,	Snodgrass,
Beeman,	Dungan,	Lagan,	Snow,
Belden,	Durborow,	Lane,	Stephenson,
Beltzhoover,	Ellis,	Lawson, Va.	Stevens,
Bingham,	Enloe,	Little,	Stewart, Tex.
Bowers,	Enochs,	Lodge,	Stone, Ky.
Branch,	Epes,	McAleer,	Storer,
Brawley,	Flick,	McCreary,	Stump,
Breckinridge, Ark.	Forman,	McKeighan,	Sweet,
Breckinridge, Ky.	Forney,	McLaurin,	Tarsney,
Brown, Ind.	Fowler,	McMillin,	Taylor, Tenn.
Brown, Md.	Funston,	Meredith,	Taylor, E. B.
Buchanan, N. J.	Fyan,	Mitchell,	Taylor, V. A.
Bunn,	Geary,	Montgomery,	Tillman,
Bunting,	Geissenhainer,	Newberry,	Tucker,
Bynum,	Goodnight,	Norton,	Wadsworth,
Byrns,	Grady,	O'Ferrall,	Washington,
Causey,	Harter,	O'Neill, Mo.	Weadock,
Clark, Wyo.	Heard,	Parrett,	Wheeler, Ala.
Cockran,	Hemphill,	Pattison, Ohio	Wheeler, Mich.
Compton,	Henderson, Iowa	Raines,	Whiting,
Cooper,	Henderson, N. C.	Randall,	Willcox,
Cowles,	Henderson, Ill.	Rayner,	Williams, N. C.
Crain,	Herbert,	Reilly,	Williams, Ill.
Crosby,	Hitt,	Rife,	Wilson, Ky.
Culberson,	Hooker, Miss.	Robertson, La.	Wilson, W. Va.
Davis,	Johnson, N. Dak.	Robinson, Pa.	Wise,
De Forest,	Johnson, Ohio	Sanford,	Wolverton,
Dixon,	Johnstone, S. C.	Shell,	Wright.

So the House refused to adjourn.

The following additional pairs were announced for the rest of the day:

Mr. BYRNS with Mr. LODGE.

Mr. CAUSEY with Mr. STORER.

The result of the vote was announced as above stated.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. ALEXANDER, indefinitely, on account of sickness in his family.

To Mr. SWEET, for the rest of the week, on account of illness.

To Mr. WILLIAMS of Illinois, for two days, on account of sickness.

WITHDRAWAL OF PAPERS.

Mr. DALZELL, by unanimous consent, obtained leave to withdraw from the files papers accompanying House bill No. 2136, first session, Fiftieth Congress, no action having been taken on said bill.

REPRINT OF BILL AND REPORT.

On motion of Mr. COX of Tennessee, by unanimous consent, it was ordered that 2,000 copies of House bill No. 10143 and the accompanying report be printed for the use of the House, the supply having been exhausted.

ORDER OF BUSINESS.

The SPEAKER *pro tempore*. The question again recurs on the motion of the gentleman from Texas, that when the House adjourns it adjourn to meet on Saturday next. On this question the House was dividing when the gentleman from Texas raised the point that no quorum had voted.

Mr. PIERCE. I move that the House take a recess until 5 o'clock.

The SPEAKER *pro tempore*. The Chair decides that motion is not in order.

Tellers were ordered; and Mr. TRACEY and Mr. KILGORE were appointed.

The House again divided; and the tellers reported—ayes 2, noes 75.

Mr. KILGORE. Mr. Chairman, there is no quorum voting.

Mr. BLAND. I must renew my motion to adjourn. We are doing nothing here and can do nothing.

The question was taken; and on a division there were—ayes 88, noes 50.

Mr. BOATNER. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 74, nays 118, not voting 137; as follows:

YEAS—74.

Abbott,	Capehart,	Hamilton,	Mutchler,
Alderson,	Coburn,	Hare,	Owens,
Alexander,	Cox, Tenn.	Hatch,	Page,
Atkinson,	Crawford,	Henderson, N. C.	Patton,
Bailey,	Davis,	Hull,	Pearson,
Bankhead,	De Armond,	Kem,	Perkins,
Bartine,	Dickerson,	Kilgore,	Pickler,
Barwig,	Dockery,	Kyle,	Pierce,
Bentley,	Edmunds,	Lane,	Reilly,
Bland,	Ellis,	Lanham,	Richardson,
Blount,	Enloe,	Layton,	Scott,
Branch,	Epes,	Livingston,	Terry,
Brawley,	Everett,	Long,	Turner,
Bretz,	Fithian,	Lynch,	Van Horn,
Brookshire,	Forman,	Mallory,	White,
Brunner,	Gantz,	Martin,	Wike,
Bryan,	Geary,	McRae,	Winn.
Busey,	Gillespie,	Montgomery,	
Campbell,	Hallowell,	Moses	

NAYS—118.

Amerman,	Cox, N. Y.	Jolley,	Ray,
Andrew,	Crosby,	Kribbs,	Reyburn,
Antony,	Curtis,	Lapham,	Rockwell,
Arnold,	Dixon,	Lester, Va.	Russell,
Bacon,	Dunphy,	Lester, Ga.	Sayers,
Baker,	English,	Lewis,	Scull,
Belknap,	Fellows,	Lind,	Shonk,
Boatner,	Fitch,	Loud,	Sipes,
Boutelle,	Flick,	Magner,	Smith,
Bowman,	Gorman,	Mansur,	Sperry,
Brickner,	Greenleaf,	McKaig,	Springer,
Broderick,	Griswold,	McKinney,	Stahlnecker,
Brosius,	Grout,	McMillin,	Stevens,
Buchanan, Va.	Hall,	Meyer,	Steward, Ill.
Bullock,	Halvorson,	Milliken,	Stockdale,
Burrows,	Harries,	Moore,	Stone, C. W.
Bushnell,	Haugen,	Morse,	Stone, W. A.
Butler,	Hayes, Iowa	Newberry,	Taylor, Ill.
Cable,	Haynes, Ohio	Oates,	Taylor, J. D.
Caruth,	Herbert,	O'Donnell,	Townsend,
Castle,	Hilborn,	Obliger,	Tracey,
Catchings,	Hitt,	O'Neil, Mass.	Walker,
Cate,	Hoar,	O'Neill, Pa.	Warner,
Chipman,	Holman,	Outhwaite,	Watson,
Clancy,	Hooker, Miss.	Payne,	Waugh,
Clarke, Ala.	Hooker, N. Y.	Peel,	Wheeler, Ala.
Clover,	Hopkins, Pa.	Pendleton,	Williams, Mass.
Cobb, Ala.	Hopkins, Ill.	Post,	Youmans.
Cobb, Mo.	Houk, Tenn.	Powers,	
Cogswell,	Huff.	Price,	

NOT VOTING—137.

Allen,	Dalzell,	Lawson, Ga.	Snodgrass,
Babbitt,	Daniell,	Little,	Snow,
Beeman,	De Forest,	Lockwood,	Stephenson,
Belden,	Dingley,	Lodge,	Stewart, Tex.
Beltzhoover,	Doan,	McAleer,	Stone, Ky.
Bergen,	Dolliver,	McClellan,	Storer,
Bingham,	Donovan,	McCreary,	Stout,
Blanchard,	Dungan,	McGann,	Stump,
Bowers,	Durborow,	McKeighan,	Sweet,
Breckinridge, Ark.	Elliott,	McLaurin,	Tarsney,
Breckinridge, Ky.	Enochs,	Meredith,	Taylor, Tenn.
Brown, Ind.	Forney,	Miller,	Taylor, E. B.
Brown, Md.	Fowler,	Mitchell,	Taylor, V. A.
Buchanan, N. J.	Funston,	Norton,	Tillman,
Bunn,	Fyan,	O'Ferrall,	Tucker,
Bunting,	Geissenhainer,	O'Neill, Mo.	Turpin,
Bynum,	Goodnight,	Otis,	Wadsworth,
Byrns,	Grady,	Parrett,	Washington,
Cadmus,	Harmer,	Patterson, Tenn.	Weadock,
Caldwell,	Harter,	Pattison, Ohio	Wever,
Caminetti,	Heard,	Paynter,	Wheeler, Mich.
Causey,	Hemphill,	Quackenbush,	Whiting,
Cheatham,	Henderson, Iowa	Raines,	Willcox,
Clark, Wyo.	Henderson, Ill.	Randall,	Williams, N. C.
Cockran,	Hermann,	Rayner,	Williams, Ill.
Compton,	Houk, Ohio	Reed,	Wilson, Ky.
Coolidge,	Johnson, Ind.	Rife,	Wilson, Wash.
Coombs,	Johnson, N. Dak.	Robertson, La	Wilson, Mo.
Cooper,	Johnson, Ohio	Robinson, Pa.	Wilson, W. Va.
Covert,	Johnstone, S. C.	Rusk,	Wise,
Cowles,	Jones,	Sanford,	Wolverton,
Crain,	Kendall,	Seerley,	Wright.
Culberson,	Ketcham,	Shell,	
Cummings,	Lagan,	Shively,	
Cutting,	Lawson, Va.	Simpson,	

So the House refused to adjourn.

The following additional pairs were announced:

Mr. CALDWELL with Mr. BELKNAP.

Mr. PAYNTER with Mr. HARMER, for the rest of this day.

The result of the vote was then announced as above recorded.

The SPEAKER *pro tempore*. Pending the vote on the motion of the gentleman from Texas, the Chair desires to submit the request of Mr. BEEMAN for leave of absence indefinitely, on account of sickness. Is there objection?

There was no objection.

The SPEAKER *pro tempore*. The question now recurs on the motion of the gentleman from Texas, that when the House adjourns to-day it be to meet on Saturday morning next.

Mr. OATES. Mr. Speaker, I ask leave to make a statement to the House.

Mr. KILGORE. So far as I am concerned I do not object, provided it does not affect the status of the pending question.

Mr. OATES. I desire, Mr. Speaker, to state the parliamentary status of this pending question.

The Committee on Rules, in obedience to a petition signed by 221 members of this body, reported an order allowing two days, yesterday and to-day, to the consideration of what is known as the bankruptcy bill. We all know how yesterday was disposed of, and to-day as well. Under the rules of this House, Rule XVI, section 4, it is provided that:

When a question is under debate no motion shall be received but to fix the day to which the House shall adjourn, to adjourn, to take a recess, to lay on the table, for the previous question (which motions shall be decided without debate), to postpone to a day certain, to refer or amend, or to postpone indefinitely, which several motions shall have precedence in the foregoing order; and no motion to postpone to a day certain, to refer, or to postpone indefinitely, being decided, shall be again allowed on the same day at the same stage of the question.

Under that provision every member who has had any experience here knows that a determined opposition, like this seems to be, to prevent the consideration of the bankruptcy bill, pre-

sents a question which becomes one of physical endurance. There is no way under these rules, unless it be by a provision of the rule for a clôture, on a report from the Committee on Rules, to stop these dilatory proceedings and bring the House to a direct vote so as to dispose of the question in that manner. There is no other way by which it can possibly be done. Hence, it resolves itself into this proposition: While there is a large majority, according to the vote, in favor of the bill, shall we go on here and make this a question of physical endurance like unto a prize fight and proceed indefinitely in this manner as long as the opponents of the measure see proper to resort to what is known as "filibustering" tactics, and without any hope of reaching a definite result?

We have no opportunity to apply the rule of clôture, and I do not see the good sense of going on under the circumstances, unless there was some hope of our accomplishing something besides merely staying here and taking vote after vote to no purpose whatever.

I am as anxious as any one in this House for the consideration of this bill, which has been considered with great care before it was reported to the House; but I do not see how this can be accomplished, except in the way I have indicated; and we have no report forthcoming for a future day for the consideration of this bill. The Committee on Rules decline to report in favor of giving another day for the consideration of this bill, by which we might possibly reach a vote by what is known as clôture, and get consideration and final action upon the measure. The House, by its rules, has rendered itself thus helpless. It can not consider a measure which two-thirds of its members favor if but one or two determined members oppose it.

Mr. FITCH. Will the gentleman yield for a question?

Mr. OATES. Certainly.

Mr. FITCH. I would like to ask whether it would not be possible for this large majority to vote that the House take a recess until to-morrow, in order that the matter may come up then?

Mr. OATES. I desire to answer that question. It is important that I should. The motions made by those opposed to the consideration of the bankruptcy bill, which motions are now pending, are, first, a motion to adjourn, and, second, that when the House adjourns it be to meet on Saturday next. These motions take precedence of a motion for a recess; and even if we made a motion for a recess, these other motions, which take precedence, could be made as an amendment to that, so that under the rules no recess can be taken, if these gentlemen wish to prevent it, except by unanimous consent. Now, in this situation I do not see that there is any good sense in continuing this conflict any further, and therefore I move that the House do now adjourn.

Several MEMBERS. Regular order!

Mr. BOUTELLE. Will the gentleman yield for a question?

Mr. OATES. Certainly.

Mr. BOUTELLE. I would like to ask the gentleman from Alabama if it is not the fact that the situation in which we find ourselves is the result of the deliberate refusal of the House, or rather the deliberate action of the House, in divesting itself of the power to control its own business, when we have had, session after session, an advertisement of the impossibility of doing business under such rules, if there is opposition to it? [Cries of "Oh!" on the Democratic side.]

Several MEMBERS. Regular order!

Mr. OATES. In reply to the gentleman from Maine [Mr. BOUTELLE], I will say that is a question which goes back to the adoption of the rules of the House.

The SPEAKER. The regular order is demanded. The pending motion is to fix the day to which the House shall adjourn.

Mr. KILGORE. Is not the pending motion my motion to adjourn?

The SPEAKER. There is a motion pending to fix the day to which the House shall adjourn. The present occupant of the chair is informed that the gentleman from Texas has pending both a motion to adjourn and to fix a day to which the House shall adjourn.

Mr. KILGORE. I will withdraw my motion.

Mr. ATKINSON. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ATKINSON. The gentleman from Alabama [Mr. OATES] asked unanimous consent to make a statement, as I understood it, and unanimous consent was given to make that statement. Therefore his statement would be the regular order until it was completed.

The SPEAKER. The Chair understood that it was completed.

Mr. ATKINSON. If it was not completed it would be the regular order, would it not?

The SPEAKER. The Chair has heard no suggestion except that now made by the gentleman from Pennsylvania [Mr. ATKINSON], that the statement of the gentleman from Alabama [Mr. OATES] was not completed.

Mr. OATES. I had finished what I had to say.

Mr. ATKINSON. I thought the gentleman from Alabama was cut off before he had completed his statement.

Mr. OATES. The Speaker is right. I have completed what I wish to say. The gentleman from Texas [Mr. KILGORE] made a motion about four hours ago to adjourn.

Mr. KILGORE. I withdraw that.

Mr. OATES (continuing). And another one that when the House adjourns it be to meet on Saturday.

Mr. BOUTELLE. It seems we have got to a point where even unanimous consent can not adjourn the House.

The SPEAKER. The Chair understands that the motion made by the gentleman from Texas [Mr. KILGORE] is withdrawn. The question is on the motion of the gentleman from Alabama [Mr. OATES] that the House do now adjourn.

The motion was agreed to.

Accordingly (at 5 o'clock and 15 minutes p. m.) the House adjourned.

REPORTS OF COMMITTEES.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. VAN HORN, from the Committee on Pensions: The bill (H. R. 6828) for the relief of Ellen Carney. (Report No. 2343.)

By Mr. McALEER, from the Committee on Naval Affairs: The bill (H. R. 1303) for the relief of Julius A. Kaiser. (Report No. 2346.)

By Mr. BUNN, from the Committee on Claims:

The bill (H. R. 2054) for the relief of William De Ford, trustee for C. D. De Ford & Co. (Report No. 2347.)

The bill (H. R. 10053) for the relief of Robert C. Burton. (Report No. 2348.)

The bill (H. R. 10131) for the relief of C. P. Gooch. (Report No. 2349.)

By Mr. WILSON of Missouri, from the Committee on Pensions:

The bill (H. R. 10080) for the relief of Hillel Marks. (Report No. 2351.)

The bill (S. 2106) granting an increase of pension to Thomas M. Chill. (Report No. 2352.)

By Mr. COBB of Missouri, from the Committee of War Claims: The bill (H. R. 7517) for the relief of the officers and crew of the United States steamers Forest Rose and Argosy, late of the Red River expedition. (Report No. 2357.)

ADVERSE REPORT.

Under clause 2 of Rule XIII, the following adverse report was delivered to the Clerk and laid on the table:

By Mr. BUNN, from the Committee on Claims: A petition for the relief of David Morgan. (Report No. 2350.)

BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills and resolution of the following titles were introduced and severally referred as follows:

By Mr. TILLMAN: A bill (H. R. 10314) to amend section 4884 of the Revised Statutes, to prevent the suppression of improvements in inventions—to the Committee on Patents.

By Mr. BOUTELLE: A bill (H. R. 10315) to change the name of a portion of reservation No. 1, in the District of Columbia—to the Committee on Public Buildings and Grounds.

By Mr. SCOTT: A bill (H. R. 10316) to amend an act to protect trade and commerce against unlawful restraints and monopolies, approved July 2, 1890—to the Committee on the Judiciary.

By Mr. PICKLER: A bill (H. R. 10317) to establish a military post at or near the city of Pierre, Hughes County, in the State of South Dakota—to the Committee on Military Affairs.

By Mr. FITCH: A bill (H. R. 10319) to amend section 3336, chapter 5, Article XXXV, of the Revised Statutes of the United States—to the Committee on Ways and Means.

By Mr. BULLOCK: A bill (H. R. 10320) for the construction of works to render the Bight of Canaveral, in the State of Florida, available for the use of the Navy—to the Committee on Naval Affairs.

By Mr. WARNER: A joint resolution (H. Res. 193) to continue the preparation and printing of the illustrated catalogue of the Army Medical Museum—to the Committee on Printing.

By Mr. BACON: Resolution fixing time for consideration and vote upon the bill H. R. 10143—to the Committee on Rules.

By Mr. CAMPBELL: A resolution to set apart Wednesday, the 1st day of February, 1893, for the consideration of bills reported from the Committee on Mines and Mining—to the Committee on Rules.

By Mr. COX of Tennessee: A resolution to print 2,000 copies of the bill H. R. 10143—to the Committee on Printing.

By Mr. GEARY: A resolution for the appointment of a special committee to investigate affairs of the Panama Canal—to the Committee on Rules.

By Mr. OHLIGER: A resolution favoring the Chandler immigration bill, from Nashville (Ohio) Junior Order United American Mechanics—to the Committee on Interstate and Foreign Commerce.

By Mr. WARNER: A concurrent resolution for the printing of additional copies of House Report No. 2309—to the Committee on Printing.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as indicated below:

By Mr. BLANCHARD: A bill (H. R. 10321) for the relief of E. J. Barrett—to the Committee on the Post-Office and Post-Roads.

By Mr. BUNN: A bill (H. R. 10322) directing the issue of duplicate United States bonds to Mrs. Victor Thunot—to the Committee on the Judiciary.

By Mr. HENDERSON of Illinois: A bill (H. R. 10323) granting a pension to Rebecca E. Stanley—to the Committee on Invalid Pensions.

By Mr. HOOKER of Mississippi: A bill (H. R. 10324) for the relief of the estate of Henry E. Windley, of Hinds County, Miss.—to the Committee on War Claims.

Also, a bill (H. R. 10325) for the relief of the estate of William R. Tinsley, deceased, late of Claiborne County, Miss.—to the Committee on War Claims.

Also, a bill (H. R. 10326) for the relief of D. O. Perkins, of Claiborne County, Miss.—to the Committee on War Claims.

By Mr. MEYER: A bill (H. R. 10327) for the payment of the Odd Fellows' Hall Association of New Orleans, La., for the use and occupation of its real estate by the United States troops—to the Committee on War Claims.

By Mr. ROBERTSON of Louisiana: A bill (H. R. 10328) to donate to the State of Louisiana, for the purpose of making, repairing, and maintaining levees on the Mississippi River, certain lands of the United States in said State, and for other purposes—to the Committee on the Public Lands.

By Mr. SHIVELY: A bill (H. R. 10329) to remove the charge of desertion against Joseph Baker—to the Committee on Military Affairs.

By Mr. SMITH of Arizona: A bill (H. R. 10330) for the relief of Annie White—to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. AMERMAN: Petition of C. F. Matters and 125 other citizens of Scranton, Pa., against opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. BINGHAM: Petition of Thomas Willing Balch and others, of the First Congressional district of Pennsylvania, asking for the repeal of the silver act of July 14, 1890, known as the Sherman law—to the Committee on Banking and Currency.

By Mr. BOUTELLE: Four petitions of citizens of Maine, as follows: The petition of James L. Buckman, Charles F. Wilson, and 24 others, of Columbia Falls; of Frank Nelson and others, of Calais; of W. H. S. Lawrence, F. Garland, George L. Jefferds, A. E. Hardy, and 33 other citizens, of Bangor, and of 50 citizens of Calais and elsewhere, asking that the World's Fair be opened on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of the Baptist Quarterly Meeting at Great Works, Me., against opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of citizens of Columbia Falls, Me., in favor of closing the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, memorial of the Unitarian Society of Hamilton, Me., in favor of opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. BRECKINRIDGE of Arkansas: Papers in the claim of Phillis Pearson, William Pearson, Charles Pearson, John Pearson, of Fairfax, and Joshua Pearson, of Washington City—to the Committee on War Claims.

Also, petition of the heirs of John Turner, Ashley County, Ark., to refer their claim to the Court of Claims under the provisions of the Bowman act—to the Committee on War Claims.

Also, petition of Elizabeth M. Chastain, of Saline County, Ark., to refer her claim to the Court of Claims under the Bowman act—to the Committee on War Claims.

By Mr. BRYAN: Petition of the officers, lecturers, and visitors of the Interstate Chautauqua of Beatrice, Nebr., asking for the passage of House bill 8369, giving women the right to vote for members of the House of Representatives—to the Committee on the Judiciary.

Also, two petitions of citizens of Nebraska, as follows: The petition of 44 citizens of Verdan, and of 55 citizens of Lincoln and other cities, in favor of opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. BUSHNELL: Protest of the national executive committee of the North American Turnverein (Gymnastic Union), against Congress passing any laws to seriously restrict or suspend immigration from any civilized nation—to the Select Committee on Immigration and Naturalization.

Also, protest of the Madison (Wis.) Turnverein and the Madison (Wis.) Mannerchor, against Congress passing any laws to seriously restrict or suspend immigration from any civilized country—to the Select Committee on Immigration and Naturalization.

Also, resolutions of the Milwaukee (Wis.) Chamber of Commerce, approving the Torrey bankruptcy bill, and requesting Wisconsin Senators and Representatives in Congress to vote for it—to the Committee on the Judiciary.

By Mr. CAPEHART: Petition of H. B. Cunningham and 10 others, of Parkersburg, W. Va., asking Congress to not permit machinery used in the manufacture of sugar to come into the United States at a lower rate of duty than other machinery—to the Committee on Ways and Means.

Also, petitions of the Tailors' Union Local, No. 133, of Huntington, W. Va., for Sunday opening of the World's Fair—to the Select Committee on the Columbian Exposition.

By Mr. CASTLE: Three petitions of citizens of Minnesota, as follows: The petition of F. B. Wright and 50 others, of St. Paul; of C. F. Southerling and many others, of White Bear Lake, and of citizens of St. Paul, in favor of opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of the Congregational Ministers' Association of Minneapolis, against opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of the Commercial Club of the city of St. Paul, in favor of a quarantine bill—to the Committee on Interstate and Foreign Commerce.

By Mr. CHEATHAM: Papers in the claim of Henry Covert, of Newbern, Craven County, N. C.—to the Committee on War Claims.

By Mr. CHIPMAN: Petition of the Advance Labor Club, of Brooklyn, N. Y., in favor of the passage of Hon. J. LOGAN CHIPMAN'S bill to protect American workingmen—to the Committee on Labor.

By Mr. COBB of Missouri: Petition of Assembly No. 8119, Knights of Labor, of St. Louis, Mo., in favor of putting the Census Bureau on a permanent basis—to the Committee on the Eleventh Census.

By Mr. COGSWELL: Petition of 44 citizens of Salem, Mass., requesting that the World's Fair be opened on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. CLOVER: Concurrent resolution of the senate and house of representatives of Kansas, in opposition to leasing Indian lands, and against the confirmation of any such leases, and for the speedy opening to settlement of the Cherokee Outlet—to the Committee on Indian Affairs.

Also, concurrent resolution of the senate and house of the Kansas Legislature, in opposition to the dealing in futures and in favor of the passage of House bill 7845, known as the Hatch bill—to the Committee on Agriculture.

Also, petition of citizens on the Oketo Indian Lands for the adjustment of title—to the Committee on Indian Affairs.

By Mr. DOLLIVER: Petition of S. J. Bennett and others for the immediate repeal of the "Sherman silver purchase act" of 1890—to the Committee on Banking and Currency.

By Mr. DURBOROW: Petition of John Sexton and 15 others, of Kansas and Iowa, for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Shirling, Ill., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of George Machinot and 70 others, of Quincy, Fla., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of C. S. Scheble and 175 others, for the opening

of the Columbian Exposition on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 52 citizens of Kempton, Bloomington, and elsewhere, for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of D. M. Green and 70 others, of Princeton, Ill., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of George Alexander Ritter and 107 others, of Nauvoo, Ill., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of F. Lusby, postmaster, and 38 other citizens of Hartley, Tex., for opening World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of W. C. Kelso and 21 other citizens of Hallock, Minn., for opening World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of A. S. Chapman and 61 others, of Colfax, Iowa, for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of J. C. Wells and 56 others, of Boone, Iowa, for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 104 citizens of Greenville, Ill., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of James Quinn and 65 others of various places of Iowa, for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of citizens of Dixon, Ill., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Gid. B. McFail, mayor, and 101 others of Oskaloosa, Ill., for opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 56 citizens of Williamsfield, Ill., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of John McLaughlin and 15 others, of Clinton, Ill., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, 23 petitions of citizens of Fairview, Ill., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 98 citizens of Oxford, Nebr., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of John Sample and 36 others, of Hancock County, Ill., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Lewis Lang and 15 others, of Dubuque, Iowa, for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 145 citizens of Centralia, Chicago, and other places, for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of H. C. James and 11 others, of Sioux City, Iowa, for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 62 citizens of De Kalb, Ill., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of A. L. Woodford, of Lima, Ohio, and 61 other citizens of Lima, Ohio, and other places, for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of G. H. Moore, of Albuquerque, N. Mex., and 107 other citizens of New Mexico, for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Rev. Charles P. Hall and 109 other citizens of Huntington, N. Y., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of J. P. Hall and 54 other citizens of Chicago, Ill., in favor of opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Frank Honig and 17 other citizens of Chicago, Ill., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Henry F. Meyer and 51 other citizens of Chicago, Ill., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Ben. Wolff and 57 other citizens of Chicago, Ill., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of D. J. Ehman and 56 other citizens of Jacksonville, Ill., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of James Shery and 52 other citizens of Jacksonville, Ill., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Dr. George F. McDowel and 43 other citizens of Iowa, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of M. S. Jordon and 64 other citizens of Clinton, Iowa, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of R. F. Hanover and 56 other citizens of Merrill, Wis., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of A. C. Davis and 57 other citizens of Englewood, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Frank Culp and 48 other citizens of Danville, Ill., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of John Andrews and 56 other citizens of Rockford, Ill., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Rev. F. G. Leantz and 55 other citizens of Bement, Ill., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Frank Julian and 74 other citizens of South Chicago, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Max Levy and 56 other citizens of Chicago, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of M. B. Mullock and 56 other citizens of Illinois, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of C. P. Smith and 56 other citizens of Chicago, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of W. A. Tait and 56 other citizens of Elsdon, Ill., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of H. W. Sandford and 56 other citizens of Mansfield, Ill., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of William Frankfurth, Harden & Co. and 55 other citizens of Milwaukee, Wis., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of John Veling and 55 other citizens of Beaver Dam, Wis., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of J. W. Heir and 15 other citizens of Jefferson Mine, Wis., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of J. M. Brewster and 56 other citizens of Shullsburg, Wis., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Philip Conaghton and 76 other citizens of Fond du Lac City, Wis., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Peter Buele and 56 other citizens of Beaver Dam, Wis., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Roger W. Bennett and 90 other citizens of Imperial, Nebr., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of W. J. Edgeworth and 96 other citizens of Eureka, Utah, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of J. M. Stoutt and 60 other citizens of Salt Lake City, Utah, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of George Schroder and 75 other citizens of East St. Louis, Ill., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of John Moon and 70 other citizens of Peoria, Ill., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Zyrus L. Hawley and 100 other citizens of Utah, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of James P. Rice and 55 other citizens of Beardstown, Ill., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of J. M. Ball and 65 other citizens of Normal, Odell, and Pontiac, Ill., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Eugene L. Holt and 70 other citizens of Milford, Ill., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of B. Mathony and 55 other citizens of Manhattan, Ill., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of John Monochan and 40 other citizens of Streator, Ill., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of W. D. Peek and 46 other citizens of Girard, Ill., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Miss Marie Hubb and 16 other ladies of Danville, Ill., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Prof. William Smith and 28 other citizens of Petersburg, Ill., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of J. M. Mills and 104 other citizens of Chicago, Ill., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of A. P. Bradford and 55 other citizens of Chicago, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of C. W. Clark and 36 other citizens of Wisconsin, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Otto Schifter and 143 other citizens of Chicago, Ill., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of F. J. Zeisberg and 625 other citizens of Chicago, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of James A. Faymonicelle and 43 other citizens of Chicago, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of William E. Frost and 50 other citizens of Chicago, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of John Zander and 45 other citizens of Chicago, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of H. T. Higgins and 200 other citizens of Chicago, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of W. J. Neill and 60 other citizens of Chicago, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Dr. C. Shroeder and 75 other citizens of Chicago, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of E. Roseheiner and other citizens of Chicago, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition from F. W. Holmes and 55 other citizens of Michigan, for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of John R. James and 56 other citizens of Michigan, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of W. B. Burris and 53 other citizens of Ravenna, Mich., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of J. De Hart and 55 other citizens of Ravenna, Mich., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of F. W. Preusset and 47 other citizens of Mount Clemens, Mich., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Charles McGuire and 55 others, citizens of Cheboygan, Mich., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of E. C. Nutt and 54 other citizens of Cheboygan, Mich., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 56 citizens of Michigan towns and cities, to open the World's Fair on Sundsy—to the Select Committee on the Columbian Exposition.

Also, petition of William McIlwrath, of Chillicothe, Mo., and 46 others, for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of H. A. Man and 54 others, of St. Louis, Mo., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of J. W. McGran and others, for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of C. Harrison and 37 others, of St. Louis., Mo., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of G. W. Weind and 55 others, of St. Louis, Mo., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Adolph Lippman and 56 others, of Maryville, Mo., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 17 citizens of Loup City, Nebr., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 55 citizens of Omaha, Nebr., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 55 citizens of Lincoln, Nebr., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 40 citizens of Chadron, Nebr., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 57 citizens of Omaha, Nebr., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 21 citizens of Omaha, Nebr., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 55 citizens of Omaha, Nebr., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 52 citizens of Omaha, Nebr., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 56 citizens of Bennington, Nebr., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 45 citizens of Saybrook, Ill., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 56 citizens of Saybrook, Ill., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Eposition.

Also, petition of 56 citizens of Urbana, Ill., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 56 citizens of Urbana, Ill., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 22 citizens of Batavia, Ill., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 38 citizens of Rockford, Ill., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 55 citizens of Kensington, Ill., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 56 citizens of Monticello, Ill., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 56 citizens of Milwaukee, Wis., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 56 citizens of Milo, Wis., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 50 citizens of Elroy, Wis., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 50 citizens of Racine, Wis., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 110 citizens of Chippewa Falls, Wis., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 56 citizens of Peshtigo, Wis., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 100 citizens of Clinton, Wis., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 30 citizens of Alma, Wis., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 56 citizens of Brillion, Wis., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 56 citizens of Marinette, Wis., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 55 citizens of Marshfield, Wis., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of members of St. Patrick's Church, Fort Howard, Wis., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 56 citizens of Green Bay, Wis., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 56 citizens of Jacksonport, Wis., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 55 citizens of Manitowoc, Wis., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 55 citizens of Racine, Wis., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 56 citizens of Sheboygan, Wis., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 55 citizens of Kenosha, Wis., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 55 citizens of Menomonie, Wis., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 45 citizens of Mukwonago, Wis., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 56 citizens of Milwaukee, Wis., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 90 citizens of Eau Claire, Wis., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 45 citizens of Florence, Wis., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 108 citizens of Chicago, Ill., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 98 citizens of Chicago, Ill., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 201 citizens of Chicago, Ill., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 178 citizens of Chicago, Ill., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 149 citizens of Chicago, Ill., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 147 citizens of Chicago, Ill., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 144 citizens of Chicago, Ill., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 134 citizens of Chicago, Ill., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 136 citizens of Chicago, Ill., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 145 citizens of Chicago, Ill., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 156 citizens of Chicago, Ill., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 161 citizens of Chicago, Ill., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 141 citizens of Chicago, Ill., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 170 citizens of Chicago, Ill., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 131 citizens of Chicago, Ill., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 130 citizens of Chicago, Ill., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

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Also, petition of 130 citizens of Chicago, Ill., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 10 citizens of Pittsburg, Pa., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 70 citizens of Gaines, Pa., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 55 citizens of Easton, Pa., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 40 citizens of Erie, Pa., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 20 citizens of Vernon, N. Y., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 55 citizens of Buffalo, N. Y., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 56 citizens of Brooklyn, N. Y., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 50 citizens of New York City, for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 56 citizens of Quincy, Ill., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 70 citizens of Denver, Colo., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of W. W. Greys and 76 others, of Graysville, Ill., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of H. M. Eicker and 12 others, of Washington, Ill., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Frederick Spencer and 56 others, of Sterling, Ill., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of H. L. Beckman and 33 others, of Burnside, Ill., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 120 citizens of Wisconsin, for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 89 citizens of Brownsville, Tex., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of G. A. Piper and 108 others, of Sheboygan, Wis., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of E. C. Quinby and 75 others, of Carthage, Ill., to repeal the act of Congress closing the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of E. S. Mellish and 15 others, of Oxford, Iowa, for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of H. Kenedy, of Oakdale, Nebr., and 60 others, of Nebraska, for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Herman Dessler and 63 citizens of Fayetteville, Ill.—to the Select Committee on the Columbian Exposition.

Also, petition of Louis Zaiser and 14 others, for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Edward Green and 56 others, for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Ashea R. Cox and 54 others, of Xenia, Ill., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of J. D. Bower and 11 others, of Cherokee, Iowa, for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of David Beeson and 40 others, of Canton, Ill., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Frank Best and 54 others, of sundry places in Illinois, in favor of opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of D. B. Warner and 53 others, of Nunda, Ill., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Jack K. Wright and 30 others, of Lexington, Nebr., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. ENLOE: Papers to accompany the bill for the relief of E. C. Hendrix—to the Committee on War Claims.

By Mr. FITHIAN: Petition of citizens of Jasper County, Ill., praying for a Congressional investigation of a combination existing between the millers, railroads, and elevators for the purpose of depressing the price of wheat—to the Committee on Agriculture.

By Mr. HAYES: Petition of the German Benevolent Association of Clinton, Iowa, against legislation restricting immigration—to the Select Committee on Immigration and Naturalization.

Also, petition of the Clinton (Iowa) Turnverein and Benevolent Association, against laws restricting immigration—to the Select Committee on Immigration and Naturalization.

By Mr. HEARD: Petition of the officers and members of Golden Eagle Lodge, No. 78, Brotherhood of Locomotive Firemen, of Sedalia, Mo., in favor of Sunday opening of the World's Fair—to the Select Committee on the Columbian Exposition.

Also, petition of the Cigar-Makers' Union of Springfield, Mo., in favor of Sunday opening of the World's Fair—to the Select Committee on the Columbian Exposition.

By Mr. HITT: Petition of R. H. Shumway, seedsman, Rockford, Ill., that the law require periodicals enjoying second-class postage rates to publish in every issue the amount of postage paid and weight, to be signed by the postmasters—to the Committee on the Post-Office and Post-Roads.

Also, two petitions of citizens of Rockford, Ill., the petition of the Excelsior Furniture Company, and of Graham's cotton mills, in favor of 1-cent postage—to the Committee on the Post-Office and Post-Roads.

Also, petition of the directors of Board of Trade of Chicago, Ill., for the repeal of the silver-purchase act of 1890—to the Committee on Coinage, Weights, and Measures.

By Mr. HOOKER of New York: Two petitions of citizens of Dunkirk, N. Y., as follows: The petition of Rev. David R. Eddy and the congregation of the First Presbyterian Church, and of the Epworth League and Young People's Society of Christian Endeavor, asking that the World's Fair be closed on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. HOPKINS of Pennsylvania: Petition of Abraham Lindoln Council, No. 513, of Montoursville, Pa., against immigration—to the Select Committee on Immigration and Navigation.

By Mr. JOHNSON of Indiana: Two petitions of citizens of Indiana as follows: The petition of 46 citizens of Richmond, and of 52 citizens of Cerro Gordo, who desire the World's Fair opened on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. LAWSON of Virginia: Petition of the citizens of Norfolk, urging the repeal of the Sherman act—to the Committee on Banking and Currency.

By Mr. LESTER of Georgia: Petition of John S. Overstreet, praying that his claim for property taken by the Army during the late war be referred to the Court of Claims—to the Committee on War Claims.

By Mr. LOCKWOOD: Resolutions of the Merchants' Exchange of Buffalo, N. Y., favoring the continuance of the Interstate Commerce Commission, and suggesting certain amendments—to the Committee on Interstate and Foreign Commerce.

By Mr. McKAIG: Petition of William Wade, of Washington County, Md., praying that his war claim be referred to the Court of Claims under the provisions of the Bowman act—to the Committee on War Claims.

By Mr. MORSE (by request): Petition of 52 citizens of Massachusetts, who favor opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. OHLIGER: Papers to accompany House bill No. 10277, granting a pension to Leslie N. Aylsworth—to the Committee on Invalid Pensions.

By Mr. PATTISON of Ohio: Petition of Rev. John W. Burdsal and others, of Marathon, Ohio, against the repeal of the law closing the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. POST: Four resolutions of citizens of Illinois, as follows: The resolution of the United Presbyterian Church of Smithville, Peoria County; of the Methodist Episcopal Sunday School, West Jersey; of the Session of the Presbyterian Church of Galesburg, and of the Methodist Episcopal Church of West Jersey, against Sunday opening of the World's Fair—to the Select Committee on the Columbian Exposition.

Also, resolutions of the Galesburg Lodge, No. 213, International Association of Machinists, protesting against the importation of sugar machinery at a lower rate of duty than other machinery—to the Committee on Ways and Means.

By Mr. RAINES: Two petitions of citizens of New York, as follows: The petition of the Farmington Quarterly Meeting of Friends, and of citizens of Hernellsville, against Sunday opening of the World's Fair—to the Select Committee on the Columbian Exposition.

By Mr. RUSSELL: Petition of the Connecticut Indian Association for legislation on Indian affairs—to the Committee on Indian Affairs.

By Mr. SHIVELY: Papers in the claim of Andrew Matheny, to support House bill 8380—to the Committee on Military Affairs.

By Mr. SNOW: Two petitions of the laborers and farmers of Iroquois County, Ill., each praying for a Congressional investigation of a combination which exists between the millers, railroads, and elevators for the purpose of depressing the price of wheat—to the Committee on Agriculture.

By Mr. SPRINGER: Petition of the Presbyterian Synod of Illinois, United States of America, held October 20, 1892, for the closing of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. TAYLOR of Tennessee: Papers in the claim of David Sevier, of Sulliario, County—to the Committee on War Claims.

By Mr. TRACEY: Petition of the International Association of Machinists, asking that the eight-hour law be so amended as to forbid one employé of the United States Government operating two machines at the same time—to the Committee on Labor.

By Mr. FORNEY: Papers in the claim of George H. Shields, of Cherokee County, Ala.—to the Committee on War Claims.

By Mr. TUCKER: Papers in the claim of Isaac S. Myers, of Augusta County, Ga.—to the Committee on War Claims.

By Mr. WARNER: Petition of citizens of New York, for the repeal of the act closing the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. WHITE: Petition of citizens of Richland, Iowa, on the subject of intoxicating liquors—to the Select Committee on the Alcoholic Liquor Traffic.

By Mr. WIKE: Petition of H. J. Wise, A. B. Harris, E. Gross, John Boing, H. W. Rouse, and 41 others, of Quincy, Ill., in favor of opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. WILSON of Missouri: Petition of Rev. C. J. Van Deventer, of the Methodist Church South, against opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. WILSON of Washington: Resolutions of the Mt. Pleasant Grange, No. 197, Patrons of Husbandry of Washougal, Wash., indorsing the "pure-food bill" and demanding its passage—to the Committee on Agriculture.

SENATE.

THURSDAY, *January 26, 1893.*

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.

The Journal of yesterday's proceedings was read and approved.

KILLING OF FRANK B. RILEY.

The VICE-PRESIDENT laid before the Senate a message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations, and ordered to be printed, as follows:

To the Senate of the United States:

In response to the resolution of the Senate of the 21st instant, relating to the alleged killing of Frank B. Riley, a sailor of the United States steamship Newark, in Genoa, Italy, I transmit herewith a report on the subject from the Secretary of State.

BENJ. HARRISON.

EXECUTIVE MANSION,
Washington, January 25, 1893.

PUBLIC BUILDING AT ST. ALBANS, VT.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, submitting a statement relative to the United States custom-house and post-office building at St. Albans, Vt., authorized under the act of Congress, approved January 26, 1891; which was referred to the Committee on Appropriations, and ordered to be printed.

CREDENTIALS.

Mr. HOAR presented the credentials of Henry Cabot Lodge, elected by the Legislature of Massachusetts a Senator from that

State for the term beginning March 4, 1893; which were read and ordered to be filed.

MEMORIAL ADDRESSES ON THE LATE SENATOR KENNA.

Mr. FAULKNER. I desire to give notice that at 3 o'clock p. m., Saturday, February 18, I shall submit resolutions in reference to the death of my late colleague, Hon. John E. Kenna.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the Custom Foreman Tailors' Association of Indiana, praying for the passage of House bill 9473, limiting the free importation of personal wearing apparel; which was referred to the Committee on Finance.

Mr. COCKRELL. I present a petition numerously signed by citizens of the city of St. Louis, Mo., stating "that at divers times and places there have been landed upon our shores large numbers of foreign immigrants, embodying paupers, criminals, anarchists, socialists, nihilists, mafias, birds of passage, who work a season and return to spend the fruits of their labor abroad, and (especially during the past year) persons affected with cholera, typhus fever, and other malignant and loathsome diseases, thus endangering the life of our nation and individual citizens as well, bringing unfair competition into our market, resulting in hardships, the extent of which can not be computed, and causing general depression on every side."

The petitioners therefore pray "for the passage of such an amendment to the immigration laws as to prohibit the landing within our border of any and all immigrants, whether at seaports or along our borders, for the space of one year after the passage of said law, excepting foreigners who may come here as visitors during the progress of the World's Fair."

The petitioners further pray "for the appointment of a commission to thoroughly investigate the evils of immigration in sections colonized by aliens during the last two decades, and to report to the next session of Congress."

I move that the petition be referred to the Committee on Immigration.

The motion was agreed to.

Mr. FAULKNER. I present a petition similar to the one just submitted by the Senator from Missouri [Mr. COCKRELL], signed by James Clemens and 61 other citizens of the State of West Virginia, relative to the evils of immigration in sections colonized by aliens during the last two decades. I move that the petition be referred to the Committee on Immigration.

The motion was agreed to.

Mr. FAULKNER presented a petition of Tailors' Union No. 133, of Huntington, W. Va., praying for the repeal of the law closing the World's Columbian Exposition on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

Mr. BUTLER presented the memorial of W. S. Stokes and other members of the Methodist Episcopal Church of Winnsboro, S. C., remonstrating against the opening of the World's Columbian Exposition on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

Mr. DAWES presented the petition of Mary E. Raymond, field matron for the Navajo Indians, and of the white people of San Juan County, N. Mex., praying that an appropriation be made for irrigating land on the Navajo Reservation; which was referred to the Committee on Indian Affairs.

He also presented a memorial of the North Congregational Church of New Bedford, Mass., remonstrating against the repeal of the law closing the World's Columbian Exposition on Sunday, and praying that the sale of intoxicating liquors be prohibited thereat; which was referred to the Committee on the Quadro-Centennial (Select).

Mr. CULLOM presented petitions of South End Lodge, No. 336, of Gallatin County; of citizens of Hardin and Clinton Counties; of West Lodge, No. 3310, of Alhambra County, and of citizens of Clay County, all in the State of Illinois, praying for the appointment of a committee to investigate the combine formed to depreciate the price of grain, etc.; which were referred to the Committee on Agriculture and Forestry.

Mr. SHERMAN presented a petition of 126 citizens of Ohio, praying for the absolute suspension of immigration for one year and the appointment of a commission to thoroughly investigate foreign immigration; which was referred to the Committee on Immigration.

He also presented petitions of the boards of health of Ironton, Jamestown, Garrettsville, Oak Harbor, Camden, Frazeysburg, and Hubbard, all in the State of Ohio, praying for the adoption of a national quarantine and the suspension of immigration until the quarantine defenses of the country shall be placed in a condition to guarantee protection from contagious diseases; which were referred to the Committee on Immigration.

He also presented a petition of Sullivan Council, No. 194, Junior Order United American Mechanics, of Ohio, praying for the passage of the so-called Chandler immigration bill; which was ordered to lie on the table.

He also presented a petition of Pomona Grange, Patrons of Husbandry, of Bellevue, Ohio, praying for the passage of the Washburn-Hatch antioption bill; which was ordered to lie on the table.

He also presented the petition of W. W. Kile, secretary of the Dayton (Ohio) Single Tax Club, praying for the establishment of a permanent census bureau; which was referred to the Committee on the Census.

He also presented a petition of 41 citizens of Warren, Ohio, praying for the suspension of the purchase of silver bullion; which was ordered to lie on the table.

Mr. McMILLAN presented a petition of O. M. Poe Garrison, No. 20 Regular Army and Navy Union, of Sault Ste. Marie, Michigan, praying for the passage of legislation to retire enlisted men after twenty-five years of service; which was referred to the Committee on Military Affairs.

He also presented a petition of sundry citizens of Washington, D. C., praying for the widening of G street northwest from Ninth to Fifteenth street northwest; which was referred to the Committee on Appropriations.

Mr. KYLE presented a memorial of the Synod of the Presbyterian Church of South Dakota, remonstrating against the repeal of the law closing the World's Columbian Exposition on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

He also presented a petition of citizens of De Grey, S. Dak., praying for the passage of the Washburn-Hatch antioption bill; which was ordered to lie on the table.

Mr. DAVIS presented resolutions adopted by the Board of Trade of Mankato, Minn., deprecating the continued purchases of silver under the so called Sherman law, and praying for the repeal of the clauses of that law requiring purchases of silver; which were ordered to lie on the table.

Mr. HARRIS presented the petition of William M. Everett, assistant postmaster, and E. C. Blackburn, clerk, of Columbia, Tenn., and the petition of A. H. McNeely, president, and E. E. Gilbert, secretary, of Post-office Clerks' Association, of Clarksville, Tenn., praying for the passage of House bill 3608, providing for the classification of postal clerks, and an equitable fixing of salaries of clerks in first and second class post-offices; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. HISCOCK presented a petition of citizens of Frankfort, N. Y., praying for the appointment of a commission to thoroughly investigate the evils of Immigration in sections colonized by aliens during the last two decades; which was referred to the Committee on Immigration.

Mr. HOAR presented petitions of Carpenters and Joiners' Union, No. 111, of Lawrence; of Paper City Lodge, No. 282, of Holyoke; of Albert Bryant and other citizens of North Worcester; of the Congregational Church of New Bedford; of Typographical Union, No. 13, of Boston, and of the First Congregational Church of Uxbridge, all in the State of Massachusetts, praying for the repeal of the law closing the World's Columbian Exposition on Sunday; which were referred to the Committtee on the Quadro-Centennial (Select).

He also presented a petition of the East Boston (Mass.) Savings Bank, praying for the repeal of the so-called Sherman silver law; which was ordered to lie on the table.

He also presented the petition of Mrs. Sarah M. Bennett, of Worcester, Mass., praying that she be granted a pension; which was referred to the Committee on Pensions.

Mr. WASHBURN presented a petition of the Board of Trade of Mankato, Minn., praying for the repeal of the so-called Sherman silver law; which was ordered to lie on the table.

He also presented resolutions adopted by the senate of Minnesota, in favor of the immediate passage of the Washburn-Hatch antioption bill; which were ordered to lie on the table.

Mr. BLODGETT presented a petition of H. T. Heaton and other citizens of New Jersey, praying for a modification of the laws on immigration; which was referred to the Committee on Immigration.

Mr. HIGGINS presented a petition of citizens of Wilmington, Del., praying for the appointment of a commission to thoroughly investigate the evils of immigration in sections colonized by aliens during the last two decades; which was referred to the Committee on Immigration.

He also presented memorials of the Asbury Methodist Episcopal Church of Wilmington, of the congregation of the Methodist Episcopal Church of Newport, of the German Baptist Church of Wilmington, of the Asbury Methodist Episcopal Church of Smyrna, of the Central Presbyterian Church of Wilmington, of the Atonement Methodist Episcopal Church of Claymont, and of

the Methodist Episcopal churches of Smyrna circuit, of Clayton, Severson's, Bethel, and Chiswold, all in the State of Delaware, remonstrating against the repeal of the law closing the World's Columbian Exposition on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

Mr. QUAY presented petitions of citizens of Volant, Black Hawk, Fertig, Fisher, Fryburg, Ella, Unionville, Beaver Falls, Seemsville, Wapwallopen, Briggsville, Light Street, Waterford, Best, Coalmont, Danville, Anandale, North Hope, Hilliards, Hooker, Bryn Mawr, Bentleysville, Newville, Grove City, Halifax, Yohoghany, Scott, Suterville, Blythedale, Mill Hall, Chambersburg, Wayne, Madison, Madisonville, Landingville, Scullton, Le Roy, Granville, Homewood, Herndon, Sugar Grove, Freehold, Mendon, Shickshinny, Gastonville, Philadelphia, Sharpsburg, Tyrone, Seneca, Reading, Conshohocken, and Phillipsburg, all in the State of Pennsylvania, praying for the appointment of a commission to thoroughly investigate the evils of immigration in sections colonized by aliens during the last two decades; which were referred to the Committee on Immigration.

He also presented a petition of Union No. 393, United Brotherhood of Carpenters and Joiners, of Cleveland, Ohio, a petition of Local Union, No. 449, United Brotherhood of Carpenters and Joiners of America, and a petition of Cigar-Makers' Union, No. 244, of Harrisburg, Pa., praying for the repeal of the law closing the World's Columbian Exposition on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

He also presented a petition of business men of Scranton, Pa., praying for the repeal of the so-called Sherman silver law; which was ordered to lie on the table.

Mr. PERKINS presented the memorial of A. P. Dodds and 98 other citizens of Concordia, Kans., remonstrating against the closing of the World's Columbian Exposition on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

He also presented the petition of sundry citizens of Kansas, praying for the opening of the World's Columbian Exposition on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

Mr. VEST presented a petition of the Commercial Exchange of Kansas City, Mo., praying for the passage of the Cherokee Outlet bill and the opening up to settlement of the whole Indian Territory; which was ordered to lie on the table.

Mr. HAWLEY presented a memorial of the East Avenue Methodist Episcopal Church of East Norwalk, Conn., remonstrating against the repeal of the present law closing the World's Columbian Exposition on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

He also presented petitions of Elm City Lodge, No. 248, International Association of Machinists of New Haven, Conn., and of N. Wheeler, president of Wheeler & Wilson Manufacturing Company, and 150 employés, of Bridgeport, Conn., praying for the opening of the World's Columbian Exposition on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

He also presented a petition of sundry citizens of Hartford, Conn., praying for the repeal of the so-called Sherman silver law; which was ordered to lie on the table.

He also presented a petition of the Board of Trade of Hartford, Conn., praying for the passage of the Torrey bankruptcy bill; which was referred to the Committee on the Judiciary.

He also presented a petition of the Merchant Tailors' Association of Boston, Mass., praying for the passage of legislation to limit the amount of wearing apparel and personal effects which may be admitted free of duty; which was referred to the Committee on Finance.

Mr. TELLER. I present a memorial of sundry citizens of Colorado, remonstrating against the repeal of the so-called Sherman silver law. I wish to state that the memorial is signed by persons who have given a great deal of attention to the subject, and are fully qualified to speak of it. I move that the memorial lie on the table.

The motion was agreed to.

Mr. PLATT presented the petition of C. A. Parker and sundry citizens of New Britain, Stamford, and other cities of Connecticut, praying for the appointment of a commission to thoroughly investigate the evils of immigration in sections colonized by aliens during the last two decades, and to report at the next session of Congress; which was referred to the Committee on Immigration.

Mr. HUNTON presented a petition of the Board of Trade of Roanoke, Va., praying for the passage of the House bill providing for the extension of the line of the Norfolk and Western Railroad into the city of Washington, D. C.; which was referred to the Committee on the District of Columbia.

He also presented a petition of citizens of Roanoke, Va., praying for the repeal of the so-called Sherman silver act; which was ordered to lie on the table.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had passed the joint resolution (S. R. 124) directing the Secretary of War to investigate the subject of raft-towing on the Great Lakes and their connecting waters.

The message also announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 10010) to establish a court of appeals for the District of Columbia, and for other purposes, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. CULBERSON, Mr. OATES, and Mr. EZRA B. TAYLOR managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

A bill (S. 3727) to amend "An act authorizing the construction of a railway, street-railway, motor, wagon, and pedestrian bridge over the Missouri River near Council Bluffs, Iowa, and Omaha, Nebr., and to extend the time for the completion of the bridge therein provided for;" and

A bill (H. R. 10189) relating to proof of citizenship of applicants for Indian war pensions under the act of Congress approved July 27, 1892.

REPORTS OF COMMITTEES.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the bill (H. R. 6345) granting an honorable discharge to Frederick E. Kolter, reported it without amendment, and submitted a report thereon.

Mr. COKE, from the Committee on Commerce, to whom was referred the bill (H. R. 9531) to make Rockport, Tex., a subport of entry, reported it without amendment.

Mr. HAWLEY, from the Committee on Military Affairs, to whom was referred the bill (H. R. 8106) for the correction of the army record of David R. Wallace, deceased, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred an amendment submitted by Mr. DOLPH on the 19th instant, intended to be proposed to the sundry civil appropriation bill, reported it favorably, and moved that it be referred to the Committee on Appropriations, and be printed; which was agreed to.

Mr. SAWYER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 7238) granting a pension to Amanda Atherton;

A bill (H. R. 7226) granting a pension to Julia P. Wright;

A bill (H. R. 7662) granting a pension to Marion Kern Sharman; and

A bill (H. R. 6507) granting a pension to Sarah A. Hagan.

Mr. DOLPH. I am directed by the Committee on Commerce, to whom was referred the bill (H. R. 9955) providing for sundry light-houses and other aids to navigation, to report it with amendments. This is substantially a copy of the bill which has already passed the Senate on the same subject. I give notice that at an early day I shall call up the bill for consideration by the Senate.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

Mr. PROCTOR, from the Committee on Military Affairs, to whom was referred an amendment, submitted by himself on the 21st instant, intended to be proposed to the Army appropriation bill, reported it with an amendment, and moved that it be referred to the Committee on Appropriations and to be printed; which was agreed to.

Mr. MANDERSON, from the Committee on Military Affairs, to whom was referred an amendment, submitted by himself on the 25th instant, intended to be proposed to the sundry civil appropriation bill, reported it favorably, and moved that it be referred to the Committee on Appropriations and be printed; which was agreed to.

Mr. FRYE, from the Committee on Commerce, to whom was referred the bill (S. 3512) to provide communication from lightships and outlying light-houses to the shore, reported it without amendment.

Mr. PALMER, from the Committee on Military Affairs, to whom was referred the bill (S. 3573) for the relief of James Joyes, late lieutenant United States Army, reported adversely thereon, and the bill was postponed indefinitely.

Mr. QUAY, from the Committee on the Library, reported an amendment intended to be proposed to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. MITCHELL, from the Committee on Claims, to whom was referred the bill (S. 746) to settle and adjust the claims of any State for expenses incurred by it in defense of the United States, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred an amendment submitted by Mr. TURPIE, January 25, intended to be proposed to the deficiency appropriation bill, reported it without amendment, and moved that, with the accompanying report, it be referred to the Committee on Appropriations and be printed; which was agreed to.

Mr. MCMILLAN, from the Committee on Agriculture and Forestry, to whom were referred two amendments submitted by Mr. CAREY on the 21st instant, one intended to be proposed to the legislative, executive, and judicial appropriation bill, and the other to the sundry civil appropriation bill, reported them favorably, and moved that they be referred to the Committee on Appropriations and be printed; which was agreed to.

Mr. CULLOM, from the Committee on Interstate-Commerce, to whom was referred the bill (H. R. 10163) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, reported it with amendments.

WILLIAM SMITH AND OTHERS.

Mr. DAVIS. I am directed by the Committee on Military Affairs, to whom was referred the bill (H. R. 5597) for the relief of William Smith and others, to report it favorably, without amendment. I ask unanimous consent that the bill be now considered.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the proper accounting officers of the Treasury to credit Lieut. Col. William Smith, deputy paymaster-general, United States Army, in the settlement of his public accounts, with $3,015.15; to credit Maj. William F. Tucker, paymaster, United States Army, with $5,461.61; to credit Assistant Surgeon John O. Skinner, United States Army, with $199.14; to remove the charge of $2,185.92 standing against Maj. John S. Billings, surgeon, United States Army; and remove the charge of $1,029.60 standing against George M. Wheeler, captain on the retired list of the Army; and to remove the charge of $634.42 standing against Lieut. P. Henry Ray, Eighth Regiment of Infantry, United States Army; these amounts having been paid out and received in accordance with the orders of the Secretary of War or the provisions of the regulations for the government of the Army of the United States prescribed by the President.

Mr. CULLOM. There seem to be a good many items proposed to be discharged by the bill. I do not know anything about the bill, but I should like to have it explained before we pass it.

Mr. DAVIS. The items were paid out by these various paymasters under the explicit orders of the Secretary of War. These amounts were stopped against them by the accounting officers of the Treasury. The bill is based upon the recommendations of the War Department after a careful examination by the Committee on Military Affairs. A counterpart of this bill passed the Senate a few days ago, but the other House instead of passing the Senate bill passed one of its own, which is the bill now under consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. DAVIS. I move that the House of Representatives be requested to return to the Senate the counterpart of the bill just passed, being the bill (S. 1678) for the relief of William Smith and others.

The motion was agreed to.

COUNT OF ELECTORAL VOTES.

Mr. TELLER, from the Committee on Privileges and Elections, to whom was referred the following concurrent resolution of the House of Representatives, reported it without amendment, and it was considered by unanimous consent, and agreed to:

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress shall assemble in the Hall of the House of Representatives on Wednesday, the 8th day of February, 1893, at 1 o'clock in the afternoon, pursuant to the requirement of the Constitution and laws relating to the election of President and Vice-President of the United States, and the President of the Senate shall be the presiding officer; that two persons be appointed tellers on the part of the Senate and two on the part of the House of Representatives, to make a list of the votes as they shall be declared; that the result shall be delivered to the President of the Senate, who shall announce the state of the vote and the persons elected to the two Houses assembled as aforesaid, which shall be deemed a declaration of the persons elected President and Vice-President of the United States, and, together with a list of the votes, be entered on the journals of the two Houses.

PRESIDENTIAL APPROVALS.

A message from the President of the United States by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 25th instant approved and signed the joint resolution (S. R. 135) making an appropriation of $5,000 for clearing the Potomac River of ice.

The message also announced that the President of the United States had on the 26th instant approved and signed the following acts:

An act (S. 2345) to authorize the construction of a bridge across the Mississippi River above New Orleans; and

A joint resolution (S. R. 128) to authorize the Secretary of War to grant permits for the use of reservations and public spaces in the city of Washington, and for other purposes.

BILLS INTRODUCED.

Mr. CALL introduced a bill (S. 3777) for the construction of works to render the Bight of Canaveral, in the State of Florida, available for the uses of the Navy; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Naval Affairs.

Mr. CULLOM introduced a bill (S. 3778) granting a pension to Mrs. Elisha Kent Kane, widow of Dr. Elisha Kent Kane, the Arctic explorer; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SHERMAN introduced a bill (S. 3779) authorizing the purchase of oil paintings for the Executive Mansion; which was read twice by its title, and, with the accompanying paper, referred to the Committee on the Library.

Mr. JONES of Arkansas introduced a bill (S. 3780) to authorize the loyal Creek Indians, Indian Territory, to bring suit in the Court of Claims for damages committed upon their property; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. PETTIGREW introduced a bill (S. 3781) to establish a military post at or near the city of Pierre, Hughes County, in the State of South Dakota; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 3782) to authorize the construction of a bridge across the St. Louis River between the States of Minnesota and Wisconsin, near the village of West Duluth; which was read twice by its title, and referred to the Committee on Commerce.

Mr. HISCOCK introduced a bill (S. 3783) to amend the several acts of Congress relating to the acquisition of property for a site and for the construction of a building for the custom-house in the city of New York; which was read twice by its title and referred to the Committee on Public Buildings and Grounds.

Mr. WASHBURN (by request) introduced a bill (S. 3784) to authorize the construction of a bridge across the St. Louis River, between the States of Minnesota and Wisconsin, near the village of West Duluth; which was read twice by its title, and referred to the Committee on Commerce.

Mr. JONES of Arkansas introduced a bill (S. 3785) to provide for the condemnation of land for a military post near the city of Little Rock, Ark.; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. HISCOCK introduced a joint resolution (S. R. 142) authorizing the control of matters pertaining to the assignment, occupation, etc., of rooms occupied by officers and employés of the Government to be vested in the Secretary of the Treasury; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

LOAN OF THE LIBERTY BELL.

Mr. CULLOM introduced a joint resolution (S. R. 141) requesting the municipal authorities of Philadelphia to loan to the United States Government the Liberty bell for exhibition as therein stated; which was read the first time by its title.

Mr. CULLOM. I ask that the joint resolution be considered at this time.

The joint resolution was read the second time at length, as follows:

Whereas it is desirable that the Liberty bell be placed on exhibition at the forthcoming World's Columbian Exposition to give all our countrymen an opportunity to see this historical medium through which liberty was first proclaimed to the American people; and

Whereas this bell is under the charge and in the care of the municipal authorities of Philadelphia: Therefore,

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the municipal authorities of Philadelphia be, and they are hereby, requested to permit the Liberty bell to be removed by a representative of the Board of Management of Exhibits of the Government of the United States to the city of Chicago, to be exhibited as a part of the Government exhibit of the World's Columbian Exposition, subject to such conditions as the said authorities of Philadelphia and said Board of Management may decide upon.

The VICE-PRESIDENT. Is there objection to the present consideration of the joint resolution?

Mr. CULLOM. I hope there will be no objection to it. It is simply a request to the authorities of the city of Philadelphia, which they can comply with if they desire. I wish to state that the proposition is to allow the managers of the Government ex-

hibit to take charge of the bell, and that there is a place provided in the Government building at the World's Columbian Exposition where the bell can be hung, so that all the people attending that great Exposition in this country may have an opportunity to see it. I do not see that there ought to be any objection to it by the Government, and I anticipate that there will not be by the city of Philadelphia, from what I have heard, although I do not know certainly as to that.

Mr. HOAR. The joint resolution certainly puts the Congress of the United States in a very remarkable position, that of a petitioner to a municipal body in one of the States. I do not think that Congress ever took that position before. If we set such a precedent, I do not see why we may not be asked to petition municipal bodies, or a State Legislature, or county commissioners, or the selectmen of a town, or constables in particular States, or individuals.

Mr. SHERMAN. Let the joint resolution be referred.

Mr. HOAR. I think the joint resolution had better be referred to a committee. I presume the United States can undertake the custody of this bell if it is desired; but I shall very strongly resist this particular mode of accomplishing the result. I move that the joint resolution be referred to the Select Committee on the Quadro-Centennial.

Mr. CULLOM. Or the Committee on the Library.

Mr. QUAY. It is a matter of no consequence to me to which committee the joint resolution is referred. I was merely about to say that I have no objection to the joint resolution, and if it shall be referred to the Library Committee, as the chairman of that committee I shall be disposed to make a favorable report upon it.

Mr. CULLOM. I hope the joint resolution will be referred to the Committee on the Library.

Mr. QUAY. I think the Government will have no difficulty in procuring the bell from the municipal authorities of Philadelphia.

The VICE-PRESIDENT. The joint resolution will be referred to the Committee on the Library, if there be no objection.

Mr. CULLOM. One word further before the joint resolution is referred. While it is true that it is a request by the Government, yet I do not see myself how we can procure the bell unless the authorities of Philadelphia see proper to send it to Chicago without any request. It occurred to me that in relation to such a matter it is not out of place for the Congress of the United States to make a request of the city of Philadelphia, which great city has had charge of the bell since the announcement by it that the Declaration of Independence had been adopted; therefore the joint resolution was put in this form. I hope, however, if it goes to a committee that it will not be delayed long, to whatever committee it may be referred, and I am not particular as to the reference.

Mr. QUAY. I repeat that I have no doubt, unless the Senator from Illinois is acquainted with something to the contrary, that upon application by the directory of the Exposition the bell will be furnished by the municipal authorities of Philadelphia for exhibition at Chicago without any difficulty.

Mr. CULLOM. Without any action by Congress?

Mr. QUAY. I should think so, unless the Senator from Illinois knows something to the contrary.

Mr. CULLOM. I do not know anything to the contrary. A gentleman who is somewhat connected with the Exposition brought me this joint resolution, and it occurred to me that it is a proper thing to do, and I took pleasure in introducing it. The only purpose is to secure the presence of the bell at the great Exposition, and however it may be gotten there is a matter of indifference to me, if it is agreeable to the city of Philadelphia.

Mr. HAWLEY. I wish to say just one word about this matter. I concur with the Senator from Massachusetts in rather criticising the joint resolution. There will be no practical difficulty, it seems to me. I know the bell went to New Orleans. I think a simple communication from the Columbian Commission will obtain the bell, under proper safeguards. The city of Philadelphia takes good care of it, and will take it there and bring it back.

The VICE-PRESIDENT. The joint resolution will be referred to the Committee on the Library, if there be no objection. It is so referred.

LOAN OF FLAGS, ETC., FOR INAUGURATION PURPOSES.

Mr. GORMAN. I introduce a joint resolution and ask unanimous consent for its present consideration.

The joint resolution (S. R. 140) authorizing the Secretaries of War and of the Navy to loan to the committee on inaugural ceremonies, flags, and so forth, was read the first time by its title, and the second time at length, as follows:

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War and the Secretary of the Navy be, and they are hereby, authorized to loan to the committee on inaugural ceremonies such ensigns, flags, and so forth (except battle flags), that are not now in use, and may be suitable and proper for decoration, and may be spared without detriment to the public service; such flags to be used by said committee under such regulations and restrictions as may be prescribed by the said Secretaries, or either of them, in decorating the fronts of public buildings and other places on the line of march between the Capitol and the Executive Mansion, and the interior of the reception hall: *Provided*, That the said committee shall indemnify the said Department, or either of them, for any loss or damage to such flags not necessarily incident to such use.

The VICE-PRESIDENT. Is there objection to the present consideration of the joint resolution?

Mr. SHERMAN. I will ask the Senator from Maryland if the joint resolution is in the usual form when this courtesy is extended in cases of the inauguration of a President?

Mr. GORMAN. It is substantially in the usual form. I will state to the Senator from Ohio that the resolutions heretofore passed at the time of the inauguration of Presidents have specified that the Secretaries of War and the Navy shall loan the flags from practically all the navy-yards, naming the yards in the District of Columbia, at Norfolk, League Island, Portsmouth, &c. This has been changed so as to permit the Secretaries to loan such flags where it is convenient to do so. It is framed after the resolution which was passed in the matter of the Encampment of the Grand Army of the Republic held in this city. It was objected at that time that the navy-yards ought not to be specified. Otherwise, it is exactly the usual measure.

Mr. SHERMAN. All right.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. GALLINGER submitted an amendment intended to be proposed by him to the naval appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. PLATT (by request) submitted an amendment intended to be proposed to the fortification appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. VOORHEES submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on the Library, and ordered to be printed.

Mr. HOAR submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on the Judiciary, and ordered to be printed.

WITHDRAWAL OF PAPERS.

On motion of Mr. SHERMAN, it was

Ordered, That Aden Benedict be permitted to withdraw his papers from the files of the Senate.

INAUGURATION ARRANGEMENTS.

Mr. GORMAN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That a committee of three Senators be appointed by the Vice-President to make the necessary arrangements for the inauguration of the President-elect of the United States on the 4th day of March next.

LIQUOR TRUST.

Mr. CHANDLER submitted the following resolution; which was referred to the Committee on Finance:

Resolved, That the Committee on Finance is hereby directed to make inquiry whether or not a trust exists to control and monopolize the business of producing and selling high wines and alcohol or other distilled liquors, and to restrain the freedom of trade and commerce therein, which trust is maintained in violation of the laws of the United States; whether the purpose of said trust is accomplished in whole or in part by giving rebate certificates for the payment of 5 cents per gallon on all such liquors sold by the persons or company maintaining the trust, payable only on condition that the purchasers and their successors and assigns, shall make all their future purchases solely from said persons or company, and if so, what amount of rebate certificates have been issued from time to time and how many are now outstanding unpaid;

Whether any portion of such liquors produced or handled by said trust has been at any time adulterated with any poisonous or deleterious drugs or other additions and thereafter sold or used as a beverage;

What portion of such liquors produced or handled by said trust is used as a beverage and what portion in the arts or for medicinal purposes;

Whether such adulteration is practiced under licenses issued to rectifiers under the internal-revenue laws or under the protection of special taxes imposed by said laws; and

Whether any legal proceedings have been commenced against the persons or company maintaining said trust, and to investigate any and all other facts connected with said trust which the committee may deem material, said committee to have power to send for persons and papers and examine witnesses, and to act as a full committee or by a subcommittee or subcommittees during the present session of Congress and after its expiration and until the next regular meeting of Congress on the first Monday in December next, the expenses of making said inquiry to be paid from the appropriation for the contingent expenses of the Senate.

ATTORNEYS' FEES IN INDIAN CLAIMS.

Mr. DAWES submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That the copies of contracts made with Indian tribes or Indians since January 1, 1889, by which compensation was agreed to be paid to attorneys, agents, or other persons for obtaining the recognition, allowance, or payment of claims in favor of such tribes or Indians against the United States, and other papers furnished to the Senate by the Secretary of the Interior, January 5, 1893, in response to the Senate resolution of June 1, 1892, be printed.

MARITIME OFFENSES.

Mr. HOAR submitted the following concurrent resolution; which was considered by unanimous consent, and agreed to:

Resolved by the Senate (the House of Representatives concurring), That the President be requested to return to the Senate the bill (S. 2625) to provide for the punishment of offenses on the high seas.

WORLD'S COLUMBIAN COMMISSION REPORT.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read, referred to the Committee on the Quadro-Centennial (Select), and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith, for the information of Congress, the third regular report of the World's Columbian Commission, and the report of the president of the Board of Lady Managers, with the accompanying papers.

BENJ. HARRISON.

EXECUTIVE MANSION, *January 26, 1893.*

NOTE.—The documents referred to accompanying the message have been sent to the House of Representatives.

MILITARY POST AT FORT WAYNE, MICH.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 985) to provide for the enlargement of the military post at Fort Wayne, Mich., which was to add to section 2 the following proviso:

Provided, That said land shall be acquired without cost to the United States.

Mr. HAWLEY. There is no objection on this side to that amendment. I move that it be concurred in, and that passes the bill.

The motion was agreed to.

SUPERVISORS OF ELECTIONS AND SPECIAL DEPUTIES.

Mr. BATE. I move that the bill (S. 3504) to repeal all statutes relating to supervisors of elections and special deputies be taken from the table and referred to the Committee on the Judiciary.

The motion was agreed to.

UNITED STATES CANALS, ETC.

Mr. DOLPH. I ask leave to call up the bill (S. 3568) providing for the establishment and enforcement of rules and regulations for the use and navigation of United States canals and similar works of navigation, and for other purposes. The bill was prepared by the Chief of Engineers and relates to an important and urgent matter.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Commerce with amendments.

The first amendment of the Committee on Commerce was, in section 2, line 3, after the word "misdemeanor," to strike out "for which the owner or owners, agent or agents, master or pilot of the vessel offending shall be separately and collectively responsible;" and in line 8, after the word "committed," to insert "the person or persons so offending;" so as to make the section read:

SEC. 2. That any willful violation of any rule or regulation made by the Secretary of War in pursuance of this act shall be deemed a misdemeanor, and on conviction thereof, in any district court in the United States within whose territorial jurisdiction such offense may have been committed, the person or persons so offending shall be liable to punishment by a fine not exceeding $500 or by imprisonment not exceeding six months, at the discretion of the court, for each offense.

The amendment was agreed to.

The next amendment was, in section 3, line 1, after the word "that," to strike out "it shall be the duty of all persons using or navigating such canals or similar works, their channels and approaches, or using any of the piers, breakwaters, docks, wharves, or other improvements belonging to the United States, to observe the regulations prescribed by the Secretary of War as aforesaid;" in line 9, after the word "failure," to strike out "or neglect;" in line 18, after the words "regulations, shall," to strike out "be liable" and insert "in addition;" in line 19, after the word "act," to strike out "and shall, in addition thereto," and insert "in cases of willful violations of such rules and regulations;" and after the word "thereby," at the end of line 23, to to strike out "or by any unlawful acts, to said United States or such aggrieved person;" so as to make the section read:

SEC. 3. That any person who shall willfully or negligently strand or sink any steam vessel, boat, or craft in such canals or similar works, or in the channels or approaches, or who shall willfully or negligently, or by failure to observe the regulations prescribed by the Secretary of War for the use thereof, obstruct or impair such canals or similar works, or cause any impediment, injury, filling up, or shoaling therein, or in the approaches thereto, tending to obstruct or impair the navigation thereof, or who shall willfully damage or injure the piers, breakwaters, wharves, docks, or other improvements of such canals or similar works belonging to the United States, or who shall fail to obey or observe any of said prescribed regulations, shall, in addition to the penalty prescribed by section 2 of this act, in cases of willful violations of such rules and regulations, be liable to the United States or to any person aggrieved by such obstructions or injuries or unlawful acts or omissions, in a civil action for all damages occasioned thereby.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

OSAGE RIVER BRIDGE, IN BENTON COUNTY, MO.

Mr. VEST. I ask the Senate to take up and pass a bill for which there is immediate necessity. It has been reported by the Committee on Commerce and is upon the Calendar, being House bill 10062. It is an ordinary bridge bill, but the work has been stopped until this legislation can be had.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 10062) to authorize the construction of a bridge across the Osage River, between the mouths of Pomme de Terre River and Buffalo Creek, in Benton County, Mo.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LUCIUS L. DYER.

Mr. PLATT. I ask unanimous consent of the Senate for the present consideration of House bill 5049, to remove a charge of desertion.

Mr. MITCHELL. I shall make no objection to the taking up of the bill referred to by the Senator from Connecticut, but after it has been considered I shall object to taking up any other bill until we proceed with the Calendar.

Mr. PLATT. There is a special reason for the passage of this bill.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 5049) to remove the charge of desertion against Lucius L. Dyer.

The bill was reported from the Committee on Military Affairs with an amendment to strike out all after the enacting clause and insert:

That the Secretary of War be, and hereby is, authorized to revoke and set aside Special Orders Numbered 66, dated February 10, 1864, War Department, dismissing Lucius L. Dyer, late second lieutenant of Company C, Fourteenth Regiment of Connecticut Volunteers, to date January 11, 1864, and to correct his military record accordingly, and to issue to him a certificate of discharge as of date January 11, 1864: *Provided*, That no pay, bounty, or emoluments of any kind shall become due or payable by reason of the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill to amend the military record of Lucius L. Dyer."

MRS. S. A. FARQUHARSON.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 1303) to increase the pension of Mrs. S. A. Farquharson, which was on page 1, line 4, before the word "dollars," to strike out "twenty-five" and insert "fifteen."

Mr. TURPIE. I move that the Senate nonconcur in the amendment of the House of Representatives, and ask for a committee of conference.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate, and Mr. DAVIS, Mr. TURPIE, and Mr. PALMER were appointed.

MRS. MARY P. C. HOOPER.

Mr. KYLE. I wish to call up at this time the bill (S. 2130) for the relief of Mrs. Mary P. C. Hooper.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill named by the Senator from South Dakota?

Mr. MITCHELL. I have given notice that I should ask for the regular order. What does the Senator wish to do?

Mr. KYLE. I wish to secure the consideration and passage of a short bill, to which I think there will be no objection.

Mr. MITCHELL. I gave notice a moment ago that I should insist on the Calendar after the passage of the bill then proposed to be considered.

Mr. HISCOCK. After the passage of two or three other bills, I hope the Senator will say.

Mr. MITCHELL. It seems to me that we ought to take up the Calendar. We have not been on the Calendar now for about two weeks, I think. Such action will give everyone a chance and be fair to all. Let us go to the Calendar for awhile, and perhaps later on we can take up bills on the application of individual Senators.

The VICE-PRESIDENT. Objection is made to the consideration of the bill named by the Senator from South Dakota.

Mr. HALE. I hope the Senator from Oregon will not insist upon his objection.

Mr. MITCHELL. Why not?

Mr. HALE. Most of the bills on the Calendar have nothing but the public interest behind them, while there are a good many Senators who personally desire to have bills passed.

Mr. MITCHELL. There are some bills at the head of the Calendar which I personally desire to have passed which have been laid over.

Mr. HALE. I have not any that I myself desire to have passed, but I see that several other Senators have. I hope the Senator from Oregon will give way to Senators who desire to have their bills passed.

Mr. MITCHELL. The Senator is disposed to be a little ironical, I am afraid.

Mr. HALE. Never.

Mr. MITCHELL. I insist on the Calendar.

The VICE-PRESIDENT. Objection is made to the request of the Senator from South Dakota, and the first bill on the Calendar will be stated.

HIRAM SOMERVILLE.

The bill (S. 88) for the relief of Hiram Somerville was announced as first in order, and the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Claims with an amendment, in line 1, after the words "sum of," to strike out "six hundred and fifty-five" and insert "two hundred and fifty;" so as to make the bill read:

Be it enacted, etc., That the sum of $250 be, and the same is hereby, appropriated to Hiram Somerville, of Marion County, Ill., for supplies furnished by him to the United States.

The amendment was agreed to.

Mr. COCKRELL. Let the report be read in that case.

The VICE-PRESIDENT. The report will be read.

The Secretary read the following report submitted by Mr. SANDERS May 27, 1892.

The Committee on Claims, to whom was referred the bill (S. 88) for the relief of Hiram Somerville, for certain property of his to the value of $655, taken for the use of the army of Gen. Hunter, in Jackson County, W. Va., has had the same under consideration and report:

Five hundred and five dollars' worth of this property seems to have been taken by irresponsible persons and without furnishing the possessor or claimant or owner any voucher therefor, and although the owner at the time was an enlisted man in the United States Army, and a prisoner in Libby Prison, so much of his claim must be attributed to depredations of an army in the field, and upon well-defined principles of public policy and law placed beyond the demand for remuneration.

Two hundred and fifty dollars' worth of this property consisted of one horse and five hogs, and was taken and voucher or memorandum receipt given for the same with the intent that it should ripen into a claim against the Government and be paid out of its Treasury. That voucher was given to the wife of the claimant, and by her to Col. Frost, of the Eleventh West Virginia Regiment, with a view to his forwarding it to the proper authority and obtaining the money thereon for the claimant. Shortly thereafter Col. Frost was killed at Snicker's Gap and the voucher lost.

Your committee are of the opinion that that debt should be paid, and they recommend where the words "six hundred and fifty-five dollars" occur they shall be striken out and that "two hundred and fifty dollars" be inserted in lieu thereof, and that as so amended the bill pass.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

THOMAS ANTISELL.

The bill (S. 1790) for the relief of Thomas Antisell was considered as in Committee of the Whole.

The bill was reported from the Committee on Claims with an amendment, in line 3, after the words "sum of," to strike out "ten thousand" and insert "two thousand five hundred;" so as to make the bill read:

Be it enacted etc., That the sum of $2,500 be, and is hereby, appropriated, to be paid out of any moneys in the Treasury not otherwise appropriated, to Dr. Thomas Antisell, late surgeon and brevet lieutenant-colonel of volunteers, in compensation for the use and occupation of his land near Fort Albany, Va., by the troops of the United States during the war of the rebellion, and for property taken by said troops, used and destroyed by reason of said occupation.

The amendment was agreed to.

Mr. COCKRELL. Let the report be read in that case.

The VICE-PRESIDENT. The report will be read.

The Secretary read the following report, submitted by Mr. SANDERS May 27, 1892:

The Committee on Claims, to which was referred the bill (S. 1790) for the relief of Thomas Antisell, have had the same under consideration, and beg leave respectfully to report as follows:

The bill proposes an appropriation of $10,000 to Dr. Thomas Antisell for injury to his real property, situate at the west end of Long bridge near the banks of the Potomac River in Virginia, where at the breaking out of the war Dr. Antisell resided. Of his loyalty to the Government of the United States in those troublesome times there can be no doubt. He was in the service of the Government and he remained a loyal, intelligent, and efficient officer, and in every avocation acquitted himself in a manner wholly creditable to himself and to the great advantage of his country. At the breaking out of the war troops occupied his place, a fort was built upon it, his home was broken up, and he was compelled to remove to the District of Columbia, where he has ever since resided. The orchard and forest and fencing was taken by the troops and used for firewood, or in the construction of a fort thereat, or for other military uses.

Your committee has repeatedly held that damage in the form of depredations or injuries to real property within the limits of the States in rebellion or where war was flagrant are not such damages as the Government is called upon under any circumstances to pay. The Government is in such places engaged in such work upon its own lawful business, and can not be required to compensate for injuries resulting therefrom, unavoidably or otherwise, on any principle of law or equity.

Nor does your committee recognize that always quartermaster and commissary stores used by the Army in time of war call for compensation, but instances have occurred where it has seemed not inappropriate to pay for timber used in the construction of forts or for firewood, or for other military uses, where there are circumstances indicating that it was the purpose of the officers of the Government so to pay for the same.

If any case justifies such a payment, it seems to your committee the case at bar is one. The place occupied was in sight of the Capitol, the officers of the Government seem to have entered upon a consideration and negotiation as to the value of the property taken by them, but in the excitement and mutations of the time did not give to Dr. Antisell the proper vouchers whereby he could be paid for the same; but your committee do not believe that the value of the orchard, the forest trees, and the fencing used for military purposes by the Army exceeds in value the sum of $2,500, and believing that that sum, upon the principle hereinbefore stated, is due Dr. Antisell, your committee recommend that the words "ten thousand dollars" where they occur in the bill be stricken out, and that the words "two thousand five hundred dollars" be inserted in lieu thereof, and as so amended your committee recommend that the bill do pass.

Mr. MITCHELL. I move to amend the bill by inserting the word "and" before the word "used," in the last line, and also by striking out all after the word "used" and inserting "by them."

Mr. COCKRELL. I ask the Senator to accept an amendment to his amendment by adding to the words he proposes to insert the words "for military purposes."

Mr. MITCHELL. I accept the amendment.

The VICE-PRESIDENT. The amendment of the Senator from Oregon [Mr. MITCHELL] as modified by the Senator from Missouri [Mr. COCKRELL] will be stated.

The SECRETARY. In line 10, after the word "troops," it is proposed to insert the word "and;" and in the same line, after the word "used," to strike out "and destroyed by reason of said occupation," and insert "by them for military purposes;" so as to make the bill read:

Be it enacted, etc., That the sum of $2,500 be, and is hereby, appropriated, to be paid out of any moneys in the Treasury not otherwise appropriated, to Dr. Thomas Antisell, late surgeon and brevet lieutenant-colonel of volunteers, in compensation for the use and occupation of his land near Fort Albany, Va., by the troops of the United States during the war of the rebellion, and for property taken by said troops, and used by them for military purposes.

Mr. MITCHELL. The object of the amendment is to get rid of the word "destroyed," which has crept into the bill evidently through mistake, as it is not the habit of the Committee on Claims to report in favor of peying for property destroyed, but only for its use and occupation.

The PRESIDING OFFICER (Mr. HARRIS in the chair). The question is on the amendment of the Senator from Oregon as modified.

The amendment was agreed to.

Mr. PLATT. I do not quite understand the bill and I should like some further explanation of it than has yet been given or than is given in the report of the committee before I give it my support.

Mr. MITCHELL. As this bill was reported from the Committee on Claims by a Senator who is now absent from the city, I ask that it may go over until he returns, without losing its place on the Calendar.

Mr. PLATT. Let me simply state what the line is on which I should like an explanation.

When the war broke out nearly all the land in Virginia near the Potomac River and extending several miles inward from the river was occupied by the troops. Dr. Antisell, it appears, was a loyal citizen who lived on the other side of the Long bridge near to the river; the military authorities occupied his land and undoubtedly did him damage, but are we to stop with Dr. Antisell? There undoubtedly were many loyal citizens all through eastern Virginia whose land was occupied and whose property was destroyed; and I do not see how the case of Dr. Antisell is to be made an exception. It does not appear from the report that any receipt was given him by the quartermaster or any other officer

for the property which was taken and used by the military authorities. As there is nobody in these cases ever to say a word for the United States when claims are made against it, I thought there ought to be some explanation upon the points I have indicated.

Mr. HAWLEY. Mr. President, I wish to leave my caution on record against the time when this bill shall again come up. It reads like paying Dr. Antisell for the use and occupation of his house and grounds during the war, or for some time during the war. I recollect very well a veto sent to Congress by President Grant, I think it was in the case of a Mr. Best, a citizen of Missouri.

Mr. MITCHELL. J. Milton Best. He resided near Paducah, Ky.

Mr. HAWLEY. J. Milton Best was a loyal man; his house was destroyed; breastworks were, I think, erected through his grounds, and he took a musket and joined the Union side in defense of its position. A bill was passed through Congress paying him for the destruction of his property, which was vetoed by President Grant upon the broad, if cruel, doctrine adopted by all nations in case of war; and I warn the Senate—which does not need the warning, I am sure, if its attention is called to it—against the danger of passing bills like this. If we establish this precedent there will come from every State and section of the South claims for compensation for the destruction of property, which will seriously add to the national debt.

During the war I occupied the houses of loyal citizens in the South with my troops and my staff. I have swept houses away to build a fort at the direction of my commanding officer. In one case six or eight colored people—I think the presumption is in favor of the colored man being loyal—lost their entire possessions, and the ground was swept as clear as a place for a flower bed, with no sign left that there ever was a house there, unless it was the presence of the well-hole. I never thought they were to get compensation. It was terribly cruel, but that is what war is.

This case does not differ, in my judgment, from other cases that may arise hereafter.

Mr. PLATT. I am quite willing the bill shall go over until the Senator who reported it returns to his seat.

Mr. MITCHELL. I wish to say a word before the bill goes over.

This bill was reported by the Senator from Montana [Mr. SANDERS] who is now absent, as we all know. It is quite true, as stated by the Senator from Connecticut, that the aggregate amount of bills making claims for property destroyed, and for the use and occupation of property pending before Committees on Claims of the Senate and House of Representatives will run up into the millions. The bills which are now pending before the Committee on Claims of the Senate amount to over $15,000,000. It is hardly right, however, to contrast this case, it seems to me from my little knowledge of it, with the case of Dr. J. Milton Best.

Mr. COCKRELL. The Senator refers to the case of Dr. J. Milton Best, of Kentucky.

Mr. MITCHELL. That is the case.

Mr. COCKRELL. And also the case of Thomas C. Wallace, of Missouri.

Mr. MITCHELL. I recollect the Best case distinctly, and it is one of the first cases to which my attention was called when I came to the Senate, nearly twenty years ago. That was a case where Dr. Best occupied a very valuable and finely furnished house near the city of Paducah, in Kentucky. A fort was erected near his house. A battle actually took place at the time. His house was in direct range of the Federal guns, and the bullets penetrated, went through, and destroyed it. It was that character of claim that President Grant vetoed.

Mr. COCKRELL. Will the Senator permit me a word there?

Mr. MITCHELL. Certainly.

Mr. COCKRELL. I am quite familiar with that case. The battle did not actually take place. The house was destroyed to give range to the guns in the fort, but at the time when the house was actually destroyed the Confederate forces were in full retreat, as the evidence substantially showed, and it was destroyed to give range for the guns, just as Col. Wallace's house, at Lexington, Mo., was destroyed for the same purpose.

Mr. MITCHELL. That is substantially the same thing. The house was in range of the guns of the fort.

Mr. COCKRELL. Yes.

Mr. MITCHELL. That was the character of the case which President Grant vetoed. This bill may be open to criticism and may not be all that it should be, but as the Senator who reported it is not here, I ask that the bill may go over.

Mr. BLACKBURN. Without prejudice.

Mr. MITCHELL. Without prejudice, so as not to lose its place on the Calendar.

The PRESIDING OFFICER. If there be no objection, the bill will go over without prejudice, retaining its place on the Calendar. The next bill on the Calendar will be stated.

DAM ACROSS THE MISSOURI RIVER.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2173) to authorize the Missouri River Power Company of Montana to construct a dam across the Missouri River.

The bill was reported from the Committee on Commerce with an amendment, to add to the bill the following:

Said dam shall be constructed under the supervision and control of the Secretary of War, and before the same shall be commenced the plans and specifications shall be approved by the Secretary, and any changes of such dam thereafter required by the Secretary of War shall be made by the company, or its assigns, without expense to the United States. The dam shall be furnished with a suitable boom and log sluice, and the company, or its successors and assigns, shall execute to the United States, with sureties approved by the Secretary of War, a bond in such sum as the Secretary may determine, conditioned to indemnify the United States against all claims for damages for overflow or otherwise caused by the construction of said dam.

SEC. 2. That the United States shall be secured a free right of way for constructions and approaches to said dam for transferring boats and freight around the same, and a free use of water power for operating such construction works.

SEC. 3. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

TIMBER LANDS ON SILETZ INDIAN RESERVATION.

The bill (S. 2869) to provide for the reservation of certain timber lands upon the Siletz Indian Reservation for the benefit of the Indians was considered as in Committee of the Whole.

The bill was reported from the Committee on Indian Affairs with an amendment, in line 13, after the word "self-supporting," to insert:

Provided, That nothing in this act shall be construed to in any way alter, change, or affect the right, title, and interest of the Indians, as at present existing, in the land hereby authorized to be reserved from sale.

So as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to reserve from sale five sections of timber land upon the Siletz Indian Reservation, not required for allotment to the Indians upon said reservation, and located conveniently to the sawmill upon said reservation; and that the timber on said lands may be cut and manufactured by the Indians upon said reservation for their own use and for sale, under such rules as the Secretary of the Interior shall, from time to time prescribe, regulating the cutting of timber so as to secure an equality of benefits to the Indians, employment for them, and judicious aid to them in becoming self-supporting: *Provided*, That nothing in this act shall be construed to in any way alter, change, or affect the right, title, and interest of the Indians, as at present existing, in the land hereby authorized to be reserved from sale.

The amendment was agreed to.

Mr. PERKINS. I did not understand the amount of the reservation on the land referred to. I should like to have that part of the bill again reported.

The PRESIDING OFFICER. The Secretary will again read the bill.

The Secretary read the bill.

Mr. DOLPH. This is an entering wedge, a proposition to create upon a reservation some industry by which Indians can be given work and made to earn a portion of their living. It is proposed simply to reserve five sections of timber land and allow the Indians to cut and manufacture timber under regulations to be prescribed by the Secretary of the Interior.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WATERTOWN, SIOUX CITY AND DULUTH RAILWAY.

The bill (S. 2657) granting right of way to the Watertown, Sioux City and Duluth Railway Company through the Sisseton and Wahpeton Indian Reservation was considered as in Committee of the Whole.

The bill was reported from the Committee on Indian Affairs with amendments.

The first amendment was, in section 1, line 8, after the word "lands," to insert "heretofore;" so as to make the section read:

That the right of way is hereby granted, as hereinafter set forth, to the Watertown, Sioux City and Duluth Railway Company, a corporation duly authorized under the general incorporation laws of the State of South Dakota, its successors and assigns, for the construction, operation, and maintenance of its railroad through the lands heretofore set apart for the use of the Sioux Indians, and commonly known as the Sisseton and Wahpeton Indian Reservation, running in a northeasterly course through the counties of Codington, Grant, and Roberts by the most practicable route.

The amendment was agreed to.

The next amendment was, in section 3, line 11, before the words "shall direct," to strike out "President of the United States"

and insert "Secretary of the Interior;" so as to make the section read:

SEC. 3. That it shall be the duty of the Secretary of the Interior to fix the amount of compensation to be paid the Indians for such right of way, and provide the time and manner for the payment thereof, and also to ascertain and fix the amount of compensation to be made individual members of the tribe for damages sustained by them by reason of the construction of said road; but no right of any kind shall vest in said railway company in or to any part of the right of way herein provided for until the consent of such Indians as are entitled to such compensation shall be obtained thereto in such manner as the Secretary of the Interior shall direct, and until plats thereof, made upon actual survey for the definite location of such railroad, and including the points for station buildings, depots, machine shops, sidetracks, turn-outs, and water stations shall be filed with and approved by the Secretary of the Interior, and until the compensation aforesaid has been fixed and paid; and the surveys, construction, and operation of such railroad shall be conducted with due regard for the rights of the Indians, and in accordance with such rules and regulations as the Secretary of the Interior may make to carry out this provision.

The amendment was agreed to.

Mr. COCKRELL. In section 3, line 3, after the words "right of way," I move to insert "material, stone, earth, and timber taken from the adjacent lands," so as to require the company to pay for the material, stone, earth, and timber taken from the lands adjacent to the right of way.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MRS. ANN MERCER SLAUGHTER.

Mr. HUNTON. I ask the unanimous consent of the Senate for the consideration at this time of House bill 9433 granting a pension to Mrs. Ann Mercer Slaughter. I ask that the bill and the report may be read.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Virginia?

Mr. COCKRELL. There are quite a number of House pension bills, and if we are going to pass one we should pass all the others. I do not think it is right to pass this bill without passing the others. If the Senator will move to proceed to the consideration of all pension bills, I shall not object.

The PRESIDING OFFICER. The question is not debatable. Is there objection to the request of the Senator from Virginia [Mr. HUNTON]?

Mr. COCKRELL. I object.

The PRESIDING OFFICER. Objection being made, the bill can not be considered at this time.

ALCOHOLIC LIQUOR TRAFFIC.

Mr. CAREY. I ask the Senate to return to Senate bill 749, to provide for a commission on the subject of the alcoholic liquor traffic, which was passed over without prejudice.

The PRESIDING OFFICER. The bill referred to has been under consideration heretofore, was amended, and has reached the stage of the question, Shall the bill pass? Is the Senate ready for the question?

Mr. VEST. Let the bill be read.

The PRESIDING OFFICER. The bill will be read.

The Secretary read the bill.

Mr. VEST. Mr. President, that bill will give rise to considerable discussion, and there will have to be a quorum here to pass it. I am utterly opposed to all such legislation, creating a commission here at the public expense to investigate a question which is being preached upon, written upon, and prayed upon—both ways prayed upon—in every part of the civilized world, and especially in this country.

Mr. HUNTON. Prayed or preyed?

Mr. VEST. Both.

The police powers in regard to the sale of alcoholic stimulants are left by the Constitution of the United States to the States. All that we have to do in regard to this traffic under the Constitution is to regulate commerce among the States and to exercise the taxing power so far as internal revenue is concerned.

How can any commission advise us as to these matters? Where is the necessity for taking money out of the public Treasury in order to have a commission tell us what are the effects of alcoholic stimulants? A man who does not know that the excessive use of stimulants is deleterious to personal health and to public morals is unworthy to exist in a free government. All this class of crank legislation—for it is nothing else—is in order to meet the urgent demands of certain pseudo-philanthropists who want to use the power of the Congress of the United States in order to advance some special hobby or fad to which they are devoting their otherwise useless lives. I am utterly opposed to all such legislation, and I want the yeas and nays, at any rate, to see how many favor the bill.

Mr. PEFFER. Mr. President, I do not understand that this bill proposes any legislation concerning the traffic in liquors, but it merely proposes an investigation into the general subject in reference as well to revenue matters as to the moral and social effects produced by the traffic.

It seems to me that it is a very important bill. The subject of the effect of the use of intoxicating liquor among the people is coming to be one of very great importance in all portions of the country. I had a letter the other day from a friend in New York City calling my attention to the fact that somewhere (if I remember the figures correctly) in the neighborhood of 3,000,000 persons had already voted in different States in the Union for a prohibition of the public traffic in liquors so far as their use as a beverage is concerned. There can be no doubt that at this time a very large proportion of the people of the country are viewing with alarm the increasing encroachments of the liquor traffic upon the various departments of our social, our religious, and our political life.

I hope that the Senator from Missouri will withdraw his objection, especially because his objection is based upon proposed legislation. The measure proposes nothing of that kind, but simply an investigation of facts that will be of interest to the people, and I believe the people have a right to them.

Mr. VEST. The Senator from Kansas has furnished another argument, if I needed any for my opposition to this measure. He says no legislation is proposed. Where, then, does the Congress of the United States get the power to spend the tax money of the people in acquiring information not to be used by us as legislators? Are we to go into the work of making encyclopedias by Congressional action? It is said that this commission will give information in regard to the finances of the country. Does the Committee on Finance want that information? Does the Senate want it? How far are we to extend outside Congressional inquiry into all questions of health and morals? The States are not asking for it, and nobody is asking for it except the people who are devoting themselves, for want of something else to do, to this sort of subjects. I object.

Mr. PEFFER. Mr. President, just one further word in reply to the Senator from Missouri. Investigations invariably precede legislation, and the friends of this bill are not now prepared to suggest legislation in the line of the thought upon which the bill is based. The very reason the Senator states is a proper one. There has not yet been sufficient investigation to justify even the preliminary steps of legislation in this direction. It is the facts that we need now, and we will talk about the legislation afterwards.

The PRESIDING OFFICER. The question is, Shall the bill pass? Upon which the Senator from Missouri demands the yeas and nays.

The yeas and nays were ordered.

Mr. WASHBURN. I should like to have the bill read again before the vote is taken.

The PRESIDING OFFICER. The bill will be again read at length.

The bill was read.

Mr. PALMER. Mr. President, this bill presents an interesting question. The yeas and nays have been called for, and as I shall feel it my duty to vote against the bill, I should like to have my reasons understood. That the purpose of the bill is praiseworthy is not to be denied. The discovery of facts and the extension of information in regard to the injurious effects of the abuse of alcoholic liquors ought to gratify any man who sympathizes with the interests of humanity.

My objection to a proposition like this is, first, because Congress has no rightful jurisdiction over the subject, and I can anticipate no proper legislation that would result from the information if acquired. That this Government shall put itself at the service of the mere moralists and incur large expenses when legislation can not be anticipated seems to me hardly in harmony with the duties of this body.

But I think I could waive that objection if it were not for another consideration which my experience has demonstrated to be sound. I have lived longer than most members of this body and I have spent my life in active intercourse with the people. I observed in my earlier days that questions of practical morality were deemed essentially personal; that individual morality was the result of organized teachings such as were appropriate to the end in view.

Now almost every attempt at reform, it may be said, is accompanied by a bill. Moralists have almost ceased to reason and to argue with those they desire to convince, but legislation is demanded as the remedy. Morality is sought to be enforced by legislation, so that the subject of the law is as immoral after the reformatory punishment has been applied as he was before. The result has been that the American people have lost their confidence in moral agencies.

Mr. President, the man who can see what has been accom-

plished by moral efforts in this direction within the last fifty years ought to be satisfied that the work is being accomplished by legitimate means. Men have been taught to be temperate because to be intemperate is injurious to them. They have been taught to be temperate because temperance is in harmony with sound morality. The process of moral culture makes better men, while the habits and resolutions of men are strengthened by moral agencies.

The effect of such methods as are proposed is to destroy men's confidence in the proper agencies of improvement. Efforts are made to compel men to become moral. The subject of the punishment——

The PRESIDING OFFICER. The Senator from Illinois will please suspend. The hour of 2 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business.

DEALING IN OPTIONS AND FUTURES.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 7845) defining "options" and "futures," imposing special taxes on dealers therein, and requiring such dealers and persons engaged in selling certain products to obtain license, and for other purposes, the pending question being on the amendment of Mr. VILAS to the amendment of Mr. GEORGE.

Mr. MILLS. Mr. President, there are two propositions pending before this body seeking to accomplish a common purpose. The bill as it came from the House of Representatives proposes under the constitutional power to lay and collect taxes to suppress the right now exercised by citizens of the different States in buying and selling certain agricultural products. That proposition is denied by those who sit on this side of the aisle that divides this Chamber. They can not afford, after a century of struggle in which the Democratic party originated, to admit that the power of taxation given by the Constitution to Congress can be exercised for any purpose than that of raising revenue.

The two parties which have existed in this country from the foundation of our Government have arisen out of a struggle about the rightful construction of the Constitution. The Democratic party under the lead of Thomas Jefferson contended for a strict construction of every grant of power conferred by the Constitution. That construction grew out of a jealous regard for liberty and for local self-government as the means of its preservation. We on this side of the Chamber are born into that faith. Our sires and our grandsires grew up and lived and died in that faith. The opposition, or Federal party, favored a liberal, latitudinous construction in order to enlarge the national authority at the expense of the States. By the jealousies and fears of our ancestors we have preserved our liberties, and preserved them through the instrumentalities of local self-government.

Hence it is not a matter of surprise that Senators on this side of the Chamber, just after an election when they have gone before the country upon the one single issue that taxation can only be imposed for revenue for public purposes, can not come into this body and admit that the power to tax may be perverted and abused and used as a legitimate instrument for the suppression of a right reserved by the States.

But they contend that some other provision of the Constitution may be invoked; that some other dark retreat, hitherto unpenetrated, may be discovered where this monster may be crowned and the sword placed in his hands, that he may invade the States and trample out of existence the rights that were intended to be secured by that instrument. They are willing to accomplish the same purpose, but under a power hitherto unclaimed by any party in this country. They hold that the right to make contracts—to buy and sell—may be suppressed under the power to regulate commerce among the States.

This reminds me of an incident which occurred immediately on the close of our "unpleasantness." A number of gentlemen were sitting in a social circle discussing the proclamation of President Johnson, in which he proposed to grant amnesty to everyone in the Southern States beneath the rank of colonel who had taken part in the insurrection. A number of us who had been colonels were discussing what it meant. Some said it meant that there was hemp growing for our necks and we had better leave the country.

Some took a more cheerful view of the subject and said it was only intended to keep the colonels down until the subordinates could be brought to accept the altered condition of things. A gentleman, and a very intelligent one, a great lawyer, a great scholar, a great humorist, and a great philosopher came in and said, "Gentlemen, I want to submit some questions for your serious consideration. I want to ask you if you do not all agree that all men must die?"

After some deliberation we said that we could not dispute the truth of the proposition that all men must die. He then asked if it was not equally true that it was only a question of time when we should die. That was admitted also. "Then, admitting that there is a time when all men must die, you must admit that all men must die when their time comes to die, do you not?" It was admitted that there was no escape from that situation. "Now," he said, "gentleman, when it is conceded that you have got to die and die when your time comes, do you not think it is very unphilosophical to be tormenting yourselves about whether you shall die perpendicularly or horizontally?" [Laughter.]

These two propositions admit that there are certain rights which are to be destroyed; that certain States must be invaded under some pretext of constitutional authority in order to reach and extinguish these rights which are now resting in security, through the protection of State governments. To those who are now in the enjoyment of these rights it makes little difference whether their suppression takes place by the perversion of the power to tax or the power to regulate commerce.

In the bill offered as an amendment by my distinguished friend from Mississippi [Mr. GEORGE], in order to inform the Supreme Court, he places in the face of his proposition the declaration that buying and selling for future delivery is an obstruction to interstate commerce. This declaration is an admission that the Supreme Court without that statement could never ascertain that fact by the provisions of the bill. There is nothing in the body of the bill that would inform the court or any intelligent citizen of the country that the things which it interdicts have any sort of relation to commerce among the States. What is commerce? And what is the power to regulate commerce?

Commerce is not production. It is not consumption. It is that intermediate stage between production and consumption. It is the movement of product from the producer to the consumer. Movement is essential to commerce. There can be no commerce until the product starts on its transportation, and none after its transportation ends. To give Congress rightful power over it, it must start on a journey that is to end in another State or a foreign country. If by any sort of distortion of language a contract to buy and sell may be construed to be a movement, it must be continued across the State line to give Congress the right to regulate it.

To call it gaming is not to define it as an act of commerce. Gaming may be an obstruction to morals, but it is the obstruction to commerce which Congress is authorized to remove. The States have reserved to themselves the power to regulate morals and have given to Congress the right to regulate commerce. They have felt at all times that they were more competent to regulate their domestic concerns than those who lived beyond their boundaries. They have never conferred that power on the General Government. The powers they gave to the National Government were such as no State could exercise by itself. It could not by itself regulate commercial intercourse between its own citizens and those of another State, or of a foreign state.

The powers of the National Government are international and interstate. But it can not prescribe the punishment of crime in a State when committed by one citizen of the State on another. Nor can it punish gaming or other immoral conduct. Nor has it the rightful power to enter the State and prescribe and enforce regulations to protect the health of its people, though we passed such a measure a few days ago.

If the National Government has jurisdiction of the subject it can either suppress or protect gaming, it can either suppress or protect crime. It may do what it wills in the State of Virginia, New Jersey, or Texas, and do it in defiance of the will and against the remonstrances of their people. Can the Federal Government license and uphold gambling shops in Texas against the wishes of her people? Can it license saloons or protect them in selling without license? If it has the power to destroy, it has the power to preserve and protect, and the power to keep and protect is more important than the power to destroy.

If Congress has the power to erect and sustain gambling shops, or the power to destroy them, no State can interfere, and if it should think proper to establish them they would stand though every man, woman, and child within its jurisdiction should remonstrate against it. This power this bill and its supporters claim for Congress. I claim for the people of every State the right to govern themselves, and to determine for themselves what they will permit to live within their jurisdiction and what they will interdict.

Congress is authorized to regulate commerce among the States, and to make all laws that are necessary and proper to carry that power into execution. Is the supression of buying and selling necessary to regulate commerce? Is it an appropriate means to be adopted in regulating commerce? In answer to these questions I will not quote one of the great sires of the Democratic party who contend for strictly construing all the grants in the Constitution. I will quote that great Federalist who sat so long upon the Supreme bench, and who during his life did more than all others, by judicial interpretation, and I might almost say by judicial

legislation, to warp and twist the Constitution and wrench it from the pedestal upon which the jealous lovers of liberty placed it.

In the case of McCulloch *vs.* The State of Maryland, Chief Justice Marshall laid down a rule for determining the constitutionality of any measure proposed by Congress to execute any provision of the Constitution; and his language has been repeatedly quoted and indorsed by Federal and State courts. He says:

> Let the end be legitimate, let it be within the scope of the Constitution; and all means which are appropriate, which are plainly adapted to that end, which are not prohibited, but consist with the letter and spirit of the Constitution, are constitutional.

Let us apply his test to this bill. Is the *end* to be reached legitimate? The end is the suppression of buying and selling farm products for future delivery. Is that end within the scope of the Constitution? If so, why not say so directly? Why call it a regulation of commerce? That subterfuge is only resorted to because the end is illegitimate and without the scope of the Constitution.

The end is neither within the scope of the language of the Constitution nor within the scope of any fair implications from its powers. Are the means used in this bill appropriate? Appropriate for what? Not for suppression of gaming, but for regulation of commerce. Are they plainly adapted to that end? No, they are adapted to suppress buying and selling in the State, but not at all adapted, either plainly or obscurely, to a regulation of commerce among the States. And no supporter of the measure claims it as a means to that end. Its purpose, stated by its friends in the bill and on the floor, is to suppress contracts now legal by State law, and not to regulate commerce.

The power given in the Constitution was given to regulate commerce, not to be perverted to some other purpose. The Constitution confers power on Congress for certain purposes, and it is not a legitimate exercise of that power when it is used for a purpose forbidden to Congress. The power to regulate commerce was to free it, secure it, cheapen it, expedite it. The restrictions on commerce, more than any other cause, gave birth to the Constitution. It was to free it from restrictions that the old confederation was abandoned and the "more perfect" union substituted in its stead.

In the resolutions passed by Virginia appointing delegates to Annapolis the regulation of commerce was the only subject mentioned. That there were other causes we all know, but they were dwarfed in the presence of the great overshadowing evil of commercial obstructions. The power was given in the Constitution of "the more perfect union" to so regulate it as to remove the hindrances; but does this bill propose to emancipate our commerce from any of its fetters? Does it secure it while moving? Does it expedite its movement? Does it cheapen its cost? These were the ends the fathers were looking to when the power was granted.

Where are the appropriate means to secure the end? In what part of either of these propositions is there anything looking to securing, freeing, expediting, or cheapening commerce? Commerce is the exchange of commodities, and this exchange had been hindered, obstructed, and burdened by the several States before the adoption of the Constitution by taxes and other means and the Constitution was adopted and power given to Congress to remove these objections from its way.

Commerce, as I have said, is transportation. It is the movement of the products of labor. It is the movement of things that have commercial value. Wind has no commercial value, and we are told that this bill means to prohibit the purchase and sale of wind. Contracts nominally for the sale of cotton, really for the sale of nothing. Water has no commercial value and neither the movement of wind or water is regulated by law. The beneficence of the Creater has given to everyone without money and without price wind and water sufficient for all wants. But I can imagine a condition where both of them would have commercial value. I imagine that if some one could have conveyed wind into that dark hole of Calcutta on that fatal summer night when the English prisoners were suffocating and dying for want of air he could have sold it for a fabulous price by the square foot.

If some one could be found in a desert perishing for want of water and a passing traveler had more than his wants required he could sell it. Under such circumstances wind and water would have commercial value. But neither New York nor New Orleans have ever known wind and water to be so scarce as to be bought and sold on boards of trade or elsewhere. Yet this bill is designed to suppress the sale and purchase of wind in these two cities, and for the declared reason that these transactions are gambling devices.

There are two kinds of buying and selling for future delivery. One is real, the other fictitious. One is a necessary and appropriate means for facilitating the movement of products in exchange. The other is speculating on these prices, and it may be properly called gambling. Gambling in all its varied phases is a subject that belongs within the jurisdiction of the States, and the power either to protect it or suppress it has never been surrendered by the people of the States to the Federal Government. It has been over and over declared by the courts that everything affecting the morals, health, or domestic affairs of the people of the States is within the exclusive control of their local governments.

This fact this bill admits on its face, when by strategy it seeks to prevent the courts from reaching it by a declaration that these things are obstructions to interstate commerce. It is contended that this declaration prevents the courts from inquiring whether it is a violation of the Constitution. It is claimed that the courts can not look behind this declaration; that they are estopped from making the inquiry when a suitor or citizen may appeal to the courts for a vindication of his rights. This, sir, is a most startling assumption of power. Is there any right of any citizen of any State or Territory that can be destroyed without a remedy? If so what are courts created for? and why are they called courts of justice?

Why was it, when the Constitution was made by the wise men and submitted to the people, that they arose almost as one man and declared the work incomplete and compelled the first Congress to incorporate the first ten amendments, which have been designated the Bill of Rights of the Constitution? Why did that illustrious citizen whose pen wrote the Declaration of Independence write home from Paris where he was representing his Government and sound the warning note and demand the amendments that secured the personal, political, civil, and religious liberties of the people?

Why was it that freedom of religion, of speech, of the press, and of the peaceable assembly of the people were taken away from Congress? Why did they declare the inviolability of the persons, houses, and papers of the citizen, and surround them with interdictions against Congressional approach? Why take the right of trial by jury beyond the reach of Congress? Why declare that every person should have a speedy public trial by an impartial jury? Why that he should be informed of the nature and cause of the accusation? Why that he should be confronted with the witnesses against him, and have the process of the courts to compel the attendance of the witnesses in his favor?

All these were the bulwarks and defenses thrown around the citizen to shield him against the oppression of arbitrary power. The courts were created to hear every cause and decree and enforce justice to every citizen. But now we are told that these safeguards are all worthless and obstructions to interstate commerce; that the courts must be muzzled; that self-government of the local communities must be abandoned, and Congress must put on the purple vestment of arbitrary power.

In Great Britain the parliament is the seat of sovereignty; in this country it is not Congress but the people. And the people as the paramount sovereigns have given to Congress some, to the States some, and reserved the balance to themselves. Ours are governments of distributed powers, a complex system of "checks and balances." The National Government is one of enumerated powers. It was so defined by the great Federalist Chief Justice, but the encroachments it is making constantly upon the rights of local self-government will soon require it to be defined as a Government of nonenumerated powers—an absolute legislative despotism.

If it be true, as contended, that Congress by writing in the face of a bill that its purpose is to execute some specific grant in the Constitution can take from the courts all power to declare it unconstitutional, though it be in the very teeth of constitutional interdictions, then this is no longer a Government of three independent and coördinate branches. The executive and the judiciary have gone out of existence, or they have fallen into dependence and exert their powers only by the permission of the legislative department. Among all free people it is an accepted truth that the freest and best government can only exist where these three branches are independent of each other. This bill boldly challenges that truth and demands that Congress shall usurp and exercise that power whether right or wrong.

Mr. President, this is not the first attempt to muzzle the courts of the country by a legislative declaration in a bill. The Legislature of the State of Minnesota tried the experiment a few years ago, and a case was made and brought by appeal to the Supreme Court of the United States. It was an attempt to control interstate commerce, and confessing on its face, like this bill does, that it was usurping a power that did not belong to it, made a declaration in its title that it was executing a power that belonged within its jurisdiction. The Supreme Court declared it unconstitutional, null, and void, in spite of its declaration. In that case they say:

> In whatever language a statute may be framed, its purpose must be deter-

mined by its natural and reasonable effect, and the presumption that it was enacted in good faith for the purpose expressed in the title can not control the determination of the question whether it is or is not repugnant to the Constitution of the United States. (Minn *vs.* Barber.)

I suppose that every court in the United States would so rule. I can not see how any court could rule otherwise. This was a case arising on the interpretation of a State statute, but the construction of language is the same whether the words are employed in Federal or State legislation.

Would not a court in the States have held the same rule to be correct in construing the same statute? And would not the Supreme Court of the United States have applied the same rule to the same language if found in a law of Congress? All the courts have sworn to support the Constitution of the United States just as we have. We have all been swearing to support the Constitution so long that we have almost forgotten what it means. We seem sometimes under pressure to regard that obligation as merely an old formula of induction into office that is retained alone on account of its age.

Every officer, from the highest to the lowest, in our State governments, and every officer, from the President down, in the Federal Government was required by our jealous, liberty-loving fathers to bring his conscience with him and lift his hand and invoke the Divine Being to help him keep his solemn promise to support the Constitution which they had erected as the citadel of the people's liberties. The obligations of that oath require the officer to support that Constitution in every word that sustains the National Government, in every word that sustains the State goverments, and in every word that sustains the individual person in governing himself.

To support the Constitution we are to abstain from invading either one of the jurisdictions lying outside the boundaries of national authority. What does the Constitution mean if it does not mean that both national and State governments are to be preserved, as Mr. Jefferson said, each revolving "like the planets around their common sun"? There is no conflict between them. Each turns on its own axis and moves in its own orbit. In defining our duty he said, in his inaugural in 1801:

The support of the State governments in all their rights, as the most competent administrations for our domestic concerns, and the surest bulwarks against antirepublican tendencies: the preservation of the General Government in its whole constitutional vigor as the sheet anchor of our peace at home and safety abroad.

We are citizens of the United States and citizens of the several States as well. We are here the representatives of the citizens of both governments. We have assumed obligations to the citizens of the States and citizens of the United States, and to the governments of both the State and the United States. And our duty is to each and all to preserve the landmarks and prevent each from crossing the boundary that divides the rights of each from the other.

But if we are to go on stretching out the national authority by India rubber construction, surpassing that of the wildest days of the most extreme of the Federalist judges; if we on this side of the Chamber born and reared in the faith of strict construction, as the essential means of preserving the right of local self-government unimpaired, "the right preservative of all rights;" if we are to go about with a lighted candle and a microscope hunting for some dark recesses in the Constitution where we may find some power with which to invade our own States and destroy rights belonging to our people and secured to them by the laws which they have made for that purpose, then indeed are we nearing the beginning of the end.

It may be said, as it is in this case and as it is said in every case, "We come to do you good." These invasions are all made in the sacred name of right. They say they come to secure a right that the State government can not secure; they come to bestow a blessing that the State government can not dispense.

If these assumptions are correct, local self-government is wrong. Constitutions and constitutional limitations are all wrong. Bills of rights and reservations in the sacred name of liberty are all wrong. And our fathers instead of being the greatest, the wisest and most profound statesmen that God has ever given to the world, were mere charlatans and pretenders.

All the checks and balances, all the reservations and prohibitions were but obstructions, instead of safeguards to right. If what we are doing now is right, it would have been better to have left all the barriers down and not have imposed on us the task of hunting subterfuges by the aid of which we might ride, booted and spurred, over all the rights of the people of the several States.

It has been said that the war has changed the relations hitherto existing between the national and State governments. It has been said that we have passed away from some of the ideas and principles taught by Mr. Jefferson; and so we have. He doubtless believed, when he wrote the Kentucky resolutions a century ago that when an unconstitutional act was passed by Congress, the rightful remedy was nullification by the States. Sixty years ago that sentiment was condemned and buried by the people of the United States. I do not know that he believed in the right of a State to secede; but whether he did or not, thirty years ago that right was blotted out by a bloody sponge.

But is there nothing for which he contended that remains to us? The Constitution remains to us the same as in his day, with the exception of the amendments made to meet certain supposed requirements of a class of persons whose status had been changed by the results of the war. In the beautiful and expressive words of Chief Justice Chase, we have yet "an indestructible Union composed of indestructible States." Local self-government remains to us, with all the rights it had at the beginning of the Union. Not a single muscle, nerve, or tendon is paralyzed or impaired.

The Union in the whole scope of its constitutional vigor still remains, and so remain in all their youthful vigor all the States that compose and all the principles upon which the Union was formed, and upon which it is to be preserved and transmitted to posterity. The National Government lives within the circle of powers given to it by the people of the several States, and the local governments live within the circle of powers retained by the people for themselves.

The organization and preservation of local government as an essential instrument for the preservation of just government is an idea that was not born with the men who framed our Constitution.

The jealous love, the sleepless vigilance with which our fathers watched over local self-government was inherited by them, and their characteristics like their blood may be traced back through many generations. Two thousand years ago the germ which has been developed through centuries was seen in the Teutonic tribes in the forests of Germany. Five centuries afterward the same traits were seen in their descendants in Great Britain. When the Saxons came and established themselves, we see them occupying the territory now known as England, and it was divided up into several small sovereignties. They kept their separate and independent governments until their autonomy was destroyed by the sword.

When the Norman came and blotted out with blood their laws, language, and institutions of government, yet their ideas continued to live and struggle for the mastery. The streams murmured them and the very winds that swept over hills and plains seemed to bear them continually on their wings. The historian says that while the Norman gave the laws the vanquished Saxons gave their ideas to their victors. The advent to power of the Norman was the advent of an irrepressible conflict between power and liberty, between right and wrong.

In the beginning of the thirteenth century, when the king was brought to Runnymede, it was not to establish a new code hitherto unknown. It was to promise to restore ancient institutions. It was to give larger liberty, the idol the Saxon worshiped. From that time down to 1688 the struggle was kept up with little result. But in 1688 great results were accomplished, but not sufficient to satisfy men who felt their strength and felt that they were born to be free. From the advent of the house of Orange we have seen the public mind of England agitated like the ocean when stirred by angry winds, and one reform after another has been demanded, and each for larger liberty to the subject.

To-day that kingdom is still in the throes, and one part of its people who have long been oppressed by a centralized power are demanding home rule. And the Irishman demands it because he has realized through a long period of oppression that good government can only come from home rule, or local self-government. It was the same pernicious administration of the same Parliament that drove our ancestors to this country. They, too, realized that just government could only be found in self-government in localities of limited areas. When they came they settled the wilds, formed societies, and in these infant States they demanded from their sovereigns and had written in their charters the right of governing themselves.

"A burned child dreads the fire," and they had been thoroughly scorched in the fires of political and religious persecution. How jealously each one of the little States watched over the safety of its household! How vigilantly each watched its own rights, and how courageously each resisted the advancing step of the invader! The irritation and friction eventuated in open rebellion, and that ended in victory to the Colonies, and the treaty of peace acknowledged them as independent States. Though they fought as one people, when peace came they were many.

In the midst of that terrible and exhausting struggle, when the destinies of all hung upon the fortunate termination of the war, and its success depended upon the union of every element of strength possessed by the whole, how reluctantly they yielded even the least mite of power! And the government they created

was a rope of sand that perished of its own impotency in one decade. So great had been the suffering they had endured and so deeply had the evils of a powerful centralized government impressed themselves upon them, that all the wisdom of all their great men and all their arguments and entreaties could not induce them to give to the central government power enough to live.

When at last experience had shown them that they must have a stronger government, they halted and debated over it, and when it was made by their representatives they waited, some of them nearly two years, before they would accept, and not then till they made it bristle with interdictions against the invasions of their domestic concerns. With all these lessons before us, we are here in the closing years of the first century, with all the grandest achievements ever accomplished in the annals of mankind as the direct result of liberty guarded by local self-government, and we are closing our eyes to our own history and almost falling on our knees and begging the National Government to come into the heritage reserved to liberty and take the worthless bauble from our hands.

We are begging the distant and centralized power to cease tantalizing us and take the worthless beads that have been hanging around our necks, for they have ceased to amuse us and they annoy us with their noise. We are beseeching the General Government to accept the surrender without terms and relieve us of the care of the toys that have grown old and worn and no longer find any place in our affections. We are invoking, beseeching, and entreating the National Government to come and close the doors of the courts, national and State, paralyze the arms of the executives, and make Congress one great, supreme, unchallenged sovereign, and bid it go into all the States and do just what it pleases, as it pleases, and when it pleases.

My friend from South Carolina [Mr. BUTLER] has just given me a note and recalled to my mind the fact that the Constitution as it was made at the beginning of the Government is the same to-day, with the exception of the amendments that were deemed to be necessary to meet the altered conditions of certain parts of our population; but no single feature of that instrument has been changed in reference to the rights and powers of the States which compose the Union. In that respect it is the Constitution, in the very words, as it was written by our fathers.

Mr. President, when the Constitution was adopted, and the Government organized, and a Federalist Supreme Court appointed, with Chief Justice Jay at the head, that court brought the State of Georgia to its bar, just as it would have done the meanest culprit in the land. State sovereignty over its own domestic affairs was ignored, and States, as persons, were held amenable to the processes of Federal courts. The Federalists had the organization and machinery of the Government, but democracy had the hearts of the people, and the decision of Chisholm *vs.* Georgia had scarcely been pronounced till a storm of disapprobation arose and it was swept away by an amendment of the Constitution, as a Minnesota blizzard would sweep the snow before its breath.

The people then were not in favor of obliterating the boundaries between national and local power, and our statesmen are mistaken if they think the people of the United States are in favor of it now. Our people to-day cling to the principle of local self-government as tenaciously as they did then or at any other time in the past. They know by instinct that their liberties depend upon its preservation. It runs in their blood and is transmitted from generation to generation. I would not hesitate to stand before any audience in the Union from the rocky coasts of New England across to the Pacific or down through the South and vindicate the right of every State in the Union to deal with its own people in its own way, and I would meet the approval of my audience, too, wherever I found it.

The National Government has no rightful power to suppress immorality in a State. If it has that right, it has power over the whole subject and may establish it and protect it against the will of the people. If it has the right to punish murder in the State, it has a right to turn the murderers loose on an innocent, helpless people, and they are without the power to remedy the wrongs to which they are subjected. If the National Government may do these things, it may come unbidden into the State, throw open the doors of its penitentiaries and prisons, take the criminals from the custody of the State courts, deprive the people of the security sought to be established by their local institutions, and turn loose the felons upon society.

Self-government is the touchstone by which each community secures its own liberty, peace, and prosperity against domestic violence. Local self-government in this country is founded upon a faith that is as steadfast and immovable as the rock on which the mountains stand—a faith, a deep-rooted conviction that every community is best governed when governed by itself and governed by laws which it can make and unmake at pleasure.

Mr. President, if we can by this system of India-rubber construction; if, as Chief Justice Taney says, we can give new definitions to old words, and call a contract made in a State between citizens of the State, to be performed in the State, an obstruction to interstate commerce, we can by the same means unsurp every power retained by the States. There is no end to Congressional dominion. We can regulate production in all its branches. We can regulate the consumption of all articles. We can say that a certain number of acres shall be planted in cotton, limit the production, and then raise the price by decreasing the supply.

We can prohibit the farmers in Texas from planting cotton and cut down the annual crop 2,000,000 bales and advance the price in all the other States. Texas would only have 2 votes out of 88 in the Senate to prevent it, and 13 out of 356 in the other branch. Her 3,000,000 people might sit in the ashes of ruin and desolation, but she would be powerless to avert the calamity. How long will it be till Congress will be pressed by some powerful interests to limit the number of acres of wheat that shall be grown; of hogs that shall be fattened; of bacon that shall be cured and put upon the market?

If this bill is to be passed in defiance of the Constitution because its friends believe it will raise the prices of certain products, then any other measure that will increase prices will be equally commendable. And there is no reason why the other cotton States may not combine with the wheat States and the manufacturing States and thus, by prohibiting the people of Texas from growing cotton, increase largely the price of the staple, fill the pockets of the cotton-growers of other States with money, and fill the bosoms of my constituents with bitterness and distress.

That power, sir, I deny to this Government, and as long as I am intrusted by the people of Texas as their representative I shall refuse to recognize it. As there is no limit to the elasticity of this kind of construction we can stretch it still further. We can not only say that Congress has the power to regulate the price of the cotton, but the price of the land that produces the cotton, and we can continue to stretch our power till we reach the absurdity to which Mr. Jefferson called attention in his letter to Edward Livingston, April 30, 1800, when he was sitting where you are now sitting, Mr. President, and presiding over this body. He says:

> The House of Representatives sent us yesterday a bill for incorporating a company to work Roosewell's copper mines in New Jersey. I do not know whether it is understood that the Legislature of Jersey was incompetent to this, or merely that we have concurrent legislation under the sweeping clause. Congress are authorized to defend the nation; ships are necessary for defense; copper is necessary for ships; mines necessary for copper; a company necessary to work the mines; and who can doubt this reasoning who has ever played at "this is the house that Jack built"? Under such a process of filiation of necessities the sweeping clause makes clean work.

I should say that it did make "clean work," and I should say further that if the construction contended for is right, Congress will eventually make clean work of the States and everything within their boundaries. If the amendment written upon the face of the bill that brands it as a regulation of commerce can not be traversed, then Congress is a legislative despotism. All local governments must pass into extinction; all rights must be dealt with here, far away from the people concerned, beyond the reach of their power. They must be tried before a tribunal that is so remote as to be beyond the kindly touch of sympathy for their distresses and sufferings, and a tribunal that may do what it will with all the rights of life, liberty, property, and happiness of a powerless people who, by constitutional construction, have fallen under its dominion.

I have some passages here from the great founder of the party to which I belong which I wish to read to the Senate to show what he thought of local self-government as the instrument of preserving freedom. In a letter to Mr. Stuart, dated December 23, 1791, he says:

> I wish to preserve the line drawn by the Federal Constitution between general and particular governments as it stands at present, and to take every prudent means of preventing either from stepping over it. Though the experiment has not yet had a long enough course to show us from which quarter encroachments are most to be feared, yet it is easy to foresee, from the nature of things, that encroachments of the State governments will tend to an excess of liberty, which will correct itself (as in the late instance), while those of the General Government will tend to monarchy, which will fortify itself from day to day instead of working its own cure, as all experience shows.
>
> I would rather be exposed to the inconveniences attending too much liberty than those attending too small a degree of it. Then it is important to strengthen the State governments, and as this can not be done by any change in the Federal Constitution (for the preservation of that is all we need contend for), it must be done by the States themselves erecting such barriers at the constitutional line as can not be surmounted either by themselves or by the General Government. The only barrier in their power is a wise government. A weak one will lose ground in every contest.

In a letter to Mr. Fitzhugh, dated February 23, 1798, he again says:

> I do not think it for the interest of the General Government itself, and still less for the Union at large, that the State governments should be so little respected as they have been. However, I dare say, that in time all these, as well as their central Government, like the planets, revolving around their common sun, acting and acted upon according to their respective weights and distances, will produce that beautiful equilibrium on which our Constitution is founded, and which I believe it will exhibit to the world in a degree of perfection unexampled but in the planetary system itself.

In a letter to Judge Johnson, dated June 12, 1823, he writes:

I ask for no straining of words against the General Government, nor yet against the States. I believe the States can best govern our home concerns, and the General Government our foreign ones. I wish therefore to see maintained that wholesome distribution of powers established by the Constitution for the limitation of both; and never to see all offices trasferred to Washington, where, further withdrawn from the eyes of the people, they may more secretly be bought and sold as at market.

In a letter to Joseph C. Cabell, dated Monticello, February 2, 1816, he again writes:

The way to have good and safe government is not to trust it all to one, but to divide it among the many, distributing to every one exactly the functions he is competent to. Let the National Goverment be intrusted with the defense of the nation and its foreign and federal relations; the State government, with the civil rights, laws, police, and administration of what concerns the State generally; the counties, with the local concerns of the counties, and each ward direct the interests within itself. It is by dividing and subdividing these republics, from the great national one down, through all its subordinations until it ends in the administration of every man's farm by himself, by placing under every one what his own eye may superintend, that all will be done for the best.

What has destroyed liberty and the rights of man in every government which has ever existe i under the sun? The generalizing and concentrating all cares and powers into one body, no matter whether of the autocrats of Russia or France, or of the aristocrats of a Venetian Senate. And I do believe that if the Almighty has not decreed that man shall never be free (and it is a blasphemy to believe it) that the secret will be found to be in the making himself the depository of the powers respecting himself, so far as he is competent to them, and delegating only what is beyond his competence by a synthetical process to higher and higher orders of functionaries so as to trust fewer and fewer powers in proportion as the trustees become more and more oligarchical. The elementary republics of the wards, the county republics, the State republics, and the Republic of the Union, would form a gradation of authorities, standing each on the basis of law, holding every one its delegated share of powers, and constituting, truly, a system of fundamental balances and checks for the Government.

To William T. Barry he writes July 2, 1822:

If ever this vast country is brought under a single government it will be one of the most extensive corruption, indifferent, and incapable of a wholesome care over so wide a spread of surface. This will not be borne and you will have to choose between reformation and revolution. If I know the spirit of this country, one or the other is inevitable. Before the canker is become inveterate, before its venom has reached so much of the body politic as to get beyond control, remedy should be applied.

In a letter to Mr. C. Hammond, August 18, 1821, Mr. Jefferson says:

It has long, however, been my opinion, and I have never shrunk from its expression (although I do not choose to put it into a newspaper, nor, like a Priam in armor, offer myself its champion), that the germ of dissolution of our Federal Government is in the constitution of the Federal judiciary; an irresponsible body (for impeachment is scarcely a scarecrow), working like gravity by night and by day, gaining a little to-day and a little to-morrow, and advancing its noiseless step like a thief, over the field of jurisdiction, until all shall be usurped from the States, and the government of all be consolidated into one.

To this I am opposed, because, when all government, domestic and foreign, in little as in great things, shall be drawn to Washington as the center of all power, it will render powerless the checks provided of one government on another, and will become as venal and oppressive as the government from which we separated. It will be as in Europe, where every man must be either pike or gudeon, hammer or anvil. Our functionaries and theirs are wares from the same workshop, made of the same materials and by the same hand. If the States look with apathy on this silent descent of their government into the gulf which is to swallow all, we have only to weep over the human character formed uncontrollable but by a rod of iron, and the blasphemers of man, as incapable of self-government, become his true historians.

In a letter to Judge Johnson, June 12, 1823, Mr. Jefferson says:

I have stated above that the original objects of the Federalists were, first, to warp our Government more to the form and principles of monarchy, and, second, to weaken the barriers of the State governments as coördinate powers. In the first they have been so completely foiled by the universal spirit of the nation that they have abandoned the enterprise, shrunk from the odium of their old appellation, taken to themselves a participation of ours, and under the pseudo-republican mask are now aiming at their second object, and, strengthened by unsuspecting or apostate recruits from our ranks, are advancing fast towards an ascendancy.

I have been blamed for saying that a prevalence of the doctrines of consolidation would one day call for reformation or revolution. I answer by asking if a single State of the Union would have agreed to the Constitution had it given all powers to the General Government? If the whole opposition to it did not proceed from the jealousy and fear of every State of being subjected to the other States in matters merely its own? And if there is any reason to believe the States more disposed now than then to acquiesce in this general surrender of all their rights and powers to a consolidated government, one and undivided?

In a letter to Judge Johnson, June 14, 1823, he said:

Can it be believed, that under the jealousies prevailing against the General Government, at the adoption of the Constitution, the States meant to surrender the authority of preserving order, of enforcing moral duties, and restraining vice within their own territory? And this is the present case, that of Cohen being under the ancient and general law of gaming. Can any good be effected by taking from the States the moral rule of their citizens, and subordinating it to the general authority, or to one of their corporations, which may justify forcing the meaning of words, hunting after possible constructions, and hanging inference on inference, from heaven to earth, like Jacob's ladder.

Such an intention was impossible, and such a licentiousness of construction and inference, if exercised by both governments, as may be done with equal right, would equally authorize both to claim all power, general and particular, and break up the foundations of the Union. Laws are made for men of ordinary understanding, and should, therefore, be construed by the ordinary rules of common sense.

If this letter had been written yesterday to a friend at Washington, saying that it was the duty of the States to enforce moral duties and restrain vice within their territories, everybody would have said he is opposing the Hatch antioption bill. When he asks the question, "Can any good be effected by taking from States the moral rule of their citizens and subordinating it to the general authority?" everyone would have said he is evidently aiming at the antioption bill. When he said, in his inaugural, the State governments were the surest guaranty against antirepublican tendencies, he meant that antioption bills like this were antirepublican and antidemocratic and anti-American.

Again, in a letter to William B. Giles, December 26, 1825, Mr. Jefferson says:

I wrote you a letter yesterday, of which you will be free to make what use you please. This will contain matters not intended for the public eye. I see, as you do, and with the deepest affliction the rapid strides with which the Federal branch of our Government is advancing towards the usurpation of all the rights reserved to the States, and the consolidation in itself of all powers, foreign and domestic; and that, too, by constructions which, if legitimate, leave no limits to their power. Taken together, the decisions of the Federal court, the doctrines of the President, and the misconstructions of the constitutional compact acted on by the Legislature of the Federal branch, and it is but too evident that the three ruling branches of that department are in combination to strip their colleagues, the State authorities, of the powers reserved by them and to exercise themselves all functions, foreign and domestic.

Under the power to regulate commerce, they assume indefinitely that also over agriculture and manufactures, and call it regulation to take the earnings of one of these branches of industry, and that too the most depressed, and put them into the pockets of the other, the most flourishing of all. Under the authority to establish post-roads, they claim that of cutting down mountains for the construction of roads, of digging canals, and aided by a little sophistry on the words "general welfare," a right to do, not only the acts to effect that which are specifically enumerated and permitted, but whatsoever they shall think or pretend will be for the general welfare.

And again, in his autobiography, page 82, he says:

It is not by the consolidation or concentration of powers, but by their distribution that good government is effected. Were not this great country already divided into States, that division must be made, that each might do for itself what concerns itself directly, and what it can so much better do than a distant authority. Every State again is divided into counties, each to take care of what lies within its local bounds; each county again into townships or wards to manage minute details; and every ward into farms, to be governed each by its individual proprietor. Were we directed from Washington when to sow and when to reap we should soon want bread. It is by this partition of cares, descending in gradation from general to particular, that the mass of human affairs may be best managed for the good and prosperity of all.

The last extract I will give is from a letter to Albert Gallatin, dated June 16, 1817, in which he writes:

You will have learned that an act for internal improvement, after passing both Houses, was negatived by the President. The act was founded, avowedly, on the principle that the phrase in the Constitution which authorizes Congress "to lay taxes, to pay the debts, and provide for the general welfare," was an extension of the powers specifically enumerated to whatever would promote the general welfare; and this, you know, was the Federal doctrine. Whereas, our tenet ever was and indeed it is almost the only landmark which now divides the Federalists from the Republicans, that Congress had not unlimited powers to provide for the general welfare, but were restrained to those specifically enumerated; and that, as it was never meant they should provide for that welfare but by the exercise of the enumerated powers, so it could not have been meant they should raise money for purposes which the enumeration did not place under their action; consequently, that the specification of powers is a limitation of the purposes for which they may raise the money.

That I have always understood to be the Democratic creed. I have understood, and still understand, that it is around this distribution of the powers of government that the Democratic party has been standing throughout its existence, challenging every advance that crosses the line, it makes no difference under what sort of a pretense the advance may come.

But I will not detain the Senate longer in a discussion of the constitutional power to pass this bill or of rules of construction or of party tenets. I wish to say a few things about the bill itself, and I will speak as though I were standing in the Legislature of the State of Texas. I say I will not support this bill because it is not a regulation of commerce; because it does not and can not advance the price of either cotton, wheat, corn, or any other agricultural product embraced in it.

What is it that makes price? We have been told all along, and told in books, and I have never known it to be challenged until now, that the price of an article depends upon the supply of the article in a market and the demand for that supply. We all know, when we get to thinking about it, that that is the truth, and that that law is as incessant in its operation and as irreversible as the law of gravitation itself that compels water to run down hill instead of up. Water does not run down-hill sometimes and sometimes up-hill, but in obedience to a great law of nature, to which everyone has to conform, except the Congress of the United States, water runs to seek its level, and it runs down.

Why is it that demand and supply fix the price? It comes out of the law of human nature just as it was written by the Creator in the breast of man as a part of his constitution. No man will pay more for a thing than he can get it for. Self-interest makes that limitation. Every man will exact as much for the thing he sells as he can get. The limitation is fixed by the wants of those who buy and by the supply of those who sell. You can not make it anything else.

Cotton is the thing we are told about on this side of the Cham-

ber; wheat on the other side. Every man who raises a bale of cotton has got to pay the cost of production. Who denies that? He has got to pay the cost of transportation to market. Who denies that? He has got to pay every cost incident to its production and transportation and then sell it at the market price. These expenditures the producer is bound to incur and he can not escape them.

Let me illustrate it. If a man in Texas, away out in the Panhandle country of our State, away from railroads, raises a bale of cotton at a cost of $20, hauls it 100 miles to a railroad, pays $5 transportation by wagon, that is $25 it has cost him at the railroad. He pays $5 more to have it transported by rail to Galveston; that is $30. He pays $5 at Galveston to have it transported to Liverpool, where it is sold in the market which regulates the price of cotton for the world, because there is gathered together the largest supply in the world. There is the largest demand. The largest demand makes the highest prices; and the market of the highest price controls all other markets. Cotton has the highest price in Liverpool that it has anywhere, and the Liverpool price regulates the price of cotton all over the globe.

The cost of production and transportation of that bale of cotton is $35 delivered in Liverpool. When that cotton comes in competition with all other cotton in Liverpool we find that 500-pound bale of cotton is worth $50. The margin of profit to the producer is $15. He pays all the cost out of his own pocket. Nobody else pays it. No one else is willing to pay any part of it, and he can not compel anyone to pay any part of it. The board of trade does not pay it. It does not buy the cotton. If he ships it directly he pays it, and nobody else touches it.

Now let us see another case. A farmer living on the Mississippi River just below New Orleans raises another bale of the same weight and the same grade of cotton. It costs him $20 to produce it. He puts it on a vessel at his farm on the river bank and sends it to Liverpool for $5. His cost of production and transportation is $25. In the market the two bales of cotton are sold for the same price exactly. Competition regulates that. The Louisiana man pockets $25 profit; the Texas man pockets $15.

Let us take another case. A farmer living in Georgia close to Savannah, along the seashore, raises another bale of cotton of the same grade and the same weight at the same cost. He finds a vessel going to Liverpool, perhaps after steel rails or pig iron, and the commander says, "I will carry your cotton for you for nothing; I want it for ballast in my vessel." His bale of cotton has cost him $20. He sells it at $50 in Liverpool, and his profit is $30.

Then we are told in this bill that all these charges that are accumulating in these boards of trade are distributed around by the cotton producers of the country, and they have got them all to pay. I want to know if that Georgia fellow pays any part of the cost of transporting the bale of cotton of the Texas man to Liverpool? I want to know if he comes up and helps to pay the charges of the Louisiana man in transporting his cotton to Liverpool?

Everyone will at once say no, because the charge is a part of the cotton and follows the bale wherever it goes. Every charge incurred by production and transportation is incorporated with the cotton and sticks to it as closely as the tie and bagging. When the farmer sells to the cotton-buyer the buyer gets the money from the bank and delivers the bill of lading as security for the advance. When the cotton starts the bill of lading goes with it to secure the lien on the cotton for the money advanced in its purchase. The banker who advanced the money is not doing business on wind, but on business principles. He takes the collateral that gives him the right to control the property.

As that bale goes, so go its charges fixed to it, and when it is sold all its charges are paid out of its proceeds. It is sold at the market price, all charges are paid, and the difference between its charges and the market price is the profit of its owner. How can any other charge be saddled on that bale of cotton except those incurred in its production and its transportation? How can the wind charges of the cotton exchanges of New York and New Orleans become attached to it? Can cotton gamblers or others attach to it any of their losses or expenditures.

If so I would like to know how it can be done. If that be true, every man holds his property subject to such charges of others as they may think proper to make. Every one of the 9,000,000 bales of the crop of 1890 and every one of the 6,500,000 bales of last year's crop go to market the same way, subject to the same burdens and the same exemptions. And it makes no difference whether they go in lots of 100,000 at a time or one bale at a time.

I want to know how two men or two hundred men in a cotton exchange in New York or New Orleans by betting on the future price of cotton can affect the price of a single pound of cotton in Texas, when not a single citizen of that State knows anything of the bet or speculation.

I did not dream that such a thing was possible till I heard it so argued here. A statement has been quoted from a member of the Cotton Exchange of New York that says that is a fact. The statement is the expression of an opinion, and like many of the same kind I have heard in the committee rooms of the Capitol, is not only groundless but absurd. I have heard persons of learning state that when a tax was imposed on an imported article the price was not raised to the consumer.

I have heard statesmen say that the foreigner paid our taxes. I have heard intelligent manufacturers contend that their laborers got all the benefits of duties imposed on imports. Many people who make such statements believe them to be true. At best they are opinions, and opinions are sometimes true and sometimes not true. It is said that the charges incurred by buying and selling futures on cotton amount to eight or ten million dollars a year, and it may be asked, if the cotton-growers do not pay these charges, who do? Where does this money come from? Where does the money come from which is staked on cards, horse races, and elections?

It certainly is not paid by the manufacturer of cards or the raiser of horses, or the voters at elections. It may be obtained in various ways. The people who compose the cotton exchanges and boards of trade belong to other occupations—merchants, importers, grocers, bankers, speculators, many of them doubtless men of large wealth. Many of them make money; many of them lose it, but the losses and gains are confined to their own pockets, and when one loses all he quits. It can no more be said that the cotton-grower pays the charges of this business than it can be said that he receives the profits made by the successful speculator.

The trafficking on cotton in the boards of exchange does not and can not tranfer its costs to the cotton-grower. Neither does it, nor can it, depress the price of a single pound of cotton in the world. When one wishes to buy cotton he consults the prices at Liverpool, because that is the price in New York and New Orleans, less the cost of transportation and handling between these points and Liverpool. He would never consult the actions or the reports of the cotton exchanges of either New York or New Orleans.

If they report prices current at all they are made from prices ruling at Liverpool, and they are made by the actual supply and demand in that market. Prices can not be changed without changing either supply or demand; and charges incurred by speculators who bet on what the future price of cotton will be can not fasten themselves upon cotton or other property owned by others. I want to know how a charge of $5 made on a cotton contract in New York can come down to Texas and locate itself on a bale of cotton belonging to one of my constituents? If this can be proved, then it is in the power of people everywhere to put charges at their will to any amount on the property of others without their consent.

What is this reprehensible business of buying and selling for future delivery, which is so vehemently denounced all over the country and which this bill seeks to extinguish? It is a part of the immense commercial business of the country. It has grown up out of the development of our civilization by the necessities of that civilization. It comes like the bank, the bank check, the bill of exchange, the clearing-house, the railroad, the telegraph, and telephone. Does anyone suppose that either of these instruments of commerce could be dispensed with without arresting our industrial growth? Does anyone suppose that all future contracts for delivery of products could be stopped without incalculable injury.

There are many that are absolutely necessary to successful business. The bill admits this, for it excepts many kinds of contracts for future delivery from its operation. If it had not done so, and directed its destroying hand at all future contracts, its friends would no more support it now than I would stick my hands in the fire. There is not one of us who could return to his constituency after having voted for such a measure without receiving a stern rebuke for having done what every one of us would know was wrong.

The friends of this measure have attempted to draw the line between such contracts and those they would condemn. But the contracts they suppress are as necessary a part of the commercial machinery of the country as those they except. I am now speaking of real contracts and not speculations on prices. The commanders of our military posts on the frontier have their quartermasters to make contracts for the future delivery of corn for cavalry horses. The quartermaster does not go into the market every day and buy the day's supply at the market price of the day. No command could be supplied that way. He makes a contract for the future delivery of the corn all along through the year, as it is required. The contract in many cases is made before the corn is planted, before the ground is broken up, before the plowshare has been stuck into the soil, and it may be before the plow is made at the factory.

Every one will see, at once, that this sort of a future contract is necessary to the efficiency of the administration of the army. Suppose an army in the field and of course to be constantly supplied with food, clothing, and the munitions of war. Can it not be seen at once that contracts for future delivery of enormous amounts of army stores are absolutely essential to the organization and movement of its columns? But the army of a few hundred thousand men is but a type of that vast army of millions of men, women, and children who have to be supplied daily with the necessaries of life while fighting for life itself.

Labor is useless without exchange, and it is profitable just in proportion to the facilities of exchanging its products. If we would go through all the various departments of our industry and see the enormous output and the necessities for every instrument that could aid in its transportation and distribution, we could then see, perhaps, that not one of these aids could be dispensed with without material injury to the whole country. Contracts for the future delivery of cotton and other products have come into existence as we have been told during the last twenty-five years. It is a part of that vast system of commerce that has grown up during that time.

As production has grown, so have the demands for the means of distribution. Look at the clearing-houses in the large cities on the seaboard. They have grown up and spread out their business to enormous proportions. This vast commerce, foreign and domestic, could not now be carried on without the clearing-houses. They were invented by the necessities of commerce, and when we look at the business they do, we see in the city of New York alone their operations amount to $100,000,000 per day.

Mr. MCPHERSON. More than that. A thousand millions a week.

Mr. MILLS. More than $100,000,000 a day, the Senator from New Jersey informs me. Over one hundred and fifty millions a day. And of that vast sum 95 per cent is performed by credit, and credit utilized and made an instrument for helping forward the movement of the ceaseless stream of products pouring out of our hives of industry. What is a contract to buy and sell cotton for future delivery but a commercial contrivance by which credit is made money and made to contribute its resources to aid in the work of distribution. I wonder if my friends around me have recalled to their minds the mammoth proportions of the domestic commerce of the United States?

There was a very elaborate investigation made on that subject a few years ago and an extended report on it by Mr. Nimmo, Chief of the Bureau of Statistics, a very capable and well-informed gentleman. He stated then that the domestic commerce of the United States was twenty-five times as much as our whole foreign commerce. I do not doubt the correctness of his estimate. Our foreign commerce is now over eighteen hundred millions annually, and both foreign and domestic over forty billions. To move and market this monstrous volume requires the existence and employment of all the instrumentalties we now have, and we could not dispense with one without injury falling somewhere.

We might dispense with the telephone, but some convenience would be lost. We might dispense with the telegraph, and a still greater convenience would be lost. We might dispense with the railroads, and then we would lose both our commerce and our civilization. Does anyone think this commerce can be carried on by paying down in cash gold and silver for every exchange? Does anyone think that we could preserve our civilization by going back to barter and exchanging so many cows for a horse, or so many bushels of corn for a suit of clothes?

To do that is to go backward, not forward. And that is the policy which this bill commends to us. It is Bellamy looking backward. We want to go forward. To do that we must continue to utilize and capitalize credit. Instead of suppressing any of the agencies now employed in commerce we should invent more if we can. What possible wrong can there be if two men contract one to sell and the other to buy a bale of cotton to be delivered a year hence?

Suppose a farmer in my county goes to his neighbor who he knows has a little money and says, "I will give you my note for two bales of cotton worth $100, payable twelve months after date with interest, if you will let me have that amout of money to help sustain my family while I am working to make a crop," and the contract is made. This bill says that contract is virtuous when made by a farmer, but vicious when made by any other person. But let us see if it is not a contract that ought to be protected when made by anyone. The man who takes the note gives it for a horse which he needed; the assignee gives it to another farmer for provisions and family supplies, and the last trades it to a merchant in town for goods, and at the end of the year the maker of the note, having by the help of $100 supported his family, raised six or eight bales of cotton, pays two of them to the merchant, and takes up and cancels his note. Here four persons were benefited by that farmer coining into money, so to speak, $100 of his credit. But this bill says the three farmers all did right, but the merchant is a criminal for letting the farmers have clothing while working for subsistence.

The architects of this bill have abandoned the old landmark of free government established by Jefferson—"Equal and exact justice to all men, of whatever state or persuasion, religious or political." He has taught us that equality of rights is the fundamental principle of association among all free people. He lays it down with exactness and mathematical precision, and without exception. Now, it is proposed to permit some citizens to make contracts beneficial to them, and punish other citizens for making the same contracts. The farmer can make this contract now, so can a merchant, or a manufacturer, or any other.

But the bill says that if some person shall contract to sell and deliver 100 bales of cotton the 1st day of May, and that man is not a farmer, he must be punished. It is objected that these cotton contracts are sold several times and that the cotton crop of 1890, amounting to 9,000,000 bales, was sold five times, or, what is the same thing, five times as much cotton was sold as was raised. Is there anything hurtful in that? That $100 note was sold three times. The first time it was sold two men were benefited, the second time three, and the third time four. The advantages accrued increased just in proportion to the number of times the contract was sold.

If a man in New York or New Orleans capitalizes his credit, making a contract to sell 100 bales of cotton to be delivered the 1st day of July, and that contract, like a bank bill, bill of exchange, or promissory note, is sold five times, each time a benefit is conferred and the selling of the 100 bales of cotton fives times helps every one of the parties instead of hurting him.

The Director of our Mint tells us that there is about sixteen hundred millions of dollars in this country outside the Treasury, and in moving the mighty volume of our annual commerce each one of these dollars is promised twenty-five or thirty times; but instead of doing wrong to anyone, the whole country receives an incalculable benefit.

Mr. President, this bill can not do what its friends claim it will do if it should become a law. And it can not become a law unless it does it in the very teeth of the Constitution. Congress can not rightfully pass it under the power to lay and collect taxes. It can not do it under the power to regulate commerce among the States. But if Congress had the power under either or both clauses of the Constitution then it could not increase the prices of the products mentioned in it.

As I have said before, price is the product of demand and supply. Never was the truth of any proposition more abundantly proved than the prices of cotton and wheat have proven this in the last year. When the wheat crop of Europe was greatly reduced, and in some parts of Russia a total failure, and the supply was reduced, the price went up till the demand ceased, and then it went down again. When the cotton crop of the United States ran up to 9,000,000 bales, cotton went down, and when last year it fell to nearly six and a half million bales, cotton went up. The future system was in full operation all the time.

When prices were down they said futures did it. When prices rose they said nothing. The same cause will never produce opposite effects. Everything that has commercial value will take its price according to the demand for it. A horse might be worth a hundred dollars to-day and a thousand to-morrow. If one was in great need, and a life was involved, his price might go into many thousands. We are told by England's great poet that an English king, unhorsed on the bloody field of Bosworth, when his army was undone and his enemies gathering around, offered his kingdom for a horse. Horses that he could buy were scarce on that field, and kingdoms with titles such as he then had were abundant.

Congress may pass its penal laws and fulminate its menaces of punishment, but they can no more counteract the laws of nature than Richard could get a horse for his kingdom. Nature's laws are perfect and unchangeable. The design of our fathers who "laid the shafts and hewed the architraves" of our great temple of freedom was to secure to us the benefit of those laws and the inviolability of those rights with which the author of those laws endowed us. He who organized the party to which I belong, who wrote its creed and stamped its principle upon the administration of government, believed that man could only attain to his highest estate when his conduct was strictly in harmony with those laws.

If instead of turning backward we move forward and tear down the obstructions that have separated us from the enjoyment of our rights, we will be a wiser, a better, and a happier people. Let us free our commerce from burdens, cheapen its cost and expedite its movements both going and coming. Let us remove the prohibition imposed in the name of taxation and permit the winds and waves of ocean to bring to us the things we want from other

lands at lower cost to our people, and let us send them our surplus in return at the higher prices which increased demand will bring, and thus the wealth created by labor will be distributed by nature's laws, and every home and household will receive and enjoy the munificent bounty which the God of Nature bestows upon His children when they live in obedience to nature's laws.

Mr. HISCOCK. Mr President, I am well established in the opinion that under the provisions of the Constitution to regulate foreign commerce, to levy imposts and to collect them, the general welfare clause of the Constitution and the power granted to Congress by the Constitution, to strengthen our country in time of peace, as in a preparation for war, we may foster our manufactures, and, if it be necessary, we may to that end pass laws absolutely prohibiting importations, or impose import duties which will practically have that effect.

I am not alarmed if this bill be defeated, and upon the ground that it is unconstitutional and void, that it will be a precedent impairing our power to pass what are commonly known as protective duties. I do not know that I am prepared to go to the extent of advocating that there is not the same power in the Congress of the United States to prohibit commerce between the States as there is to prohibit commerce between this nation and another.

In construing the words "regulate commerce," when we look to them for power over foreign commerce or domestic commerce, we should take into consideration the surroundings—what was intended to accomplish, what great interest was to be promoted. We should consider the relation of the States to each other, their common interest, and their combination into a nationality, to ascertain what power Congress has over interstate commerce and relating to foreign commerce, the relations between our Government and other nationalities when we give a construction to this language of the Constitution.

To illustrate, the Constitution provides that we may regulate commerce with the Indian tribes, and we have the power to make the selling of whisky or firearms to Indians a penal offense. Does it follow that we are obliged to concede that we have a like power to prohibit the sale in one State of wheat raised in another, or of cotton raised in one State, in another, or the general products of one State, in another?

But let us look a little more critically at the bill as it comes from the House. It is not a bill to regulate commerce. The arguments which have been made in favor, both of the bill as it came from the House and the amendment offered by the distinguished Senator from Mississippi [Mr. GEORGE], have scarcely touched the question of the regulation of commerce. The bill assumes, and the argument in support of it is, that under the taxing power vested in Congress we have the right, not to regulate commerce between the States, but that we have the right to regulate the price and sale of commodities, not between the States, but in the States, respectively.

The Senator from Mississippi has enlightened the Senate in respect to the vast amount of business done in the city of New York, some one else has given the same information (and I do not know but it was he) in respect to the volume of trade in the city of Chicago, which would be prohibited by either the bill or by the amendment the Senator from Mississippi has offered. Parties to these contracts, I doubt not in every instance, at the time when they were made were in the city and in the State in which they were made. For aught we know the subject-matter covered by the contracts was in the States in which the contracts were made.

Then we have the parties and we have the subject-matter of the contract both, we will say, in the city of New York, subject to its laws. In the one case this bill proposes to prohibit the contracts by taxation, and in the amendment to prohibit them by penal statutes, not because interstate commerce is involved, for there is not a single element necessary to constitute interstate commerce involved in them.

More than that, the State in which I live is a large producer of many of the articles covered by this bill. Then we have the articles themselves raised in New York, both parties to the contract residing in New York, the contract entered into in New York, to be performed in New York, and the bill proposes to prohibit such contracts by taxation, and the amendment of the Senator from Mississippi proposes to prohibit them by penal statutes.

I ask in what provision of the Constitution do Senators find warrant for that? I am inclined to believe that it is settled by authority that when there is the constitutional power either to prohibit or to regulate commerce, Congress may invoke the taxing power, or any other grant of power in the Constitution, to bring about that result. This is not a question of regulating commerce; it is not claimed on the part of anyone that if this bill is passed or the amendment is adopted a single bushel more or less of wheat will flow through the channels of trade from the West to the city of New York. The great volume of cotton, of wheat, and of each article enumerated in the bill will not be diminished or increased by this proposed legislation.

The proposition is, as I have stated, to take possession of the markets of New York, of Minneapolis, of Chicago, of New Orleans, control the manner in which their merchants shall make contracts, and prohibit certain contracts either by taxation or by penal statutes.

It is agreed on all hands in respect to "future" contracts as they are described, whenever it is the intention of the parties to a contract, on the one side to deliver the goods and on the other side to receive the goods, where an execution of the contract is comtemplated by both parties, that they are promotive of trade and of exchange.

It is doubtless true that there is not of wheat or corn or cotton any considerable amount that reaches the market that at some point before consumption is not covered by a contract, the vendor undertaking to sell and deliver when he is not in possession of the commodities; nevertheless he intends in good faith to deliver and execute.

It will not be said by my distinguished friend from Minnesota [Mr. WASHBURN] that those contracts are not beneficial to commerce and promotive of trade and exchange. Their validity and their morality have been recognized from the earliest days of civilization to the present time; they have been sanctioned by all the courts of all civilized nations and have been enforced as moral and held to be legal and binding. Nevertheless the bill as it came from the House proposes to prevent those contracts by taxation, and the amendment of the Senator from Mississippi proposes to prevent them by the criminal law.

What reason or excuse is given for this? I understood it to be asserted in debate upon the floor by the friends of this measure that those contracts are all right; that they do not injure nor wrong anyone; that they are meritorious; but, extensive as they are, covering the vast amount of property which they do, the excuse is made that we shall not except them because it would be difficult to prevent contracts when delivery is not intended.

For the first time in my experience I have heard it urged that you must make penal statutes so sweeping and taxation laws so general that they will prohibit contracts covering all the articles named in this bill which are produced in this country and find their way to market, contracts both meritorious and promotive of exchange because they will not be as readily discovered or you can not as readily prevent contracts being made which are mere wagers or bets upon the price of goods; that that which is legitimate and proper is to be prohibited because in an exceptional case it may be difficult to draw the line between the meritorious and the vicious. Mr. President, there is no difficulty in drawing that line or in defining the boundary between the two.

But it is imagined by the promoters of this legislation that there may be more difficulty in the execution of the law against betting and wager contracts. It can not be urged that a court and a jury can not define the line between the two; it can not be urged that there would be any considerable number of cases in which there would be a failure of justice if a distinction were made, but if made it is feared that there may not be some one always on the watch tower to pursue the violators of the law, to promote the execution of these statutes, to collect the fines and penalties imposed. For that reason, and for that reason only, it is proposed to legislate indiscriminately against both classes of contracts. The distinction is not made, because it is easier to convict, if you do not, those who make the wager contracts.

In the preparation of the bill, and equally so in the preparation of the amendment, it seems to me that no care whatever was exercised to bring either within constitutional provisions. The motive which prompted this legislation was this and this only: There are great centers of trade, Chicago, New Orleans, New York, Minneapolis, and others, where merchants are transacting business in their own way, subject to the laws of their respective States; and those promoting this legislation conceived the purpose to prohibit it.

Instantly they appealed to the agricultural class, the farmers, with the clamor: "Here is something which affects you; this trading is destructive of your rights; these markets tend to depress the price of your products;" and without regard to the Constitution the bill and the amendment to it were prepared to invade the States and by tax laws or by penal statutes prohibit methods of trade sanctioned by good morals and the laws.

It is true that the promoters of the legislation have said that it is constitutional; and yet I am not sure that any one has gone to the extent of urging that it is constitutional, except in form. I am not sure that the Senator from Minnesota urges that this legislation is warranted or would be sustained as constitutional if the real object and purpose of it were disclosed. They trust the courts will be cheated and defrauded in respect to the intent and purpose. It is, sir, rarely that a measure has ever been presented to Congress where there was less regard either to the pro-

prieties of legislation or to the Constitution itself than in this particular case.

I desire, in this connection, to call the attention of the Senate to one provision of the bill, which I believe has been adopted by a decided vote, and yet which is unconstitutional, and in an analogous case it has been so held by the highest judicial tribunal in the United States. That provision and the action taken upon it, in my judgment, illustrate the recklessness of the efforts which are being made to procure this legislation. I refer to section 10.

That section of the bill as it is before the Senate provides that whenever any agreement is made for future sale or delivery of articles embraced by the act the collector of internal revenue may require the vendor in such agreement to furnish him with proof of the vendor's ownership or right to future possession at the time of the agreement. The vendor then is required to make affidavit setting forth—

1. Whether he was owner at the time of the agreement.
2. Whether at the time of the agreement he was entitled to the future possession of the property.
3. How the right to such future possession was obtained.
4. Where the property is stored, or in what carrier's possession it is if in transit.
5. Numbers and dates of, and articles covered by, the bills of lading issued for the property.
6. All other property embraced in any such agreement.
7. All other agreements in relation to the sale and future delivery of such articles.
8. The vendor may also be required to exhibit original warehouse receipts, or bills of lading for such property.

The vendor's failure to comply with any of these requirements raises a presumption against him that the agreement so made was a "futures" contract, and he becomes liable to pay taxes accordingly.

Not only is he liable to pay taxes under such circumstances, but, by virtue of the provisions of section 11, he becomes liable to criminal prosecution, and possibly conviction. In other words, the vendor's refusal to produce and exhibit before the collector his private papers described, and give the details of his private contracts, and to state the whereabouts and condition of his private property, is made to raise a presumption of guilt against him, subjecting him to criminal penalties and imprisonment.

I desire in this connection to call the attention of the Senator from Minnesota and the Senate to the case of Boyd *vs.* The United States, in which there were two opinions written, one by Mr. Justice Bradley and the other by Mr. Justice Miller. It will be found in volume 116, United States Reports, 616.

The fifth section of the act of June 22, 1874, is as follows:

"In all suits and proceedings other than criminal arising under any of the revenue laws of the United States, the attorney representing the Government, whenever in his belief any business book, invoice, or paper belonging to, or under the control of, the defendant or claimant, will tend to prove any allegation made by the United States, may make a written motion, particularly describing such book, invoice, or paper, and setting forth the allegation which he expects to prove; and thereupon the court in which suit or proceeding is pending may, at its discretion, issue a notice to the defendant or claimant to produce such book, invoice, or paper in court, at a day and hour to be specified in said notice, which, together with a copy of said motion, shall be served formally on the defendant or claimant by the United States marshal by delivering to him a certified copy thereof, or otherwise serving the same as original notices of suit in the same court are served; and if the defendant or claimant shall fail or refuse to produce such book, invoice, or paper in obedience to such notice, the allegations stated in the said motion shall be taken as confessed, unless his failure or refusal to produce the same shall be explained to the satisfaction of the court. And if produced, the said attorney shall be permitted, under the direction of the court, to make examination (at which examination the defendant, or claimant, or his agent, may be present) of such entries in said book, invoice, or paper as relate to or tend to prove the allegation aforesaid, and may offer the same in evidence on behalf of the United States. But the owner of said books and papers, his agent or attorney, shall have, subject to the order of the court, the custody of them, except pending their examination in court as aforesaid."

Here is a provision not precisely in the language of the tenth section of the pending bill, but a statute forcing from a man testimony upon which to convict himself, or testimony upon which the title to his property may depend. It is distinguishable from the bill we have before us further in this, that it is only applicable to proceedings in civil suits. In this case the evidence which the man is obliged to furnish, under pain and penalties, is not only evidence against him upon which a tax can be levied, but it is also evidence against him upon which he may be convicted of an offense.

This statute, considered by the court for a long time, was held to be constitutional by our highest courts, until finally it was presented in the case to which I have referred, and in an elaborate opinion, which I will not consume the time of the Senate in reading, Mr. Justice Bradley holds that it is against the spirit of our Government, that it is against the provisions of our Constitution, that a man should be compelled to furnish evidence against himself, therein giving the opinion of the court. I do not know but there were some of the judges who dissented from the doctrine.

Mr. CHANDLER. Does the Senator mean that there was some judge who dissented?

Mr. HISCOCK. I am not sure.

Mr. CHANDLER. Will the Senator be kind enough to inform us?

Mr. HISCOCK (after examining). There was not a dissenting opinion as to the unconstitutionality of the law. All of the judges did not concur in all the views expressed by Mr. Justice Bradley. Mr. Justice Miller did not concur in all those views; and I will read a part of his opinion:

I concur in the judgment of the court reversing that of the circuit court, and in so much of the opinion of this court as holds the fifth section of the act of 1874 void as applicable to the present case.

I am of the opinion that this is a criminal case within the meaning of that clause of the fifth amendment to the Constitution of the United States which declares that no person "shall be compelled in any criminal case to be a witness against himself."

Bear in mind, the defendant in that case was not on trial for a crime. The eleventh section of the bill before us provides affirmatively that evidence forced from the party can be used or a presumption is raised against him by the failure to produce it upon what he may be convicted in a criminal prosecution.

Mr. Justice Miller continues:

And I am quite satisfied that the effect of the act of Congress is to compel the party on whom the order of the court is served to be a witness against himself. The order of the court under the statute is in effect a subpœna *duces tecum*, and, though the penalty for the witness's failure to appear in court with the criminating papers is not fine and imprisonment, it is one which may be made more severe, namely, to have charges against him of a criminal nature taken for confessed, and made the foundation of the judgment of the court. That this is within the protection which the Constitution intended against compelling a person to be a witness against himself is, I think, quite clear.

But this being so, there is no reason why this court should assume that the action of the court below, in requiring a party to produce certain papers as evidence on the trial, authorizes an unreasonable search or seizure of the house, papers, or effects of that party.

There is in fact no search and no seizure authorized by the statute. No order can be made by the court under it which requires or permits anything more than service of notice on a party to the suit. That there may be no mistake as to the effect of the statute and the power to be exercised under it, I give the section here verbatim.

The Chief Justice concurred with Mr. Justice Miller. The other members of the court held it to be unconstitutional upon the broader ground, which I have stated. The provision as it came here from the House has been changed and modified by the astute men who have had in hand the preparation of the bill. But it is in direct conflict with the decision in this case, unconstitutional and void, and I undertake to say that there is not a lawyer in the Senate who will disagree with me in this view.

The other day this vicious provision was adopted by the Senate, almost without deliberation, possibly prophetic of the deliberation and of the consideration which will be given to the grave constitutional questions involved in the bill itself. This provision is a part of the scheme; it is necessary. Taxing officers of the United States are to be clothed, and must be clothed, with these extraordinary powers to establish inquisitorial investigation of every man's private business, to drag to the light contracts which may be made in violation of this proposed law, contracts which are not wager contracts, but contracts made in good faith by parties who intend to execute them in good faith.

It is not necessary, as the Senator from New Hampshire [Mr. CHANDLER] seemed to think, for us to circumscribe the power of Congress in respect to prohibitory duties in respect to importations, to find sufficient grounds for opposition to this legislation. It is utterly impossible to argue that this bill has for its object the regulation of interstate commerce or the prohibition of interstate commerce; its only object and its only purpose is to take the control of markets in States, purely domestic and absolutely confined to the States in which they exist.

Mr. President, as compared with the other promoters of the legislation, I admire the candor of the Senator from Mississippi, of the Senator from New Hampshire, and of all those who promote the amendment of the Senator from Mississippi. There is something manly and fair and ingenuous in bringing a measure in here which provides in terms for taking possession of the markets of the State which I have the honor in part to represent rather than attempting it by a fraud upon the Constitution under the taxing power, because it is believed that the courts will be unable to determine that the legislation is not taxation and not for the purpose of taxation: can not determine judicially when we have properly exercised the taxing power, or when we have exceeded the limits, if there are limits, to which it shall be extended. Because it is believed the court can not discover from the law the purpose for which we enacted it, we will under this bill force the legislation through Congress, violating our oaths and our consciences.

The design is ambushed in the bill to regulate prices in commerce, and to revolutionize the customs and laws of exchange. It is concealed there. But there is no power in the court to try and determine that question, and will we therefore perpetrate

this fraud and this wrong against the judicial tribunals of the country?

I think it has been proposed here— if it has not it will be—to insert in the House bill a provision declaring the purpose to regulate the markets, to prevent the contracts which may be made there, and the traffic in goods which may have been, in interstate commerce, and those which may never have been, to influence the prices and prescribe the manner in which the business shall be done and the contracts shall be made. Who doubts for a moment that then the law would be held unconstitutional and void? Will the advocate of the bill accept the challenge and write in the bill the purposes of the legislation as he has announced them on the floor and as they have been announced here by nearly every gentleman who has spoken in favor of the bill? I apprehend not.

It seems hardly worth while, Mr. President, for me to discuss the amendment offered by the Senator from Mississippi [Mr. GEORGE]. He directly grasps this jurisdiction upon the assertion that it in some way is an obstruction to commerce, and therefore Congress can remove it. He takes the bold position that the manner in which the wheat which is raised in Minnesota is marketed in Minnesota is subject to the regulations of Congress because it affects interstate commerce.

With the subject-matter, the parties to the contract, and the execution and performance of the contract all in Minnesota, he reaches out and says it may affect the price somewhere else in the other States; therefore, if we will put in the law a declaration that certain contracts are obstructions to commerce Congress has the power to regulate the Minnesota market for her wheat and the New Orleans market in respect to cotton raised in Louisiana.

I wonder, if this be true, why the Senate so carefully drew the line in the preparation of the interstate-commerce law and confined it solely to the commerce between two or more States. Who does not know that local freights upon roads in one State exert a much wider influence over interstate commerce than the price which may be fixed in one city of the goods and merchandise which may be offered for sale in that city? If you may pass this bill you have the right to extend legislation and provide that Congress may regulate the freight rates upon the goods in transportation starting in a State and delivered in the same State and "regulate" common carriers engaged in transportation in one State alone, not passing its boundaries.

Mr. President, when once the amendment of the Senator from Mississippi is adopted there is no limitation to the power of Congress if it should be sustained by the courts. He enters the domains of States and declares that certain laws are obstructions to commerce, and forbids them by penal statutes; declares them illegal and void. I now appeal to the Senator from Mississippi whether Congress has the power to enter the State of New York and declare void contracts made there, to be performed there, their subject-matter in that State, and the parties residents of the State?

If Congress has the power to declare those contracts void, to impose penalties for making them, why can not Congress grasp the jurisdiction to administer contracts and to enforce them? Why can not Congress take jurisdiction of all contracts in respect to property or the kind of property which may be or is the subject of interstate commerce or may have been at some time in interstate trade to enforce them? If we may declare contracts illegal and void, and impose penalties for their making, why can not Congress go one step farther and declare that the national courts shall enforce them?

The result follows that every contract in respect to all the property of the kind which may be the subject of interstate commerce may be made subject to the jurisdiction of the national courts to pass upon their validity to enforce them, for certainly Congress has the power to declare their validity and provide for their inforcement, if it has the power to declare their invalidity and punish the parties to them.

Mr. President, I have but little to add to the discussion of this question, and I must allude briefly to that which has been stated here in the way of argument in favor of the bill and of the amendment offered by the Senator from Mississippi. I think we have been told that in the city of New York there is reared a costly and expensive building that is devoted to trade in cotton.

Ten thousand dollars are required as an admission fee to membership in the organization that own the building. They have their rules and regulations that no one shall trade there but members of the association. They have their rules and regulations that no cotton shall be sold there that is not inspected by their agents. They have a rule, I think, that no cotton shall be sold there except it is warehoused in one of the places indicated by them.

Is all that, sir, a reason for the adoption of the amendment or the proposed legislation? The Senator from Mississippi may organize another company in the city of New York precisely like the one he refers to and enter into competition with it. It has no exclusive privileges. It is a private corporation; it is not public. It is an expensive corporation to administer, and under the by-laws which it has adopted in respect to the cotton which is to be sold there, regulating where it shall be stored, how it shall be graded, the cotton bought and sold in that exchange has an indorsement in respect to its quality, its texture, its value the world over which is unchallenged wherever it is offered in the markets of the world. It has its committee of experts, men who are devoted to the various investigations essential to the business. It extends its investigations to the amount of cotton which is to be produced in the United States and in the world in any one year. More than that, it makes investigations in respect to the improvement and protection of the cotton crop. All these matters are included within its operations.

This private corporation chooses to say that the Senator from Mississippi can not go in there and market his cotton, but must do it through one of the members of the exchange. An insurance company exercises certain rights and privileges in respect to the manner of conducting its business which may not be invaded by those from the outside.

Bankers do the same, and merchants, railroad companies, and all corporations; and is that any reason why this proposed law should be passed? If this were the place and the time, it might easily be demonstrated that in reference to fixing the quality of cotton which goes upon the market, investigating the amount of cotton to go upon the market, guaranteeing the quality of cotton which is sold, that the corporation which is inveighed against here is a great public benefactor; and simply because it is wealthy, that it costs $10,000 to be admitted to it, that it has a large and expensive place of business, days have been spent in dwelling upon the supposition that for those reasons either the House bill or the George amendment should be adopted!

Mr. President, I am one of those who believe that this class of legislation will be vicious in its effects, and I may allude to what I have said before on this subject. This bill if it should be crystallized into law would become the basis of the most gigantic trust that has ever existed in the United States. I believe that when you give the power to Federal officers to place upon their books the private transactions of individuals and so arrange it that by an examination of their books you may discover where the grains are and where the cotton is, how much there is (and all of this is not only possible but probable under the bill), you place it in the power of a limited amount of capital comparatively to control all the property and render it subject to sale and delivery at the option of a few men. The producers will not get the benefit of it.

Corners in the market will control—I do not desire to have it understood that I charge or insinuate that that is the purpose of the promoters of the bill. I do say, however, that so far as the prices of grain and of cotton are concerned I would as soon leave it to be effected by men who bet upon it as to put it in the power of the warehousemen and of the elevator men to combine and control the market.

In my judgment the farmers are far safer, prices are much less liable to fluctuations and are likely to be fairer with open trading, without the inspection of Government officials, without the imposition of taxes upon certain forms of contracts, without penal statutes aimed against certain dealers or against certain contracts, in a free open market, even if there is some gambling, than to place it in the power of a few men with their capital to control the agricultural products which are enumerated in the bill.

The PRESIDING OFFICER (Mr. FAULKNER in the chair). The pending question is on the amendment of the Senator from Wisconsin [Mr. VILAS] to the amendment of the Senator from Mississippi [Mr. GEORGE].

Mr. PLATT. I do not suppose it is intended to take any vote upon the amendments to-day?

Mr. VILAS. It was agreed that no vote should be taken before Tuesday.

Mr. WASHBURN. Final action on the bill and all amendments it was agreed should go over until Tuesday.

Mr. PLATT. I wish to call up the bill for the ratification of the Cherokee agreement.

Mr. WASHBURN. Then let the antioption bill be temporarily laid aside.

Mr. PLATT. I ask that the pending bill be laid temporarily aside so that the Senate may proceed to the consideration of the Cherokee bill.

The PRESIDING OFFICER. The Senator from Connecticut asks unanimous consent that the bill now before the Senate be temporarily laid aside, without losing its place as the unfinished business, and that the Senate proceed to the consideration of the bill (S. 2870) to ratify and confirm an agreement with the Cherokee Nation of Indians, of the Indian Territory, to make appropriation for carrying out the same, and for other purposes. Is

there objection to the request of the Senator from Connecticut? The Chair hears none, and it is agreed to.

Mr. PLATT. I ought to state that the Senator from South Carolina [Mr. BUTLER], who wishes to move an amendment to the bill, was obliged to leave the Chamber this afternoon, and I do not think we ought to dispose of the matter under the circumstances. But I understand the Senator from Kansas [Mr. PERKINS] desires to make some observations upon the bill, and perhaps we might go on with it for a while. It is somewhat late in the afternoon to be sure, and I suppose many Senators have gone away not expecting that this bill would come up, but I wish to avail myself of every moment's time in the Senate that I can to press it forward to a conclusion. If the Senator from Kansas is ready to go on now he might do so.

Mr. BLACKBURN. It is evident that there is not a quorum present, and as we are to transact business, I ask for a call of the Senate.

The PRESIDING OFFICER. The Secretary will call the roll, the Senator from Kentucky having suggested the want of a quorum.

The Secretary called the roll, and the following Senators answered to their names:

Blackburn,	Frye,	Mitchell,	Stewart,
Call.	Gorman,	Morgan,	Teller,
Carey.	Harris,	Pasco,	Vest,
Chandler,	Hawley,	Peffer,	Vilas,
Coke.	Hiscock,	Perkins,	Washburn,
Cullom.	Hoar.	Platt,	Wilson.
Dixon.	Jones, Ark.	Pugh,	
Dubois,	Kyle,	Sawyer,	
Faulkner,	Manderson,	Shoup,	

Mr. TELLER. I wish to state that my colleague [Mr. WOLCOTT] is detained from the Senate by sickness.

Mr. MANDERSON. It must be quite evident that no quorum of the Senate can be had at this late hour of the afternoon, and I move that the Senate adjourn.

The PRESIDING OFFICER. The Chair will announce that 33 Senators have answered to their names.

Mr. ALLISON, Mr. COCKRELL, Mr. DAWES, and Mr. POWER entered the Chamber.

Mr. MANDERSON. I withdraw the motion for the present, in order that the Senators who have just come in may answer to their names.

Mr. ALLISON, Mr. COCKRELL, Mr. DAWES, and Mr. POWER responded to their names.

Mr. HARRIS. How many Senators have now answered to their names?

The PRESIDING OFFICER. Thirty-seven.

Mr. MANDERSON. I renew my motion.

The PRESIDING OFFICER. The Senator from Nebraska moves that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 43 minutes p. m.) the Senate adjourned until to-morrow, Friday, January 27, 1893, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

THURSDAY, *January 26, 1893.*

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

THE JOURNAL.

The Clerk proceeded to read the Journal of yesterday.

The SPEAKER. If there be no objection the Journal as read will be approved.

Mr. KILGORE. Mr. Speaker, I insist that the Clerk has not read the Journal as the proceedings appear. I must demand the reading of the Journal.

Mr. REED. That is right.

The SPEAKER. The Clerk will read the parts of the Journal omitted.

Mr. KILGORE. On yesterday I wanted to go into Committee of the Whole for the consideration of an appropriation bill, and the leading members of the Committee on Appropriations opposed it. They were not anxious to go into it yesterday, but to-day they are clamoring for it. [Cries of "Regular order!"]

Mr. DOCKERY. I beg to say that the gentleman is mistaken as to my opposing it. I am not, however, a "leading member."

Mr. KILGORE. The gentleman is an exception.

The Clerk proceeded to read the roll calls of the proceedings of yesterday.

Mr. KILGORE (interrupting the reading). Mr. Speaker, I withdraw the demand for the reading of the entire Journal. They can go along with the appropriation bill to-day if they want to. They did not want to go on with it yesterday.

The SPEAKER. If there be no objection, the Journal as read will be approved. [After a pause.] The Chair hears none, and it so ordered.

COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA.

The SPEAKER laid before the House the bill (H. R. 10010) establishing a court of appeals for the District of Columbia, and for other purposes, with a Senate amendment.

The SPEAKER. The Chair will state to the House that this is a House bill amended by the Senate. The Senate asks for a conference on the disagreeing votes of the two Houses.

Mr. MCMILLIN. What is the title of the bill? I did not hear it.

The title was again reported.

Mr. OATES. Mr. Speaker, I ask that the House nonconcur in the Senate amendment and agree to the request for a conference.

The SPEAKER. Without objection that order will be made.

There was no objection, and it was so ordered.

The SPEAKER. The Chair will announce the appointment as conferees on the part of the House of Mr. CULBERSON, Mr. OATES, and Mr. EZRA B. TAYLOR.

REPORT OF COMMISSIONERS OF THE UNITED STATES TO THE PARIS EXPOSITION.

The SPEAKER laid before the House the following Senate resolution; which was read, and referred to the Committee on Printing:

Resolved, etc., That in addition to the usual number there shall be printed 5,500 extra copies of the reports of the commissioners of the United States to the Paris Exposition of 1889, 1,500 copies for the use of the Senate, 3,000 copies for the use of the House, and 1,000 copies for the use of the Department of State.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. HARE, for ten days, on account of important business.

To Mr. MEREDITH, for four days, on account of death of his father.

To Mr. SNODGRASS, for one day, on account of sickness.

ORGANIZATION OF THE EXECUTIVE DEPARTMENTS.

Mr. MCMILLIN. Mr. Speaker, I am instructed by the Committee on Rules to report back the resolution which I send to the Clerk's desk with an amended resolution which the Clerk will also report. I ask him first to report the resolution introduced by the gentleman from Missouri [Mr. DOCKERY].

The Clerk read as follows:

Resolved, That a commission consisting of five members-elect to the House of Representatives of the Fifty-third Congress, to be appointed by the Speaker of the House of Representatives of the Fifty-second Congress, shall, prior to the first Monday of December next, inquire into and examine the status of the laws organizing the Executive Departments, bureaus, divisions, and other Government establishments at the national capital; the rules, regulations, and methods for the conduct of the same; the time and attention devoted to the operations thereof by the persons employed therein, and the degree of efficiency of all such employés; whether any modification of these laws can be made to secure greater efficiency and economy; and whether a reduction in the number or compensation of the persons authorized to be employed in said Executive Departments or bureaus can be made without injury to the public service. Said commission, or any subcommittee thereof, shall have power to send for persons and papers, and may report, by bill or otherwise, to the Fifty-third Congress. All necessary expenses of said commission shall be paid out of the appropriation for the miscellaneous items for the contingent fund of the House of Representatives, upon vouchers to be approved by the chairman of said commission.

Mr. MCMILLIN. The Clerk will now report the amended resolution submitted by the Committee on Rules.

The Clerk read as follows:

Resolved, That the resolution of Mr. DOCKERY be, and the same is hereby, referred to the Committee on Appropriations, and said committee is hereby authorized to insert in one of the general appropriation bills a provision authorizing the creation of a commission for the purpose indicated in said resolution.

Mr. MCMILLIN. I demand the previous question on the adoption of the resolution.

The previous question was ordered; and under the operation thereof the resolution was agreed to.

ORDER OF BUSINESS.

The SPEAKER. The Clerk will now proceed to call the standing and select committee for reports.

Mr. PEEL. Mr. Speaker, in order to save time I ask that the call of committees for reports be dispensed with, and that members having reports to make may hand them in to the Clerk.

The SPEAKER. The gentleman from Arkansas asks unanimous consent that the call of committees for reports be dispensed with, and that members having reports to make may be permitted to hand them to the Clerk. Is there objection?

Mr. TRACEY. I object, Mr. Speaker.

CLAIM OF WILLIAM M'GARRAHAN.

Mr. SMITH of Arizona, from the Committee on Mines and Mining, reported back, with a favorable recommendation, a bill (H. R. 10268) to submit to the Court of Private Land Claims, es-

tablished by an act of Congress approved March 3, 1891, the title of William McGarrahan to the Rancho Panoche Grande, in the State of California, and for other purposes; which was referred to the Private Calendar, and, with the accompanying report, ordered to be printed.

The call was completed.

FORT BRIDGER RESERVATION.

Mr. McRAE. Mr. Speaker, I desire to present a privileged report from the Committee on Public Lands, viz, the bill which I send to the desk.

The bill was read, as follows:

Be it enacted, etc., That all public lands now remaining undisposed within the abandoned military reservation in the State of Wyoming known as the Fort Bridger military reservation, are hereby made subject to disposal under the homestead law only: *Provided*, That actual occupants thereon upon the 1st day of July, 1892, shall have the preference right to make one entry not exceeding one quarter section under existing laws if qualified, which shall include their respective improvements: *Provided further*, That any of such lands as are occupied for town-site purposes and any of the lands that may be shown to be valuable for coal or minerals shall be disposed of as now provided for lands subject to entry and sale under the town-site, coal, or mineral land laws, respectively.

Mr. BURROWS. Mr. Speaker, how is that privileged?

The SPEAKER. The Chair is not informed.

Mr. McRAE. It is.

Mr. BURROWS. I understood the gentleman to present it as a privileged report.

Mr. McRAE. Under the rules of the House bills of this sort, opening reservations, have been uniformly held to be privileged.

Mr. BURROWS. In so far as it is a land-forfeiture bill it would be privileged, but in other respects——

Mr. McRAE. The committee has other privileges besides those attaching to land-forfeiture bills.

Mr. OUTHWAITE. This is a land-give-away bill instead of a land-forfeiture bill.

Mr. McRAE. During the last Congress and, I think, in prior Congresses such bills have been held to be privileged under Rule XI. paragraph 51.

Mr. OUTHWAITE. Mr. Speaker, I ask to have the bill read again, so that we may understand distinctly its provisions.

The SPEAKER. The Clerk will first report the rule applicable to the matter.

The Clerk read as follows:

Rule XI. paragraph 51. The following named committees shall have leave to report at any time on the matters herein stated, viz: * * * The Committee on Public Lands, bills for the forfeiture of land grants to railroads and other corporations, bills preventing speculation in the public lands, and bills for the reservation of the public lands for the benefit of actual and bona fide settlers.

The SPEAKER. The Clerk will again report the bill.

The bill was again read.

Mr. DINGLEY. Mr. Speaker, this seems to be a bill for the opening up of a military reservation. Does the Chair hold that the disposition of that kind of a reservation would come within the meaning of the rule?

The SPEAKER. The Chair will hear the gentleman from Arkansas [Mr. McRAE] on that point.

Mr. McRAE. Mr. Speaker, I am not prepared just now to cite the decisions. They have been so uniform, so far as I remember heretofore, that I did not think it necessary to collect them. I remember that during the last Congress, upon a bill for the opening of a like reservation in the State of Montana, it was decided to be privileged under this rule. It can not mean anything else.

Mr. DINGLEY. A military reservation?

Mr. McRAE. Certainly, any kind of a reservation sought to be opened to actual settlers and reserved from speculators. This is not now a military reservation. It is an abandoned military reservation which is now a part of the public domain and subject to sale. This bill seeks to open the reservation to settlement under the homestead law and thus prevent it from being sold to speculators, and, under the clause of the rule just read by the Clerk, I think clearly privileged. So far as I am concerned I am perfectly indifferent about this particular reservation, but it is a matter of privilege and I insist upon it as such. I can not undertake just now to refer to the Journal or the RECORD containing the precedents, but I know that such has been the practice in reference to bills for the opening of reservations of this kind.

The SPEAKER. The Chair would suggest to the gentleman from Arkansas that decisions ought to be cited, because the rule, as the Chair understands it, grants to the Committee on Public Lands the right to report at any time certain matters, amongst others, "bills for the reservation of the public lands for the benefit of actual and bona fide settlers"——

Mr. McRAE. That is what this bill is. These lands are now subject to sale and actual settlers can not enter them. This bill proposes to prevent the sale and reserve them for entry under the homestead law only as far as applicable.

The SPEAKER. The lands are now subject to sale?

Mr. McRAE. Yes, sir.

The SPEAKER. What does the gentleman from Ohio say to that?

Mr. OUTHWAITE. The lands are, subject to sale under an act passed in 1884, July 5, I think, providing that abandoned military reservations should, under the directions of the Secretary of the Interior, be surveyed, platted, and sold to the highest bidder, and this bill, as I understand it, makes a similar provision with regard to the town sites and with regard to the subdivision of this land. Is not one of the provisions of this bill very much like that of the law to which I have alluded? I do not think that the term "reservation" as used in the rule applies to land which has been already reserved for military purposes and has been abandoned as a military reservation and transferred to the Interior Department under a general law providing for the manner in which such lands shall be disposed of.

I think that the term "reservation" applies to such portions of the public domain as have never been withdrawn from it, never appropriated to any other uses.

Mr. McRAE. The gentleman will allow me to say that it applies to all the public domain, and does not exclude abandoned military reservations. Hence, any measure which seeks to reserve lands now subject to sale or other disposition and not subject to homestead for the benefit of actual settlers is, as I understand it, privileged under this rule. All bills looking in that direction have been heretofore held to be privileged.

Mr. OUTHWAITE. There is another objection to this bill which takes it out of the clause of the rule just read by the Speaker. It actually donates the right of homestead to those persons who in violation of law have gone upon this land and settled there. There is a provision of existing law that no person shall be permitted to take advantage of settlement upon an abandoned military reservation after the date of the act containing that provision. This bill proposes to extend the date to the 1st of January, 1892. In other words, any person who may have gone upon this reservation in the face of the prohibition of the law, up to the 1st of January, 1892, is allowed to take advantage of such settlement. This is not a bill reserving land to homestead entry in the proper sense of the terms.

The SPEAKER. The Chair would like to examine the law to which reference has been made in this discussion; and he trusts it may be agreeable to the gentleman from Arkansas to allow this question to go over until to-morrow morning so as to allow such an examination.

Mr. McRAE. I have no objection to that course.

The SPEAKER. The gentleman from Arkansas withholds the report until to-morrow morning.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. DOCKERY, from the Committee on Appropriations, reported a bill (H. R. 10331) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1894, and for other purposes; which was read a first and second time, referred to the Committee of the Whole on the state of the Union, and, with the accompanying report, ordered to be printed.

MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was communicated to the House by Mr. PRUDEN, one of his secretaries, who also announced that the President had approved and signed bills and joint resolutions of the following titles:

On January 13, 1893:

Joint resolution (H. Res. 166) to authorize the Secretary of the Treasury to cover back into the Treasury $48,800 of the appropriation to Choctaw and Chickasaw Indians.

On January 23, 1893:

An act (H. R. 9824) to amend "An act to promote the construction of a safe deep-water harbor on the coast of Texas," approved February 9, 1891;

An act (H. R. 4844) to authorize the Secretary of War to convey to school district numbered 12, of Kittery, Me., a portion of Fort McClary military reservation, in exchange for other lands; and

An act (H. R. 3676) for the relief of R. L. Jennings, late postmaster at Marshall, Tex.

On January 26, 1893:

An act (H. R. 10015) to authorize the construction of bridges across the Hiawassee, the Tennessee, and the Clinch Rivers, in the State of Tennessee; and

An act (H. R. 6969) for the relief of Elisha Brown.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. HOLMAN. I move that the House resolve itself into Committee of the Whole on the state of the Union for the further consideration of general appropriation bills.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole (Mr. LESTER of Georgia in the chair) and resumed the

consideration of the bill (H. R. 10238) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1894, and for other purposes.

The pending paragraph was the following:

Fuel, lights, and water for public buildings: For fuel, lights, water, electric-light plants, including repairs thereto, in such buildings as may be designated by the Secretary of the Treasury for electric-light wiring, and miscellaneous items required by the janitors and firemen in the proper care of the buildings, furniture, and heating apparatus, exclusive of personal services, for all public buildings, marine hospitals included, under the control of the Treasury Department, inclusive of new buildings, $800,000; and the appropriation herein made for gas in any of the public buildings in the District of Columbia, under the control of the Treasury Department, shall include the rental or use of any gas governor, gas purifier, or other device for reducing the expenses of gas, when first approved by the Secretary of the Treasury and ordered by him in writing: *Provided*, That no sum shall be paid for such rental or use of such gas governor, gas purifier, or device greater than the one-half part of the amount of money actually saved thereby.

The CHAIRMAN. The Clerk will read the pending amendment, which was offered by the gentleman from Illinois [Mr. TAYLOR].

The Clerk read as follows:

On page 38, in lines 4 and 5, strike out "$800,000," and insert the following: "$850,000, and that $50,000 of said amount shall be used for repair and extension of the custom-house in Chicago, Ill."

Mr. HOLMAN. On this amendment, as will be remembered, a point of order was reserved. The amendment is not germane to the pending paragraph in any event; for the paragraph makes appropriation for fuel, lights, and water for public buildings, while the amendment proposes to appropriate money for repairs.

The gentleman from Illinois will find that on page 2 of the bill the subject of repairs of public buildings is provided for; and I suggest to him that if this item for repairs of the public building at Chicago is to go in at all it should be attached to that paragraph. I will say further to the gentleman that when the bill is otherwise finished I will not object to his going back to the provision in regard to repairs of public buildings, with the understanding, however, that I shall have the right to make a point of order upon the amendment.

The CHAIRMAN. The Chair has been unable to hear the gentleman.

Mr. TAYLOR of Illinois. I have no objection to the suggestion of the chairman of the committee [Mr. HOLMAN]. I will accept that suggestion, the understanding being that I shall have the opportunity when we get through the bill to recur to the paragraph he has indicated and offer my amendment.

The CHAIRMAN. The Chair did not understand the gentleman from Indiana.

Mr. HOLMAN. I raised the question whether this amendment was germane to the pending paragraph, but I said to the gentleman from Illinois that if he thought proper to withhold the amendment until we have gone through the bill I would not object to his going back to the provision in regard to repairs of public buildings, to which this amendment is germane, with the understanding, however, that I shall have the right to make a point of order on the amendment.

The CHAIRMAN. Unanimous consent is asked that when the Committee of the Whole has gone through the bill we may go back to the paragraph on page 2——

Mr. SAYERS. Beginning with line 21.

The CHAIRMAN. Is there objection? The Chair hears none. The Clerk will proceed with the reading.

Mr. OUTHWAITE. I move to add to the pending paragraph the following:

Provided, That not more than 75 cents per thousand feet shall be paid for the gas used in the Government buildings in the District.

Mr. Chairman——

Mr. HOLMAN. That is all right.

Mr. OUTHWAITE. I suppose there will be no objection, then, to this amendment. [Cries of "Vote!" "Vote!"]

Mr. OUTHWAITE. As the chairman of the committee says this is "all right," I do not wish to discuss anything in the direction of economy which he pronounces right.

The question being taken on the amendment of Mr. OUTHWAITE, it was agreed to.

The Clerk read as follows:

Enforcement of the Chinese exclusion act: To prevent unlawful entry of Chinese into the United States by the appointment of suitable officers to enforce the laws in relation thereto, and for expenses of returning to China all Chinese persons found to be unlawfully in the United States, including the cost of imprisonment and actual expense of conveyance of Chinese persons to the frontier or seaboard for deportation, and for enforcing the provisions of the act approved May 5, 1892, entitled "An act to prohibit the coming of Chinese persons into the United States," $50,000, together with the unexpended balance of the appropriation for this object for the fiscal year 1893.

Mr. LOUD. Mr. Chairman, I offer the amendment I send to the desk.

The Clerk read as follows:

Strike out, in line 11, page 40, the word "fifty" and insert "five hundred;" so that it will read "$500,000."

Mr. LOUD. Mr. Chairman, I do not desire to delay the passage of this appropriation bill; and judging from past experience in this House I have little reason to believe that the amendment proposed, notwithstanding its importance, will receive the sanction of this body. But as a Representative from the State of California I can not help, in response to a sentiment of duty, at this time to enter my feeble protest against the proposition contained in this bill of endeavoring to nullify a law which was placed on the statute books, I presume, in good faith.

A law was passed at the last session of this Congress providing for the registration of Chinese, which up to this time has been inoperative; and it is safe to assume that the Chinese do not contemplate obeying the law enacted by the Congress of the United States. Then the only alternative left to the Government is to export these Chinamen, under the law, to the country from which they came. Now, there are in this country from one hundred to one hundred and sixty thousand of these Chinese. Any person can compute approximately how much it will cost to carry into execution the law of imprisoning and transporting them back to their own country——

Mr. BLOUNT. How much does the gentleman estimate it would cost?

Mr. LOUD. I would give, as a guess, $2,000,000. That, I think, is a fair estimate. But the law provides, the gentleman will observe, first for the imprisonment or punishment; and I think that the sum of $500,000, possibly, will carry us along until we can meet the balance that will become due at the next session of Congress.

This Congress has held out hopes to the people of the Pacific coast, and they carried the great State of California for the Democratic party largely on that issue. They have led these people up to within sight of the promised land; and now I do not believe, sir, that as a great party they can afford in the face of the condition of affairs that exists in that part of the country, to seek, in an appropriation bill, to nullify a law which, as I have said, was placed upon the statute books presumably in good faith.

I ask a vote on the amendment.

Mr. HOLMAN. Mr. Chairman, I hope the committee will not increase the amount.

The question was taken on the amendment of Mr. LOUD; and the Chairman announced that in his judgment the "noes" seemed to prevail.

Mr. LOUD. Mr. Chairman, I call for a division. I want to see how many members of this body are in favor of complying with the law.

The question was taken; and on a division there were—ayes 11, noes 97.

So the amendment was rejected.

The Clerk read as follows:

PREVENTION OF EPIDEMICS.

The President of the United States is hereby authorized, in case of threatened or actual epidemic of cholera, yellow fever, or smallpox, to use the unexpended balance of the sums appropriated and reappropriated by the sundry civil appropriation act approved August 5, 1892, or so much thereof as may be necessary, in aid of State and local boards, or otherwise, in his discretion, in preventing and suppressing the spread of the same; and the additional sum of $350,000 is hereby appropriated for the same, to be immediately available.

Mr. SAYERS. I have certain amendments to offer to this provision.

The CHAIRMAN. The Clerk will read the amendments.

Mr. HOLMAN. I hope my friend from Texas will withhold these amendments until we get through with the bill. I will then consent that we may go back to this paragraph with the understanding that the point of order is reserved.

Mr. SAYERS. Just allow the amendments to be pending.

Mr. BLOUNT. I ask that the amendments be read.

The Clerk read as follows:

On page 41, after line 17, insert:

"DEPARTMENT OF STATE.

"To enable the President to defray the United States share of the expenses and salaries of a joint commission to determine the questions affecting the water boundary between the United States and Mexico as provided for by the treaty of March 1, 1889, $25,000.

"For the United States moiety of the cost of marking the boundary line between the United States and Canada in Passamaquoddy Bay, opposite and adjacent to Eastport, Me., and for the compensation and expenses of a commission on the part of the United States, as provided for by the convention of July 22, 1892, with Great Britain, $5,000.

"To meet the share of the United States in annual expenses for the year ending April 1, 1894, of sustaining the international bureau at Brussels for the translation and publication of customs tariffs, $1,318.76."

Mr. HOLMAN. Now I suggest to the gentleman from Georgia that this paragraph, with the pending amendments, go over, to be recurred to after the bill is completed, with the point of order reserved. I want to look into these statutes, as I think the matter belongs to the Committee on Foreign Affairs.

Mr. BLOUNT. This matter was up the other day, and the gentleman then wanted to look at the statutes. I suppose he has had no chance to do so.

Mr. HOLMAN. I have not.

Mr. BLOUNT. And I am willing to indulge him, with the understanding that there is no question raised as to the propriety of offering the amendments.

Mr. HOLMAN. They are pending, subject of course to the point of order.

Mr. BLOUNT. I am satisfied with that arrangement if the gentleman from Texas is.

Mr. SAYERS. I am satisfied with it.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The Clerk read as follows:

Lighting the Capitol and grounds: For lighting the Capitol and grounds about the same, including the Botanic Garden, and the Senate and House stables; for gas and electric lighting; for use of electric lighting plants in Senate and House wings at not exceeding $200 per month during the sessions of Congress; pay of superintendent of meters, lamplighters, gas-fitters, and for materials and labor for gas and electric lighting, and for general repairs, $24,000.

Mr. BINGHAM. Mr. Chairman, I offer the amendment which I send to the Clerk's desk, to be inserted after line 14.

The amendment was read, as follows:

For purchase of the electric-lighting plant of the House wing and for repairs and extensions of the same to meet the present requirements of the service, 15,392.62.

Mr. BINGHAM. Mr. Chairman, I merely desire to state that, inasmuch as the whole character of this bill is in the line of economy, it should be consistent. The Architect of the Capitol went before the subcommittee and gave this testimony with reference to the electric lighting of the House:

Mr. SAYERS. For "Lighting the Capitol Grounds" you have asked for $24,000 each year ever since 1889.

Mr. CLARK. We can not get along without that.

Mr. SAYERS. Here is new language: "For electric lighting plant for House and Senate."

Mr. CLARK. These electric lighting plants are now private property. They have proved satisfactory, and we propose to purchase them. The price is reasonable.

Mr. SAYERS. You think it is in the interest of the public service to make these purchases?

Mr. CLARK. Yes, sir.

In March, 1887, permission was granted to the Sawyer-Man Electric Company (since consolidated with the Westinghouse Electric Company) to introduce an electric light plant, complete in every way, in the House wing of the Capitol, without any expense to the Government, such permission not to be in any way construed as obligating the Government to purchase the plant, but giving the Government an option to purchase the same for the sum of $10,392.62. This original plant included a 300-light dynamo with lamps, sockets, wiring, fixtures, etc., one 75 horse-power boiler and one standard 75 horse-power Westinghouse engine. The use of this plant was enjoyed by the Government without any compensation whatever, from 1887 to the beginning of the Fifty-first Congress.

The sundry civil bill, approved August 30, 1890, authorized the Architect of the Capitol to pay out of any unexpended balances for lighting the Capitol building a sum not to exceed $200 per month for the use of the electric-light plants in the House and Senate wings, from the beginning of the first session of the Fifty-first Congress to June 30, 1890, and at the same rate during the fiscal year 1891 when the plants were used. Like provision has been made in subsequent acts and is operative at present. The amount paid for such rental from time authorized (beginning of Fifty-first Congress, December 2, 1889) to December 31, 1892, is $4,600—twenty-three months at $200, which does not include the cost of engineer and labor services, coal, etc., which is paid by the Government. The cost of gas for the same number of lights would probably have been as much or more, to say nothing of the comfort and superiority of the electric lights.

The original 300-hundred light plant in the House wing has been increased to one of 750-light capacity, the difference in price only being charged for and credit given for the smaller machine returned. The House plant is now running 600 lights (all it will bear and no further additions possible), and the Senate plant 800 lights, so that the monthly rental of $200 is about equally chargeable to each wing.

The Architect of the Capitol, in his last annual report, says upon the subject:

The electric lighting has been extended to several additional rooms, including the law library. As the Government is paying rent for these plants—$200 per month during the sessions of Congress—I unhesitatingly advise their purchase by the Government, when the Senate plant shall have been changed from the alternating to the direct system, as has been recommended by the Committee on Rules of the Senate, which made some investigations into the subject of electric lighting. An additional dynamo and engine will be required for the House wing, for use in case of any disarrangement of the present dynamo and engine, now working to their fullest capacity. As fires have frequently occurred in the folding and store rooms, which have been attributed to inflammable matter being piled dangerously near the gas jets, a 100-light dynamo and 25 horse-power engine have been placed in the House wing, for special use of the folding and document room, near and under the old Hall of Representatives, as a further safeguard against loss by fire. This was done in compliance with a resolution of the House of Representatives, and paid for out of the contingent fund of the House.

Let the House make provision for the purchase of its own plant as recommended and estimated for, and stop paying rent, which is not in the line of economy.

The item estimated for the purchase of the Senate plant can be left to be acted on by the Senate when the bill is under consideration there, as all the details relating to that plant are familiar to members of that body.

The House plant could not be replaced for the sum asked for, nor does that sum represent its cost to the company. This plant is of the "direct" system and is entirely satisfactory. The $5,000 asked for repairs and extension of the present plant should be granted, for, as stated by the Architect, there is no reserve force in case of any accident to the present dynamo and engine now working to their fullest capacity. With $15,000 appropriated the plant could be paid for and extensions made to meet constant demands for additional lights.

I therefore submit the amendment, indorsed as it is and recommended by the Architect of the Capitol, and it is in thorough accord with the spirit of the chairman of the committee [Mr. HOLMAN] in reporting this bill, which is certainly framed in the line of economy.

Mr. HOLMAN. Mr. Chairman, I think that sooner or later it will be proper to purchase both the Senate and House electric-lighting plants. As the gentleman from Pennsylvania [Mr. BINGHAM] has said, we are now renting them at $100 a month each——

Mr. BINGHAM. Two hundred dollars a month.

Mr. HOLMAN. One hundred dollars a month for the House and $100 a month for the Senate, during the sessions of Congress. I think that for the present the existing arrangement should be allowed to stand. This is a matter that can be postponed, and I hope my friend will not press it now.

Mr. KEM. Let the amendment be reported again.

The amendment was again read.

Mr. HOLMAN. It will be seen that we will have to appropriate $30,000 at this session if that provision is adopted, because the same provision would have to apply to the Senate. It seems to me that for the present we had better pay the $200 a month rent while Congress is in session, than to make the expenditure at this time. Ultimately of course we will purchase these plants.

The amendment proposed by Mr. BINGHAM was rejected.

The Clerk read as follows:

Depredations on public timber, protecting public lands, and settlement of claims for swamp lands and swamp-land indemnity: The Commissioner of the General Land Office, with the approval of the Secretary of the Interior, is authorized, during the fiscal year 1894, to detail from time to time clerks in his office for protecting timber on the public lands, and for the more efficient execution of the law and rules relating to the cutting thereof; of protecting public lands from illegal and fraudulent entry or appropriation, and of adjusting claims for swamp lands and indemnity for swamp lands, and for per diem subject to such rules and restrictions as the Secretary of the Interior may prescribe, in lieu of subsistence of clerks so detailed, at a rate not exceeding $3 per day each and actual necessary expenses for transportation, $40,000 is hereby appropriated, and the Commissioner of the General Land Office shall submit in his annual report a detailed statement of the expenditure under this provision.

Mr. HOLMAN. I wish to offer a substitute for that section.

Mr. McRAE. Before the substitute offered by the gentleman from Indiana [Mr. HOLMAN] is read, I desire to propose an amendment to the original text.

The CHAIRMAN. The gentleman from Arkansas [Mr. McRAE] will send up his amendment, which will be reported by the Clerk.

The Clerk read as follows:

Strike out the following words in lines 15 and 16:
"Detail from time to time clerks in his office" and insert in lieu thereof "appoint 23 inspectors at not exceeding $1,200 each."

Mr. DINGLEY. I reserve the point of order against that amendment. As I understood it from the reading it is new legislation, and increases the number.

Mr. McRAE. Does the gentleman from Maine [Mr. DINGLEY] make the point of order against the paragraph reported by the committee?

Mr. DINGLEY. I make the point of order against the amendment.

The CHAIRMAN. Will the gentleman state his point?

Mr. DINGLEY. I will reserve the point until I can hear a statement about it.

Mr. McRAE. Mr. Chairman, the question as to whether the original section reported by the committee is in order I desire to reserve. Under the rule, I am inclined to think it is not. Passing that point, the amendment I suggest seeks to authorize the Commissioner of the General Land Office to appoint twenty-three inspectors, instead of detailing clerks from his office. In other words, it authorizes the appointment for this special purpose of the number of inspectors that the sum appropriated would

pay for, at the same salary such inspectors are now receiving. This legislation proposed by the committee, as I understand it, is aimed to change existing law. These investigations are now made by inspectors, not by clerks detailed.

The purpose of this amendment is to continue the employment of the inspectors now authorized by law, and to allow the Land Office to retain in the office the force they have. These clerks are specially qualified to perform the duties they now perform, were selected for that purpose, and have experience in that direction. To detail them from the Land Office, as this amendment would require, would, I am advised by the Commissioner of the General Land Office, cripple his service, and put inexperienced men in the field. In this connection I will have read part of a letter from the Commissioner of the General Land Office to a member of the Committee on Appropriations, which will, I think, show clearly why the committee's proposition should not prevail. I trust the committee will not cripple the General Land Office in the important work committed to it.

The Clerk read as follows:

My recommendation to the honorable Committee on Appropriations, made on the 21st instant, was, in substance, that the force of special agents employed upon the necessary field work under the different classifications should not be less than 40—or a reduction of 50 per cent of the force in the current fiscal year.

But the provisions of the act making the required service to be performed by clerks detailed from the regular clerical force of this office can not be followed without serious detriment and injury to the proper transaction of the current work.

In view of the reductions in the clerical force which I have recommended, the working force of the office will only be able by the utmost diligence of those clerks who are retained to perform the vast amount of labor which will devolve upon them, and even were there no reduction contemplated in the clerical force, it would be impracticable to detail for the field a class of clerks who would make competent and efficient agents, such as the nature of the work absolutely requires, and to detail clerks of the second, third, or fourth class who might be competent for the field work, if they could be spared, would involve the Government in much greater expense than to appoint the requisite number of special agents at the present rate of compensation.

The sum to be appropriated by the bill in question is $40,000, for per diem in lieu of subsistence, and for the necessary expenses of transportation of the clerks detailed.

It has been found that the average monthly expenses under these items for each of the special agents employed in the past year is $148 per month, or about $1,775 per annum, and the sum proposed by the bill would suffice for the expenses of not more than twenty-three persons under detail, whereas, as hereinbefore stated, the service requires not less than forty persons, and the regular office work could not be properly done if it were depleted of its best clerks who are competent for the duty.

I desire to make representation to your committee of the great and serious detriment to the service that would result from the provisions of the bill in question, and earnestly urge that the same may be so modified and amended as to provide for the appointment as well as the subsistence and transportation of such number of special agents as may be found absolutely necessary for the public interests.

Mr. HOLMAN. Mr. Chairman, I shall address the Chair for a few moments while the point of order is pending. The effect of the act of March 3, 1891, which abolished the timber-culture law and the preëmption law, and confirmed a greater body of the entries of land which were made in former years and certain other provisions, has very much reduced the business of the Land Office, so that there is an unnecessary force in that office; and the bill as prepared provided for simply a detail of the employés of the General Land Office in lieu of agents, believing that there was a sufficient force in the Land Office to justify the details necessary to make the investigations which are required in regard to the depredations and swamp lands and fraudulent entries, and all that.

The matter of looking to the fraudulent entries and swamp lands is substantially provided for in the act of 1891. The plan as authorized in the bill provides for making appropriations for the details for the purpose of making these investigations that are necessary. The substitute which I have submitted, and which has been adopted by the Committee on Appropriations, provides simply this: that it authorizes not only the details, but also the appointment of agents as well, for which appropriation is made, the appropriations being $60,000, which is an increase of $20,000 over the amount in the original provision.

Mr. WILSON of Washington. Mr. Speaker, I desire to ask the gentleman a question. Does the gentleman think such a detail made by the General Land Office would not affect the disposition of the current business of that office? The gentleman knows that the great clamor is for the issuance of patents to claimants by that department.

Mr. HOLMAN. But that is going on rapidly.

Mr. WILSON of Washington. Does the gentleman think that he can take a detail out of the office of the Commissioner of the General Land Office without injuriously affecting the business?

Mr. HOLMAN. I think we could. And the very reason why this amendment is proposed, to make detail, is for the reason that the committee, in the preparation of the legislative bill, provides for a reduction of the force, on the recommendation of the Land Office, to the extent of 68 clerks, with salaries of a little over $81,000. That provision was adopted after this original provision had been adopted; so that the Committee on Appropriations thinks that it is entirely proper to increase materially the amount in this appropriation, and to provide for several agents as well as for details.

Mr. BLANCHARD. Mr. Chairman, I wish to ask the gentleman from Indiana a question. Do I understand the gentleman from Indiana to state that in the sundry civil bill no money whatever is provided for the employment of special agents of the General Land Office to look after timber depredations and fraudulent land entries? Is that correct?

Mr. HOLMAN. Oh, no. This substitute proposed not only applies to details but also to agents, and the appropriation is $60,000.

Mr. BLANCHARD. Mr. Chairman, I ask to have the amendment reported again; and thereafter I shall ask to be recognized for five minutes.

Mr. HEARD (to Mr. BLANCHARD). You mean the substitute offered by the gentleman from Indiana, and not the amendment offered by the gentleman from Arkansas [Mr. MCRAE]?

Mr. BLANCHARD. Yes.

The Clerk read the amendment of Mr. MCRAE.

Mr. HEARD. That is the amendment of the gentleman from Arkansas.

Mr. DINGLEY. I ask that the other amendment be read.

The substitute offered by Mr. HOLMAN was read, as follows:

Depredations on public timber, protecting public lands, and settlement of claims for swamp lands and swamp-land indemnity: To meet the expenses of protecting timber on the public lands and for the more efficient execution of the law and rules relating to the cutting thereof; of protecting public lands from illegal and fraudulent entry or appropriation, and of adjusting claims for swamp lands, and indemnity for swamp lands, $60,000: *Provided*, That agents and others employed under this appropriation shall receive salaries at not exceeding the rate of $1,000 per annum, and shall be allowed per diem, subject to such rules and regulations as the Secretary of the Interior may prescribe, in lieu of subsistence at a rate not exceeding $3 per day each and actual necessary expenses for transportation: *Provided further*, That the Commissioner of the General Land Office, with the approval of the Secretary of the Interior, is authorized during the fiscal year 1894, to detail from time to time clerks in his office for protecting timber on the public lands, and for the more efficient execution of the law and rules relating to the cutting thereof; of protecting public lands from illegal and fraudulent entry or appropriation, and of adjusting claims for swamp lands and indemnity for swamp lands, and per diem subject to such rules and restrictions as the Secretary of the Interior may prescribe, in lieu of subsistence of clerks so detailed, at a rate not exceeding $3 per day each and actual necessary expenses for transportation, shall be paid from the foregoing appropriation; and the Commissioner of the General Land Office shall submit in his annual report a detailed statement of the expenditures under this proviso.

Mr. DINGLEY. For what purpose is that being read?

The CHAIRMAN. That is the substitute proposed by the gentleman from Indiana.

Mr. DINGLEY. I reserve the point of order until I can know something about it. I reserve the points of order all around.

The CHAIRMAN. The gentleman has reserved them three times. [Laughter.]

Mr. BLANCHARD. Mr. Chairman, I understand from the gentleman from Indiana that the substitute offered by him in lieu of the paragraph on page 32 under the head of "Depredations on public timber," is substantially the law of the last session of Congress, with the appropriation reduced from about $80,000 to $60,000.

Mr. HOLMAN. No; from $120,000 to $60,000.

Mr. BLANCHARD. With the appropriation reduced from $120,000 to $60,000, I am informed by him.

Mr. Chairman, I wish to say here that this reduction of appropriations that are needed by the General Land Office to protect the public lands and the public timber is, in my judgment, of doubtful policy. I believe that the General Land Office should be provided with adequate funds to meet the expenses incident to the protection of the public domain.

Every gentleman who represents a Congressional district, as I do, in which there are large tracts of public lands knows the necessity for guardians of these lands, both in respect of preventing fraudulent land entries and depredations on the timber, and realizes that this constant reducing from year to year of the appropriations to provide for this service is not in the line of a sound public policy. For one, therefore, Mr. Chairman, I am opposed to the proposition of the gentlemen from Indiana, which reduces the amount appropriated for this purpose from $120,000, as it was fixed in the bill of the last session, to $60,000, and I send up an amendment proposing to make it as it was in the last bill, $120,000.

Mr. WILSON of Washington. If the gentleman will pardon a suggestion in the line of his thought, I will state that in the Fifty-first Congress the amount appropriated for this purpose was $240,000; then they cut it down to $120,000, and now they propose to cut it down to $60,000. We are all the time talking about protecting the timber on the public lands, but how can we

do it if we do not appropriate enough money to do it? The committee are making a continual cut from year to year.

Mr. BLANCHARD. Even with the $120,000 appropriated for this purpose in the last bill, I saw it stated in a newspaper some weeks ago that thirty of the fifty-nine special agents of the General Land Office had been retired because of the want of funds to pay them. Now, if we are going to maintain the public land system and preserve the public lands for bona fide homesteaders, we must prevent fraudulent land entries, and if we are going to protect the Government in its timber interests we must keep up this force of special agents of the General Land Office.

Mr. HEARD. I would suggest to the gentleman that I am advised that the estimate made by the General Land Office is for $120,000.

Mr. SMITH of Arizona. Mr. Chairman, I do not know much about the protection of the public timber in other States, but so far as the money expended for that purpose in the far West is concerned I do know something, and it strikes me that the committee has acted very wisely in reducing the amount of this appropriation. I have never seen a timber agent, I have never heard of one, who professed to have done $5 worth of actual good to the Government in this respect.

Mr. BOATNER. There is no timber in your country.

Mr. SMITH of Arizona. We have more than there is in the country from which the gentleman himself hails. We have the finest growth of timber in the world. Whenever I take the floor the gentleman always distracts me from the direct question and leads me off into some glowing description of Arizona. [Laughter.] There is more timber there than in the gentleman's own State.

Now, the timber agent goes out into that country and he finds a man cutting a few sticks of wood to make a fire to cook with, or he finds a poor Mexican cutting timber from the mountain side and bringing it down to sell to the people in the towns who can not get it otherwise than by importing it from another State, and he arrests those men, and the Government spends thousands of dollars for the prosecution, and the juries fail to convict, as they ought to fail, and the whole business, instead of doing the Government any good, only harasses those poor people. Therefore, I repeat, that I think the committee were quite wise in reducing the amount of this appropriation, and if they will reduce it still further, so as to make any of these timber agents actually impossible in the Territory of Arizona, they will have the gratitude of at least one small part of this country.

Mr. HOLMAN. Mr. Chairman, the Commissioner of the General Land Office thought that—the force of his Bureau being reduced to the extent of $80,000, involving some sixty odd clerks—there should be about thirty special agents. Gentlemen will see that the right to either detail clerks or appoint agents will naturally result in the appointment of agents. Now, the salary of these agents at $1,000 a year and the per diem and traveling expenses are supposed to amount to about $1,700. Therefore this appropriation of $60,000 will employ about thirty-five of these special agents, which is substantially the number suggested by the Commissioner of the General Land Office.

Gentlemen understand, of course, the impossibility of protecting completely the vast regions of forest that we have in this country. To do that would require not simply the eighty men that we have had during a part of the present year, or twice that number as we had in former years, but an enormous number. Look at that vast region in the northern portion of our country, stretching from the Mississippi River to the Pacific coast, how absolutely impossible it would be to give any complete protection to our forests in that region! The thing is a practical impossibility.

In former years, when large appropriations were made for these agents, the men were mainly employed in ferreting out frauds in entries and in looking into swamp-land matters. As I said awhile ago, the act of the 3d of March, 1891, confirmed substantially all the entries that had been made prior to that time, which, in prior years, during Mr. Cleveland's administration, had been the subject of very tedious and careful examination; and, that subject being disposed of, the number of these agents could, of course, be greatly reduced.

Mr. WILSON of Washington. Mr. Chairman, I can not agree entirely with my honorable friend from Arizona, because I think that the special agents for the protection of the timber lands have been of much benefit to my State, where we have a great amount of timber. I may say in passing that I have never had any of these appointments myself; but if we are going to cripple the present system of timber protection by cutting down these appropriations from year to year, why not abandon it altogether? Why not cut it out? Why not let us people of the West attend to our own business without interference? We will get all the land and all the timber, and will not bother you at all. [Laughter.]

Mr. HOLMAN. I wish to say that the provision we have had heretofore on this subject has not been satisfactory to the Western Senators. At the last session, although the provision was retained by the Committee on Appropriations of the Senate, there was a strong disposition to strike it out. Gentlemen can see how utterly impossible it is for these agents to protect the timber on the public lands. The Committee on Appropriations thought there was no occasion for appropriating more than $60,000 for this purpose.

Mr. BUSHNELL. Mr. Chairman, I do not know what the facts may be in Arizona. I do know what they are in Colorado and New Mexico and in some of the communities this side of that region, and I know what is the case in Wisconsin. I have had occasion to know that these timber agents have been very efficient there in the protection of Government lands. I do not sympathize at all with the idea that the appropriation should be cut down or the means of protecting our timber on the public lands curtailed or done away with. I know that in Southwestern Colorado, and generally in that section of country, it was the custom some eight or ten years ago to carry around portable sawmills; and wherever there was Government timber that could be cut, the sawmill was set up and the timber stolen for the purpose of being sold around the country.

In this way the public lands were in a great measure denuded of timber, and large amounts of money were made by timber companies. I know too that when the timber agents began to be sent out there by the Government this business of wholesale timber stealing was stopped, as it should be. In my own State of Wisconsin we have had some very good timber agents, reliable men, who could be depended upon every time with reference to ascertaining the facts about timber stealing to enable the facts to be proven and judgment recovered for the value of the timber taken.

Mr. HOLMAN. How much did the Government recover through their instrumentality?

Mr. BUSHNELL. To my personal knowledge the Government recovered a great many thousand dollars.

Mr. HOLMAN. But the information was furnished by persons having no connection with the Government.

Mr. BUSHNELL. Not at all; a good deal of it was furnished by a timber agent appointed from the gentleman's own State.

Mr. HOLMAN. And he was appointed after the whole information on the subject had been laid before the General Land Office.

Mr. BUSHNELL. The gentleman is mistaken. I happen to have personal knowledge in regard to this matter, for I was acting as United States attorney of the western district of Wisconsin; and under my specific direction this gentleman appointed from Indiana as special timber agent made investigations that were invaluable, and were the means of collecting many thousands of dollars for timber which had been stolen in my own State that never could have been recovered at all without the information he obtained.

Mr. HOLMAN. But the proceedings were based upon information previously obtained.

Mr. BUSHNELL. That information was useless without the further information furnished by the special agent. Mr. J. K. Speer was the agent from Indiana I refer to; I presume the gentleman from Indiana is personally acquainted with him. We had other agents too; some of them were not as efficient as they ought to have been; but the amount of money that was recovered through the instrumentality of these special timber agents was many times greater than the expense of keeping them in the field In fact, nothing could have been done without them.

Mr. WILSON of Washington. Does the gentleman favor the present method of appointing special agents?

Mr. BUSHNELL. These were all appointed by the General Land Office.

Mr. WILSON of Washington. From what locality?

Mr. BUSHNELL. From all over the country. The agent of whom I have particularly spoken was from Indiana; he had never been in the State of Wisconsin before; yet he made the best agent we had there. He came there as a "tenderfoot;" but when he went out into the woods he beat the old timber agents. The trouble with timber agents appointed from the immediate localities where the investigations were to be made, was that perhaps they might sometimes have had some idea of favoring the timber thieves.

[Here the hammer fell.]

Mr. HOLMAN. Mr. Chairman, experience has demonstrated that information in cases of this kind is generally furnished promptly by persons in the neighborhood without the aid of these timber agents. Under the practice heretofore, when special agents were sent out to investigate the facts, the district attorney, upon their reports, was instructed to bring suit against the parties who had committed depredations, provided the

amount involved was large: for it has not been customary for the Commissioner to interfere with the mere neighborhood use of timber; that has never been done; it could not be done; it ought not to be done; it would not be a humane thing.

Mr. SMITH of Arizona. But that is what these agents have been doing.

Mr. HOLMAN. But where large transactions occur, where large bodies of timber are sawed for exportation, there the subject is brought at once to the attention of the Commissioner and a special agent is sent out. For this purpose we have provided these thirty-five agents, and certainly the number is ample.

Mr. SMITH of Arizona. Certainly.

Mr. BLANCHARD. Mr. Chairman, this, far more than ever before in the history of our country, is the period of land grabbing. It is likewise the period of greatest activity in the timber business, sawing of lumber, etc. There is much of the lands yet remaining to the public domain that owes its principal value to the timber upon it. The temptation to depredate is constant and great.

Mr. Chairman, it is a fact that in the courts of the western Federal district of Louisiana three-fourths of the prosecutions grow out of depredations on the Government timber and from fraudulent land entries; and I know it to be a fact—and my colleague from the Fifth district, who with me practices before that court, knows it to be a fact—that it is impossible in nine cases out of ten for the United States district attorney to make out a a case of timber depredation or fraudulent land entry without the active assistance of the special agent of the General Land Office detailed for duty in that country, and a most efficient one is he required to be, at that.

This whole question may be resolved into a nutshell: Are we going to protect the public lands from depredation, or are we not? If we are to protect them we certainly ought to provide a sum of money adequate to do so. If we are not to protect them, we ought not to appropriate a single dollar of the public money.

But a few years ago the gentleman from Indiana [Mr. HOLMAN] himself took the lead in this House in bringing about the repeal of all the land laws of the United States except the homestead law; and now when I rise here in behalf of those seeking homesteads, who do not want to settle on the public lands when these lands have been denuded of timber, I find in the gentleman from Indiana the most active opponent of an adequate appropriation which will preserve the rights of those persons who, in the contemplation of the law, are to be the beneficiaries of the humane provision of law allowing homestead entries.

If you take away from certain sections of the country the special agents of the General Land Office, who protect and guard the public lands and the timber upon them, why you open wide the door to depredators; you invite them to enter, and they will be quick to avail themselves of the chance offered. The lands in my own section of the country belonging to the Government of the United States are mainly desirable for the timber that is found upon them. Because of the good timber upon the lands, as well as their availability for cultivation, homesteaders are attracted to them. But you pursue a policy here which takes away the guardians of the public lands; the lands are then preyed upon by depredators; the timber is depleted; and thus one of the principal inducements to settle is gone.

I believe it is a bad policy which the Committee on Appropriations is pursuing. Niggardly appropriations fetter the arm of the Government. I repeat, if you are going to provide protection to the public domain, do it in a way adequate to the end you have in view.

I trust the Committee of the Whole will adopt the amendment to increase the appropriation from $60,000 to $120,000.

Mr. DINGLEY. Mr. Chairman, I desire to ask the gentleman from Indiana in charge of this bill as to the effect of the substitute which he proposes to offer to this part of it.

Mr. HOLMAN. The only substantial change is in two points. First, it authorizes the appointment of agents, and secondly, it increases the appropriation.

Mr. DINGLEY. But the bill as reported provides for the detail of clerks from the General Land Office.

Mr. HOLMAN. Yes, that alone; and it appropriates $40,000.

Mr. DINGLEY. And the substitute proposes instead of the detail of clerks the appointment of special agents.

Mr. HOLMAN. It provides for both the detail and appointment of these agents.

Mr. DINGLEY. The number of clerks in the Land Office is reduced, I believe, in the legislative appropriation bill?

Mr. HOLMAN. Yes, sir.

Mr. DINGLEY. So that having reduced the number of clerks it is now proposed, instead of detailing clerks, to have special agents appointed?

Mr. HOLMAN. Yes, sir; but it also provides for details.

Mr. DINGLEY. And is not the practical effect simply this, to take from under the operation of the civil-service law these agents when detailed, or these clerks, and make them special appointments outside?

Mr. HOLMAN. Yes. These would not come within the classified service.

Mr. DINGLEY. But if there were clerks assigned to this duty they would be?

Mr. HOLMAN. They would. But let me say to the gentleman, I think from the statement of the Commissioner of the Land Office, and from my own personal acquaintance with that establishment, that the force will be more than sufficient even with the reduction of sixty odd clerks. I think we can still make details from this office if it is required, in addition to the agents provided here.

Mr. DINGLEY. But if there had been no reduction in the legislative appropriation bill, in your judgment there would have been a sufficient number of clerks to have performed the duty?

Mr. HOLMAN. Oh, yes; the number would have been very ample.

Mr. DINGLEY. So that while reducing the number of clerks in the Land Office, you also provide a way for the appointment of an equal number of special agents, who will be outside of the civil-service law.

Mr. HOLMAN. I will say to the gentleman from Maine [Mr. DINGLEY] that this is in conformity with the recommendation of the Commissioner himself. That is to say, if we reduce the number of clerks, as he proposes, then he would want some special agents, to the number of about thirty, and we provide substantially for thirty-five.

I want to say to my friend from Louisiana [Mr. BLANCHARD] that there are no lands in his State adapted for agriculture which are covered with timber. The timber lands of Alabama, Mississippi, Louisiana, Arkansas, and Florida are not lands adapted for cultivation.

Mr. BLANCHARD. I beg the gentleman's pardon. If he will permit me to say so, the timber lands of Louisiana are well adapted for cultivation.

Mr. HOLMAN. I know that in Alabama the timber lands are almost entirely unadapted for the purposes of cultivation.

Mr. BLANCHARD. That is not true of the timber lands of Louisiana.

Mr. HOLMAN. The gentleman talks about niggardly appropriations. If we do not blush our constituents will when they come to examine the "niggardly" appropriations of this bill—over $40,000,000—unexampled in a time of profound peace.

Mr. BUSHNELL. But the appropriation is over three millions of dollars less this year than it was for the same purpose last year.

Mr. STORER. I would like to ask the gentleman from Indiana [Mr. HOLMAN] whether there has ever been any recommendation to the Committee on Appropriations from the Bureau of Forestry of the Agricultural Department on this subject?

Mr. HOLMAN. No; that would go the Committee on Public Lands. There have been a number of schemes suggested, and we carried a measure through the House, but it received no attention from the hands of the Senate.

Mr. McRAE. Mr. Chairman, the amendment I offer and the substitute offered by the gentleman from Indiana [Mr. HOLMAN] differ, first, in the amount appropriated. The bill as it is would appropriate $40,000. This my amendment does not change. The amendment suggested by the gentleman from Indiana would increase it to $60,000. That much of his substitute I favor, because we get more inspectors. The other difference is that under his amendment the Commissioner may appoint inspectors, or he may detail clerks. Under mine he must appoint inspectors. I am willing to give him discretion in the matter of these appointed.

I agree to almost all that the gentleman from Louisiana [Mr. BLANCHARD] has said. If there is anything in this idea of protecting the public domain, we should give to the Commissioner of the General Land Office a sufficient force to do it. We should respect his recommendations and give him what he asks for. Since we began this policy we have appropriated over $2,000,000 for inspectors, a statement of which I will print in the RECORD. At times I have thought, when I have seen the character of investigations made in some sections of the country, that it cost us more than it was worth; but I think it is due to the character of particular inspectors and not to the policy. We should abandon it, or make it effectual by giving a reasonable sum.

The Commissioner of the General Land Office has said in the communication that I had read, that it is not practical without injury to the service to detail these men from his office. Men who are qualified to do duty in the office are not qualified to go into the field. It requires a special education and training in that direction, such as they can not get in the Land Office. The Land Office needs all the competent men it has for work in the office.

Now, we should do one of two things: Either increase this appropriation and make it what it ought to be, or abandon it and appropriate nothing; and so far as I am concerned I care but little which the House shall do. I do insist that the Land Office shall not be crippled, as the committee proposition will certainly do.

Mr. HOLMAN. In reply to the statement of my friend from Arkansas [Mr. MCRAE], I wish to say this: My friend has entire confidence in the Commissioner of the General Land Office, who is certainly a very able and efficient officer. Now, we have, as I understand, complied substantially with his views in the provisions of this substitute.

Mr. MCRAE. Except as to the amount. I understand that he suggested $120,000. I find that sum in the Book of Estimates.

Mr. HOLMAN. He did not mention any sum to us.

Mr. MCRAE. I am not going to press my amendment any further, because the substitute of the gentleman from Indiana [Mr. HOLMAN] increases the appropriation to $60,000. I will withdraw my amendment and point of order and let the vote come on the amendment offered to the substitute by the gentleman from Louisiana [Mr. BLANCHARD]. This, I hope, will be adopted, and thus give the department what it wants.

The statement referred to is as follows:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE.
Washington, D. C., January 26, 1893.

SIR: Replying to your verbal request of this date, I have the honor to submit the following statement, showing the amounts expended under the various appropriations for each fiscal year by special agents of this office from the date of the first appropriation to December 31, 1892, viz:

Depredations on public timber.

1873	$10,000.00	
1874	8,000.00	
1875	5,000.00	
1876	5,000.00	
1877	5,000.00	
1878	5,000.00	
1879	25,000.00	
1880	40,000.00	
1881	29,126.58	
1882	40,258.99	
1883	76,647.78	
1884	73,439.64	
1885	76,353.26	
1886	64,065.84	
1887	72,891.45	
1888	75,484.85	
1889	72,383.21	
1890	85,927.83	
1891	90,586.89	
1892	98,150.94	
		$964,317.26

Settlement of claims for swamp lands and swamp land indemnity.

1880	$4,120.98	
1881	11,378.59	
1882	14,855.16	
1883	14,463.96	
1884	14,930.45	
1885	17,072.12	
1886	18,742.98	
1887	18,159.88	
1888	19,832.84	
1889	18,594.64	
1890	17,825.89	
1891	15,302.40	
1892	18,950.30	
		$204,833.19

Protecting public lands.

1883	$50,022.76	
1884	50,255.37	
1885	95,538.76	
1886	80,307.08	
1887	90,033.41	
1888	100,553.85	
1889	97,755.29	
1890	111,580.92	
1891	135,298.77	
1892	118,866.83	
		$930,283.64

Protecting public, lands, timber, etc.

1893		73,442.23
Aggregate		2,172,876.32

RECAPITULATION.

Depredations on public timber	$964,317.26
Settlement of claims for swamp lands and swamp-land indemnity	204,833.19
Protecting public lands	930,283.64
Protecting public lands, timber, etc	73,442.23
Total	2,172,876.32

Very respectfully,

M. M. ROSE,
Assistant Commissioner.

HON. THOMAS C. MCRAE,
Chairman Public Lands Committee, House of Representatives.

Mr. BOATNER. Mr. Chairman, I desire to call the attention of the committee and the chairman of the Committee on Appropriations to the absolute necessity of continuing the same character of agents we have heretofore had if the intention or expectation is to protect the public domain from depredations. As stated by my colleague [Mr. BLANCHARD] the lumbering interest is growing very rapidly in the timber districts of the Southern States, at least in the State of Louisiana. The greatest frauds and depredations which have been committed on the public lands are by fraudulent homestead entries. Men who are the mere agents of mill companies pretend to homestead upon the public land. Men go on the land as if they were homestead settlers, and before the time to prove up their claims has expired, the mills have stripped the land of all the timber, and the Government has been defrauded of very valuable property.

Now, I know of an instance in the district of my colleague in which three sections of public lands were entered at $1.25 an acre. That was when it could be so entered, but it was land, however, which under the law was not subject to entry for less than $2.50 an acre. The timber on that land was worth $25 an acre. The gentleman who entered it stripped it of its timber. He had been previously informed that he could get no title to the land unless he paid $2.50 an acre. He refused to pay $2.50 an acre and demanded the return of what he had paid, and the result was that he had stripped three sections of valuable public land of the timber which stood on it and he got his money back.

Mr. WILSON of Washington. That statement sounds very strange to me. Does the timber-land law of June 30, 1878, apply to Louisiana?

Mr. HOLMAN. No; only to the Pacific coast.

Mr. WILSON of Washington. I think under the law of last Congress it was applied all over the country.

Mr. MCRAE. There was a law of that general character passed.

Mr. WILSON of Washington. It applies to all the States of the Union. It came under the timber-culture bill of the Senate, which we amended, and which was passed, making it apply to all the States of the Union.

Mr. HOLMAN. I had overlooked that law.

Mr. BOATNER. The gentleman will excuse me, I have only five minutes.

I want to call attention to the fact that if the General Land Office is to rely upon information given by people who live in the immediate neighborhood where depredations are committed, it will never get that information.

If we are to rely upon the voluntary statements of witnesses as to the depredations that have been committed there will never be any convictions. In other words, the Government can not be put in possession of the evidence nor the facts upon which to institute prosecutions necessary to protect the public domain unless we have land agents whose special duty it will be to examine into and report upon these matters. Ordinarily they should come from other districts.

Mr. SMITH of Arizona. Will the gentleman permit me to ask him a question?

Mr. BOATNER. Of course.

Mr. SMITH of Arizona. How can you prevent the trouble of which you speak, when it becomes a necessity to cut the timber in order for the settler to make a homestead? How can you stop this fraud when the homesteader apparently in good faith cuts the timber to make him a homestead? Can you stop frauds by merely stopping the cutting of the timber?

Mr. BOATNER. The homestead law allows the homesteader to cut the timber off the land he desires to cultivate, and to cut enough timber for the purposes of improvement. The right is limited. So that where a man located upon a piece of land under the homestead law cuts down the timber on the land which he intends to cultivate and sells sufficient to build his houses, it is very easy to see that he is acting in good faith; but where he locates 160 acres and immediately a large force of men is put upon it to cut the timber down, why you know that man is not homesteading for the purpose of cultivation, but for the purpose of selling that timber; and you can very soon find out that this timber belongs to some mill company, and that this man is only receiving wages. When that is found to be the case it is conclusive that the entry was fraudulent, and I contend that the Government is not going to ascertain the facts unless it has a man whose business it is to investigate and report thereon.

Mr. HOLMAN. That is the reason why we make this provision.

Mr. BOATNER. And so, if the gentleman from Indiana is satisfied that public lands shall not be protected from depredations and if the gentleman from Arizona desires Mexicans in his State shall have the right to steal Government timber, why, perhaps they ought to be allowed to do it. I do not know, as I am not familiar with the conditions. The entire appropriation should be stricken out. But if it is the intention to protect the public domain and to hold this timber until the property is acquired and the title passed from the Government legally and lawfully, then we ought to appropriate enough money to accomplish the purpose.

If we do not we ought not to appropriate any at all. It is worse than a waste to appropriate less money than will be effectual. Now, if we are going to rely upon the Commissioner of the General Land Office sending a clerk from his office whenever he is informed and advised that depredations are being committed, we may just as well wipe out the entire appropriation, because he will only be so advised in cases where the advice is instigated by private malice.

Mr. WARNER. It seems to me, sir, we should take into consideration that the great end of appointing and paying these agents is not so much to recover whatever small amounts may be recovered for timber which has been stolen in spite of the precautions of the Government, as it is to prevent, by vigilance, these depredations upon Government timber. Therefore, it seems to me that there is no necessary proportion between the amount recovered by suits on the part of the Government, with the aid of the Government agents, and the amount which may and should be economically expended in employing agents for the purpose of preventing depredations.

It seems to me, sir, that the latter is the end to be subserved by the appointment of these agents, and therefore that an economical expenditure of money is not to be gauged by the extent to which the Government redresses its wrongs in court, but by the extent to which, as a result of such expenditure, this sort of depredation upon Government property can be prevented and suits in court thereby forestalled.

Mr. HOLMAN. I will ask the gentleman whether he thinks that thirty-five is not an ample number of these agents.

Mr. WARNER. Mr. Chairman, my experience in actually employing agents to look after timber lands, in which experience I have been fortunate enough to have paid my money with the result of preventing depredations and with the further result of not involving my clients in suits, my experience in that regard has been such that, although I do not wish my judgment to stand as a normal for the committee, my answer to the gentleman would be that the number he proposes and the number proposed by the most liberal estimate made in any of the amendments offered here is far too small for effectually guarding the timber lands of the Government, far too small for true economy, in case the Government proposes to guard these timber lands at all.

Mr. SIMPSON. Mr. Chairman, is it in order to offer a substitute for the amendment of the gentleman from Indiana?

The CHAIRMAN. There is one amendment to the substitute already pending. The gentleman from Arkansas [Mr. McRAE] offered an amendment to the original paragraph, which he withdrew. The gentleman from Indiana offered a substitute, to which the gentleman from Louisiana offers an amendment. When that amendment is disposed of the amendment of the gentleman from Kansas will be in order. The question is on the amendment of the gentleman from Louisiana [Mr. BLANCHARD] to the substitute offered by the gentleman from Indiana [Mr. HOLMAN], proposing to strike out "$60,000" and insert "$120,000."

The question was taken; and there were—ayes 63, noes 37.

Mr. BRETZ. No quorum.

The CHAIRMAN. The point of no quorum being made, the Chair will appoint to act as tellers the gentleman from Indiana, Mr. BRETZ, and the gentleman from Louisiana, Mr. BLANCHARD.

Mr. BRETZ (during the count by tellers). Mr. Chairman, with the understanding that we may have a separate vote in the House upon this amendment, I will withdraw the point of no quorum.

Mr. BLANCHARD. I have not agreed to any such understanding.

The count was continued, and the tellers reported—ayes 108, noes 59.

So the amendment of Mr. BLANCHARD was agreed to.

Mr. SIMPSON. Mr. Chairman, I desire to offer an amendment to the substitute of the gentleman from Indiana.

The amendment was read, as follows:

After the word "agent," in line 9, insert "who shall be appointed from the State in which they are to act as such agents."

The CHAIRMAN. The Chair calls the gentleman's attention to the fact that the section to which this amendment would refer has been passed. The committee are now considering depredations on the public lands, commencing with section 10.

Mr. SIMPSON. I offer this as an amendment to the substitute of the gentleman from Indiana.

Mr. OUTHWAITE. I make the point of order against that amendment that it changes existing law and does not come within the rule which requires that such an amendment, to be in order, must propose to reduce expenditures.

Mr. WILSON of Washington. The gentleman prefers that the existing law shall remain as it is and that his State shall receive these appointments.

Mr. OUTHWAITE. Not at all; but I prefer that the appointments shall not be made from the very men who are engaged in committing these depredations. I prefer that these officials shall be men who will investigate the depredations honestly and properly.

Mr. WILSON of Washington. Almost all the special agents we have had in our State have come from the gentleman's State.

Mr. OUTHWAITE. I had nothing to do with sending them, though.

Mr. WILSON of Washington. I thought you had. Your party was in power during four years, and I supposed you might have controlled some of these agents.

Mr. OUTHWAITE. Not one of them.

Mr. WILSON of Washington. Well, your party sent them.

Mr. OUTHWAITE. They were not permitted to remain during the recent Administration.

Mr. WILSON of Washington. Oh, no; and those who are there now will not be permitted to remain.

Mr. OUTHWAITE. I trust not.

Mr. WILSON of Washington. I hope not, myself. The gentleman and I agree on that point.

The CHAIRMAN. The amendment of the gentleman from Kansas [Mr. SIMPSON] proposes to insert, as the Chair understands, in the pending substitute the words "who shall be appointed from the State in which they are to act as such agents."

Mr. SIMPSON. My amendment merely provides that the agent shall be appointed from the State where the cases arise on which he is to act. I have had some experience in regard to agents appointed by the Land Office——

The CHAIRMAN. Will the gentleman speak first to the point of order?

Mr. SIMPSON. I do not wish to speak on the point of order. I will wait till the Chair decides it.

The CHAIRMAN. Will the gentleman from Ohio [Mr. OUTHWAITE] indicate wherein the proposed amendment of the gentleman from Kansas is obnoxious to a point of order?

Mr. OUTHWAITE. It provides a method of appointment which is contrary to existing law. Under existing law these agents may be appointed from any State in the Union. They are, in fact, appointed from different parts of the Union. The proposed amendment would enact a restriction in this respect. It changes the law in that particular.

The CHAIRMAN. Is it conceded by the gentleman from Kansas that the law is now different from the provision contained in his amendment?

Mr. SIMPSON. I do not know of any law on the subject.

Mr. WILSON of Washington. I do not agree with the gentleman that these agents are appointed from different parts of the Union. None have ever been appointed from my section of the country or from any part of the Pacific coast. Many of them are appointed, I believe, from the State of Kansas.

Mr. SIMPSON. I am not aware of any provision of law upon this subject. If the gentleman from Ohio can adduce any law regulating this matter, it would be well for him to submit it.

Mr. OUTHWAITE. I think the Chair is aware of the fact that the present law permits the appointment of these agents from all over the Union.

The CHAIRMAN. There is, the Chair presumes, a law in existence at the present time authorizing the appointment of these agents. If the object of this amendment is to make further regulations on that subject, or to change the existing law in any way, of course the amendment is not in order. No new provision of law can be engrafted upon an appropriation bill in this way. The Chair sustains the point of order.

The question being taken on the substitute offered by Mr. HOLMAN, it was agreed to; there being—ayes 38, noes 27.

The Clerk read as follows:

SURVEYING THE PUBLIC LANDS.

For surveys and resurveys of public lands, $100,000, at rates not exceeding $9 per linear mile for standard and meander lines, $7 for township, and $5 for section lines: *Provided*, That in expending this appropriation preference shall be given in favor of surveying townships occupied, in whole or in part, by actual settlers and of lands granted to the States by the act approved February 22, 1889, and the acts approved July 3 and July 10, 1890, and other surveys shall be confined to lands adapted to agriculture, and lines of reservations, except that the Commissioner of the General Land Office may allow, for the survey of lands heavily timbered, mountainous, or covered with dense undergrowth, rates not exceeding $13 per linear mile for standard and meander lines, $11 for township, and $7 for section lines, and in cases of exceptional difficulties in the surveys, when the work can not be contracted for at these rates, compensation for surveys and resurveys may be made by the said Commissioner, with the approval of the Secretary of the Interior, at rates not exceeding $18 per linear mile for standard and meander lines, $15 for township, and $12 for section lines: *Provided further*, That in the States of Montana, Washington, Idaho, and Oregon there may be allowed, with the approval of the Secretary of the Interior, for the survey of lands heavily timbered, mountainous, or covered with dense undergrowth, rates not exceeding $25 per linear mile for standard and meander lines, $23 for township, and $20 for section lines.

And of the sum hereby appropriated not exceeding $30,000 may be expended for examination of public surveys in the several surveying districts in order to test the accuracy of the work in the field, and to prevent payment for fraudulent and imperfect surveys returned by deputy surveyors, and for examinations of surveys heretofore made and reported to be defective or

fraudulent; and inspecting mineral deposits, coal fields, and timber districts, and for making such other surveys or examinations as may be required for identification of lands for purposes of evidence in any suit or proceeding in behalf of the United States: *Provided further*, That the States of North Dakota, South Dakota, Montana, Idaho, and Washington shall have a preference right over any person or corporation to select lands granted to said States by the act of Congress approved February 22, 1889, for a period of sixty days after lands have been surveyed and duly declared to be subject to selection and entry under the general land laws of the United States: *And provided further*, That such preference right shall not accrue against bona fide homestead or preëmption settlers on any of said lands at the date of filing of the plat of survey of any township in any local land office of said States.

For necessary expenses of survey, appraisal, and sale, and pay of custodians of abandoned military reservations transferred to the control of the Secretary of the Interior under the provisions of an act of Congress approved July 5, 1884, including a custodian of the ruin of Casa Grande, $5,000.

Mr. WILSON of Washington. I move to amend by striking out in line 19, on page 44, the word "one," and inserting "two;" so as to make the amount read "$200,000."

Mr. HERMANN. I desire to move an amendment to the amendment.

Mr. HOLMAN. I believe we have passed the provision which it is proposed to amend; and, if so, the amendment is out of order.

Mr. WILSON of Washington. Oh, no; we have not passed it.

The CHAIRMAN. The amendment sent to the desk by the gentleman from Oregon [Mr. HERMANN] will be read.

The Clerk read as follows:

Amend the amendment of Mr. WILSON of Washington, so as to strike out in line 19, page 44, the words "one hundred thousand dollars" and insert "$869,955."

Mr. WILSON of Washington. Mr. Chairman, in the last session of Congress the question of public surveys in the public-land States of the Union was thoroughly discussed, and by agreement with my friend, the gentleman from Indiana, the amount of the appropriation for that purpose was increased in this House from $100,000 to $200,000; and there was a still further increase in the Senate to $375,000. The amount proposed to be appropriated in this bill—$100,000 less $20,000 for examining the surveys after the work has been done in the field—is wholly inadequate, and I sincerely trust that this Committee of the Whole will agree to the increase asked for, which comforms to the amount agreed to in the House at the last session of Congress.

The necessity for surveys is as great now as it was then. The sum proposed in the bill would give to the State I have the honor to represent scarcely anything for these public surveys; and when the money is scattered over the immense area where these public-land surveys are to be made, the various States and Territories west of the Mississippi River would be left in practically the same condition in which we found them when we entered upon the work of the Fifty-first Congress. There can be no objection to my amendment other than a desire to keep the appropriations down; and as this is a work of great public necessity I hope the amendment will be agreed to.

Mr. HERMANN. Mr. Chairman, the amount named in this bill and also the amount proposed in the amendment of the gentleman from Washington are both entirely inadequate. The bill recommends an appropriation of $100,000. My friend from Washington [Mr. WILSON], who is in full sympathy with the rest of us from the West, moves an amendment to insert $200,000.

On examining the Book of Estimates it will be found that the Commissioner of the General Land Office has recommended for this purpose an appropriation of $869,955. The House will therefore readily perceive how grossly inadequate is not only the sum named in the bill, but also the amount mentioned in the amendment of my friend from Washington [Mr. WILSON].

I remind the committee further of various estimates here which have been submitted by the Department for these surveys in the different States. For instance, take the State of Colorado; $185,000 is recommended for these surveys and $7,000 for resurveys. In the State of Montana $200,000 is recommended for the surveys, twice as much as is recommended by the Committee on Appropriations here, and an amount equal to the sum proposed by my friend from Washington, which is intended to cover the surveys in all of the States of the Union.

Looking further, sir, along the line I find in his own State of Washington the sum of $136,000 is recommended by the surveyor-general as an urgent and necessary amount of money for carrying on this work; in my own State of Oregon, $62,500 is recommended, and in the State of Idaho, $61,795. And to show, as to the necessities of my own State in particular, and to illustrate the urgent need for the increase of appropriations for this service, I may read from a letter to the honorable Commissioner of the General Land Office, dated June 22, 1892, from the surveyor-general of Oregon, in which he says:

Instead of the demand for surveys decreasing it is steadily increasing. There is a continuous immigration of homeseekers to this State, and they are rapidly settling the valleys and plateaus in the mountainous and timber regions. There are many townships on which settlements have been made and applications for survey received, but for want of funds no present action can be taken. In view of these facts it will be seen that the foregoing estimate is very conservative.

Mr. Chairman, it may be said that so far as this item of expenditure is concerned it is not intended for the future. It is a present necessity, it is a present and pressing emergency. There is a large number of settlers on these lands, which are agricultural in their character. These people have established their homes there; they have made themselves homes for life, made improvements upon the lands and effected a permanent settlement, and are now calling on the General Government for an extension of the system of public surveys in order that they may obtain titles to their homes. I ask, in view of these urgent appeals to the House of Representatives, whether such a meager sum, scarcely one-ninth of the sum recommended by the surveyors-general for this service, should be deemed sufficient by this House on the report of its Committee on Appropriations.

The Commissioner of the General Land Office, as well as the Secretary of the Interior, in the very intelligent and able reports before the Committee on Appropriations, have impressed on their attention the necessity of greater liberality in these matters.

I shall further on introduce an amendment in regard to what I consider an inadequate sum appropriated for inspection of surveys in the field, for the purpose of showing how urgent a necessity there is for increase in that regard. The sum of $20,000 is recommended by this Committee on Appropriations, while $75,000 is asked for by the Commissioner of the General Land Office, while a sum equal to three or four times that amount is recommended by the surveyors-general throughout the different States, and let it be understood further that this insignificant sum is to be deducted from the small sum of $100,000 in the bill for surveys. Would any gentleman, in his own private affairs, justify such an unreasonable disregard of pressing necessities? Inadequate expenditures are in one sense extravagant expenditures. Insufficiency in such matters signifies waste and damage. But whatever else it may mean, it is willful disregard of the public interests.

Mr. BOWERS. Mr. Chairman, this is the most indefensible specimen of "cheese paring" in this entire bill. One hundred thousand dollars only is proposed here for the surveys of all of the States of this Union, when it is estimated that $800,000 is required.

In California there are plenty of homes where pioneers have settled on the public lands, and some are within eight or nine miles of large towns that are as yet unsurveyed. They can not get titles to the lands, because they have not the money to make the surveys. If there is any place in this bill where an amendment should be adopted increasing the amount, it is in this appropriation for the survey of the homes of these men and these families that are building up the country and improving it on our public domain. It is indefensible, it is "cheese paring" and nothing else, and I hope the amendment will be adopted.

Mr. WILSON of Washington. I desire to call the attention of the committee further to the fact that the committee has already placed an amendment on the bill increasing the compensation of special agents from $60,000 to $120,000, and it does seem to me that the committee might increase the appropriation for surveys to give the settlers their homes by the sum of $100,000, or somewhere in the same proportion as the increase of the special agents.

Mr. HOLMAN. We had this same controversy during the last session——

Mr. WILSON of Washington. Yes; and the gentleman from Indiana agreed to our view then.

Mr. HOLMAN. I thought then perhaps it was well enough to appropriate an increased sum, and so said to the Committee of the Whole. But on further examination I do not think that ought to be done, and I think the Committee on Appropriations ought to be sustained on this item.

We are appropriating vast sums of money for this purpose, while in our former experience we were much more moderate. In 1886-'87 we appropriated $50,000.

Mr. WILSON of Washington. Right there, if the gentleman will allow me, that threw everything in the Western States into confusion, and made it impossible for hundreds of thousands of settlers on the public domain to get titles to their lands, and it has led to confusion ever since.

Mr. HERMANN. The amount appropriated has been expended.

Mr. HOLMAN. In reply to the gentleman from Washington [Mr. WILSON] I will say that Congress was very slow in learning of the confusion he speaks of, because I find that the next year they appropriated the same amount.

Mr. WILSON of Washington. And that led to confusion worse confounded.

Mr. HOLMAN. It did not reach the House, though.

Mr. WILSON of Washington. Oh, yes, it did.

Mr. HOLMAN (continuing). In the next year, 1889, we appropriated $100,000. When the Fifty-first Congress came in the amount rose to $425,000, which showed that there was apparently great necessity for surveys at that time. In 1892 the the sum of $400,000 was appropriated, making $825,000 appropriated by the last Congress for these surveys, and at the last session of this Congress we finally compromised with the Senate on $375,000.

Mr. WILSON of Washington. But right there let me say to the gentleman that these amounts have already been expended.

Mr. HOLMAN. There has been nearly a million and a quarter of dollars appropriated for surveys of the public lands within the last three years.

Mr. WILSON of Washington. But let me remind the gentleman that the amount appropriated last year was not reported in the appropriation bills, but was increased as the result of amendments offered. The increase made in the House was to the same amount as that in the amendment which I have now offered.

Mr. HOLMAN. Oh, I know what the pressure is on this subject.

Mr. WILSON of Washington. It is terrific.

Mr. HERMANN. It simply shows the great necessity for it.

Mr. HOLMAN. I have a statement before me which shows that the land surveyed and undisposed of amounts to 150,338,352 acres. When I saw that statement——

Mr. CASTLE. I would like to ask the gentleman a question right there.

Mr. HOLMAN. Let me finish my sentence. When I saw that statement it seemed to me incredible that there were still surveyed and undisposed of 150,338,352 acres, for the reason that the everlasting pressure upon the House for appropriations for surveys seems to render it necessary that further surveys should be made. On that account the clerk of the Committee on Appropriations telegraphed these figures to the Assistant Commissioner of the Land Office, asking him if they were correct, and he telegraphed back as follows:

DEPARTMENT OF THE INTERIOR, *January 23, 1893.*

J. C. COURTS,
Clerk Appropriations Committee:
Figures given in your telegram of to-day correct.

M. M. ROSE,
Assistant Commissioner.

Now, the clerk of the committee telegraphed these figures, and this is the response. I said to the gentleman who called my attention to this statement some days ago——

Mr. PICKLER. What figures were telegraphed?

Mr. WILSON of Washington. Oh, the gentleman from Indiana includes railroad land surveyed, and the arid lands, and everything else. We understand all about that.

Mr. HOLMAN. In reply to the gentleman from South Dakota [Mr. PICKLER], I will say the figures I referred to show that there are lands surveyed and undisposed of to the amount of over 150,000,000 acres.

Mr. PICKLER. The gentleman from Indiana [Mr. HOLMAN] would not want a settler to leave a place which he had improved, and where the land was valuable, and go off to some mountainous waste, to take up worthless land, simply because it was surveyed, would he?

Mr. HOLMAN. Oh, certainly not. The most remarkable feature of the whole matter is that millions of money have been spent, in the last twenty years in surveying deserts. I do not mean what have been called deserts in former years, lands capable of supporting cattle, pasture lands, etc., but absolute deserts.

Mr. HERMANN. Is it not a fact that a large portion of the lands which are represented there as being surveyed but vacant, are embraced within railroad land grants, wagon-road land grants and various selections, and grants to the different States, Indian reservations, etc.?

Mr. HOLMAN. Certainly, to some extent.

Mr. WILSON of Washington. The figures given undoubtedly include all the worthless land in the country which happens to have been surveyed.

Mr. HOLMAN. A large portion of the railroad land grants are still unsurveyed. Besides, we do not pay for the surveys of railroad lands. The railroad companies pay for those surveys.

Mr. HERMANN. I wish to call the gentleman's attention to the fact that, of the amount last appropriated a large portion went to the four or five new States of the Union, in order that they might survey lands so as to make their selections.

Mr. HOLMAN. But the fact remains as I have stated, that in the last three years we have appropriated the enormous sum of nearly a million and a quarter of dollars for this purpose. And now you have the startling fact before you that over 150,000,000 of acres of land which have been surveyed are still undisposed of. I am conceding now, gentlemen, that large sums of the money appropriated have been absolutely squandered.

I am not calling in question the integrity of any Commissioner of the General Land Office especially. I am not criticising the present administration of the General Land Office. All men who are acquainted with the present Commissioner, Governor Stone, recognize his ability and integrity and devotion to public duty. I am only stating the result of the expenditures in the surveys and the present state of the public land surveys. Contractors have been employed in surveying the lands that were said to be lands fit for cultivation that were worth nothing.

Mr. HERMANN. Upon that point I want to ask the gentleman one question.

Mr. HOLMAN. We have largely increased the cost of surveying the public lands in recent years, and I have before me a proposition to reduce the charges for surveying the lands very largely, going back to the old law; and you gentlemen who are interested in these surveys of the public lands will find that if that provision is adopted by Congress, if only a fair profit is charged for these surveys, you will not hear this clamor for Congress to make these excessive appropriations for the surveys.

Mr. HERMANN. Does not the gentleman from Indiana know as a fact that under the rules of the Interior Department for the last three or four years, and the severe restrictions made in the appropriation acts, that no lands can be surveyed, and that no land has been surveyed except such as is of an agricultural quality, and upon which settlement has been made for bona fide purposes?

Mr. HOLMAN. Excuse me right there. If there has been a proper application of the money—and I see that these great appropriations have been $425,000, $400,000, and $375,000 for the last three years—if there has been a proper carrying out of the law, being only the survey of lands applicable to agriculture, and in portions of the country where surveys for settlement were required, I tell you, gentlemen, it is impossible that there should be any great reason for very large appropriations of money.

Mr. HERMANN. The surveyor-general says that the appropriations have been expended.

Mr. HOLMAN. I do not blame you gentlemen for desiring to get all the money appropriated you can for your section of country; that is natural. We all do that, as a rule [laughter], if Congress will yield to our requests.

Mr. HERMANN. The appropriations that have been made for this purpose have been expended for a bona fide purpose.

Mr. HOLMAN. The contractors for making surveys make handsome sums of money. They make twice as much money as they should.

Mr. PICKLER. Then why do you not remedy that by reducing the amount paid?

Mr. HOLMAN. They get much more than they ought to receive. This large amount of money appropriated is largely from the clamor that is made in the lobby.

Mr. WILSON of Washington. But where does this clamor come from? What is it for? Is it not for the settlement of the public domain?

Mr. HOLMAN. You can easily see how this clamor should come from these men who are making fortunes out of surveying contracts.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. MALLORY. Mr. Chairman, I would like to have order, so that we can hear what is being said.

Mr. WILSON of Washington. Mr. Chairman, I desire to say in reply to my friend from Indiana, that no survey can be made, as stated by the gentleman from Oregon, except it is of agricultural lands, and unless it is shown to be adapted for bona fide settlers in the townships in which the survey is to be made. I desire to say to him further that the large appropriations made, commencing with the Fifty-first Congress, were necessitated by the lack of appropriation made by the Congresses that preceded the Fifty-first Congress. I desire to say to him further that of my own knowledge these appropriations have been wisely, honestly, and economically administered for the benefit of settlers upon the public domain.

Mr. HOLMAN. Will my friend allow me to ask him a question?

Mr. WILSON of Washington. With pleasure.

Mr. HOLMAN. Does not the gentleman know that 153,000,000 acres of land have been surveyed which are adapted to cultivation which are not occupied? That is the report of the Land Office.

Mr. WILSON of Washington. I know there are 150,000,000 acres of surveyed lands unoccupied, but those surveys were made under the old deposit system, on lands for railroads and wagon

roads, etc., but did not apply to the bona fide settler, who now has to pay the money.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon. The gentleman from Washington offered an amendment to which the gentleman from Oregon offered an amendment, which the Clerk will read.

The Clerk read as follows:

Amend line 19, page 44, by striking out the word "one," and inserting the word "two;" so as to read "two hundred thousand."

The CHAIRMAN. To which the gentleman from Oregon has offered the amendment, which the Clerk will read.

The Clerk read as follows:

Strike out "one hundred thousand" and insert "eight hundred and sixty-nine thousand nine hundred and fifty-five dollars."

The CHAIRMAN. The question will first be taken on the amendment offered by the gentleman from Oregon.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The question now recurs on the amendment of the gentleman from Washington.

Mr. CASTLE. Mr. Chairman, just one word in regard to that, if it be in order. The gentleman from Indiana [Mr. HOLMAN] has paraded the same figures here to-day that he paraded at the last session—that there were 150,000,000 acres of land surveyed that were unoccupied. I asked him a question then, and I sought to ask him the question to-day, and he dodged it, if he did not know as a matter of fact that there was not a single acre of that whole 150,000,000 acres of land that was fit for settlement; and he admitted that that was true. But yet, notwithstanding that, our friend parades these figures here to-day. He is familiar with the condition of the public lands, and knows very well that in my own State, within the last two years, more than 2,000,000 acres of land have been opened up to settlement as part of the public domain by securing the titles of the Indians in the reservation.

The surveyor-general in my own State says that it will require $100,000 to make the necessary surveys in those reservations for the benefit of actual settlers, men who desire to go there and make homes, and yet the gentleman from Indiana quibbles at an increase of but $100,000, when according to the statement of the Surveyor-General, and I have no doubt it is true, for he is a man above reproach, it will require $100,000 at least to carry out what ought to be done in the State of Minnesota alone.

Mr. HOLMAN. Just a word, Mr. Chairman. My friend seems to think that these are all worthless lands that have been surveyed, but I find that some of them have been disposed of. At the end of the fiscal year 1891 the lands surveyed and undisposed of amounted to 153,981,307 acres, while in 1892 the amount was only 150,338,352 acres. So it appears that some of those surveyed lands have been disposed of during the past year. But gentlemen can see readily that we have got to put a stop to these unnecessary surveys. Nobody pretends that there is any 150,000,000 of acres of cultivable public lands properly surveyed and undisposed of——

Mr. WILSON of Washington. Were not those lands surveyed under the deposit system in years gone by?

Mr. HOLMAN. Yes; some of them were. They have been surveyed through successive years under all administrations.

Mr. WILSON of Washington. Those lands were surveyed under the deposit system, which does not apply now. We have to have the cold, silent cash now in order to get them surveyed.

Mr. HOLMAN. That is true. But, Mr. Chairman, I heard no clamor in former years when we reduced this item $50,000 and then to $100,000. The Senate agreed to those reductions.

Mr. TOWNSEND. Does the gentleman desire the committee to understand that when the Commissioner of the General Land Office says that $800,000 is required to make surveys of lands upon which actual settlers now exist, the gentleman himself is in favor of stopping the settlement of these lands by cutting down the appropriation?

Mr. HOLMAN. No, sir; but I am in favor of appropriating a sum of money which will be honestly spent, and just so long as you appropriate large sums for the survey of these lands at high prices, just so long will these frauds continue, no matter what party is in power. But when you appropriate a modest sum, about the amount necessary to survey the lands required for actual settlement, then you will promote purity in the administration of that branch of the service, and I propose this amendment not entirely in the interest of economy as in the interest of common honesty.

Mr. PICKLER. Does not the gentleman have faith in the incoming Administration? [Laughter.]

Mr. HOLMAN. Human nature is wonderfully alike everywhere [laughter], and I do not wish to lead anybody into temptation. [Laughter.]

The question was taken on the amendment of Mr. WILSON of Washington, and the Chairman declared that the noes seemed to have it.

Mr. WILSON of Washington. I ask for a division.

The committee divided, and there were—ayes 54, noes 68.

Mr. WILSON of Washington. No quorum.

The CHAIRMAN. The point of no quorum being made, the Chair will appoint to act as tellers the gentleman from Washington [Mr. WILSON] and the gentleman from Indiana [Mr. HOLMAN].

The committee again divided; and the tellers reported—ayes 48, noes 75.

Mr. WILSON of Washington. Is there a quorum, Mr. Chairman?

The CHAIRMAN. No quorum has voted.

Mr. WILSON of Washington. I insist upon a quorum.

The committee again divided; and the tellers reported—ayes 62, noes 105.

So the amendment was rejected.

Mr. BRODERICK. Mr. Chairman, I desire to offer the amendment which I send to the desk.

The amendment was read, as follows:

Page 47, line 2, before the word "thousand," strike out "five" and insert "ten."

Mr. BRODERICK. This paragraph provides for the survey and sale of the above-named military reservation and for the pay of custodian. There are a number of these reservations in the hands of custodians, and if the appropriations in this bill are not increased they will be paid only from $30 to $40 a month. These custodians are responsible for a large amount of property and they have to devote the whole of their time to the care and protection of it. I shall follow this amendment with another, providing that they shall be paid $60 a month, which I think is a small enough amount. I trust this House will not vote that one who is intrusted with and responsible for this amount of property shall receive less than $60 per month.

The question was taken; and the amendment was rejected—ayes 26, noes 91.

Mr. BRODERICK. Mr. Chairman, I offer the amendment which I send to the desk.

The amendment was read as follows:

Page 47, after the word "dollars," in line 2, add: "Provided that there shall be paid to each custodian of a military reservation the sum of $60 per month."

The question was taken; and the amendment was rejected—ayes 26, noes 88.

Mr. PICKLER. Mr. Chairman, I offer the amendment which I send to the desk.

The amendment was read as follows: Amend by adding after line 21, page 48, the following:

That section 1 of an act entitled "An act to repeal timber-culture laws, and for other purposes," approved March 3, 1891, be, and hereby is, amended by adding the following words to the fourth proviso thereof:

"*And provided further*, That if trees, seeds, or cuttings were in good faith planted as provided by law and the same and the land upon which so planted were thereafter in good faith cultivated as provided by law for at least eight years at the date of this act by a person qualified to make entry and who has a subsisting entry under the timber-culture laws, final proof may be made without regard to the number of trees that may have been then growing on the land."

SEC. 2. That all persons who were residents of the State or Territory in which the land is situated at the time of entry shall be entitled to the provisions of this act.

Provided further, That there be added to section 7 of "An act to repeal the timber-culture laws, and for other purposes," approved March 3, 1891, the following proviso:

Provided further, That nothing in this section shall be construed to apply in its provisions to or affect any case where a contest was pending in the Land Department prior to the date of the passage of said act, or to in any manner impair rights which had been acquired under the preemption, desert land, or timber-culture laws prior to March 3, 1891.

Mr. HOLMAN. I rise for the purpose of reserving a point of order on the amendment, my object being that this matter may be distinctly understood by the Committee of the Whole, so that there may be no claim hereafter that any mistake was made. I hope that my friend from South Dakota [Mr. PICKLER] will make an explanation of the matter, the point of order being reserved.

Mr. PICKLER. Mr. Chairman, as I understand, the gentleman from Indiana has no objection to this amendment. In support of it I wish to say in the first place that it does not increase the appropriation. This question was before the House some time ago and was discussed for some time. The last provision contained in the amendment is a proposition which came from the gentleman from Indiana and was adopted at that time. The first provision when it was heretofore under consideration applied to nonresidents of these States and Territories as well as residents. The House upon consideration of the matter thought that the provision ought to be restricted to residents of the States or Territories in which the claims are situated. The matter is now presented in that form.

Mr. Chairman, if there is any bill or any amendment of substantial merit which will come before the House during this session of Congress, this is such a proposition. Let me explain it briefly. When the division of the Territory of Dakota into the

States of North and South Dakota was made, it was found that quite a number of settlers living in North Dakota had taken tree claims in what is now South Dakota, and *vice versa*. Now, in the case of a man living in North Dakota who has a tree claim a mile across the line in South Dakota, that claim having been taken before the Territory was divided into two States, the effect of the present law of Congress is that at the end of thirteen years, unless that man has 675 trees upon every acre of land, he absolutely loses the land. There is no law under which he can make proof, hence absolute confiscation takes place.

Now, this amendment, in the part in which I am specially interested, provides that when the settler (not the nonresident) comes to prove up his claim at the end of thirteen years, if he has only 500 trees, or 400 trees, or 300 trees, he may still prove up his claim. In other words, if after eight years it appears that he has assiduously and in good faith taken care of his trees and complied with the law, being a resident as here provided, and these lands being in a semiarid belt, where trees are frequently destroyed by drought or by freezing, the effect of this amendment is to say to the actual settler, "If at the end of thirteen years you fail to have 675 trees per acre you may still go on and prove up your claim, if you have otherwise complied with the law."

Now, gentlemen, this is the whole effect of the amendment which I have offered. It is in the interest of bona fide settlers. It is on the side of right and justice. These men have worked faithfully, they have tried to raise trees, and nearly all of them have a greater or less number of trees upon their claims, but numbers of them have not the required number of 675 to the acre.

Mr. HERMANN. Is the amendment confined in its operation to the Dakotas?

Mr. PICKLER. No, sir; it is general in its operation. It will apply to actual settlers in some four or five of the States or Territories wherever three claims exist; but there is a comparatively small amount involved, basing my judgment upon an estimate I have received from the Land Office. But the persons in whose behalf the amendment is offered are deserving citizens. I desire to state seven reasons why this provision should be adopted.

[Here the hammer fell.]

Mr. HOLMAN. I hope the gentleman from South Dakota will be allowed to speak a little longer, the subject is very interesting.

There was no objection.

Mr. PICKLER. In the first place this amendment should pass, because it is in the interest of the settler who has in good faith complied with the law and who has failed to raise the full number of trees on account of drought and freezing.

Second. He can not have the benefit of the law unless he has complied with it for at least eight years. The amendment does not operate in favor of any man who has not been striving faithfully for eight years to raise trees in compliance with the law.

Third. It costs the Government nothing.

Fourth. The settler in North Dakota whose timber-culture claim is in South Dakota, or *vice versa*, if he has failed to raise 675 trees to the acre, loses absolutely his land, as the law now is, at the end of thirteen years.

Yesterday I had a letter from a man living at Huron, S. Dak., saying, in effect, "My thirteen years will expire during this year; I have faithfully tried to comply with the law; but I have not quite the required number of trees. I pray that such a law may be passed as will save to me this land upon which I have expended so much money." Allow me to say further that any man who has complied for eight years with the timber-culture law has in a great many instances expended more in time and labor than the amount which the land would sell for to-day.

Mark this, gentlemen: It is the report of the Committee on the Public Lands of the House; it is recommended by the Commissioner of the General Land Office; it is recommended by the Secretary of the Interior, and there is a unanimous report of the Senate committee on a similar bill, which bill is now on the Senate Calendar.

Mr. Chairman, I ask the adoption of this amendment in all fairness and justice to these Western settlers. It takes no money from the public Treasury. It is fair, just, equitable, and right; and is a proposition on the side of humanity. These poor men and women, or many of them, will lose their lands absolutely unless this privilege is granted them.

Mr. KEM. I would like to have the amendment again reported.

Mr. HOLMAN. I hope my friend will not insist on having the amendment read until I can be heard for a moment.

Mr. PICKLER. I reserve the balance of my time.

Mr. HOLMAN. I wish to say a word only.

The matter involved, Mr. Chairman, in this amendment contains two distinct propositions, both of which are of very considerable interest and importance; and while I propose or think I ought to withdraw the point of order, so as to get a vote on the proposition directly, I reserved it for the purpose of having an opportunity to get an explanation in advance as to the meaning of the amendment.

Now, the act of March 3, 1891, repealing the timber-culture law, together with other important legislation, is well known, and also the manner in which it passed. This is a provision changing that law, which requires that the persons who have taken up these lands shall comply with the law during a period of eight years—that is the settlers on the timber-culture lands—that they shall plant a given number of trees, and if, at the expiration of eight years, they have accomplished what the law requires in that regard, they may prove up and get their titles. Now, the provision of the pending amendment is this:

And provided further, That if trees, seeds, or cuttings were in good faith planted as provided by law and the same and the land upon which so planted were thereafter in good faith cultivated as provided by law for at least eight years at the date of this act by a person qualified to make entry and who has a subsisting entry under the timber-culture laws, final proof may be made without regard to the number of trees that may have been then growing on the land.

The change, it will be seen, is this: The act of 1891 required distinct compliance with the law, and then the settler acquired title by the payment of, I think certain fees, amounting to about $1.25 an acre; that is, a person qualified to make a settlement could prove up and get his title, if he had a certain number of trees growing on each acre.

Mr. PICKLER. But a nonresident could not do even that.

Mr. HOLMAN. A nonresident could not do that. This is a change of the law to the extent of providing that if the trees, seeds, or cuttings are planted, in good faith, and after eight years of cultivating the lands, in good faith, whether the number of trees then growing upon the land is the number required by the law or not, the party may get his title on compliance with the other provisions relating to it.

Now, the other clause, I hope, will be understood clearly also before the vote is taken. It is proposed to add to section 7 of the act of 1891 the following provision:

Provided further, That nothing in this section shall be construed to apply in its provisions to or effect any case where a contest was pending in the Land Department prior to the passage of said act, or to in any manner impair rights which had been acquired under the preemption, desert-land, or timber-culture laws prior to March 3, 1891.

I was a member of the committee of conference when that act was passed, but did not suppose that the provision referred to in section 7 could be so construed as to cut off appeals then pending. It has been interpreted, however, to apply to appeals then pending; but of course it should not be so applied.

Mr. SAYERS. Mr. Chairman, I would like to ask the gentleman from Indiana if he believes that the amendment ought to be adopted?

Mr. HOLMAN. The last provision I have read?

Mr. SAYERS. I mean the whole amendment.

Mr. HOLMAN. The last provision is clearly right, for it corrects a misapprehension of the original act, and I think it ought to be corrected. That bill was prepared on the 3d, or agreed to on the 3d day of March, 1891, and there was no understanding, at least there was no understanding on my part, and that is true of some other gentlemen with whom I talked on the conference, that appeals then pending would be impaired. We always reserve existing rights. That provision of the amendment is therefore manifestly correct.

As to the other provision gentlemen can understand that as well as I. As the law now stands the timber-culture entryman must plant his seed or shrubs and raise a given number of trees by proper cultivation, and that number of trees shall be on the land——

Mr. PICKLER (interrupting). Absolutely that number.

Mr. HOLMAN. Absolutely, some six or seven hundred on each acre at the time the eight years expired. Now that is the present law. The law must have been complied with, and the given number of trees secured, and then he can take title. Now that provision was amended somewhat by this act of 1891, and if he had cultivated his land in good faith and produced certain results within four years, I believe then he was entitled to enter the land at $1.25 an acre.

Mr. PICKLER. Provided he was a resident.

Mr. HOLMAN. Provided he was a resident. Now this provides that if he planted his seed or trees——

Mr. PICKLER. If he complied with the old law exactly——

Mr. HOLMAN. If he complied with the law for eight years, and yet failed to produce trees, he should still be entitled to his patents without paying anything.

Mr. SAYERS. This amendment does not do away with the necessity for actual residence, does it?

Mr. PICKLER. There is no residence required on a tree claim. It does not change that at all.

Mr. HOLMAN. As I understand, it does not change the law in that particular.

Mr. PICKLER. Does not the gentleman think this is fair to the settlers who have in good faith complied with the law; does he think it anything more than fair?

Mr. HOLMAN. I have tried to explain my views, so that I think they are distinctly understood by the committee.

Mr. PICKLER. The gentleman from Indiana [Mr. HOLMAN] does not object to it?

Mr. KEM. Mr. Chairman, the gentleman from Indiana [Mr. HOLMAN], having read the proposed amendment, it is not necessary to have it read again; but I desire to offer a few remarks pertaining thereto before action is taken upon the amendment. This is the same bill that was before this body for action in the last session, and it was acted upon by this body and rejected after having been amended by striking out the section pertaining to desert lands. I went before my people in the last campaign and the fight against me in my district was made principally upon my opposition to this bill.

A large number of my constituents are individuals who are deeply interested in the provisions of this bill. The bill as it then came up affected the desert-land laws as they now are, but in the action of the House that was stricken out. The fight was made against me in the last campaign, as I have already stated, because I opposed the bill. I opposed it first because it was not fair, for the reason that it did not give the actual settler in my district an opportunity to receive the benefits granted under the law to nonresidents. In other words, it discriminates against actual settlers and in favor of speculators.

I desire to call the attention of the committee at this time specially to the first clause of the proposed amendment, which provides that in order for the settler to receive the benefits of this law he must have planted and cultivated his trees and his land for a period of eight years at the date of the act—at the time of its passage. Now, suppose we should pass this amendment and this bill should become a law, what would be the result? Go into the western end of my district and you will find that a majority of the settlers of that country are men who ought to be entitled to the benefits of this law, but who will be cut out under this provision, because they filed on their tree claims at a later period than eight years ago, and they must have filed eight years prior to its passage in order to be benefited by the act.

Now, I want to say that as the clause relating to the desert-land laws was eliminated from the original bill, if the gentleman will amend this so that these men, notwithstanding they may have filed on their claims less than eight years ago, may be entitled to its benefits, I will have no objection to its becoming a law. But I want to say to the committee that I will fight this proposition in its present form, that I must do it in the interest of my constituents, the men and women who are the ones that have developed Nebraska and are justly entitled to the benefits of the act, but who, if it is passed in its present form, will be cut out entirely.

What are the facts relative to this matter? We find in going back to the settlement of Western Nebraska that the first claims were filed prior to eight years ago by nonresidents; in other words, that the country was opened to settlement just prior to that period. The first rush into the country was by these nonresidents, who filed upon timber claims because they were not compelled to live upon them or to remain on the land. Afterward came the actual settlers, the men and the women who by their industry, their frugality, and their labor have developed that country and made it what it is.

They have lived there upon their claims, and have, as I said before, made the country what it is; but because they filed at a period a little later than eight years ago—say seven or seven and a half years ago—they are cut out from receiving the benefits of this act, while the men who went in there and filed upon tree claims a year prior to that, who were not residents then, have not been since, and never intend to be, can come in and acquire title to these lands.

I want to say to the House that that is the objection which I have to offer to its consideration, and I hope the gentleman from South Dakota [Mr. PICKLER] will agree to an amendment to it.

Mr. PICKLER. What is the amendment?

Mr. KEM. The amendment which I offer is to provide that a settler who has complied with the law for the period of eight years, not at the date of this act, but for a period of eight years, regardless of the act, shall have the benefits of the act.

Mr. PICKLER. I will gladly accept that, so far as I am concerned.

Mr. KEM. The House will very readily see what effect this will have if passed in its present shape. Therefore, I ask to have this proviso put in the bill.

Mr. HOLMAN. I suggest to the gentleman from South Dakota [Mr. PICKLER] that the following words be stricken out:

That all persons who are residents of the State or Territory in which the land is situated at the time of entry shall be entitled to the provisions of this act.

I think those words go a little further than we ought to go.

Mr. PICKLER. I have no objection to that.

Mr. HOLMAN. Then I move to strike out those words.

Mr. DE ARMOND. Mr. Chairman, I have had no desire to take any part in this debate, and only do so for the purpose of correcting what I believe to be a misstatement made by the gentleman from South Dakota [Mr. PICKLER]. This measure, in some form or other, has been before this House repeatedly. Upon a former occasion I gave reasons which seemed to me good for its defeat. I entertain the same views now. I happen to be one of the members of the Committee on Public Lands, and the statement to the effect that this measure has the approval of all the members of that committee is incorrect. I never approved it, as one of the members. There are two gentlemen sitting before me, also members of the committee, who tell me that they are opposed to this measure. I do not wish to take the time of the House in its discussion.

Mr. PICKLER. There was no minority report.

Mr. DE ARMOND. Not that I know of, but this bill has appeared so often and in so many forms that the man who would undertake to write minority reports upon it would be kept tolorably busy. The real question is whether or not the Government shall donate these lands to these people, or whether they shall be left to the contract which they made. They made a contract with the Government, under the law, by which they were to do certain things, in consideration for which they were to obtain the lands. The simple question now is, whether the Government will release them from the performance of the contract on their part, and take some loose, shadowy, and probably incorrect proof of their attempt, intention, or purpose to comply with the law, and then grant them the land. I am opposed to doing it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Dakota.

Mr. KEM. I want to move to strike out of the amendment offered by the gentleman from South Dakota the words "at the date of this act."

Mr. PICKLER. I have no objection to that amendment.

The CHAIRMAN. The gentleman from Nebraska proposes to amend the amendment of the gentleman from South Dakota by striking out the words, commencing at line 10, "at the date of this act."

Mr. PICKLER. I accept that amendment, Mr. Chairman.

The amendment to the amendment was agreed to.

The CHAIRMAN. The question now is on the amendment of the gentleman from South Dakota.

Mr. HOLMAN. I wish to have struck out the following words, which are not necessary in the bill, and may not produce good results:

That all persons who are residents of the State or Territory in which the land is situated at the time of entry shall be entitled to the provisions of this act.

That seems to come rather in conflict with the act of 1891; and I move to strike out those words.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows;

That all persons who are residents of the State or Territory in which the land is situated at the time of entry shall be entitled to the provisions of this act.

Mr. PICKLER. I accept that. With the adoption of the amendment of the gentleman from Nebraska [Mr. KEM] and this one by the gentleman from Indiana the bill will be exactly as I first introduced it, and is just and fair to all timber-culture claimants wherever residing.

The CHAIRMAN. The Chair would like to be informed of the status of this amendment. The amendment just adopted was to strike out certain words from the substitute by striking out of lines 10 and 11, the words, "at the date of this act."

Mr. PICKLER. And I accepted that.

The CHAIRMAN. That amendment has been agreed to.

Mr. PICKLER. The gentleman from Indiana now proposes to strike out certain other words.

The CHAIRMAN. The gentleman from Indiana will send up his amendment.

Mr. HOLMAN. Let the Clerk read the words in italics.

The Clerk read as follows:

That all persons who are residents of the State or Territory in which the land is situated at the time of the entry shall be entitled to the provisions of this act.

Mr. PICKLER. Question on the amendment.

Mr. HOLMAN. My motion is to strike out those words.

Mr. PICKLER. Which amendment I accept.

The amendment was agreed to.

The amendment of Mr. PICKLER as amended was then adopted.

Mr. HERMANN. Mr. Chairman, I offer the amendment which I send to the desk.

The amendment was read, as follows:

Strike out "twenty thousand dollars" in line 24, page 45, and in line 1, page 46, and insert "forty thousand dollars."

Mr. HOLMAN. I reserve the point of order on that amendment.

Mr. HERMANN. Mr. Chairman, the purpose of this amendment is to increase the compensation proposed for the inspectors of surveys, and in order that the object and necessity of the amendment may be better understood by the House, I will read the portion of the bill to which it applies:

And of the sum hereby appropriated not exceeding $20,000 may be expended for examination of public surveys in the several surveying districts in order to test the accuracy of the work in the field, and to prevent payment for fraudulent and imperfect surveys returned by deputy surveyors and for examinations of surveys heretofore made and reported to be defective or fraudulent; and inspecting mineral deposits, coal fields, and timber districts, and for making such other surveys or examinations as may be required for identification of lands for purposes of evidence in any suit or proceeding in behalf of the United States.

Now, it will be observed that the sum of $20,000 only is provided in the bill for these purposes, and that that amount is to be deducted from the $100,000 which has just been voted for the public surveys.

Mr. HOLMAN. What amount does the gentleman propose to make it?

Mr. HERMANN. Forty thousand dollars; an increase of only $20,000 above the amount proposed by the committee. The Commissioner recommends $75,000, and I had $75,000 in my amendment until the committee awhile ago voted $100,000 instead of $200,000, whereupon I reduced the amount from $75,000 to $40,000, hoping and believing that that would meet the good judgment of the committee.

I desire to say this further, that if there is anything of importance connected with public surveys, it is this matter of the proper inspection of the surveys in the field. It is well known that for years and years great frauds have been committed, and also many mistakes, in these surveys—frauds and mistakes that have gone on down in the titles which have been given to the assignees under the public-land laws and have resulted in the greatest confusion. It is very necessary that this work shall be carefully inspected by experts who are competent to examine and supervise the surveys made by the contractors. In that way we may hope to get accurate surveys, but in no other way.

Now, I ask the gentleman from Indiana [Mr. HOLMAN] in charge of this bill whether he candidly believes that $20,000 will suffice to pay for the inspection of the surveys made over the vast body of the public lands contracted for in the last two years under the large appropriation by Congress, over half a million dollars, and also to pay for supervising the surveys which will be made under the sum of $100,000 appropriated in this bill? I submit that question to the gentleman's usual good judgment, as well as to his candor as a legislator. I believe the gentleman will accept my amendment, which is merely a small increase over the amount which his committee reports.

Mr. HOLMAN. Mr. Chairman, this item does not enter into the matter of the surveys, nor does it benefit the settlers at all; it is intended simply as a protection to the Government.

Mr. HERMANN. Yes, and also to the people who derive titles from the Government. They also are entitled to protection.

Mr. HOLMAN. I suppose there has been a vast amount of fraudulent surveying.

Mr. HERMANN. There has.

Mr. HOLMAN. And that there have been a great many fraudulent approvals in cases where no surveys have been made at all. But I do not think that such a sum as the gentleman suggests is required now for this purpose.

Mr. HERMANN. I have it from the officials of the General Land Office that probably one-half of the surveys made under the large appropriation made last year by Congress have yet to be inspected, and when the gentleman adds to those the surveys to be made under the $80,000 appropriated here, because this $20,000 is to be deducted from the $100,000 which we have just voted for the surveys, I think he will undoubtedly perceive how grossly inadequate this amount in the bill, $20,000, is.

Mr. HOLMAN. Well, I suggest that we make the amount $30,000.

Mr. WILSON of Washington. Do I understand that if we increase the amount for inspecting and examining the surveys made in the field to $30,000 the additional $10,000 is to be deducted from the amount appropriated to make surveys?

Mr. HOLMAN. Yes, sir; from the $100,000.

Mr. HERMANN. Well, Mr. Chairman, I will say this. I have the utmost confidence that in another branch of this Congress the amount in this bill for surveys (which will now be $70,000) will be increased so as to meet the demands of the public service, and therefore I agree to the proposition of the gentleman from Indiana, $30,000 for the inspection of surveys. I will take what I can get, even if it is not what I desire. I modify my amendment so as to conform to the suggestion of the gentleman from Indiana; I move to strike out "twenty thousand" and insert "thirty thousand."

The amendment was agreed to.

Mr. JOSEPH. Mr. Chairman, I offer the amendment which I send to the desk.

The amendment was read, as follows:

Page 47, line 2, after the word "dollars," insert the following: "For the survey of private land claims approved by the United States Court of Private Land Claims in the Territory of New Mexico and Arizona, $40,000."

Mr. DINGLEY. Mr. Chairman, I reserve the point of order on that amendment.

Mr. JOSEPH. This is in pursuance of existing law. Mr. Chairman, in connection with the amendment, I desire to have read a communication addressed to me by the Court of Private Land Claims.

The communication was read as follows:

UNITED STATES COURT OF PRIVATE LAND CLAIMS,
Santa Fe, N. Mex., December 10, 1892.

SIR: The whole number of causes brought in this court up to this date is fifty-three; of them forty-eight involve lands in this Territory, and our information is that many additional causes will be instituted between this and March 4, 1893. It is safe to say that causes involving more than 2,000,000 acres will have made such progress that surveys ought to be made during the next fiscal year. In our judgment not less than $40,000 ought to be appropriated to enable the surveyor-general to make these surveys.

Very respectfully,

JOSEPH R. REED,
Chief Justice.
WILBUR F. STONE,
Associate Justice.
THOMAS C. FULLER,
Associate Justice.
H. C. SLUSS,
Associate Justice.
W. W. MURRAY,
Associate Justice.

HON. ANTONIO JOSEPH,
Washington, D. C.

Mr. JOSEPH. Mr. Chairman, the object of this amendment is to carry out the provisions of the act of the Fifty-first Congress' creating what is commonly known as the United States Private Land Court. Before the claims which have been approved by that court can be confirmed and go to patent, it is necessary that the surveys be made. The act to which I have referred provides that the court shall approve the surveys, hence the urgent necessity that Congress should appropriate sufficient money to pay for these surveys as provided by section 10 of the act. I hope that the amendment will be agreed to, and that Congress will thus provide the means for carrying out the provisions of the law, which otherwise will be nugatory and inoperative.

Mr. HOLMAN. Mr. Chairman, on the 21st of December last—only a month ago—the Commissioner of the General Land Office reported to the Committee on Appropriations, as follows:

No surveys under confirmations of the court have so far been reported to this office.

Mr. JOSEPH. There can not be any surveys until this money is appropriated to pay for them.

Mr. HOLMAN (continuing to read):

This bureau has no official knowledge as to any claim or claims so far confirmed by said court.

This is the statement made by the Land Office only a month ago.

Mr. JOSEPH. But the court can not confirm any of these claims until they are surveyed.

Mr. HOLMAN. But they are required to report the confirmations to the proper department at Washington.

Mr. JOSEPH. If the gentleman will read section 10 of the law he will see that a survey must be ordered before a decree of confirmation can be issued by the court. There can be no survey of the boundaries of these claims until Congress provides the means of paying for such surveys.

Mr. HOLMAN. Well, the provision of the law is that the claimants of these lands shall pay one-half of the cost of the survey, while the Government pays the other half. I think it ought have been provided that the whole expense of the survey should be paid by the claimants. But I believe that, in view of the statement of the Commissioner of the General Land Office, $40,000 will cover the whole expense of these surveys; therefore I suggest that this amendment, which proposes to fix the amount to be paid by the Government, should appropriate $20,000 instead of $40,000.

Mr. JOSEPH. I accept the gentleman's suggestion and modify my amendment by striking out "$40,000" and inserting "$20,000."

Mr. HOLMAN. This amendment ought to come in as a separate paragraph, not as an addition to the one now pending.

The amendment of Mr. JOSEPH as modified was agreed to.

The Clerk read as follows:

For topographic surveys in various portions of the United States, $200,000; $60,000 of which shall be expended west of the ninety-seventh meridian in the States of North Dakota, South Dakota, Nebraska, Kansas, and the Territory

of Oklahoma, and at least one-half of the remainder shall be expended west of the one hundred and third meridian.

Mr. SAYERS and Mr. LONG addressed the Chair.

Mr. SAYERS. I move to amend the paragraph just read by inserting after the word "Kansas" the word "Texas."

A MEMBER. What is the reason for that?

Mr. SAYERS. Because we are now excluded altogether from this survey.

The amendment was agreed to.

The CHAIRMAN. The Clerk will now read the amendment sent to the desk by the other gentleman from Texas [Mr. LONG].

Mr. LONG. The amendment I had proposed to offer is the same which my colleague [Mr. SAYERS] has just offered and which has been adopted.

The Clerk read as follows:

In all, $389,100.

Mr. HOLMAN. I move to amend by adding after the paragraph just read the following:

That the unexpended balances of appropriations made for the fiscal year 1891 for the Geological Survey may be applied to the liquidation of outstanding liabilities on account of any of said appropriations for said fiscal year.

This amendment is recommended by the Secretary of the Interior. It simply provides for the use of certain unexpended balances.

I ask that two letters on this subject may be published in the RECORD.

The CHAIRMAN. In the absence of objection the letters referred to by the gentleman from Indiana [Mr. HOLMAN] will be published.

The letters are as follows:

DEPARTMENT OF THE INTERIOR,
Washington, January 25, 1893.

SIR: I have the honor to inclose herewith a communication from the Director of the Geological Survey showing certain unexpended balances in appropriations for the Geological Survey for the fiscal year 1891, and asking that he be granted authority to use said balances in the liquidation of outstanding liabilities under other appropriations named.

I repectfully request that you cause an amendment to be made to one of the pending appropriation bills embodying the Director's request.

Very respectfully,

JOHN W. NOBLE, *Secretary.*

Hon. W. S. HOLMAN,
Chairman of the Committee on Appropriations,
House of Representatives.

DEPARTMENT OF THE INTERIOR,
UNITED STATES GEOLOGICAL SURVEY,
Washington, D. C., January 23, 1893.

SIR: I have the honor to report that there exists an unexpended balance pertaining to the appropriation for the Geological Survey for the year 1890–1891 on account of the following items:

Chemistry	$30.51
Illustrations	613.49
Mineral Resources	445.34
Library	296.28
Irrigation	3,491.37
Total	4,876.99

There are certain outstanding liabilities pertaining to the appropriation for the Geological Survey for the year named on account of items for topography and paleontology. I have the honor to recommend that Congress be requested to grant authority to expend so much of the above residue of appropriations as may be necessary to liquidate these liabilities on items of topography and paleontology.

I am, with great respect, your obedient servant,

J. W. POWELL, *Director.*

The honorable the SECRETARY OF THE INTERIOR.

The question being taken on the amendment of Mr. HOLMAN, it was agreed to.

Mr. OUTHWAITE. Mr. Chairman, I move to strike out the last word for the purpose of asking the chairman of the Committee on Appropriations why these items are omitted from the appropriations for this service: "Engraving illustrations for the Director's report, $5,000; engraving illustrations for monographs, $10,000; printing and binding monographs, $20,000." These seem to be omitted from the bill.

Mr. HOLMAN. That matter is under the Public Printer, and the arrangement of this appropriation is just according to the suggestion of the Director of the Survey.

Mr. OUTHWAITE. Are these items appropriated for under the Public Printer?

Mr. HOLMAN. Yes, sir.

Mr. OUTHWAITE. If so I have no further question. I saw they were omitted here, and I knew that these sums had heretofore been appropriated.

Mr. SAYERS. They will be found on page 88 of the bill.

Mr. OUTHWAITE. I withdraw the pro forma amendment.

Mr. HOLMAN. Mr. Chairman, I desire to place in the RECORD the increase in the appropriations for the last three years for this service, and I do it in view of the fact that the statement has been made that while there have been some slight reductions made in the amounts appropriated for some of the soldiers' homes, and reductions made in the appropriations for the support of the Coast and Geodetic Survey, there have been none in this branch of the service.

Now, the appropriations for 1892 for the Geological Survey were $596,400; for the present year $376,100, or a reduction of more than $200,000, a heavier reduction than for any corresponding Bureau of the Government; and the appropriations recommended by the present bill are substantially the same as those for the current year, and yet the value of the geological surveys and the value of the services of Maj. Powell, the Director of those surveys, are acknowledged and appreciated by all, but we have not the money for full appropriation. I withdraw the pro forma amendment if it is pending.

The CHAIRMAN. The Clerk will proceed with the reading of the bill.

The Clerk read as follows:

COLUMBIA INSTITUTION FOR THE DEAF AND DUMB.

Current Expenses of the Columbia Institution for the Deaf and Dumb: For support of the institution, including salaries and incidental expenses, for books and illustrative apparatus, and for general repairs and improvements, $50,500, $3,000 of which to be expended in the employment of instructors of articulation.

For completion of inclosure of grounds, $1,000.

Mr. COGSWELL. Mr. Chairman, under the head of current expenses of the Columbian Institution for the Deaf and Dumb, I desire to move to strike out the word "fifty" and insert the words "fifty-two."

The CHAIRMAN. The Clerk will report the amendment of the gentleman from Massachusetts.

The Clerk read as follows:

In line 16, on page 50, strike out "fifty" and insert "fifty-two;" so that it will read "$52,500," etc.

Mr. COGSWELL. Mr. Chairman, I make the motion for this reason: The members of Congress, as the law provides, have the right to send to this institution, under certain conditions, pupils who are among their own constituents. This right has been availed of by members to such an extent that the number of pupils in that institution has been increased thirty-nine this year. This addition has necessarily increased the expenses of the establishment. But that institution is so carefully administered that the officer in charge only asks an increase of $2,000 over the amount heretofore allowed.

This increase of $2,000, occasioned by the added pupils which you gentlemen have sent to that institution from the various States, has been denied by the Committee on Appropriations, and my amendment simply proposes to allow this small increase so as to make provision for these additional pupils. I hope the committee will agree to the amendment.

Mr. HOLMAN. I believe the law provides that sixty pupils may be sent from the different States to this institution, not more than two from any one State; so that members of Congress have not much patronage there.

Mr. COGSWELL. Does the gentleman deny my statement that thirty-nine additional pupils have been recently added?

Mr. HOLMAN. Oh, no; but I am putting the question to my friend whether or not it is the law that the Government supports sixty pupils at that institution, not to exceed two from any one State? Is that not the law? Has the law been modified or changed in any particular?

Mr. COGSWELL. It has been modified or changed to the extent of adding to the number of pupils thirty-nine new ones, and yet you have not given a single dollar increase over what you gave before they were admitted.

Mr. HOLMAN. But then we have sixty pupils there all the time—the same number that is authorized by law.

Mr. COGSWELL. I do not know what number you had before or what number you have now, but I do know that the statement is made by Dr. Gallaudet that he has thirty-nine pupils more than he had before, and I say that you have not given a dollar of increase to enable the institution to support that additional number of pupils.

Mr. HOLMAN. I know. That I suppose is true. I have no doubt that is the truth.

Mr. COGSWELL. If that is true, that makes out my case.

Mr. HOLMAN. We have appropriated heretofore, I presume, on the basis of sixty pupils. This simply changes the limit. The item is small, and I have so much respect for the gentleman from Massachusetts [Mr. COGSWELL] that I would not like to make war upon his little item. Of course I shall not make any objection.

Mr. COGSWELL. All right, if the gentleman accepts it.

The amendment was agreed to.

Mr. DINGLEY. Mr. Chairman, I move to strike out the last word, for the purpose of making a statement with regard to this institution that it may perhaps be desirable to make.

The gentleman from South Carolina [Mr. HEMPHILL] and myself have been appointed by the Speaker members of the Board of Directors of the Columbia Institution for the Deaf and Dumb

in this city, and there are associated with us Senators HAWLEY and DAWES, Hon. Randolph Tucker, Hon. William E. Niblack, Rev. Dr. Sunderland, and others.

This institution was established in 1857, through the munificence of the Hon. Amos Kendall, formerly Postmaster-General, who made a donation for that purpose of a certain amount of land and a certain amount of money. Immediately after the establishment of the institution Congress began to make appropriations for the maintenance of it with reference to instruction for the deaf and dumb in this District. That went on until 1864, when by act of Congress there was added to the institution a collegiate department, and it became the only collegiate institution in the United States for the instruction of the deaf and dumb, and as such it received students from nearly all the State institutions for the deaf and dumb in the country.

In 1872, by act of Congress, this institution was assumed by the General Government, and all its property was conveyed to the United States in trust, which property it holds to-day; and an appropriation was made at that time for the purchase of 80 acres of land in addition. The institution now has something over 100 acres of land, and probably not half of that land is required for the purposes of the institution. Probably 50 acres, or half of this land, could be sold to-day for $700,000; and it is estimated that within five years that portion of the land belonging to this institution which is held by the United States, and which can be disposed of, will be worth in the neighborhood of a million dollars.

Now, the time will come within a very few years when Congress should authorize the sale of at least 50 acres of this land, and invest the proceeds for the benefit of the institution. If there shall be realized from the sale of this land, within five years, a million dollars, which I believe will be the fact, the interest on that sum will in large part maintain this institution thereafter. It is well, therefore, that we should keep in mind this situation, and the value of this property which the Government holds in trust, which can be used by and by in the way that I have indicated, for the future support of the institution.

Mr. BLOUNT. Why not direct the sale now?

Mr. DINGLEY. My own judgment is that the land is increasing in value so rapidly that it is advisable for the United States to retain it for several years longer. Judging from the sales of land in that vicinity within the past year, indicating a rapidly increasing market value, within from three to five years the time may arrive when the land can be sold to the highest advantage.

Mr. BLOUNT. I will venture to say that the disposition of it will not be made according to the business method which my friend has suggested.

Mr. DINGLEY. It will be the fault of Congress if it is not managed in this way. It will be the fault of Congress if within five years there is not a sale of a sufficient amount of this land upon such terms as to furnish a fund that will go far to support this institution in future years.

And I might add in this connection, as my friend from Massachusetts [Mr. COGSWELL] has referred to this point, that from time to time Congress has authorized the Secretary of the Interior—not members of Congress—to appoint from the several States, not to exceed three from each State, indigent deaf and dumb persons to become students in this institution.

Mr. COGSWELL. But they are appointed upon our recommendation.

Mr. DINGLEY. That is true. The Secretary of the Interior defers to the recommendation of members of Congress; and when these indigent deaf mutes are appointed, not being able to support themselves, not only is the tuition fee remitted in all cases, but the board also, and in a few cases even the clothing, have been supplied where the beneficiaries were extremely indigent.

I wish to say in this connection, and it is but appropriate that I should do so as your representative in the management of this institution, that I am satisfied by an examination of its methods of business and its curriculum and an inspection of the work it is doing, that there probably is not an institution under the patronage of the Government more deserving and accomplishing more in promoting the interests of a large and deserving class than this collegiate institution for the deaf and dumb. It should be borne in mind that the States support schools simply for the primary education of deaf mutes. This institution, while it has a primary department for deaf mutes in this District, is mainly a collegiate institution, receiving students from the several State institutions for the deaf and dumb. I think there are about seventy students in the collegiate department.

Mr. BRYAN. What would be the objection to renting this land for a long period of time, so that the income could inure to the benefit of this institution?

Mr. DINGLEY. That is a matter which could be taken into consideration. The view of the directors, after some inquiry into the matter, has been that it is undesirable to sell this land at present, as within a few years the value of the land in that locality has been increasing rapidly, and it is believed that the increase in value is so large that it is better that the Government should retain the land at present.

Mr. BRYAN. Some of the States have tried renting their school lands instead of selling them, and have found it worked to great advantage.

Mr. BERGEN. I would like to ask the gentleman from Maine how many students are in the primary department?

Mr. DINGLEY. There are about fifty students in the primary department, mainly from the District of Columbia, although I believe that one or two States have sent about fifteen primary pupils to this institution, paying for their instruction. Under the direction of President Edward N. Gallaudet, who has been at the head of this institution since it was established in 1857, this college, the only collegiate institution for deaf mutes in this country, has attained a rank and done a work which reflects credit on the faculty and the nation.

The Clerk read as follows:

Lighting the Executive Mansion and public grounds: For gas, pay of lamplighters, gas-fitters, and laborers; purchase, erection, and repair of lamps and lamp-posts; purchase of matches, and for repairs of all kinds; fuel and lights for office, office stables, watchmen's lodges, and for the greenhouses at the nursery, $14,000: *Provided*, That for each 6-foot burner not connected with a meter in the lamps on the public grounds no more than $21.50 shall be paid per lamp for gas, including lighting, cleaning, and keeping in repair the lamps, under any expenditure provided for in this act; and said lamps shall burn not less than three thousand hours per annum; and authority is hereby given to substitute other illuminating material for the same or less price, and to use so much of the sum hereby appropriated as may be necessary for that purpose: *Provided*, That before any expenditures are made from the appropriations herein provided for, the contracting gas company shall equip each lamp with a self-regulating burner and tip, so combined and adjusted as to secure under all ordinary variations of pressure and density a consumption of 6 cubic feet of gas per hour.

Mr. OUTHWAITE. Mr. Chairman, I desire to offer an amendment. In line 11, I move to strike out the words "twenty-one" and insert the word "fifteen."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

In line 11, strike out the words "twenty-one" and insert the word "fifteen."

Mr. OUTHWAITE. Now, Mr. Chairman, my reason for doing this is that I desire some reform in the kind of gas that is supplied to the residents of this District, including the Government. The gas furnished in this city, according to my best observation and information—and I have gathered considerable information on the subject, and have had the benefit of the observations of a great number of people here—is about worth 75 cents a thousand feet, or less.

Mr. DICKERSON. Much less.

Mr. OUTHWAITE. It is not worth more than half as much as we are paying for it, and I want first to begin with those items in which the Government is directly interested, and then I want to see legislation enacted which will permit the people of this District to receive value for the money they pay to the gas company. I have, as I said, some experience and observation in regard to this gas, and I have observed one thing, and the people who live in the District state it also, and that is that the gas is poorer in quality when Congress is not in session than when it is in session.

Mr. DICKERSON. I do not know how it could be.

Mr. OUTHWAITE. There seems to be something in the assembling of Congress which causes this corporation to provide better lighting than they did before.

Mr. LIVINGSTON. Maybe it is the additional gas furnished by Congressmen. [Laughter.]

Mr. OUTHWAITE. It is claimed that they furnish as much gas as at other times, but the flame is not so good.

Mr. DICKERSON. What is the amendment you propose?

Mr. OUTHWAITE. To pay them $15.50 instead of $20.50 a post.

Mr. DICKERSON. Making it less than they get now. You can get good gas for 90 cents.

Mr. OUTHWAITE. We are paying $1.10.

Mr. DICKERSON. The gas now furnished is not worth more than 15 cents a thousand.

Mr. OUTHWAITE. If you desire to offer an amendment to my amendment you can do so.

The amendment of Mr. OUTHWAITE was agreed to.

The Clerk read as follows:

Military posts: For the construction of buildings at and the enlargement of such military posts as, in the judgment of the Secretary of War, may be necessary, $200,000.

Mr. BRODERICK. Mr. Chairman, I desire to offer an amendment.

The Clerk read as follows:

On page 58, line 10, strike out the word "two," and insert the word "five."

Mr. BRODERICK. Mr. Chairman, it has been the policy of the Government for a number of years to abandon military posts that are unnecessary and to improve those that are necessary. In pursuance of this policy Congress has been appropriating money from year to year, and the Government has entered upon improvements of twenty-three or twenty-four military posts. The improvements are commenced in many instances, and are valuable and necessary improvements.

Now, the proposition is to reduce the appropriation to $200,000. If this is done the Government will be unable to carry out the improvements that are already commenced; and in many cases the Government will lose by pursuing that policy. At Fort Leavenworth, in the State I represent in part, valuable improvements have been entered upon, and it will require a greater sum than can be given under the committee appropriation to complete the same. The appropriation made at the last session was $400,000, and the Secretary of War has recommended that a larger appropriation be made this session. This proposed amendment provides less than the Department has said was necessary to have this year. I hope the amendment will prevail.

Mr. BRYAN. Mr. Chairman, it seems that the amount of the appropriation mentioned here ought to be increased. These works have already been commenced under the present Administration, and it is false economy to appropriate less money than is necessary to carry on the work.

It would be all right if we refused to begin new works until the existing ones were completed, but when a work has been begun, it seems to me that to fail to appropriate sufficient money to carry it on properly is to lose to a large extent the money already put into it.

These posts have been planned, the foundations in some cases are in, and the Department has recommended an appropriation for this purpose of something over $1,700,000. The amount in this bill is only $200,000, and is certainly far less than is absolutely necessary for the proper carrying on of the work. I hope, therefore, that the amendment will be adopted, and that the appropriation will be so increased that the Department can proceed properly with these works.

Mr. DAVIS. Mr. Chairman, I wish to add a few words to what has been said on this subject. I live near one of the largest posts in the United States. A large amount of work has been planned there; buildings have been begun and not finished; other buildings are not repaired because they are scarcely worth repairing and new ones are contemplated in their places, and I am quite sure that during the cold weather of this winter both men and horses at that post have suffered greatly for want of proper shelter. I hope, therefore, that the amendment of my colleague will be adopted.

Mr. POWERS. Mr. Chairman, it is a well-known fact that at the last session of Congress an act was passed establishing a new military post in the State of Vermont, and it is equally well known that in case of any trouble with Great Britain, the way of entry into this country of a hostile land force would naturally be on the line which would be covered by that new post. The people of our State, in pursuance of the requirements of the act, have donated a large tract of land, valued, I think, at about $300,000, which will be available for the purposes of the Government if it sets about the work of erecting the necessary buildings at some time in the near future.

Now, as has been well said, the appropriation in this bill of only $200,000 for the entire range of military posts on the frontier is altogether too small. It will be a matter of economy, I have no doubt, if we at once appropriate $500,000, as proposed by this amendment, and let these public works be started and carried along in an economical, business-like manner.

Mr. LIVINGSTON. Will the gentleman inform the House how he knows that $200,000 is too small an amount?

Mr. POWERS. I know it from the best information I can get from sources that I deem reliable. From such sources I learn that there are several posts in different parts of the country each of which will require the full amount of this appropriation.

Mr. LIVINGSTON. Will the gentleman please remember that less than a year ago, when a bill was before this House to establish a military post in Vermont, he and his friends said that they did not wish an appropriation and would not ask for one?

Mr. POWERS. I beg the gentleman's pardon. I did not say any such thing. I understood, and I supposed everyone else understood, that an appropriation for that purpose would be called for at some time. How could we get the post without making an appropriation?

Mr. LIVINGSTON. The Committee on Appropriations have ascertained that in their judgment the $200,000 is sufficient for these military posts; now, if the gentleman has any additional information they will be glad to get it.

Mr. POWERS. I call the gentleman's attention to the hearing before the subcommittee of the Committee on Appropriations. In the statement of Gen. Batchelder, Quartermaster-General, under the head of "Vermont post," I find the following:

> Under authority of the act making appropriations for military posts for the fiscal year ending 1892, a site for the new post has been selected near Essex Junction, Vt. One hundred thousand dollars of the appropriation has been set aside for the purpose of beginning its construction as soon as complete title is obtained to the land. To complete the post for four companies $200,000 additional will be required, and to continue the work for the next fiscal year $100,000 is necessary.

I make that my answer to the gentleman's question.

Mr. LIVINGSTON. Are the titles to those lands completed?

Mr. POWERS. I understand that they are about completed.

Mr. LIVINGSTON. It is not usual to appropriate for such works where the title is not perfected or completed.

Mr. POWERS. I will say to the gentleman that according to my information the district attorney of our State has made a careful examination of the titles and is prepared to report that they are all correct. Of course the appropriation will not be available unless the Government gets a good title.

Mr. LIVINGSTON. My recollection is that there was no evidence before the committee that the titles were completed or perfected.

Mr. POWERS. No doubt the gentleman is correct in his recollection, for it is only within a very few days that the district attorney has completed his examination.

Mr. SIMPSON. Mr. Chairman, I hope this amendment will not prevail. I am opposed to any large appropriation for building military posts. I do not think any such appropriation is necessary at this time. We are at peace, as I understand, with all the world, and I do not see any necessity for building up military posts. It is especially true that in view of the condition of our Treasury at the present time, we are not warranted in spending money for purposes of this kind. Not many days ago there came up in this House a bill proposing to appropriate some millions of dollars for the purpose of buying a large tract of land to provide homes for the homeless people of the country. The plea was then made in opposition to the bill that because of the lack of funds in the Treasury the money could not be appropriated.

Now, I think we ought in the first place to take all necessary and proper measures for the purpose of securing homes for our homeless people, before we provide for building up expensive military posts throughout the country. It seems to me that the sum of $200,000 proposed by the committee to be appropriated in this item will be ample. Hence, I am opposed to the amendment. I have no military post in my district; but if I had, I do not think it would affect my vote on this subject. I believe we should legislate for the benefit of all the people, and not be too much guided by the fact that some of the money to be appropriated will be spent in our immediate district, and that by voting and working for the appropriation we may secure the votes of some of our constituents.

Mr. HOLMAN. Mr. Chairman, I hope the Committee of the Whole will not increase this appropriation.

Mr. BLOUNT. I would like to ask the gentleman a question. What is the probable comparison of the receipts and expenditures of the Government at the present time? I ask the question for the purpose of information; for, as the statement of the Secretary of the Treasury makes the receipts and the expenditures so very nearly equal, it seems to me that if there ever was a time when we should appropriate money carefully it is just now.

Mr. HOLMAN. Certainly we are running the risk of going beyond $500,000,000 in our appropriations this year for next year on the basis of appropriations now in progress, and the revenues of the Government can not reach for the next fiscal year $475,000,000, including the postal receipts. We must reduce appropriations or confront our people with increased taxation. Can the Democratic party afford that?

Mr. WILSON of Washington. Do I understand the gentleman to say that this is to be a "billion-dollar Congress"?

Mr. HOLMAN. You understand me to say that the way these bills are running, and with the appropriations we are piling up, the chances are that unless our method of proceeding be arrested the appropriations this year will exceed $500,000,000 and will vastly overrun the revenues of the Government.

Mr. WILSON of Washington. Well, I am in favor of cutting down expenditures for military posts and all that sort of thing.

Mr. HOLMAN. I am with you.

Mr. WILSON of Washington. And giving the money for surveys. [Cries of "Vote!" "Vote!"]

Mr. OUTHWAITE. Mr. Chairman, the War Department has submitted an estimate of the amount required to conduct the necessary improvements at the several military posts of the country. That estimate is $1,700,000. The Quartermaster-General, who has charge of this particular branch of improvement, was called before the committee and was examined thoroughly.

On pages 140 and 141 of the hearings before the committee he makes statements as to the necessity for improvements in certain posts; he makes statements also as to the advisability of omitting expenditures at certain posts; he also shows that there are some posts at which it is not necessary to make any expenditure. But if any member will take the trouble to glance over this testimony carefully he will see that the Committee on Appropriations has allowed about one-fourth as much as is necessary to continue the absolutely necessary improvements at the different posts.

Now, sir, any one in private business, starting to erect any kind of building or buildings for any business purpose, would not recognize it as good economy, when a building has been partially erected, to stop the work and let it stand for two years. This Government is not so poor that it can not do what good business instincts would prompt a private citizen to do; that is to finish buildings which are in course of construction.

Mr. HOLMAN. Will the gentleman answer me a question?

Mr. OUTHWAITE. Certainly.

Mr. HOLMAN. How much is carried by the Army appropriation bill for repairs of forts?

Mr. OUTHWAITE. I do not recollect the exact amount; but the money carried for repairs can not be appropriated for these purposes.

Mr. HOLMAN. I know that; but is not the amount of appropriation nearly $600,000 for repairs alone?

Mr. OUTHWAITE. That may be so; but I will state that there is not a cent of it but what is necessary, whatever the amount appropriated by the Committee on Military Affairs for that purpose may be. It is necessary to promote the object for which the appropriation was made.

Now, I did not hear the pending amendment read; but suppose it was to appropriate the same amount that was appropriated last year, making it $400,000. We appropriated $400,000 last year, and I do not think it ought to be any less now. As a business proposition to refuse to permit the Government to go on and complete buildings now in course of construction, that will be injured by being allowed to stand in their unfinished state, does not commend itself to my judgment from any point of view.

I do not ask that the Committee on Appropriations should give the $1,700,000 estimated by the War Department; because I think on an examination it was not sustained. But I do ask that committee to do a businesslike thing and appropriate at least $400,000, which is necessary for this purpose.

Mr. BLOUNT. Mr. Chairman, the gentleman from Ohio [Mr. OUTHWAITE] is insisting on the increase of the amount appropriated for this particular purpose, on a statement, I believe, made by the Quartermaster-General.

Mr. OUTHWAITE. Who was examined before the Committee on Appropriations.

Mr. BLOUNT. Who was examined before the committee, as the gentleman says.

But, Mr. Chairman, I wish to say that the Quartermaster-General in all probability did not take so broad a view of the question as necessarily devolves on the members of this House. Doubtless if there was no question as to the amount of money in the Treasury of the United States; if there were ample funds on hand to meet all of these various estimates, taking it from that standpoint (and that possibly is the idea on which the Quartermaster-General proceeds); if the condition of the Treasury were different, the amount of the estimate asked by him and the appropriation itself might be justifiable. But, sir, this House is charged with the consideration of this question in a very much broader sense.

The Committee on Appropriations of the House is charged with the duty, in recommending to the House the amount of money which shall be expended in any fiscal year, to consider carefully the amount of our receipts, and determine whether the appropriations are entirely within these limits or not. If it is urged that the appropriations shall exceed the amount of the receipts, then it becomes their duty to consider whether such expenditures will not involve additional taxation upon the people. It becomes the duty of the Committee on Appropriations and of the House to consider whether the Committee on Ways and Means of this House have made provision for obtaining these additional sums of money to meet such increased expenditures; and if they have not done so, whether an appropriation beyond what we have in the Treasury, or beyond what the Treasury can meet, does not necessarily bring the country at once face to face with the question of an insolvent Treasury or increased taxation.

Mr. Chairman, we can not afford to put the Government of the United States in any such attitude; and for one, sir, I think it is far better that we should restrain the tendency to increased expenditures on all of these items, rather than incur the risk of bringing the Government to such a humiliating condition.

There are eleven millions and over of deficit in the last fiscal year in the amounts due to the sinking fund, and during this fiscal year it has been estimated, I understand, that this will reach the sum of forty odd million dollars.

The Secretary of the Treasury in his report does not claim, confining ourselves within the estimates, that there will be more than $2,000,000 of receipts over the estimated expenditures in the next fiscal year. Now, I ask if that is not coming quite too near the verge, and if we should not pause and consider carefully before putting this Government in the attitude of coming within $2,000,000 of insolvency?

I do not care so much about the matter of military posts, but as we go into this or that object all along the line of appropriations, we should keep steadily in view the higher consideration whether the majority side of this House should not stand steadily in the path of such expenditures and restrain them rather than to be forced to the point of imposing additional taxation upon the people or the borrowing of money to meet our liabilities.

Surely, Mr. Chairman, it is time that these suggestions should make us pause in relation to all matters of appropriation, and admonish us to caution and economy in public expenditures.

Mr. DOCKERY. Mr. Chairman, I think it is the duty of this House to pause for a moment and take into consideration the probable appropriations of the present session and our ability to meet the expenditures thus involved. I understand that there is a proposition now pending to increase the amount reported by the Committee on Appropriations.

The Secretary of the Treasury in his annual report estimated the surplus in the Treasury on the 30th day of June next at $20,992,377.03. He also estimated, as just stated by the gentleman from Georgia [Mr. BLOUNT], that the surplus of current receipts over current expenditures for the present fiscal year will be $2,000,000. That is the statement in his annual report submitted, I believe, on the 22d of November. In the report recently submitted to the chairman of the Committee on Ways and Means, the Secretary estimates the same surplus ($20,992,377.03), although since the date of his annual report a pension deficency of $3,335,000 has been submitted.

Upon an examination of the report submitted to the chairman of the Committee on Ways and Means I find that the deficiency on account of pensions is made good by an increase in the estimated receipts from internal revenue, and, by a strange coincidence, by exactly the same amount, $3,335,000.

A MEMBER. Exactly the same amount?

Mr. DOCKERY. Yes, sir; there is not a deviation to the extent of a hair's breadth. The increase in the pension deficiency is made good, to the cent, by the estimated increase of receipts from internal revenue.

Now, then, this so-called surplus of $20,000,000, which the Secretary estimates at the close of the fiscal year, is only reached, as just stated in part by the gentleman from Georgia, by a default on account of the amounts due the sinking fund for the fiscal year 1892 of $11,307,825.36, by an admitted delinquency of $40,893,862.50 for the current fiscal year, and by covering into the Treasury the national bank redemption fund, amounting, as estimated (July 1, 1893), to $19,763,473.25.

So that when you add together these items of default, and this forced loan, the surplus of $20,992,377.03 would give place, if these liabilities had been met, to an actual deficiency of $50,972,784.08.

Mr. Chairman, it is well to understand that the appropriations of the present session, in spite of the most exacting scrutiny, will exceed $530,000,000. Of course this total includes the requirements of the sinking-fund act.

Mr. DINGLEY. They were $507,000,000 at the last session.

Mr. DOCKERY. Certainly.

Mr. SAYERS. The gentleman does not mean by that to say that the actual appropriations by the present Congress will amount to that; but that amount includes the permanent appropriations, as well as the appropriations made by the present Congress.

Mr. DOCKERY. That includes permanent appropriations, and the permanent appropriations include $48,700,000, which is the estimated requirement of the sinking fund for the ensuing fiscal year.

But, Mr. Chairman, whether you class the appropriations as permanent, annual, or indefinite, the obligations that will be imposed upon the taxpayers of the country by the appropriations of this session will amount, as I have it estimated, to $531,226,522.68. That is a conservative estimate. It includes the estimated annual appropriations of $505,961,335.33; the river and harbor contract liabilities of $16,115,750; the pension deficiency, now pending before this body, of $14,149,437.35; ordinary deficiencies, estimated at $9,000,000, and miscellaneous appropriations of $2,500,000, or a total of $547,726,522.68. Now, then, if

these estimates shall be reduced in the sum of $16,500,000 by the action of Congress, the net liabilities imposed at this session of Congress will aggregate, as before stated, $531,226,522.68.

Mr. Chairman, in view of this extraordinary aggregate of liabilities from which there seems to be no escape, because they are made in pursuance of existing law, I submit whether the motion now pending to increase the appropriations, or any other motions that may be offered hereafter in the same direction, should prevail.

I will not at this time make any reference in detail to the liabilities of the next fiscal year. I could do so, but I shall defer comment or statement inasmuch as that subject is now under consideration by the Committee on Ways and Means. In my judgment, however, without stopping to give details—as we will have them shortly from the committee of the House charged with that responsibility—a conservative estimate of the expenditures of the next fiscal year, eliminating the contemplated default on the sinking fund account of $43,700,000, will involve a deficiency of probably $15,000,000.

It is impossible, of course, to say whether the deficiency will be greater or less, because the amount will be more or less influenced by the administration of the Departments; but if all the liabilities of the Government for which appropriations are made and to be made were met, there would certainly be a deficiency of perhaps $15,000,000. Now, I submit to gentlemen, especially on this side of the Chamber, with this exhibit of the condition of our fiscal affairs, which can not be successfully controverted, whether we can afford to continue, as has been done in one instance this afternoon, to increase appropriations over the amount reported by the Committee on Appropriations.

Mr. HOLMAN. Mr. Chairman, I wish to say but a word. The appropriations of the present year for fortifications and quarters amounts to $700,000.

Mr. BRYAN. Mr. Chairman, the gentleman who is chairman of the Military Committee [Mr. OUTHWAITE] has, it seems to me, presented an argument which ought to influence the decision of this committee. If there is any place where it is unwise to stint your appropriations, it is in carrying on works already commenced. If these works are not needed, if our military posts are too numerous, let us strike off those which are unnecessary; but to appropriate a little over 10 per cent of the amount recommended by the Department for carrying on works already commenced, where if we do not carry them on we lose to some extent the value of the money invested, is practising economy in the wrong place. You have not done it in other places——

Mr. SIMPSON. Will the gentleman allow me to ask him a question?

Mr. BRYAN. Certainly.

Mr. SIMPSON. Do you consider, where the people donate to the Government a certain amount of land for a military post, that that is a case of work commenced?

Mr. BRYAN. No, sir.

Mr. SIMPSON. And that then we should go on and build a military post there simply because the Government has received the land?

Mr. BRYAN. No, sir.

Mr. SIMPSON. Many of these posts are constructed on the theory that the Government has received the land, and for that reason ought to go on and put up the buildings. This is the same argument that is made on the river and harbor bill.

Mr. BRYAN. I am not speaking of cases where no work has been begun; but I do believe that in the instances cited by the chairman of the Military Committee, where money has been appropriated and work commenced, the foundations laid, or the walls partly up, it is not economy for us to refuse the necessary appropriations for carrying on the work. There are places where reductions may be proper, but this is not one.

Mr. BLOUNT. Will the gentleman allow me to ask him a question?

Mr. BRYAN. Yes, sir.

Mr. BLOUNT. Would the gentleman apply that rule to the rivers and harbors of the country and the public buildings of the country; and when he shall have done that, what will be the amount of the increase of the expenditures?

Mr. BRYAN. Well, Mr. Chairman, a case ought to be decided upon its merits, and if the gentleman has any cases where the appropriations are not sufficient he should present them to the House. In this case it is not sufficient.

Mr. BLOUNT. But I will ask the gentleman if he is laying down a rule of action which when it shall be applied in every case which shall arise, notably in the improvement of rivers and harbors and the erection of public buildings, will not the amount aggregate a great many millions of dollars; and, therefore, I ask him whether or not it is good to invoke a rule on a single item unless he proposes to apply it all along the line?

Mr. BRYAN. Mr. Chairman, the rule I have laid down can be applied anywhere. Appropriations should be made where we have commenced work and would lose money by not carrying it on. It is wiser to make appropriations for work that has been commenced than to make them for works that have not been commenced.

Mr. HOLMAN. How will you get the money, my friend?

Mr. BRYAN. We will have to raise the money if necessary. We must raise the necessary amount to meet the requirements of the Government. It is probable that expenditures can be cut down in some quarters where it will not cause an actual loss to the Government.

Mr. HOLMAN. I think the party that goes into debt and increases taxation for the erection of unnecessary buildings will hardly receive popular approval.

Mr. DAVIS. Mr. Chairman, I would like to say one word. My experience and observation are in connection with a post where the work has been laid out for many years and is largely done. It is not a post to be begun. It is a matter of economy and business that we should go on with these works; and, besides being a matter of business, it is a matter of humanity. That post at Fort Riley is in the center of the continent. It is the headquarters of the police force of the entire western half of this continent, including the frontier of Mexico, with smuggling and other troubles.

It is very necessary that this work should go on, in order that the men and horses should have comfortable quarters. During a large part of the year they are compelled to live in tents. During the present winter they have been living in buildings that leak and are too old, probably, to be repaired. They should have been living in buildings the erection of which was authorized years ago. There is nothing new at all about this post except what has been authorized for several years. To carry out the improvements that are authorized at that single post will require $300,000, and it ought to be completed as soon as possible.

The amendment was again reported.

The question was taken on the adoption of the amendment, and the Chairman announced that the noes seemed to have it.

Mr. WEVER. Division, Mr. Chairman.

The committee divided; and there were—ayes 40, noes 81.

Mr. WEVER and Mr. DAVIS. No quorum, Mr. Chairman.

Mr. COGSWELL. Let us rise.

Mr. HOLMAN. Let us finish this.

The CHAIRMAN. The Chair will appoint the gentleman from Kansas [Mr. DAVIS] and the gentleman from Indiana [Mr. HOLMAN] to act as tellers.

Mr. BURROWS. There is not a quorum here.

Mr. HOLMAN. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. LESTER of Georgia reported that the Committee of the Whole House on the state of the Union had had under consideration the bill (H. R. 10238) making appropriations for the sundry civil expenses of the Government for the year ending July 30, 1894, and for other purposes, and had come to no resolution thereon.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. MCCOOK, its Secretary, announced that the Senate had disagreed to the amendment of the House of Representatives to the bill (S. 1303) to increase the pension of Mrs. S. A. Farquharson, asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. DAVIS, Mr. TURPIE, and Mr. PALMER as the conferees on the part of the Senate.

It also announced that the Senate had passed without amendment bills of the following titles:

A bill (H. R. 5597) for the relief of William Smith and others; and

A bill (H. R. 10062) to authorize the construction of a bridge across the Osage River, between the mouths of Pomme de Terre River and Buffalo Creek, in Benton County, Mo.

It also announced that the Senate had passed with amendments, the bill (H. R. 5049) to remove the charge of desertion against Lucius L. Dyer, in which the concurrence of the House was requested.

It also announced that the Senate had passed bills and joint resolution of the following titles; in which the concurrence of the House was requested:

A bill (S. 88) for the relief of Hiram Somerville;

A bill (S. 2657) granting right of way to the Watertown, Sioux City and Duluth Railway Company through the Sisseton and Wahpeton Indian Reservation;

A bill (S. 2869) to provide for the reservation of certain timber lands upon the Siletz Indian Reservation for the benefit of the Indians;

A bill (S. 3568) providing for the establishment and enforcement of rules and regulations for the use and navigation of United States canals and similar works of navigation, and for other purposes; and

Joint resolution (S. R. 140) authorizing the Secretaries of War and of the Navy to loan to the committee on inaugural ceremonies flags, etc.

It also announced that the Senate had passed, without amendment, House concurrent resolution providing for joint session of the Senate and House of Representatives relative to declaring the vote for President and Vice-President of the United States.

It also announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 985) to provide for the enlargement of the military post at Fort Wayne, Mich.

It also announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 1678) for the relief of William Smith and others.

It also announced that the Senate had passed the following resolution; in which the concurrence of the House was requested:

Resolved by the Senate (the House of Representatives concurring), That the President be requested to return to the Senate the bill (S. 2625) to provide for the punishment of offenses on the high seas.

PUNISHMENT FOR OFFENSES ON THE HIGH SEAS.

The SPEAKER. The Chair will lay before the House a resolution of the Senate requesting the recall of a bill.

The Clerk read as follows:

Resolved by the Senate (the House of Representatives concurring), That the President be requested to return to the Senate the bill (S. 2625) to provide for the punishment of offenses on the high seas.

The resolution was agreed to.

WILLIAM SMITH AND OTHERS.

The SPEAKER. The Chair will also lay before the House a resolution of the Senate requesting the return of a bill from the House.

The Clerk read as follows:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 1678) for the relief of William Smith and others.

Mr. OUTHWAITE. What is the purpose of having it returned?

The SPEAKER. The Clerk will again report the resolution.

The resolution was again reported.

The SPEAKER. Without objection the request of the Senate will be complied with, and the bill returned.

There was no objection, and it was so ordered.

Mr. HOLMAN. I move that the House do now adjourn.

Mr. OATES. Will the gentleman withhold that motion for a moment so that I may ask unanimous consent to print in the RECORD remarks on the subject of the bankruptcy bill?

The SPEAKER. The gentleman from Alabama asks unanimous consent for leave to print in the RECORD remarks on the subject of the bankruptcy bill. Is there objection? [After a pause.] The Chair hears none.

The motion of Mr. HOLMAN was then agreed to; and accordingly (at 5 o'clock and 7 minutes p. m.) the House adjourned.

REPORTS OF COMMITTEES.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. SMITH of Arizona, from the Committee on Claims: The bill (H. R. 10268) to submit to the Court of Private Land Claims, established by an act of Congress approved March 3, 1891, the title of William McGarrahan to the Rancho Panoche Grande, in the State of California, and for other purposes. (Report No. 2360.)

By Mr. ANDREW, from the Committee on Foreign Affairs: The bill (H. R. 8636) to authorize Lieut. Sidney S. Jordan, Fifth United States Artillery, and Capt. Edward C. Carter, assistant surgeon of United States Army, to accept medals from the Government of Great Britain for their humane service to the shipwrecked crew of the British ship Strathbane. (Report No. 2361.)

By Mr. COBB of Missouri, from the Committee on War Claims: The bill (H. R. 10301) for the relief of Catherine Murchison, of Hinds County, Miss. (Report No. 2362.)

The bill (H. R. 10332) for the relief of Bettie A. Aldrich. (Report No. 2363.)

The bill (H. R. 6905) to pay Capt. A. D. Nash $275 as bounty and back pay as captain, etc., of Company B, Sixty-first Regiment Illinois Volunteer Infantry. (Report No. 2364.)

BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. HEMPHILL: A bill (H. R. 10333) to authorize reassessment for local improvements in the District of Columbia, and for other purposes—to the Committee on the District of Columbia.

By Mr. ANDREW: A bill (H. R. 10334) to repeal certain sections of the act approved May 5, 1892, entitled "An act to prohibit the coming of Chinese persons into the United States"—to the Committee on Foreign Affairs.

By Mr. WILSON of Kentucky: A bill (H. R. 10335) for the extension of the investigation of drug adulterations, and other purposes—to the Committee on Agriculture.

By Mr. HALVORSON (by request): A bill (H. R. 10336) to authorize the construction of a bridge across the St. Louis River, between the States of Minnesota and Wisconsin, near the village of West Duluth—to the Committee on Interstate and Foreign Commerce.

By Mr. FORMAN: A bill (H. R. 10337) to amend an act to prevent the manufacture and sale of adulterated food or drugs in the District of Columbia, and transfer the execution thereof to the Department of Agriculture—to the Committee on the District of Columbia.

By Mr. LAPHAM (by request): A joint resolution (H. Res. 194) for the more effectual carrying out of a provision of the act approved March 3, 1891, entitled "An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1892, and for prior years, and for other purposes"—to the Committee on Claims.

By Mr. DUBOROW: A resolution instructing the Committee on Agriculture to incorporate in the agricultural appropriation bill the sum of $15,000 to be expended for the purpose of making investigations for a better system of roads—to the Committee on Agriculture.

By Mr. HOPKINS of Illinois: A resolution asking information concerning prosecution of sugar trust—to the Committee on the Judiciary.

By Mr. LEWIS: A resolution instructing the Committee on Agriculture to incorporate in the bill making appropriations for the Agricultural Department a clause authorizing the Secretary to make inquiries regarding public roads—to the Committee on Agriculture.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as indicated below:

By Mr. ARNOLD: A bill (H. R. 10338) for the relief of W. J. Hightower—to the Committee on Pensions.

By Mr. BANKHEAD (by request): A bill (H. R. 10339) to cause inquiry to be made regarding suspended law and cause suspended law to be enforced in favor of Lieut. Nathaniel Johnson Coffin—to the Committee on the Judiciary.

By Mr. BRANCH: A bill (H. R. 10340) for the relief of the primitive Baptist Church at Newport, N. C.—to the Committee on War Claims.

By Mr. BRYAN: A bill (H. R. 10341) for the relief of John M. Burks, James Manning, and C. S. Waite—to the Committee on Claims.

By Mr. TURPIN (by request): A bill (H. R. 10342) for the relief of Miss A. C. Roach, of Selma, Ala.—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ANDREW: Petition of officers and members of the Turnverein of East Cambridge, Mass., against any measure restricting immigration—to the Select Committee on Immigration and Naturalization.

By Mr. ATKINSON: Petition of 500 citizens of the Eighteenth district of Pennsylvania, praying for the restriction of foreign immigration—to the Select Committee on Immigration and Naturalization.

By Mr. BELTZHOOVER: Petition of Boiling Springs Council of the Order of United Mechanics of Cumberland County, Pa., in favor of more rigid restriction of immigration—to the Select Committee on Immigration and Naturalization.

By Mr. BERGEN: Petition of I. and J. L. Leonard, that law relating to second-class postal matter be revised—to the Committee on the Post-Office and Post-Roads.

By Mr. BRECKINRIDGE of Arkansas: Petition of 34 citizens of De Valls Bluff, Ark., strongly urging that the World's Fair

be open on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. BROSIUS: Resolutions of Council 231, Order of United American Mechanics of Bainbridge, Pa., in favor of restricting immigration—to the Select Committee on Immigration and Naturalization.

Also, resolutions of the State Young Men's Christian Association of Pennsylvania, against opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition in regard to second-class mail matter—to the Committee on the Post-Office and Post-Roads.

Also, three petitions for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. CASTLE: Ten petitions of associations of Minnesota, as follows: One from bookbinders of St. Paul, one from horseshoers of St. Paul, one from plumbers of St. Paul, one from Sheet-Iron Workers' Union of St. Paul, one from switchmen of Minneapolis, one from upholsterers of Minneapolis, one from bricklayers of Minneapolis, one from horseshoers of Minneapolis, one from sheet-iron workers of Minneapolis, and one from cigar-makers of Minneapolis, all in favor of opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. CAUSEY: Petition of citizens of city of Wilmington, Del., praying Congress to investigate sections colonized by aliens during the last decades—to the Select Committee on Immigration and Naturalization.

By Mr. CHIPMAN: Petition of O. M. Poe, Garrison No. 20, Regular Army and Navy Union, of Sault St. Marie, Mich., for the retirement of enlisted men on twenty-five years' service—to the Committee on Military Affairs.

By Mr. COBB of Missouri: Petition of F. W. Biebinger, president of the Fourth National Bank, the Greely Burnham Grocery Company, and 140 bankers and business firms of St. Louis, Mo., favoring the repeal of the "Sherman silver-purchase act"—to the Committee on Banking and Currency.

By Mr. COVERT: Petition of William F. Wyckoff and others, for the repeal of the Sherman silver act—to the Committee on Coinage, Weights, and Measures.

By Mr. CRISP (by request): Two memorials of citizens of New Jersey, as follows: The memorial of the Presbyterian Church of Providence and of the First Presbyterian Church of Camden, praying that the World's Fair be closed on Sunday—to the Select Committee on the Columbian Exposition.

Also, memorial of the Rock Presbyterian Church, praying that the World's Fair be closed on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 12 citizens of Pennsylvania, praying that the Chandler bill be enacted into law—to the Select Committee on Immigration and Naturalization.

Also, petition of the clerks employed in branch office B of the New York post-office, urging the passage of House bill 3608—to the Committee on the Post-Office and Post-Roads.

By Mr. DALZELL: Petition of sundry citizens of the Twenty-second Congressional district of Pennsylvania, in favor of more stringent immigration laws—to the Select Committee on Immigration and Naturalization.

Also, resolution of the select councils of the city of Pittsburg, against a certain bridge over the Monongahela River—to the Committee on Interstate and Foreign Commerce.

Also, resolutions of the Paint and Drug Club of Pittsburg, Pa., in favor of the passage of the bankruptcy act—to the Committee on the Judiciary.

By Mr. DOAN: Resolutions of the board of health of Jamestown, Ohio, urging that the entire control of maritime quarantine be placed in the hands of the National Government—to the Committee on Interstate and Foreign Commerce.

By Mr. DURBOROW: Petition of 62 officers and employés of the Bates Machine Company, of Joliet, Ill., for Sunday opening of the World's Fair—to the Select Committee on the Columbian Exposition.

Also, petition of 37 citizens of West Superior, Wis., for Sunday opening of the World's Fair—to the Select Committee on the Columbian Exposition.

Also, petition of H. S. Van Alstine and 73 others, of Gilmore City, Iowa, for Sunday opening of the World's Fair—to the Select Committee on the Columbian Exposition.

Also, petition of W. N. Parsons and 56 others, of Burlington, Iowa, for closing the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, 25 citizens of Lacon, Ill., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of L. R. Meyer and 135 others, of Carbon, Wyo., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of F. C. Hartshorn and 56 others, of Flanagan, Ill., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of L. M. Kellogg and 45 others, of Missouri Valley, Iowa, for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of H. T. Woodruff and 35 others, of Harvard, Ill., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Robert Davidson and 15 others, of Remington, Ill., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of S. R. Ballard and 8 others, of Galesburg, Ill., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Henry C. Struck, jr., and 12 others, of Davenport, Iowa, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Thomas McFarland and 53 others, of Elgin, Chauburg, and other places of Illinois, for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of F. J. Mansfield and 55 others, of Burlington, Iowa, for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of E. E. Hillrant and 56 others, of Decatur, Ill., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 27 citizens of Paxton, Ill., for opening the Columbian Exposition on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 64 citizens of Burlington, Iowa, for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Berton E. Chapman, of Rockford, Ill., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 25 citizens of Chicago, Ill., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 55 citizens of Chicago, Ill., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 60 citizens of Chicago, Ill., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 47 citizens of Chicago, Ill., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition,

Also, petition of 49 citizens of Chicago, Ill., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 51 citizens of Chicago, Ill., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 112 citizens of Kansas City, Mo., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 55 citizens of Kansas City, Mo., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 52 citizens of St. Louis, Mo., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 56 citizens of St. Joseph, Mo., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 17 citizens of Franklin, Mo., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 57 citizens of Chicago, Ill., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 27 citizens of Elgin, Ill., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 54 citizens of Chicago, Ill., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 44 citizens of Kansas City, Mo., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 55 citizens of Windsor, Mo., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 78 citizens of Kansas City, Mo., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 118 citizens of Kansas City, Mo., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 167 citizens of Jefferson Barracks, Mo., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 42 citizens of Moline, Ill., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 16 citizens of Long Grove, Ill., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 51 citizens of Pana, Ill., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 56 citizens of York, Pa., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 307 citizens of Cairo, Ill., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 55 citizens of Kansas City, Mo., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 34 citizens of Clayton, Mo., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 55 citizens of Kansas City, Mo., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 56 citizens of Kansas City, Mo., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 56 citizens of Kansas City, Mo., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 46 citizens of Kansas City, Mo., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 58 citizens of Chicago, Ill., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 56 citizens of St. Louis, Mo., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 58 citizens of Chicago, Ill., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 56 citizens of Kansas City, Mo., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 56 citizens of St. Louis, Mo., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 55 citizens of Kansas City, Mo., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 56 citizens of Kansas City, Mo., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 56 citizens of Carthage, Mo., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 17 citizens of Kansas City, Mo., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 172 citizens of Springfield and other places of Missouri, for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 56 citizens of St. Louis, Mo., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 86 citizens of San Diego, Cal., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of William Sullivan and 125 others, of Houston, Tex., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Stockton West and 56 others, for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 50 citizens of Charles City, Floyd County, Ill., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of H. W. McFarlane and 30 others, of Austin, Ill., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of John A. Barry and 39 others, of Aurora, Ill., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Martin D. Baker and 18 others, of East St. Louis, Ill., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of M. B. Wheeler and 56 others, of Aurora, Ill., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of L. H. Bryan and 57 others, of Aurora, Ill., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of N. Kinsey and 55 others, of La Salle, Ill., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Sadie Richardson and 55 others, of Amboy, Ill., to open the World's Fair on Sunday—to the Select Committee on the Columbia Exposition.

Also, petition of James Wallace and 40 others, of La Salle, Ill., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of L. E. Rosebrough and 55 others and 40 ladies from Amboy, Ill., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, ten petitions of citizens of Illinois, for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 55 citizens of Elgin and other places of Illinois, for opening the Columbian Exposition on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 29 citizens of Galesburg, Ill., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 145 citizens of Portland, Oregon, for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of S. Bowen and 130 others, of Crawford, Ill., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of J. E. Corlett and 42 citizens of Elkada, Iowa, for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Herman Sohur and 56 others, of Chicago, Ill., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 56 citizens of Council Bluffs, Iowa, for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of W. H. Karnes and others of Jaiburg, Ill., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of B. W. Bristow and 18 others, of Illinois, for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 55 citizens of Rochelle, Ill., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Robert Beers and 88 others, of Streator, Ill., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of George M. Campbell and 56 others, of Davenport, Iowa, for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 58 citizens of La Grange, Ill., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of J. C. Whiteley and 56 others, of Rockett, Kenney County, Tex., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 56 citizens of Rochelle, Ill., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 83 citizens of Dubuque, Iowa, for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 31 citizens of Bloomington, Ill., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 56 citizens of Davenport, Ill., for opening the

World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of J. R. Hays and 13 others, of Decatur, Ill., for opening the Columbian Exposition on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of John Frenking and 110 others, of Basell and other places, for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of William T. Barrett and 15 others, of Springfield, Ill., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of A. S. Beattee and 51 others, of El Paso, Tex., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Henry Hobbs and 14 others, of Rockford, Ill., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 110 citizens of National City, Cal., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 161 citizens of Detroit, Mich., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 12 citizens of Grand Rapids, Mich., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 55 citizens of Ishpeming, Mich., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 68 citizens of Ironwood, Mich., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 10 citizens of Decatur, Mich., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 16 citizens of Sea View, Cal., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 110 citizens of Fenton, Mich., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 55 citizens of Santa Ana, Cal., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 24 citizens of Benton Harbor, Mich., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 35 citizens of Vallejo, Cal., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of citizens of Grand Rapids, Mich., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of E. H. Wilson and 47 others, of Lostant, Ill., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of J. P. Shabo and 43 others, of Aurora, Ill., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Elizabeth M. Morris and 55 others, of Amboy, Ill., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of John Kuhn and 84 other citizens of Illinois, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of John Weiler and 56 others, of Aurora, Ill., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of William Kingely and 51 others, of Springfield, Ill., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of John Sample and 55 others, of Carthage, Ill., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of J. B. Bailey and 52 others, of Ottawa, Ill., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of James Turnbull and 29 others, of Winslow, Ill., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of J. D. Webber of Minonk, Ill., and 56 others, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of George Kranz and 31 others, of Minonk, Ill., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of E. A. Humphreys, jr., and 56 others, of Pana, Ill., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of J. A. Crain, of Freeport, Ill., and 16 others, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of J. W. McClinstock and 30 others, of Liberty, Ill., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of H. B. Bowman and 40 others, of Beecher, Ill., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Herman Fritsche and 56 others, of Crete, Ill., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Emil A. Krieschner and 46 others, of Chicago, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of W. F. Fugate and 20 others, of Indianapolis, Ind., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of W. L. Purcell and 18 others, of Moline, Ill., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of C. S. Brink and 40 others, of Otsego Lake, Mich., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Sarah M. Storrs and 56 others, of Aurora, Ill., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Frank S. Woods and 57 others, of Aurora, Ill., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Peter G. Lincoln and 55 others, of Aurora, Ill., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of W. A. Iliff and 56 others, of Aurora, Ill., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of John L. Myers and 56 other citizens of Escambia, Mich., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of S. O. Raurk and 51 other citizens of South Bend, Ind., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Bartlett Woods and 50 other citizens of Crown Point, Ind., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Tom Collins and 56 other citizens of Booneville, Ind., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of F. H. Miller and 56 others, citizens of Philadelphia, Pa., Indianapolis, Ind., and New York, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of C. S. Owen and 55 other citizens of South Bend, Ind., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of William Hisgen, sr., and 54 other citizens of Vincennes, Ind., Kansas City, and Henderson, Ky., to open the World's Fair on Sunday—to the Select Committee on the Select Columbian Exposition.

Also, petition of Henry H. Porter and 96 other citizens of Dowagiac, Mich., and Lawrence, Mich., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Theodore Dartin and 119 other citizens of Chicago, Ill., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of K. M. Turner and 16 other citizens of Martin Park, Chicago, Ill., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of W. H. Robinson and 27 other citizens of Chicago, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of James J. Gleson and 43 other citizens of Chicago, Ill., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Joseph H. Bretz and 48 other citizens of Cottage Grove, Duncan Park, and Wentworth, Chicago, Ill., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Mary Bretz and 111 other ladies of Chicago,

to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Wallace F. Grubb and 17 other citizens of Cottage Grove, Chicago, Ill., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Miss Annie Eyle and 56 other ladies of Chicago, Ill., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of N. S. Lepperr and 35 other citizens of Chicago, Ill., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Edward Moore and 83 other citizens of Dowagiac, Mich., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Morris Warshasky and 40 other citizens of Chicago, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of H. C. Barlow and 82 other citizens of Oak Park, Chicago, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Robert Barclay and 14 other citizens of Chicago, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of B. A. E. Landergren and 32 other citizens of Chicago, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Edward Levy and 13 other citizens of Chicago, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Andrew Jones and 53 other citizens of Chicago, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of George Thompson and 51 other citizens of Chicago, Ill., to open World's Fair on Sunday—to the Select Committee on the World's Columbian Exposition.

Also, petition of Miss Maria Wansur and 19 other ladies of Chicago, Ill., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Oscar B. Cash and 25 other citizens of Chicago, Ill., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of James E. Grantham and 25 other citizens of Chicago, Ill., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Charles E. Barnes and 56 other citizens of Battle Creek, Mich., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Edward P. Late and 54 other citizens of Iron River, Mich., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of G. A. Ehehorn and 29 other citizens of Chicago, Ill., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of S. W. Bememaun and 56 other citizens of Chicago, Ill., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Jeremiah Hays and 35 other citizens of Independence, Chicago, Ill., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of O. G. Sormhols and 18 other citizens of Chicago, Ill., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Eugene Distzzen and 50 other citizens of Chicago, Ill., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of D. F. Barclay, jr., of Elgin, Ill., with 32 others, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 17 out of 18 employés of the house of H. G. Gillen, of Ottawa, Ill., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Oscar Quinn and 11 others, of Mansfield, Ill., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of W. C. Johnson, of Rockford, Ill., and 34 others, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Boone Ingels and 48 others, of Chicago, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of J. B. Good, of Dallas, Tex., and 41 others from various cities of the United States, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of William L. Mitchell, of Chicago, and 16 others, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Mrs. Edwin Walker and 115 other ladies of Chicago, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of A. P. Bennett and 44 others, of Waukegan, Ill., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Thomas Calahan and 18 others, of Rockford, Ill., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of S. J. Killduff and 12 others, of Peoria, Ill., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of W. J. Kennedy and 55 others, of Franklin Grove, Ill., to open the World's Fair on Sunday—to the Select Committee on Columbian Exposition.

Also, petition of C. F. Gross and 56 others, of Joliet, Ill., to open the World's Fair on Sunday—to the Select Committee on Columbian Exposition.

Also, petition of C. G. Felix and 27 others, of Bloomington, Ill., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of John A. Brown and 12 others, of Quincy, Ill., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Rev. T. F. Monahan and 37 others, of Arcola, Ill., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of John F. Geeting and 39 others, of Chicago, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of August Allen and 9 others, citizens of Illinois, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Ralph H. Hardy and 23 others, of Kaneville, Ill., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Charles C. Becker and 15 others, of Freeport, Ill., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Harry Newman and 52 others, of Aurora, Ill., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of John Murphy, of Kankakee, Ill., and 15 others, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of D. Kelley and 16 others, of Rochelle and Rockford, Ill., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Simon Geiger and 14 others, of Peru, Ill., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 60 employés of the Pullman Palace Car Company, of Pullman, Ill., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of J. O. Reedy and 60 others, of Mattoon, Ill., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of C. L. Wright and 16 others, of Elsdon, Ill., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of O. D. Hill and 57 others, of Decatur, Ill., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of J. McDonald and 56 others, of Decatur, Ill., to open the World's Fair on Sunday—to the Select Commiltee on the Columbian Exposition.

Also, petition of F. H. Rehling and 48 others, of Decatur, Ill., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition,

Also, petition of Dr. M. H. Farmer and 55 others, of Decatur, Ill., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Richard H. Dobie and 37 others, of Elgin, Ill., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of C. M. Woodland and 77 others, of Peru, Ill., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of John C. Hanna and 8 others, of Peoria, Ill., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of H. Samuels and 55 others, of Rockford, Ill.,

to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Owen Rice and 51 others, of Joliet, Ill., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of E. L. Henning and 56 others, of Plano, Ill., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Thomas Kilbourn and 56 others, of Plano, Ill., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 28 employés of Martin & Molher, of Naperville, Ill., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of E. B. Leigh and 56 other citizens of Chicago, Ill., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of the Multiple Speed and Traction Company and 75 others, of Lakeside Building, Chicago, Ill., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of J. B. Biddle and 35 other citizens of Oregon, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of D. G. Cantner and 56 other citizens of Monticello, Ill., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Fred Lake and 55 other citizens of Illinois, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of O. B. Rhea and 20 other citizens of Chicago, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of C. B. Goodman and 56 other citizens of Chicago, Ill., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Charles W. Stafford and 18 other citizens of Chicago, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Mrs. James B. Sparks and 21 other ladies of Chicago, Ill., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of E. E. Gray and 20 others, citizens of Chicago, Ill., and Winnetha, Ill., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of F. L. Bancroft and 35 other citizens of St. Paul, Minn., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of R. F. Wilson and 156 other citizens of Eau Claire, Wis., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Emit Wm. Kalb and 54 other citizens of Chicago, Ill., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of L. H. Long and 6 other citizens of Chicago, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of George Lundfust and 56 other citizens of Chicago, Ill., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of B. E. Silden and 56 other citizens of Chicago, Ill., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Thomas J. Byone and 75 other citizens of Chicago, Ill., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of J. J. Klopp and 46 others, of Estherville, Iowa, for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of F. C. Durant and 33 others, of Elgin, Ill., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of N. E. Russell and 51 others, of Lyons, Iowa, for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 13 citizens of Freeport, Ill., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Charles Hoffman and 82 others, of San Diego, Tex., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Frank L. Ball and 56 others, of Bushnell, Ill., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 53 citizens of Lions, Iowa, for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Allen Anderson and 9 other citizens of Fairview, Ill., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of W. C. Callicote and 112 other citizens of Shawneetown, Ill., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of R. P. McCauley and 33 other citizens of Atkinson, Ill., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of M. H. Thomas and 19 other citizens of Geneseo, Ill., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of F. Farrell and 7 other citizens of Isennen, Ill., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of M. J. Miller and 52 other citizens of Geneseo, Ill., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of W. W. Hart and 40 other citizens of Quincy, Ill., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of G. Roy Burllen and 54 other citizens of Chicago, St. Louis, Mo., Peoria, Ill., Boston, Mass., Cleveland, Ohio, Springfield, Ill., and New York, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of S. C. Chetham and 51 other citizens of Chicago, Ill., Oshkosh, Wis., Milwaukee, Wis., and Toledo, Ohio, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of C. H. Waters and 55 other citizens of Marinette, Wis., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of W. Dayter and 56 other citizens of Marinette, Wis., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of E. L. Damon and 56 other citizens of Fremont, Wis., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Frank Hicks and 56 other citizens of Fremont, Wis., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of W. E. Randall and 9 other citizens of La Crosse, Wis., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of W. H. Grumvald and 55 other citizens of Milwaukee, Wis., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of William Conners and 56 other citizens of Merrill, Wis., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Holman Lasey and 51 other citizens of Kempton, Ind., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Alexander Gasser and 14 other citizens of Tell City, Ind., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of John L. Haber and 56 other citizens of Tell City, Ind., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Frank Barnett and 53 other citizens of Noblesville, Ind., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of I. A. Stevenson and 52 other citizens of Cleveland, Ohio, Richmond, Ind., Louisville, Ky., Elwood, Ind., and Denver, Colo., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Isaac Daby and 56 other citizens of Bloomington, Ill., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Fred. Willrelm and 55 other citizens of Chicago, Baltimore, and Philadelphia, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 56 citizens of Michigan to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 55 citizens of Michigan, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 56 citizens of Michigan, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of C. H. Jones and 42 other citizens of Chicago,

to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of W. M. Alley and 127 others, citizens of Michigan, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Albert Kleinschmidt and 44 others, citizens of Michigan, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of J. W. O Donnell and 54 others, citizens of Chicago, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, a petition of C. A. W. Keaton, of St. Paul, and 25 others, from various cities of the United States, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of O. E. Amundson and 59 others, of Chicago, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of John T. Kearney and 55 others, of Chicago, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Daniel Bryant and 127 others, of Chicago, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of George W. Adams and 40 others, of Chicago, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of E. J. Stranskey and 57 others, of Chicago, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of J. H. Frendenthal and 54 others, of Chicago, to open the world's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of H. F. Eaton and 52 others, of Chicago, to open the World's Fair on Sunday—to the Select Committee on the World's Columbian Exposition.

Also, petition of C. Mernard and 55 others, of Chicago, to open the World's Fair on Sunday—to the Select Committee on the World's Columbian Exposition.

Also, petition of J. L. Campbell and 28 others, of Chicago, to open the World's Fair on Sunday—to the Select Committee on the World's Columbian Exposition.

Also, petition of Henry Gratholt and 55 others, of Chicago, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of W. D. Hama and 37 others, of Chicago, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Dr. R. E. Lee Barlow and 60 others, of Chicago, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of B. H. Bond and 47 others, of Chicago, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Philip D. Armour and 100 other citizens of Chicago, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Charles Atchison, of Chicago, and 56 others, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Daniel Crowley and 54 others, of Chicago, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of M. Rosenbaum, of Chicago, and 52 others, residents of various cities of the United States, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of M. Shehan, of Chicago, and 21 others, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of J. M. Byron, of Chicago, and 41 others, residents of various cities, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of C. B. Cooke and 71 others, of Boone, Iowa, and vicinity, in favor of opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 23 citizens of Decatur, Ill., in favor of opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Charles A. Jaeger and 55 others, of Burlington, Iowa, in favor of opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of James Heaton and 59 others, of Springfield, Ill., and other places, favoring Sunday opening of the World's Fair—to the Select Committee on the Columbian Exposition.

Also, petition of O. P. Ode and 14 others, of Decorah, Iowa, favoring Sunday opening of the World's Fair—to the Select Committee on the Columbian Exposition.

Also, petition of J. C. Hubinger and 57 others, of Keokuk, Iowa, favoring Sunday opening of the World's Fair—to the Select Committee on the Columbian Exposition.

Also, petition of 36 citizens of Elgin, Ill., in favor of Sunday opening of the World's Fair—to the Select Committee on the Columbian Exposition.

Also, petition of J. J. Upton, cashier First National Bank, and 44 others, of Garner, Iowa, and other towns, in favor of Sunday opening of the World's Fair—to the Select Committee on the Columbian Exposition.

Also, petition of J. F. Ennor and 26 others, of Freeport, Ill., in favor of Sunday opening of the World's Fair—to the Select Committee on the Columbian Exposition.

Also, petition of E. B. Hardin and 12 others, of Illinois, asking that the World's Fair be opened on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of J. E. Brown and 45 others, of Mill City, Oregon, asking for Sunday opening of the World's Fair—to the Select Committee on the Columbian Exposition.

Also, petition of 56 citizens of Hamburg, Iowa, asking Congress to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 20 citizens of Chicago, praying for Sunday opening of the World's Fair—to the Select Committee on the Columbian Exposition.

Also, petition of B. F. Rose and 66 others, of Coleman, Tex., praying that the World's Fair be open on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 16 citizens of Braceville, Ill., praying Congress to repeal the law closing the Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of G. F. Robbins and 55 others, of Apple River, Ill., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of M. Shloss, Des Moines, Iowa, and 38 others, to open World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of W. J. Maguire and 49 others, of Mason City, Iowa, for the repeal of the law closing the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Peter Thomsen and 55 others, of Fulton, Ill., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of the Bradford Mill Company of Cleveland, Ohio, for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of J. H. Kerwin and 55 others, of Oelwein, Iowa, for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of W. L. Cochran and 56 others, of Burlington, Iowa, for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Ed. Prendergast and 56 others, of Lyons, Iowa, for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 12 citizens of Winnetka, Ill., for the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of John S. Hyatt and 74 others, of Stephensville, Tex., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Cyrus Smith and 38 other citizens of Iowa, for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of R. J. Post and others, of Illinois, in favor of Sunday opening—to the Select Committee on the Columbian Exposition.

Also, petition of T. L. Eaton and 48 others, of Vermont, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of C. M. Corbus and 91 others, of Illinois, for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of H. Sinelser and 66 others, of Ashton, Nebr., in favor of opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Sidney Wood and over 100 others, of Illinois, for Sunday opening of the World's Fair—to the Select Committee on the Columbian Exposition.

Also, petition of 113 citizens of Oregon, asking Congress to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of J. L. Warner and others, of Ottawa, Ill., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of J. Phillips and 55 others, of Cedar Rapids, Iowa, for Sunday opening of the World's Fair—to the Select Committee on the Columbian Exposition.

Also, petition of James L. Moore and many others, of Fort Madison, Iowa, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of F. J. Knight and 53 others, of Belle Plaine, Iowa, in favor of Sunday opening of the World's Fair—to the Select Committee on the Columbian Exposition.

Also, petition of V. W. Lane and 54 others, of Iowa, for Sunday opening of the World's Fair—to the Select Committee on the Columbian Exposition.

Also, petition of Thomas P. Beals and 50 others, of Portland, Me., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of John S. Little and 218 others, of Rushville, Ill., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of A. B. Kelley and 49 others, of Red Oak, Iowa, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 56 citizens of Illinois, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 65 citizens of Birmingham, Ala., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of S. Campbell and 55 others, of Colchester, Ill., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 99 citizens of Illinois, for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of R. Sorsam and 92 others, of Des Moines, Iowa, and other places, for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of W. J. Boyd and 56 others, of Oelwein, Iowa, for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Al. Woeber and 87 others, of Davenport, Iowa, for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Charles M. Hyskell and 56 others, of Burlington, Iowa, in favor of opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Robert Goldstein and 9 others, of Washington, D. C., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of L. W. Mallory and 40 others, of Sioux City, Iowa, for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of M. C. Bunker and 56 others, of Stewart, Iowa, for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of E. M. Potsford and 21 others, of Quincy, Ill., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Peter A. Dey and 53 others, of Des Moines, Iowa, for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Thomas Connelly and 20 others, of Dubuque, Iowa, for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Sherburn E. Gove and 56 others, of Boone, Iowa, in favor of opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Walter Hazard and 63 others, of Georgetown, S. C., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of S. A. Holland and 56 others, of Cedar Rapids, Iowa, for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of E. C. Blake and 56 others, of Cedar Rapids, Iowa, for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of M. L. Marks and 56 others, of Davenport, Iowa, for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of G. M. Myers and 53 others, of Belle Plaine, Iowa, for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Henry C. Struck, jr., and 56 others, of Davenport, Iowa, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Charles E. Babcock, and 53 others, of Cedar Rapids, Iowa, for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of J. L. Schenck and 64 others, of St. Louis, Mo., and other places, for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Bernard Emmet O'Mahoney, pastor of Catholic Church at Piper City, Ill., and 45 others, for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Daniel R. Beckford and 36 others, of Sioux City, Iowa, for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of E. A. Potter and 51 others, of Sioux City, Iowa, for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of B. H. Perkins and 33 others, of Doon, Iowa, for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Tolbert Lanston and 25 others, of Washington, D. C., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of F. W. Foster and 55 others, of Sioux City, Iowa, for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of M. R. Darling and 56 others, of Miles, Iowa, for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of W. A. Wood and 44 others, of Leon, Iowa, for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. EDMUNDS: Petition of citizens of Roanoke, W. Va., to repeal Sherman bill—to the Committee on Banking and Currency.

By Mr. FITHIAN: Petition of voters and citizens of Clay County, Ill., praying for a Congressional investigation of a combination which exists between the millers, railroads, and elevators for the purpose of depressing the price of wheat—to the Committee on Agriculture.

By Mr. GORMAN: Petition of the Regular Army and Navy Union of Sault Ste. Marie, Mich., to place enlisted men of the Army, after twenty-five years service, on the retired list—to the Committee on Military Affairs.

By Mr. GRISWOLD: Petition of J. C. Allen and many others, of Rochester, N. Y., and other places, for Sunday opening of the World's Fair—to the Select Committee on the Columbian Exposition.

By Mr. HARMER: Petition of citizens of Fifth Congressional district, in favor of prohibiting immigration for one year, except visitors to World's Fair—to the Select Committee on Immigration and Naturalization.

By Mr. HAYNES of Ohio: Two petitions of citizens of Toledo, Ohio, one of the Cigar-Makers Union, the other of the Toledo Lodge, No. 105, International Association of Machinists, in favor of Sunday opening of the World's Fair—to the Select Committee on the Columbian Exposition.

Also, three resolutions of boards of health of Ohio, as follows: The resolution of the boards of health of Oak Harbor, of Sylvania, and of Fremont, for the establishment of a national quarantine system—to the Select Committee on Immigration and Naturalization.

By Mr. HOOKER of New York: Petition of citizens of Jamestown, N. Y., asking for passage of House bill 3608—to the Committee on the Post-Office and Post-Roads.

By Mr. HOPKINS of Pennsylvania: Petition of E. D. Rumsey and 275 others, of Mainesburg, Pa., urging the passage of a bill to restrict immigration for one year, excepting foreigners who may visit the World's Fair—to the Select Committee on Immigration and Naturalization.

By Mr. HULL: Petition of Yearly Meeting of Society of Friends of Iowa, asking that the World's Fair be closed on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Department of Iowa American Mechanics, asking the restriction of immigration—to the Select Committee on Immigration and Naturalization.

By Mr. KRIBBS: Petition of J. B. Watson and 96 others, of Forest County, Pa., against repealing the law closing the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Lodge No. 410, Order of American Mechanics, in favor of restricting immigration—to the Select Committee on Immigration and Naturalization.

Also, two petitions signed by 732 citizens of Twenty-eighth district of Pennsylvania, in favor of restricting immigration—to the Select Committee on Immigration and Naturalization.

Also, petition of 97 citizens of Twenty-eighth district of Penn-

sylvania, in favor of restricting immigration for one year—to the Select Committee on Immigration and Naturalization.

Also, petition of Beaver Dam Local Assembly, No. 5407, Knights of Labor, in favor of suspending immigration for five years or more—to the Select Committee on Immigration and Naturalization.

By Mr. LAPHAM (by request): Petition of Charles G. Gilliat, for relief—to the Committee on Claims.

By Mr. LODGE: Petition of Bunker Hill Council, United American Mechanics, of Massachusetts, for legislation to prevent undesirable immigration—to the Select Committee on Immigration and Naturalization.

By Mr. MITCHELL: Petition of citizens of Milwaukee, against opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. MORSE: Petition of the Order of United American Mechanics, of Brockton, Mass., asking for legislation to restrict immigration—to the Select Committee on Immigration and Naturalization.

By Mr. O'DONNELL: Petition of physicians of Barry County, Mich., for appropriation to assist in paying expenses of the Pan-American Congress—to the Committee on Appropriations.

By Mr. OHLIGER: Resolutions of the Nashville (Ohio) Junior Order of United American Mechanics, favoring the Chandler immigration bill—to the Select Committee on Immigration and Naturalization.

Also, affidavit of Leslie N. Aylsworth, to accompany House bill 10277—to the Committee on Invalid Pensions.

Also, protest of the First Presbyterian Church of Canton, Ohio, against the repeal of the law closing the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. O'NEIL of Massachusetts: Petition of George Smith, William D. Allen, and 98 others, of Boston, asking that the World's Fair be opened on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of citizens of Boston, for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of nearly 300 citizens of Boston, in favor of opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of citizens of Waltham, Mass., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 34 citizens of North Easton, Mass., in favor of opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of East Boston Savings Bank, for repeal of the Sherman law—to the Committee on Coinage, Weights, and Measures.

By Mr. OUTHWAITE: Petition of citizens of Carroll, Ohio, protesting against repeal of the act closing the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of citizens of Lithopolis, Ohio, urging legislation for improvement of roads—to the Committee on Interstate and Foreign Commerce.

By Mr. PARRETT: Papers in the matter of Thomas M. Chill, for a pension—to the Committee on Pensions.

By Mr. PATTERSON of Tennessee: Petition of James Crews, of Hardeman County, Tenn., for reference of his claim to the Court of Claims under the Bowman act—to the Committee on War Claims.

By Mr. PERKINS: Petition of various banks and bankers in Iowa, Nebraska, and South Dakota, in behalf of the immediate repeal of the Sherman silver-purchase act—to the Committee on Banking and Currency.

By Mr. RANDALL: Petition of Rev. J. S. Swain and others, of New Bedford, Mass., against opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, two petitions—one of Salem Baptist Church, and one of New Bedford North Baptist Church, against opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. REILLY: Petition of citizens of Schuylkill County, Pa., in favor of amending laws so as to restrict immigration—to the Select Committee on Immigration and Naturalization.

By Mr. REED: Petition from Houlton, Me., for opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of citizens of First district, Maine, for closing the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. SANFORD: Petition of enumerators of the Eleventh Census, of Hamilton County, N. Y., asking for increase of compensation for enumerators who received less than $2 per day—to the Select Committee on the Eleventh Census.

By Mr. SMITH of Illinois: Petition of the African Emigration Society of Metropolis, Ill., asking Congress to enable others to return to Africa—to the Committee on Appropriations.

By Mr. SPERRY: Petition of citizens of New Britain, Conn., in favor of suspending immigration for one year—to the Select Committee on Immigration and Naturalization.

By Mr. STEWARD of Illinois: Petition of George H. Madden and 60 others, to stop purchase of silver—to the Committee on Banking and Currency.

By Mr. CHARLES W. STONE: Petition of Cigar-Makers' Union, No. 194, of Bedford, Pa., in favor of opening the Columbian Exposition on Sunday—to the Select Committee on the Columbian Exposition.

Also, several petitions of citizens of the Twenty-seventh district of Pennsylvania, aggregation 140 names, in favor of restricting immigration one year—to the Select Committee on Immigration and Naturalization.

Also, petition of E. T. Hazeltine, in favor of a law to require publishers of periodicals to publish statement of postmaster as to circulation—to the Committee on the Post-Office and Post-Roads.

By Mr. WILLIAM A. STONE: Petition of citizens of Allegheny County, Pa., for passage of a law on quarantine—to the Select Committee on Immigration and Naturalization.

Also, petition of citizens of Allegheny County, Pa., to have a quarantine bill passed—to the Committee on Immigration and Naturalization.

By Mr. STORER: Petition of the Ohio Society of Civil Engineers, to appropriate funds to test the strength of American woods—to the Committee on Appropriations.

By Mr. STUMP: Two petitions, one of Presbyterian Church of Port Deposit, Md., and one of Hopewell Methodist Episcopal Church of Cecil County, Md., both against opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 400 members of the Methodist Episcopal Church of Baltimore, against opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, three petitions of Methodist Episcopal churches in the Second Congressional district of Maryland, against opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of members of the medical profession of Maryland, for appropriation to assist in defraying expenses of the Pan-American Congress—to the Committee on Appropriations.

By Mr. JOSEPH D. TAYLOR: Four memorials of Jesse Lucas and 79 other citizens of Carroll County, Ohio, asking Congress to suspend immigration for one year, excepting visitors to the World's Fair—to the Select Committee on Immigration and Naturalization.

By Mr. VAN HORN: Petition of 60 residents of Herkimer County, N. Y., on the subject of immigration—to the Select Committee on Immigration and Naturalization.

By Mr. WARNER: Petition of physicians and surgeons and professors of medicine, to continue the preparation and printing of the illustrated catalogue of the Army Medical Museum—to the Committee on Printing.

By Mr. WASHINGTON: Two petitions; one of the estate of Henry Alley, deceased, late of Davidson County, Tenn., and one of the estate of Elcy Basley, deceased, late of Davidson County, Tenn., asking for reference of their cases to the Court of Claims under the Bowman act—to the Committee on War Claims.

Also, petition of Elm Street Methodist Church, Nashville, Tenn., against opening the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. WEADOCK: Petition of W. H. Clute and F. H. Holman, of Michigan, relative to the adoption by the United States of the metric system of weights and measures—to the Committee on Ways and Means.

By Mr. WILLCOX: Petition of citizens of Centrebrook, Conn., to restrict immigration—to the Select Committee on Immigration and Naturalization.

By Mr. WRIGHT: Petition of W. H. McAllister and 21 others, of Bradford County, Pa., in favor of restricting immigration—to the Select Committee on Immigration and Naturalization.

Also, petition of John T. Hunt and other citizens of Bradford County, Pa., in favor of the Paddock pure-food bill—to the Committee on Agriculture.

Also, petition of J. S. Hess and 8 others, of Pennsylvania, in favor of restricting immigration—to the Select Committee on Immigration and Naturalization.

By Mr. YOUMANS: Petition for closing the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition relative to retirement of enlisted men in the Army—to the Committee on Military Affairs.

SENATE.

FRIDAY, *January 27, 1893.*

Rev. J. G. BUTLER, D. D., the Chaplain of the Senate, offered the following prayer:

We thank Thee, our Father, for the stone rolled away from the door of the sepulcher. Blessed be God, the Father of our Lord Jesus Christ, Who according to His abundant mercy hath begotten us again to a lively hope, by the resurrection of Jesus Christ from the dead, to an inheritance incorruptible and undefiled and that fadeth not away. We thank Thee for the power of this faith in molding life, for its sustaining power in the hour of death, for the comfort that comes to the mourning in the time of bereavement.

We bless Thee, O God, for the life that is now gone out, for its faith in God, for its labor, for its love of country, for its usefulness. We thank Thee that amid all this great trial in the furnace of affliction Thy presence has not been withheld; that Thou dost sustain and sanctify and make even the bitter things of life to work together for good.

O Thou who didst comfort the home at Bethany in the time of death, be very near to this family in its hour of bereavement. Grant the support and consolation of Thy grace. And whilst we stand before Thee with heads and hearts bowed, teach us heavenly wisdom, so to walk before God in the faith of Christ, serving our fellow-men, valiant for truth and for right, keeping consciences void of offense towards God and towards men, that when the end of labor and toil and tears shall come we may be prepared to enter into rest.

We thank Thee for the rest in Abraham's bosom, for the Father's house where the good are gathered. Blot out our transgressions. Guide us by Thy divine counsel. Multiply to us mercy and grace and peace all through our pilgrim way, and keep us by Thine own power in the faith of Christ unto eternal life. And to the Father and Son and ever blessed Spirit we will give all the praise, world without end. Amen.

THE JOURNAL.

The Journal of yesterday's proceedings was read and approved.

DEATH OF HON. JAMES G. BLAINE.

Mr. HALE. Mr. President, we are again summoned into the presence of death. A very great man has passed from this earth. Hon. James G. Blaine died in his house in this city at 11 o'clock this morning. His long illness had in some measure prepared us for this, but the dread event will carry sadness and mourning throughout all the United States and will awaken interest and sorrow wherever civilized man lives on the face of the globe.

Mr. Blaine's career was so remarkable and his public services were so great, that in all the histories which may be written of his times he will stand as a central figure, not only as to his own country but upon policies and subjects that affected other great nations.

He belonged, Mr. President, not to any one State, but to all the country. Pennsylvania, which gave him birthplace and nurtured him, and Maine, where he made his home and where he became her first citizen and who filled his lap with all the honors she could bestow, mourn him no more to-day than the dwellers by the shores of the great Gulf and in the cabins of the far Sierras.

It is no time or place for me to speak in detail of his distinguished public life. He was for years a leading member upon the floor in the House of Representatives, and six years presided there as its Speaker. His service in this Chamber covered years. He was twice Secretary of State, and until of late a member of the present Administration.

I do not think there is one Senator here who will not deem it fitting, in view of this, and that he died where his last eastward look from his chamber window might embrace this Capitol where his voice had been so many times heard, that we make a precedent at this time, if there is none already, and that, notwithstanding Mr. Blaine at the time of his death was a private citizen, this body take an immediate adjournment.

Mr. COCKRELL. Mr. President, in view of the announcement by the Senator from Maine of the very sad event which has just occurred under the shadow of our nation's Capitol, and as a further mark of respect to the memory of the illustrious dead, I move that the Senate do now adjourn.

The motion was unanimously agreed to; and (at 12 o'clock and 18 minutes p. m.) the Senate adjourned until to-morrow, Saturday, January 28, 1893, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

FRIDAY, *January 27, 1893.*

The House met at 12 o'clock m. The Chaplain, Rev. W. H. MILBURN, D. D., offered the following prayer:

O Eternal God, we stand before Thee profoundly moved as the news comes to the Capitol and flies through the land that a great man, a prince among the people, has ended his earthly career. Rich in the manifold gifts with which Thou didst endow him, tireless in energy, devoting himself for a generation to the service of the land, holding men to him by bonds stronger than hooks of steel, winning for himself, in the regard, affection, and confidence of millions of his fellow-citizens, such a place as has rarely been held by any man, he passes from us mourned, honored, loved, his memory a fragrance in this House and throughout the capital and throughout the nation.

O Lord God, who hast promised to be a husband to the widow and a father to the fatherless, we commend to Thee the stricken wife and children who have lost their staff. Bring home to the hearts of all his associates and friends the solemn truth that we, too, are fast passing to the grave. Grant us grace to walk before Thee in all reverence and humility, cultivating the spirit of brotherly kindness and charity, serving God meekly and humbly, so that in the end we may come to the home which Thou hast prepared for those who love Thee. We pray through Jesus Christ, our Saviour. Amen.

The Journal of the proceedings of yesterday was read and approved.

WORLD'S FAIR REPORTS.

The SPEAKER laid before the House the following message from the President of the United States:

To the Senate and House of Representatives:

I transmit herewith, for the information of Congress, the third regular report of the World's Columbian Commission and the report of the president of the Board of Lady Managers, with the accompanying papers.

BENJ. HARRISON.

EXECUTIVE MANSION, *January 26, 1893.*

DEFICIENCY APPROPRIATION FOR THE DISTRICT OF COLUMBIA.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting estimates of deficiencies in appropriations for the District of Columbia, submitted by the Commissioners; which was referred to the Committee on Appropriations, and ordered to be printed.

OPENING OF ALLEYS IN THE DISTRICT OF COLUMBIA.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting an estimate of appropriation for opening, widening, and extending alleys in the District of Columbia; which was referred to the Committee on Appropriations, and ordered to be printed.

INVESTIGATION OF PENSION CASES.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting an estimate of deficiency in the appropriation for the investigation of pension cases, submitted by the Secretary of the Interior; which was referred to the Committee on Appropriations, and ordered to be printed.

COAST AND GEODETIC SURVEY.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting estimates of deficiencies in appropriations for the Coast and Geodetic Survey; which was referred to the Committee on Appropriations, and ordered to be printed.

UNITED STATES MARINE HOSPITAL AT PORTLAND, ME.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting an estimate of appropriation for laundry machinery and for repairs and improvements to the building and grounds of the United States Marine Hospital at Portland, Me.; which was referred to the Committee on Appropriations, and ordered to be printed.

SENATE BILLS REFERRED.

The SPEAKER also laid before the House Senate bills and a joint resolution of the following titles; which were severally read twice, and referred as indicated below:

A bill (S. 88) for the relief of Hiram Somerville—to the Committee on Claims.

A bill (S. 2869) to provide for the reservation of certain timber lands upon the Siletz Indian Reservation for the benefit of the Indians—to the Committee on Indian Affairs.

A bill (S. 2657) granting right of way to the Watertown, Sioux City, and Duluth Railway Company through the Sisseton and Wahpetai Indian Reservation—to the Committee on Indian Affairs.

A bill (S. 3568) providing for the establishment and enforce-

ment of rules and regulations for the use and navigation of United States canals and similar works of navigation, and for other purposes—to the Committee on Railways and Canals; and

A joint resolution (S. R. 140) authorizing the Secretaries of War and of the Navy to loan to the committee on inaugural ceremonies flags, etc.—to the Committee on Military Affairs.

LUCIUS L. DYER.

The SPEAKER also laid before the House a bill (H. R. 5049) to remove the charge of desertion against Lucius L. Dyer, with an amendment by the Senate thereto.

Mr. ROCKWELL. Mr. Speaker, I move that the amendment of the Senate be concurred in.

The Senate amendment was read, as follows:

Strike out all after the enacting clause and insert:

"That the Secretary of War be, and hereby is, authorized to revoke and set aside special orders numbered 66, dated February 10, 1864, War Department, dismissing Lucius L. Dyer, late second lieutenant of Company C, Fourteenth Regiment of Connecticut Volunteers, to date January 11, 1864, and to correct his military record accordingly, and to issue to him a certificate of discharge as of date January 11, 1864: *Provided*, That no pay, bounty, or emoluments of any kind shall become due or payable by reason of the passage of this act."

The amendment was concurred in.

The title of the bill was changed to conform to the bill as amended.

ENROLLED BILL SIGNED.

Mr. SCOTT, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled the bill (H. R. 5597) for the relief of William Smith and others; when the Speaker signed the same.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. WINN, for ten days from January 8, 1893.

SUPERVISION OF ELECTIONS IN NEW YORK.

Mr. GEISSENHAINER. Mr. Speaker, I desire to submit a report of the committee appointed to inquire into the supervision, etc., of the election laws, etc., in the city, county, and State of New York, so far as the same relate to members of Congress, together with the evidence taken by the committee; and also to present a bill for the repeal of all laws relating to the supervision of such elections, etc., and I give notice that I will call up the same at an early day.

The bill (H. R. 10344) was referred to the House Calendar, and, with the accompanying report, ordered to be printed.

Mr. RAY. I ask consent that the minority of the select committee be permitted to file and have printed their views respecting the matter embraced in the report just filed by the gentleman from New Jersey [Mr. GEISSENHAINER].

The SPEAKER. In the absence of objection leave will be granted to the minority to file their views and to have them printed when filed.

There was no objection.

PENSIONS.

Mr. MUTCHLER, from the Committee on Appropriations, reported a bill (H. R. 10345) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1894, and for other purposes; which was referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. ATKINSON. Mr. Speaker, I desire to reserve all points of order.

OKLAHOMA MIDLAND RAILWAY COMPANY.

Mr. LESTER of Virginia. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 10146) to authorize the Oklahoma Midland Railway Company to construct and operate a railway, telegraph, and telephone lines through the Indian and Oklahoma Territories, and for other purposes.

Mr. PEEL. Mr. Speaker, I called up this bill a few days ago and it was then read at length to the House. Objection was then made to its consideration by the gentleman from Kansas [Mr. SIMPSON], but he is now satisfied that the bill is correct. It contains all the safeguards usually embodied in grants of rights of way through the Indian Territory, and, the bill having been once read, I ask unanimous consent that the reading of it be now dispensed with.

There was no objection, and it was so ordered.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. LESTER of Virginia moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

F. Y. RAMSEY.

Mr. BUNN. I ask unanimous consent for the present consideration of the bill (H. R. 2850) for the relief of F. Y. Ramsey, the heir at law and distributee of Joseph Ramsey.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and is hereby, authorized and directed to pay to F. Y. Ramsey, son and heir at law of the late Joseph Ramsey, late collector of customs and superintendent of lights, district of Plymouth, N. C., the sum of $430.42, balance due said Joseph Ramsey, as per records of the Treasury, according to final settlement therein recorded April 30, 1861, out of any money in the Treasury not otherwise appropriated, which sum is hereby appropriated and made immediately available therefor.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. KILGORE. I should like to hear some explanation of it.

The SPEAKER. If there be no objection the report can be read, the right to object being reserved.

Mr. BUNN. I can explain the matter in a few words. In this case an account was made up and a balance struck, and according to the report of the Secretary of the Treasury the balance found due is $430.42, payable to the heir of Joseph Ramsey.

Mr. KILGORE. Was this amount due the collector after he went out of office?

Mr. BUNN. It was due him before he went out of office; but the account was not balanced until afterward.

There being no objection, the House proceeded to the consideration of the bill; which was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. BUNN, a motion to reconsider the last vote was laid on the table.

CLEMENT REEVES.

Mr. ATKINSON. I ask unanimous consent for the present consideration of the bill (S. 3115) for relief of Clement Reeves.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby directed to pay to Clement Reeves, out of any moneys in the Treasury not otherwise appropriated, the sum of $627.85, in payment for earth deposited by him on the battery near Delaware City, Del., in 1876.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. KILGORE. I would like to have the report read or to hear some explanation which may show the liability of the Government for this claim.

Mr. ATKINSON. The entire facts of the case are covered, I believe, by the letter of Maj. Raymond, which will be found appended to the report. I ask the Clerk to read the letter.

The Clerk read as follows:

UNITED STATES ENGINEER OFFICE,
Philadelphia, Pa., May 17, 1892.

GENERAL: In compliance with instructions contained in Department letter dated May 13, 1892, I have the honor to return herewith Senate bill No. 3115, Fifty-second Congress, first session, "for the relief of Clement Reeves," and to submit the following report:

The records of this office show that in the year 1876 Mr. Clement Reeves deposited 9654½ cubic yards of earth in the terreplein embankment of the gun battery at the "new fort opposite Fort Delaware." This material was deposited under an informal agreement made with Mr. Reeves by John J. Lee, assistant engineer, and approved by the late Lieut. Col. J. D. Kurtz, Corps of Engineers, then in charge of the work.

It was agreed that Mr. Reeves should be paid 65 cents per cubic yard for this material. Said material was to be purchased from Mr. Reeves when funds were appropriated for the work, and in the mean time the material was to remain the property of Mr. Reeves. No appropriation has been made for this work since 1876. No payment from this office has ever been made to Mr. Reeves for this material, and he is in equity entitled to receive for it $627.85, as provided in the bill.

Very respectfully, your obedient servant,

C. W. RAYMOND,
Major, Corps of Engineers.

Brig. Gen. THOMAS L. CASEY,
Chief of Engineers, United States Army, Washington D. C.

Mr. KILGORE. From what has been read, I do not understand this case well enough to let it go through without further explanation.

Mr. ATKINSON. I wish to say to the gentleman from Texas and to the House, that this is a bill to pay for a lot of earth which was used in the construction of a battery near Fort Delaware in 1876. The material was furnished under a contract made with the engineer officer who was engaged in the construction of the battery. It afterwards appeared, however, that the appropriations available for the construction of this earthwork were not sufficient to pay all the bills which had been contracted in its construction, and therefore the claim of Mr. Reeves remains unpaid.

Mr. KILGORE. Was there a contract to pay for the dirt which was furnished?

Mr. ATKINSON. Yes, sir.

Mr. KILGORE. At the price provided for in this bill?

Mr. ATKINSON. At the price provided for in the bill, being at the rate of 65 cents per cubic yard. The report states that if the earth had been obtained elsewhere it would have cost $1.30 per cubic yard.

There being no objection, the House proceeded to the consideration of the bill; which was ordered to a third reading, read the third time, and passed.

On motion of Mr. ATKINSON, a motion to reconsider the last vote was laid on the table.

THOMAS J. MATLOCK.

Mr. SIMPSON. I ask unanimous consent for the present consideration of the bill (S. 509) granting an increase of pension to Thomas J. Matlock.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Thomas J. Matlock, late of Company E, Nineteenth Regiment Iowa Volunteer Infantry, and pay him a pension of $50 per month.

The amendment reported by the Committee on Invalid Pensions was read, as follows:

Strike out "50" and insert "36," so as to make the pension $36 per month

The SPEAKER. Is there objection to the request of the gentleman from Kansas [Mr. SIMPSON] for the present consideration of this bill?

Mr. HOAR. I should like to hear something about this case.

Mr. SIMPSON. The bill as amended proposes simply to pay this man, who is totally blind, a pension of $36 per month.

The SPEAKER. The report will be read, subject to objection.

The report (by Mr. JOLLEY) was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (S. 509) granting an increase of pension to Thomas J. Matlock, submit the following report:

This bill passed the Senate, and was reported to the Senate by the Committee on Pensions as follows:

"The Committee on Pensions, to whom was referred the bill granting an increase of pension to Thomas J. Matlock, have examined the same and report:

"Claimant served as a private in Company E, Nineteenth Regiment Iowa Volunteer Infantry, from August 12, 1862, to July 10, 1865. He has a record of ague, boil, diarrhea, and wound of left leg, and is receiving a pension of $6 per month on account of gunshot wound of right leg and rheumatism. Additional pension is claimed on account of resulting disease of eyes.

"Claim for increase was rejected November 20, 1890, on the ground that disease of eyes is not shown to be the result of rheumatism.

"On this point, however, the doctors disagree, the medical examiner rating him 27-30 for disease of eyes, but was overruled by the medical referee. Expert examination made by United States surgeon at Emporia, Kans., December 3, 1890, shows that rheumatism was at least the exciting if not the sole cause of disease of eyes.

"In affidavit filed October 4, 1887, Dr. John Roosa, of New York City, testifies that he examined claimant on April 13, 1887, and that the said claimant was then suffering from a disease of the eyes known as glaucoma, influenced and perhaps caused by rheumatism. This opinion is concurred in by Dr. J. T. Axtell, of Newton, Kans. It appears that claimant is totally blind and in a helpless condition.

"The facts seem to warrant favorable action, and your committee therefore recommend the passage of the bill."

Relying upon the above report, your committee recommend that the bill do pass, after the same is amended by striking out the word "fifty," in line 6 of the bill, and inserting in lieu thereof the word "thirty-six."

There being no objection, the House proceeded to the consideration of the bill.

The amendment reported by the Committee on Invalid Pensions was read and agreed to.

The bill as amended was ordered to a third reading, read the third time, and passed.

On motion of Mr. SIMPSON, a motion to reconsider the last vote was laid on the table.

ORDER OF BUSINESS.

Mr. KILGORE. Mr. Speaker, I think we had better pursue the regular order now for awhile.

The SPEAKER. The gentleman from Texas demands the regular order, which is the call of the standing and select committees for reports.

CONVENTION BETWEEN UNITED STATES AND CHILE.

Mr. CHIPMAN, from the Committee on Foreign Affairs, reported a bill (H. R. 10346) to carry into effect the convention signed at Santiago, August 7, 1892, between the United States and Chile; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

POST-OFFICE APPROPRIATION BILL.

Mr. HENDERSON of North Carolina. Mr. Speaker, on behalf of the Committee on the Post-Office and Post-Roads, I ask unanimous consent that the committee may have leave during the day to submit the Post-Office appropriation bill, with the report thereon, and have it appropriately referred to the Calendar.

Mr. HOLMAN and Mr. WILLIAM A. STONE. Points of order are reserved, Mr. Speaker.

The SPEAKER. All points of order will be reserved; and if there be no objection the gentleman from North Carolina will have leave to file, during the day, the Post-Office appropriation bill; which will be printed and referred to the Committee of the Whole House on the state of the Union.

There was no objection, and it was so ordered.

Mr. HENDERSON of North Carolina. I ask further, Mr. Speaker, on behalf of the gentleman from Mississippi [Mr. KYLE], that he may be permitted to file some views on the part of the minority.

The SPEAKER. In the absence of objection the views of the minority will be printed, to accompany the report of the committee.

There was no objection.

Mr. HENDERSON of North Carolina, from the Committee on the Post-Office and Post-Roads, reported a bill (H. R. 10349) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1894; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

DEATH OF HON. JAMES G. BLAINE.

Mr. MILLIKEN. Mr. Speaker, it becomes my sad duty to announce the death of James G. Blaine.

Mr. Blaine was for fourteen years a prominent and leading member of this House, and for six years he was its most distinguished Speaker. In every position which he has held he has gilded it with the light of genius; and he has given to the public service for a generation such devotion, such industry, and such labor as has brought him to his death to-day.

I doubt not that every member of the House will be glad to pay him a tribute of respect by adjourning on the announcement of his decease. His public career is known to the country. It will become one of the brightest and grandest pages in its permanent history. I might elaborate upon it—upon his fine social qualities, his broad, generous nature, and his phenomenal hold upon the hearts of his countrymen. But the time will come for this hereafter.

The news of his death in what but for his great public labors would have been the prime of his life and health, will cause more genuine tears to be shed than have ever fallen upon the grave of any other American.

Mr. HOLMAN. Mr. Speaker, the deaths of great citizens which have been announced in this Hall so recently may well recall to our minds the pathetic cry of the Hebrew king "How are the mighty fallen!"

The death of James G. Blaine will profoundly impress the sensibilities of our country. A great man is dead.

He laid the foundation of his fame in this Hall. Here were his early triumphs. Here his great powers first arrested the attention of his country and commanded the admiration of his countrymen. How often have we heard in this Hall the tones of his ringing eloquence. Great in statesmanship; known not only to our own country, but known and admired by the statesmen of the civilized world for his masterly powers. And not only great in statesmanship, not only one of the illustrious characters which have illustrated the value of free institutions, but beyond that he was great in the field of literature.

As the historian of the grandest epoch in the history of the world he did his work well. His history; covering a period of twenty years—a period which involved events of higher interest to mankind than ever known in a corresponding period in the history of the race—will go down to posterity as one of the brightest illustrations of the period in which he lived and of the great events of which he was a part.

It would seem, Mr. Speaker, to be eminently proper and fitting that with the announcement of his death here at the Capitol, on this theater of his greatest achievements, this House out of respect to his memory should adjourn.

I therefore move that the House do now adjourn.

The motion was agreed to; and accordingly (at 12 o'clock and 32 minutes p. m.) the House adjourned.

REPORTS OF COMMITTEES.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

By Mr. PATTON, from the Committee on Military Affairs: The bill (S. 2798) for the relief of Peter Light. (Report No. 2368.)

By Mr. KYLE, from the Committee on the Post-Office and Post-Roads: The bill (S. 2828) for the relief of L. M. Garrett. (Report No. 2369.)

By Mr. CURTIS, from the Committee on Invalid Pensions: The bill (H. R. 9813) to pension Mary Brown, of Berlin, Vt. (Report No. 2370.)

By Mr. MALLORY, from the Committee on Interstate and Foreign Commerce: The bill (H. R. 10294) relating to the anchorage of vessels in the port of Chicago. (Report No. 2373.)

ADVERSE REPORTS.

Under clause 2 of Rule XIII an adverse report was delivered to the Clerk and laid on the table, as follows:

By Mr. CURTIS, from the Committee on Invalid Pensions: The bill (H. R. 9796) to pension Thankful Robbins. (Report No. 2371.)

BILLS, MEMORIALS, AND RESOLUTIONS.

Under clause 3 of Rule XXII, a bill of the following title was introduced, and referred as follows:

By Mr. CAPEHART: A bill (H. R. 10343) to incorporate the Washington Traction Company—to the Committee on the District of Columbia.

PRIVATE BILLS, ETC.

Under clause 1 of Rule XXII, private bills of the following titles were presented and referred as indicated below:

By Mr. BLAND: A bill (H. R. 10347) for the relief of Christopher C. Miller—to the Committee on Invalid Pensions.

By Mr. O'NEIL of Massachusetts: A bill (H. R. 10348) granting right of way to the Colorado River Irrigation Company in the Yuma Indian Reservation—to the Committee on Indian Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. AMERMAN: Petition of 33 citizens of Madisonville, Pa., praying for the passage of a law prohibiting immigration for one year—to the Selct Committeee on Immigration and Naturalization.

By Mr. ANDREW: Petition of over 150 citizens of Fitchburg, Mass., requesting that the World's Fair be open on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. BOWERS: Petition of 29 physicians of San Diego, Cal., praying for an appropriation for the expense of the Pan-American Medical Congress—to the Committee on Appropriations.

By Mr. BELKNAP: Petition of the O. M. Poe, No. 20, Army and Navy Union, Sault Ste. Marie, Mich., for inducement to good soldiers to continue in the service—to the Committee on Military Affairs.

By Mr. BELTZHOOVER: Three petitions of citizens of Pennsylvania, as follows: The petition of citizens of Wrightsville; of citizens of Newville, and of the Order of United American Mechanics of Red Lion, in favor of more rigid restrictions on immigration—to the Select Committee on Immigration and Naturalization.

By Mr. BENTLEY: Petition of business men and citizens of Utica, N. Y., for the repeal of the Sherman silver purchase act of 1890—to the Committee on Banking and Currency.

By Mr. BURROWS: Petition of the Regular Army and Navy Union of Sault Ste. Marie, Mich., for inducement to good soldiers to continue in the service—to the Committee on Military Affairs.

By Mr. COBB of Missouri: Petition of the St. Louis Assembly Beer Driver's Union, No. 652, favoring putting the Census Bureau on a permanent basis—to the Committee on the Eleventh Census.

By Mr. COOLIDGE: Petition of the Fitchburg (Mass.) Board of Trade, urging the immediate consideration of the Torrey bankruptcy bill—to the Committee on the Judiciary.

By Mr. CURTIS: Petition of citizens of New York as follows: The petition of O. M. Woodward, of New York; of R. Lewis McCune and others, of the Beasher Iron Works, St. Lawrence County, N. Y.; of Rev. R. G. Keys, of Watertown, N. Y.; of Harriett H. Keys, of Watertown, N. Y.; of Elliot K. Harroun, of Watertown, N. Y.; of C. W. Loomis, of Brooklyn; of J. W. Thompson, of Lisbon Center; of M. T. Stocking, of Lisbon Center; of Charles H. Anthony, of Watertown, N. Y.; of A. K. Harroun, of Watertown, N. Y.; of Frederick W. Smith, of Blue Mountain Lake, N. Y., and of D. H. Van Hensler, all praying that the act of Congress in reference to the closing of the World's Fair on Sunday be not repealed—to the Select Committee on the Columbian Exposition.

Also, petition of R. V. Hunter, of Terre Haute, Ind., against the movement to repeal the law closing the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. DIXON: Three petitions of citizens of Montana, as follows: The petition of the Tailors' Union of Great Falls, of the Bozana Lodge of Locomotive Fireman of Missoula, of the Eagle Butte Lodge, No. 328, Brotherhood of Railroad Fireman, asking Congress to repeal the act closing the Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. DURBOROW: Petition of G. M. Cummings and 10 others, of Boston, Mass., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Fred Inabuit and 31 others, of Ubet, Mont., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Charles H. Boyle and 35 others, of Fort Benton, Mont., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of James Sturgess and 150 others, of Garden Grove, Los Angeles, and Yorba, Cal., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of L. W. Long and 53 others, of Fort Benton, Chinook, and Lucille, Mont., to open the Columbian Exposition on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of J. S. Markstein and 8 others, of Mobile, Ala., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of W. J. Bushman and 51 others, of Oconomowoc, Milwaukee, and Monterey, Wis., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Frank Miller and 54 others, of Sacramento, Cal., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of George R. Brown and 56 others, of Little Rock, Ark., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of L. C. Busk and 110 others, of Indianapolis, Ind., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 210 citizens of Chicago, Ill., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 200 citizens of Chicago, Ill., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 110 citizens of Galveston, Tex., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 56 citizens of St. Louis, Mo., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 18 citizens of Palmer, Mich., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 56 citizens of New York City, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 56 citizens of Omaha, Nebr., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 52 citizens of Iron Mountain, Mich., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 70 citizens of Chicago, Ill., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 15 citizens of Kaysville, Utah, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 19 citizens of Saginaw, Mich., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 56 citizens of Hot Springs, Ark., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 56 citizens of New Boston, Mich., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 56 citizens of Fort Payne, Ala., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 150 citizens of Pinconning, Mich., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 56 citizens of Providence, R. I., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 55 citizens of Ishpeming, Mich., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 56 citizens of Addison, Conn., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 56 citizens of Menominee, Mich., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 56 citizens of Evansville, Ind., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 14 citizens of Kalamazoo, Mich., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 56 citizens of Lewisburg, W. Va., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 40 citizens of Escanaba, Mich., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 50 citizens of Bath, Ind., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 36 citizens of Iron Mountain, Mich., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 40 citizens of Salt Lake City, Utah, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 56 citizens of Muskegon, Mich., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 56 citizens of San Antonio, Tex., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 44 citizens of Montague, Mich., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 110 citizens of Pitkin, Colo., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 131 citizens of Kalamazoo, Mich., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 20 citizens of Saginaw, Mich., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 56 citizens of Saginaw, Mich., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 55 citizens of Grand Rapids, Mich., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 13 citizens of Kalamazoo, Mich., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 53 citizens of Grand Rapids, Mich., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 42 citizens of Port Huron, Mich., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 111 citizens of Hudson, Mich., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 56 citizens of New Orleans, La., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 50 citizens of Grand Rapids, Mich., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 56 citizens of Detroit, Mich., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 197 citizens of Grand Rapids, Mich., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 60 citizens of Elk Rapids, Mich., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 45 citizens of Ishpeming, Mich., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 54 citizens of Grand Rapids, Mich., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 56 citizens of Boston, Mass., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 40 citizens of Athol, Mass., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 3 citizens of Springfield, Mass., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 56 citizens of Marlboro, Mass., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 52 citizens of Detroit, Mich., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 36 citizens of Everet, Mich., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 50 citizens of Muskegon, Mich., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 56 citizens of Newark, N. J., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 24 citizens of St. Paul, Minn., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 60 citizens of New Bedford, Mass., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 56 citizens of Charlestown, Mass., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 13 citizens of Boston, Mass., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 26 citizens of Denver, Colo., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 26 citizens of San Francisco, Cal., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 56 citizens of Los Angeles, Cal., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 157 citizens of San Francisco, Cal., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 56 citizens of Newark, N. J., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of 36 citizens of Mancelona, Mich., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Frank Ashton and 29 other citizens of El Paso, Tex., and other places, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of C. H. Hoyt and 56 other citizens of St. Paul, Minn., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Julius Hausen and 50 other citizens of Salt Lake, Utah, and other places, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of T. C. Hanford and 51 others, of Springville, Utah, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of James M. Hart and 54 other citizens of Muncie, Ind., and other places to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Rabbi M. Samfield and 26 other citizens of Memphis, Tenn., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of C. A. Bollinger and 70 other citizens of Fort Wayne, Ind., and other places, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of P. Sullivan and 54 other citizens of El Paso, Tex., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of H. P. Christopherson and 55 other citizens of Minneapolis, Minn., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of J. B. Meyerman and 46 others, of Bryan, Minn., and other places, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of William Bradshaw and 46 other citizens of Delphi, Ind., and other places, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of George Johnson and 43 other citizens of Clarissa, Minn., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of E. M. Wheelock and 87 other citizens of Austin, Tex., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of G. C. Jones and 14 others, of Lafayette, Ind., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of J. P. McKenna and 54 other citizens of Austin, Tex., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of A. J. Iden and 140 other citizens of Milwaukee, Wis., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of John O'Shea and 102 other citizens of Franklin, Minn., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Adolph Segin and 178 other citizens of Memphis, Tenn., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Dr. A. Boiking, of San Antonio, Tex., and 330 other citizens of said city, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of P. R. Greibler and 53 other citizens of St. Cloud, Minn., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of J. A. White and 20 other citizens of New Carlisle, Ind., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of George T. Stenhouse and 55 others, of Salt Lake, Utah, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of G. L. Holmes and 53 other citizens of Salt Lake, Utah, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Daniel McDonald and 73 other citizens of Plymouth, Ind., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of L. Choppie and 10 other citizens of Memphis, Tenn., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Henry J. Collins and 51 others, of Elkhart, Ind., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Charles Drews and 40 other citizens of Indianapolis, Ind., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of C. M. Finch and 36 others, of Toledo, Ohio, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of E. R. Morgan and 11 others, of Bloomington, Ill., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of G. E. Morton and 56 others, of Avoca, Iowa, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of D. Davis and 132 others, of Benson, Woodford County, Ill., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of M. McMahon and 54 others, of Pacific Junction, Iowa, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of George Turner and 18 others, of St. Charles, Ill., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of M. D. Smith and 50 others, of Creston, Iowa, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of B. F. Irish and 56 others, of Colchester, Ill., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of A. J. Smith and 35 others, of Davenport, Iowa, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of M. E. Clark and 56 others, of Rockford, Ill., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of G. E. Abbott and 56 others, of Sioux City, Iowa, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition

Also, petition of J. W. Ware and 250 others, of Moline, Ill., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of S. S. Hallman and 56 others, of Monmouth, Ill., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Goldberg Bros. and 300 others, of 370 Broadway, Milwaukee, Wis., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of James Ryder and 30 others, of Springfield, Ill., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of L. Harrison and 300 others, of Belleville, Ill., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of C. W. Campbell and 124 others, of 127 Main street, Ottawa, Ill., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of A. T. Budge and 56 others, of Boone, Iowa, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of J. S. Leob and 40 others, of Chicago, Ill., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of W. D. Hogan and 56 others, of Manchester, Iowa, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Alsa, petition of J. Simmons and 53 others, of Citronelle, Ala., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of T. Piers and 56 others, of Boston, Mass., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Matt Ryan and 12 others, of Ryan, Iowa, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of W. H. Davis and 56 others, of Keokuk, Iowa, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of C. M. Davis and 24 others, of Chicago, Ill., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of A. E. Ellis and 51 others, of Leon, Iowa, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of W. B. Ketchman and 27 others, of Mount Pleasant, Iowa, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of C. H. Dean and 55 others, of Clinton, Iowa, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of E. F. Steen and 15 others, of Muscatine, Iowa, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of H. B. Miles and 53 others, of Mentor, Iowa, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of A. H. Hillman and 55 others, of State Center, Iowa, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of C. Johannson and 56 others, of State Center, Iowa, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of D. A. Fisher and 30 others, of Riverside, Iowa, to open the World's Fair on Sunday to the Select Committee on the Columbian Exposition.

Also, petition of L. E. Davis and 12 others, of Eldora, Iowa, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of J. Boyd and 30 others, of Brovinde, Iowa, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of J. P. Falkenberg and 56 others, of West Cliff, Colo., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of M. Rich and 56 others, of St. Louis, Mo., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Mrs. Mary E. Rourke and 56 other ladies of Colorado, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of L. S. Townsend and 38 others, of Fond du Lac, Wis., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of C. A. Atkins, of Boston, Mass., and 56 others, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of C. B. Kelly and 56 others, of West Superior, Mich., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of C. L. Carter and 45 others, of Miles City, Mont., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of John Ferber and 55 others, of Plum City,

Wis., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Charles H. Henry and 9 others, of Boston, Mass., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of George L. Congdon and 55 others, of Eureka Springs, Ark., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of C. W. Kingman and 56 others, of Brockton, Mass., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Eli Brookin and 56 others, of Little Rock, Ark., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of H. B. Cobb (superintendent Electric Wire Company), Wilmington, Del., and 46 others, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Gordon N. Reay and 56 others, of Little Rock, Ark., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of L. E. Holden and 118 others, of Hot Springs, Ark., Brooklyn, N. Y., and Boston, Mass., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of H. L. Bancroft and 30 others, of Cœur d'Alene City, Idaho, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of E. M. Perdeer and 56 others, of Monte Vista, Colo., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of C. D. Hay, M. D., and 100 others, of Hot Springs, Ark., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of W. A. Manda and 75 others, of Short Hill, N. J., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of R. M. Russell and 40 others, of Little Rock, Ark., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of A. J. Steele and 56 others, of Anaconda, Mont., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of L. F. Cook and 56 others, of Caldwell, Idaho, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of J. H. MacMonagle and 56 others, of West Newbury, Mass., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Frank Kaufman, jr., and 115 others, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of C. B. McLellan and 52 others, of Fort Apache, Ariz., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of James S. Williams and 56 others, of Manitowoc, Wis., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of J. V. Hagaman and 16 others, of Massachusetts, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of John H. Fox and 19 others, of Sea Bright, N. J., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Maj. Collins and 56 others, of Brazil., Ind., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of John Wistrand and 27 others, of Menominee, Mich., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Rev. Cyrus Thomas and 45 others, of St. Meinrad, Ind., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Albert Nay and 55 others, of St. Louis, Mo., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of J. H. Chipman and 80 others, of Boston, Mass., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of G. T. Morskes and 97 others, of Appleton, Wis., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of James Deun and 51 others, of Evansville, Ind., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of John G. Harper and 53 others, of St. Louis, Mo., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Joseph Wharton and 3 others, of Philadelphia, Pa., and Camden, N. J., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Alfred J. A. Dibbers and 78 others, of Fort Grant, Ariz., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Duanett Nash and 20 others, of Millington, N. J., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of S. L. Henderson and 22 others, of Fort Grant, Ariz., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of John Albright and 289 others, of Two Rivers, Wis., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Edwin Askell and 500 others, of Chicago, Ill., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of William P. Fowler and 7 others, of Boston, Mass., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of J. G. Stone and 13 others, of Kansas City, Kans., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of John Holt and 56 others, of St. Louis, Mo., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of F. M. Poterfield and 49 others, of Memphis, Tenn., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of A. D. Denis and 57 others, of El Paso, Tex., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Reuben M. Mills and 55 others, of Nashville, Tenn., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Andrew J. Caldwell and others, of Nashville, Tenn., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Louis Lacroix and 18 others, of Memphis, Tenn., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of G. A. Palm and 56 others, of Memphis, Tenn., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Otto F. Voigt and others, of Memphis, Tenn., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of William Brooks Gillespie, of Nashville, Tenn., and 36 others, of Tennessee and Virginia, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Mary A. Schmitz, of Chicago, and 19 other ladies, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of N. L. Frank & Co. and 46 others, of Chicago, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of A. J. Pickrell, of Belleville, and 50 others, citizens of Illinois, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Adam T. Martin and 56 others, of Belleville, Ill., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of R. H. Whitmore and 82 others, of Memphis, Tenn., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Joseph Wilkinson, of Mobile, Ala., and others from various cities in the United States, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Louis A. Towner and 32 others, of Mattoon, Ill., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Carrie Hathway and 55 others, of Chicago, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of J. P. Harter, of Chicago, and 39 others, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of C. J. Kirk and 132 others, of Memphis, Tenn., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Thomas J. Brown, of New York City, and others, guests of the Auditorium Hotel, Chicago, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of S. M. Seely, Sterling, Ill., and 19 others, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of J. F. Shephard, of Chicago, and 50 citizens of various cities, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Jack Ryan, of Boston, and 18 others from various cities, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Andrew Johnson, of St. Louis, and 6 others (drummers), to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of W. J. Hill and 57 others, of Galveston and Waco, Tex., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Asa Wilder and 56 others, of Galveston, Tex., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of O. L. Wood and 14 others, of Honey Grove, Tex., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of George Peterman, of Aurora, Ill., and 42 others, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of M. F. Pearson, of Aurora, Ill., and 22 others, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of Dr. B. F. Norton and 56 others, of West McHenry, Ill., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of H. G. Lattin, of Quincy, and 49 others, citizens of Illinois, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of A. A. Obbott, of Englewood, Ill., and 56 others, to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of John B. Kirk and 45 others, of Evanston, Ill., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

Also, petition of F. U. Whitehead and 56 others, of Galveston, Tex., to open the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. EPES: Petition of the Medical Society of Petersburg, Va., asking for an appropriation for the Pan-American Medical Congress—to the Committee on Appropriations.

By Mr. GILLESPIE: Three petitions of citizens of Pennsylvania, as follows: The petition of John V. McCook and 476 other citizens of Pennsylvania; of S. J. Morgan and others; and of S. B. Speer and others, favoring legislation restricting immigration—to the Select Committee on Immigration and Naturalization.

By Mr. GRISWOLD: Petition of C. L. Beard and others, of Waterford, Pa., to restrict immigration—to the Select Committee on Immigration and Naturalization.

By Mr. HITT: Petition of 95 members of the Women's Columbian Exposition Club, of Hanover, Ill., for Sunday closing of the World's Fair—to the Select Committee on the Columbian Exposition.

By Mr. HUFF: Petition of 828 citizens of the Twenty-first Congressional district, Pennsylvana, favoring an amendment to immigration laws prohibiting the landing of immigrants for one year, excepting foreigners who come as visitors to the World's Fair—to the Select Committee on Immigration and Naturalization.

By Mr. LAYTON: Resolutions of the Board of Health of Delphos, Ohio, asking that the entire control of maritime quarantine be placed in the hands of the National Government—to the Committee on Interstate and Foreign Commerce.

By Mr. LODGE: Petition of Robert Napier, of Brooklyn, New York, and 933 others, for further restrictions on immigration—to the Select Committee on Immigration and Naturalization.

By Mr. O'NEILL of Pennsylvania: Two petitions of citizens of Pennsylvania, as follows: The petition of the Ninth Presbyterian Church of Philadelphia, and of the congregation of the Presbyterian Church of New London, against the opening of the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. OUTHWAITE: Petition of the Independent Order of Good Templars of Lancaster, Ohio, protesting against the repeal of the law closing the World's Fair on Sunday—to the Select Committee on the Columbian Exposition.

By Mr. OWENS: Petition of residents of Muskingum County, Ohio, asking for a restriction of immigration—to the Select Committee on Immigration and Naturalization.

By Mr. PEARSON: Petition of 80 citizens of Ohio, in favor of prohibiting immigration for one year (except to visitors to the World's Fair), and for the appointment of a commission to investigate the evils of immigration in sections colonized by aliens during the last two decades—to the Select Committee on Immigration and Naturalization.

By Mr. POST: Twelve petitions of citizens of Peoria, Ill., as follows: The petition of James Selly & Co.; of the Peoria Pottery Company; of the First National Bank; of the Peoria Implement Company; of Colburn, Burks & Co; of Luthy & Co.; of the Cutter & Proctor Stove Company; of Milliken, Cisle & Co.; of Martin & Co.; of the Peoria Manufacturing Company; of Oakford & Tolmestock; and of S. A. Spring & Co., all for 1-cent postage—to the Committee on the Post-Office and Post-Roads.

By QUACKENBUSH (by request): Petition of C. Jackson and 147 others, of Shushan, N. Y., favoring a restriction of immigration for one year—to the Select Committee on Immigration and Naturalization.

By Mr. REYBURN: Petition of citizens of Philadelphia, Pa., in favor of a committee to investigate the evils of immigration—to the Select Committee on Immigration and Naturalization.

By Mr. RUSSELL: Petition of the Connecticut State Board of Trade, for the repeal of the "Geary law," relating to Chinese residents—to the Select Committee on Immigration and Naturalization.

Also, petition of the Connecticut State Board of Trade for the repeal of the silver-purchase (Sherman) law—to the Committee on Banking and Currency.

By Mr. SCULL: Memorial of citizens of the Twentieth Congressional district of Pennsylvania, favoring an amendment to the immigration laws—to the Select Committee on Immigration and Naturalization.

By Mr. SHONK: Petition of over 50 citizens of Luzerne County, Pa., praying for an amendment of the laws relative to immigration—to the Select Committee on Immigration and Naturalization.

By Mr. SPERRY: Petition of the Board of Trade of Bridgeport, Conn., for the repeal of the Sherman act—to the Committee on Banking and Currency.

By Mr. STORER: Memorial of the "Black Brigade Association" of Cincinnati, for the passage of House bill 2119—to the Committee on Invalid Pensions.

By Mr. STOUT: Petition of the Bush Road Cart Company, of Lansing, Mich., for a change of rates of postage on second-class matter—to the Committee on the Post-Office and Post-Roads.

By Mr. JOSEPH D. TAYLOR: Resolution of the Steubenville (Ohio) Presbytery, representing a membership of 8,500, praying Congress to reënact its rescinded action excluding liquor selling from the World's Fair—to the Select Committee on the Columbian Exposition.

By Mr. WILLCOX: Petition of the State Board of Trade of Connecticut, asking the repeal of the law authorizing the purchase of silver—to the Committee on Banking and Currency.

Also, petition of the State Board of Trade of Connecticut, protesting against the law of the Fifty-second Congress relating to Chinese immigration—to the Select Committee on Immigration and Naturalization.

By Mr. WILLIAMS of Illinois: Two petitions of citizens of Illinois, as follows: The petition of citizens of Clinton and of Hardin County, praying for a Congressional investigation of a combination existing between the millers, railroads, and elevators for the purpose of depressing the price of wheat—to the Committee on Agriculture.

By Mr. WISE: Petition of William Cleveland, of Fairfax County, Va., asking relief for the carriage of the United States mail between the city of Alexandria and the Theological Seminary in Virginia—to the Committee on Claims.

By Mr. WOLVERTON: Twelve petitions of citizens of Pennsylvania, as follows: The petition of Nathan G. Adams and 30 others, of Cable and Paxinos; of J. B. Bohner and 31 others, of Shamokin and Ralpho townships, Northumberland County; of R. E. Camp and 32 others, of Mount Carmel and other places; of Horace Moses and 26 others, of Mount Carmel; of Jacob Klingerman and 33 other citizens of Mount Carmel and other points; of Whitmer Gowling and 19 others, of Light Street; of George Freeze and 32 other citizens of Mount Carmel and vicinity; of Samuel Still and 27 other citizens of Herndon; of Jessie Yeager and others, of Mount Carmel; of A. B. Patton and 19 other citizens of Danville; of C. E. Custer and 32 others, of Light Street, Columbia County, and of Francis Crawford and 17 other citizens of Light Street, each for an amendment to the immigration laws and for the appointment of a commission on immigration—to the Select Committee on Immigration and Naturalization.

SENATE.

SATURDAY, *January 28, 1893.*

Prayer by the Chaplain, Rev. J. G. BUTLER, D. D.
The Journal of yesterday's proceedings was read and approved.

CREDENTIALS.

The VICE-PRESIDENT presented the credentials of CHARLES J. FAULKNER, elected by the Legislature of West Virginia a Senator from that State for the term beginning March 4, 1893; which were read, and ordered to be filed.

Mr. MCMILLAN presented the credentials of FRANCIS B. STOCKBRIDGE, elected by the Legislature of Michigan a Senator from that State for the term beginning March 4, 1893; which were read, and ordered to be filed.

SENATOR FROM WEST VIRGINIA.

Mr. FAULKNER presented the credentials of Johnson N. Camden, elected by the Legislature of West Virginia a Senator from that State to fill the vacancy caused by the death of John E. Kenna in the term ending March 3, 1895; which were read, and ordered to be filed.

Mr. FAULKNER. The Senator-elect is present, and I ask that the oath of office be administered to him.

The VICE-PRESIDENT. The Senator-elect from West Virginia will come forward and take the oath of office.

Mr. Camden was escorted to the Vice-President's desk by Mr. FAULKNER, and the oath prescribed by law having been administered to him, he took his seat in the Senate.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the Commercial Club of Albuquerque, N. Mex., praying for the admission into the Union of the Territories of New Mexico, Arizona, Utah, and Oklahoma; which was referred to the Committee on Territories.

He also presented a petition of the Washington World's Fair commission, of Tacoma, Wash., praying for the passage of such laws as will prevent the introduction of cholera into this country; which was ordered to lie on the table.

He also presented a petition of the Typothetæ, an association of master printers and publishers, of New York City, praying for the passage of legislation to provide the means for adequate postal facilities in the city of New York; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented memorials of the Presbyterian Congregation of New London; of the North Presbyterian Church of Philadelphia; of West Spruce Street Presbyterian Church of Philadelphia, all in the State of Pennsylvania, and of the Rock Presbyterian Church of Fair Hill, Md., remonstrating against the repeal of the law closing the World's Columbian Exposition on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

Mr. CHANDLER. I present the petition of Jeremiah G. Mace and 160 other citizens of Hampton, N. H.; the petition of T. H. Venner and 31 other citizens of Pennsylvania, and the petition of D. R. Sword and 31 other citizens of Pennsylvania, praying for the passage of the bill suspending immigration for one year.

I move that these and all petitions now on the table to the same effect be referred to the Committee on Immigration.

The motion was agreed to.

Mr. CHANDLER presented a petition of the National Board of Trade, adopted at its recent session in Washington, D. C., praying for the strict enforcement of the immigration laws and amendments thereto requiring certificates from the authorities of the towns or municipalities from which immigrants come; which was referred to the Committee on Immigration.

Mr. CULLOM presented a petition of over 1,000 citizens of Kewanee, Ill., praying that the World's Columbian Exposition be opened on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

He also presented a petition of George Washington Council, No. 3, Junior Order United American Mechanics, of Chicago, Ill., praying for the passage of the so-called Chandler immigration bill; which was referred to the Committee on Immigration.

He also presented petitions of citizens of Effingham and Champaign Counties, in the State of Illinois, praying for the appointment of a Senate committee to investigate the combine formed to depreciate the price of grain; which were referred to the Committee on Agriculture and Forestry.

Mr. DAWES presented the petition of A. J. Waterman and 435 other citizens of Pittsfield, Mass., praying for the repeal of the so-called Sherman silver law; which was ordered to lie on the table.

Mr. TELLER presented a petition of citizens of Pennsylvania, praying for the passage of legislation recognizing the services of Col. McLane's Erie three-months' regiment during the late rebellion; which was referred to the Committee on Military Affairs.

Mr. PASCO presented a memorial of the Convention of the Baptist Church of Florida, embracing a membership of 20,000, remonstrating against the repeal of the law closing the World's Columbian Exposition on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

He also presented the memorial of J. C. Petersen, David Sheehan, and other officers of the American mercantile marine service, of Pensacola, Fla., remonstrating against the passage of any legislation favoring the granting of American registry and license to alien officers of the steamships City of Paris and City of New York, and praying for the retention of the management of all steamers carrying the American flag in the hands of regularly licensed American citizens; which was referred to the Committee on Commerce.

Mr. BATE presented a memorial of the official members of the Elm Street Methodist Episcopal Church, South, of Nashville, Tenn., embracing a membership of 1,200, and representing a Sunday school numbering 520, remonstrating against the repeal of the law closing the World's Columbian Exposition on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

Mr. WASHBURN presented petitions of Union No. 77, Cigar-Makers' Protective Union, of Minneapolis; of Upholsterers' Union, of Minneapolis; of Typographical Union No. 42, of Minneapolis; of Cigar-Makers' Union No. 98, of St. Paul, and of Local Union No. 27, Journeymen Horseshoers' Union, of Minneapolis, all in the State of Minnesota, praying for the repeal of the law closing the World's Columbian Exposition on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

He also presented the petition of John C. Noe and 128 other citizens of Mankato, Minn., and a petition of the Stock Exchange of Duluth, Minn., praying for the repeal of the so-called Sherman silver law; which were ordered to lie on the table.

He also presented a memorial of the Chamber of Commerce of Minneapolis, Minn., remonstrating against the passage of the Washburn-Hatch antioption bill; which was ordered to lie on the table.

Mr. SHERMAN presented petitions of the Boards of Trade of Clarington, Newark, and East Palestine, all in the State of Ohio, praying for the adoption of a national quarantine, and the suspension of immigration until the quarantine defenses of the country shall be placed in a condition to guarantee protection from contagious diseases; which were referred to the Committee on Immigration.

He also presented petitions of the Iron Molders' Beneficial Society, of Columbus; of Carpenters and Joiners' Union No. 168, of Toledo; of Tanners and Curriers' Union No. 10, and of Carpenters and Joiners' Union No. 792, of Washington Court-House, all in the State of Ohio, praying for the opening of the World's Columbian Exposition on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

Mr. PALMER presented petitions of Cigar-Makers' Union, No. 118, of Peoria; of Cigar-Makers' Union, No. 41, of Aurora; of the Tinners' Union, of Peoria; of Watchmakers' Union, No. 5504, of Elgin; of Carpenters' Union, No. 313, of Peoria; of Woodworkers' International Union, No. 30, of Chicago; of Self-Help Lodge, No. 80, Brotherhood of Locomotive Firemen; and of Tailors' Union, No. 90, of the Sixth Congressional district, all in the State of Illinois, praying for the opening of the Columbian Exposition on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

He also presented a petition of Eagle Council, No. 33, Junior Order United American Mechanics, of Chicago, Ill., praying for the passage of the so-called Chandler immigration bill; which was referred to the Committee on Immigration.

Mr. PEFFER presented the petition of Charles T. Wilson and other business men of Fort Scott, Kans., praying for the repeal of the so-called Sherman silver law; which was ordered to lie on the table.

Mr. COKE presented a petition of the Navarro County (Tex.) Farmers' Alliance, praying for the passage of the Washburn-Hatch antioption bill; which was ordered to lie on the table.

Mr. PLATT presented a petition of the State Board of Trade of Connecticut, praying for the repeal of the so-called Sherman silver law; which was ordered to lie on the table.

He also presented a petition of the State Board of Trade of Connecticut, praying for the repeal of the Chinese exclusion law; which was referred to the Committee on Foreign Relations.

Mr. HISCOCK presented the petition of Thomas A. Edison and 49 other citizens of Orange, N. J., praying for the repeal of the law closing the World's Columbian Exposition on Sunday;

which was referred to the Committee on the Quadro-Centennial (Select).

Mr. HIGGINS presented memorials of the Gilbert Presbyterian Church, of Wilmington; of the Covenant Reform Episcopal Church, of Wilmington; of Grace Methodist Episcopal Church, of Wilmington, and of the Methodist Episcopal Church, of Bridgeville, all in the State of Delaware, remonstrating against the repeal of the law closing the World's Columbian Exposition on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

Mr. STOCKBRIDGE presented petitions of citizens of Adrian, Mich.; of the Journeymen Tailors' Union, No. 88, of Saginaw, Mich.; of Union No. 170, International American Machinists of Michigan; and of Westside Union, No. 793, United Brotherhood of Carpenters and Joiners of Grand Rapids, Mich., praying for the repeal of the law closing the World's Columbian Exposition on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

He also presented a petition of the Crosby Street Christian Reformed Church, of Grand Rapids, Mich., praying for the closing of the World's Columbian Exposition on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

He also presented the petition of John H. McEvoy and other citizens of Sault Ste. Marie, Mich., praying for the passage of legislation retiring enlisted men of the United States Army and Navy after twenty-five years' service; which was referred to the Committee on Military Affairs.

Mr. VOORHEES presented a petition of the Board of Managers of the Home for Incurables of the District of Columbia, praying for the opening in connection therewith of California avenue in the city of Washington, D. C.; which was referred to the Committee on the District of Columbia.

He also presented a joint resolution, adopted by the General Assembly of Indiana, instructing the Senators from that State to vote in favor of opening the World's Columbian Exposition on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

Mr. VEST presented a petition of the Kansas City (Mo.) Live Stock Exchange, praying for the passage of legislation opening the Cherokee Strip to settlement; which was ordered to lie on the table.

He also presented petitions of Cigar-Makers' Union, No. 95, of St. Joseph; Iron Molders Union, No. 142, of Hannibal; of Success Lodge, No. 33, Brotherhood of Locomotive Firemen, of Trenton; of Journeymen Tailors' Union, No. 76, of Springfield, and of the Order of Railroad Telegraphers, Division 221, of Sedalia, all in the State of Missouri, praying for the repeal of the law closing the World's Columbian Exposition on Sunday; which were referred to the Committee on the Quadro-Centennial (Select).

Mr. COCKRELL presented a petition of the Commercial Exchange of Kansas City, Mo., and a petition of the Live Stock Exchange of Kansas City, Mo., praying for the passage of legislation opening the Cherokee strip to settlement; which were ordered to lie on the table.

He also presented a memorial of the Commercial Club of Kansas City, Mo., remonstrating against the passage of the Washburn-Hatch antioption bill; which was ordered to lie on the table.

Mr. COCKRELL. I present three of the peculiar stereotyped petitions which come to us praying for the opening of the World's Fair on Sunday, originally addressed with pen and ink to Hon. JOHN C. TARSNEY, of the Fifth Congressional district of Missouri. His name has been stricken out and mine inserted in pencil. I move that the petitions be referred to the Select Committee on the Quadro-Centennial.

The petitions were referred to the Committee on the Quadro-Centennial (Select), as follows:

Petition of Cigar-Makers' Union, No. 102, of Kansas City, Mo.;

Petition of Local Union, No. 17, Machine Woodworkers' International Union, of Kansas City, Mo.; and

Petition of Local Union, No. 2, Tin, Sheet Iron, and Cornice Workers' International Association, of Kansas City, Mo.

Mr. IRBY presented a memorial of citizens of Clinton, S. C., remonstrating against the opening of the World's Columbian Exposition on Sunday; which was referred to the Committee on the Quadro-Centennial (Select).

REPORTS OF COMMITTEES.

Mr. FAULKNER, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 6922) to amend section 452 of the Revised Statutes relating to the District of Columbia, concerning conveyance of real estate, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. 3080) supplementary to an act entitled "An act to provide a government for the District of Columbia," approved February 21, 1871, and also to an act entitled "An act for the government of the District of Columbia, and for other purposes," approved June 20, 1874, reported it with amendments.

Mr. STEWART, from the Committee on Appropriations, to whom was referred the bill (H. R. 9825) making appropriations for the support of the Army for the fiscal year ending June 30, 1894, and for other purposes, reported it with amendments, and submitted a report thereon.

Mr. MANDERSON, from the Committee on Military Affairs, to whom was referred the bill (S. 2782) to restore Eugene Wells to the Army, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 3696) for the relief of Brig. Gen. John R. Brooke, United States Army, reported it with amendments, and submitted a report thereon.

Mr. CHANDLER, from the Committee on Immigration. I report back the bill (S. 3663) establishing additional regulations concerning immigration to the United States, with a substitute. I ask that the substitute be printed and not the original bill; and also that a thousand extra copies of the substitute be printed for the use of the Senate.

The bill (S. 3786) establishing additional regulations concerning immigration to the United States, was read twice by its title.

The VICE-PRESIDENT. The bills will be placed on the Calendar, and 1,000 extra copies of the substitute will be ordered printed, in the absence of objection.

Mr. DOLPH. By direction of the Committee on Public Lands I report favorably an amendment intended to be proposed to the bill (H. R. 10331) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1894, and for other purposes. The amendment proposes to increase the amount of the appropriations for clerk hire in the office of the surveyor-general of Oregon. I move that the amendment be printed, and that, with the accompanying letter of the surveyor-general of Oregon, it be referred to the Committee on Appropriations.

The motion was agreed to.

Mr. FRYE, from the Committee on Commerce, to whom was referred the bill (H. R. 9176) relating to contracts of common carriers and to certain obligations, duties, and rights in connection with the carriage of property, reported it with amendments.

Mr. DAWES. I am directed by the Committee on Appropriations, to whom was referred the bill (H. R. 9923) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes, to report it with amendments, and to submit a written report thereon. I give notice that I shall call the bill up at an early day.

I am further instructed by the committee to report that two amendments intended to be proposed to the bill, one submitted by the Senator from Colorado [Mr. TELLER] providing for the construction of a disappearing gun carriage after the pattern of Mr. A. H. Emery, and the other submitted by the Senator from Virginia [Mr. HUNTON], providing for the making of 10-inch and 12-inch guns after the pattern of R. J. Gatling, have been under consideration by the committee, but they have not been able for want of time to come to any conclusion upon the same. They hope to be able to make a report upon them in the form of amendments to the bill before its consideration, which they will present if they are able to come to any conclusion upon the amendments.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

Mr. COKE, from the Committee on Commerce, reported an amendment intended to be proposed to the bill (H. R. 9955) providing for sundry light-houses and other aids to navigation; which was ordered to lie on the table.

He also, from the same committee, to whom was referred the bill (S. 3660) for the establishment of a light-house, fog signal, and line lights at or near the mouth of the Brazos River, Texas, reported it without amendment.

Mr. PROCTOR, from the Committee on Military Affairs, to whom was referred the bill (H. R. 2592) for the relief of Andrew B. Knapp, reported it with amendments, and submitted a report thereon.

HARBOR OF CHICAGO.

Mr. CULLOM. I am directed by the Committee on Commerce, to whom was referred the bill (S. 3753) relating to the anchorage and movement of vessels in the port at Chicago, to report it favorably, with amendments, and I ask that the bill be now considered.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The first amendment of the Committee on Commerce was, in section 1, line 3, after the word "Treasury," to strike out "is" and insert "be;" in line 4, after the word "anchorage," to strike out "ground in Lake Michigan" and insert "grounds;" in line 5, after the word "the," to strike out "harbor" and insert "harbors;" and in the same line, after the word "Chicago," to insert "and waters of Lake Michigan adjacent thereto;" in line 6, after the word "relation," to strike out "thereto" and insert "to the same;" and in line 8, after the word "inshore," to strike out "channel ways" and insert "channels;" so as to make the section read:

That the Secretary of the Treasury be authorized and directed to define and establish anchorage grounds for vessels in the harbors of Chicago and waters of Lake Michigan adjacent thereto, to adopt suitable rules and regulations in relation to the same, and also to adopt suitable rules and regulations governing the use of marked inshore channels in Lake Michigan in front of the city of Chicago, and to take all necessary measures for the proper enforcement of such rules and regulations.

The amendment was agreed to.

The next amendment was, to strike out the last section of the bill, in the following words:

SEC. 3. That this act shall take effect immediately.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. O. TOWLES, its Chief Clerk, announced that the House had agreed to the concurrent resolution of the Senate requesting the President of the United States to return to the Senate the enrolled bill (S. 2625) to provide for the punishment of offenses on the high seas.

The message also returned to the Senate, in compliance with its request, the bill (S. 1678) for the relief of William Smith and others.

The message further announced that the House had agreed to the amendments of the Senate to the bill (H. R. 5049) to remove the charge of desertion against Lucius L. Dyer.

The message also announced that the House had passed the bill (S. 3115) for relief of Clement Reeves.

The message further announced that the House had passed the bill (S. 509) granting an increase of pension to Thomas J. Matlock, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

A bill (H. R. 2850) for the relief of F. Y. Ramsey, the heir at law and distributee of Joseph Ramsey; and

A bill (H. R. 10146) to authorize the Oklahoma Midland Railway Company to construct and operate a railway, telegraph, and telephone lines through the Indian and Oklahoma Territories, and for other purposes.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (H. R. 5597) for the relief of William Smith and others; and it was thereupon signed by the Vice-President.

BILLS INTRODUCED.

Mr. PASCO introduced a bill (S. 3787) to authorize the construction of a bridge across the St. Marys River, between the States of Florida and Georgia; which was read twice by its title, and referred to the Committee on Commerce.

Mr. TELLER introduced a bill (S. 3788) granting right of way to the Colorado River Irrigation Company through the Yuma Indian Reservation in California; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. HARRIS introduced a bill (S. 3789) to authorize the investigation by the Attorney-General of certain claims alleged to be due the late proprietors of the Knoxville Whig for advertising, and authorizing the payment therefor by the Secretary of the Treasury of any amounts found by the Attorney-General to be legally or equitably due; which was read twice by its title, and referred to the Committee on Claims.

Mr. CHANDLER introduced a bill (S. 3790) for the relief of William Dillon; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3791) to define and to provide for the execution of the provisions of sections 1390, 1476, and 1480, of the Revised Statutes of the United States relative to the commissions of naval officers; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. PROCTOR introduced a bill (S. 3792) to incorporate the American University; which was read twice by its title.

I ask that the bill be referred to the Committee on the District of Columbia.

Mr. DOLPH. I should like to ask the Senator from Vermont if the bill should not go to the Select Committee to establish the University, of the United States, of which the Senator is chairman?

Mr. PROCTOR. This is not a bill concerning the National University, but the American University, an institution under the auspices of the Methodist Church. It is a mere act of incorporation.

The VICE-PRESIDENT. The bill will be referred to the Committee on the District of Columbia.

Mr. DIXON (by request) introduced a joint resolution (S. R. 143) for the more effectual carrying out of a provision of the act approved March 3, 1891, entitled "An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1891, and for prior years, and for other purposes;" which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

AMENDMENTS TO BILLS.

Mr. HIGGINS submitted sundry amendments intended to be proposed by him to the bill (S. 2870) to ratify and confirm an agreement with the Cherokee Nation of Indians, of the Indian Territory, to make appropriation for carrying out the same, and for other purposes; which were ordered to lie on the table, and be printed.

Mr. PETTIGREW submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Public Lands, and ordered to printed.

Mr. TELLER submitted an amendment intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. CULLOM submitted an amendment intended to be proposed by him to the bill (H. R. 10258) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1893, and for prior years, and for other purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. HOAR submitted an amendment intended to be proposed by him to the diplomatic and consular appropriation bill; which was referred to the Committee on Foreign Relations, and ordered to be printed.

He also submitted an amendment intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on the Judiciary, and ordered to be printed.

Mr. CAREY submitted two amendments intended to be proposed by him to the bill (H. R. 7136) to enable the people of New Mexico to form a constitution and State government and to be admitted into the Union on an equal footing with the original States; which were referred to the Committee on Territories, and ordered to be printed.

He also submitted an amendment intended to be proposed by him to the bill (H. R. 7028) to protect settlement rights where two or more persons settle upon the same subdivision of agricultural public lands before survey thereof; which was referred to the Committee on Public Lands, and ordered to be printed.

MEMORIAL OF C. C. MERRICK.

On motion of Mr. CULLOM, it was

Ordered, That the Committee on the Judiciary be discharged from the further consideration of the memorial of C. C. Merrick, to inquire into the legality of the disposition of the 2 per cent fund by the Legislature of the State of Alabama, and that he have leave to withdraw the same from the files of the Senate.

PREVENTION OF CONTAGIOUS OR INFECTIOUS DISEASES.

Mr. CHANDLER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Treasury be directed to inform the Senate what rules and regulations, if any, are now in existence and in force at the port of New York for the prevention of the introduction into this country of contagious or infectious diseases; and to specifically state what precautions against such diseases are prescribed to be observed at the ports of departure, upon the vessels on their voyages and in the harbor of arrival; and also to inform the Senate by what authority of law such rules and regulations have been established.

INVESTIGATION BY COMMITTEE ON COMMERCE.

Mr. DOLPH submitted the following resolution; which was referred to the Committee on Commerce, and ordered to be printed:

Resolved, That the Committee on Commerce be, and they are hereby, authorized to sit, by subcommittee or otherwise, during the recess of Congress, at such places in the United States as they may deem proper; and that they be, and they are hereby, authorized to inquire into the laws and regulations

governing the expenditure of moneys appropriated for the improvement of rivers and harbors, and the supervision and auditing of the accounts for such expenditure, and the manner in which such expenditures are made and the accounts therefor audited, and the character, importance, and condition of the works in progress for the improvement of rivers and harbors, and all matters connected with the subject of the improvement of the water ways of the country, with power to administer oaths and take testimony, to employ a stenographer and a clerk, and to appoint a sergeant-at-arms from the messengers of the Senate; and that the actua necessary expenses of the said committee, properly incurred in the execution of this resolution, shall be paid out of the contingent fund of the Senate in the usual manner, upon the order of the chairman of the committee.

HOUSE BILLS REFERRED.

The bill (H. R. 2850) for the relief of F. Y. Ramsey, the heir at law and distributee of Joseph Ramsey, was read twice by its title, and referred to the Committee on Claims.

The bill (H. R. 10146) to authorize the Oklahoma Midland Railway Company to construct and operate a railway, telegraph, and telephone lines through the Indian and Oklahoma Territories, and for other purposes, was read twice by its title, and referred to the Committee on Indian Affairs.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had, on the 27th instant, approved and signed the act (S. 1631) to establish a life-saving station at Gay Head, on the coast of Massachusetts.

The message also announced that the President of the United States had on this day approved and signed the following acts:

An act (S. 3407) to authorize the Court of Claims to hear and determine the claims of certain New York Indians against the United States; and

An act (S. 3117) relating to post traderships.

HOUR OF MEETING ON MONDAY.

Mr. HALE. I move that when the Senate adjourns to-day it be to meet at 2 o'clock on Monday. This will give an opportunity for Senators to attend the funeral of Mr. Blaine. The House of Representatives has just taken similar action, and I hope the Senate will also agree to meet at that hour.

The VICE-PRESIDENT. The Senator from Maine moves that when the Senate adjourns to-day it be to meet at 2 o'clock on Monday.

The motion was agreed to.

EXECUTIVE SESSION.

Mr. SHERMAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After three hours and forty-five minutes spent in executive session the doors were reopened, and (at 4 o'clock and 25 minutes p. m.) the Senate adjourned until Monday, January 30, 1893, at 2 o'clock p. m.

NOMINATIONS.

Executive nominations received by the Senate January 28, 1893.

JUDGES OF PROBATE.

Alexander C. Bishop, of Utah Territory, to be judge of probate in the county of Weber, in the Territory of Utah, his term having expired January 19, 1893.

Jacob B. Blair, of Utah Territory, to be judge of probate in the county of Salt Lake, in the Territory of Utah, vice George W. Bartch, resigned.

REGISTER OF THE LAND OFFICE.

William D. Mathews, of O'Neill, Nebr., to be register of the land office at O'Neill, Nebr., vice Bennett S. Gillespie, resigned.

POSTMASTERS.

Frank M. Rahm, to be postmaster at Woodland, in the county of Yolo and State of California, in the place of James I. McConnell, whose commission expired February 9, 1892.

Thaddeus O. Jones, to be postmaster at Auburn Park, in the county of Cook and State of Illinois, in the place of John W. Hallenbeck, removed.

John H. Simpton, to be postmaster at Tipton, in the county of Moniteau and State of Missouri, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1893.

Edgar E. Burkley, to be postmaster at Tupper Lake, in the county of Franklin and State of New York, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1893.

Thomas Walkey, to be postmaster at Jermyn, in the county of Lackawanna and State of Pennsylvania, the appointment of a postmaster for the said office having, by law, become vested in the President on and after October 1, 1892.

Orator H. Lacroft, to be postmaster at Clark, in the county of Clark and State of South Dakota, in the place of Emmett F. Conklin, resigned.

Alexander D. Marriott, to be postmaster at Pierre, in the county of Hughes and State of South Dakota, in the place of Ransom E. Gregory, resigned. This nomination is made to correct an error in name, Mr. Marriott having been confirmed by the Senate January 7, 1893, as Alexander H. Marriatt.

James W. Natwick, to be postmaster at Centralia, in the county of Wood and State of Wisconsin, the appointment of a postmaster for the said office having, by law, become vested in the President on and after January 1, 1893.

WITHDRAWAL.

Executive nomination withdrawn from the Senate January 26, 1893.

Willis B. Stanley, to be register of the land office at Beaver, Okla., vice George L. Dobson, resigned, Mr. Dobson having requested the withdrawal of his resignation.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 26, 1893.

ASSOCIATE JUSTICE SUPREME COURT OF THE DISTRICT OF COLUMBIA.

Louis E. McComas, of Maryland, to be associate justice of the supreme court of the District of Columbia.

ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY.

Frank C. Partridge, of Vermont, to be envoy extraordinary and minister plenipotentiary of the United States to Venezuela.

PENSION AGENT.

Sidney L. Willson, of Washington, D. C., to be pension agent at Washington, D. C.

PROMOTION IN THE ARMY.

Infantry arm.

Corp. Orrin R. Wolfe, Company H, Fourteenth Infantry, to be second lieutenant.

APPOINTMENT IN THE ARMY.

Pay Department.

Elijah W. Halford, of Indiana, to be paymaster with the rank of major.

PROMOTION IN THE NAVY.

Passed Assistant Engineer Julien S. Ogden, to be a chief engineer in the Navy.

POSTMASTERS.

Mrs. Ida A. Blanchard, to be postmaster at Millville, in the county of Worcester and State of Massachusetts.

John L. Derby, to be postmaster at Cranford, in the county of Union and State of New Jersey.

Jacob Alvord, to be postmaster at Lykens, in the county of Dauphin and State of Pennsylvania.

Executive nominations confirmed by the Senate January 28, 1893.

ASSOCIATE JUSTICE SUPREME COURT OF THE DISTRICT OF COLUMBIA.

Charles C. Cole, of the District of Columbia, to be associate justice of the supreme court of the District of Columbia.

REGISTER OF THE LAND OFFICE.

William D. Matthews, to be register of the land office at O'Neill, Nebr.

PROMOTIONS IN THE ARMY.

Capt. James N. Allison, Second Cavalry, to be commissary of subsistence.

Capt. John B. Eaton, assistant quartermaster, to be captain of cavalry.

Capt. Guy Howard, commissary of subsistence, to be assistant quartermaster.

PROMOTION IN THE NAVY.

Capt. William T. Sampson, United States Navy, to be chief of the Bureau of Ordnance in the Department of the Navy.

POSTMASTER.

Harry H. Mitchell, to be postmaster at Clinton, in the county of Henry and State of Missouri.

HOUSE OF REPRESENTATIVES.

SATURDAY, *January 28, 1893.*

The House met at 12 o'clock noon. Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of the proceedings of yesterday was read and approved.

PUBLIC BUILDING, SHEBOYGAN, WIS.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, submitting a statement relating to the United States custom-house and post-office building to be erected at Sheboygan, Wis., pursuant to House resolution; which was referred to the Committee on Appropriations.

WAR CLAIMS.

The SPEAKER also laid before the House a communication from the Attorney-General, pursuant to House resolution of January 16, 1892, in relation to claims growing out of the late war; which was referred to the Committee on War Claims.

GEORGE H. PRICE.

The SPEAKER also laid before the House a letter from the Postmaster-General, transmitting the claim of George H. Price, postmaster at Perth Amboy, N. J., for credit on his postal and money order account for losses sustained by theft; which was referred to the Committee on Claims.

MRS. S. A. FARQUHARSON.

The SPEAKER also laid before the House the bill (S. 1303) to increase the pension of Mrs. F. A. Farquharson, with House amendment, disagreed to by the Senate.

Mr. MOSES. Mr. Speaker, I move that the House insist upon its amendment, and agree to the conference asked by the Senate.

The motion was agreed to.

The SPEAKER announced the appointment of Mr. WILSON of Missouri, Mr. BARWIG, and Mr. HOUK of Tennessee, as conferees on the part of the House.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted:

To Mr. HENDERSON of North Carolina, for four days, on account of important business;

To Mr. BRUNNER, for one week, on account of important business; and

To Mr. CADMUS, indefinitely, on account of sickness in his family.

ST. JOSEPH'S CATHOLIC CHURCH, MARTINSBURG, W. VA.

Mr. WILSON of West Virginia. I ask unanimous consent for the present consideration of the bill S. 273.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and is hereby, authorized and directed to pay to Bishop J. J. Kain, trustee of St. Joseph's Catholic Church at Martinsburg, W. Va., out of any moneys in the Treasury not otherwise appropriated, the sum of $2,880, the same to be in full of rent and damages for the use and occupation of said church by the Army of the United States during the war of the rebellion.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

Mr. BURROWS. Is this a Senate bill?

Mr. WILSON of West Virginia. Yes, sir.

Mr. BURROWS. Has it been reported by a House committee?

Mr. WILSON of West Virginia. Yes.

Mr. BURROWS. What is the nature of it?

The SPEAKER. The gentleman from West Virginia can explain the bill if desired.

Mr. BURROWS. I prefer to hear the report read, subject to the right of objection.

The report (by Mr. DOLLIVER) was read, as follows:

The Committee on War Claims, to whom was referred the bill (S. 273) for the relief of the trustees of St. Joseph's Catholic Church, of Martinsburg, W. Va., submit the following report:

The facts out of which this bill for relief arises will be found stated in a report made by the Committee on Claims of the Senate of the present Congress, which report is appended as a part of this report.

Your committee concur in the conclusions stated in that report and recommend the passage of the bill.

[Senate Report No. 100, Fifty-second Congress, first session.]

The Committee on Claims, to whom was referred the bill (S. 273) for the relief of the trustees of St. Joseph's Catholic Church, of Martinsburg, W. Va., have carefully examined the same and respectfully report:

We adopt the report hereto annexed, made by this committee in the first session of the Fifty-first Congress, and recommend that the bill do pass.

That they have examined the evidence filed in this claim, and find the facts to be as follows: That the St. Joseph's Catholic Church, located at Martinsburg, W. Va., was a large building, the first story of which was built of cut limestone 10 feet high, the superstructure on which was constructed of brick. The size of the building was 100 feet long by 60 feet wide. The basement was occupied for secular and religious schools connected with the Catholic Church, and the upper building, or auditorium, was used exclusively for church purposes.

The church property was taken possession of on the 4th of March, 1862, by the Federal Army, the basement being occupied as a stable and the upper part of the building being used for a hospital.

The evidence filed in the case shows that the building was used for the purposes stated from the time possession was taken in 1862 until the close of the war, when it was turned over to the church authorities. The witnesses that prove the use and occupation are respectable citizens of the town of Martinsburg, the priest in charge of the building, and the soldiers who occupied the basement for a stable, all of whom fix a fair rent value for this property at $80 per month.

The correctness of the facts set forth in the petition and proof furnished is further certified to by a letter addressed by Charles Bowman, commodore, United States Navy, from his personal knowledge, to Quartermaster-General Meigs, dated May 30, 1874.

All of the men who are witnesses in the case are men whose loyalty to the Federal Government was unquestioned.

The following account was filed in the War Department in 1874, certified to the Third Auditor of the Treasury on April 9, 1875.

No action seems to have been taken, and the acting depot quartermaster at Washington, to whom it had been referred for report and recommendation, was subsequently instructed to return the papers to the Quartermaster-General, under the theory, we suppose, held by the Department at that time, that it could not pass upon and allow claims for rent and occupation in the States declared in rebellion, although the county of Berkeley was within the Federal lines from the opening to the close of the war, with exception of the advance during the summer of the Army of Northern Virginia down the valley and when passing through its territory to Maryland.

The account as filed is—

For rent of church building for three years	$2,880
For repairs to same	570
For repairs to fence inclosing cemetery	500
Aggregating	3,950

It has not been customary for the committee to allow the cost of repairs when the rent has been allowed, and for this reason the item of $570 must be disallowed; and the repair of the fence inclosing cemetery, costing $500, must also be disallowed, under the former rulings of the committee; and there is not sufficient proof in the papers to show for what purpose and use the fence was taken by the Federal Army, nor is the proof conclusive that it was entirely consumed in any way by the Federal troops.

Your committee is of the opinion, however, that the item for rent of said building is a proper charge against the Government, and should be allowed.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia [Mr. WILSON]?

Mr. WEVER. Mr. Speaker, I object.

Mr. KILGORE. I demand the regular order. I think we ought to get on with the appropriations.

The SPEAKER. The regular order is the call of the standing and select committees for reports.

The roll of committees was called, when bills of the following titles were severally reported, and with the accompanying reports, ordered to be printed and referred to the Calendars stated below.

BRIDGE OVER BAY OF BILOXI, MISSISSIPPI.

By Mr. MALLORY, from the Committee on Interstate and Foreign Commerce: A bill (H. R. 236) to authorize the Biloxi and Back Bay Bridge Company to construct and maintain a bridge over that portion of the Bay of Biloxi, in the State of Mississippi, known as Back Bay—to the House Calendar.

DISTRICT OF COLUMBIA RAILWAY COMPANY.

By Mr. RICHARDSON, from the Committee on the District of Columbia: A bill (H. R. 10285) to amend the charter of the District of Columbia Railway Company—to the House Calendar.

BIG HORN SOUTHERN RAILROAD.

By Mr. PEEL, from the Committee on Indian Affairs: A bill (H. R. 3317) extending the time for the construction of the Big Horn Southern Railroad through the Crow Indian Reservation—to the House Calendar.

CHANGE OF REFERENCE.

Mr. BUSHNELL. Mr. Speaker, I desire to ask unanimous consent that the bill (H. R. 7790) be withdrawn from the consideration of the Judiciary Committee, to which it was referred, and that it be referred to the Committee on Indian Affairs. The chairman of the Committee on the Judiciary [Mr. CULBERSON] informs me that he thinks that is the proper reference.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 7790) to provide for the proper defense of Michel Thomas, a Chippewa Indian, convicted of murder and sentenced to be hung by the United States circuit court for the western district of Wisconsin, and certified up to the United States Supreme Court upon a divided opinion between the United States circuit and district judges.

The SPEAKER. The gentleman from Wisconsin [Mr. BUSHNELL] asks that the Committee on the Judiciary be discharged from the further consideration of this bill, and that it be referred to the Committee on Indian Affairs, stating that that is the suggestion of the chairman of the Judiciary Committee. Is there objection to this change of reference?

There was no objection.

INVESTIGATION OF TRUSTS.

Mr. MCMILLIN. Mr. Speaker, I am instructed by the Committee on Rules to report back a resolution offered by the gentleman from Michigan [Mr. BURROWS] with a substitute, which I ask the Clerk to report.

The Clerk read as follows:

Resolved, That the resolution of Mr. BURROWS, respecting the whisky trust, be, and the same is hereby, referred to the Committee on the Judiciary, and the said committee is hereby authorized and empowered to investigate the charges contained in said resolution and report to the House thereon by bill or otherwise. Said committee is also authorized and empowered to investigate what, if any, other trusts or combinations in restraint of trade exist in the United States or have been fostered by Congressional legislation which control markets or raise prices; and what, if any, additional legislation is necessary to remedy the evils; that said committee have power to send for persons and papers and to administer oaths, the expenses of this investigation to be paid out of the contingent fund of the House.

Mr. McMILLIN. I demand the previous question on the adoption of the resolution.

Mr. BYNUM. I want to make a suggestion before the previous question is ordered, that it would probably be better to allow this investigation to be made either by the full committee or by a subcommittee. It is generally very expensive to conduct an investigation by a full committee. I suggest that amendment.

Mr. McMILLIN. I am entirely willing to accept the gentleman's suggestion, and I move to amend so that the investigation may be made either by the full committee or by a subcommittee.

The SPEAKER. The Clerk will report the amendment suggested by the gentleman from Tennessee.

The Clerk read as follows:

On line 4, after the word "committee," insert the words "or any subcommittee thereof."

So as to read:

And said committee or any subcommittee thereof is hereby authorized and empowered to investigate, etc.

The amendment as amended was agreed to.

The previous question was ordered.

The resolution was agreed to.

On motion of Mr. McMILLIN, a motion to reconsider the last vote was laid on the table.

THE PANAMA CANAL.

Mr. CATCHINGS. Mr. Speaker, I am directed by the Committee on Rules to report back the resolution which I send to the Clerk's desk and to ask for its present consideration; and I demand the previous question.

The Clerk read as follows:

The Committee on Rules, to whom were referred the accompanying resolutions, heretofore introduced by Mr. FELLOWS and Mr. GEARY respectively, report the same back with the recommendation that the resolution herewith submitted be adopted in lieu thereof, viz:

Resolved, That a special committee of five be appointed by the Speaker to investigate and report as to what sums of money, if any, were expended by the Panama Canal Company or its promoters, directly or indirectly, for the purpose of preventing opposition in this country to the plans of said company or securing acquiescence in America thereto, and what disposition was made of such sums; and generally as to the situation of affairs upon the Isthmus so far as American commerce seeking transit across the same may be concerned; and also as to the contracts and relations between the Pacific Mail Steamship Company and the Southern Pacific Railroad Company, the Transcontinental Railroad Association, and other railroads, and as to what contracts or other collusive arrangements have been made by said companies whereby the traffic by way of the Isthmus of Panama has been suppressed or diminished; and as to whether said steamship company, by virtue of said contracts or otherwise, has been practically absorbed by or subjected to the control of said railroad companies; and as to whether the business which it was the design of this Government to foster by the sums granted to said steamship company, through mail contracts or otherwise, has been thereby diverted from the Isthmus of Panama and the Panama Railroad Company to such transcontinental companies; and as to whether such acts are detrimental to the interest of American maritime commerce, and the producers, manufacturers, and merchants of the United States; and if such abuses are found to exist by what means the same can or should be supressed, and as to whether the further grant of said sums to said steamship company should be withdrawn. Said committee shall have the power to send for persons and papers and administer oaths, and the expenses incurred in said investigation shall be paid out of the contingent fund of the House; and said committee shall have leave to sit during the sessions of the House, in Washington or elsewhere.

The previous question was ordered.

The resolution was agreed to.

On motion of Mr. CATCHINGS, a motion to reconsider the last vote was laid on the table.

VIEWS OF THE MINORITY ON POST-OFFICE APPROPRIATION BILL.

Mr. KYLE, from the Committee on the Post-Office and Post-Roads, submitted the views of the minority on the bill (H. R. 10349) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1894; which were ordered to be printed.

HOUR OF MEETING ON MONDAY NEXT.

Mr. HOLMAN. Mr. Speaker, in view of the funeral of a distinguished citizen, which occurs on Monday, and the fact that many gentlemen desire to attend that funeral, I move that when the House adjourns to-day it be to meet at 2 o'clock on Monday.

The motion was agreed to.

SUNDRY CIVIL APPROPRIATION BILLS.

Mr. HOLMAN. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of general appropriation bills.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole, Mr. LESTER of Georgia in the chair.

The CHAIRMAN. The House is in Committee of the Whole for the further consideration of appropriation bills, and the Clerk will report the title of the bill under consideration.

The Clerk read as follows:

A bill (H. R. 10238) making appropriations for sunday civil expenses of the Government for the fiscal year ending June 30, 1894, and for other purposes.

The CHAIRMAN. When the committee rose on Thursday last it was considering an amendment proposed by the gentleman from Kansas [Mr. DAVIS], which the Clerk will report.

The Clerk read as follows:

On page 58, line 10, strike out the word "two" and insert the word "five."

Mr. HOLMAN. The committee was dividing at the time the committee rose.

The CHAIRMAN. The committee was dividing upon the question when the committee rose, and the gentleman from Indiana [Mr. HOLMAN] and the gentleman from Kansas [Mr. DAVIS] will please take their places and act as tellers.

Mr. DAVIS. I desire to withdraw the point of no quorum.

Mr. WEVER. I renew the point. I made it at the time, and the RECORD so shows.

Mr. HOLMAN. I hope this will not be insisted upon. It is not indispensable, and $200,000 is certainly enough, in view of the fact that we appropriate several hundred thousand dollars for barracks and so on, and we have not got the money. Gentlemen will remember that we are not appropriating for public buildings, and why go on and appropriate for this purpose?

The CHAIRMAN. The gentleman from Indiana [Mr. HOLMAN] and the gentleman from Iowa [Mr. WEVER] will please take their places as tellers.

Mr. HOLMAN. I hope the House will not vote for this amendment.

The committee again divided; and tellers reported—ayes 41, noes 100.

Mr. WEVER. Mr. Chairman, I withdraw the point of no quorum.

So the amendment was rejected.

Mr. OUTHWAITE. I move to strike out the words "two hundred" and insert the words "four hundred and ninety."

The amendment was read, as follows:

In lines 10 and 11, page 58, strike out the words "two hundred" and insert the words "four hundred and ninety;" so as to make it read, "four hundred and ninety thousand."

Mr. OUTHWAITE. Mr. Chairman, the War Department sent to this House estimates as to the amount that would be necessary to continue necessary improvements in the military establishments at posts. The estimate was $1,700,000. The Quartermaster-General, who has this matter in charge, was before the Committee on Appropriations and examined. His examination appears in the hearings published by the subcommittee. This recommendation was made in pursuance of a policy which the Government has adopted of reducing the number of posts, dispensing with small posts remote from transportation, scattered over the country far and wide and concentrating the military force of the United States at larger posts, thus saving to the country each year hundreds of thousands of dollars in the cost of transportation alone.

These improvements have been entered upon. They are necessary; at least a portion of them are. I am not here insisting that they are all necessary, but I am here insisting that it is necessary, wise, prudent, and economical to give this Department of the Government a reasonable portion of that which they have estimated they will require. Members of the Committee on Appropriations have seen fit to hold up before this House the dangers of an empty Treasury. I find a little further on in this bill some items that are not at all objected to by the Appropriations Committee; that is, for improving the harbor at Galveston, for which this same War Department sent an estimate of $1,000,000, $1,000,000 is appropriated. There is no reduction on that as there is on this item. You reduced this item from $1,700,000 to $200,000; but the appropriation for the harbor of Galveston is equal to the estimate, and remains at $1,000,000.

Mr. BLOUNT. Will the gentleman state to the House if this is not a matter of contract?

Mr. OUTHWAITE. Some of these improvements are matters of contract, and there is some obligation as to them; but as the gentleman responds to me, I will give him an item at the same time, and that is for Savannah Harbor. For improving the harbor at Savannah, Ga.—continuing improvement, $1,000,000.

Mr. SAYERS. Why does not the gentleman refer to Northern improvements as well as Southern improvements?

Mr. OUTHWAITE. I am coming to Northern improvements

also. The gentleman from Missouri, a member of the committee, rose and presented to the House the dangers of an empty Treasury. The estimates for the improvement of the Missouri River were $750,000 and the appropriation is $750,000, so that there is no reduction there.

Mr. DOCKERY. Will the gentleman deny the accuracy of the statement I made? I challenge him to do so.

Mr. OUTHWAITE. You did not make any reduction in this appropriation of $750,000 for Missouri River; you gave 100 per cent on the estimate there.

Mr. DOCKERY. I voted against the bill authorizing contracts on river and harbor improvements.

Mr. OUTHWAITE. I am asking you that you shall make the same statement with regard to river and harbor improvements you do against the improvements throughout the whole country for the military establishment.

Mr. LIVINGSTON. But one is much more important than the other.

Mr. OUTHWAITE. I have no doubt the gentleman from Georgia thinks it more important to spend $1,000,000 for the improvement of the Savannah River than it is to expend $490,000 for the improvement of seventeen military posts.

Mr. LIVINGSTON. You are right about that.

Mr. OUTHWAITE. I want to appeal from the judgment of the gentleman from Georgia to the judgment of this committee, and I make the appeal now for a reasonable increase in this item, or I will make an appeal later for a reasonable deduction in the other.

Mr. LIVINGSTON. All right; we are not afraid of it.

Mr. BLOUNT. Mr. Chairman, I have nothing to add to what has already been stated in relation to the condition of the Treasury, and the suggestion, based upon that condition, that wherever we may, exercising a sound discretion, reduce the expenditures of the Government, it is our duty to do so. The gentleman from Ohio [Mr. OUTHWAITE], with immense zeal, brings before the committee in another form the proposition for an increase in the pending item, a proposition which has been almost overwhelmingly voted down here, and he seeks to enforce it by the argument that the War Department has made this and that recommendation.

Sir, I have long since learned that this House of Representatives regards the estimates submitted by the Departments of the Government as a fit subject for the exercise of legislative discretion, so I am not concerned lest we sin by not executing the decrees of the War Department as embodied in its estimates. But the gentleman further seeks to enforce his proposition by the statement that there are in this bill certain items of appropriation for rivers and harbors, and he singles out one for the harbor at the city of Savannah, in my own State, and suggests that my attention ought to be directed to a reduction of that appropriation. Sufficient is it if at this point in the bill, before we reach that item, we apply the just rule; but I say to the gentleman now that if when we reach the item for Savannah or any other item the appropriation is found to be excessive I will unite with him in reducing it.

At the same time, Mr. Chairman, I wish to say further that if there is any item in this bill, or in any bill, as to which the honor of the Government is bound for the payment of a judgment, or the execution of a contract with any citizen of the United States, whether he be in Georgia or in Ohio, or anywhere on earth, I shall insist upon the Government preserving its honor by meeting that obligation. Now, I understand that the items in this bill in reference to Galveston Harbor and the harbor at Savannah have been included in pursuance of contracts entered into by the War Department by virtue of an act of the Congress of the United States.

Mr. LIVINGSTON. In pursuance of law.

Mr. BLOUNT. Well, I do not know any difference between "in pursuance of law" and "by virtue of an act of Congress." Mr. Chairman, that is all I have to say in relation to this matter. The gentleman from Ohio does not disturb me by any suggestion he may make as to anything in this bill that concerns my State. I am willing anywhere, on any item, to unite with him or with any other gentleman here in attempting to prevent this Government from being launched into a possible state of bankruptcy.

Mr. BOATNER. Will the gentleman permit an interruption?

Mr. BLOUNT. In a moment. Mr. Chairman, I do not believe that at any time in twenty-five years past, even during the period between the panic of 1873 and 1880, the condition of the Treasury was as alarming as it is to-day. At a time when the country is prosperous, by reason of the legislation of the past Congress, by reason of the administration of public affairs, we are brought to this grave condition, and this Democratic majority owe it to their friends who are to come into power, in the Executive, in the Senate, and in the House, in the next Congress, not to embarrass them with serious questions in relation to taxation or the borrowing of money.

The question was taken on the amendment of Mr. OUTHWAITE, and the Chairman declared that the noes seemed to have it.

Mr. OUTHWAITE. I ask for a division.

The committee divided; and the ayes were 51; noes 77.

Mr. WEVER made the point of no quorum, but at Mr. OUTHWAITE'S suggestion immediately withdrew it.

So the amendment was rejected.

Mr. OUTHWAITE. Mr. Chairman, I move to strike out "two" and insert "four;" so that the provision will read "four hundred thousand dollars;" and upon that I desire to say a word.

Mr. HOLMAN. Mr. Chairman, I call the attention of the committee to the fact that by the action of the present Congress we have already appropriated $700,000, I believe, for barracks, etc. The gentleman's bill, I believe, contains about $700,000 for such purposes.

Mr. OUTHWAITE. No; I think it contains only about $600,000, but that is not for this purpose.

Mr. HOLMAN. I understand it, and the House understands it.

Mr. OUTHWAITE. That has nothing to do with this case.

Mr. HOLMAN. It has got all to do with it. It means——

Mr. OUTHWAITE. However, Mr. Chairman, I do not want this taken out of my time.

Mr. HOLMAN. I thought the gentleman had got through.

Mr. OUTHWAITE. I had not even commenced. [Laughter.] Now, Mr. Chairman, I desire to be recognized for a moment on this amendment. I have in my hand the hearings had before the subcommittee, showing the necessity for this appropriation. The posts are specified here. Fort Sheridan is mentioned as one of them, and in relation to it this statement is made:

Seventy-three thousand dollars is absolutely necessary for buildings.

Fort Crook is another, in regard to which the statement is made that "$100,000 is actually necessary at this post for the coming year." Fort Riley, Kans., is another, in regard to which the expression is used, "for the coming year $50,000 is necessary to properly accommodate the garrison now at this point." With regard to Plattsburg, N. Y., the statement is made, "to complete the post after the work now under way is finished will cost $350,000." I do not ask for such an amount as that; but for the next fiscal year $100,000 is absolutely necessary to complete the work now under way—just as much under contract and with just as solemn an obligation of the Government to complete the work as in the case of rivers and harbors.

I pass over Little Rock and Helena and Highgate, new posts, where nothing has yet been done.

Madison Barracks; to continue this work $50,000 is absolutely necessary for the coming fiscal year.

Jefferson Barracks; for continuing this work during the next fiscal year $36,800 is absolutely necessary.

Fort Thomas, Ky.; at least $80,000 is necessary during the next fiscal year to accommodate properly the present garrison.

I omit what is said about the barracks at Columbus, Ohio, because I want this discussion, so far as I am concerned and so far as these amounts are concerned, to be entirely apart from any personal influence I may be supposed to have. I am pressing this amendment in the interest of the military establishment, and of the posts at which the proper authorities say these amounts are absolutely necessary to accommodate the present garrisons or to complete works now under process of construction.

Presidio, Cal.; the barracks at this post are old wooden buildings of little value. To commence this work $36,000 is necessary in the coming fiscal year.

I am informed by gentlemen conversant with the situation that the quarters in which some of these garrisons are stationed are unfit for the habitation of human beings. This amendment is made necessary to comply with the necessary requirements of the service. I appeal to this House——

Mr. HOLMAN. The gentleman overlooks the appropriation for repairs.

Mr. OUTHWAITE. The gentleman from Indiana knows that not a cent of that appropriation can be used for these purposes. I want this House to do that which I believe is business-like policy, and that is to stand by the appropriation it makes, and not let one farthing be added to it by the Senate. I want this House to make the proper appropriation, and not send this bill over to the Senate with the hope and expectation that that body will do the business which the House of Representatives ought to have done.

Mr. HOLMAN. Mr. Chairman, I do not blame my friend from Ohio or other gentlemen who have public buildings to be erected in their neighborhood, for advocating this increase; it is the most natural thing in the world.

Mr. OUTHWAITE. The gentleman will allow me to interrupt him in order to say that I omit from the consideration of this question Columbus Barracks or any building at that point.

Mr. HOLMAN. You strike out that part of the estimates entirely?

Mr. OUTHWAITE. Yes; I strike it out.

Mr. HOLMAN. And it will not go on in the Senate?

Mr. OUTHWAITE. I do not strike anything out in the House to follow it up and have it inserted in the Senate.

Mr. HOLMAN. My friend from Ohio must understand that his suggestion is misleading when he says, "Let the House fix the amount of the appropriation and stand by it." The House will not stand by it; the House has never done so. This item has always been put up by the Senate.

Mr. OUTHWAITE. Because unjustifiably cut down by the House.

Mr. HOLMAN. No matter at what you fix the amount, it is put up by the Senate.

Mr. Chairman, there is no branch of your service which begins to compare with your Army and Navy in the tendency to extravagance. In these two branches of the service, neither of which is popular with the country, you are now reaching a grade of expenditure approaching the entire expenses of this Government thirty-two years ago.

Mr. OUTHWAITE. And yet there is a reduction in the Army bill this year, and there was a reduction last year.

Mr. HOLMAN. The fine public buildings at Fort Custer we abandoned for social reasons. I do not complain of the officers of the Army in regard to that.

Mr. OUTHWAITE. That fort was not abandoned for social reasons, but because the transportation was so expensive.

Mr. HOLMAN. I do not object to gentlemen of the Army wanting to abandon these old forts; that is natural enough. Many of these gentlemen have wives and children, and of course they want the benefit of social life; of course they want to go to the vicinity of the great cities. I am not complaining about that. And it is natural enough that gentlemen here should feel an interest in having erected in their neighborhood public buildings upon a grand scale for the benefit of our troops. That is natural enough. But is the House to yield to such influences?

I repeat, sir, are gentlemen prepared, with an almost empty Treasury confronting us, to throw on the next Administration the burden of meeting expenditures which it can not bear except by additional taxation or by issuing bonds? And is my friend from Ohio prepared to stand in the face of the American people in a time of profound peace, with this proposition confronting him, that a Democratic House has so unnecessarily and lavishly increased the expenditures of this Government as to make it necessary, during a time of peace, to increase the public debt of this country, and that, too, in the first year of a Democratic Administration? Has my friend no concern at all for the great party with which he stands and which is pledged to reform in all these matters of extravagant expenditures?

Mr. OUTHWAITE. Let me make a proposition to the gentleman from Indiana that we take off $100,000 from the amount appropriated to the Savannah Harbor, and another hundred thousand from the Galveston Harbor, and put it on the Army bill for this necessary and important purpose.

Mr. HOLMAN. Why does my friend mention this to me? Am I responsible for that condition of affairs?

Mr. SAYERS. Why does not the gentleman from Ohio ask to take from the appropriations from other points? Why does he make so violent and vigorous an assault upon Galveston and Savannah?

Mr. OUTHWAITE. I am willing to cut the whole appropriations along the line evenly.

Mr. LIVINGSTON. I want to say to my friend from Ohio that 78 per cent of all the appropriations contained in this bill are for objects north of Mason and Dixon's line.

Mr. OUTHWAITE. I am not saying anything as to sectional appropriations. I am calling attention only to the necessities of the service. I am trying to show that it is much more important to appropriate money for these military posts than for many of the expenditures embodied in this bill.

Mr. BINGHAM. It is not a question of locality?

Mr. OUTHWAITE. Not at all.

Mr. LIVINGSTON. But the gentleman from Ohio seemed to try to draw that conclusion.

Mr. HOLMAN. Mr. Chairman, I must insist on my appeal that the committee will vote down the increase proposed by this amendment. It is unwarranted and unnecessary.

Mr. SIMPSON. Mr. Chairman, before the question is submitted to the House I would like to make a few remarks upon this subject.

I have listened with patient attention to hear a single argument presented by the gentleman from Ohio in favor of this largely increased appropriation. The gentleman makes his claim in support of the amendment because of the fact, as he asserts, that a correspondingly large or a larger sum has been appropriated in the bill to make deep-water navigation at Galveston and in the harbor of Savannah. He bases his argument mainly on that ground, and that because of that fact the appropriations for these harbors should be reduced and the amount given to the military establishment.

I can readily understand how a Democratic committee particularly would make such appropriations to deepen the harbors of the country, because the Democratic party is in favor of removing all restrictions to commerce between the States and the world. But why a Democrat, claiming to be in favor of commercial intercourse with all the world, would want to appropriate the surplus revenues of the Government to build up a great military institution at the expense of the people rather than to increase the facilities for carrying on trade and commerce, I am at a loss to understand.

Mr. ROCKWELL. Does not the gentleman agree that we want a military establishment to make provision against the county-seat wars in his own State of Kansas? [Laughter.]

Mr. SIMPSON. I can readily understand why such should be the established policy of a plutocracy to build up a large military establishment. I can readily understand how the Secretary of War should recommend the establishment of a regiment of the regular Army in every big city of the country. I can readily understand, also, that that party, which has been in favor of putting a Chinese wall around the country and cutting off all trade or commerce with the rest of the world, should be still desirous of carrying out the same line of policy which has heretofore been pursued, of robbing the people to build up a rich aristocracy, a policy which in the last twenty years has ruined 80 per cent of the people, and left them living on rented farms and in rented homes.

But why should we wish to build up a strong military establishment in this country I can not understand. I can not conceive, Mr. Chairman, how a Democrat claiming to be such, a Democrat in favor of commercial intercourse, and peace and prosperity throughout the world, should consent to the building up of such an establishment.

Mr. Chairman, I hope the members of this House will, when they have an opportunity, vote to cut down these appropriations. I repeat, I have not heard a single argument from the gentleman from Ohio proving that there is any necessity for the barracks and quarters which he proposes to erect. With only 25,000 men in the Army, and scattered as they are throughout the country, I do not see any necessity for such a large appropriation to house and feed them.

He complains that many of the barracks are not fit for human beings to live in.

I can find this condition of affairs in every city of the country; and it is these people in the great cities and the people throughout the country, who live in hovels and huts and garrets and cellars, who are the ones that are paying out the money to build up the barracks when the money extorted from them should be applied to their own comfort.

Mr. BOWERS. The gentleman from Kansas [Mr. SIMPSON] says these people pay all these taxes. They must be pretty well fixed if they pay all this money.

Mr. SIMPSON. The trouble is they have to pay so much money in taxes that they have not any left.

Mr. BUTLER. Mr. Chairman, I am not thoroughly informed as to the basis of the estimates by the War Department, by which they ask for $1,700,000 in the way of these appropriations; but there is one item in the estimate which, it occurs to me, was brought up during the last session. When the question of establishing a military post at Highgate, Vt., was up, it came before this House three times, and was fought vigorously. The statement was made by those opposed to the Highgate post that there was a post at Plattsburg, just across Lake Champlain, and a little south, which would make it really unnecessary to have the Highgate post. The answer was then made that by establishing the post at Highgate the one at Plattsburg might eventually be abandoned.

Mr. OUTHWAITE. Oh, no, I beg the gentleman's pardon. No such statement appears in the RECORD, from anbody who talked at that time. The gentleman is mistaken.

Mr. BUTLER. I am absolutely correct in what I say about this matter. We were told then that the Highgate post might render the Plattsburg post eventually unnecessary; and yet, in the estimates we find $300,000 for this Plattsburg post, the one that they represented to us then might be vacated, as an excuse for establishing the one at Highgate.

Mr. OUTHWAITE. I challenge the RECORD. There was no statement that it could be vacated, or would be vacated.

Mr. BUTLER. You may challenge the RECORD, but you can

not successfully challenge me on that. I know it is correct. I know it was in the RECORD. It is a fact, as I have stated. Now, if the estimates are made upon that basis, for things that we are told in one session may eventually be vacated, and yet those same things be estimated for in the next session, it seems to me we ought to be a little careful about making such appropriations.

Mr. ROCKWELL. Mr. Chairman, the mention of the United States Army or the military establishment of this country seems to act upon the gentleman from Kansas [Mr. SIMPSON] like the shaking of a red flag before a bull. If he had his way he would wipe out the entire military establishment and never spend another dollar upon it. And yet I desire to say that the constituency represented in part by that gentleman, the constituency of the State of Kansas, have caused the United States Army more trouble and occasioned more loss of life than any other community in this country.

Mr. SIMPSON. That was when it was under Republican rule.

Mr. ROCKWELL. One of my earliest recollections was that the people of Kansas had agents all through this country asking donations of Bibles and Sharp's rifles for the people of Kansas. [Laughter.] And from that day to this, whenever a Kansas community had an overplus of hay or oats or forage of any kind that they did not know how to dispose of, they went to work and stirred up an Indian war, so as to get the Army out there and make a market for the sale of their produce. [Laughter.] Why, sir, it is only about ten years since the land-grant railroads, with their immigration bureaus, had run into the State of Kansas more people than they could support, and they had not money enough to get back over the same railroads they went there by, and the people gathered along the frontier and tried to break out of the State, and it was necessary to call on the United States Army to keep them in. [Laughter.]

Mr. HOLMAN. That was at the time of the attempted settlement of Oklahoma.

Mr. ROCKWELL. The United States Army has been repeatedly called on to quell riots and suppress county-seat wars and to put down Indian insurrections, fomented by the whites for the purpose of making a market for the sale of their forage, so that it comes with ill grace from any representative of the State of Kansas to rise on this floor and say anything about reducing the military establishment of the United States. Why, it will not be a year before you will have to have the Army out there to quell some internal disturbance that your people are unable to control by their own local authorities.

Mr. SIMPSON. I call the gentleman's attention to the fact that the event he speaks of occurred when Kansas was under Republican rule.

Mr. BURROWS. Oh, there was no politics in that.

Mr. ROCKWELL. Just one word more. The gentleman says he has heard no argument in favor of this appropriation. Why, there is a bill pending here, which will probably be passed, for the reorganization of the Army under the three-battalion system, by which the regiments will be increased in size and the number of regiments will be reduced. All the way through the western country, all through the western frontiers, they are abandoning the small military posts and making larger military organizations, and concentrating the Army at railroad centers, points where it can be more easily maintained and used more effectively than it is now.

Mr. OUTHWAITE. If the gentleman will allow me, I will say that there are half a dozen bills to give away to the settlers in Kansas, Nebraska, and South Dakota the lands of abandoned military reservations.

Mr. ROCKWELL. Precisely so. Now, sir, on this matter of concentration, when we shall have reorganized the Army into fewer regiments and larger organizations, when we shall have concentrated it at points where it can more easily be maintained, fed, transported, and used by the country, all this will necessitate and does necessitate that these military posts where the Army will be concentrated must be repaired, enlarged, and put into fit condition to quarter troops.

Mr. HOLMAM. And there are $700,000 appropriated for that purpose now.

Mr. ROCKWELL. Not for the military posts; but all the expense of that will be saved in one year if the increase proposed by the gentleman from Ohio [Mr. OUTHWAITE] is made. That amount will be saved in one single year in the matter of transportation of supplies and forage to posts that are inconvenient, where they have to be carried thirty, forty, fifty, a hundred, and more than a hundred miles to remote military posts, over bad roads, by mule trains, pack trains, and all that sort of thing. There is an argument, the best argument, in the interest of true economy, that this appropriation should be increased.

[Here the hammer fell.]

Mr. SIMPSON. Mr. Speaker, Kansas needs no defense as to the patriotism of her citizens.

Mr. ROCKWELL. It always goes for the old flag and an appropriation.

Mr. SIMPSON. It was on Kansas soil that the first battle for civil liberty of all the people of this country was fought.

Mr. COGSWELL. The first! That is good.

Mr. SIMPSON. Kansas furnished more men in the war, in the late war of the rebellion, in proportion to population than any other State in the Union. I deny the assertion that the United States troops have ever been called upon to stop any difficulties among the people in Kansas. There were some county-seat troubles in Kansas, gotten up by money-lenders, land-grabbers, and town-boomers from Eastern States. [Laughter.] But, thank God, Kansas has gotten rid of them now [laughter], and we will have no more county-seat wars in Kansas. Through the United States troops neglecting their duty at one time a lot of Indians from the Indian Territory escaped and went through Kansas and Nebraska to their old home in the Northwest, and on their way they committed some depredations, but before the United States troops could come there to defend the people the people of Kansas themselves organized their militia and defended their homes.

Now, that has nothing to do with this appropriation. The gentleman failed to give any argument at all, as every gentleman has, why this appropriation should be made, and why there should be an increase of appropriation for these military posts, in face of the fact that there is now a depleted Treasury and that there is no pressing necessity for these military posts. There has not been one argument to prove the necessity for it; and in view of the fact that we are cutting down the appropriations in every direction, I say that this one ought certainly to be kept as low as possible.

Mr. HOLMAN. I hope that we will now come to a vote.

Mr. BRODERICK. Mr. Chairman, this discussion——

Mr. HOLMAN. I hope that a vote will be taken. I ask unanimous consent that the debate on this section be limited to ten minutes.

Mr. WEVER. I object.

Mr. BRODERICK. Mr. Chairman, I think I have the floor.

The CHAIRMAN. Objection is made.

Mr. HOLMAN. As soon as the gentleman is through with his remarks I will move that the committee rise.

Mr. BRODERICK. Mr. Chairman, the discussion of the last fifteen or twenty minutes has had very little to do with the question before the committee. We are considering the question whether we shall increase the item in this bill for the improvement and enlargement of military posts. Whether or not the people of Kansas still have their Bibles that the gentleman from New York [Mr. ROCKWELL] says were sent there in an early day is not material. [Laughter.]

Mr. COGSWELL. It does not look much like it. [Laughter.]

Mr. BRODERICK. I assure you that some of them have, though I confess that those who have and read them appear just now to be in the minority out there. [Laughter.]

But, Mr. Chairman, there are two military posts in the State of Kansas where the Government has already entered upon the policy of improvement; one is Fort Leavenworth and the other Fort Riley. We desire that those improvements should be carried out, so that what the Government has already expended there shall not be lost. If this amendment proposed by the gentleman from Ohio [Mr. OUTHWAITE] carries, there is no doubt that the improvements which have been commenced can be completed under the apportionment that will be made for that purpose by the Secretary of War, and I hope the amendment will prevail. I want to say that the laboring people of this country are not opposed to public improvements, but, on the contrary, favor a liberal policy in this regard.

Mr. CURTIS was recognized.

Mr. HOLMAN. Mr. Chairman, I hope I shall be recognized to move that the committee rise.

The CHAIRMAN. The gentleman from New York [Mr. CURTIS] has the floor.

Mr. HOLMAN. I ask unanimous consent that debate upon this amendment continue only ten minutes longer.

Mr. POWERS. I object.

Mr. HOLMAN. Then, Mr. Chairman, I move that the committee rise.

The CHAIRMAN. The gentleman from New York [Mr. CURTIS] has been recognized.

Mr. HOLMAN. Well, I will make that motion as soon as the gentleman surrenders the floor.

Mr. CURTIS. Mr. Chairman, the remark of my friend from Iowa [Mr. BUTLER] I listened to with much interest. He certainly must have heard what I did not hear when the subject of locating a military post at Highgate, Vt., was before the House. I live in the northern section of this Union, and I have some slight appreciation, I hope, of the manner in which the country

would seek to defend itself in case of an invasion by a hostile force from the north. Therefore I was interested in the question of the location of this post at Highgate and listened attentively to the debate, but I heard nothing which I can recall in the way of a suggestion that the establishment of a post there would dispense with the establishment at Plattsburg.

If any such suggestion was made, it must have been without proper reflection on the part of the person who made it, because there is an obvious necessity for having a military post upon the line of approach to New England, a line which could not be so well guarded by a force located on the west side of the lake. Again, between Lake Champlain and Buffalo there is a post at Plattsburg, one in Jefferson County, Madison Barracks, and there is also the remnant of an old fort at Oswego. Now, at a time when he have little expectation of controversy with the Indian tribes upon the frontier, such as has existed in previous years, it can not be at all desirable to maintain our troops there, so that there is a disposition to redistribute the Army and establish it at points where it can be maintained more easily and cheaply.

That general view has been kept in mind by the committee in bringing forth the bill to which reference has been made by my friend from New York [Mr. ROCKWELL], and therefore this increased appropriation is really and truly in the interest of economy and greater efficiency of the Army. As these posts are increased to receive the troops for which they are intended to furnish accommodation, the War Department is abandoning posts on the frontier which can be maintained only at great expense and which are no longer necessary by reason of the changed condition of things there. I believe that there is no proposition respecting this bill that is more meritorious or that will reflect more credit upon the sagacity of the members who support it than the amendment proposed by the chairman of the Military Committee. I hope, therefore, that the amendment will be adopted.

Mr. PICKLER. Mr. Chairman——

The CHAIRMAN. The gentleman from Indiana [Mr. HOLMAN] is entitled to the floor.

Mr. HOLMAN. Mr. Chairman, I move that the committee rise.

Mr. PICKLER. I want only a minute.

Mr. HOLMAN. I ask unanimous consent that debate upon this amendment be closed in five minutes.

Mr. WEVER. I object.

Mr. HOLMAN. Then I move that the committee rise.

Mr. DINGLEY. Before that motion is put, Mr. Chairman, I understand that ten minutes will probably be accepted by gentlemen upon this side.

Mr. HOLMAN. Then I ask unanimous consent that debate be limited to ten minutes on this amendment and all other amendments on this paragraph.

Mr. STOCKDALE. I object to that.

Mr. OUTHWAITE. I object. I have offered an amendment, and I believe that under the rules I am entitled to close the debate. I do not care to occupy much time, but I do wish to have about five minutes.

Mr. HOLMAN. How much time does the gentleman want altogether?

Mr. OUTHWAITE. Fifteen minutes, I think.

Mr. HOLMAN. Well, I will agree to fifteen minutes.

Mr. STOCKDALE. Now, let us understand the proposition.

The CHAIRMAN. The proposition of the gentleman from Indiana is that debate close in fifteen minutes, not only on the pending amendment but on the paragraph.

Mr. STOCKDALE. And on all amendments to the paragraph?

The CHAIRMAN. That debate on the paragraph and all amendments thereto be closed in fifteen minutes.

Mr. HOLMAN. That will not cut off the offering of amendments.

Mr. STOCKDALE. I must object.

Mr. HOLMAN. Then I must move that the committee rise to close debate.

Mr. DOCKERY. I suggest that twenty minutes be allowed.

Mr. HOLMAN. To accommodate gentlemen and avoid consumption of time by having the committee rise, I will assent to a limitation of twenty minutes.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent that all debate on the pending amendments and on all amendments to be offered to this paragraph be closed in twenty minutes. Is there objection? The Chair hears none; and it is so ordered.

Mr. PICKLER. Mr. Chairman, I rise for the purpose merely of calling attention to a criticism of the gentleman from Ohio [Mr. OUTHWAITE] which I think was a little unfair to our Northwestern States. He undertook to criticize Kansas and Nebraska and South Dakota, on the ground that the representatives of these States come here from time to time with bills proposing to open military reservations to settlement. The gentleman would have the House understand that these measures are an accommodation to our people. Such measures are not urged on that ground. Our people have their homesteads; but our desire is that when a military reservation is no longer needed for the use of the Army it should be opened to homestead settlement, so that energetic, intelligent, worthy young men and young women, persons of nerve and grit, may come to our communities form Ohio and Indiana and Wisconsin and New York, and secure homesteads, which they can not secure in the East, and may thus assist in building up our country.

I wish to contradict the suggestion that the opening up of these military reservations is any particular accommodation to us; and we do not wish to be criticised for undertaking to turn over to homestead settlement abandoned military reservations no longer needed for the purposes of the Army. I submit that the criticism of the gentleman from Ohio was not well founded.

Mr. SAYERS. Mr. Chairman, I very much regret that the gentleman from Ohio [Mr. OUTHWAITE] should have selected Southern harbors for the purpose of criticising the Committee on Appropriations. The gentleman when making his remarks had before him that portion of the sundry civil bill which contains the items of appropriation for rivers and harbors. Now, I desire to call the attention of this committee to the fact that of these appropriations for rivers and harbors nearly three-fourths go to the rivers and harbors of the North. They are:

For continuing improvement of harbor at Philadelphia, Pa.: Continuing improvement removal of Smiths Island and Windmill Island, Pennsylvania, and Pettys Island, New Jersey, and adjacent shoals, $500,000.

For improving Hay Lake Channel, St. Marys River, Michigan: Continuing improvement, $500,000.

For improving Hudson River, New York: Continuing improvement, $500,000.

For improving Mississippi River from the mouth of the Ohio River to the landing on the west bank below the Washington avenue bridge, Minneapolis, Minn.: Continuing improvement from the mouth of the Ohio River to the mouth of the Missouri River, $758,333.33; continuing improvement from the mouth of the Missouri River to Minneapolis, $866,666.67 cents; in all, $1,625,000.

For improving St. Marys River at the Falls, Michigan: Continuing improvement, $2,000,000.

For improving channel connecting the waters of the Great Lakes between Chicago, Duluth, and Buffalo, $1,000,000.

For improving canal at the Cascades of the Columbia River, Oregon: Continuing improvement, $1,419,250.

For harbor of refuge at Point Judith, Rhode Island: Continuing improvement, $100,000.

For improving harbor and bay at Humboldt, Cal.: Continuing improvement, $522,000.

Under Mississippi River Commission: For improving Mississippi River from head of the passes to the mouth of the Ohio River, including salaries, clerical, office, traveling, and miscellaneous expenses of the Mississippi River Commission, $2,665,000.

Under Missouri River Commission: For improving Missouri River from its mouth to Sioux City, Iowa, including salaries, clerical, office, traveling, and miscellaneous expenses of the Missouri River Commission, surveys, permanent bench marks, and gauges, $750,000.

The aggregate of appropriations for rivers and harbors amounts to $16,115,750, while the items that are distinctly Southern aggregate but $4,534,500. The records of the previous session of the present Congress show that I opposed the placing of these works under contract, but the contracts having been subsequently made in pursuance of law, I have felt it my duty to assist in making provision to meet the contracts which have been made by the War Department under authority conferred by Congress.

In voting for these appropriations, Mr. Chairman, I have not been controlled by the consideration whether this or that improvement was in the East or in the West, in the North or in the South; and every member of the Committee on Appropriations will sustain me in this statement. The appropriations committee found that contracts had been made and that it was necessary to make these appropriations in order to meet the liabilities of the Government before the close of the next fiscal year.

I have no apologies to make to the gentleman from Ohio or anyone else for the fact that this bill contains an appropriation of $1,000,000 for the harbor of Galveston, because that appropriation is recommended by the Chief of Engineers, and because, too, nearly all, if not all, the States and Territories between the Mississippi River and the Rocky Mountains have demanded of Congress that this particular work should be accomplished at the earliest moment practicable, believing such a policy to be to their interest, as well as to the interest of the people of Texas.

[Here the hammer fell.]

Mr. OUTHWAITE. Mr. Chairman, I certainly had no purpose to insinuate in the remotest manner that gentlemen upon the committee were influenced in their action by the location of any of these public works. I merely glanced at the estimates sent here from the War Department and found that the estimates pertaining to the military establishment had been cut down about 80 per cent, while the estimates sent in by the Chief of Engineers of the Army had not been cut down at all. It is true

I alluded to items which were large and which caught my eye. But I had no other intention. Now I will be perfectly willing to——

Mr. DOCKERY (interrupting). Withdraw the criticism. [Laughter].

Mr. OUTHWAITE. Yes, withdraw the criticism if necessary. But I say I will be perfectly willing to make this proposition——

Mr. DOCKERY. I hope the gentleman will be permitted to withdraw the criticism.

Mr. OUTHWAITE (continuing). That if the Committee on Appropriations will let me have for the military establishment 2 per cent, that is, just cut the appropriation they give on the estimate from the Chief of Engineers, 2 per cent of that sum, and add it to the 12 per cent they gave to the military establishment, then I will be satisfied with the appropriation; because taking 2 per cent on the $16,000,000 allowed on these estimates from the Chief of Engineers will make more than I have asked for for this increase in the military appropriation.

Mr. LIVINGSTON. I understand the gentleman from Ohio will not withdraw the criticism on the Committee on Appropriations unless we make this cut in the Galveston and Savannah harbors.

Mr. OUTHWAITE. Oh, no; I made no such proposition. I simply said that if the Committee on Appropriations would add to the military establishment just 2 per cent of the amount they have given on the recommendation of the Chief of Engineers, I would be satisfied, for that would amount to a sum equal to or greater than the amount proposed in the amendment.

Mr. DOCKERY. Are contracts authorized by law on these works recommended by the Quartermaster's Department?

Mr. OUTHWAITE. Yes, sir; some under contract, and work has begun on some that needs to be finished.

Mr. DOCKERY. Are there any continuing contracts?

Mr. OUTHWAITE. There is no necessity for discussing continuing contracts in this direction.

Mr. DOCKERY. It is very material, in order that the two propositions may stand on "all fours," that there should be an authorization for continuing contracts. The appropriations reported for rivers and harbors are in pursuance of contracts authorized by law.

Mr. OUTHWAITE. I repeat there is no necessity to discuss that here.

I want to say one word further, Mr. Chairman, to gentlemen residing in the South, where these magnificent improvements are going on, that I was not assailing such improvements in particular. I simply used them as illustrations in the course of my remarks.

Mr. CRAIN. You spoke, in other words, in a Pickwickian sense.

Mr. OUTHWAITE. Not exactly; but these items caught my eye, and I saw that in them the whole amount of the estimates had been given. For myself I am as desirous that these matters to promote and foster commerce should go on and be completed as any other man. But I can not yet see or understand why the Committee on Appropriations should insist that all of the reductions on the estimates should be made in the appropriations for the military establishment.

Now, as to the gentleman from Kansas [Mr. SIMPSON] saying that I offered no reason for the increase, I do not know what he would call sufficient reasons, nor do I know what amount of reasoning it would take to reach his mind. I only made this statement that certain buildings, necessary for the habitation of the garrisons at these various posts, had been commenced and were under way, that money was needed to finish the buildings, that good business policy dictated that they should be completed and not be allowed to deteriorate, and that these buildings were necessary in order that the soldiers of the United States, men that are in her service, should be properly housed.

That is all I said, and if that be a reason in favor of the appropriation it might have some influence on the mind of the gentleman from Kansas, if he could see it. If any stronger reason could be given for an appropriation than that, I have yet to hear it urged on this floor.

Mr. SIMPSON. Will the gentleman allow me a question?

Mr. OUTHWAITE. No; I have not time to answer questions. I did not interrupt the gentleman at all, except to say that it seemed a little early for him to undertake to read me out of the Democratic party. [Laughter.]

I have insisted on some amendment increasing this amount above the pitiful sum of $200,000 granted by the Committee on Appropriations to an amount that would be adequate to proceed with some of these improvements—at several posts, not all of them; not to begin any new work, but simply to complete work already in progress.

Mr. CRAIN. Why did you strike at the appropriation for Galveston, then?

Mr. OUTHWAITE. I have not done so. I have not made a motion to strike out anything except in the immediate paragraph under consideration the word "two" and insert the word "four."

[Here the hammer fell.]

The CHAIRMAN. The question is on agreeing to the amendment of the gentleman from Ohio, to strike out "two," in line 10, on page 58, and insert "four."

The question was taken; and on a division there were—ayes 46, noes 93.

Mr. WEVER. No quorum.

The CHAIRMAN appointed as tellers Mr. WEVER and Mr. HOLMAN.

The committee again divided; and the tellers reported—ayes 60, noes 107.

So the amendment was rejected.

The Clerk read as follows:

Improvement of the Yellowstone National Park: For the improvement of the Yellowstone National Park, $40,000.

Mr. BANKHEAD. Mr. Chairman, I would like to have some explanation from the committee as to the character of these improvements. Here the committee make an appropriation of $40,000 for the improvement of the Yellowstone National Park. I would like to know what the nature of that improvement is to be.

Mr. HOLMAN. I will say to my friend from Alabama [Mr. BANKHEAD] that this $40,000 is for the purpose of building roads and bridges in the Yellowstone Park.

The appropriation in the last session of the Fifty-first Congress for this purpose was $75,000. At the first session of the present Congress we reduced the amount for the present fiscal year to $40,000, giving only a little more than half the amount appropriated at the last session of the Fifty-first Congress.

The bill now under discussion carries an appropriation for the coming fiscal year of the same amount, $40,000, for the construction of roads and bridges. These roads and bridges are constructed under the supervision of an engineer officer of the regular Army, and he makes a report, I presume, to the Secretary of the Interior or to the Secretary of War, I do not know which.

I think $40,000 is the full sum that ought to be appropriated for this purpose, and possibly it could be reduced to some extent. The principal roads have been already constructed.

When this work was entered upon, many years ago, we began with an appropriation of $40,000. That was to be expended to the extent of about $21,000 in the support of a body of watchmen and a supervisor, and the balance of about $19,000 was to be expended on roads. That continued until about fifteen or sixteen years ago, when a military force was put into the park and these watchmen or guards were dismissed, and yet we continue to keep up the $40,000 appropriation.

Finally, as I have said, this was increased to $75,000 at the first session of the Fifty-first Congress. I think those roads that are at all desirable, or indispensable at least, are in the main constructed. I think very likely we could get along with even less of an appropriation than $40,000. There is one road running toward the highest elevation in the park, which, I believe, is called Mount Sherman—I am not certain as to the name—that ought to be constructed in the course of time, but there is no hurry about it. All the main objects of interest, all the geysers and the points of interest on the Yellowstone River, are now readily reached by fairly good roads.

Mr. BANKHEAD. I have here the report of the commissioner of this park——

The CHAIRMAN. Does the gentleman make any motion?

Mr. BANKHEAD. Yes; I move to strike out $40,000 and to insert $30,000.

Mr. STOCKDALE. I want to offer an amendment to that, to strike out the item altogether.

The CHAIRMAN. The Clerk will report the amendment proposed.

The Clerk read as follows:

In line 14, page 58, strike out the word "forty" and insert in lieu thereof the word "thirty."

The CHAIRMAN. The Clerk will now report the amendment proposed by the gentleman from Mississippi [Mr. STOCKDALE].

The Clerk read as follows:

On page 58, amend by striking out lines 12, 13, and 14.

Mr. BANKHEAD. Mr. Chairman, I have here the report of the commissioner of the Yellowstone Park, dated August 15, 1892. He makes this report to the Secretary of the Interior, and he states that at the beginning of last spring, which I presume

was in June, the entire appropriation for the past two years, a sum equal to $120,000, was on hand and unexpended.

Now, I take it for granted, Mr. Chairman, that that amount has not been expended—can not be expended under the circumstances during this year—and I can see no necessity, under the existing conditions, why this Congress should make an additional appropriation of $40,000 to continue this work. Therefore, I have offered an amendment to reduce the amount to $30,000; but I am perfectly willing to accept the amendment of my friend from Mississippi [Mr. STOCKDALE], striking out the entire appropriation.

The CHAIRMAN. The amendment of the gentleman from Mississippi is to strike out, and is not an amendment to the amendment offered by the gentleman from Alabama.

Mr. BANKHEAD. Very well, then, I withdraw my amendment until the vote is taken on the amendment of the gentleman from Mississippi.

Mr. STOCKDALE. Mr. Chairman, I want to say, with reference to this appropriation, that while it may be a good thing to make the mode of access to those great natural curiosities in the Yellowstone Park so that the American people may be able to see them, or anybody else who wants to see them, I take it that that is no reason why it is necessary to make these roads—in order that the people may see these wonders. It does not take a park seventy odd miles wide and ninety odd miles long to contain these curiosities, when 10 miles square will do it.

There is no danger of these curiosities being destroyed. They will keep. When there was a bill in this House to allow a railroad to go through that park, so that the people of the United States might go and see it, the chairman of the Committee on Appropriations was himself its strongest opponent; and the purpose of building that railroad was not only that the people might enter that park and see it, but that a large number of miners who live beyond it might have an opportunity to bring to market the product of their labor and of their mines.

So sacred are the precincts of the Yellowstone Park that a poor man can not enter it. The boundaries of the Yellowstone Park, it seems, are as the walls of Mecca; and not the people of America, but the favored few with fortunes are permitted to enter and drink of the waters of the Zemzem. We are asked to spend $40,000 out of a depleted Treasury. For whom? Why only the man who can spend a part of a fortune can go there. I am told they had a rule, and perhaps still have, forbidding a narrow-tired wagon to travel these roads that the Government is making, but all visitors must ride on the broad-tired wagons that are only found in the possession of a monopoly of transportation and consequently a control of the great curiosities for which the people of the country are taxed to build roads to.

Mr. OUTHWAITE. How about bringing them to the Exposition?

Mr. STOCKDALE. I would rather bring the people who support the maintenance of roads to these curiosities and the preservation of game by imposing a tax upon our people and then talk of economy and a depleted Treasury. I say I would rather bring them to the Exposition as a greater curiosity to the honest people of America than any geyser.

Now, seriously, Mr. Chairman, I think that in view of the Exposition that is to be seen this year in Chicago if the cholera does not come, this appropriation of $40,000 can be dispensed with, and let the people who want to go to see the Yellowstone Park go to Chicago and be satisfied for one year, and next year we can appropriate what is necessary for the Yellowstone Park, if anything be necessary.

I have no faith in this appropriation being for the public good, for the reason that the very gentlemen who urge it most are those who oppose access by railroad communications to that park, so that the people might go and see it. Why is that particular piece of ground so sacred, I should like to be informed. Why should we not enter it by railroad?

Oh, they say it will disturb the game. It will startle the dear little animals that may now be in the park. [Laughter.] And therefore the American Government must hush the sound of the locomotive lest it may startle from slumber the coyote there. [Laughter.] Let us strike out this $40,000, when the Treasury is almost depleted.

A MEMBER. Quite so.

Mr. STOCKDALE. I am opposed to increasing the appropriations for military posts, but I would far rather see the soldier made comfortable in his barracks than see this $40,000 spent, as I believe, for the utmost folly.

Mr. HOLMAN. Mr. Chairman, only a word.

I sympathize with my friend from Mississippi generally. [Laughter.] I do not like to appropriate money when it does not inure to the benefit of all the people. I admit that there is a very large portion of the population of the United States who will never see the Yellowstone Park; but there has been some sentiment about this matter. I am in favor of keeping up the Botanical Garden. I have spent very many pleasant hours in going through these trees and shrubs, and I never knew a gentleman on the floor of this House with a flower in his lapel that did not conduct himself properly. [Laughter.]

I never saw any one cavorting up and down the aisles with a flower in his coat. I say that there is some sentiment about this matter. I have often visited that park myself, along with other people, and it is necessary that we should have good roads in that park so that visitors can get through it.

Mr. STOCKDALE. I would like to ask the gentleman from Indiana a question, if he will permit me.

Mr. HOLMAN. Certainly.

Mr. STOCKDALE. Is this appropriation of $40,000 a good sentiment?

Mr. HOLMAN. Oh, I will come to that. I am coming to the sentiment of the proposition I am going to make. [Laughter.]

To enable people to visit those curiosities, the Upper Geyser, the Yellowstone Falls, and other objects of extraordinary interest, the roads have to be kept up. When we commenced the appropriations, as I remarked awhile ago, the whole amount expended for the roads was about $19,000 a year. Then we had a body of civilians, a superintendent and nineteen watchmen, to guard the park. Now we have the military there upon the ground with a company or two of cavalry. So that my friend misapprehends. This money is not for the purpose of protecting those objects of extraordinary interest, perhaps the most remarkable in the world, but for the purpose of constructing and keeping in repair the roads through the park.

Mr. MCMILLIN. Are the troops kept there for the purpose of virtually policing the park?

Mr. HOLMAN. Yes; that is what they are there for.

Mr. MCMILLIN. Does not my friend think that that is rather an unsoldierly business?

Mr. HOLMAN. Oh, it is a very pleasant duty. They are not there very long each year. And, Mr. Chairman, instead of this Zoölogical Park here in Washington buying elephants and other foreign animals, why should we not keep up this great natural park and preserve from utter extinction specimens of the animals, natives of this continent, that once roamed over the plains and hid themselves in the rocks and mountains? Instead of importing and trying to keep alive at great expense these animals from remote regions, let us have a collection of the American animals which are now rapidly disappearing—the bear, the buffalo, the elk——

Mr. SIMPSON. The mugwump. [Great laughter.]

Mr. HOLMAN. A place where these and other animals can be preserved. Let us have a park for that purpose, which shall be really national in its character. To that end I believe that an appropriation of $20,000 at this time will be sufficient. I therefore move to strike out "forty" and insert "twenty."

Mr. BANKHEAD. Mr. Chairman, I would like to ask the gentleman a question. I have no desire to destroy the beauties of this national park, but I will ask the gentleman whether he has any intimation as to what amount of money is now to the credit of the commissioner for the benefit of these improvements?

Mr. HOLMAN. I am very glad that the gentleman asked that question. Upon that point I will read the statement of the superintendent, Col. Anderson, who is a gentleman of fine attainments and admirably qualified for his place. He says this:

> Last spring found nearly the entire appropriation for two years, amounting to about $120,000, available for roads. All the existing roads were put in condition and an excellent new road cut from the cañon to the upper basin via the lake. This 52 miles of road is destined to become one of the most popular, as it is one of the most beautiful, drives in the park.
>
> There are places where it is not entirely completed, but I assume such will not long be the case. A road that urgently needs rebuilding is the one from below the Gibbon Falls to the lower basin. At present this is the worst, most tedious, and least interesting drive in the park. I also renew and emphasize my recommendation of last year, that a road be opened from the upper basin to the south line of the park, on Snake River. A road over Mount Washburn from the cañon to Yancey's is very desirable, but with the existing appropriations I can see no immediate chance for it.

A word further, and then I have done. During the two sessions of last Congress there was appropriated each year $75,000 for this purpose of constructing and repairing roads. We reduced the amount last session to $40,000, and, in view of the large appropriations heretofore made, I think I can say with confidence to the committee—being quite familiar with that region of country—that if you reduce the amount to $20,000 it will be found ample for all purposes that are really necessary to enable people to visit the objects of interest in that charming region. I am not in favor of a large appropriation, but I do not want to see the work entirely abandoned.

Mr. STOCKDALE. Mr. Chairman, we have now an additional

reason, it occurs to me, for striking out this amount. Here is $75,000 expended at one time, $75,000 the next time, $40,000 last year—$190,000 to build roads in this Yellowstone Park. Now, I challenge the gentleman from Indiana to say that that number of vehicles have ever gone over those roads.

Mr. HOLMAN. Oh, the park is visited by thousands of people from all parts of the world.

Mr. STOCKDALE. Certainly, and we are legislating here for the benefit of those people from all parts of the world. "Here is a most beautiful mountain," says the superintendent. Of course it is, and of course he thinks this money ought to be expended to show it off. When I was a member of the Committee on Public Lands, these gentlemen connected with the park officially came before that committee with the utmost sang-froid and said: "We who are interested in the park want certain legislation." I asked them: "Whom do you mean by 'we'?" "Well," they said hesitatingly, "the people of the United States."

Of course the people who are in there want to remain there on good salaries, but I protest and protest earnestly against this expenditure. One hundred and ninety thousand dollars in the last three years and now $40,000 more to repair roads over which not one vehicle a month travels! Tax the people in order that some gentlemen may see these mountains and not be jolted as they drive over the roads! If people want to see mountains, let the sturdy, muscular American climb the mountains and not undertake to tax the poor people of this country to make smooth roads to save from jostling these over-rotund people who it is feared can not stand it. [Laughter.]

Here is a proposition to appropriate $40,000 more to make smooth roads through these western mountains for "people from all parts of the world" to see them. What do our tax-ridden people care whether "people from all parts of the world" see those mountains or not? I ask again, and I ask earnestly, why not extend a railroad into the park so that the American people may see it at small expense? You can not now enter that park from the nearest point on the railroad and travel over those roads that the people are taxed to make, for less than $40 a head.

Mr. HOLMAN. Oh, that is too high a figure.

Mr. STOCKDALE. The gentleman may say that that figure is too high; but as I understand he went there at the expense of the people of the United States. [Laughter.]

Mr. HOLMAN. Oh, no.

Mr. STOCKDALE. When you went there, did you not go there as the head of a committee of Congress?

Mr. HOLMAN. Many years ago——

Mr. STOCKDALE. My time is nearly out.

Mr. HOLMAN. Twenty years ago I was there as a member of a committee; but my visits have generally been with my wife, at my own expense.

Mr. STOCKDALE. But the United States Government did wrong in giving you an appetite to go there.

Mr. HOLMAN. That may be true.

Mr. STOCKDALE. But how are other people to go there if they are not members of Congress traveling at public expense, or if they are not persons of fortune. There have been only two men in my district, so far as I know, who have been able to visit the Yellowstone Park.

A MEMBER. How did they get there?

Mr. STOCKDALE. They were men of fortune.

A MEMBER. Were you one of them?

Mr. STOCKDALE. No; I am sorry to say I was not able to go.

I say it is time for us to stop spending money in this way on roads for the accommodation of pleasure travel. With a depleted Treasury it is time for us to stop this folly. The amount of this particular appropriation may be small, and other appropriations asked may be small, and in the aggregate they make a large sum. Let gentlemen relent on this sentiment at $40,000 a year, and let us have a railroad in that park, so that the American people who are not persons of large means may be able to visit it at a reasonable expense, if they desire.

Mr. HOLMAN. I ought not to occupy any time, I admit, but I beg the attention of the committee for a moment. There is at present a railroad extending from Livingston, on the Northern Pacific, to the north line of this park. It was at one time proposed that a railroad should be extended up what is known as the eastern fork of the Yellowstone River to a place called Crook City, where there are some mining interests. We did pass two acts authorizing the construction of a road by the Northern Pacific Railroad Company through the lands of the Crow Agency up to Crook City. That route is said to be entirely practicable, but whether it is or not is unimportant.

Mr. STOCKDALE. It is now said not to be practicable at all.

Mr. HOLMAN. I was associated with my friend as a member of the Committee on Public Lands, and I opposed the proposition to extend a railroad into this park because the proposed route would run through the most interesting portion, a portion necessary to be maintained intact if the park is to be kept as a place for the preservation of the remnant of the fauna of this vast continent. Buffaloes and other animals, natural inhabitants of that region, have been gathered there and are being preserved. Such a road as that proposed would be fatal to the purposes to which that portion of the park is now devoted.

This was the opinion of the friends of the park in New England and Missouri; for the most enthusiastic organizations in behalf of the preservation of the park have been in the East and at St. Louis. There is, I admit, a good deal of sentiment about this matter; but it is genuine American sentiment.

Mr. STOCKDALE. May I ask the gentleman a question?

Mr. HOLMAN. Yes, sir.

Mr. STOCKDALE. Is it not true that the proposed railroad would go up the bank of the Yellowstone River?

Mr. HOLMAN. The Eastern Fork.

Mr. STOCKDALE. Yes; and is it not also true that there is now a train of wagons running there to and from those mining regions; and are not the animals as liable to be frightened by those wagons as by the railroad trains?

Mr. HOLMAN. Oh, no. It will readily be seen that if a railroad were constructed on the eastern side of the fork it would run right through what is called Buffalo Park, a very interesting region, where there are not only buffaloes to the number of perhaps eighty or one hundred, but elk and deer in large numbers.

I think that if Congress should decline to appropriate anything for the purpose now under consideration, it would be a disappointment to a great number of people who are by no means rich; for whenever I have been there the park has been thronged with persons from all parts of the country, North, South, East, and West, and many of them manifestly not persons of excessive wealth, for hundreds and thousands could be seen on foot.

Mr. STOCKDALE. Mr. Chairman, I will add a single word further to what I have said. If it be true, as stated by the gentleman from Indiana, that these people are swarming into the park, I ask if there would be any harm to let a few more go up by railway if they see proper to do so? I understand from the gentleman from Indiana that this railroad is regarded as obnoxious because it leads through what is known as Buffalo Park.

Now, I have been told by men who have gone through there time and again that they never saw a buffalo in that region in all their lives. It is not more than 15 or 20 miles from the Montana line; and if it be true that the railroad must be kept out of the park for fear it will disturb the buffalo, is it proper, I ask, that we should build these roads proposed here all through the park, and let travelers go up there and scare them and disturb their repose?

The CHAIRMAN. The Chair will state that the gentleman from Alabama [Mr. BANKHEAD] offered an amendment to strike out "forty" and insert "thirty," which he withdrew on a misapprehension of a statement of the Chair.

Mr. STOCKDALE. My amendment has not been voted upon yet.

The CHAIRMAN. It has not been.

The gentleman from Alabama now renews his amendment, and the gentleman from Indiana proposes to amend the amendment by moving to insert "twenty" instead of "thirty." The gentleman from Mississippi moves to strike out the whole paragraph, which motion will come last, after these are disposed of.

Mr. BANKHEAD. I do not desire, Mr. Chairman, to renew my amendment, because the gentleman from Indiana moves to make the amount twenty thousand less than my proposition. I am in favor of striking out the whole thing.

The CHAIRMAN. Then the amendment of the gentleman from Indiana is before the committee, and is the question now to be voted upon. The Clerk will report the amendment.

The Clerk read as follows:

Strike out "forty" and insert "twenty," so that it will read "$20,000."

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. HOLMAN. I demand a division.

The committee divided; and there were—ayes 91, noes 63.

Mr. WEVER. No quorum.

The CHAIRMAN. The point of order being made that no quorum has voted the Chair will appoint tellers.

Mr. WEVER and Mr. HOLMAN were appointed tellers.

The committee again divided; and the tellers reported—ayes 126, noes 42.

So the amendment was adopted.

The CHAIRMAN. The question now is on agreeing to the amendment offered by the gentleman from Mississippi [Mr. STOCKDADE] to strike out the entire paragraph.

